

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations pursuant to 42 Pa.C.S. § 3502(a); No. 244; Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 23rd day of September, 2002, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The fees outlined in the Financial Regulations are effective as of January 1, 2003.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No.103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 17. GOVERNANCE OF THE SYSTEM

CHAPTER 35. BUDGET AND FINANCE

Subchapter A. GENERAL PROVISIONS

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S.

§ 3502(a), the following regulations are adopted to implement Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. Costs under 42 Pa.C.S.A. § 1725.1.

(a) *Civil cases.*—In calendar year 2003, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$38.50
(2) Actions involving more than \$500 but not more than \$2,000	\$51.50
(3) Actions involving more than \$2,000 but not more than \$4,000	\$64.50
(4) Actions involving more than \$4,000 but not more than \$8,000	\$96.50
(5) Landlord-tenant actions involving less than \$2,000	\$58.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$70.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000	\$96.50
(8) Order of execution	\$29.00
(9) Objection to levy	\$13.00
(10) Reinstatement of complaint	\$6.50
(11) Entering Transcript on Appeal or Certiorari	\$3.50

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(b) *Criminal cases.*—In calendar year 2003, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$37.00
(2) Summary conviction, motor vehicle cases, other than paragraph (3)	\$29.00
(3) Summary conviction, motor vehicle cases, hearing demanded	\$35.00
(4) Misdemeanor	\$42.00
(5) Felony	\$48.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2003, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$6.50
(2) Marrying each couple, making record thereof, and certificate to the parties	\$32.50
(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$13.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$13.00

(5) Any other issuance not otherwise provided in this subsection \$13.00

§ 29.403. Fines under 42 Pa.C.S. § 3571.

In calendar year 2003, Commonwealth portion of fines, etc.

* * * * *

- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$12.98
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$12.98
 - (iii) Summary conviction, motor vehicle cases, hearing demanded \$12.98
 - (iv) Misdemeanor \$16.80
 - (v) Felony \$25.87
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$16.05
 - (B) More than \$500 but not more than \$2,000 \$25.74
 - (C) More than \$2,000 but not more than \$4,000 \$38.70
 - (D) More than \$4,000 but not more than \$8,000 \$64.34
 - (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$25.78
 - (B) More than \$2,000 but not more than \$4,000 \$32.05
 - (C) More than \$4,000 but not more than \$8,000 \$45.04
 - (viii) Objection to levy \$6.50
 - (ix) Order of execution \$19.33
 - (x) Issuing a search warrant (except as provided in section 1725.1(d)(relating to costs)) \$9.10

[Pa.B. Doc. No. 02-1726. Filed for public inspection October 4, 2002, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 211]**

Promulgation of Consumer Price Index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 243; Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 23rd day of September, 2002, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain

and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2001 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

**TITLE 204. JUDICIAL SYSTEM
GENERAL PROVISIONS**

**PART VII. ADMINISTRATIVE OFFICE
OF PENNSYLVANIA COURTS**

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2001 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 243 Judicial Administrative Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2001 was 1.6% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOOAO, April 19, 2002.)

[Pa.B. Doc. No. 02-1727. Filed for public inspection October 4, 2002, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CH. 1]

Order Adopting New Rule 117; No. 284 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining new Rule of Criminal Procedure 117. This new rule prohibits the imposition of court fees against a defendant when a criminal proceeding is conducted using two-way simultaneous audio-visual communication. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 20th day of September, 2002, upon the recommendation of the Criminal Procedural Rules Committee, this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rule of Criminal Procedure 117 is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2003.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION
AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 117. Court Fees Prohibited For Two-Way Simultaneous Audio-Visual Communication.

When a criminal proceeding is conducted by using two-way simultaneous audio-visual communication, the court shall not impose a fee upon the defendant for its use.

