

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 704 of the Rules of Judicial Administration; No. 471 Judicial Administration Doc.

Order

Per Curiam

And Now, this 5th day of December, 2016, it is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 704 of the Rules of Judicial Administration is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendments is found to be in the interests of justice and efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

SUPERVISION AND ASSIGNMENT OF JUDGES

Rule 704. Judicial leave.

(A) *Policy statement.* It is the policy of the Unified Judicial System that jurists are required to devote the necessary time and attention to their judicial duties. Absences due to a judge's illness or **physical or mental disability** shall not be abused and are subject to the review of the Supreme Court as part of the Court's constitutionally mandated responsibility to oversee the Unified Judicial System.

(B) *General rule.*

(1) *Initial report of illness or **physical or mental disability.*** Any judge who, because of **his or her** illness or physical or mental disability, is unable to substantially perform his or her duties for a period of fifteen (15) days or more within any thirty-day period shall provide a written report to the President Judge and to the Court Administrator [**of Pennsylvania**] **on a Rule 704 Report form supplied by the Administrative Office.**

(a) *Content of the report.* The report shall include a description of the nature of the illness or **physical or mental disability**, the **start date and** expected length of the absence, and a certification from the treating physician, psychiatrist, or psychologist [**of the judge's inability**] **explaining how the illness or physical or mental disability renders the judge unable to** substantially perform his or her duties.

(b) *Time for filing the report.* The report shall be submitted within ten (10) days of the date the judge becomes aware he or she will be absent for fifteen (15) days or more, but in any event no later than ten (10) days after the fifteenth day of the judge's absence.

(2) *Subsequent reporting of continuing illness or **physical or mental disability.*** If a judge is unable to substantially perform his or her duties for thirty additional days beyond an initial fifteen-day period, the judge shall file, within ten (10) days after the thirty-day period, an updated report, **on a Rule 704 Report form supplied by the Administrative Office**, containing the information required in (B)(1)(a), except that the healthcare professional's certification shall **also** state that the illness or **physical or mental disability** persists and provide a medical opinion as to the judge's anticipated return to service. Thereafter, the judge shall continue to file reports every thirty (30) days for as long as the illness or **physical or mental disability** persists.

(3) *Report of return to service.* **When a judge's illness or physical or mental disability no longer persists, the judge shall, within ten (10) days of returning to service, report to the President Judge and the Court Administrator that he or she is able to substantially perform his or her duties. If the judge will have any restrictions upon returning, he or she must submit a Rule 704 Report that includes a physician's explanation of how such restrictions may impact the judge's ability to substantially perform his or her duties.**

Official Note: If a President Judge is unable to substantially perform his or her duties, or returns to service, as described in subparagraph (B), the President Judge shall submit the required reports to the Court Administrator.

[(3)] (4) *Duties of President Judge.*

[(a)] **If a President Judge is unable to substantially perform his or her duties for a period of fifteen (15) days or more within any thirty-day period, the President Judge shall submit reports to the Court Administrator pursuant to (B)(1) and (2).**

(b)] (a) If a President Judge is aware of a judge who has been unable to substantially perform his or her duties for at least fifteen (15) days within any thirty-day period but has not filed a report as required by this Rule, the President Judge shall communicate by letter to the judge that a report must be submitted within ten (10) days of the date of the letter. A copy of that letter shall be provided to the Court Administrator. If no response is received from the judge, the Court Administrator shall report the lack of response to the Supreme Court for appropriate action.

If the illness or **physical or mental disability** is of such a nature that the judge cannot submit any of the reports required by this Rule, the President Judge shall make reasonable inquiry into the nature of the illness or **physical or mental disability** and report the findings to the Court Administrator, who shall inform the Supreme Court of those findings.

