

Appeals from Certain Administrative Agencies

Rule *27 *Appeals from Zoning Hearing Boards*

- (a) Upon the filing of a praecipe for the entry of appearance and a declaration of position in which shall be set forth the side of the appeal to be supported, and extent of the participation and the nature of the interest involved, the following may also become parties to the appeal:
 - (1) the municipality; or
 - (2) the applicant before the Zoning Hearing Board or the municipality; or
 - (3) any property owner, whether real or equitable, whose land is the subject matter of the application.
- (b) Any other person desiring to become a party shall make written application to the Court in conformity with the provisions of the procedural rules relating to intervention.
- (c) No person may become a party more than 30 days after the filing of a zoning appeal except by leave of court upon cause shown.
- (d) Any party may move the Court to fix a date for a conference to determine the necessity for, the nature of, the extent to which, and manner in which, the record may require supplementation. At such conference the Court may, inter alia:
 - (1) approve a stipulated supplementation of the record; or
 - (2) fix a time for a de novo hearing before the Court; or
 - (3) appoint a referee for the purpose of conducting a hearing and reporting thereon to the Court (in which case the Court may direct the posting of security for the purpose of defraying the costs incident to such hearing, including the compensation of the referee); or
 - (4) remand the record to the Zoning Hearing Board; and
 - (5) direct the manner in which disposition shall be made of exceptions to the action of the Court or to the referee's report.
- (e) When the matter is listed for argument, all briefs shall comply with the provisions of Bucks County Rule of Civil Procedure 210(a). The appellant as the moving party, together with any other parties to the appeal, shall file briefs within 15 days after notice of the listing for argument. Reply briefs shall be filed in accordance with Bucks County Rule of Civil Procedure 210(d).

- (f) After final disposition of the appeal, and after the expiration of any applicable appeal period, the prothonotary shall return the record of the proceeding below to the fact-finder below.

Editor's note: Adopted November 26, 1967; amended October 24, 1988, effective December 19, 1988.

Rule *28 *Appeals from the Bucks County Board of Assessment and Revision of Taxes*

- (a) Appeals from orders of the Bucks County Board of Assessment and Revision of Taxes should be by petition which shall be in substantially the following form:

See Forms Index

- (b) The Petition shall contain inter alia the following information:
- (1) Identification and address of appellant.
 - (2) Date of filing appeal to Board of Assessment and amount of assessment originally fixed by the Board.
 - (3) The date of final decision of Board of Assessment and amount of assessment finally fixed by the Board.
 - (4) Reasons for appeal.
- (c) The appellant shall attach to the appeal Petition a proposed form of Court Order fixing, for record purposes only, a date and place for hearing. Said Order shall also contain substantially the following language:
- “The foregoing hearing date is fixed for record purposes only. Actual trial date is to be fixed subsequently pursuant to a request of a party or parties to this action.”
- (d) Within 20 days after the date of entry by the Court of the Order fixing the hearing date on the appeal, the appellant shall mail, by certified mail, a copy of the Petition and Order to the following: the Board of Assessment; the County Solicitor; the municipality in which the tax parcel is located; the school district in which the tax parcel is located; and the property owner. Within thirty days after the date of the Order of Court, the appellant shall file an affidavit of service with the prothonotary.
- (e) Any person or governmental agency upon whom a copy of the Petition and Order is required to be served under paragraph (d) hereof, may intervene in the appeal proceedings as a matter of right by filing with the prothonotary within twenty days after receipt of the copy of the Petition and Order, a praecipe directing

intervention either as an appellant or appellee. If such praecipe has not been filed by said person or governmental agency within the said 20-day period, intervention thereafter shall be governed by Pennsylvania Rules of Civil Procedure 2326 through 2350 inclusive.

Editor's note: Adopted May 13, 1968, to apply to all appeals filed after July 1, 1968.

Business of Courts

Rule *200 *Attorneys*

(a) *Rolls of Attorneys.*

There shall be two separate rolls of attorneys in Bucks County. One shall consist of attorneys presently admitted to the Bar of Bucks County and those hereafter admitted to the Bar of Bucks County in conformity with these rules. The second roll shall consist of those attorneys who, although not admitted to the Bar of Bucks County, have been authorized to practice therein by virtue of their compliance with Rule 200(c) hereinafter set forth. These respective rolls of attorneys shall be maintained in the Office of the Prothonotary and copies thereof shall be furnished to and maintained by the clerk of court, Criminal Division, and the clerk of court, Orphans' Court Division.

(b) *Requirements for Admission to the Bar of Bucks County.*

- (1) Admissions to the Bar of this Court are always at the discretion of the Court and will be allowed only on motion of a member of the Bar of this Court in good standing, made in open Court, after the applicant has complied with the requirements of this rule.
- (2) Every applicant for admission to the Bar of Bucks County shall present to the Court at the time when his admission is moved, and thereafter file with the Prothonotary:
 - (A) A certificate as provided in Pennsylvania Bar Admission Rule 232(a) that he is a member in good standing of the Bar of the Supreme Court of Pennsylvania, or a certificate of the State Board of Law Examiners (for which a photostatic copy may be substituted, for the Prothonotary's file, after production of the original) that he is entitled to be admitted to the Bar of the Supreme Court.
 - (B) His affidavit setting forth that he is a citizen of the United States, 21 or more years of age, and of good moral character; that he intends to practice law permanently in this County; that he now maintains, or, within one month after his admission, will open or establish and thereafter maintain within this County his principal office as his place of law practice; that he fully understands that his principal office shall be the place where he spends the greater part of his working hours, whether in the practice of law or otherwise, during the usual

business day, except while in military, public office or governmental employment; that his principal office shall remain in this County; and that he thereby agrees that his failure to continue to comply with said declaration in any respect shall authorize the Court to strike his name from the roll of attorneys admitted to the Bar of Bucks County.

- (C) The form of oath of office as attorney duly signed by the applicant.
- (3) The failure of any attorney to comply with any of the requirements of the foregoing affidavit shall be considered sufficient cause, after reasonable notice and opportunity to be heard, for the Court to strike his name from the roll of attorneys admitted to the Bar of Bucks County.

Editor's note: Rule 200 amended November 10, 1971. Existing Rule 200(f) to remain in full force and effect; all other parts of existing Rule 200 were abrogated, superseded and repealed, effective as of that date. 200(b)(2)(a) and (c) were amended January 26, 1983, effective immediately.

Rule 205.2(a) *Physical Characteristics of Pleadings and Other Legal Papers.*

- (1) Legal papers in civil proceedings shall be filed in the Office of the Prothonotary.
- (2) All legal papers requiring action by a judge shall be backed with a backer at least 8 ½ inches by 11 inches in size.
- (3) All legal papers shall contain in their caption the docket number of the action, including the numerical identifier of the assigned judge.