Comment

This rule implements the March 13, 2002 Order of the Supreme Court of Pennsylvania (No. 241 Judicial Administration; Doc. No. 1) that states, "No fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology." See 32 Pa.B. 1642 (March 30, 2002). When a criminal proceeding is conducted using two-way simultaneous audio-visual communication, this rule precludes the imposition of fees upon a defendant for the use of the two-way simultaneous audio-visual communication. See, e.g., Rules 540 (Preliminary Arraignment) and 571 (Arraignment). Two-way simultaneous audio-visual communication is a type of advanced communication technology as defined in Rule 103 (Definitions).

A "fee" as used in this rule includes, but is not limited to, a cost, charge, surcharge, and service charge.

Official Note: New Rule 117 adopted September 20, 2002, effective January 1, 2003.

Committee Explanatory Reports:

Final Report explaining new Rule 117 published with the Court's Order at 32 Pa.B. 4815 (October 4, 2002).

FINAL REPORT¹

New Pa.R.Crim.P. 117

**COURT FEES PROHIBITED FOR TWO-WAY
SIMULTANEOUS AUDIO-VISUAL COMMUNICATION
IN CRIMINAL PROCEEDINGS**

On September 20, 2002, effective January 1, 2003, upon recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania adopted new Rule 117 (Court Fees Prohibited For Two-Way Simultaneous Audio-Visual Communication). The new rule makes it clear that when a criminal proceeding, such as a preliminary arraignment, is conducted by using two-way simultaneous audio-visual communication, the court shall not impose a fee upon the defendant for its use.

On March 13, 2002, the Supreme Court promulgated an Order stating, "No fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology." See 32 Pa.B. 1642 (March 30, 2002). Subsequently, the Committee received a directive from the Court to draft a proposal implementing the fee prohibition in the Criminal Rules. We recognized that the impetus for the Court's Order and directive to the Committee was the fact that as judicial districts instituted the use of advanced communication technology ("ACT"), many of them also began assessing fees against defendants when the criminal proceedings, such as preliminary arraignments, are conducted using two-way si-

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's Final Reports.

multaneous audio-visual communication. This led to questions about the propriety of such fees, as well as to the authority to assess these fees.

In developing our proposal, the members reviewed the recent changes to the Criminal Rules permitting the use of ACT in criminal proceedings. See Committee's Final Report, 32 Pa.B. 2591 (May 25, 2002). The primary reasons advanced for using ACT and two-way simultaneous audio-visual communication in criminal proceedings included, inter alia, that using the technology would be time saving, cost efficient, and convenient for the courts. However, the Committee, in developing the ACT proposal, never envisioned fees would be assessed against defendants for the use of two-way simultaneous audio-visual communication in criminal proceedings. The Committee had misgivings about such fees, particularly when defendants are not given the option to appear in person before the court for the proceeding, rather than proceed using ACT.

In developing a rule to implement the March 13, 2002 Order prohibiting these fees, the Committee expressed concern that a prohibition against fees when ACT is used could cause confusion. The Rule 103 definition of the new term "advanced communication technology,"² is broader than what the Committee believes is intended to be covered by a rule prohibition on fees in these cases. Accordingly, new Rule 117 provides when a criminal proceeding is conducted by using two-way simultaneous audio-visual communication, the court shall not impose a fee upon the defendant for its use. The Comment explains: 1) the new rule implements the Court's March 13, 2002 Order; 2) two-way simultaneous audio-visual communication is a form of advanced communication; and 3) the term "fee" includes costs, charges, surcharges, and service charges.

[Pa.B. Doc. No. 02-1728. Filed for public inspection October 4, 2002, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

**Rules of Judicial Administration; 5000-2(h) and
5000.7**

Order

And Now, this 13 day of September, 2002, upon consideration and analysis of information concerning ordinary and reasonable fees associated with transcribing of court work by court reporter systems and related personnel or any contractor, the following procedures and rates are hereby adopted:

1. Pursuant to Rule of Judicial Administration 5000.7, Fees for Transcripts, specifically 5000.7 (a) through (2)(e), in regard to where the Commonwealth or its sub-division is liable for the costs (also known as Public Ordered Transcript) all court reporter transcription shall strictly comply with these fees.