[(c)] (b) If a President Judge believes that a judge is suffering from [**a mental or physical disability**] **an illness or physical or mental disability** that renders him or her incapable of substantially performing his or her judicial duties, and that immediate action is warranted, the President Judge, after consultation with the Court Administrator, may place the judge on administrative leave. The Court Administrator shall promptly advise the Supreme Court of any placements on administrative leave.

[(d)] (c) When a President Judge is unable to substantially perform his or her duties, the Court Administrator shall perform the duties prescribed in [(B)(3)(b) and (c)] (B)(4)(a) and (b).

[(4)] (5) *Reporting to the Supreme Court.* The reports of any jurist who is unable to substantially perform his or her duties for a cumulative period of at least ninety days in any twelve-month period shall be forwarded by the Court Administrator to the Supreme Court for appropriate action.

[(5)] (6) *Request for Independent Examination.*

(a) A President Judge may request that a judge who is unable to substantially perform his or her duties submit to an independent physical, psychiatric, or psychological examination. Such request shall be made in writing to the Court Administrator and shall explain the reasons for an independent examination.

If the Court Administrator agrees that an independent examination is justified, the President Judge shall inform the judge of the name of the physician, psychiatrist, or psychologist who will conduct the examination, and the judge shall submit to the examination within thirty (30) days of receiving notice from the President Judge and must agree to waive confidentiality protections so that the President Judge, Court Administrator and Supreme Court can be provided with the results of the examination.

(b) The Court Administrator may direct a jurist who is unable to substantially perform his or her duties to submit to an independent examination. The Court Administrator shall inform the jurist of the name of the physician, psychiatrist, or psychologist who will conduct the examination, and the jurist shall submit to the examination within thirty (30) days of receiving notice from the Court Administrator and must agree to waive confidentiality protections so that the President Judge, Court Administrator and Supreme Court can be provided with the results of the examination.

(C) *Confidentiality.* Any reports submitted pursuant to this Rule shall be confidential and subject to disclosure only to necessary judicial, administrative or disciplinary personnel.

(D) *Definitions.* For the purposes of this Rule:

(1) *Day* means a calendar day.

(2) *Judge* means a judge of a court of common pleas, Philadelphia Municipal Court, [**Philadelphia Traffic Court,**] the Superior Court of Pennsylvania, the Commonwealth Court of Pennsylvania, or a magisterial district judge. **For purposes of this Rule, judge does not include a senior judge.**

(3) *Jurist* means both a judge and a President Judge.

(4) *President Judge* means the President Judge of a judicial district or, in the case of the Superior Court of Pennsylvania, the Commonwealth Court of Pennsylvania, or Philadelphia Municipal Court, [**or Philadelphia Traffic Court,**] the President Judge of the court.

(5) *Substantially perform* means to carry out on a full-time basis the essential and assigned responsibilities required of the judicial office.

Official Note: The time periods provided in the Rule are only the minimum periods of absence that trigger the reporting requirements of the Rule. A jurist may be unable to substantially perform his or her duties even if

he or she reports to work in excess of the time periods provided, which would also require the filing of the reports mandated by the Rule. The key to an assessment of substantial performance is whether the jurist is carrying out the assigned duties of his or her position to the same extent as other jurists in the same or comparable position. A judge may be presumed to be unable to substantially perform his or her duties if, for example, the judge has been unable to work more than three hours in a day for a total of fifteen (15) days in a thirty-day period.

[Pa.B. Doc. No. 16-2239. Filed for public inspection December 23, 2016, 9:00 a.m.]

[201 PA. CODE CH. 40]

Amendment of Rules 4001—4016 of the Rules of Judicial Administration; No. 466 Judicial Administration Doc.

Amended Order

Per Curiam

And Now, this 12th day of August, 2016, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 4001—4016 of the Pennsylvania Rules of Judicial Administration are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017, except in the First Judicial District and Fifth Judicial District, in which it shall be effective July 1, 2017. For the period from January 1, 2017 through July 1, 2017, the First Judicial District and Fifth Judicial District shall be governed by Pa.R.J.A. Nos. 5000.1—5000.13, which are rescinded as to all other judicial districts as of January 1, 2017.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 40. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule 4001. Scope of Rules [.] and Policy.

