

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 1]

Order Amending Rule 125 of the Rules of Appellate Procedure; No. 256 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 13th day of November, 2015, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication in the interest of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 125 is amended in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 125. Electronic Filing.

Electronic filing of documents in the appellate courts shall be through the PACFile appellate court electronic filing system. Electronic filing of documents shall be governed by [**an Administrative Order**] **Administrative Orders** of the Supreme Court of Pennsylvania, which may be found at <http://ujportal.pacourts.us/refdocuments/judicialorder.pdf>.

* * * * *

[Pa.B. Doc. No. 15-2096. Filed for public inspection November 25, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989; 1556 MD 2015

Order

And Now, this 9th day of November 2015, Dauphin County Local Rule of Judicial Administration 1907 is promulgated as follows:

Rule 1907. Constables—Service of Summary Warrants.

a. A Constable shall only serve summary warrants that are issued by a Magisterial District Judge to that Constable.

b. The Constable shall be in possession of the hard copy of the warrant to initiate contact with the subject of the warrant. Public web portal docket sheets are not permitted to be used for warrant service.

c. Upon service of the warrant pursuant to Pa.R.Crim.P. 431(B), if the subject of the warrant only owes money and possesses the full amount owed, the Constable shall accept the money, issue a receipt and remit the money to the applicable Magisterial District Judge as soon as possible but no later than noon on the next business day. The Constable shall sign the warrant and submit the signed Constable Fee/Expense Reimbursement Request/Approval form to the Magisterial District Judge. The subject of the warrant shall not be taken into custody.

d. Upon service of the warrant pursuant to Pa.R.Crim.P. 431(B), if the subject of the warrant is taken into custody due to the inability to pay the full amount, the Constable shall transport the individual to the office of the Magisterial District Judge where the warrant was issued. The Constable may ask the Magisterial Judge's staff to check if the individual has any other outstanding warrants from other Magisterial District Judge's office(s) in Dauphin County. If there are outstanding warrants from other offices, the Constable may call the other office(s) and ask that office to fax a copy of the active warrant to the Constable at the office of the Magisterial District Judge. That office shall timely fax any outstanding warrants to the requesting Constable at the other Magisterial District Judge's Office. Additional warrants may, at the discretion of the Magisterial District Judge, be addressed at the same time as the warrant that brought the individual to the Magisterial District Judge's office. If these other warrants are addressed, the Constable shall go to the Magisterial District Judge's office(s) which holds the original of the faxed warrant(s) to sign the original warrant and the Constable Fee/Expense Reimbursement Request/Approval form(s). If the original of the faxed warrant(s) is not signed and the Constable Fee/Expense Reimbursement Request/Approval form(s) that are submitted are not properly signed, the Constable will not receive payment. If the Magisterial District Judge chooses not to address these additional warrants, the Constable shall transport the subject to the appropriate Magisterial District Judge's office for processing.

e. Upon receipt of the signed warrant and signed Constable Fee/Expense Reimbursement Request/Approval form, the Magisterial District Judge shall add the constable fees to the MDJS system and mark the warrant as served.

f. Constables shall make every attempt to serve warrants during non-Night Court hours. Absent extraordinary circumstances, Constables are discouraged from transporting an individual to the Dauphin County Booking Center since it is not the primary function of Night Court to process outstanding summary warrants. Extraordinary circumstances shall include, inter alia, circumstances where the Constable is unable to effectuate service of the summary warrant during normal business hours. The Constable must articulate reason(s) why the

arrest cannot wait until morning or could not be accomplished during non-Night Court hours.

g. If a Magisterial District Judge makes a judicial determination that the case is dismissed, that the individual is found to be indigent or the individual is jailed in lieu of payment, the Magisterial District Judge shall check the appropriate box on the Constable Fee/Expense Reimbursement Request/Approval form, verify to the extent possible that the information on the form is accurate and timely submit the form to the Controller of Dauphin County for payment.

These amendments shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 15-2097. Filed for public inspection November 25, 2015, 9:00 a.m.]

LEHIGH COUNTY

Clerk of Judicial Records Civil Division—Fee Increase; Case No. 2015-J-68

Order

And Now, this 21st day of October, 2015, upon consideration of the within Petition for Increased Fee Schedule presented by Lehigh County Clerk of Judicial Records, Andrea E. Naugle, and in accordance with Act 164 of 1998, the Prothonotary Fee Law.