Editor's note: Promulgated September 1, 2004, effective immediately.

Rule 205.2(b) *Cover Sheets on Pleadings and Other Legal Papers*

Every initial filing commencing an action, appeal or miscellaneous application in the civil division of the Bucks County Court of Common Pleas shall be accompanied by an informational cover sheet in such form as may be prescribed by the Prothonotary. This cover sheet may collect such information as the names of parties and counsel, the nature of the matter being filed, the amount in controversy and such other miscellaneous information as may assist the Court in the administration of its dockets.

The failure to file this form or the failure to file the form correctly or completely may result in an order imposing sanctions.

Note: This form can be found online at www.buckscounty.org/departments/prothonotary/pdf/CivilCourt.pdf. Copies may also be obtained by calling the Office of the Prothonotary at 215 348-6191.

Editor's note: Promulgated September 1, 2004, effective immediately.

Rule 205.4 ***Electronic Filing and Service of Legal Papers***

- (a) (1) Any legal paper permitted to be filed under the Pennsylvania Rules of Civil Procedure may be filed electronically under the procedures set forth in this rule.
- (b) (1) All legal papers to be electronically filed shall be presented in portable document format (".pdf") as authorized by Pa.R.C.P. No. 205.4(b)(1).
- (b) (2) Legal papers may be submitted to the Prothonotary in a hard copy format. In that event, the Prothonotary shall electronically scan such legal paper into .pdf format and maintain it in that format. Any hard copies filed under this subsection will be retained by the Prothonotary.
- (c) (1) All legal papers that are filed electronically shall be filed through the Prothonotary's Electronic Filing System ("Electronic Filing System"). General access to the Electronic Filing System shall be provided through a link appearing on the Prothonotary's website, at www.buckscounty.org/government/rowofficers/prothonotary/index.aspx.
- (c) (2) Parties who are not attorneys shall register with the Electronic Filing System in order to file legal papers electronically. Registrants shall provide their name, mailing address, e-mail address, phone number, and other identifying information as required by the Office of the Prothonotary.
- (d) (1) The Prothonotary shall accept the following credit and debit cards for payment of all filing fees: Discover, MasterCard and Visa. The Prothonotary shall not accept advance deposit on account of future filing fees.
- (e) (Reserved)
- (f) (1) Upon receipt of an electronically filed legal paper, the Prothonotary shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice

that the legal paper was accepted for filing. If the legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor. All acknowledgements and notices under this subsection will be sent to the e-mail address provided by the filing party.

- (f) (2) The Prothonotary shall maintain an electronic copy of all legal papers filed. In addition, the Prothonotary shall maintain a hard copy of any legal papers filed under subsection (b)(2) hereof.

Editor's note: Final written approval for implementation of the Electronic Filing System as described within Bucks County Rule 205.4 shall be issued by the Court. Adopted July 31, 2013, effective thirty days after publication of the *Pennsylvania Bulletin*.

Rule 205.4(f)(3) *Signature.*

- (a) The electronic filing of legal papers by a filing attorney or party ("the filing party") utilizing the user name and password associated with the filing party by the Electronic Filing System shall be deemed the filing party's signature on the legal papers submitted and shall constitute a certification by the filing party:
- (i) that the original hard copy of the legal paper was properly signed, and where applicable, verified pursuant to Pa.R.C.P. No. 205.4(b)(3)(i), subject to the sanctions provided by Pa.R.C.P. No. 205.4(b)(5);
 - (ii) that the original hard copy of the legal paper is being maintained as provided by Pa.R.C.P. No. 205.4(b)(4), subject to the sanctions provided by Pa.R.C.P. No. 205.4(b)(5);
 - (iii) as provided by Pa.R.C.P. No. 1023.1(c) governing Signing of Documents, violation of which shall be subject, pursuant to Pa.R.C.P. No. 1023.1(d), to the sanctions provided by Pa.R.C.P. No. 1023.4; and
 - (iv) if the filing party is an attorney, of the filing party's right to practice in the Commonwealth and of authorization to file the legal paper, as provided in Pa.R.C.P. No. 205.1.
- (b) All legal papers submitted for filing using the Electronic Filing System must identify the filing party by name in a signature block placed at the conclusion of the legal paper. Legal papers which identify the filing party as a person other than the registered filer

under whose user name the legal paper is submitted will not be accepted for filing by the Prothonotary.

- (c) Verifications, affidavits and any other documents included in an electronically filed legal paper that are signed by a person other than the filing party shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.
- (d) Documents requiring the signatures of more than one party, including documents signed by more than one party in counter-parts (e.g., stipulations) shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.

Note: For signature requirements for legal papers submitted for filing via mail or hand delivery, see B.C.R.C.P. No. 1023.1(b)(1).

Editor's note: Adopted June 17, 2016. Effective upon publication on the UJS Web Portal.

Rule 206.3*(a) *Canon of Ethics—Affidavits to Pleadings*

No attorney holding the office of notary public or district justice shall take an affidavit to any pleading, petition or other paper in any suit or court proceeding in which he or anyone in his firm is counsel.

Editor's note: Former Rule 206*(a) renumbered as Rule 206.3*(a) October 13, 1998, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 206.4(c) *Rule to Show Cause. Alternative Procedures*

- (1) The Prothonotary shall forward every petition bearing a rule to show cause to the Court for review. At its discretion, the Court may issue a rule to show cause and forward a copy of same to the petitioner for service on all respondents.
- (2) A rule to show cause shall be served upon the respondents at least ten days prior to the return date, unless the Court shall specially authorize service within a shorter time. If for any reason satisfactory to the Court the petition and rule shall not have been served ten days before the return day, or the length of time specially authorized, the Court may extend the return day thereof on motion of any interested party.
- (3) A stay of proceedings, including a stay of execution, may be granted by the court in its discretion. If a stay of proceedings is required, the moving party shall schedule a conference with the assigned judge. Unless waived by the court, notice of the conference shall be provided to opposing counsel and any unrepresented

sented parties. The application for stay shall be presented at the conference.

- (4) (a) When a rule has issued and been properly served on all interested parties and a response is filed in opposition, the petition shall be submitted to and decided by the court pursuant to Bucks County Rule of Civil Procedure No. 208.3(b)
- (4) (b) When a rule has issued and been properly served on all interested parties and no response in opposition has been filed, the moving party may file a motion and order to make the rule absolute any time after the return date.

Editor's note: Promulgated September 1, 2004, effective immediately.

Rule 206.7*(e)-(g) *Answers to Petition—Affidavits—Replications—Time for Filing*

- *(e) At or before the time fixed for the return on the rule, the respondent may file an answer thereto. If the answer shall contain any denial of the allegations of fact in the petition, or statement of new facts by way of defense, it shall be verified by affidavit.
- *(f) On the filing of the answer the petitioner may, within 10 days after notice thereof, file a replication thereto.
- *(g) The Court may, by special order, extend the time for filing of the answer or replication.