(A) These rules shall govern the making, preserving and transcribing of the record of proceedings [**before any trial court of record**] in the judicial districts within the Unified Judicial System.

(B) Because complete and verbatim notes of testimony and transcripts are integral to the official record of court proceedings, it is the policy of the Unified Judicial System to ensure that (1) qualified court reporting services are available in each judicial district and that court reporters are fairly compensated, (2) transcripts are timely produced and are affordable to all litigants, and (3) efficient technologies are employed to reduce litigation costs and conserve public resources.

Comment

These rules are promulgated pursuant to the administrative and supervisory authority granted to the Supreme Court by Article V, § 10 of the Pennsylvania Constitution. *See also* 42 Pa.C.S.A. § 1724(a)(10).

Pursuant to Order No. 466 Judicial Administration Docket (August 12, 2016), Pa.R.J.A. Nos. 4001—4016 shall become effective in the First Judicial District and the Fifth Judicial District on July 1, 2017. For the period from January 1, 2017 through July 1, 2017, the First Judicial District and Fifth Judicial District shall be governed by Pa.R.J.A. Nos. 5000.1—5000.13, which are rescinded as to all other judicial districts as of January 1, 2017.

Rule 4002. Definitions.

Condensed transcript means a miniaturized copy of the original transcript printed in such a way as to place more than one page of transcript on a single sheet of paper.

Court Administrator means the Court Administrator of Pennsylvania.

Court recorder means an individual employed, contracted or utilized by a court to record testimony by electronic means (audio or audio-visual).

Court reporter means an individual employed, contracted or utilized by a court to record testimony whether through use of a stenotype machine, stenomask equipment, written symbols, or otherwise.

Court reporter's dictionary is a computer file that matches a court reporter's steno strokes with English text. A court reporter's personal dictionary is an essential part of a computer aided transcription (CAT) system.

Court reporting personnel includes court reporters, court recorders, transcriptionists and any other personnel whether employed or contracted who make the court record for use in any Pennsylvania court.

Daily transcript means a transcript delivered within eighteen (18) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is a daily transcript only if it is in fact delivered within the above time limit.

Digital audio files are those files created by digital recording systems and saved in a format that allows storage and playback through computer applications.

District Court Administrator means the County Court Administrator.

Electronic transcript means an official transcript delivered in an electronic, non-paper medium.

Expedited transcript means a transcript delivered within seventy-two (72) hours of an official request, not including weekends or official court holidays. For the purposes of additional payment, a transcript is an expedited transcript only if it is in fact delivered within the above time limit.

Filing office refers to an office without regard to title that has the responsibility and function in each judicial district to maintain the official dockets and case files of the court.

[Financial institution account identifiers means financial institution account numbers, credit card numbers, debit card numbers, PINS or passwords to secure accounts, and other account identifying information.]

Notes of testimony means the official recording of an oral proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

Ordinary transcript means a transcript [ordered for delivery within the time limits set forth in Rule 4011] necessary for an appeal or to otherwise advance litigation and required under a time frame set by a Pennsylvania Rule of Court regarding the delivery of court transcripts or by court order. An example of a non-ordinary transcript is one requested by a litigant when no matters are open before the court or where the transcript is ordered by a third party.

President Judge means the president judge in each judicial district, his or her designee, or any judicial officer recognized by the Court Administrator as having administrative authority.

Rough draft transcript (computer diskette, hard paper copy, or electronically distributed) is an unedited and uncertified transcript that may contain untranslated or mistranslated stenotype symbols. This also includes notes that appear on paper, unedited electronic data, tapes or other media in the original state in which they existed when they were taken at the time of testimony.

Same day delivery means transcripts delivered within 6 hours of the close of the court session, divided by morning and afternoon with the line of demarcation being lunch or mid-day recess.

