

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Judicial Salaries

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

§ 211.1a. Consumer Price Index—judicial salaries.

The Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2016, was 1.3 percent (1.3%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Thursday, November 17, 2016).

§ 211.2. Judicial salaries effective January 1, 2017.

The annual judicial salaries for calendar year beginning January 1, 2017 will be adjusted by a cost-of-living factor.

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$206,054.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$212,051.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$194,422.

(2) The annual salary of the President Judge of the Superior Court shall be \$200,416.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$194,422.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$200,416.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$178,868.

(2) The annual salary of the President Judges of the Court of Common Pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$181,866.

(ii) Philadelphia County, \$182,466.

(iii) Judicial districts having six or more judges, \$180,427.

(iv) Judicial districts having one to five judges, \$179,648.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$180,427.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$179,648.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$180,427.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$179,648.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$174,729.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$177,428.

(f) *Philadelphia Municipal Court—Traffic Division.*

(1) The annual salary of a judge of the Philadelphia Traffic Court shall be \$93,995.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$89,438.

(h) *Senior judges.* The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$553 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 16-2103. Filed for public inspection December 9, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Order Amending Rule 1920.72 of the Rules of Civil Procedure; No. 654 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 18th day of November, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1920.72 of the Pennsylvania Rules of Civil Procedure 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 on December 5, 2016.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).

* * * * *

(d) The affidavit required by § 3301(d) of the Divorce Code and [Rule] Pa.R.C.P. No. 1920.42(a)(2) shall be substantially in the following form:

(Caption)

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a [counteraffidavit] counter-affidavit within [twenty] 20 days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE

1. The parties to this action separated on [_____] and have continued to live separate and apart for a period of at least two years [insert date] .

2. Check (a) or (b):

[] (a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.

[] (b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.

[2.] 3. The marriage is irretrievably broken.

[3.] 4. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

[Plaintiff/Defendant] (PLAINTIFF) (DEFENDANT)

(e)(1) The counter-affidavit prescribed by [Rule 1920.42(d)(2)] Pa.R.C.P. No. 1920.42(d)(2) for a divorce under § 3301(c) of the Divorce Code shall be substantially in the following form [in a § 3301(c) divorce]:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer’s fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____ (PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The counter-affidavit prescribed by [Rule] § 3301(d) of the Divorce Code and Pa.R.C.P. No. 1920.42(d)(2) shall be substantially in the following form [in a § 3301(d) divorce]:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

[] (a) I do not oppose the entry of a divorce decree.

[] (b) I oppose the entry of a divorce decree because

[(Check (i), (ii), (iii) or all)]:

Check (i), (ii), (iii) or all:

[] (i) The parties to this action have not lived separate and apart for [a period of at least two years] the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.

[] (ii) The marriage is not irretrievably broken.

[] (iii) There are economic claims pending.

(2) Check (a), (b) or (c):

* * * * *

EXPLANATORY COMMENT—2016

Act 102 of 2016 (the Act) amended the Divorce Code by reducing the separation period required by § 3301(d) from two years to one year for parties separating after the Act’s effective date: December 5, 2016. The Act provides that the one-year separation period is only applicable to married persons separating after the effective date of the Act. However, the current two-year separation period remains applicable to married persons that separated prior to the effective date of the Act. As such, the current forms could not be amended merely by substituting one-year for two-year on the affidavit and counter-affidavit in Pa.R.C.P. No. 1920.72(d) and (e)(2), respectively. Instead, the current forms have been amended to delineate when the parties separated vis-à-vis the Act’s effective date. Therefore, a party alleging a date of separation prior to December 5, 2016, should proceed under a two-year separation period. A party alleging a date of separation on or after December 5, 2016 should proceed under a one-year separation period.

[Pa.B. Doc. No. 16-2104. Filed for public inspection December 9, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ARMSTRONG COUNTY

Adoption of New Local Court Rules; No. CP-03-AD-0000002-2016

Order of Court

And Now, this 16th day of November, 2016, it is hereby Ordered as follows:

1. The following rules are hereby *Adopted* as the Local Rules of Judicial Administration, effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*:

Rule 4001. Interpretation of Rules. Citations of Rules.

