

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 11]

Proposed Amendments of Pa.R.Crim.P. 573 and 1101

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 573 (Pretrial Discovery and Inspection) and 1101 (Suspension of Acts of Assembly) for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by Tuesday, October 1, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

STEFANIE J. SALAVANTIS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART G. Procedures Following Filing of Information

Rule 573. Pretrial Discovery and Inspection.

[**A**] **a** [**INFORMAL**] Initiation of Discovery. [Before any disclosure or discovery can be sought under these rules by either party, counsel] **Counsel for the parties shall provide all information as required under law. Counsel** for the parties shall make a good faith effort to resolve all questions of discovery[,] and to provide information required or requested under these rules **or required by law** as to which there is no dispute.

(1) Initiation of the discovery process shall be documented by a request in writing from the party seeking discovery. The request shall include the name, address, telephone number, and e-mail address of the counsel, or of the self-represented defendant, to whom the discovery is to be provided. Failure of a party to make such a request shall not be grounds for a failure to provide information required by law to be disclosed.

(2) [When there are items requested by one party which the other party has refused to disclose] If a party has failed to disclose information within a reasonable time, the [demanding] other party may make appropriate motion. Such motion shall **not be made [within] until at least 14 days after arraignment[, unless the time for filing is extended by the court].** In such motion the party must set forth the fact that a good faith effort to discuss the [requested material] **information** has taken place and proved unsuccessful. Nothing in this provision shall delay the disclosure of any [items] **information** agreed upon by the parties pending resolution of any motion for discovery.

[**B**] **b** [**DISCLOSURE BY THE COMMONWEALTH**] Disclosure by the Commonwealth.

(1) [MANDATORY:] Mandatory. In all court cases, [on request by the defendant, and] subject to any protective order [which] the Commonwealth might obtain under this rule, the Commonwealth shall disclose to the defendant's attorney, **or to the self-represented defendant**, all of the following [requested items or information, provided they are material to the instant case. The Commonwealth shall, when applicable, permit the defendant's attorney to inspect and copy or photograph such items.] **information:**

[**a**] **i** [**Any evidence**] **information** favorable to the accused [that is material either to guilt or to punishment], **including information that tends to exculpate the defendant, to mitigate the level of the defendant's culpability, to mitigate punishment, or to impeach a prosecution witness's credibility** and that is within the possession or control of the attorney for the Commonwealth, **regardless of the form that information takes and whether the attorney for the Commonwealth credits the information;**

[**b**] **ii** any written confession or inculpatory statement, or the substance of any oral confession or inculpatory statement, and the identity of the person to whom the confession or inculpatory statement was made that is in the possession or control of the attorney for the Commonwealth;

[**c**] **iii** the defendant's prior criminal record;

[**d**] **iv** the circumstances, [and] results, **and any related documentation or notes** of any identification **or attempted identification** of the defendant by voice, photograph, or in-person identification, **and the circumstances, results, and any related documentation or**

notes of any identification or attempted identification of any other person conducted during the investigation of the instant case;

[e] v) any results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examinations of the defendant that are within the possession or control of the attorney for the Commonwealth;

[f) any tangible objects, including documents, photographs, fingerprints, or other tangible evidence; and]

[g] vi) the transcripts and recordings of any electronic surveillance, and the authority by which the said transcripts and recordings were obtained[.]; and

(vii) except as otherwise provided in Rule 230 (Disclosure of Testimony Before Investigating Grand Jury) and Rule 556.10 (Secrecy; Disclosure), and subdivision (g) (Work Product), and subject to redaction of privileged, protected, or other sensitive information from otherwise mandated discovery prior to disclosure, the Commonwealth shall disclose to the defendant's attorney, or to the self-represented defendant, any tangible objects, including:

(A) documents, including law enforcement notes or reports made in response to and in investigation of the instant case;

(B) photographs, audio, video, or other electronic recordings, including the recordings from body or dashboard cameras and other recordings in the possession of law enforcement;

(C) fingerprints, or other tangible information;

(D) the names and all written or recorded statements, and substantially verbatim oral statements, of fact witnesses the Commonwealth intends to call at trial; and

(E) all written and recorded statements, and substantially verbatim oral statements, made by co-defendants, and by co-conspirators or accomplices, whether such individuals have been charged or not.

(2) [DISCRETIONARY WITH THE COURT:] Discretionary with the Court.

[a] i) In all court cases, except as otherwise provided in [Rules] Rule 230 (Disclosure of Testimony Before Investigating Grand Jury) and Rule 556.10 (Secrecy; Disclosure), if the defendant files a motion for pretrial discretionary discovery, the court may order the Commonwealth to [allow] disclose to the defendant's attorney, or the self-represented defendant, [to inspect and copy or photograph] any of the following requested [items] information, upon a showing [that they are material to the preparation of the defense, and] that the request is reasonable:

[i] A) the [names and addresses of eyewitnesses] name of any fact witness who the Commonwealth does not intend to call at trial and the address and criminal record of any fact witness;

[(ii) all written or recorded statements, and substantially verbatim oral statements, of eyewitnesses the Commonwealth intends to call at trial;

(iii) all written and recorded statements, and substantially verbatim oral statements, made by co-defendants, and by co-conspirators or accomplices, whether such individuals have been charged or not; and]

(B) the underlying data upon which scientific tests or opinions are based; and

[iv] C) any other [evidence] information specifically identified by the defendant, provided the defendant can additionally establish that its disclosure would be in the interests of justice.

[b] ii) If an expert whom the attorney for the Commonwealth intends to call in any proceeding has not prepared a report of examination or tests, the court, upon motion, may order that the expert prepare, and that the attorney for the Commonwealth disclose, a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

(iii) Nothing in this rule is intended to limit disclosure of the foregoing information by agreement with the opposing party.

[C] c) [DISCLOSURE BY THE DEFENDANT] Disclosure by the Defendant.

(1) In all court cases, if the Commonwealth files a motion for pretrial discovery, upon a showing [of materiality to the preparation of the Commonwealth's case and] that the request is reasonable, the court may order the defendant, subject to the defendant's rights against compulsory self-incrimination, to [allow] disclose to the attorney for the Commonwealth [to inspect and copy or photograph] any of the following requested [items] information:

[a] i) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, that the defendant intends to introduce as evidence in chief, or were prepared by a witness whom the defendant intends to call at the trial, when results or reports relate to the testimony of that witness, provided the defendant has requested and received discovery under [paragraph (B)(1)(e)] subdivision (b)(1)(v); and

[b] ii) the names and addresses of [eyewitnesses] fact witnesses whom the defendant intends to call in its case-in-chief, provided that the defendant has previously requested and received discovery under [paragraph (B)(2)(a)(i)] subdivision (b)(2)(i)(A).