Transcript means a certified, written, verbatim record of a proceeding.

Transcriptionist means any person employed, contracted or utilized by a court to prepare a transcript of a proceeding from an electronic or other recording. A court recorder and a court reporter may also serve as a transcriptionist.

Rule 4003. Committee on Court Reporting and Transcripts.

(A) The Committee on Court Reporting and Transcripts shall consist of the following members appointed by the Supreme Court of Pennsylvania, one of whom shall be designated as Chair and one of whom shall be designated as Vice-Chair:

- (1) One representative of the Superior Court of Pennsylvania;
- (2) One representative of the Commonwealth Court of Pennsylvania;
- (3) Two president judges of the courts of common pleas chosen from among the judicial districts of the Commonwealth;
- (4) **Two members of the County Commissioners Association of Pennsylvania;**

[(4)] (5) The district court administrator of the Philadelphia County Court of Common Pleas;

[(5)] (6) The district court administrator of the Allegheny County Court of Common Pleas;

[(6)] (7) Two district court administrators chosen from among the judicial districts of the Commonwealth other than Philadelphia and Allegheny;

[(7)] (8) Two providers of court reporting services representing the various methods currently in usage within Pennsylvania; and

[(8)] (9) Two members of the Pennsylvania Bar.

(B) Initial appointments shall be for one-, two- or three-year terms, and these members may serve one

additional three-year term. Thereafter appointments shall be for three years and members shall serve no more than two consecutive three-year terms. A replacement appointee shall serve for the balance of the unexpired term.

(C) The Committee shall review current rules and practices, and, upon concurrence of the Court Administrator, recommend revisions to the Uniform Rules Governing Court Reporting and Transcripts as may be necessary to effectuate the policy of these rules.

(D) The Administrative Office shall provide staff support to the Committee.

Rule 4004. Qualifications [and Certification] of Court Reporters and Court Recorders.

(A) No person shall be employed or utilized by a court as a court reporter or court recorder unless **[certified] approved** by the president judge or his or her designee as meeting the minimum criteria set forth in subdivision (B)(1), (B)(2), or (C) except

(1) those persons already employed or utilized by a court at the time of the adoption of these rules or

(2) those court reporters who hold and maintain a professional certification.

(B) The minimum criteria for **[certification] qualification** of a court reporter, **for both stenographic and voice writing**, are the following:

(1) stenographic requirements: the court reporter is capable of recording proceedings at a 95% accuracy level at the following speeds:

(a) literary at 180 w.p.m.

(b) jury charge at 200 w.p.m.

(c) testimony and question and answer at 225 w.p.m.

(2) voice writing requirements: the court reporter is capable of recording proceedings at a 95% accuracy level at the following speeds:

(a) literary at 200 w.p.m.

(b) jury charge at 225 w.p.m.

(c) two-voice question and answer at 250 w.p.m.

(C) The minimum criteria for **[certification] qualification** of a court recorder are the following:

(1) full familiarity with the controls of the electronic audio or audio-visual equipment;

(2) adequate hearing acuity to assure a high quality recording;

(3) insistence on clarity of the recording;

(4) ability to quickly diagnose and correct routine malfunctions;

(5) proficiency in note taking; and

(6) understanding of courtroom procedures and vocabulary.

(D) All persons employed or utilized by a court as a court reporter or court recorder, including those employed or utilized prior to the adoption of these rules, shall be **[recertified] requalified** as meeting the above criteria at least every three (3) years.

(1) Court reporters shall be **[recertified] requalified every three (3) years** upon completion of thirty (30) hours of continuing professional education **[every three (3) years] which has been properly accredited**

or certified by the National Court Reporters Association. Proof of attendance shall be submitted to the president judge or his or her designee.

