

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Changes to the Pennsylvania Continuing Legal Education Regulations

The Pennsylvania Continuing Legal Education Board approved the following changes to Pennsylvania's regulations for Continuing Legal Education, effective March 8, 2021.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

Section 13. Standards for Approved CLE Activities.

* * * * *

(m) The provider shall monitor the CLE activity for attendance and certify such attendance to the Board.

(n) Distance learning, computer based and tele-conference programs may be approved for credit in accordance with standards determined by the Board:

1. Only distance learning courses conducted by Accredited Providers or Accredited Provider applicants may be taken for credit.

2. Courses must provide mechanisms to ensure interactivity and/or monitor course participation.

3. Participants must complete the program in such a manner that certification of attendance is controlled by the provider.

4. Course providers shall report course attendance and evaluation data in a format determined by the Board.

5. Credits earned via distance learning in excess of the annual credit limit, will not carry over into subsequent compliance periods.

[Pa.B. Doc. No. 21-555. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Adult Probation and Parole Supervisors On-Call Pay; Amended Administrative Order No. 71

Order

And Now, this 31st day of March, 2021, in order to facilitate the continuing payment of On-call ("On-call/

Stand-by") pay for Supervisors in the Adult Probation and Parole Department, it is hereby *Ordered* and *Decreed* that Administrative Order No. 71 is amended as follows:

Supervisors on night and weekend On-call/Stand-by duty will be paid a flat rate of five hundred fifty dollars (\$550.00) for every seven day On-call/Stand-by rotation.

Beginning in January 2022, the amount payable to said Supervisors for On-call/Stand-by duty pursuant to this Order shall be subject to the cost of living increase (if any) applicable to non-union county employees included in the approved county budget.

Night and weekend On-call/Stand-by duty will consist of Monday through Thursday from 5:00 p.m. to 8:00 a.m. and from 5:00 p.m. on Friday through 8:00 a.m. on Monday, including holidays.

This order shall be effective Monday, April 26, 2021 at 12:00 PM.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 21-556. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Juvenile Probation Supervisors On-Call Pay; Amended Administrative Order No. 70

Order

And Now, this 31st day of March, 2021, in order to facilitate the continuing payment of On-call ("On-call/Stand-by") pay for Supervisors in the Juvenile Probation Department, it is hereby *Ordered* and *Decreed* that Administrative Order No. 70 is amended as follows:

Supervisors on night and weekend On-call/Stand-by duty will be paid a flat rate of five hundred fifty dollars (\$550.00) for every seven day On-call/Stand-by rotation.

Beginning in January 2022, the amount payable to said Supervisors for On-call/Stand-by duty pursuant to this Order shall be subject to the cost of living increase (if any) applicable to non-union county employees included in the approved county budget.

Night and weekend On-call/Stand-by duty will consist of Monday through Thursday from 5:00 p.m. to 8:00 a.m. and from 5:00 p.m. on Friday through 8:00 a.m. on Monday, including holidays.

This order shall be effective Monday, April 26, 2021 at 12:00 PM.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 21-557. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rule of Civil Procedure Relating to Pretrial Conferences in Divorce Master Cases, Local Rule L.1920.33-1 Pretrial Conferences; No. 90018 of 2021, A.D.

Administrative Order of Court

And Now, this 19th day of March, 2021, it is hereby Ordered and Decreed that the Lawrence County Court of Common Pleas hereby adopts Local Rule L.1920.33-1 Pretrial Conferences, providing as follows:

Local Rule L.1920.33-1. Pretrial Conferences.

