

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Philadelphia Licenses and Inspections Liens Filed Pursuant to the Municipal Claim and Tax Lien Act (MCTLA), 53 P.S. §§ 7101—7505; Administrative Order No. 03 of 2020

Order

And Now, this 24th day of February, 2020, it is hereby Ordered and Decreed as follows:

(1) effective March 2, 2020 and thereafter, the City of Philadelphia may electronically file and the Office of Judicial Records (formerly the “Prothonotary”) shall receive, new City of Philadelphia Licenses & Inspections (“L & I”) Abatement Cost Liens which shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(2) effective with such new liens filed on and after March 2, 2020 the Office of Judicial Records shall assess and collect the filing fee required by its fee bill, 42 Pa.C.S. § 1725, as may be amended from time to time, as set forth in the Fee Schedule of the Office of Judicial Records which is available on the website of the First Judicial District at www.courts.phila.gov/pdf/prothyfees.pdf (see “Filing of a Lien as a First Filing”). Provided, however, that at the discretion of the City of Philadelphia, the mandated filing fee may be added by the City of Philadelphia to the amount owed by the owner(s) of the real estate rather than being paid upon filing of the lien, shall be collected by the City of Philadelphia, and shall be paid to the Office of Judicial Records by the City of Philadelphia when the City of Philadelphia requests the Office of Judicial Records to mark the lien as satisfied.

It is further Ordered and Decreed that:

(a) the Office of Judicial Records shall migrate, as soon as practicable, all existing and unsatisfied L & I Abatement Liens filed pursuant to the Municipal Claim and Tax Liens Act (“MCTLA”), 53 P.S. §§ 7101—7505, to the Banner case management system, and such liens shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(b) the Office of Judicial Records shall continue to maintain an in rem index, the form and location of which shall be within the discretion of the Office of Judicial Records.

This Order is issued in accordance with the Municipal Claim and Tax Liens Act (“MCTLA”), Act of May 16, 1923, P.L. 207, 53 P.S. §§ 7101—7505. This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original order shall be filed with the Office of Judicial Records in a Docket maintained for Administrative orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the

website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE JACQUELINE F. ALLEN,
Administrative Judge
Trial Division
Court of Common Pleas, Philadelphia County
First Judicial District of Pennsylvania

[Pa.B. Doc. No. 20-368. Filed for public inspection March 13, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 20-209 Prothonotary

Order

And Now, this 13th day of February, 2020, the following new Berks County Rules of Civil Procedure 1915.11-1 shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(d)(5)(iii).

The District Court Administrator is Ordered and Directed to:

1. Submit one (1) copy of this Order, including the amended rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rule to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

THOMAS G. PARISI,
President Judge

Rule 1915.11-1. Parenting Coordination.

The 23rd Judicial District is implementing a parenting coordination program pursuant to Pa.R.C.P. 1915.11-1. A roster of qualified individuals to serve as parenting coordinators and their hourly rates shall be posted on the court's website at www.co.berks.pa.us.

...

(b)(2)(ii) An attorney or mental health professional seeking to be included on the Berks County roster of qualified individuals to serve as a parenting coordinator shall submit a signed affidavit to Court Administration as designee of the Administrative Family Court Judge attesting that he or she meets the qualifications outlined in the state rule.

(b)(2)(iii) Every two years after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit to Court Administration attesting that he or she continues to meet the qualifications for a parenting coordinator.

...

(g) *Fees.*

(1) Following the appointment of a parenting coordinator, the parties shall pay the parenting coordinator his or her hourly rate as set forth on the roster of qualified individuals to serve as parenting coordinators at www.co.berks.pa.us pursuant to the allocation contained in the appointment order. The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

...

(3)(a) Low-income parties whose income is determined to be 199% of the federal poverty level or lower for the current year shall be eligible for the Modest Means Program and shall pay their allocated portion to the parenting coordinator at a reduced hourly rate as set by the Court.

(b) A party who qualifies for In Forma Pauperis status shall not pay any fee for their allocated portion. A parenting coordinator who seeks appointment in Berks County as a parenting coordinator agrees to serve on a pro bono basis for up to the maximum number of hours per year as established by the Berks County Bar Association and approved by the Court.