(2) Court recorders shall be **[recertified] requalified** every three (3) years. The president judge may rely upon reports of the district court administrator and the judicial district's judges and quasi-judicial officers to determine whether the requirements set forth in subdivision (C) are satisfactorily met. Those reports must be based on recent courtroom experience and a review of work products (e.g., lists, log notes, CD recordings) for accuracy, timeliness and quality.

(E) Any person who fails to meet the minimum criteria at the time of **[recertification] requalification** shall be given six months to comply. Anyone who fails to comply with this subdivision shall be prohibited from serving as a court reporter or court recorder.

[(F) The president judge shall verify annually to the Court Administrator compliance with this rule on forms developed by the Administrative Office.]

Rule 4005. Approval of Transcriptionists.

No person or organization shall be employed or utilized by a court as a transcriptionist unless approved by the president judge.

[Comment

The American Association of Electronic Reporters and Transcribers (AAERT) recommends the following criteria for transcriptionists: (a) scores at least 70% on an examination with a timed, 100-question, written examination on technical aspects of electronic reporting, courtroom procedures, and vocabulary; and (b) scores at least 98% accuracy on at least ten text pages produced during a half-hour AAERT-prepared audiotape in ASCII, Word, WordPerfect, or WordStar.]

Rule 4006. Employment and Duties of Court Reporting Personnel.

(A) The president judge or his or her designee shall select, appoint, and supervise court reporting personnel for the district. The number of court reporting personnel in any district shall be adequate to support the full and unrestricted operation of the courts.

(B) The president judge or his or her designee shall assign court reporting personnel in a manner as to

(1) cover all proceedings and timely produce all transcripts; and

(2) substantially equalize the workload of recording testimony, and of transcript production and generating fees.

(C) All court reporting personnel are officers of the court with a duty to comply with all court regulations and orders and to maintain the highest standards of professional and ethical conduct.

(D) No court reporting personnel shall work outside his or her official duties **[unless in full compliance with all rules regarding timeliness of transcripts] unless such work is permitted under the Code of Conduct For Employees of the Unified Judicial System (see Section VI (F)) and he or she is in substantial compliance with these rules regarding timeliness of transcripts as determined by the president judge.**

(E) [All court reporters using computer-aided transcription are required to submit to the president judge or his or her designee a copy of the reporter's dictionary upon employment or contractual engagement. An updated dictionary must be provided to the president judge or his or her designee at least quarterly.] All court reporters must ensure that the court will have access and the ability to obtain the notes of testimony and all other record proceedings of the court in the event of the inability, unavailability, or unwillingness of the court reporter to do so within the time frame established by these rules.

Comment

The Committee recommends that court reporters assure, in the event of unavailability or incapacity, that the court is able to access court reporter notes or work product so that all transcripts can be recovered. The Committee recommends that each court reporter should provide certification every 6 months that at a minimum, the court reporter has provided one of the following methods or mechanisms for recovering transcripts:

(1) contracting with an available scopist capable of translating the court reporter's notes;

(2) generating court reporter notes on a software program recognized by the court/district court administrator;

(3) providing the district court administrator with a current copy of the court reporter's dictionary; and/or

(4) providing translated steno notes in ASCII format.

(F) Court reporters, court recorders and transcriptionists shall file a monthly report with the district court administrator of all ordered or requested transcripts **for matters on appeal**, in chronological order indicating the date of each order or request, the case name and number, whether the transcript requires rapid completion (e.g., a Children's Fast Track appeal), the approximate length of the record to be transcribed, the status of the transcription, and the expected date of the filing of the transcript. A court reporter, court recorder or transcriptionist must coordinate **with** the district court administrator or his or her designee whenever courtroom coverage must be arranged in order to timely deliver the transcript.

(G) [The district court administrator shall prepare a summary statistical report of the number of transcripts requested, delivered and pending, as well as the age of all pending transcripts, which shall be forwarded to the Administrative Office quarterly on forms designed by the Court Administrator.] The president judge shall determine the internal procedure in his or her judicial district for tracking the timely fulfillment of all other requests and orders for transcript of court proceedings in matters not under appeal. It is the duty of each president judge or his or her designee to assure compliance with the timely delivery of all transcripts as required by these rules.