It Is Ordered that the Lehigh County Clerk of Judicial Records—Civil Division Fee Schedule, which follows and is attached to the Petition as Exhibit “D,” is hereby approved and adopted, to be effective January 1, 2016.

It Is Further Ordered that the Court Administrator of Lehigh County is directed to:

1. File one (1) certified copy of this order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one disk copy 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. File one (1) certified copy with the Clerk of Judicial Records Civil Division of the Court of Common Pleas of Lehigh County.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

EDWARD D. REIBMAN,
President Judge

**Andrea E. Naugle, Lehigh County Clerk of
Judicial Records
Revised Civil Division Fee Schedule
Effective January 1, 2016**

(42 Pa.C.S. § 21071)
Act 98-164 Effective 1/21/99

Note: CTF = Children’s Trust Fund Fee Mandated by State Legislation

JCP = Judicial Computer Project Fee Mandated by State Legislation
Revisions: Act 126 of 2014—eff. 7/10/14, Act 113 of 2014—eff. 8/8/2014
PAF = Prothonotary Automation Fee Authorized by Act 98-164
LCE = Lehigh County E-filing created by Leh R.C.P. 205.3 effective 1/1/04

<i>Document Type</i>	<i>Fee</i>
Acknowledgment of Deeds	\$ 10.40
APPEALS	
Appeal of Appellate Court Plus check made payable to “Prothonotary of Superior/ Commonwealth Court” for \$85.50	\$82.25
Appeal from District Justice	\$170.25
Appeal from Arbitration *plus any add’l compensation authorized, but not to exceed 50% of the amount in controversy. Shall not be taxable as costs or be recoverable in any proceeding.	\$600.00*
Assignments/Substitution of Party	\$ 10.40
Building Agreements/Stip	\$ 21.00
CERTIFICATION	
Certification	\$ 6.00
Divorce Decree, Name Change	
Certification of Entire Record	\$ 21.00
COMMENCEMENT OF ACTION	
Action at Law or Equity (plus .50 extra for indexing more than 5 pltfs. or defts.)	\$170.25
Miscellaneous Civil Filing	\$ 75.90
Custody Actions	\$198.25
Modification of Custody (per petition)	\$ 28.00
Contempt of Custody (per petition)	\$ 28.00
Miscellaneous Custody Petitions	\$ 28.00
Petition for Relocation	\$ 28.00
Petition to Intervene	\$ 28.00
Petition for Special/Emerg. Relief Divorce—(No Fault)	\$ 28.00
Plus add’l counts	\$255.75
Alimony	\$ 68.25
Alimony pendente lite, counsel fees & costs	\$ 68.25
Custody & Visitation	\$ 76.25
Equitable Distribution/Property Rights Support	\$ 68.25
Other, each	\$ 68.25
Petition for Special/Emerg. Relief	\$ 28.00
Miscellaneous Divorce Petitions	\$ 28.00
Vital Statistics	\$.50
Praecepte To Transmit Record	\$ 32.75
Motion for Appointment of Master (Divorce, Alimony, Equitable Distribution & Annulment)	\$500.00
Motion for Appointment of Master (Interim Relief: Counsel Fees & Costs)	\$28.00
Motion for Appointment of Master (Modification of Post-Divorce Alimony)	\$ 28.00
Any action or proceeding to open/strike a judgment	\$149.25
Proceedings on any lien other than revival—(Mechanic’s Lien Complaint)	\$113.75
*Actions started by a political subdivision (Includes tax and surcharges)	\$ 66.40