(2) If an expert whom the defendant intends to call in any proceeding has not prepared a report of examination or tests, the court, upon motion, may order that the expert prepare and the defendant disclose a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

[D] d [CONTINUING DUTY TO DISCLOSE]
Continuing Duty to Disclose.

(1) The obligations of the parties under this rule extend to information in the possession or control of members of the parties' staff and of any others who either regularly report to or, with reference to the instant case, have reported to the parties.

(2) The attorney for the Commonwealth shall make reasonable efforts to ensure that information favorable to the defendant is provided to the attorney for the Commonwealth's office by the police or other investigative personnel. The attorney for the Commonwealth shall report to the court, with notice to the defense, if the police or other investigative personnel fails to provide to the attorney for the Commonwealth information within its possession that would be discoverable if in the possession of the attorney for the Commonwealth.

(3) If the attorney for the Commonwealth is aware that information that would be discoverable if in the possession of the attorney for the Commonwealth is in the possession or control of a governmental agency not reporting directly to the prosecution, the prosecution shall disclose the fact of the existence of such information to the defense.

(4) If a police department, a governmental agency not reporting directly to the attorney for the Commonwealth, or other investigative personnel fails to provide information within its possession that would be discoverable if in the possession of the attorney for the Commonwealth, a motion to compel the disclosure of this information may be filed at any time by either the attorney for the Commonwealth or the defense.

(5) If, prior to or during trial, either party discovers additional [evidence or material] information previously required to be disclosed, requested, or ordered to be disclosed by it, which is subject to discovery or inspection under this rule, or the identity of an additional witness or witnesses, such party shall promptly notify the opposing party [or] and the court of the additional [evidence, material,] information or witness.

(6) If, following trial but before judgment of conviction and sentence is final, the attorney for the Commonwealth discovers additional information previously required to be disclosed, requested, or ordered to be disclosed by it, which is subject to discovery or inspection under this rule, or the identity of an additional witness or witnesses, the disclosure of which would undermine an aspect of the Commonwealth's case, the Commonwealth shall promptly notify the defendant and the court of the additional information or witness.

[E] e [REMEDY] *Remedy.*

(1) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule, the court may order such party to permit discovery or inspection, may grant a continuance, or may prohibit such party from introducing into evidence information not disclosed, other than testimony of the defendant, or it may enter such other order as it deems just under the circumstances.

(2) As it deems just under the circumstances and as permitted under the law of this Commonwealth, the court may issue:

(i) an order of dismissal if the attorney for the Commonwealth fails to comply with the obligations under this rule; or

(ii) a finding of contempt against the attorney for the Commonwealth or the attorney for the defendant if he or she fails to comply with the obligations under this rule.

[F] f [PROTECTIVE ORDERS] *Protective Orders.* Upon a sufficient showing, the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate. Upon motion of any party, the court may permit the showing to be made, in whole or in part, in the form of a written statement to be inspected by the court *in camera*. If the court enters an order granting relief following a showing *in camera*, the entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.

[G] g [WORK PRODUCT] *Work Product.* Disclosure shall not be required of legal research or of records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the Commonwealth or the attorney for the defense, or members of their legal staffs.

Comment:

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the *Brady* standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103. *See also Commonwealth v. Green*, 640 A.2d 1242 (Pa. 1994); *Commonwealth v. Johnson*, 815 A.2d 563 (Pa. 2002); *Commonwealth v. Paddy*, 800 A.2d 294 (Pa. 2002); *Commonwealth v. Smith*, 985 A.2d 886 (Pa. 2009).

This rule does not apply to rebuttal evidence. *See, e.g., Commonwealth v. Clary*, 226 A.3d 571 (Pa. Super. 2020).

See Rule 556.10(B)(5) for discovery in cases indicted by a grand jury.

The attorney for the Commonwealth should not charge the defendant for the costs of copying pretrial discovery materials. However, nothing in this rule is intended to preclude the attorney for the Commonwealth, on a case-by-case basis, from requesting an order for the defendant to pay the copying costs. In these cases, the trial judge has discretion to determine the amount of costs, if any, to be paid by the defendant.

Subdivision (a) recognizes the more common practice of the parties to provide mandatory discovery information to the opposing party as a matter of course. This had previously been called "informal discovery." However, this terminology was changed to recognize that the first step in discovery should be the voluntary disclosure of mandatory discovery information without the need for there to be a solicitation by the opposing party.

In the event that there is a disagreement between the parties, the process for seeking an order to compel discovery is available as provided in this rule. In order for the process of voluntary discovery to proceed in the first instance, the rule prohibits the filing of a motion to compel discovery earlier than 14 days after arraignment. Previous versions of this rule required the motion to be filed within 14 days of arraignment. This requirement had proved to be impracticable and did not reflect actual practice. The rule was amended to reflect this actual practice wherein the parties attempt to resolve discovery issues among themselves and seek intervention by the court when one party fails to provide discovery deemed necessary by another party. Although the rule does not provide a deadline for when such motions must be filed, the rule contemplates that such motions will be filed promptly as soon as the dispute over discovery is determined to be irresolvable by the parties without the court's intervention. The parties should bring such disputes to the court's attention as soon as practicable.

Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

[*See*] *See* Rule 576(b)(4) and [*Comment*] *Comment* for the contents and form of the certificate of service.

For purposes of this rule, "information" means any evidence, document, item, or other material or data concerning the case.

For purposes of this rule, "to disclose" includes, but is not limited to, when applicable, permitting the party seeking disclosure to inspect and copy, photograph, or otherwise reproduce such items.

Subdivision (b)(1)(i) was amended in 2024 to remove the provision of "materiality" from the requirement of mandatory disclosure by the prosecution of information favorable to the defense. While originally intended to convey the idea that the information was relevant to the case at issue, the term had become more narrowly defined in practice and used as an obstacle to disclosure. The removal of this requirement, however, is not intended to alter the meaning or application of materiality in the post-conviction *Brady* context. Additionally, subdivision (b)(1)(i) requires disclosure of favorable information regardless of the form in which that information might be or whether the attorney for the Commonwealth believes the information is credible.

[*See*] *See* Rule 569 (Examination of Defendant by Mental Health Expert) for the procedures for the examination of the defendant by the mental health expert when the defendant has given notice of an intention to assert a defense of insanity or mental infirmity or notice of the intention to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant.