(H) The district court administrator shall prepare a summary statistical report of all cases under appeal including the number of transcripts requested, delivered and pending, as well as the age of all pending transcripts, which shall be forwarded

to the Administrative Office quarterly on forms designed by the Court Administrator.

[(H)] (I) All court reporting personnel and county administrative personnel are required to comply with all standing and special requests of the Administrative Office for information, including information on transcript cost and fee payments and data relative to transcript production, delivery, and delay.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(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 **district court administrator or other** appropriate filing office of the court. [Copies of the formal request shall be delivered] The requesting party shall also serve copies of the formal request to:

(1) the judge presiding over the matter;

(2) the court reporter, court recorder or transcriptionist;

(3) the district court administrator or his or her designee (if not filed with the district court administrator); and

(4) opposing counsel, but if not represented, the opposing party.

(C) In courts where daily, expedited, **same day** or rough draft transcripts are available, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(D) When a [private litigant who is responsible for the costs] litigant requests a transcript,

(1) the litigant ordering a transcript shall make partial payment [of the estimated cost of the transcript to the court's designee] in an amount established by local rule. Deposit checks are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.

(2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee.

(3) the court reporter, court recorder or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter. Checks for the final balance are to be made payable to the judicial district or county.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.

(E) 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 Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

[(E)] (F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript [upon receipt of the request] without the necessity of a deposit.

Comment

Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs is left to the discretion of the president judge and district court administration. Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript.

It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, the Committee recognizes that in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall remain the duty of the president judge and district court administrator to assure that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests.

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

(A) Costs

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for [an electronic] a transcript in an electronic format shall not exceed:

- (a) for an ordinary transcript, [\$2.25] \$2.50 per page;
- (b) for an expedited transcript, [\$3.25] \$3.50 per page; [and]
- (c) for a daily transcript, [\$4.25] \$4.50 per page [.]; and
- (d) for same day delivery, \$6.50 per page.

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

Comment

The rules encourage the use of electronic transcripts which will result in reduced costs for preparing and distributing transcripts. No-cost, user-friendly software is available for converting text files into PDF format (see Rule 4010(B)). Unlike paper transcripts, electronic transcripts can offer features such as keyword searches, copy and paste functions, and speedy transmission. Moreover, the ability to store transcripts and reporters' notes on disks and networks should greatly reduce the courts' storage costs. Electronic systems support the business trend of moving toward paperless operations and also respond to ecological concerns by reducing paper waste.

Many [judges] attorneys/litigants prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Rule 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcript on the sheet.

(B) Economic hardship—minimum standards

(1) Transcript costs for ordinary transcripts **in matters under appeal or where 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 [below] 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) [The court shall advise litigants of the procedure for requesting a waiver or reduction of costs.] Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive 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.

Comment

Transcript costs can be quite expensive. By establishing minimum standards, subdivision (B) is intended to ensure that costs do not effectively deny access to the court system to impoverished persons and persons of limited financial means when further proceedings necessitate a transcript. The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests.

Procedures for waiving or reducing transcripts costs must be published by the court and clearly communicated to litigants.

Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost.

(C) *Assignment and allocation of transcript costs*

(1) *Assignment of costs.* The requesting party, or 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) *Allocation of costs.* 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.

(D) *Copies of transcript*

[(1) An electronic copy of the transcript shall be provided without charge to all parties other than the requesting party. A paper copy may be purchased at the surcharge rate specified in Rule 4008(A)(2).

(2) The cost of copies prepared for the court or filing office are included in the costs set forth in Rule 4008(A) and shall not be charged to any party.

(3) The cost charged to the public for a copy of a transcript that has been filed of record shall not exceed \$0.25 per page.]

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 electronic copy.