(a) The Master upon being appointed shall schedule a Pretrial Conference at which time the parties, and their counsel, if represented, shall appear. The issues which the Master will address at the Pretrial Conference shall include:

- (i) the possibility of settlement prior to a hearing;
 - (ii) in the event the parties cannot reach a settlement, simplification of unresolved issues and stipulations of fact; and
 - (iii) any ancillary issues surrounding the claims and matters before the Master.
- (b) At least five (5) days prior to the Pretrial Conference each party shall file and serve upon opposing counsel, or any unrepresented party, and the Master, a statement which shall include the following:
- (i) the date of marriage and date of separation;
 - (ii) the net monthly income and expenses in the form required by Pa.R.C.P 1910.27(c)(2)(B);
 - (iii) a copy of the filed inventory listing the marital assets and liabilities with values and balances;
 - (iv) any unique issues of fact or unusual questions of law;
 - (v) any proposed stipulations of fact; and
 - (vi) proposed distribution.
- (c) Failure of a party to comply with the above requirements may subject the non-compliant party to sanctions imposed by the Court, upon motion of the other party.
- (d) If no agreement is reached between the parties at the Pretrial Conference, the Master shall schedule a hearing on the referred claims. The scheduling order shall provide for a deposit with a date certain with the Prothonotary any additional sum to be applied to the Master's fees. The Master shall allocate the amount each party shall deposit.

The Lawrence County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Lawrence County Law Journal*.

5. Forward one (1) copy to the Lawrence County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order and Rule in the Office of the Prothonotary of Lawrence County.

The effective date of this Administrative Order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

DOMINICK MOTTO,
President Judge

[Pa.B. Doc. No. 21-558. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment to Local Rules of Civil Procedure No. 1012*, 1568*(a), 1920.33*(f), 1920.51*(f), 1920.55-1*(c), 1920.73(c), 4019* and 4019.1*; No. 2021-00001

Order

And Now, this 29th day of March, 2021, the Court hereby Amends Montgomery County Local Rules of Civil Procedure No. 1012*, 1568*(a), 1920.33*(f), 1920.51*(f), 1920.55-1*(c), 1920.73(c), 4019* and 4019.1*. These Amended Rules 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. DeRICCI,
President Judge

Rule 1012*. Entry and Withdrawal of Appearance.

(a) * * *

(b) No attorney shall represent the interest of a party to any civil action in the Court or before a Domestic Relations Hearing Officer, or special [**Master**] **Hearing Officer** or Conciliator appointed by the Court unless or until the attorney files a written entry of appearance, or until said attorney's name appears of record on the docket per section (a) above.

(c) * * *

Rule 1568*(a). Public Sale, Notice.

(a) Except as otherwise provided by act of assembly or special order of Court, notice of the time and place of the sale of a property at public auction by a [**Master**] **Hearing Officer** in partition shall be given by publication once a week for three successive weeks immediately

preceding such sale in the legal periodical designated by Rule 430(b)(1)* and in one daily newspaper of general circulation, in each county where any part of the property lies, such publications to appear in all editions of such newspapers published on the days the same appears; by posting the property to be sold, and by the circulation of at least 50 handbills among those who may be known to be interested in buying the property and in the neighborhood in which it is situate. Whenever a property or properties so sold lie in different counties the first publication shall be made at least 60 days before the date of the sale.

Rule 1920.33*(f). Initial Hearing Statement—Pre-Trial Statement—Sanctions.

(1) No later than 10 days prior to the date of the first hearing before the [**equitable distribution master**] **Equitable Distribution Hearing Officer**, an initial hearing statement shall be filed which shall include the following:

- a. * * *
- b. * * *
- c. * * *
- d. * * *
- e. * * *
- f. * * *
- g. * * *
- h. * * *
- i. * * *

(2) No later than 20 days prior to the date of any subsequent hearing before the [**equitable distribution master**] **Equitable Distribution Hearing Officer**, each party shall file the pre-trial statement, in the form required by subdivision (b) of this rule.

(3) The failure of any party to comply with any provision subsection of Local Rule 1920.33(f) may subject that party to sanctions under Rule 4019(c) and the barring 1920.33(d).