Editor's note: Former Rules 208*(a), *(b) and (c) renumbered as Rules 206.7(e), *(f) and *(g), October 13, 1998, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 208.2(c) *Statement of Authority*

Where the authority for a motion is not self-evident, the motion shall cite a rule, statute or case which supports the requested relief and justifies the procedure utilized.

Editor's note: Promulgated September 1, 2004, effective immediately.

Rule 208.2(e) *Affidavit of Good Faith Efforts to Resolve Discovery Disputes Prior to Court Action*

- (1) Any motion filed in a Civil or Family Court action based on a party's failure to fulfill obligations in discovery shall have attached thereto an affidavit taken by the filing counsel or unrepresented party that:
- (a) certifies that filing counsel or unrepresented party has made "good faith efforts," *i.e.*, conferred or attempted to confer

- with all interested parties, in order to resolve the discovery dispute without Court action; and
- (b) alleges with specificity the date and manner in which such good faith efforts were made.
 - (2) Good faith efforts shall include at minimum an attempt to contact any interested parties by telephone, letter, and/or email, as appropriate. The required affidavit of good faith efforts shall have attached thereto documents evidencing such communication(s).
 - (3) No Court action will be taken on any motion which fails to attach the required affidavit, which shall be in substantially the following form:

See Forms Index

Editor's note: Promulgated July 2020, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 208.3(a) *Scheduling and Hearing of Motions*

- (1) When a motion has been filed, the Court may take the following actions:
 - (a) Issue a rule to show cause and forward a copy thereof to the movant for service upon all respondents;
 - (b) Schedule a hearing;
 - (c) Enter an order disposing of the motion.
- (2) When the Court issues a rule on a motion, it shall be governed by the provisions of Pa. R. C. P. Nos. 206.5 and 206.7. When appropriate, the Court may refuse to issue a rule. If proper service has been made and no response has been filed, the rule may be made absolute by filing a motion and order for same. When a response is filed in opposition, the motion shall be submitted to and decided by the court pursuant to Bucks County Rule of Civil Procedure No. 208.3(b).
- (3) Applications which are deemed to be an emergency by the assigned judge may be presented to the Court at a conference or hearing. Notice of the scheduling of such conference or hearing shall be transmitted to all counsel and unrepresented parties as directed by the assigned judge.
- (4) A rule to show cause shall be served upon the respondents at least ten days prior to the return date, unless the Court shall specially authorize service within a shorter time. If for any reason

satisfactory to the Court the petition and rule shall not have been served ten days before the return day, or the length of time specially authorized, the Court may extend the return day thereof on motion of any interested party.

Editor's note: Promulgated September 1, 2004, effective immediately.

Rule 208.3(b) *Alternative Procedures*

- (1) This rule shall govern disposition of:
 - (a) rules to show cause to which responses in opposition have been filed;
Note: See B.C.R.C.P. No. 208.3(a)(2) and 206.4(c)(4)(a).
 - (b) preliminary objections;
Note: See B.C.R.C.P. No. 1028(c).
 - (c) motions for judgment on the pleadings;
Note: See B.C.R.C.P. No. 1034(a).
 - (d) motions for summary judgment;
Note: See B.C.R.C.P. No. 1035.2(a).
 - (e) objections to written discovery requests; and
 - (f) such other miscellaneous applications as may be designated by the Court.
- (2) Subject to the requirements of Pa.R.C.P. No. 206.7, when the matter is at issue and ready for decision, the moving party on the application shall, by praecipe, order the same to be submitted for disposition pursuant to this rule. The praecipe shall be substantially in the form set forth in Bucks County Rule of Civil Procedure 208.3(b)(7).

No pleading requiring a response under Pa.R.C.P. 1026 shall be moved for disposition under this rule until the time for response has lapsed.

The following shall accompany the praecipe and pleading being submitted for disposition:

- (i) A proposed form of order;
- (ii) A brief or memorandum of law in support of each position taken with regard to the disposition of the matter; and
- (iii) A certificate establishing the date of service of the above documents on all counsel and unrepresented parties, and the addresses at which they were served.

Within ten days of the date of filing of the above praecipe and its accompanying documents, every party opposing the application of the moving party shall file a brief or memorandum of law with the clerk of the court, serving copies of same on all other parties. The Court, in its discretion, may extend the time for filing of briefs or memoranda of law.

- (3) If any party shall fail to file a brief or memorandum of law on any issue presented for disposition by the judge within the time provided by subsection (b) hereof, or within the time as extended by the Court, the Court, in its discretion, may consider that such party has abandoned his position with respect to such issue for disposition.
- (4) At the expiration of ten full days following the filing by the moving party of the praecipe mentioned in subsection (2) of this rule, the clerk shall forthwith deliver the whole record together with the file, the briefs or memoranda of law, to the judge to whom the case has been assigned.
- (5) Subject to the requirements of Pa.R.C.P. No. 206.7, any other party may by praecipe forward a matter to the Court for dismissal of the application at issue when the party who submitted it does not comply with the provisions of subsection (2) of this rule. Written notice of the intent to file under this subsection shall be given to the party whose application is at issue at least ten days prior to such submission, during which period of time the non-complying party shall have the opportunity to come into compliance with the requirements of subsection (2). An affidavit of service of such notice shall accompany the praecipe filed under this subsection. A proposed form of order shall also accompany the praecipe. For the purpose of Pa.R.C.P. No. 206.7, a party initiating action under this subsection shall be considered the petitioner.
- (6) Unless oral argument has been requested by the moving party in the praecipe, or by any other party within the 10-day period specified in subsection (2) hereof, the matter shall be disposed of by written order, forthwith or after such further proceedings including oral argument as may be required by the Court. If oral argument has been requested by a party or otherwise required by the Court, the Court may schedule the case for argument either by telephone conference, argument in chambers or in open Court within thirty (30) days of the filing of the praecipe. Disposition of the matter shall then proceed pursuant to the provisions of Bucks County Rule of Civil Procedure *210(a) and (b), the Court fixing

the time and order of filing of briefs. Argument before an en banc panel shall be at the sole discretion of the Court.

(7) The praecipe shall be substantially in the following form:

See Forms Index

Editor's note: Promulgated September 1, 2004, effective immediately.

EXPLANATORY COMMENT TO BUCKS COUNTY
RULE OF CIVIL PROCEDURE 208.3(b)

This comment is not meant to be comprehensive, but is to be used as a guide to implementing Rule 208.3(b).

