

TITLE 201

RULES OF JUDICIAL ADMINISTRATION

| Chap. | | Rule |
|-------|---|--------|
| 1. | GENERAL PROVISIONS | 101 |
| 2. | POLICY ON NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY | 201 |
| 3. | JUDICIAL COUNCIL OF PENNSYLVANIA | 301 |
| 5. | ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS | 501 |
| 7. | ASSIGNMENT OF JUDGES | 701 |
| 17. | JUDGES AS WITNESSES | 1701 |
| 19. | MISCELLANEOUS ADMINISTRATIVE PROVISIONS | 1901 |
| 21. | ALLOCATION OF BUSINESS | 2101 |
| 50. | UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS | 5000.1 |

Editorial Note

Under the Commonwealth Documents Law, the text of documents published in this title acquires no special status by reason of such publication. For the official text of judicial documents, reference should be made to the Prothonotary of the Supreme Court or to the Administrative Office of Pennsylvania Courts, as appropriate. See 201 Pa. Code Rule 103.

CHAPTER 1. GENERAL PROVISIONS

| Rule | |
|------|--|
| 101. | Title and citation of rules. |
| 102. | Definitions. |
| 103. | Procedure for adoption, filing and publishing rules. |

Rule 101. Title and citation of rules.

These rules shall be known as the Pennsylvania Rules of Judicial Administration and may be cited as “Pa. R.J.A. No. ____.”

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific chapters or other provisions of these rules, the following words and phrases, when used in these rules, shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Administrative Judge—The presiding judge of a division of a court determined as provided by Rule 706 of these Rules or section 5 of the Schedule to the Judiciary Article and section 5(a) of the act of December 2, 1968 (No. 357).

Administrative Office—The Administrative Office of Pennsylvania Courts established by Rule 502 of these rules as the central office for the administration of the unified judicial system.

Chief Justice—The Chief Justice of Pennsylvania determined as provided by section 10(d) of Article V of the Constitution of Pennsylvania and Rules 705 and 706 of these rules.

Court Administrator—The Court Administrator of Pennsylvania appointed by the Supreme Court under section 19(b) of Article V of the Constitution of Pennsylvania and Rule 501(a) of these rules.

District Court Administrator—The court administrator responsible for the administration of the courts of a judicial district.

Judge—Includes a justice of the Supreme Court.

Judicial Council—The Judicial Council of Pennsylvania established by Rule 301 of these rules.

Personnel of the System—Judges and other judicial officers, their personal staff, the administrative staff of courts and justices of the peace, and the staff of the Administrative Office and other central staff.

President Judge—The president judge of a court determined or selected as provided by section 10(d) of Article V of the Constitution of Pennsylvania and Rules 705 and 706 of these Rules or sections 11 and 19 of the Schedule to the Judiciary Article.

Presiding Judge—An administrative judge.

Related Staff—All individuals employed at public expense who serve the unified judicial system, but the term does not include personnel of the system.

Supreme Court—The Supreme Court of Pennsylvania existing under section 2 of Article V of the Constitution of Pennsylvania.

System—The unified judicial system of this Commonwealth.

System and Related Personnel—Personnel of the system and related staff. The term includes district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of the courts, clerks of the orphans' court division, prison and correctional officials, and the personnel of all of the foregoing.

Official Note: Order of October 15, 1973, provides as follows: The Pennsylvania Rules of Judicial Administration, section 102, entitled "Definitions" should be amended from the term "prothonotaries" under the subsection defining "System and Related Personnel," the prothonotaries of the Supreme Court of Pennsylvania, the Superior Court of Pennsylvania and the Commonwealth Court of Pennsylvania.

Source

The provisions of this Rule 102 adopted March 15, 1972, amended through October 15, 1973, 3 Pa.B. 2460. Effective January 18, 1973.

Rule 103. Procedure for adoption, filing and publishing rules.

(a) Notice of proposed rulemaking.

(1) Except as provided in subdivision (3), the initial recommendation of a proposed Rule, or proposed Rule amendment (including the explanatory note

that is to accompany the Rule) shall be distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein, and shall be recorded in the Administrative Office. The publication notification shall contain a statement to the effect that comments regarding the proposed Rule are invited and should be sent directly to the proposing Rules Committee within a specified period of time.