The [**equitable distribution master**] **Equitable Distribution Hearing Officer** shall have the authority to implement the provisions of this subsection or may request that the Court enter an appropriate order to implement the provisions of this subsection.

- (4) * * *

Rule 1920.51*(f). Dissolution of the Marital Status, Appointment of [**Master**] **Hearing Officer**, Notice of Hearing.

(1) *Appointment of [**Master**] **Hearing Officer**.* Any [**Master**] **Hearing Officer** appointed pursuant to Rule 1920.51(a)(2)(i) shall be an active member of the Montgomery Bar Association.

(2) *Notice of Hearing.* Notice of the first hearing before the [**Master**] **Hearing Officer** shall be sent by the [**Master**] **Hearing Officer** at least 10 days prior to said hearing.

(3) *Notice of Filing [**Master's**] **Hearing Officer's** Report.* Upon the filing of a report by the [**Master**] **Hearing Officer** in divorce with the Prothonotary, the [**Master**] **Hearing Officer** shall forthwith send written notice to the attorneys of record, and if a party is not

represented by counsel, to that party and to the guardian ad litem of a minor or incompetent party except where service has been by publication, and shall immediately file a certificate that such notices have been duly sent. The notice shall state the time and place of filing said report and that, if exceptions are not filed within 10 days after the report is filed, the report will be presented to the Court for final action. In a contested action, the [**Master**] **Hearing Officer** shall accompany the notice with a copy of the report and recommendation.

(4) *Fees and Costs.* In addition to the filing fee paid to the Prothonotary under the Prothonotary's fee bill at the institution of the action, an additional sum as determined by the Prothonotary, shall be deposited with the Prothonotary on behalf of the [**Master**] **Hearing Officer**. Fees in excess of the sum deposited with the Prothonotary on behalf of the [**Master**] **Hearing Officer** shall be billed directly to the parties, as determined by the [**Master**] **Hearing Officer**. Disputes regarding [**Masters'**] **Hearing Officers'** fees shall be resolved by the Court.

- (5) * * *
- (6) * * *
- (7) * * *

Rule 1920.55-1*(c). Alternative Hearing Procedure for Matters Referred to a [**Master**] **Hearing Officer**.

The Court adopts the alternative procedure of Pa.R.C.P. 1920.55-3 with regard to all divorce proceedings which are referred to a [**Master**] **Hearing Officer** for the resolution of economic claims.

Rule 1920.73(c). Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record. Motion for Entry of Grounds Order and Appointment of Equitable Distribution [**Master**] **Hearing Officer**. Forms.

- (1) * * *
- (2) Motion for Entry of Grounds Order and Appointment of Equitable Distribution [**Master**] **Hearing Officer** shall be filed where:

- a. * * *
- b. * * *
- c. * * *

(3) The Moving party, filing the Motion For Entry of Grounds Order and Appointment of Equitable Distribution [**Master**] **Hearing Officer**, upon filing said Motion shall:

- a. * * *
- b. * * *
- c. * * *
- d. * * *
- (4) * * *

Rule 4019*. Discovery [**Master**] **Hearing Officer**.

In order to facilitate the prompt disposition of discovery motions, the Court adopts [**Local Rule of Civil Procedure 4019* implementing**] the Discovery [**Master**] **Hearing Officer** Program as follows:

(1) The Board of Judges shall appoint a designated number of members of the Bar to serve as Discovery [**Masters**] **Hearing Officers**, for an indeterminate term, without compensation, at the pleasure of the Court.

(2) * * *

(3) If the motion is resolved amicably prior to the return day issued pursuant to Local Rule 208.3(b), the motion shall either be withdrawn or a stipulate order shall be submitted to the Court Administrator for submission to the signing Judge. If the motion is opposed, the parties shall appear in a courtroom or arbitration room designated by the Court Administrator on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery [**Master**] **Hearing Officer** designated by the Court Administrator to hear the matter. In the event that Friday is a legal holiday, the matter shall be argued before the Discovery [**Master**] **Hearing Officer** on the Thursday following the return day. Briefs in support of and in opposition to the motion may be submitted to the Court Administrator's Office prior to the day on which the matter is to be argued before the Discovery [**Master**] **Hearing Officer**.

