

**AMENDMENT TO  
INTERNAL OPERATING PROCEDURE 256(b)  
OF THE  
COMMONWEALTH COURT OF PENNSYLVANIA  
§ 256 Decisions; effect of disagreements**

The Commonwealth Court recently amended paragraph (b) of its Internal Operating Procedure §256.

§256 Decisions; effect of disagreements

...

(b) When there exists a vacancy or a recusal among the commissioned judges that results in an even number of commissioned judges voting on a circulating panel opinion or en banc opinion, and when the vote of all participating commissioned judges results in a tie, the opinion shall be filed as circulated. The opinion shall contain a footnote on the first page indicating that the opinion is filed pursuant to this paragraph. Unless there is a majority vote of the participating commissioned judges to publish, the opinion shall not be published.

April 17, 2006