(2) Written comments, suggestions or objections relating to the proposed Rule shall be sent directly to the proposing Rules Committee within a specified number of days after the Rules' publication in the *Pennsylvania Bulletin*, and any such commentary shall be reviewed by the said Committee prior to action on the proposal by the Supreme Court. Any further proposals which are based upon the commentary so received need not be, but may be, published in the manner prescribed herein.

(3) A proposed rule may be promulgated even though it has not been previously distributed and published in the manner required by subdivisions (1) and (2), where exigent circumstances require the immediate adoption of the proposal; or where the proposed amendment is of a typographical or perfunctory nature; or where in the discretion of the Supreme Court such action is otherwise required in the interests of justice or efficient administration.

(b) Rules adopted by Supreme Court.

(1) Rules adopted by the Supreme Court shall be filed in the office of the Prothonotary of the Supreme Court and in the Administrative Office.

(2) After an order adopting a rule has been filed with the Prothonotary of the Supreme Court, the Prothonotary shall forward a certified copy of the order and rule to:

(i) The publisher of the official version of Supreme Court decisions and opinions who shall cause it to be printed in the first available volume of the State Reports.

(ii) The prothonotaries or clerks of all courts which may be affected thereby, and thereupon the order and rule shall be published by such prothonotaries or clerks in the same manner as local rules adopted by such courts.

(iii) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(iv) The Administrative Office.

(c) Rules adopted by other courts and by agencies of the system.

(1) After an order adopting a rule has been filed with the prothonotary or clerk of the adopting court or with the secretary of the adopting council, committee, board, commission or other agency of the unified judicial system, the prothonotary, clerk or secretary shall forward ten certified copies of the order and rule to the Administrative Office.

(2) The Administrative Office shall distribute such certified copies as follows:

(i) One copy shall be filed in the Administrative Office, which shall assign thereto and indicate thereon a distinctive serial number and indicate thereon the date and time of filing. Upon such filing the copy shall be immediately available for public inspection and copying.

(ii) Two copies shall be filed in the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(iii) One copy shall be distributed to each of the following committees:

- (A) The Advisory Committee on Appellate Court Rules.
- (B) Civil Procedural Rules Committee.
- (C) Criminal Procedural Rules Committee.
- (D) Minor Court Civil Procedural Rules Committee.
- (E) Orphans' Court Rules Committee.

(3) A rule or change therein required to be filed in the Administrative Office by this subdivision shall not be valid for any purpose until filed in the Administrative Office, as provided by paragraph (2)(i) of this subdivision.

(4) Any rule which was adopted by a court or agency (other than the Supreme Court, the Superior Court or the Commonwealth Court) prior to May 10, 1973, and which was not filed in the Administrative Office under this subdivision prior to October 1, 1973, is invalid.

(5) As used in this subdivision "rule" means any rule or regulation, or order in the nature of a rule or regulation, regulating practice or procedure before the adopting court of agency or otherwise having the effect of law but shall not include a rule of civil or criminal procedure regulating practice or procedure in a court of common pleas.

Official Note: The procedure for adopting, filing and publishing local rules of civil and criminal procedure is governed by Rule of Civil Procedure 239 and Rule of Criminal Procedure 105. Whenever local rules are forwarded to the Administrative Office the adopting court should indicate whether the rules have been distributed to the Legislative Reference Bureau and filed with the Civil or Criminal Procedural Rules Committee under Civil Procedural Rule 239 or Criminal Procedural Rule 105.

Source

The provisions of this Rule 103 adopted and effective January 13, 1972; amended and effective May 10, 1973, 3 Pa.B. 921; renumbered from Supreme Court Rule 85 by Order dated March 15, 1972; amended and effective April 21, 1978, 8 Pa.B. 1271; amended October 10, 1979, effective October 20, 1979, 9 Pa.B. 3509; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 676; amended February 20, 2001, effective April 1, 2001, 31 Pa.B. 1319. Immediately preceding text appears at serial pages (260324) to (260326).

[Next page is 2-1.]