(4) After hearing argument and considering the motion, answer, and any briefs filed, the Discovery [**Master**] **Hearing Officer** shall submit a written recommendation and proposed order to the assigned Judge for entry of an appropriate order.

(5) In civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration, any party may request the judge assigned to the case to direct the Court Administrator to list the case for a Discovery Management Conference before a Discovery [**Master**] **Hearing Officer**. The Discovery [**Master**] **Hearing Officer** may recommend a Discovery Management Order which establishes the following:

- a. * * *
- b. * * *
- c. * * *
- (6) * * *

(7) Upon request of any party, for good cause shown, the Discovery [**Master**] **Hearing Officer** may recommend an extension of any dates set forth in the Discovery Management Order.

Rule 4019.1*. Family Discovery [**Master**] **Hearing Officer**.

In order to facilitate the prompt disposition of discovery in domestic relations matters, the Court adopts the Family Discovery [**Master**] **Hearing Officer** Program as follows:

(1) The Board of Judges appoints the [**Masters**] **Hearing Officers** in Equitable Distribution and the Support Conference Officers to serve as Family Discovery [**Masters**] **Hearing Officers**.

(2) * * *

(3) The motions shall then be presented to the Family Discovery [**Master**] **Hearing Officer** for a rule returnable and argument date. A certificate of service of the motion and rule returnable and argument date shall be filed in the Prothonotary's office by the moving party on or before the return date.

(4) * * *

(5) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Family Discovery [**Master**] **Hearing Officer** for submission to the

signing Judge. If the motion is not resolved amicably prior to the return day, the parties shall appear, on the date and at the place specified in the Rule accompanying the motion, for argument before the Family Discovery [**Master**] **Hearing Officer**. Should the moving party fail to appear, the motion shall be dismissed. Briefs in support of and in opposition to the motion may be submitted to the Family Discovery [**Master**] **Hearing Officer** not less than two days prior to the day scheduled for argument before the Family Discovery [**Master**] **Hearing Officer**.

(6) After hearing arguments and upon consideration of the motion and answer, and any briefs filed, the Family Discovery [**Master**] **Hearing Officer** shall submit a written recommendation and proposed order to the Judge assigned to the case for entry of an appropriate order.

(7) * * *

[Pa.B. Doc. No. 21-559. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

YORK COUNTY

Amendment of Local Rules of Criminal Procedure 576 and 576.1; CP-67-AD-9-2021

Administrative Order Amending York County Local Rules of Criminal Procedure 576 and 576.1

And Now, this 26 day of March, 2021, it is *Ordered* that York County Local Rules of Criminal Procedure 576 and 576.1 are amended, effective June 1, 2021.

The District Court Administrator shall publish this order as may be required.

By the Court

MARIA MUSTI COOK,
President Judge

York R.Crim.P. 576. Filing and Service by Parties.

(A) Parties shall satisfy the requirements of Pa.R.Crim.P. 576(B) to serve copies of filings upon the court administrator by delivering the court administrator's copy to the clerk of courts, concurrent with filing of the original with the clerk of courts. The clerk of courts shall promptly place the copy into the court administrator's drop box. No other copies of any filing subject to Pa.R.Crim.P. 576 shall be delivered to the court administrator by any party by any other means.

(B) No party shall file or submit for consideration by a judge any application or other document by facsimile or by electronic mail without prior leave of court, except however that **in addition to PACFile**, the clerk of courts is authorized to establish a formal e-filing system for the court **for any filing that is not prohibited by Pa.R.Crim.P. 576.1(C) but for which PACFile does not have the technical capability to process**.