Rule 208.3(b)(1)

Rule 208.3(b) is to be used for matters that must be decided on the merits by the Court. Routine matters, such as issuing a Rule to Show Cause or fixing a hearing date, are not subject to Rule 208.3(b).

1. *Applications at Issue [when to file a 208.3(b) Praecipe]*

The following applications are at issue when noted, and require the filing of a Rule 208.3(b) praecipe to bring them before the Court for disposition:

- a. Preliminary Objections may be at issue when filed if no material facts not of record are alleged.

Preliminary Objections not at issue when filed, i.e., those raising material issues of fact not of record, require a Notice to Plead. The Rule 208.3(b) praecipe may not be filed until the time for a response under Pa.R.C.P. No. 1028 has lapsed or a timely response has been filed.

Examples of Preliminary Objections not at issue at the time of filing:

- i. Those raising a question of jurisdiction or venue, or attacking the form of service of a writ or complaint [Pa.R.C.P. No. 1028(a)(1)];
- ii. Those raising the defense of lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action [Pa.R.C.P. No. 1028(a)(5)];

- iii. Those raising the pendency of a prior action or agreement for alternate dispute resolution [Pa.R.C.P. No. 1028(a)(6)].
- b. Motions for Judgment on the Pleadings are treated as at issue when filed. However, the moving party may wait for a response, then file a Rule 208.3(b) praecipe.
- c. Motions for Summary Judgment are not at issue until the 30-day response period provided by Pa.R.C.P. No. 1035.3(a) has lapsed. When that period has expired, the moving party may file a Rule 208.3(b) praecipe.
- d. Objections to written discovery are considered at issue when propounded. For the purposes of Rule 208.3(b), the objecting party is the moving party. The proponent of the discovery to which the objection is made is the non-moving party, and may therefore use Rule 208.3(b)(5) to expedite the matter. A copy of the discovery and responses must be attached by the party moving the objections for disposition under Rule 208.3(b).
- e. Other applications upon which the Court issues a Rule to Show Cause are at issue when a response opposing the application is filed.

2. *Rules to Show Cause*

If the nature of the application is such that the moving party is not entitled to relief as a matter of course, the application will proceed by Rule to Show Cause.

If after the entry of a Rule to Show Cause a response is filed opposing the relief requested by the moving party, the petitioner may proceed under Pa.R.C.P. No. 206.7 to take depositions. If after service of the Rule in accordance with B.C.R.C.P. No. 206.4(c)(2) no response opposing the relief requested by the moving party is filed by the rule returnable date, a Motion to Make Rule Absolute may be filed by the moving party.

Examples of applications requiring a Rule to Show Cause:

- Petition to Open/Strike Judgment
- Petition to Open/Strike Confessed Judgment
- Motion to Amend
- Motion to Consolidate
- Motion to Join Additional Defendant
- Motion to Appoint Neutral Arbitrator
- Petition to Reactivate Case Marked Terminated
- Motion to Withdraw as Counsel

- Motion for Judgment Non Pros
- Petition for Interpleader

Generally, applications that are not at issue when filed will require a Rule to Show Cause. Exceptions to this general rule are motions for hearing, discovery motions, and applications governed by the provisions of specific statutes and rules. Some examples of applications governed by specific statutes and rules are Petitions for Judicial Change of Name (54 Pa.C.S.A. §701), Petitions for Supplementary Relief in Aid of Execution (Pa.R.C.P. No. 3118) and Petitions for Court Approval of Transfer of Structured Settlement Rights (40 P.S. §4000 et seq.).

See Forms Index

3. *Discovery Motions*

- a. Motion for Protective Order – proceed by Rule to Show Cause
- b. Objections to Discovery – proceed to disposition under Rule 208.3(b)
- c. Motion to Compel – proceed under Pa.R.C.P. No. 4019(g)(1) and B.C.R.C.P. No. 4019(g)(1)*(a)
- d. Motion for Discovery Sanctions – proceed under Pa.R.C.P. No. 4019(g)(1) and B.C.R.C.P. No. 4019(g)(1)*(b)

Rule 208.3(b)(2)

Rule 208.3(b) is subject to Pa.R.C.P. No. 206.7 and B.C.R.C.P. No. 206.7*(e). A record should be made as to any material issues of fact pursuant to Pa.R.C.P. No. 206.7 and B.C.R.C.P. No. 206.7*(e) before the matter is moved for disposition under B.C.R.C.P. No. 208.3(b).

Rule 208.3(b)(5)

An application at issue may be moved for disposition by the Court under Rule 208.3(b) only by the moving party on the application, not by the non-moving party. A non-moving party who wishes to expedite a decision on an application at issue must do so in accordance with the procedure set forth in Rule 208.3(b)(5).

Rule 208.3(b)(7)

Unless the praecipe refers specifically to Rule 208.3(b) or 208.3(b)(5) (as the circumstance dictates), the application will not be docketed and treated as a matter for disposition under Rule 208.3(b) or 208.3(b)(5). Further, attaching a Rule 208.3(b) praecipe to an application when one is not required or appropriate will delay processing of the attached motion in the Prothonotary's office.

	Praecipe	Rule	Proposed Order ¹	Order for Hearing	Rule 4019 (g)(1)*(a) Order	Motion/Petition ²	Brief	Certificate of Service	Affidavit of Service ³
208.3(b) (when at issue)	X		X			X	X	X	
208.3(b)(5) (when at issue)	X		X						X
Rule to Show Cause		X				X		X	
Motion for Sanctions				X		X		X	
Motion to Compel					X	X		X	
Motion for Rule Absolute			X			X		X	
Motion for Reconsideration			X			X		X	
Stipulations			X						

¹ Motion/Petition and Proposed Order refer to the application submitted for disposition. Under most circumstances they will be filed prior to the filing of a Rule 208.3(b) praecipe. If they have been filed previously, they need not be refiled with the praecipe.

³ See Pa.R.C.P. No. 76 for the definition of "affidavit."