Subdivision (b)(1)(vii)(D) requires the Commonwealth to provide the names and statements of any fact witnesses who are to be called at trial. Because a witness's address and other contact information could be misused, including for the purpose of

witness intimidation, disclosure of that information is discretionary under subdivision (b)(2)(i)(A). If it is determined that a witness's address will not be disclosed, the Commonwealth must provide the defense with other means of access to the witness for investigative purposes.

Included within the scope of [**paragraph (B)(2)(a)(iv)**] **subdivision (b)(2)(i)(C)** is any information concerning any prosecutor, investigator, or police officer involved in the case who has received either valuable consideration, or an oral or written promise or contract for valuable consideration, for information concerning the case, or for the production of any work describing the case, or for the right to depict the character of the prosecutor or investigator in connection with his or her involvement in the case.

Pursuant to [**paragraphs (B)(2)(b) and (C)(2)**] **subdivisions (b)(2)(ii) and (c)(2)**, the trial judge has discretion, upon motion, to order an expert who is expected to testify at trial to prepare a report. However, these provisions are not intended to require a prepared report in every case. The judge should determine, on a case-by-case basis, whether a report should be prepared. For example, a prepared report ordinarily would not be necessary [**when**] **if** the expert is known to the parties and testifies about the same subject on a regular basis. On the other hand, a report might be necessary if the expert is not known to the parties or is going to testify about a new or controversial technique.

Whenever the rule makes reference to the term "identification," or "in-person identification," it is understood that such terms are intended to refer to all forms of identifying a defendant by means of the defendant's person being in some way exhibited to a witness for the purpose of an identification: *e.g.*, a line-up, stand-up, show-up, one-on-one confrontation, one-way mirror, *etc.* The purpose of this provision is to make possible the assertion of a rational basis for a claim of improper identification based upon *Stovall v. Denno*, 388 U.S. 293 (1967), and *United States v. Wade*, 388 U.S. 218 (1967).

This rule is not intended to affect the admissibility of evidence that is discoverable under this rule or evidence that is the fruits of discovery, nor the standing of the defendant to seek suppression of such evidence. [*See*] *See* Rule 211 for the procedures for disclosure of a search warrant affidavit(s) that has been sealed.

[**Paragraph**] **Subdivision (C)(1)**, which provided the requirements for notice of the defenses of alibi, insanity, and mental infirmity, was deleted in 2006 and moved to Rules 567 (Notice of Alibi Defense) and 568 (Notice of Defense of Insanity or Mental Infirmity).

[**It is intended that the remedies provided in paragraph (E) apply equally to the Commonwealth and the defendant as the interests of justice require.**]

The provision for a protective order, [**paragraph (F)**] **subdivision (f)**, does not confer upon the Commonwealth any right of appeal not presently afforded by law.

It should also be noted that as to [**material**] **information** which is discretionary with the court, or which is not enumerated in the rule, if such information [**contains**] **is** exculpatory [**evidence**] as would come under the *Brady* rule, it *must* be disclosed. Nothing in this rule is intended to [**limit in any way disclosure of evi-**

dence constitutionally required to be disclosed] supersede or abrogate in any way the Commonwealth's constitutional obligations to disclose information to the defense.

Nothing in this rule is intended to limit the defense in performing its own independent investigation at any time outside of the discovery process provided in this rule, including seeking the issuance of subpoenas by the court.

Subdivision (d) is intended to clarify that the obligation of the parties to provide required discovery extends to the offices of the attorneys for the Commonwealth and defense counsel, including those who regularly report to the respective attorneys. Additionally, the attorney for the Commonwealth has the obligation to obtain favorable information relevant to the case from the police or other investigating entities that report to the prosecution. The attorney for the Commonwealth does not have an obligation to seek out favorable information affirmatively from governmental agencies that do not report to the prosecution but must inform the defense if they learn that favorable information is in the possession of those governmental agencies. For purposes of this rule, such governmental agencies may include, but are not limited to, child and youth agencies, child protective agencies, and the Department of Corrections. If discoverable information in the possession of the police or a governmental agency is being withheld, either the prosecution or defense may seek an order from the court to compel the information's disclosure.

Dismissal is an extraordinary remedy and "a trial court should consider dismissal of charges where the actions of the Commonwealth are egregious and where demonstrable prejudice will be suffered by the defendant if the charges are not dismissed." Commonwealth v. Burke, 781 A.2d 1136, 1144 (Pa. 2001), quoting from Commonwealth v. Shaffer, 712 A.2d 749, 752 (Pa. 1998). Contempt may be entertained when the misconduct satisfies 42 Pa.C.S. § 4132.

The limited suspension of [Section 5720 of the Wiretapping and Electronic Surveillance Control Act,] 18 Pa.C.S. § 5720, see Rule 1101([E] 5), is intended to [insure] ensure that the statutory provision and Rule [573(B)(1)(g)] 573(b)(1)(vi) are read in harmony. A defendant may seek discovery under [paragraph (B)(1)(g)] subdivision (b)(1)(vi) pursuant to the time frame of the rule, while the disclosure provisions of Section 5720 would operate within the time frame set forth in Section 5720 as to materials specified in Section 5720 and not previously discovered.

[*Official Note:* Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; *Comment* revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1,

1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; *Comment* revised July 28, 1997, effective immediately; *Comment* revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; *Comment* revised March 26, 2004, effective July 1, 2004; amended January 27, 2006, effective August 1, 2006; amended June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the May 13, 1996 amendments published with the Court's Order at 26 Pa.B. 2488 (June 1, 1996).

Final Report explaining the July 28, 1997 Comment revision deleting the references to the ABA Standards published with the Court's Order at 27 Pa.B. 3997 (August 9, 1997).

Final Report explaining the August 28, 1998 Comment revision concerning disclosure of remuneration published with the Court's Order at 28 Pa.B. 4883 (October 3, 1998).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 amendments to paragraphs (A), (C)(1)(a), and (C)(1)(b), and the revision to the Comment adding the reference to Rules 575 and 576 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March 26, 2004 Comment revision concerning costs of copying discovery materials published with the Court's Order at 34 Pa.B. 1933 (April 10, 2004).

Final Report explaining the January 27, 2006 changes to paragraph (C) deleting the notice of defenses of alibi, insanity, and mental infirmity published with the Court's Order at 36 Pa.B. 694 (February 11, 2006).

Final Report explaining the June 21, 2012 amendments concerning discovery when case is indicted by grand jury published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).]