(A) These Local Rules of Judicial Administration pertaining to court reporting and transcripts shall be read in pari materia with the Pennsylvania Rules of Judicial Administration pertaining to the same subject matter.

(B) The Local Rules of Judicial Administration shall be cited as L.R.J.A. _____.

Rule 4002. Definitions.

Court Administrator means the court administrator of the Court of Common Pleas of the 33rd Judicial District sitting in Armstrong County.

Court reporter includes court recorder, unless indicated otherwise.

Rule 4004. Certification of Court Reporter. Duties of Court Administrator.

(A) The Court Administrator shall be responsible for making the determination of whether a court reporter first employed or utilized by the Court after January 1, 2017 meets the minimum criteria to serve in such capacity, as set forth in the Pennsylvania Rule of Judicial Administration. In the event that the minimum criteria are met, the Court Administrator shall approve the court reporter's use by the Court.

(B) The Court Administrator shall be responsible for presenting pertinent information to the President Judge sufficient so as to permit the judge to determine if the triennial or other requalification requirements for a court reporter, as set forth in the Pennsylvania Rules of Judicial Administration, have been satisfied.

Rule 4007. Requests for Transcripts. Payments.

(A) All requests for a transcripts shall be filed with the Court Administrator.

(B) Upon receipt of a request for an ordinary transcript, the Court Administrator shall forthwith instruct the appropriate court reporter to prepare a brief statement of estimated cost. In preparing such statement, the court reporter shall calculate the estimated cost by using the price rates explicitly established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto.

(C) A partial payment shall be made by the requester after the Court Administrator has informed the requester of the estimated cost. A partial payment in the amount of seventy-five percent (75%) of the estimated cost shall be made for an ordinary transcript. A partial payment in the amount of ninety per cent (90%) of the estimated cost

shall be made for all other transcripts. All checks shall be made payable to "County of Armstrong." All checks shall be delivered to the Court Administrator.

(D) The Court Administrator shall receive payment for any balance owed for the transcript. All checks shall be payable to "County of Armstrong." The Court Administrator shall deliver the transcript to the requester upon receipt of such payment.

(E) If a filing office (Office of the Prothonotary, Clerk of Courts, or the Clerk of the Orphans' Court Division) receives a request for a copy of a transcript already delivered to it by a court reporter, it shall forward the same to the Court Administrator. The Court Administrator shall proceed in accordance with this Rule. The filing office is prohibited from making a copy of a transcript, paperbound or otherwise.

(F) The provisions of this Local Rule regarding deposits and final payments shall not apply to a request for a transcript where the Commonwealth or any subdivision thereof is the requester, or where the requester has been given in forma pauperis status. Legal aid clients shall be entitled to obtain an ordinary transcript at no cost, provided that Laurel Legal Services, or any other legal aid agency representing the requester, must first provide the President Judge with a letter of certification verifying, as provided in R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

Rule 4008. Transcript Costs Payable by Requesting Party Other than the Commonwealth or a Subdivision Thereof.

(A) The transcript costs payable by a requesting party other than the Commonwealth or a subdivision thereof, shall be subject to the provisions of Paragraph (B) and (C) of this Rule, and shall be as follows:

(1) *Electronic Format:*

- (a) for an ordinary transcript, \$2.50 per page
- (b) for an expedited transcript, \$3.50 per page
- (c) for a daily transcript, \$4.50 per page
- (d) for same-day delivery, \$6.50 per page
- (e) for a realtime feed, \$1.00 per page
- (f) for complex litigation, \$3.00 per page
- (g) for rough drafts, \$1.00 per page

(2) *Paper Format:*

- (a) for an ordinary transcript, \$2.75 per page
- (b) for an expedited transcript, \$3.75 per page
- (c) for a daily transcript, \$4.75 per page
- (d) for same-day delivery, \$6.75 per page
- (e) for a realtime feed, \$1.00 per page
- (f) for complex litigation, \$3.25 per page
- (g) for rough drafts, \$1.25 per page

(B) The president judge may impose a reasonable surcharge in cases of unusually complex litigation, such as litigation where unusually complex expert testimony is received.