Rule 209*(c) *Petitions and Answers—
Facts Not Denied Taken To Be Admitted
[Rescinded October 13, 1998, effective
December 7, 1998.]*

Editor's note: Rescinded October 13, 1998, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 210 *Form and Content of Briefs and Argument Procedures*

(a) Counsel for the moving party, at the time he files the praecipe moving the case for disposition, shall deliver to the Prothonotary one copy of his brief. Copies of the briefs shall be served on all opposing counsel and any unrepresented parties. The briefs shall

address the enumerated matters in substantially the following format:

- (1) **History of the Case.** A brief, informal statement of the facts material to the matter under consideration, by the party having the burden of the issue. The opposing side may also include a history of the case in its brief.
 - (2) **How the Question is Raised.** Refer to such pleadings, motions, etc., as will show how the matter comes before the Court for decision.
 - (3) **Questions Involved.** A succinct statement in separate, numbered paragraphs of the legal questions to be decided by the Court.
 - (4) **Argument.** This may contain the parties' argument of the law and testimony involved and citations of material decisions. Every verbatim quotation from a decision shall be immediately followed by the citation giving both the page of the decision and the page of the quotation.
 - (5) **Conclusion.** The form of order of the court that the respective parties contend should be made.
- (b) A party other than the moving party may order a matter on the argument list after having given the moving party and all other parties two weeks' written notice of his intention to do so. The moving party shall file his briefs with the clerk of the appropriate division of the court and serve copies thereof on all opposing counsel and any unrepresented parties within one week after the filing of the praecipe placing the case on the argument list. The failure of the moving party to so file his briefs may render him liable to have the application for relief denied by the Court at the opening of the next argument session immediately following the placing of the case on the argument list and on the motion of the party ordering the case on the argument list. After receiving notice of intention to order the case on the argument list, the moving party may apply to the judge to whom the case has been assigned for additional time within which to file his brief.
- (c) Reply briefs shall be filed with the Prothonotary and counsel for all other parties no later than one week prior to the date fixed for argument and shall be the same in number as the moving party's brief.
- (d) The Prothonotary shall, upon receipt of all briefs, cause the same to be delivered to the court, but shall not docket them.

Editor's note: Promulgated September 1, 2004, effective immediately.

**Rule 210*(a)-*(e) *Form and Content of Briefs—Service—
Filing of Briefs—Delivery to Court
[Rescinded]***

Editor's note: As amended to June 2, 1972, effective July 1, 1972, further amended October 24, 1988, effective December 19, 1988; superceded by new Rule 210.

Rule 211*(a) *Oral Arguments*

At the discretion of the Court, argument may be held before a single judge in chambers or by telephone conference call. Public access must be provided to such argument sessions, but may be accomplished by the use of a telephone speaker. Telephone charges shall be billed directly to those parties or their counsel who do not participate in person.

Editor's note: Adopted October 24, 1988, effective December 19, 1988.

Rule 212.7 *Case Management Orders*

(a) Case Management Orders may be submitted for Court approval by agreement of all parties to a matter by filing with the Office of the Prothonotary. Such agreed Case Management Orders shall be substantially in the form approved by the Court and available at <http://buckscounty.org/Courts/DocketForms>. At a minimum, every agreed Case Management Order shall contain the following, subject to rejection from filing by the Office of the Prothonotary or the Office of the Court Administrator:

- (1) current contact information for all parties and counsel, including mailing address, telephone number, and email address;
- (2) the type of proceeding necessary, i.e., arbitration or trial;
- (3) the estimated amount of time, in days, necessary for such proceeding; and
- (4) the date on which the Office of the Court Administrator shall consider the matter ready for listing for arbitration or trial.

Note: This rule does not apply to cases requiring a date certain trial listing. A case management order in such cases will be entered only after a conference with the Office of the Court Administrator, Calendar, or other designated Court staff. See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for more information regarding date certain listing.

A specific date, i.e., month, date and year, on which the case will be considered ready for listing is required to be included in an agreed Case Management Order. A general, indefinite or contingent time frame, e.g., “30 days from the disposition of any motion for summary judgment,” is not acceptable and will subject the order to rejection by the Prothonotary or the Office of the Court Administrator.

- (b) Amendments to Case Management Orders are discouraged, but may be submitted by agreement of all parties and shall meet the minimum requirements of subsection (a) above.
- (c) In the case that the parties are unable to reach agreement as to the terms of a Case Management Order or an amendment thereof, any party may file a motion for a case management conference. Upon review of the motion and in the Court's discretion, a conference may be scheduled at which the sole issue before the Court shall be determination and entry of a Case Management Order.

Editor's note: Promulgated May 15, 2019, effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

Rule 212.8 Case Intervention Program

- (a) The Court will enter a Case Intervention Order on or about the date one year from the date of initial filing in all civil cases, excluding Family Court matters, which have not been:
- listed for trial or arbitration;
 - made subject to a Case Management Order; or
 - otherwise resolved of record.

Note: This rule does not apply to any action filed in the Criminal and Orphans' Court divisions. For the purpose of this rule, "Family Court matters" are actions before the Domestic Relations Section, including actions pursuant to the Protection from Abuse Act (Pa.R.C.P. No. 1901 et seq.), actions for Support (Pa.R.C.P. No. 1910.1 et seq.), actions for Custody (Pa.R.C.P. No. 1915.1 et seq.), and actions for Divorce (Pa.R.C.P. No. 1920.1 et seq.).

- (b) The Case Intervention Order will direct the parties, within seven months of entry of the order, to:
- (1) list the matter for trial or arbitration pursuant to B.C.R.C.P. No. *261;
 - (2) submit to the Court an agreed Case Management Order in a required form promulgated by the Court; or
 - (3) where the parties believe the case will require a date certain trial listing, take the appropriate steps for entry of a date certain Case Management Order.

Note: See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for information regarding date certain listing.

- (c) Should the parties fail to take one of the three actions enumerated by the Case Intervention Order within the given seven month time frame, the Court will enter a Case Management Order, sua sponte, which will authorize the Court Administrator to list the matter for trial or arbitration at any time after 22 months have passed from the date of initial filing.

- (d) Amendment of any Case Management Order entered sua sponte will not be ordered by the Court absent agreement of all parties or extraordinary circumstances.

Explanatory Comment: The purpose of this rule is to create a procedure whereby all civil cases will be either subject to a Case Management Order or eligible to be listed for arbitration or trial prior to the passage of two years from the date of initial filing.

An agreed Case Management Order form has been promulgated by the Court, and any agreed Case Management Order must comply in substance with that form. See B.C.R.C.P. No. 212.7, Case Management Orders, for further information.

Where the parties fail to list the matter for trial or arbitration, or to agree to the terms of a Case Management Order within seven months of entry of the Case Intervention Order, it is the Court's intent that the sua sponte Case Management Order will be final and binding. As such, except by agreement among all parties, any sua sponte Case Management Order will not be amended absent truly extraordinary circumstances. Discovery disputes, outstanding motions and attorney/witness availability will not be considered "extraordinary circumstances" for the purposes of this rule.

Editor's note: Promulgated May 15, 2019, effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

Rule 216*(F) *Application for Continuance*

Except in cases of emergency or circumstances which could not reasonably have been ascertained or know prior thereto, no application for continuance of the trial of any case appearing on the trial list prepared and distributed pursuant to Rules *263 or *265 shall be granted unless presented in writing to the court administrator at least one week prior to the commencement of such trial list. Each application shall set forth the specific grounds for the request and shall also expressly state, after appropriate actual inquiry of all other counsel of record, whether the application is opposed.

Editor's note: Renumbered from Rule 216(c)(1) and (2) on October 24, 1988, effective December 18, 1988.