CHAPTER 11. ABOLITIONS AND SUSPENSIONS

Rule 1101. Suspension of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly:

([1] a) The Act of June 15, 1994, P.L. 273, No. 45, § 1, 42 Pa.C.S. §§ 4137, 4138, and 4139, which provides, *inter alia*, that any punishment imposed for contempt will be "automatically stayed for a period of 10 days from the date of the imposition of the punishment during which time an appeal of the action" of a district justice, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge "may be filed with the court of common pleas of the judicial district," and which is implemented by Rules 140, 141, and 142, is suspended only insofar as the Act is inconsistent with the 30-day appeal period and 30-day automatic stay period set forth in Rule 141.

[3] **b**) The Act of April 29, 1959, P.L. 58, § 1209, 75 P.S. § 1209, repealed by Act of June 17, 1976, P.L. 162, No. 81, § 7 and replaced by Sections 6322, 6323, 6324, and 6325 of the Vehicle Code (75 Pa.C.S. §§ 6322—6325), are suspended insofar as these sections are inconsistent with Rule 470.

[3] **c**) The Act of July 1, 1987, P.L. 180, No. 21, § 2, 42 Pa.C.S. § 1520, is suspended insofar as the Act is inconsistent with Rules 300, 301, 302, and Rules 310 through 320.

[4] **d**) The Public Defender Act, Act of December 2, 1968, P.L. 1144, No. 358, § 1 et seq. as amended through Act of December 10, 1974, P.L. 830, No. 277, § 1, 16 P.S. § 9960.1 et seq., is suspended only insofar as the Act is inconsistent with Rule 122.

[5] **e**) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 573 only insofar as the section may delay disclosure to a defendant seeking discovery under [**Rule 573(B)(1)(g)**] **Rule 573(b)(1)(vi)**; and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 579 and 581.

[6] **f**) Sections 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 of the Sentencing Code, 42 Pa.C.S. §§ 9731, 9732, 9733, 9734, 9735, 9736, 9751, 9752, and 9759 are suspended as being inconsistent with the rules of Chapter 7.

[7] **g**) The Act of November 21, 1990, P.L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Rule 211, is suspended only insofar as the Act is inconsistent with Rules 205, 206, and 211.

Comment:

This rule is derived from former Rules 39, 159, 340, 1415, and 2020, the rules previously providing for the suspension of legislation.

[**Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 2020 adopted**

September 3, 1993, effective January 1, 1994; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. New Rule 1101 adopted March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

FORMER RULE 39: Final Report explaining the provisions of new Rule 39 published with the Court's Order at 27 Pa.B. 5401 (October 18, 1997).

FORMER RULE 159: Report explaining the January 31, 1991 amendments to former Rule 159 published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

FORMER RULE 1415: Final Report explaining the August 14, 1995 amendments to former Rule 1415 published with the Court's Order at 25 Pa.B. 3472 (August 26, 1995).

FORMER RULE 2020: Report explaining the provisions of former Rule 2020 published at 21 Pa.B. 3681 (August 17, 1991).

NEW RULE 1101: Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 1101 published at 30 Pa.B. 1477 (March 18, 2000).]

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendments of Pa.R.Crim.P. 573 and 1101

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 573 to improve the mandatory disclosure of *Brady* materials, *i.e.*, information favorable to the defendant. The proposed amendment of the rule would also better define both the duties of the parties to provide information in a timely fashion and the corresponding remedies if such disclosure is not made.¹

First, the proposed amendment of the rule would include a change of terminology, replacing “evidence” with “information.” This change would reflect the broader scope of materials that are to be provided to the opposing party. To avoid confusion and the potentially inconsistent use of terminology, “material” and “item” would also be replaced by “information” throughout the rule. Second, the types of information to be disclosed to the defense would be described in more detail. Third, the requirement that discoverable information be “material,” a term of art throughout *Brady* related jurisprudence, would be removed. Fourth, the amended rule would more clearly define the duty of prosecutors to discover and disclose information favorable to the defendant. This obligation would include reasonable efforts to obtain information relating to the defendant and the offenses charged that is in the possession of investigative entities. Lastly, the Comment to the rule would be revised to cite relevant post-*Brady* jurisprudence.

Turning to specifics, subdivision (a) would be retitled “Initiation of Discovery.” While subdivision (a) currently directs the parties to make a good faith effort to provide information required or requested, the most common

¹ Stylistic amendments have also been made to conform to the Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules.

practice in the Commonwealth is for prosecutors to provide discovery at a fairly early stage in the proceeding, regardless of whether a request has been made. To better reflect this practice, subdivision (a) would be amended to mandate the disclosure of “all information as required by law.” This subdivision would, nevertheless, retain the requirement that the parties make a good faith effort to resolve discovery disputes.

Although the Committee previously proposed eliminating a request requirement, *see* 49 Pa.B. 7173 (Dec. 7, 2019), a commenter objected. According to the commenter, requiring a request for discovery from the defense encourages communication and aids in documenting the discovery process. To address this concern, new subdivision (a)(1) would require the discovery process to be initiated by a request in writing from the party seeking discovery. The request would be required to include the name, address, telephone number, and email address of the requester. However, failure to make a request would not be “grounds for a failure to provide information required by law to be disclosed.” Thus, even though the amended rule would require a request, information required to be disclosed must be disclosed even in the absence of a request.

To accommodate the vicissitudes of the discovery process, the Committee has chosen not to include a deadline for providing discoverable information but, instead, to allow for a “reasonable” time. If a party fails to disclose information within a reasonable time, subdivision (a)(2) would provide for the filing of a motion to compel disclosure. In the prior publication, the Committee had also proposed extending the time for filing such a motion from the current 14 days to 30 days. However, the Committee is now proposing the elimination of a deadline so as not to artificially hamper discovery. Instead, subdivision (a)(2) would be amended to prohibit the filing of a motion to compel “until at least 14 days after arraignment.” The Comment would explain,

[a]lthough the rule does not provide a deadline for when such motions must be filed, the rule contemplates that such motions will be filed promptly as soon as the dispute over discovery is determined to be irresolvable by the parties without the court’s intervention. The parties should bring such disputes to the court’s attention as soon as practicable.

The Comment would also observe that requiring a motion to compel discovery to be filed within 14 days of arraignment, as the rule currently does, was impracticable and not a reflection of actual practice. Moreover, prohibiting the filing of a motion to compel discovery prior to the 14th day after arraignment, as the proposed amendment would do, allows for informal discovery to proceed more fully before the court’s assistance is sought.