(C) A litigant who requests a transcript in a matter under appeal or where the transcript is necessary to advance the litigation, may seek a waiver or reduction of

the fees otherwise payable by simultaneously filing a petition to proceed in forma pauperis together with the request for a transcript. The petition shall be in the form prescribed by Pa.R.C.P. No. 240(h).

Rule 4009. Fees for Court Reporting Products.

The President Judge shall, from time to time, enter an order of court pertaining to the fees paid to court reporters for their work products. All such fees shall be reasonable.

Rule 4015. Ownership of Notes. Storage. Unauthorized Copying.

(A) Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by court reporting personnel to record or monitor a proceeding in or for a court as well as transcriptions thereof, are the exclusive property of the Thirty-third Judicial District, subject to the vested property interests of court reporters described by these rules. Court reporters must, on a daily basis, upload their notes to the Cloud for storage.

(B) The copying of any portion of a transcript or the copying of a copy of any portion of a transcript is prohibited except in accordance with the procedures set forth in these Local Rules of Judicial Administration. Any person who violates this provision shall be liable to the County of Armstrong for payment of the copied product. The Court may impose sanctions upon litigants who violate this provision. The Court may report any violation to appropriate disciplinary tribunals as a violation of an ethical obligation.

2. The current Local Rule of Judicial Administration 5000.13 is hereby *Repealed*.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 16-2105. Filed for public inspection December 9, 2016, 9:00 a.m.]

BRADFORD COUNTY

Local Rules of Judicial Administration; No. 2016IR0074

Order

And Now, this 29th day of November, 2016, it is hereby *Ordered and Decreed* that Bradford County Court of Common Pleas adopts the following Local Rules of Judicial Administration governing court reporting and transcripts for the 42nd Judicial District to be effective thirty (30) days after publication.

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

1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

MAUREEN T. BEIRNE,
President Judge

Local Rules of Judicial Administration

These rules supplement the Pennsylvania Rules of Judicial Administration and are implemented to comply with Pa.R.J.A. 4009.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from Bradford County Court Administrator's Office or on the county website when available.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the office in which the matter is filed, either the Prothonotary's Office or Register and Recorder's Office. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter or court recorder;
- (3) the district court administrator or his or her designee;
- (4) opposing counsel, but if not represented, the opposing party.

An affidavit of service shall be filed after service.

(C) Daily, expedited, same day and rough draft transcripts are not available.

(D) When a litigant requests a transcript:

(1) the litigant ordering a transcript shall make a deposit payment in the amount of 95% of the estimated total costs of the transcript. Deposit checks are to be payable to Bradford County and shall be delivered to the District Court Administrator.

(2) Upon receipt of the 95% deposit, the court reporter assigned to the proceeding shall be directed by Order of the presiding judge to prepare the transcript.

(3) The court reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks for the final balance due are to be made payable to Bradford County and shall be delivered to the District Court Administrator.

(4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(E) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must proceed pursuant to B.C.R.J.A. 4008(B).

(F) Deposits pursuant to B.C.R.J.A. 4007(D)(2) above shall not apply for requests for transcripts by the Court, the Commonwealth or the County.

Rule 4008. Transcript Costs.

(A) *Costs payable:*

(1) *Electronic Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court, for a transcript delivered via electronic format shall be \$2.25 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via electronic format shall be \$1.75.

(2) *Paper Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.50 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.00.

(B) *Economic hardship—minimum standards*

(1) See Pa.R.J.A. 4008(B)(1).

(2) See Pa.R.J.A. 4008(B)(2).

(3) See Pa.R.J.A. 4008(B)(3).

(4) Request to waive all or a portion of costs

(a) To request a waiver or reduction of transcript costs:

(i) Legal Aid Services must attach to their request for transcript a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(ii) Self-represented litigants claiming economic hardship must attach to the request for transcript (1) a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240 and (2) a letter of certification that the matter is under appeal and setting forth the reasons a transcript is needed for appeal or that the transcript being requested is necessary to advance the current litigation and set forth the reasons for such need.

(C) See Pa.R.J.A. 4008(C)

(D) *Copies of transcripts*—Any requests to the filing offices for copies of filed transcript shall be directed to the District Court Administrators office. Any copy of transcripts shall be produced solely by the court reporter or court recorder. The costs of copies shall be in accordance with Pa.R.J.A. 4008(D) and shall be paid in advance payable to Bradford County and delivered the District Court Administrator.