<i>Document Type</i>	<i>Fee</i>	<i>Document Type</i>	<i>Fee</i>
COPIES		REVIVALS	
Photo copy per page	\$.25	Amicable/Agreement	\$ 19.25
Docket printout by mail	\$ 3.50	Adverse/Writ	\$ 32.75
Photo copying by clerk		Averments, suggestion of non-payment, (Continuing any lien not reduced to a judgment)	\$ 19.25
1st page by mail	\$ 1.00	Satisfactions—not prepaid	\$ 10.40
Each add'l page	\$.50	School Audits	\$ 10.40
Microfilm Copies	\$ 1.00	SUBPOENA	
JUDGMENTS		Subpoena—To Attend and Testify	\$ 4.00
Confession (notes, bonds, etc.)	\$ 75.75	Subpoena—To Produce Documents	\$ 4.00
District Justice Transcript	\$ 75.75	Surety Financial Statement	\$ 19.40
Certification of Judgment	\$ 75.75	WRITS	
Domestic Relations	\$ 75.75	Bench Warrant	\$ 21.00
Exemplification/Foreign Judgment (Incoming Exemplified Records)	\$ 75.75	Execution	\$ 32.75
Exemplification of Judgment (Outgoing Exemplified Records)	\$ 21.00	Attachment Execution	\$ 33.25
Liens	\$ 75.75	Writs (Seizure, Possession, and Habeas)	\$ 32.75
Default, Non-Pros, Demurrer, Lis Pendens	\$ 19.25	No personal checks will be accepted	
Verdict, Award, Court Order, Agreement & Final Decree	\$ 19.25	Business checks should be made payable to: CLERK OF JUDICIAL RECORDS—CIVIL DIVISION	
Release of Judgment	\$ 10.40	All checks returned for insufficient funds will be as- sessed a \$20.00 service charge.	
Reassess of Judgment	\$ 10.40	Pursuant to 42 P.S. § 21073(b), the Clerk of Judicial Records—Civil Division shall not be required to enter on the docket any suit, action or order of court or enter any judgment thereon or perform any service whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.	
Subordination of Judgment	\$ 10.40	*The maximum fee to be charged a political subdivision for any one of the services provided for herein shall be \$10.00. Total fee may include satisfaction/discontinuance, automation fees, JCS fee and Tax	
Withdraw of Judgment	\$ 10.40	*Actions started by a political subdivision includes tax and surcharges	
236 NOTICE Filed Electronically	\$ 5.25	<i>Note:</i> A Credit Card Fee will be charged by the credit card company for the use of a credit/debit cards.	
LETTER OF ATTORNEY		[Pa.B. Doc. No. 15-2098. Filed for public inspection November 25, 2015, 9:00 a.m.]	
Recording—each name	\$ 10.40		
Revoking—each name	\$ 10.40		
NOTARY PUBLIC			
Notarizing Fee	\$ 6.00		
Notary Certificate	\$ 4.00		
Notary Signature Registration	\$ 4.00		
*POLITICAL SUBDDIVISION			
Action at Law or Equity	\$ 66.40		
Appeal from District Justice	\$ 66.00		
District Justice Transcript	\$ 66.00		
Execution	\$ 10.00		
Judgment	\$ 10.00		
Liens with Satisfaction Fee	\$ 66.40		
1. Federal Liens (effective 2006)			
2. Mechanic Liens			
3. Municipal Liens			
4. State Liens (effective 2004)			
5. Unemployment Liens (effective 2006)			
Satisfaction not pre-paid	\$ 10.40		
Correction Notices	\$ 10.00		
1. Federal Liens			
Re-file Notice	\$ 10.00		
Suggestion of Non-payment	\$ 10.00		
Federal, State, Unemployment			
POUNDAGE			
(The handling fee of monies paid into court)			
4.5% on the first \$1,000 and 1.5% on each add'l \$1,000 or fraction thereof			
PROTECTION FROM ABUSE			
PFA filing	\$195.60		
PA State Police Registry	\$100.00		
PFA Contempt or Bench Warrant Removal or Transfer	\$ 21.00 \$ 25.50		
REPORTS			
Detailed Case Type Reports	\$ 25.50		

LEHIGH COUNTY

Establishing Uniform Rules Regarding Taking of Photographs, Video or Motion Pictures of Judicial Proceedings or in the Hearing Room, Court- room or Its Environs; No. 2015-J-0064

Administrative Order

And Now, this 30th day of September, 2015,

It Is Ordered:

1.) No sound recording, photograph, video recording or motion picture may be made or taken of any judicial proceeding or in any hearing room or courtroom, or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer.

2.) All electronic devices, including cell phones, tablets, laptops, and cameras, shall be powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer.

3.) No photograph, video recording or motion picture of any witness, juror or police officer connected to a pending judicial proceeding may be taken or made in the courtroom or in any building housing a courtroom or hearing room, whether or not the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer.