Subdivision (b)(1), which governs mandatory disclosure by the Commonwealth, would be amended to remove both the requirement that the defense must first request items of mandatory discovery and the requirement that information must be “material.” The term “material” was originally intended to restrict discoverable items to those containing information that was relevant to the case at issue. However, the term has become more narrowly defined in practice and, in some cases, used as an

impediment to disclosure. The Comment would clarify that the “removal of [the materiality] requirement. . . is not intended to alter the meaning or application of materiality in the post-conviction *Brady* context.”

Subdivision (b)(1)(i) would be amended to require disclosure of “information favorable to the accused” rather than “evidence favorable to the accused.” Among information favorable to the accused that must be disclosed would be information that “tends to exculpate the defendant, to mitigate the level of the defendant’s culpability, to mitigate punishment, or to impeach a prosecution witness’s credibility.” This subdivision would also clarify that the disclosure of favorable information is required regardless of the form of the information or whether the attorney for the Commonwealth credits the information.

Subdivision (b)(1)(iv) would be amended to require the prosecution to disclose not only the circumstances and results of any identification of the defendant but also the circumstances and results of any attempted identification of the defendant. Similar disclosure requirements would attach to the identification or attempted identification of any other person conducted during the investigation. The disclosure of notes and reports by investigative personnel concerning identifications would also be required.

Subdivision (B)(1)(f) of the current rule, which requires the disclosure of tangible objects, would be expanded and relocated to new subdivision (b)(1)(vii). The new subdivision would require disclosure of tangible objects, including: law enforcement notes or reports; photographs, audio, video, or other recordings; recordings from body and dashboard cameras; fingerprints; the names and statements of fact witnesses the Commonwealth intends to call at trial; and statements of co-defendants and co-conspirators. Subdivision (b)(1)(vii) would also take into consideration grand jury secrecy, the exclusion of work product as provided for in subdivision (g), and the redaction of privileged, protected, or other sensitive information.

The items identified in subdivisions (B)(2)(a)(ii) and (B)(2)(a)(iii) of the current rule would be relocated to subdivisions (b)(1)(vii)(D) and (b)(1)(vii)(E) of the amended rule, rendering their disclosure mandatory rather than discretionary. Additionally, with that relocation, “eyewitnesses” in subdivision (B)(2)(a)(ii) would be replaced by “fact witnesses” in subdivision (b)(1)(vii)(D). The Committee chose the broader category to, in part, limit disputes over the ambit of the term “eyewitness.”

Subdivision (b)(2), which governs discretionary disclosure by the Commonwealth, would be amended to require only a showing that a request for discretionary discovery is reasonable. The current requirement that the information requested be “material to the preparation of the defense” would be deleted. Subdivision (b)(2)(i) would be amended to include the address and criminal record of any fact witness, the name of any fact witness the Commonwealth does not intend to call at trial, and the underlying data supporting scientific tests or opinions. With respect to the address of a fact witness, the Comment would explain, “[b]ecause a witness’s address and other contact information could be misused, including for purposes of witness intimidation, disclosure of that information is discretionary under subdivision (b)(2)(i)(A).” Subdivision (b)(2)(i)(C) would be amended to provide for disclosure of “any other information specifically identified by the defendant” rather than “any other evidence specifically identified by the defendant.” A new

subdivision (b)(2)(iii) would recognize the practice of disclosure by agreement between opposing counsel.

Subdivision (c) (Disclosure by the Defendant) would remain effectively unchanged except for the deletion of the requirement of materiality in subdivision (c)(1) and the replacement of “eyewitnesses” with “fact witnesses” in subdivision (c)(1)(ii). The materiality provision in subdivision (c)(1) would be removed to create consistency within the rule.

To better define the continuing duty of the parties to disclose information, with particular emphasis on the Commonwealth’s obligations, the Committee is proposing a number of amendments to subdivision (d), including the creation of five new subdivisions. New subdivision (d)(1) would explain that the duty to disclose extends to the parties’ staff and others who report to the parties. New subdivision (d)(2) would obligate the attorney for the Commonwealth to make reasonable efforts to obtain information relating to the defendant and the offenses charged that is in the possession of the police and other investigative personnel. The Committee is not, however, proposing that an affirmative obligation be placed on the attorney for the Commonwealth to seek out favorable information in the possession of governmental agencies other than the police and investigative personnel. “Other governmental agencies” would include entities outside of the control of the attorney for the Commonwealth, such as the Department of Corrections and children and youth services agencies. Instead, as provided in new subdivision (d)(3), the attorney for the Commonwealth must advise the defense of the existence of discoverable information in the possession of other governmental agencies when the Commonwealth becomes aware of it. These duties would be further elaborated in the Comment.

To address the issue of trial delays resulting from police departments either failing to provide discoverable information or providing such information in an untimely manner, new subdivision (d)(2) would require the attorney for the Commonwealth to alert the trial judge when “the police or other investigative personnel fails to provide [] information within its possession that would be discoverable if in the possession of the attorney for the Commonwealth.” New subdivision (d)(4) would permit the attorney for the Commonwealth or the defense to file a motion to compel disclosure when “a police department, a governmental agency not reporting directly to the attorney for the Commonwealth, or other investigative personnel fails to provide information within its possession that would be discoverable if in the possession of the attorney for the Commonwealth.”

The current language of subdivision (d) would be relocated to new subdivision (d)(5). Within subdivision (d)(5), “evidence” would, as in previous subdivisions, be replaced with “information.”

New subdivision (d)(6) would require the Commonwealth to “promptly notify the defendant and the court” if,

following trial but before judgment of conviction and sentence is final, the attorney for the Commonwealth discovers additional information previously required to be disclosed, requested, or ordered to be disclosed by it, which is subject to discovery or inspection under this rule[.]

The Commonwealth would also be required to disclose the “identity of an additional witness or witnesses [that] would undermine an aspect of the Commonwealth’s case[.]”

New subdivision (e)(2) would provide for dismissal of the charges if “the attorney for the Commonwealth fails to comply with the obligations under this rule” and for a finding of contempt if the attorney for the Commonwealth or the attorney for the defendant “fails to comply with the obligations under this rule.” The Comment would explain that dismissal is an extraordinary remedy and would cite *Commonwealth v. Burke*, 781 A.2d 1136 (Pa. 2001) (“[A] trial court should consider dismissal of charges where the actions of the Commonwealth are egregious and where demonstrable prejudice will be suffered by the defendant if the charges are not dismissed.”). The Comment would also note that contempt “may be entertained when the misconduct satisfies 42 Pa.C.S. § 4132.”