[Pa.B. Doc. No. 16-2106. Filed for public inspection December 9, 2016, 9:00 a.m.]

BUCKS COUNTY

Adult Probation and Parole Supervisors On-Call Pay; Amended Administrative Order No. 71

Order

And Now, this 22nd day of November, 2016, in order to permit the execution of the On-Call pay for Supervisors in the Adult Probation and Parole Department, it is hereby *Ordered* and *Decreed* that:

Supervisors on night and weekend standby duty will be paid a flat rate of five hundred (\$500.00) dollars for every seven-day on-call rotation.

Night and weekend standby duty will consist of Monday through Thursday from 5:00 p.m. to 8:00 a.m. and from 5:00 p.m. on Friday through 8:00 a.m. on Monday, including holidays.

This Order shall take effect January 2, 2017.

The current comp time practice will remain in effect through Sunday, January 1, 2017.

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 16-2107. Filed for public inspection December 9, 2016, 9:00 a.m.]

BUCKS COUNTY

Juvenile Probation and Parole Supervisors On-Call Pay; Amended Administrative Order No. 70

Order

And Now, this 22nd day of November, 2016, in order to permit the execution of the On-Call pay for Supervisors in the Juvenile Probation and Parole Department, it is hereby *Ordered* and *Decreed* that:

Supervisors on night and weekend standby duty will be paid a flat rate of five hundred (\$500.00) dollars for every seven-day on-call rotation.

Night and weekend standby duty will consist of Monday through Thursday from 5:00 p.m. to 8:00 a.m. and from 5:00 p.m. on Friday through 8:00 a.m. on Monday, including holidays.

This Order shall take effect on January 2, 2017.

The current comp time practice will remain in effect through Sunday, January 1, 2017.

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 16-2108. Filed for public inspection December 9, 2016, 9:00 a.m.]

LUZERNE COUNTY

Request to Increase Clerk of Court’s Fee Pursuant to 42 P.S. § 1725.4; No. 1528 MD 2016

Order

And now, this 28th day of November, 2016, upon consideration and review of the within Petition of Joan Hoggarth, Director of Judicial Services and Records of Luzerne County, to increase the Clerk of Court’s Fees pursuant to 42 Pa.C.S.A. § 1725.4, which authorizes the Clerk of Courts to increase fees consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three year period preceding the increase, the court takes Judicial Notice that the CPI increase is six percent (6%).

It is hereby *Ordered* and *Decreed* that the Clerk of Courts of Luzerne County is ordered to increase the fees by up to six percent (6%) effective January 1, 2017 as per the following proposed 2017 Clerk of Courts Fee Bill, which is marked as Exhibit “A”.

This Order shall be published on the Luzerne County website and the *Luzerne County Legal Register* and the *Pennsylvania Bulletin*. The original Order shall be filed with the Clerk of Courts.

By the Court

RICHARD M. HUGHES, III,
President Judge

EXHIBIT “A”

Luzerne County—Clerk of Courts Fees

Effective January 1, 2017

Appeal Processing for Clerk of Courts (\$58.50 + \$5.00 automation fee)	\$63.50
Appeal Processing for Superior Court	\$85.50
Appointment to Fill Vacancy of Office	\$17.50
ARD Dismissal Rule 319 (\$17.50 + \$5.00 automation fee).	\$22.50
Certifications	\$8.50
Civil Judgment Satisfaction (\$17.50 + \$5.00 automation fee).	\$22.50
Constable Deputy and Constable Bonds	\$17.50
Copies	\$.50
Detective License Applications (Incorporated)	\$425.50
Detective License Applications (Individual)	\$319.50
Expungements Rule 320 (\$17.50 + \$5.00 automation fee).	\$22.50
Expungement Fee under Pa.C.S. Section 1725.7 (Act 5)	\$132.00
Filing Petition & Order (17.50 + \$5.00 automation fee).	\$22.50
Filing of Orders/Motions (2nd Filing).	\$8.50
Filing of Resolutions/Ordinances	\$17.50
Filing of Tax Collector’s Bonds.	\$11.50
Liquor License Appeals.	\$23.50
Microfilm Copies.	\$1.50
Motion & Order (all nolle prose)	\$23.00
Poundage on Bail 3% on the first thousand, 1% on the balance.	
Processing all Misc. or Felony Cases During or After Trial.	\$145.50
Processing all Misc. or Felony Cases During or Before Trial	\$81.50
Record checks (per individual)	\$17.50
Short Certificate.	\$8.00
Subpoenas.	\$3.25
Summary Appeal (\$47.00 + \$5.00 automation fee).	\$52.00
Writ of Habeas Corpus Petitions (\$58.50 + \$5.00 automation fee)	\$63.50