² Rule 103 defines the term "advanced communication technology" as "any communication equipment that is used a link between parties in physically separate locations, and includes, but is not limited to: systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail."

2. Pursuant to the provision of Rule of Judicial Administration, specifically 5000.7 (2)(f), the Court of Common Pleas hereby establishes the following schedule of transcript fees for any person, party or entity other than the Commonwealth, or one of its political subdivisions, not specified in Rule 5000.7, or other than Court Ordered Transcript known as Party Ordered Transcript.

- | | |
|--|-----------------|
| a. Original and first carbon (copy) | \$2.50 per page |
| b. Each additional carbon (copy) | \$1.75 per page |
| c. Expedited original and one carbon (copy) | \$3.75 per page |
| d. Additional carbon (copy) | \$2.55 per page |
| e. Daily original and one carbon (copy) | \$5.00 per page |
| f. Additional daily carbon (copy) | \$3.50 per page |
| g. Real time Reporting in addition to copies | \$1.00 per page |

3. The Court of Common Pleas will undertake a review and analysis of the fees for transcription that are within its jurisdiction every even numbered year following the effective date of this Order, and if the Court determines that modifications are necessary and justifiable, a new Order effective the first of January of the next odd numbered year will be established.

4. The Court may require that a report or listing of completed transcript work be provided to the District Court Administrator or designee, as prescribed, in addition to the formal request for transcription of Rules of Judicial Administration 5005.3(a)(3).

By the Court

R. BARRY MCANDREWS,
President Judge

[Pa.B. Doc. No. 02-1729. Filed for public inspection October 4, 2002, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rule of Civil Procedure L205.3 Filing Pleadings and Other Legal Papers with the Prothonotary, Originals and Copies; No. 95-2427

Administrative Order 13-2002

And Now, this 23rd day of September, 2002, in order to streamline the procedure and provide efficient and consistent filing procedures, it is hereby

Ordered and Decreed that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure L205.3 governing the procedure for Filing Pleadings and Other Legal Papers with the Prothonotary in regards to originals and copies.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule L205.3. Filing Pleadings and Other Legal Papers with the Prothonotary. Originals and Copies.

- (a) 1. The use of backers and/or toppers is prohibited.
2. Original pleadings shall be held together by paper clip or expandable spring-loaded clip.
3. Original pleadings shall not be highlighted by the use of colored markers. Highlighting of text can be done on the computer by bolding or using a different shape and size of font.
4. All documents shall be single-sided.
5. Paper size shall not exceed 8 1/2" x 11" and shall be on good quality paper.
6. Attachments smaller than 8 1/2" x 11" paper shall be attached to regular size paper by using scotch tape.
7. All exhibit tabs shall appear at the bottom of the pleading.
8. Pages must be consecutively numbered beginning with page 2 and said number shall appear in the upper right hand corner of the pleading.
9. All copies attached to the pleadings must be clear and legible.
10. A Civil Cover Sheet, in the form prescribed by Exhibit "C" of these Rules, shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office. The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must also be attached to service copies of the document commencing an action.