“Information” would be defined in the Comment as “any evidence, document, item, or other material or data concerning the case.” The Comment would also explain that “‘to disclose’ includes, but is not limited to. . . permitting the party seeking disclosure to inspect and copy, photograph, or otherwise reproduce such items.” Requiring a party to “disclose” information would replace the current requirement that a party “allow” the opposing party “to inspect and copy or photograph” requested items. See Pa.R.Crim.P. 573(b)(2)(i) (proposed); Pa.R.Crim.P. 573(c)(1) (proposed). The change in terminology is intended to accommodate e-discovery.

Finally, the Comment would be amended to clarify that the rule “does not apply to rebuttal evidence. See, e.g., *Commonwealth v. Clary*, 226 A.3d 571 (Pa. Super. 2020).” Whether rebuttal evidence is necessary is, in most instances, contingent upon the opposing party’s presentation of its case. Because the need for rebuttal evidence cannot be anticipated, rebuttal evidence cannot be subject to pretrial discovery.

A corollary amendment would be made to Rule 1101(5) to reflect the renumbering of subdivision (B)(1)(g) of Rule 573 as (b)(1)(vi).

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 24-1143. Filed for public inspection August 16, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Bond/Pre-Trial Protocol; AD: No. 10-2024

Administrative Order of Court

And Now, this 2nd day of August, 2024, it is hereby recommended that the Magisterial District Judges of Butler County, Pennsylvania, follow the Butler County Court of Common Pleas non-binding recommended guidance concerning the Bond/Pre-Trial Protocol, which became effective on December 1, 2023.

By the Court

S. MICHAEL YEAGER,
President Judge

[Pa.B. Doc. No. 24-1144. Filed for public inspection August 16, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

INDIANA COUNTY

Local Rule of Judicial Administration Arbitration; MD-258-2024

Order of Court

And Now, this 31st day of July, 2024, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is *Hereby Ordered* that the Court adopts the following Rule of Judicial Administration addressing Indiana County's arbitration system, effective October 1, 2024.

The Court Administrator shall:

1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us;

2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to Bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;

3) Provide one copy of this Order to the members of the Indiana County Bar Association;

4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.IndianaCountyPA.gov;

5) File this Order in the Prothonotary's Office of Indiana County.

Rule L1301. Scope. Certification.

(a) In all civil actions, except those civil cases involving title to real estate or actions in equity, where the amount in controversy (exclusive of interests and costs) is Fifty Thousand (\$50,000.00) dollars or less, the case shall be first submitted to compulsory arbitration pursuant to Pa.R.Civ.Pro. 1301, et. seq.

(b) The amount in controversy shall be the largest amount claimed in any single count of the pleadings by any party.

(c) The Court, upon written motion of any party or sua sponte, may require that a case for which a trial is demanded be first submitted to compulsory arbitration pursuant to these rules.

(d) When a case is appropriate, a party shall file a Praeceptum for Arbitration with the Prothonotary, the form which is set forth in Form 1 appended to these Rules, and certify that the case is ready in all respects.

(e) In the event that there is a dispute between the parties as to whether a case is ripe for arbitration, any party may file, within ten (10) days from the date of service of the Praeceptum, a Motion objecting to the Praeceptum. The Court will then determine suitability for arbitration.

(f) A party that files a Praeceptum for Arbitration shall certify that the arbitration hearing will not exceed ninety (90) minutes in length. In the event that any party believes that the arbitration hearing cannot be accomplished within ninety (90) minutes, a Motion setting forth the party's reasons shall be filed and presented to the Court. The Court will then determine whether additional time is necessary.

Rule L1302. List of Arbitrators. Appointment to the Board/Panel.

(g) A list of available arbitrators shall be maintained by the Court Administrator and provided to the Court Program Manager. The list shall consist of a sufficient number of members of the Indiana County Bar Association who express a willingness to serve and who are engaged in the practice of law primarily in Indiana County.

(h) The Court Program Manager shall assign attorneys on the list to arbitration board/panels. The composition of the board/panel shall be assigned as deemed appropriate by the Court Program Manager.

(i) Each board/panel shall consist of three (3) attorneys and the Court Program Manager shall assign from those three (3) attorneys a chairperson. Notice of the board/panel members shall be given by Order of Court.

(j) If an appointed arbitrator cannot serve at the time designated, the attorney shall, unless otherwise prevented by matters beyond his or her control, notify the Court Program Manager in writing at least ten (10) days in advance of the date which the hearing has been scheduled and a substitute arbitrator will be appointed. If any arbitrator repeatedly fails to give notice or fails to appear at a scheduled arbitration, that person may, at the discretion of the Court Program Manager and the Court, be removed from the list of available arbitrators and shall not serve as an arbitrator until reinstated upon application to the Court.

Rule L1303. Notice of Hearing. Hearing.

(c) Arbitration hearings will be held, unless otherwise directed by the Court Program Manager, on the third Friday of every month beginning at 9:00 a.m., and will take place in Courtroom No. 4, located on Floor 4M of the Indiana County Courthouse.

(d) After the filing of a Praeceptum for Arbitration and no objections being filed, the Court Program Manager shall prepare an Order of Court that will set forth the specific date and time of the arbitration hearing, the location of the arbitration hearing, the members of the arbitration board/panel, and the chairperson of the arbitration board/panel.

Rule L1304. Conduct of Hearing. Generally.

(d) On the date of the arbitration hearing, counsel and/or any unrepresented parties are to check in with the Court Program Manager at the site of the arbitration. Cases in which all parties have checked in and have indicated they are ready to proceed shall be submitted by the Court Program Manager to the arbitration board/panel for disposition.

(e) The Court Program Manager will provide the arbitration board/panel with the case file and an arbitration award form.

(f) The arbitration procedure is intended to be economical for the parties and therefore, the proceedings are abbreviated and somewhat less formal; however, the Court recognizes that the consequences are still significant to the litigants. Accordingly, the parties, counsel, witnesses, and arbitrators will conduct their proceedings with appropriate dignity and decorum at all times.

(g) Arbitration boards/panels shall conduct hearings with due regard to the law and rules of evidence and

shall have the general powers of the Court, including administering oaths or affirmations, determining admissibility of evidence, permitting testimony to be offered by deposition, and deciding the law and the facts of the case submitted.

(h) Hearings shall be conducted by the chairperson of the arbitration board/panel. Witnesses shall be sworn in by the chairperson of the arbitration board/panel. Testimony shall be taken through the same procedures and decorum as used before the Court. Testimony before arbitration board/panel is not recorded unless done so by a court reporter hired by a party and at the expense of that party.

(i) If a party fails to appear for the hearing, no default judgment shall be entered. The arbitration board/panel shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

Rule L1305. Conduct of Hearing. Evidence.