[Pa.B. Doc. No. 16-2109. Filed for public inspection December 9, 2016, 9:00 a.m.]

MONTGOMERY COUNTY

**Adoption of Local Rule of Judicial Administration
4009*—Court Reporting and Transcripts—Fees
and Procedures; No. 2016-00004**

Order

And Now, this 21st day of November, 2016, the Court hereby adopts Montgomery County Local Rule of Judicial Administration 4009*—Court Reporting and Transcripts—Fees and Procedures. This Local Rule shall become effective on January 1, 2017.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A.103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Rule 4009. Court Reporting and Transcripts—Fees and Procedures.

(A) Fees—original transcript—requesting party

(1) The fees payable by the initial requesting party, other than the Commonwealth or a subdivision thereof, to the Court for a transcript in an electronic format shall be as follows:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page;
- (c) for a daily transcript, \$4.50 per page; and
- (d) for same day delivery, \$6.50 per page.

The above fee includes the original transcript, filed of record with the Court, 1 copy of the transcript for the presiding Judge (if requested) and 1 copy of the transcript to be provided to the initial requesting party.

(2) The fees payable by the Commonwealth or a subdivision thereof to the Court Reporter for a transcript in an electronic format shall be as follows:

- (a) for an ordinary transcript, \$2.00 per page;
- (b) for an expedited transcript, \$3.00 per page;
- (c) for a daily transcript, \$4.00 per page; and
- (d) for same day delivery, \$6.00 per page.

The above fee includes the original transcript, filed of record with the Court, 1 copy of the transcript for the presiding Judge (if requested) and 2 copies of the transcript, to be distributed pursuant to Court policy.

(3) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraphs (1) and (2) relating to electronic format plus a surcharge of \$0.25 per page.

(4) The fees received by the Court, in accordance with this section, shall, in turn, be paid to the Court Reporter.

(5) In economic hardship cases, in accordance with the provisions of section (G) of this Rule, the Court will

compensate the Court Reporter for any such waived or reduced fee not to exceed the Commonwealth rate noted in section (A)(2) herein.

(B) Fees—copies of transcript—requesting party

A request for a copy of any transcript, made contemporaneous with the creation of the transcript and prior to filing the transcript of record, in excess of any copies provided for in section (A) of this Rule, shall be provided according to the following schedule:

- (1) \$0.75 per page paper format; and
- (2) \$0.50 per page electronic copy.

The above fee shall be paid to the Court. The fee received by the Court, in accordance with this section, shall, in turn, be paid to the Court Reporter. For such contemporaneous requests, the fee herein, along with the initial requesting fee identified in Section (A) of this Rule, shall be divided equally among all requesting parties.

(C) Fees—copies of transcript—previously ordered, transcribed and filed of record

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (3) \$0.75 per page paper format; and
- (4) \$0.50 per page electronic copy.

The above fee shall be paid to and collected by the respective filing office. No portion of this fee is payable to the Court or the Court Reporter.

(D) Fees—additional costs

The trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge, in accordance with Court policy.

(E) Fees—secure electronic feed

The trial judge may impose a reasonable surcharge in cases involving a secure electronic feed during the proceeding. Such surcharge is at the discretion of the trial judge, in accordance with Court policy.

(F) Procedure for requesting a transcript

(1) All requests for transcripts shall be set forth on the standardized form available at www.montcopa.org/court.

(2) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Court Services Office. The requesting party shall also serve copies of the formal request to:

- (a) the judge presiding over the matter;
- (b) the court reporter; and
- (c) opposing counsel or the opposing party, if not represented.