Rule 220.1*1 *Civil Jury Selection*

Editor's note: Suspended January 26, 1994 until further order of the Supreme Court.

Rule 222*(a) *Attorneys as Witnesses*

Any attorney examined as a witness for a party he represents in a jury trial shall not be permitted to address the jury unless by leave of Court on cause shown.

Rule 223*(c)-*(g) *Conduct of Jury Trial*

- * (c) The time to be occupied in examining a witness and addressing the jury shall be regulated by the trial judge.
- * (d) The trial judge in his discretion may limit the number of witnesses whose testimony is similar or cumulative.
- * (e) In the interest of the public good, order or morals, the trial judge may regulate or exclude the public or persons not interested in the proceedings.
- * (f) At the trial of any cause, the party having the affirmative of the issue on the pleadings shall open the case, and counsel for the defendant, at his option, may make his opening address before any testimony is taken on behalf of the plaintiff. This order shall be reversed in making closing arguments to the jury, except in cases where the defendant offers no evidence.
- * (g) Not more than one attorney on each side will be permitted to examine or cross-examine a witness without leave of the Court.

Rule 227.1*(a) *Motions for Post-Trial Relief*

A copy of all motions for new trials, for judgment n.o.v., to take off non-suits and in arrest of judgment, together with the reasons therefor, shall be given to the trial judge, and to the official court reporter and the court administrator, and proof of such service shall be filed of record. The usual manner of documenting the fact of such service shall be by the endorsement of acceptances of service thereof by the trial judge and the official court reporter and the court administrator, respectively, noted upon the original motion before filing. Additional reasons in support of said motion may be filed within ten days after receipt of a copy of the stenographic transcript, and a copy thereof shall forthwith be served upon counsel of record for the adverse party or parties, or the adverse party himself if he has no counsel of record, and upon the trial judge. Unless the Court has directed that the trial record be transcribed at the cost of the County, each motion filed under this rule shall be accompanied by a deposit as required under Bucks County Rule of Civil Procedure 227.3*(c).

Editor's note: Renumbered from Rule 252(a) and amended October 24, 1988, effective December 18, 1988.

Rule 227.3*(a)-*(d) *Payment for Transcript*

- * (a) The party requesting a transcript of the records or any portion thereof in a motion for post-trial relief shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the

absence of agreement by the parties, shall in his/her discretion and to the extent this matter is not covered in the Pennsylvania Rules of Judicial Administration 4001 et seq., assign the cost of such additional transcribing to any or all parties or to the County.

- * (b) The designation of the portion of the record to be transcribed required by Pennsylvania Rule of Civil Procedure 227.3 shall include the date the trial started and the courtroom where the trial was held. A copy of this designation shall be submitted contemporaneously with the filing of the motion for post-trial relief to the court reporter or reporters who took the notes in designation.
- * (c) The party requesting the transcribing of the record or any part thereof shall pay a deposit in accordance with Bucks County Rule of Judicial Administration 4007(C), and certify that the same has been paid upon the designation notice aforesaid. Failure to pay the transcript deposit and to so certify on the designation notice may be a basis for refusal of the motions or dismissal of the exceptions for lack of a transcript.
- * (d) The official court reporter shall transcribe and file the stenographic transcript of the trial and furnish copies thereof to the parties at the cost of the County only when ordered to do so specially in each particular case by the trial judge, either by direction dictated upon the stenographic record of the trial, by endorsement on the filed motion aforesaid or by separate written order. If the trial judge shall refuse to enter such order upon request, any party aggrieved thereby may request the president judge to designate two other judges of this Court to constitute, with the trial judge, a Court en banc for the limited purpose of review of such refusal. The decision of the majority of the judges constituting such Court en banc shall be final on the question.

Editor's note: Rule 252(a) is amended and renumbered as Rule 227.3 and amended on October 24, 1988, effective December 18, 1988. Rule 227.3*(a) and *(c), are amended on July 2019, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule *241 *Attorney and Party Contact Information*

- (a) It is the sole responsibility of attorneys and unrepresented parties in matters before the Court to maintain current and accurate contact information with the Court. The term “contact information” shall include a valid mailing address and telephone number for the attorney or unrepresented party, and if the attorney or unrepresented party is a registered e-filer, it shall further include a valid email address for the party or attorney.

- (b) The failure of any attorney or unrepresented party to maintain current and accurate contact information with the Court may result in the attorney or unrepresented party failing to receive timely notice of Court orders, scheduled case events and other proceedings. Such failure will not be considered by the Court as an excuse for the attorney's or unrepresented party's failure to timely file responsive documents, appear for scheduled proceedings, or comply with Court orders.

Note: A form Praeceptum for Change of Address/Contact Information has been approved by the Court and is available at <http://buckscounty.org/government/RowOfficers/Prothonotary/Forms>. A valid email address must be provided when registering to use the Prothonotary's e-filing system, and may be updated as necessary using that system.

Editor's note: Promulgated May 15, 2019, effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

Rule *251 *Motions and Rules*

- (a) A motion or rule shall be in writing and a copy thereof shall be served as provided by Pa.R.C.P. 233. Unless obviously self-apparent, the statute, procedural rule or other authority for the motion or rule shall be cited in the supporting motion or petition.
- (b) A stay of proceedings may be allowed only by order of the Court, and shall not be allowed except after notice to counsel of record for the adverse party unless the Court in its discretion shall determine otherwise by reason of extraordinary circumstance.
- (c) If the relief sought depends entirely upon matters of record, a motion or rule may be entered as of course by filing with the prothonotary.
- (d) If the relief sought depends upon any matter not of record, the motion or rule shall be founded upon a petition. A rule to show cause thereon may be allowed only by the Court, unless otherwise provided by statute or rule of Court.
- (e) All averments in petitions on which rules to show cause have been granted may be taken as admitted for the purpose of the rule or citation unless an answer is filed thereto by the appropriate party.

Editor's note: Rule 251 amended June 2, 1972, effective July 1, 1972.

Note: Above mentioned Pa.R.C.P. 233 has been rescinded. For service of legal papers other than original process, see Pa.R.C.P. 440 and 441.

Rule *254 *Sessions of Jury Trials*

- (a) Except as provided in subsection (b), juries in those civil cases which are for trial by jury shall consist initially of eight members. Trial in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial shall be declared upon application by any party.
- (b) Trial by a jury of twelve members rather than eight may be had if demand therefor, either by endorsement on a pleading or by a separate writing, be made by any party not later than 20 days after service of the last permissible pleading.