(e) The evidentiary rules described in Pa.R.Civ.Pro. 1305 shall apply to the conduct of arbitration hearings.

(f) Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the arbitration board/panel, and such rulings shall be final unless one of the other arbitrators disagrees with the same. In that event, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(g) Following the hearing and decision, the chairperson of the arbitration board/panel shall release to the respective parties the exhibits introduced and admitted. Neither the arbitration board/panel nor the Court Program Manager shall be tasked with maintaining or keeping the exhibits after the completion of the arbitration proceeding.

Rule L1306. Award.

(a) After the conclusion of the hearing in each case, the arbitration board/panel shall make its decision and memorialize the decision on the arbitration award form. The arbitration award form shall be signed by all or a majority of the arbitrators on the board/panel. If a member of the board/panel dissents from the majority's findings or award, that arbitrator shall so state on the award form and can do so without further comment. The Court Program Manager shall submit the form to the Prothonotary for filing, docketing, and distribution to the parties.

(b) The arbitration award form shall be substantially similar to the form set forth in Pa.R.Civ.P. No. 1312.

(c) Arbitrators may not award punitive damages.

(d) Arbitrators may award costs.

(e) Arbitrators may award possession in Landlord/Tenant matters.

(f) Arbitrators may award possession and monetary value of the property or special damages sustained in a replevin action.

(g) Monetary awards shall not exceed the jurisdictional limit of \$50,000.00, exclusive of interest and costs.

(h) Arbitrators may award delay damages when that issue is properly pending in the action. Such damages shall be subject to the procedure set forth below.

(1) After the amount of the award has been determined, the arbitration board/panel, in cases where delay damages are claimed, shall make a determination as to such damages in accordance with Pa.R.Civ.P. 238;

(2) A party requesting delay damages shall, no later than the commencement of the hearing, present to the chairperson of the arbitration board/panel in a sealed envelope with the caption and case number on it a photocopy of any written offer of settlement made by a party against whom damages are demanded or set forth in writing the fact that no written offer has been made;

(3) A party requesting delay damages shall serve a copy of the information set forth in Rule L1306(2) upon all other parties at or before the time the same is presented to the chairperson of the arbitration board/panel;

(4) Failure of a party requesting delay damages to comply with this Local Rule shall be deemed to be a waiver of any delay damages;

(5) A party that does not concur in the information set forth in Rule L1306(2) shall state a brief explanation as to the reasons for their non-concurrence and present it to the chairperson of the arbitration board/panel in a sealed envelope with the caption and case number on it no later than the commencement of the hearing. Parties that fail to state reasons for non-concurrence shall be deemed to be in concurrence with the information set forth in Rule L1306(2);

(6) No arbitrator shall open the sealed envelope(s), or, in any other manner, attempt to ascertain the contents thereof, until the arbitration board/panel has reached a decision on the merits of the case; and

(7) If damages for delay are awarded, the amount thereof shall be added to the principal amount awarded, but shall be separately stated on the arbitration award form.

Rule L1308. Appeal. Arbitrator's Compensation.

(d) Any party may appeal from the award of the arbitration board/panel to the Court. Appeals shall result in de novo proceedings before the trial court. A party appealing an award shall pay to the Prothonotary any fee required for the filing of the appeal. The cost of filing an appeal shall be established, with approval by the court, by the Prothonotary.

(e) Simultaneously with the filing of the appeal, the appellant shall also file a Certificate of Readiness for trial with the Prothonotary and shall serve all parties to the matter.

(f) Each arbitrator shall be compensated by the County at a commensurable rate to their service, which shall be established and approved by the Court.

(g) Members of the arbitration board/panel shall not be entitled to compensation until after the filing of the arbitration award form with the Prothonotary.

Rule L1315. Continuances of Hearing.

(a) More than seven (7) days prior to the hearing date, a case may be continued one (1) time by agreement of all parties. The request for continuance must be in writing, filed with the Prothonotary, and a copy provided to the Court Program Manager. The continuance must aver that all parties agree to the continuance. The Court Program Manager will reschedule the arbitration hearing to the next available date.

(b) Requests for continuance made less than seven (7) days before the scheduled hearing, in instances in which all parties do not concur in the request for continuance, or a request for a second or subsequent continuance, shall, after notice to all parties, be presented to the Court for disposition.

By the Court

THOMAS M. BIANCO,
President Judge

Form 1

IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____ ,	:	CIVIL ACTION—LAW
	:	
Plaintiff,	:	No. _____ C.D. 20 ____
	:	
vs.	:	
	:	
_____ ,	:	
	:	
Defendant.	:	

PRAECIPE FOR ARBITRATION

TO: COURT PROGRAM MANAGER

Plaintiff _____ or Defendant _____ hereby requests that the above-captioned case be scheduled for compulsory arbitration before an arbitration board/panel.

I hereby certify the following:

- (1) All pleadings have been completed;
- (2) All pretrial discovery has been completed;
- (3) The amount in controversy does not exceed \$50,000.00;
- (4) The matter does not involve title to real estate or is an action in equity; and
- (5) A hearing in this matter will not exceed ninety (90) minutes in length.

Attorney(s) for Plaintiff(s) or
Pro Se Plaintiff

Attorney(s) for Defendant(s) or
Pro Se Defendant

Name

Address

Address

Phone Number and Email

Name

Address

Address

Phone Number and Email

Respectfully submitted,

Signature

Date

Title 255—LOCAL COURT RULES

SNYDER COUNTY

Amendment of Local Rules; No. MC-58-2024

Order

And Now, this 1st day of August, 2024 it is hereby *Ordered and Directed*:

The 17th Judicial District Local Rule of Judicial Administration 17CV1308 A. is amended to reflect arbitrators compensation. Provisions as follows: Brackets and bold indicating deletions; Underline and bold indicating additions.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to: adminrules@pacourts.us.

2. File two (2) copies and one (1) electronic copy in a Microsoft Word format only to Bulletin@palrb.us with the Legislative Reference Bureau for publications in the *Pennsylvania Bulletin*.

3. Incorporation of the local rule into the 17th Judicial District Local Rules and publish on the Snyder/Union County websites within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

4. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

LORI R. HACKENBERG,
President Judge

17CV1308. Compensation of Arbitrators.

A. The chair of the board of arbitrators shall receive compensation in the amount of [~~\$150.00~~] **\$250.00** per case; the other members of the board shall receive compensation in the amount of [~~\$100.00~~] **\$200.00** per case.