4.) The transmission of any conversation or testimony taken by any electronic means during any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer is strictly prohibited.

5.) Violation of this Order may constitute contempt of court and result in the confiscation of such device, the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months.

6.) The presiding judge; the presiding hearing officer; the Court Administrator; the designee of the presiding judge, the presiding hearing officer or the Court Administrator; including the courtroom staff of the presiding judge or the presiding hearing officer; and the Sheriff of Lehigh County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7.) Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Lehigh.

It Is Further Ordered that one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies and a CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and that one (1) certified copy shall be filed with the Criminal, Civil, Domestic Relations, Juvenile Court and Orphans' Court Rules Committees, which Committees have certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

By the Court

EDWARD D. REIBMAN,
President Judge

[Pa.B. Doc. No. 15-2099. Filed for public inspection November 25, 2015, 9:00 a.m.]

SUPREME COURT

Electronic Filing, Transmission and Remand of Records on Appeal; No. 450 Judicial Administration Doc.

Order

Per Curiam

And Now, this 13th day of November, 2015, the electronic filing, transmission and remand of records on appeal through the PACFile appellate court electronic filing system is hereby authorized, effective immediately. The applicable general rules of court and court policies that implement the rules shall continue to apply to the filing, transmission and remand of records on appeal regardless of whether a record is filed, transmitted or remanded electronically through the PACFile system. After experience is gained with electronic filing, transmission and remand of records on appeal, the Pennsylvania Rules of Appellate Procedure shall be amended to incorporate, where needed and as appropriate, procedures relating specifically to electronic filing, transmission and remand of records on appeal. In the interim, electronic filing, transmission and remand of records on appeal shall be governed by this Order and, to the extent there are differences between the procedures described in this Order and those prescribed by the Pennsylvania Rules of Appellate Procedure, the procedures described in this Order shall apply.

Electronic Filing, Transmission and Remand of Records

(A) The electronic filing, transmission or remand of a record through the PACFile system by a court or other government unit shall constitute the filing, transmission or remand of the record under the Pennsylvania Rules of Appellate Procedure.

(B) The filing, transmission or remand of a record through the PACFile system is effected when a court or other government unit utilizes the PACFile system to electronically file, transmit or give notice of the remand or remittal of the record to a court or other government unit.

(C) The date of the electronic filing, transmission or remand of a record through the PACFile system by a court or other government unit shall be noted on the docket of the filing, transmitting or remanding court or other government unit and on the docket of the receiving court or other government unit.

(D) Any documents or filings sealed in a court or other government unit may be electronically filed, transmitted or remanded through the PACFile system only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of the PACFile system who are authorized to view the sealed documents or filings. Documents filed in camera in a court or other government unit may not be electronically filed or transmitted through the PACFile system.

(E) The appellate courts shall retain control over electronic access to records electronically filed or transmitted through the PACFile system, and may exclude such electronic access in whole or in part.

(F) For the purposes of Pa.R.A.P. 1921, in any appeal in which the record is electronically filed or transmitted through the PACFile system, the documents and filings electronically filed or transmitted thereby shall constitute original papers and exhibits.

(G) Upon the electronic filing, transmission or remand of a record through the PACFile system, the record shall be considered to be in the possession of the receiving court or other government unit until the record is electronically filed in, or transmitted to another court or government unit, or notice of remand or remittal to another court or other government unit is given.

(H) If a Rule of Appellate Procedure or court policy requires that a court file, transmit, remand or remit a record to another court or other government unit, the filing, transmission or notice of remand or remittal to the receiving court or other government unit may also be effected through the PACFile system.

(I) If a Rule of Appellate Procedure or court policy requires that a court provide notice by mail of the filing, transmission, remand or remittal of a record (as, for example, in Pa.R.A.P. 1934), that court may instead provide electronic notice by means of the PACFile system to a registered user of the system.

(J) The procedures described in this Order apply in lieu of those prescribed by the Pennsylvania Rules of Appellate Procedure to the extent there are differences between the procedures; otherwise, the Rules of Appellate Procedure continue to apply with full force and effect.

[Pa.B. Doc. No. 15-2100. Filed for public inspection November 25, 2015, 9:00 a.m.]