See Forms Index

Editor's note: Rule 254 amended June 2, 1972, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *256 *Argument Courts*

- (a) Regular sessions of argument Courts shall be held at such times as may be designated on the Court calendar as published annually by the Court. Special or adjourned sessions thereof may be held at such other times as the Court may direct.
- (b) The argument list shall consist only of cases requiring action by a Court en banc placed thereon pursuant to Bucks County Civil Rules 210*(a) and *(c) or *266(f), and Bucks County Criminal Rule 1123*(g) and shall be published and circulated by the court administrator on the fifth Friday immediately preceding the date fixed for the commencement of the argument Court session.
- (c) Applications for continuance and other matters relating to such argument list shall be submitted to the court administrator.

Editor's note: Rule 256 as amended June 2, 1972, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *257 *Specially Fixed Trials and Arguments*

The Court, in its discretion, upon motion of any party in interest or upon its own motion, may by special order fix the trial of particular equity cases, or cases to be tried by the Court without a jury, or the argument of particular cases, at such times other than at the stated sessions' schedules therefor as may be required by the exigencies of the situation and the engagement of the Court; provided that at least 14 days' notice thereof shall be given to all parties or their counsel of record unless such notice be waived in writing.

Editor's note: Rule 257 as amended June 2, 1972, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *261 *Ordering Cases on Trial List*

- (a) All cases which under applicable rules are for trial by jury shall be ordered on the general trial list by praecipe. The praecipe shall state the Court and number of the case and the names of the parties and their attorneys, and shall contain an express certification by counsel that the case is at issue and ready for trial. Unless the praecipe shall contain such certification, the prothonotary shall refuse to accept the same or to place the case upon the general trial list. A conformed copy of such praecipe and certification shall be given to the court administrator, opposing counsel and unrepresented parties within 48 hours.
- (b) Before certifying a case as being ready for trial, counsel for the party intending such certification shall serve a certification notice upon opposing counsel and any unrepresented parties. The certification notice shall be in writing and shall indicate the intention to certify the case as being ready for trial and to order the same onto the general trial list. Within 15 days after the service thereof, the attorney or party receiving the certification notice shall state his intention to pursue discovery, if he so desires, by sending to all counsel and any unrepresented parties, a discovery notice. The discovery notice shall be in writing and shall designate the scope and nature of any intended discovery. All discovery shall be completed within 60 days of the transmittal of the discovery notice. Upon completion of discovery or the expiration of the 60-day discovery period, whichever shall first occur, or, if no discovery notice is transmitted, at the expiration of 15 days after service of the certification notice, any party may order the case on the general trial list. Thereafter, except for routine pretrial physical examinations or depositions to be used at trial in accordance with the provisions of Pennsylvania Rules of Civil Procedure 4020(a)(3) and 4020(a)(5), neither of which shall delay the trial of the case, no discovery shall be available to any party except by leave of Court upon cause shown. In any event, no discovery shall be allowed in appeals from awards of arbitrators or awards of viewers except by leave of Court upon cause shown. All applications for the allowance of additional time to initiate or complete discovery shall be made to and disposed of by the judge to whom the case has been assigned. Written notice of the intention to

make such application shall be given to all counsel and unrepresented parties.

See Forms Index

Editor's note: Amended October 24, 1988, effective December 18, 1988.

Rule *263 ***Preparation of Trial List***

Not less than four weeks prior to the first day of the appropriate trial session, the court administrator shall prepare and publish a trial list of those cases to be heard during such trial session. Except as otherwise may be directed by the judge to whom a particular case has been assigned, or as provided by applicable statute or rule of Court, cases shall be listed in the order of the filing of the trial praecipe. The publishing of the trial list shall be accomplished by mailing or other equally appropriate delivery of a copy thereof to each counsel of record, or to each party who has no counsel of record, with respect to all cases appearing thereon.

Editor's note: Rule 263 as amended June 2, 1977, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *264 ***Holidays***

Whenever any Monday fixed as a stated date for action by or before the Court shall be a holiday, then such stated date shall be deemed to be the next succeeding non-holiday.

Editor's note: Rule 264 as amended June 2, 1972, effective July 1, 1972.

Rule *265 ***Equity and Non-Jury Trial Lists***

- (a) All equity cases and all cases for trial by the Court without a jury shall be ordered on the equity trial list by praecipe which shall be subject to the same requirements and contain the same matters as provided in Rule 261.
- (b) Miscellaneous hearings in matters not at issue, or hearings not on the merits of an action, shall be fixed by order and motion stating the nature of the hearing requested.

Editor's note: Rule 265 as amended June 2, 1972, effective July 1, 1972; further amended December 31, 1981, effective immediately.

Rule *266 *Disposition of Motions, Rules, Preliminary Objections and Other Miscellaneous Applications [Rescinded September 1, 2004, effective immediately]*

Editor's note: Rescinded September 1, 2004, effective immediately.

Rule *275 *Money Paid Into Court*

- (a) Where it is appropriate that money be paid into Court, the Court on petition of any party or on its own motion may direct the same to be done. A petition for the payment of money into Court shall set forth the reasons for requesting such action and the exact amount to be paid. Notice of the presentation of such a petition shall be given in the manner set forth in these rules.
- (b) All money paid into Court to abide its order shall be deposited in such incorporated bank or trust company as the Court may designate, to the credit of the Court, in the particular case; and shall be drawn out only on order of the Court, attested by the prothonotary; provided that nothing herein shall be construed to prevent a disposition of the money by agreement of the parties. A copy of this rule must be inserted in the bank book in which the deposits are inscribed. Upon application of a party in interest, such money may, by special order of the Court, be deposited at interest, which shall be added to the fund on distribution.

Editor's note: Amended October 24, 1988, effective December 18, 1988.

Rule *280 *Bills of Costs*

- (a) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it, or his agent or attorney, that the witnesses' names were actually present in Court, and that, in his opinion, they were material witnesses.
- (b) Bills of costs for attendance of witnesses at Court, either at law or in equity, when a cause is continued, tried or marked not reached, must be filed within 10 days after the continuance, trial or failure to be reached, and a copy thereof served on the other party. In charging mileage for service of a subpoena, when two or more witnesses reside at the same place or in the same neighborhood, full mileage is not to be charged on each but full mileage to the nearest, and from that to the next, etc.

- (c) The party upon whom a bill of costs has been served may, within four days thereafter, file exceptions thereto, and require that it be taxed by the prothonotary. A failure to file exceptions, and serve a copy thereof upon the adverse party within the four days shall be deemed a waiver of all objections to the bill filed. When collected on execution, or paid into Court, the costs excepted to will be retained until the question is decided.
- (d) Where exceptions have been filed, either party may give the prothonotary and the adverse party 48 hours notice of the time and place for such taxation.
- (e) From the taxation by the prothonotary, either party may appeal to the Court within four days, and not thereafter, upon filing with his notice of appeal and serving upon the adverse party a specification of the items to which he excepts and the reasons therefor.
- (f) All other objections to claims for costs or to the recovery thereof by execution shall be made by rule to show cause.