[Pa.B. Doc. No. 24-1146. Filed for public inspection August 16, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

UNION COUNTY

Amendment of Local Rules; No. 24-443

Order

And Now, this 1st day of August, 2024 it is hereby *Ordered and Directed*:

The 17th Judicial District Local Rule of Judicial Administration 17CV1308 A. is amended to reflect arbitrators compensation. Provisions as follows: Brackets and bold indicating deletions; Underline and bold indicating additions.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to: adminrules@pacourts.us.

2. File two (2) copies and one (1) electronic copy in a Microsoft Word format only to Bulletin@palrb.us with the Legislative Reference Bureau for publications in the *Pennsylvania Bulletin*.

3. Incorporation of the local rule into the 17th Judicial District Local Rules and publish on the Snyder/Union County websites within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

4. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

LORI R. HACKENBERG,
President Judge

17CV1308. Compensation of Arbitrators.

A. The chair of the board of arbitrators shall receive compensation in the amount of [~~\$150.00~~] **\$250.00** per case; the other members of the board shall receive compensation in the amount of [~~\$100.00~~] **\$200.00** per case.

[Pa.B. Doc. No. 24-1147. Filed for public inspection August 16, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Records of Children's Bureau in Criminal Cases; No. 3 of 2024

Order

And Now, this 1st day of August, 2024, *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC107.1 relating to the procedure by which counsel may request records of the Westmoreland County Children's Bureau, is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

CHRISTOPHER A. FELICIANI,
President Judge

Rule WC107.1. Records of Westmoreland County Children's Bureau in Criminal Cases.

No records of the Westmoreland County Children's Bureau shall be produced in any criminal case, except upon issuance of a subpoena, which shall comply with Pennsylvania Rule of Criminal Procedure 107, and which shall be served upon the Westmoreland County Solicitor.

[Pa.B. Doc. No. 24-1148. Filed for public inspection August 16, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

**FINANCIAL INSTITUTIONS APPROVED AS
DEPOSITORIES OF TRUST ACCOUNTS OF
ATTORNEYS**

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 AMERICAN BANK (PA)
615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 BANK OF BIRD-IN-HAND
415 Bank of Landisburg (The)
596 Bank of Princeton (The)
664 BankUnited, NA
501 BELCO Community Credit Union
673 BENCHMARK FEDERAL CREDIT UNION
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
**675 CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 CFS BANK
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F&M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
34 Fidelity Deposit & Discount Bank (The)

583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank
174 First Citizens Community Bank
539 First Commonwealth Bank
674 First Commonwealth Federal Credit Union
504 First Federal S & L Association of Greene
County
525 First Heritage Federal Credit Union
42 First Keystone Community Bank
51 First National Bank & Trust Company of
Newtown (The)
48 First National Bank of Pennsylvania
426 First Northern Bank & Trust Company
604 First Priority Bank, a division of Mid Penn
Bank
592 FIRST RESOURCE BANK
657 First United Bank & Trust
408 First United National Bank
151 Firstrust Savings Bank
416 Fleetwood Bank
647 FORBRIGHT BANK
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
639 Freedom Credit Union
58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)
606 Hometown Bank of Pennsylvania
68 Honesdale National Bank (The)
605 Huntington National Bank (The)
608 Hyperion Bank

Bank Code I.

669 Industrial Bank
365 InFirst Bank
668 Inspire FCU
557 Investment Savings Bank
526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe Neighborhood Bank
488 Jonestown Bank & Trust Company
191 Journey Bank
659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M&T Bank
510 Marion Center Bank
387 Marquette Savings Bank
367 Mauch Chunk Trust Company
511 MCS (Mifflin County Savings) Bank
641 Members 1st Federal Credit Union

555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 294 Mid Penn Bank
 677 Middletown Valley Bank
276 MIFFLINBURG BANK & TRUST COMPANY
 457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
 15 NextTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 PARKE BANK
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings
 667 Premier Bank
 354 Presence Bank
 451 Progressive-Home Federal Savings & Loan Association
 637 Provident Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh
486 SOMERSET TRUST COMPANY
 633 SSB Bank
 122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
 143 TD Bank, NA
656 TIOGA FRANKLIN SAVINGS BANK
 182 Tompkins Community Bank
 660 Top Tier FCU
 577 Traditions Bank

609 Tristate Capital Bank
 672 Truist Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Univest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
 121 Wayne Bank
 676 Webster Bank
631 WELLS FARGO BANK, NA
 553 WesBanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 Woori America Bank
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

676 Webster Bank
 677 Middletown Valley Bank

Name Change

175 FNCB Bank—Change to 447 Peoples Security Bank & Trust Company
 584 Parkview Community Federal Credit Union—Change to 591 Clearview Federal Credit Union

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 24-1149. Filed for public inspection August 16, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated July 26, 2024, Nichole E. Humes, a/k/a Nichole Elizabeth Tuliszewski (# 203709), whose registered address is in Dripping Springs, TX, is suspended from the practice of law in this Commonwealth for a period of six months, effective August 25, 2024. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-1150. Filed for public inspection August 16, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated July 26, 2024, Mustafa David Sayid, a/k/a Mustafa D. Sayid (# 308403), whose registered address is in Haworth, NJ, is suspended from the practice of law in this Commonwealth for a period of one year, effective August 25, 2024. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-1151. Filed for public inspection August 16, 2024, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 247 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 7th day of August, 2024, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 **AMERICAN BANK (PA)**
615 Americhoice Federal Credit Union
116 **AMERISERV FINANCIAL**
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 **BANK OF BIRD-IN-HAND**
415 Bank of Landisburg (The)
596 Bank of Princeton (The)
664 BankUnited, NA
501 BELCO Community Credit Union
673 **BENCHMARK FEDERAL CREDIT UNION**
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
675 **CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 **CFS BANK**
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F&M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
34 Fidelity Deposit & Discount Bank (The)
583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank

174 First Citizens Community Bank
 539 First Commonwealth Bank
 674 First Commonwealth Federal Credit Union
 504 First Federal S & L Association of Greene
 County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of
 Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn
 Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank
 151 Firsttrust Savings Bank
 416 Fleetwood Bank
647 FORBRIGHT BANK
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
 58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 668 Inspire FCU
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 191 Journey Bank
 659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M&T Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana

610 Meridian Bank
 294 Mid Penn Bank
 677 Middletown Valley Bank
276 MIFFLINBURG BANK & TRUST COMPANY
 457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
 15 NexTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 PARKE BANK
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
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Platinum Leader Change

Correction

Removal

[Pa.B. Doc. No. 24-1152. Filed for public inspection August 16, 2024, 9:00 a.m.]