

SUPREME COURT OF PENNSYLVANIA

In Re: Amendment of Rules 219(d)(2), (f), (h)(2), (j)(1) and (2), and (k) of PaRDE

Amendment of PaRDE Rule 219 · Decided November 18, 2019

SUMMARY

This per curiam document amends Rules 219(d)(2), (f), (h)(2), (j)(1) and (2), and (k) of the Pennsylvania Rules of Disciplinary Enforcement concerning annual attorney registration. The amendments address electronic and mailed payment methods, returned payments, collection fees, late penalties, administrative suspension, and inactive attorney status.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	November 18, 2019
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania amended provisions of Pennsylvania Rule of Disciplinary Enforcement 219 governing annual attorney registration, payment methods, late penalties, administrative suspension, and changes in attorney status.
PRECEDENTIAL VALUE	rulemaking order; not a conventional precedential merits opinion

TOPICS

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PRACTICE AREAS

[administrative law](#) [professional responsibility](#)

QUESTIONS PRESENTED

1. Whether Pennsylvania Rule of Disciplinary Enforcement 219 should be amended to revise the permitted methods of annual-fee payment and the consequences of unpaid or returned payments.
2. What registration, penalty, administrative-suspension, reinstatement, and inactive-status procedures apply under the amended Rule 219.

HOLDINGS

1. Rule 219(d)(2) was amended to permit annual fees to be paid electronically by credit or debit card through the Attorney Registration Office's online system or by check or money order drawn on a United States bank, with payment-related collection fees applying to unpaid or returned payments.
2. An attorney who fails to complete registration by the specified deadlines is subject to non-waivable late-payment penalties and, after continued noncompliance, administrative suspension under the amended Rule 219(f).
3. Under the amended Rule 219(h)(2), (j)(1) and (2), and (k), unpaid or returned payments require payment of an applicable collection fee and may result in return to administrative suspension or inactive status, as applicable.

KEY QUOTATIONS

“Payment of the annual fee shall be made in one of two ways”

“Any attorney who fails to complete registration by July 16 shall be automatically assessed a non-waivable late payment penalty established by the Board.”

“continued failure to comply with this rule shall be deemed a request to be administratively suspended.”

FACTUAL BACKGROUND

The rule governs annual registration and fee payments by attorneys subject to Pennsylvania's disciplinary-enforcement rules. The amendments replace references to returned checks with broader references to returned or unpaid payments and establish procedures for electronic filing, electronic or mailed payment, collection fees, late penalties, and administrative status changes.

PROCEDURAL HISTORY

The Supreme Court of Pennsylvania promulgated amendments to Rule 219(d)(2), (f), (h)(2), (j)(1) and (2), and (k). The text provided contains the amended rule provisions and does not identify a lower-court proceeding.

DISPOSITION

other

OPINION

PER CURIAM.

Rule 219. Annual registration of attorneys. *** (d) On or before July 1 of each year, all attorneys required by this rule to pay an annual fee shall electronically file with the Attorney Registration Office an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures: *** (2) Payment of the annual fee shall be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the

form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher.

IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the annual fee form, voucher or payment is incomplete or if a [check in] payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid.

The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for [checks] payment returned to the Board unpaid. *** (f) Any attorney who fails to complete registration by July 16 shall be automatically assessed a non-waivable late payment penalty established by the Board.

A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 1, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney.

The Chief Justice may delegate the processing and entry of orders under this subdivision to the Court Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If [a check in] payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full. *** (h) An attorney who has been administratively suspended pursuant to subdivision (f) for three years or less is not eligible to file the annual fee form electronically.

The procedure for reinstatement is as follows: *** Where [a check in] payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall also have been paid. *** (j) Inactive Status: *** (1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d), shall file the form through the online system identified in subdivision (a), and shall pay an annual fee of \$100.00 in the manner provided in subdivision (d)(2).

Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any [check in] payment that has been returned to the Board unpaid, and being placed on administrative suspension pursuant to and in accordance with the provisions of subdivision (f) of this rule.

(2) Administrative Change in Status from Inactive Status to Active Status: *** Where [a check in] payment of fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid. *** (k) Administrative Change in Status From Administrative Suspension to Inactive Status: *** Where [a check in] payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until 2 a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.