York R.Crim.P. 576.1. Electronic Filing and Service of Legal Papers.

(A) Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 19th Judicial District have agreed upon an implementation plan for electronic filing through the statewide system known as PACFile.

(B) All parties are **[authorized] required** to electronically file legal papers through PACFile with the clerk of courts in cases in the York County Court of Common Pleas, 19th Judicial District **for any filing that is not prohibited by Pa.R.Crim.P. 576.1(C) and for which PACFile has the technical capability to process.**

(C) **[Any party may, but is not required to,] No party may** utilize PACFile for any **[document except the following] of the following documents:**

- (1) applications for search warrants[,];
- (2) applications for arrest warrants[,];
- (3) any grand jury materials, **except the indicting grand jury indictment or the investigating grand jury presentment;**
- (4) submissions filed *ex parte* as authorized by law[,];
- (5) submissions filed or authorized to be filed under seal[,]; and
- (6) **[documents that initiate creation of a new case] exhibits offered into evidence, whether or not admitted in a court proceeding.**

(D) Any party who is unable **[or declines]** to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

(E) Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who **[do not] cannot** utilize PACFile, pursuant to Pa.R.Crim.P. 576. When utilizing PACFile, parties shall not be required to serve the court administrator.

[Pa.B. Doc. No. 21-560. Filed for public inspection April 9, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

YORK COUNTY

Amendment of Local Rules of Juvenile Court Procedure 205 and 1205; CP-67-AD-10-2021

Administrative Order Amending York County Local Rules of Juvenile Court Procedure 205 and 1205

And Now, this 26th day of March, 2021, it is *Ordered* that York County Local Rules of Juvenile Court Procedure 205 and 1205 are amended, effective June 1, 2021.

The District Court Administrator shall publish this order as may be required.

By the Court

MARIA MUSTI COOK,
President Judge

Rule 205. Electronic Filing and Service of Legal Papers.

(A) The Administrative Office of Pennsylvania Courts and the 19th Judicial District have agreed upon an implementation plan for electronic filing through the statewide system known as PACFile.

(B) All parties are **[authorized] required** to electronically file legal papers through PACFile with the clerk of courts in cases in the York County Court of Common Pleas, 19th Judicial District **for any filing that is not prohibited by Pa.R.J.C.P. 205(C) and for which PACFile has the technical capability to process.**

(C) **[Any party may, but is not required to,] No party may** utilize PACFile for any **[document except the following] of the following documents:**

- (1) applications for search warrants;
- (2) applications for arrest warrants;
- (3) **exhibits offered into evidence, whether or not admitted, in a court proceeding;** and
- [(3)] (4)** submissions filed *ex parte* as authorized by law.

(D) Any party who is unable **[or declines]** to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

(E) Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who **[do not] cannot** utilize PACFile, pursuant to Pa.R.J.C.P. 167(B) and 345(B).

Rule 1205. Electronic Filing and Service of Legal Papers.

(A) The Administrative Office of Pennsylvania Courts and the 19th Judicial District have agreed upon an implementation plan for electronic filing through the statewide system known as PACFile.

(B) All parties are **[authorized] required** to electronically file legal papers through PACFile with the clerk of courts in cases in the York County Court of Common Pleas, 19th Judicial District **for any filing that is not prohibited by Pa.R.J.C.P. 1205(C) and for which PACFile has the technical capability to process.**

(C) **[Any party may, but is not required to,] All parties are required to** utilize PACFile for any document except:

- (1) submissions filed *ex parte* as authorized by law; **and**
- (2) **exhibits offered into evidence, whether or not admitted, in a court proceeding.**

(D) Any party who is unable **[or declines]** to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

(E) Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who **[do not] cannot** utilize PACFile, pursuant to Pa.R.J.C.P. 1167(B) and 1345(B).

[Pa.B. Doc. No. 21-561. Filed for public inspection April 9, 2021, 9:00 a.m.]