[Pa.B. Doc. No. 20-369. Filed for public inspection March 13, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Local Rule No. 507 Approval of Police Complaints and Arrest Affidavits by the Attorney for the Commonwealth; No. MD 1545-17

Administrative Order

And Now, this 10th day of February, 2020, it is hereby *Ordered* and *Decreed* that the following local Rule 507 is *Adopted*.

This local Rule 507 *Shall* become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

Upon publication of the following local Rule 507 and the same taking effect, the previous local Rule 507A¹ *Shall* be contemporaneously *Rescinded*.

By the Court

KEVIN F. KELLY,
President Judge

Proposed Local Rule 507

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507—Approval of Police Complaints

¹ See Order dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014).

and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2; and
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a Deputy District Attorney, Chief Assistant District Attorney or the First Assistant District Attorney of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth's attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth's attorney shall maintain a record of the written notice.

District Attorney File No. _____
 NOTICE AND RECORD OF DISAPPROVAL
 COMMONWEALTH OF PENNSYLVANIA

VS.

Complaint/Affidavit/
 Application of: _____
 Charge: _____
 Police Number: _____
 Police Department: _____
 Time: _____
 Location: _____

Occurrence Date: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

CLEAN/NCIC check reveals no outstanding warrants:
 Date _____

Source of Information _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- ___ IC=Insufficient Corroboration
- ___ IE=Insufficient Evidence
- ___ II=Identification Inconclusive
- ___ IJ=Interest of Justice
- ___ IS=Inadmissible Evidence
- ___ IP=Insufficient Probable Cause
- ___ LJ=Lacks Jurisdiction
- ___ LP=Lacks Prosecutorial Merit
- ___ UW=Unavailable or Uncooperative Witness
- Other: _____

- ___ UV=Unavailable or Uncooperative Victim
- ___ WC=Witness Credibility Contradicted
- ___ ID=Inadequate Description of Persons,
 Premises Or Property
- ___ NS=Insufficient Cause for
 Nighttime Search

DISAPPROVED BY: _____
 Attorney for the Commonwealth
 Date: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

[Pa.B. Doc. No. 20-370. Filed for public inspection March 13, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Criminal Procedure 542*(G), (H). Preliminary Hearing; Adoption of Local Rule of Criminal Procedure 542*(H), (I). Preliminary Hearing; No. AD75-2020

Order

And Now, this 20th day of February, 2020, the Court hereby Rescinds Montgomery County Local Rule of Criminal Procedure 542*(G), (H)—Preliminary Hearing, and Adopts Montgomery County Local Rule of Criminal Procedure 542*(H), (I)—Preliminary Hearing. These Rule changes shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania*

Bulletin. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeLRICCI,
President Judge

Rule 542*(G), (H). Preliminary Hearing.

Rescinded.

Rule 542*(H), (I). Preliminary Hearing.

(H) In all cases where the defendant or defense counsel elects to make a stenographic, mechanical, or electronic recording of the proceeding pursuant to (C)(5) of this Rule, the defendant or defense counsel shall advise the issuing authority of same prior to the commencement of the proceeding. The defendant or defense counsel may make an audio recording of the proceeding only. The defendant or defense counsel may not make a video recording of the proceeding. The issuing authority has the right to inspect any recording device, at any time during the proceeding, to ensure compliance with this Rule.

(I) In all cases where there is a transcript taken by a court reporter of a preliminary hearing in a criminal case, the entire cost of the notes of testimony which shall include an original for the Court, and a copy each to the Commonwealth and the defendant, shall be borne equally between the Commonwealth and defense counsel. If any extra copies are ordered, the party requesting the extra copy shall be responsible for same.

Comments:

1. A preliminary hearing before an issuing authority is not a record proceeding. See Pa.R.Crim.P. 115(A). As a result, any recording made pursuant to the above Rule, or any transcription thereof, does not constitute an official “record” of the preliminary hearing;

2. Defendants and defense counsel are reminded that any recording made pursuant to the above Rule is subject to the prohibitions of Pa.R.Crim.P. 112(D), which specifically notes that “such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.”;

3. The provisions of section (H) above apply equally to any individual identified in Pa.R.Crim.P. 112(D) who causes “a recording to be made” of a preliminary hearing.