Rule *285 *Legal Periodical; Service By Publication*

- (a) Except as otherwise provided by Act of Assembly, rule or special order of Court, service by publication shall be made by publication once in the *Bucks County Law Reporter* and in one newspaper of general circulation within the county, meeting the requirements of law, in such manner that the person so served shall have at least five days after the publication thereof to act thereon.
- (b) The *Bucks County Law Reporter* shall be the legal periodical for the publishing of legal advertisements required by law, rule or order of the Court. Every notice of advertisement required by law, rule or order of Court to be published in one or more newspapers published in the County of Bucks, unless dispensed with by special order of Court, shall also be published in the *Bucks County Law Reporter*. Whenever any notice including advertisements of judicial sales, writs, rules or orders whatever, shall be required by law, rule or order of the Court to be published in any newspaper in addition to the legal periodical, such additional publication shall be made in the newspaper or newspapers designated by the Court, by general rule or such special order as from time to time may be made. In all cases where no designation shall have been made or provided for by general rule or order of Court, the plaintiff in the action, or party procuring the rule or order, or his attorney of record, may endorse upon his praecipe, petition or motion the additional newspaper or newspapers in which he desires the

notice or advertisement to be inserted; whereupon, a special order designating the newspaper or newspapers named shall issue as of course; provided, that unless cause be shown, only newspapers of general circulation within the county and meeting the requirements of law shall be so designated. The defendant or other party to the proceeding adversely affected, or other creditors, may apply to the Court, or a judge in vacation, to change the additional newspaper or newspapers so selected for publication upon cause shown. The designation of such additional newspaper or newspapers made by the parties may be disregarded and the order changed by the Court, or a judge in vacation, upon application, or of its own motion.

Comment: Advertisements for publication in the *Bucks County Law Reporter* must conform to the following official forms:

See Forms Index

Editor's note: Amended October 24, 1988, effective December 18, 1988.

Note: Court Approval Required for Change of Name—Section 6 of Act 1982, Dec. 16, P.L. 1309, No. 295 provided as follows:

“Section 6.

(a) Any person desiring to change his or her name shall file a petition in the court of common pleas of the county in which he or she shall reside, setting forth such desire and intention and the reason therefor, together with the residence of petitioner, and his or her residence or residences for and during five years prior thereto. Where the petitioner is a married person, the other spouse may join as a party petitioner, in which event, upon compliance with the provisions of this section, said spouse shall also be entitled to the benefits hereof. The court shall, thereupon, enter an order directing that notice be given of the filing of said petition and of the day set for the hearing thereon, which hearing shall be not less than one month or more than three months after the filing of said petition, and said notice shall be:

“(1) Published in two newspapers of general circulation in said county or county contiguous thereto, one of which publications may be in the official paper for the publication of legal notices in said county.

“(2) Given to any nonpetitioning parent of a child whose name may be affected by the proceedings.

“(b) At the hearing of said petition, any person having lawful objection to the change of name may appear and be heard. If the court be satisfied after said hearing that there is no lawful objection to the granting of the prayer of said petition, a decree may be entered by said court changing the name as prayed for, if at said hearing the petitioner or petitioners shall present to the court proof of publication of said notice as required by the order, together with official searches of the proper offices of the county wherein petitioner or petitioners reside and of any other county wherein petitioner or petitioners may have resided within five years of the filing of his or her petition for change of name, or a certificate in lieu thereof given by a corporation authorized by law to make such searches, showing that there are no judgments or decrees of record or any other matter of like character against said petitioner or petitioners.

“(c) The provisions of this section are hereby declared to be procedural.”

Rule *286 *Notices; Service of Papers*

- (a) All notices shall be in writing.
- (b) A copy of every paper filed, excepting accounts, unless otherwise provided by law or the rules of Court, shall be promptly served on the opposing side, as hereinafter provided.
- (c) Except as otherwise provided by Act of Assembly, rule or special order of Court, whenever any process, paper or notice is required to be served upon a party, such service shall be made in accordance with the procedure set forth in Pa.R.C.P. 233 (now Pa.R.C.P. 440 and 441), except that in an action begun by *capias*, service may also be made upon his bail.

Editor's note: Amended October 24, 1988, effective December 18, 1988.

Note: Service of original process must be made through the Sheriff's office located on the first floor of the Courthouse. After filing a praecipe for service with the prothonotary, an order for Service is given to the clerk in the Sheriff's office. The Sheriff's fee must be paid at the time the order is presented and may be made by cash, certified check or attorney/firm check. Fees will vary depending on mileage (calculated as distance from the Courthouse) and the number of persons to be served. Attorneys are advised to contact the Sheriff's Department Office Manager for specific fee information. Failure to comply with the requirements of local rules regarding service of original process constitutes a failure to toll the statute of limitations. *Cahill v. Schults*, 643 A.2d 121 (Pa. Super. 1994) (interpreting Bucks County Procedure).

After the order for service is filed, the Sheriff's office has 30 days within which to attempt service. A Return of Service form will be mailed to the attorney listed on the order for service stating whether service was made, when and the time and money spent. If service was attempted, but not effected, the date(s) service was attempted along with a short explanation will be listed.

Information regarding return of service is available over the phone, as the actual return may take four to six weeks for processing. Attorneys are advised to wait at least 20 days before calling the Sheriff's Department Office Manager.—Court Administrator's Office, 1996.

See Forms Index

Rule *287 *Appeals to Supreme, Superior and
Commonwealth Courts—Duties of Attorneys*

In all direct appeals to the Supreme, Superior and Commonwealth Courts of Pennsylvania from orders or decrees of this Court, appellant's counsel shall, immediately upon taking the appeal, serve upon the judge of this Court from whose order or decree the appeal was taken, a concise statement of the matters complained of and intended to be argued on appeal, so that an appropriate opinion may be prepared.

Whenever an appeal is withdrawn by counsel, notice of such fact shall immediately be given to the judge from whose order or

decree the appeal was taken, and to the court reporter and the court administrator.

Editor's note: Adopted March 31, 1975, effective immediately; amended October 24, 1988, effective December 18, 1988.

Rule *300 *Filing Office [Rescinded September 1, 2004, effective immediately]*

Editor's note: Rescinded September 1, 2004, effective immediately.

Rule *301 *Backers [Rescinded September 1, 2004, effective immediately]*

Editor's note: Rescinded September 1, 2004, effective immediately.

Rule *302 *Docket Number [Rescinded September 1, 2004, effective immediately]*

Editor's note: Rescinded September 1, 2004, effective immediately.

Rule *400.1 *Regarding Service of Process [Rescinded September 1, 2004, effective immediately]*

Editor's note: Rescinded September 1, 2004, effective immediately.