(3) If a party is requesting daily, expedited or same day transcripts, or provisions for secure electronic feed, the request for such transcripts or service shall be filed with Court Services at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered as required by subsection (2). In the event of an emergency, a party may request by oral motion a daily, expedited or same day transcript.

(4) When a litigant (a requesting party or Commonwealth agency or subdivision thereof other than the Court) requests a transcript:

(a) The litigant shall make a deposit in the amount of 90% of the estimated cost of the transcript as provided by Court Services. This amount shall be paid by money order, certified check or check from an attorney made payable to the "County of Montgomery" and delivered to Court Services;

(b) The court reporter shall prepare the transcript upon direction of Court Services;

(c) The court reporter shall notify the ordering party and Court Services of the completion of the transcript and deliver a copy of the transcript to the presiding judge;

(d) Upon payment of the final balance owed, the court reporter shall deliver the original transcript to the appropriate filing office and copies to the requesting parties. The final amount shall be paid by money order, certified check or check from an attorney made payable to the County of Montgomery and delivered to Court Services.

(G) *Economic hardship*

(1) Pursuant to the guidelines identified in Pa.R.J.A. 4008(B), a request to waive or reduce transcript fees shall be noted on the transcript request form filed with Court Services. Litigants claiming economic hardship must attach to their transcript request form a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240, even if IFP status was previously granted on the case. All such requests will be forwarded to the Court for filing and determination.

(2) Litigants who have been approved for representation by Legal Aid Services are not required to further prove economic hardship pursuant to section (G)(1) above, however, they must provide Court Services with a letter of certification from Legal Aid Services that the litigant meets financial eligibility and that the matters is under appeal or that the transcript being requested is necessary to advance the current litigation.

[Pa.B. Doc. No. 16-2110. Filed for public inspection December 9, 2016, 9:00 a.m.]

SNYDER COUNTY

Judicial Administration; CP-55-AD-2-2016; Full Court-MC-39-2016

Order

And Now, this 17th day of November, 2016, the 17th Judicial District hereby adopts the Uniform Rules Governing Court Reporting and Transcripts (Rule 4001-et seq.) Local Rule of Judicial Administration 17CV4007 through 17CV4009 is adopted for use in Snyder County, Court of Common Pleas of the 17th Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The 17th Judicial District Court Administrator is Ordered and Directed to do the following:

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

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Forward one (1) certified copy of this Order and Rule to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Copies shall be kept continuously available for public inspection in the Office of the Snyder County Prothonotary.

By the Court

MICHAEL T. HUDOCK,
President Judge

Court Reporter Rules—Transcripts

17-CV4007—4009. Local Rule.

AND NOW, this 17th day of November 2016, the 17th Judicial District hereby adopts the Uniform Rules Governing Court Reporting and Transcripts (Rule 4001—4016 et seq).

The President Judge hereby appoints the District Court Administrator as designee for purposes of the administration of this local rule.

This rule shall not interfere with or otherwise limit the income of court reporters. Court reporters shall continue to be properly compensated for their professional services regarding the preparation of transcripts.

I. Procedures:

(A) *Format:*

Requests for transcripts shall be set forth on a standardized form provided by the Court Administrator of the Administrative Office of Pennsylvania Courts.

(B) *Requests for Transcripts:*

For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original transcript request form with the Prothonotary/Clerk of Courts Office.

(C) *Service:*

The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter(s) assigned to the proceeding
3. The District Court Administrator
4. Opposing counsel or party, if party is unrepresented

(D) *Filing:*

In courts where daily, expedited, same-day or rough draft transcripts are available, requests for transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding.

1. Copies of the written request shall be served as provided for by Section (C) supra.

2. In the event of an emergency, a party may request by oral motion a daily, expedited, same-day or rough draft transcript.

(E) *Private Litigant Requests:*

When a private litigant requests a transcript, the litigant ordering the transcript shall make payment in the amount of 90% of the estimated total cost of the transcript.

(F) *Payment of Costs:*

Deposit checks are to be made payable to appropriate Common Pleas Court Snyder County or Union County and shall be delivered to County Clerk of Courts/Prothonotary's office. A copy of the receipt will be provided to the District Court Administrator from the Clerk of Courts/Prothonotary's office.