[Pa.B. Doc. No. 20-371. Filed for public inspection March 13, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2020-4; No. C-48-CV-2020-1644

Administrative Order

And Now, this 21st day of February, 2020, it is hereby *Ordered* that:

1. Northampton County Rule of Civil Procedure N1017 is hereby repealed;

2. Northampton County Rule of Civil Procedure N212A is hereby amended, and the amended rule follows hereto; and

3. Northampton County Rule of Civil Procedure N1028(c) is hereby amended; and the amended rule follows hereto.

By the Court

MICHAEL J. KOURY, Jr.,
President Judge

Rule N1017. (Repealed).

Rule N1028(c). Procedure for Disposition of Preliminary Objections.

Preliminary objections shall be resolved on an argument list and shall be filed and briefed in conformity with Rule N211.

(1) When the preliminary objections can be resolved from facts of record and no evidentiary hearing is required, within twenty (20) days of the filing of preliminary objections, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211.

(a) If a brief is not filed in accordance with this rule, the preliminary objections shall be dismissed by the

court, as of course, unless the time for filing has been extended by the court. The Clerk of Courts—Civil shall docket the order dismissing the preliminary objections and shall give notice thereof by ordinary mail to the objecting party or that party’s counsel. If the objecting party is required under the Rules of Civil Procedure to file a responsive pleading, it shall be filed within twenty (20) days of the mailing of notice by the Clerk of Courts—Civil of the dismissal of the preliminary objections.

(2) When the preliminary objections are endorsed with a notice to plead because the objections involve issues that cannot be determined from facts of record, the preliminary objections shall be filed and appropriate time shall be allowed for the responding party to file a response before the objecting party shall praecipe the objections for an evidentiary hearing in compliance with Rule N209. Within twenty (20) days of the completion of the evidentiary record, or if the objecting party deems that a hearing is not necessary because of admissions in the response within twenty (20) days of the date of the filing of the response, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211.

(a) If a praecipe for an evidentiary hearing or for argument is not filed within twenty (20) days of the responding party filing a response to the preliminary objections, the responding party may move to have the preliminary objections dismissed.

(b) If an evidentiary hearing is held pursuant to Rule N209, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211 within twenty (20) days of the completion of the evidentiary record. If such praecipe and accompanying brief are not timely filed, the responding party may move to have the preliminary objections dismissed.

Rule N212A. Case Management/Trial Lists.

(a) Upon the filing of an answer to a complaint in a civil action, the court will issue a case management order setting deadlines for completing discovery, serving expert reports, and filing pre-trial motions. The case management order shall also set the date for a pre-trial conference.

The parties may agree to alter the deadlines and dates set by the case management order by delivering a stipulation and proposed order to Court Administration for transmittal to a judge for approval by the court.

If the parties determine that the complexity of the case requires a specialized case management order and cannot agree to a stipulated order, any party may request a status conference by contacting Court Administration.

(b) The Court Administrator shall prepare jury and non-jury trial lists in accordance with case management orders and forward such lists to each attorney of record and each unrepresented party at least thirty (30) days prior to the preliminary call of the list. The day-by-day list shall be prepared in the order in which the actions were commenced or as directed by the court. See Pa.R.C.P. 214.

(c) A preliminary call of each jury and non-jury trial list shall be held prior to the trial week. At the call of the list, the court will consider all applications for continuances, and no continuance will thereafter be granted

except for cause arising between the time of the preliminary call and the beginning of the assigned trial week.

(d) Any party may file a praecipe for either a pre-trial conference list or a trial list, giving notice thereof to all opposing parties.

(e) At the pre-trial conference, the case shall proceed in accordance with Northampton County Rule N212B, and the court shall assign the case to the jury or non-jury trial list.

(f) Any case once certified for trial by a pre-trial judge shall, unless otherwise directed by the court, be relisted automatically on subsequent trial lists until the case is finally disposed of by trial or otherwise.

[Pa.B. Doc. No. 20-372. Filed for public inspection March 13, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that James Kevin Reed (# 50075), having been disbarred in Maryland, the Supreme Court of Pennsylvania issued an Order February 28, 2020, disbarring James Kevin Reed from the Bar of this Commonwealth, effective March 29, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-373. Filed for public inspection March 13, 2020, 9:00 a.m.]