Court of Common Pleas of Carbon County Civil Cover Sheet		For Prothonotary's/Clerk's Use only (Docket Number)
A. PLAINTIFF'S NAME:		DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS:		DEFENDANT'S ADDRESS:
PLAINTIFF'S NAME:		DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS:		DEFENDANT'S ADDRESS:
TOTAL NUMBER OF PLAINTIFFS		TOTAL NUMBER OF DEFENDANTS
B. AMOUNT IN CONTROVERSY <input type="checkbox"/> \$25,000 or less <input type="checkbox"/> More than \$25,000 <input type="checkbox"/> Assessment of damages hearing required <input type="checkbox"/> Assessment of damages hearing not required	C. COMMENCEMENT OF ACTION <input type="checkbox"/> 1. Complaint <input type="checkbox"/> 2. Writ of Summons <input type="checkbox"/> 3. Notice of Appeal <input type="checkbox"/> 4. Petition Action	D. OTHER <input type="checkbox"/> 5. Arbitration <input type="checkbox"/> 10. Transfer from Other Jurisdiction <input type="checkbox"/> 6. Jury <input type="checkbox"/> 11. Minor's Compromise <input type="checkbox"/> 7. Non Jury <input type="checkbox"/> 12. Survival Action <input type="checkbox"/> 8. Class Action <input type="checkbox"/> 13. Wrongful Death Action (Involving minors) <input type="checkbox"/> 9. In-Forma Pauperis
E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS		
_____ FAST _____ STANDARD _____ COMPLEX If complex, state reasons:		
F. CODE AND CASE TYPE (See instructions)		G. CODE AND CASE SPECIFIC (See instructions)
H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions)		
I. RELATED PENDING CASES (List by Docket Number—Indicate whether the related cases have been consolidated)		
J. TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below.		
NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY		ADDRESS
PHONE NUMBER	SUPREME COURT IDENTIFICATION NUMBER	E-MAIL ADDRESS:
DATE: _____		SIGNATURE: _____

SEE INSTRUCTIONS ON NEXT PAGE

Instructions for Completing Civil Cover Sheet

Carbon Local Civil Rule 205.3 requires that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or Petition). The information requested is necessary to enable the Court to properly monitor, control and dispose of cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing the action. The attorney (or pro se party) filing a case shall complete the form as follows:

A. Parties

i. *Plaintiffs/Defendants*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on the Supplemental Parties Form. Husband and wife should be listed as separate parties.

ii. *Parties' Addresses*

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action. Of course, additional parties may be named later as a result of joinder or otherwise.

B. Amount in Controversy

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

C. Commencement of Action

Indicate type of document filed to initiate the action.

D. Other

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

E. Track Assignment—Court has final approval for all track assignments.

If you are requesting the Complex track, please indicate the reasons for your request.

F. Type of Action—Case Specific

Select and insert the applicable case type and code from the first two columns of the following list:

Code	Case Type	Code	Case Type	Code	Case Specific	Code	Case Specific
O	Adoption	9	Mandamus	020	Airplane/Aviation	007	Motor Veh. Accdt. >\$25,000
X	Assessment Appeal	M	Mental Health	001	Assault/Battery	037	Motor Veh. Accdt. <\$25,000
8	Aud./Fin. Reports	#	Miscellaneous	018	Class Action	009	Negotiable Instrument
A	Civil Action	F	Mortgage Foreclosure	015	Consumer Credit	002	Premises Liability
C	Custody	S	Municipal Appeal	019	Contract—Construction	027	Product Liability
1	Declaratory Judgment	7	Name Change	011	Contract—Sale of Goods	006	Property Damage (non-veh)
B	District Justice Appeal	%	Non-Profit Corporation	012	Contract—Other	013	Rent/Lease/Ejectment
D	Divorce	!	Tax Sale	030	Employment/Wrongful Disc.	039	Right to Know
W	Ejectment	PA	Partition	016	Fraud	024	Stockholder Suit
N	Eminent Dom./Dec. of Tak.	P	Protection from Abuse	025	Defamation	014	Title to Real Property
2	Eminent Domain/Pet. Viewers	R	Replevin	040	Indirect Criminal Contempt	023	Toxic Tort—Pers. Injury
E	Equity	Z	Termination—Involuntary	008	Insurance-Declar. Judgment	031	Toxic Waste/Environ.
H	Decedent's Estate	K	Termination—Voluntary	034	Malicious Prosecution		
G	Guardian/Minor	Q	Quiet Title	022	Malpractice		
I	Incapacity	V	Zoning Appeal	033	Mechanic's Lien		
L	License Suspension Appeal						

G. Code

Insert applicable code(s) from the above list.

H. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

I. Related Pending Cases

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature.

[Pa.B. Doc. No. 02-1730. Filed for public inspection October 4, 2002, 9:00 a.m.]