(G) *Preparation of Transcripts:*

Upon receipt of the 90% deposit, the court reporter(s) assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

(H) *Notice of Completion:*

The court reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and shall deliver a copy of the transcript to the judge presiding over the matter.

(I) *Payment for Balance:*

Checks for the final balance are to be made payable to Snyder or Union County Court of Common Pleas and shall be delivered to the Clerk of Courts/Prothonotary's office at which time the filing office will confirm payment with the District Court Administrator.

(J) *Requirement of Signature of Presiding Judge:*

Upon payment of the balance owed, the court reporter(s) shall obtain the signature of the presiding judge (after the (5) five day lodging period) on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, if ordered pursuant to Section II(E) *infra*, copies shall be delivered to the parties.

(K) *Request by Litigant (Economic Hardship):*

1. When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Paragraph II(C) *infra*.

2. In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court.

3. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

II. *Rates:*

Transcript costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, shall be governed as follows:

(A) *Costs Payable:*

The costs payable by the initial ordering party for a transcript delivered via electronic format shall not exceed:

1. For an ordinary transcript, \$2.50 per page
2. For an expedited transcript, \$3.50 per page
3. For a daily transcript, \$4.50 per page
4. For same-day delivery, \$6.50 per page
5. For copies, \$0.25 per page
6. For complex litigation, \$4.50 per page Ex: medical malpractice
7. For Adoption hearings \$20.00

Transcript costs payable by the Commonwealth or a subdivision thereof shall be governed as follows:

1. For an ordinary transcript, \$1.50 per page
2. For an expedited transcript, \$2.50 per page
3. For a daily transcript, \$3.50 per page
4. For same-day delivery, \$5.50 per page
5. For copies, \$0.25 per page
6. For complex litigation, \$3.50 per page

(B) *Bound Paper Format:*

When the transcript is prepared in bound paper format, the costs shall be in accordance with Section II(A) *supra* relating to electronic format plus a surcharge of \$0.25 per page. Bound paper format copies shall not be delivered in condensed form.

(C) *Economic Hardship:*

1. Transcript costs for ordinary transcripts in matters under appeal or in which the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2. Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3. Transcript costs for ordinary transcripts in matters that are not subject to appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, same-day or rough draft transcripts may be waived at the Court's discretion for parties who qualify for economic hardship under Section II(C)(1) or II(C)(2) *supra* and upon good cause shown.

4. The application for waiver of all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

(D) *Assignment and Allocation of Transcript Costs:*

1. The requesting party, or the party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

2. When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(E) *Copies of transcripts:*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

1. \$0.75 per page bound, paper format; and
2. \$0.50 per page for an electronic copy, if available
3. \$0.25 per page for Commonwealth and subdivisions

All additional copies of transcripts shall be requested from and provided by the filing office, and this office will

be responsible for copying the transcript and receipt of the copy fees. Filing offices must inform District Court Administrator of copies of transcripts for statistical purposes only.

[Pa.B. Doc. No. 16-2111. Filed for public inspection December 9, 2016, 9:00 a.m.]

UNION COUNTY

Judicial Administration; No. 16-664 2016; CP-60-AD-3-2016

Order

And Now, this 17th day of November, 2016, the 17th Judicial District hereby adopts the Uniform Rules Governing Court Reporting and Transcripts (Rule 4001-et seq.) Local Rule of Judicial Administration 17CV4007 through 17CV4009 is adopted for use in Union County, Court of Common Pleas of the 17th Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The 17th Judicial District Court Administrator is Ordered and Directed to do the following:

- 1) File one (1) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.
- 2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3) Forward one (1) certified copy of this Order and Rule to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Copies shall be kept continuously available for public inspection in the Office of the Union County Prothonotary.

By the Court

MICHAEL T. HUDOCK,
President Judge

Court Reporter Rules—Transcripts

17-CV4007—4009. Local Rule.

AND NOW, this 17th day of November 2016, the 17th Judicial District hereby adopts the Uniform Rules Governing Court Reporting and Transcripts (Rule 4001—4016 et seq).

The President Judge hereby appoints the District Court Administrator as designee for purposes of the administration of this local rule.

This rule shall not interfere with or otherwise limit the income of court reporters. Court reporters shall continue to be properly compensated for their professional services regarding the preparation of transcripts.

I. Procedures:

(A) Format:

Requests for transcripts shall be set forth on a standardized form provided by the Court Administrator of the Administrative Office of Pennsylvania Courts.

(B) Requests for Transcripts:

For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall

file the original transcript request form with the Prothonotary/Clerk of Courts Office.

(C) Service:

The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter(s) assigned to the proceeding
3. The District Court Administrator
4. Opposing counsel or party, if party is unrepresented

(D) Filing:

In courts where daily, expedited, same-day or rough draft transcripts are available, requests for transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding.

1. Copies of the written request shall be served as provided for by Section (C) supra.

2. In the event of an emergency, a party may request by oral motion a daily, expedited, same-day or rough draft transcript.

(E) Private Litigant Requests:

When a private litigant requests a transcript, the litigant ordering the transcript shall make payment in the amount of 90% of the estimated total cost of the transcript.

(F) Payment of Costs:

Deposit checks are to be made payable to appropriate Common Pleas Court Snyder County or Union County and shall be delivered to County Clerk of Courts/Prothonotary's office. A copy of the receipt will be provided to the District Court Administrator from the Clerk of Courts/Prothonotary's office.

(G) Preparation of Transcripts:

Upon receipt of the 90% deposit, the court reporter(s) assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

(H) Notice of Completion:

The court reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and shall deliver a copy of the transcript to the judge presiding over the matter.

(I) Payment for Balance:

Checks for the final balance are to be made payable to Snyder or Union County Court of Common Pleas and shall be delivered to the Clerk of Courts/Prothonotary's office at which time the filing office will confirm payment with the District Court Administrator.

(J) Requirement of Signature of Presiding Judge:

Upon payment of the balance owed, the court reporter(s) shall obtain the signature of the presiding judge (after the (5) five day lodging period) on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, if ordered pursuant to Section II(E) infra, copies shall be delivered to the parties.

(K) Request by Litigant (Economic Hardship):

1. When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Paragraph II(C) infra.

2. In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court.

3. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

II. Rates:

Transcript costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, shall be governed as follows:

(A) Costs Payable:

The costs payable by the initial ordering party for a transcript delivered via electronic format shall not exceed:

1. For an ordinary transcript, \$2.50 per page
2. For an expedited transcript, \$3.50 per page
3. For a daily transcript, \$4.50 per page
4. For same-day delivery, \$6.50 per page
5. For copies, \$0.25 per page
6. For complex litigation, \$4.50 per page Ex: medical malpractice
7. For Adoption hearings \$20.00

Transcript costs payable by the Commonwealth or a subdivision thereof shall be governed as follows:

1. For an ordinary transcript, \$1.50 per page
2. For an expedited transcript, \$2.50 per page
3. For a daily transcript, \$3.50 per page
4. For same-day delivery, \$5.50 per page
5. For copies, \$0.25 per page
6. For complex litigation, \$3.50 per page

(B) Bound Paper Format:

When the transcript is prepared in bound paper format, the costs shall be in accordance with Section II(A) supra relating to electronic format plus a surcharge of \$0.25 per page. Bound paper format copies shall not be delivered in condensed form.

(C) Economic Hardship:

1. Transcript costs for ordinary transcripts in matters under appeal or in which the transcript is necessary to advance the litigation shall be waived for a litigant who

has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2. Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3. Transcript costs for ordinary transcripts in matters that are not subject to appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, same-day or rough draft transcripts may be waived at the Court's discretion for parties who qualify for economic hardship under Section II(C)(1) or II(C)(2) supra and upon good cause shown.

4. The application for waiver of all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure.

(D) Assignment and Allocation of Transcript Costs:

1. The requesting party, or the party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

2. When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(E) Copies of transcripts:

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

1. \$0.75 per page bound, paper format; and
2. \$0.50 per page for an electronic copy, if available
3. \$.0.25 per page for Commonwealth and subdivisions

All additional copies of transcripts shall be requested from and provided by the filing office, and this office will be responsible for copying the transcript and receipt of the copy fees. Filing offices must inform District Court Administrator of copies of transcripts for statistical purposes only.

[Pa.B. Doc. No. 16-2112. Filed for public inspection December 9, 2016, 9:00 a.m.]