Comment

[As no additional effort is needed to produce a copy of an electronic transcript, no copy charges may be levied upon the parties. With respect to a non-party (i.e., general public) request for a photocopy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D)(3) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.25 per page, regardless of the form or location in which the transcript is filed or stored. At this time, the rules do not require the sale of electronic transcripts to the public.]

With respect to a non-party (i.e., general public) request for a photocopy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored.

(E) *Additional Costs*

No transcript or related costs may be charged to the parties or the public other than those listed in subdivisions (A), (B) and (D) without the written approval of the

Court Administrator, **except that a judicial district may enact a local rule that permits a trial judge to 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.**

Comment

Pursuant to local rule, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device via cable, wifi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the court for such a connection.

(F) *Requests for Rate Increases*

The president judge of a judicial district may request an increase in the rates prescribed in subdivision (A) **or (D)** by submitting a written request to the Committee on Court Reporting and Transcripts. The request shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates and that the requested rates are reasonable. If the Committee approves the request by majority vote, it shall be forwarded to the Court Administrator for review. If the Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these rules take precedence.

Rule 4009. Fees [Payable to the Court Reporter or Transcriptionist by the Judicial District] and Procedures. Local Rule.

Each judicial district shall promulgate and publish a local rule establishing the fees to be paid **[to court reporters and transcriptionists for all court reporting products] for all court reporting products, and the procedure for requesting a transcript, and the procedure for requesting a full or partial fee waiver pursuant to Rule 4008(B).**

Official Note: For rules governing the promulgation of local rules, see Pa.R.J.A. No. **[103(c)] 103.**

[Comment

By local rule, each judicial district shall set forth a comprehensive schedule of fees to be paid to court reporting personnel for all transcript products. While the maximum costs that may be charged to litigants or the public is fixed by Rule 4008, and may not be exceeded, a judicial district has the discretion to pay court reporters and transcriptionists a differing amount. In sum, these rules provide that litigants pay the transcript costs to the court according to the statewide schedule set forth in Rule 4008. The court, in turn, pays transcript fees to the court reporting personnel according to the fee schedule set by the judicial district.

The fee schedule of a judicial district must specify the fees that court reporters and transcriptionists are paid for both transcripts requested by litigants and transcripts requested by the Commonwealth or a subdivision thereof. Therefore, at a minimum, the local rule required in Rule 4009 must include the fees payable to court reporters and transcriptionists for (1) private-party transcripts, (2) transcripts ordered by governmental entities, (3) indigency and economic hardship cases, and (4) accelerated delivery surcharges.]

Rule 4010. Format of Transcript.

(A) The format of paper transcripts shall be as follows:

[(1) *Size.* Paper size shall be 8 1/2 x 11 inches.

(2) *Paper.* Paper shall be opaque, white, archival quality paper, at least 13 pounds for both originals and copies.

(3) *Preprinted Marginal Lines.* Pages shall contain preprinted solid left and right marginal lines. Preprinted top and bottom marginal lines are optional.

(4) *Line Numbers.* Each page shall bear numbers indicating each line of transcription on the page.

(5) *Number of Lines per Page.* Each page shall contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations (e.g., page headers) shall not be considered part of the 25 lines of text.

(6) *Margins.* Typing shall begin on each page at the 1 3/4 inch left margin and continue to the 3/8 inch right margin.

(7) *Type Size.* The letter character size is to be 12 point with 10 letters to the inch. This type size provides for approximately 63 characters to each line. Courier 12 point type is recommended.

(8) *Spacing.* Lines of text shall be double spaced.

(9) *Indentations.*

(a) *Q and A.* All "Q" and "A" designations shall begin at the left margin. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

(b) *Colloquy.* Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

(c) *Quotations.* Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

(d) *Interruptions of Speech and Simultaneous Discussions.* Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.

(e) *Page Heading (also known as "Headers").* A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. Page headings shall appear above line 1 on the same line as the page number. This information shall not be counted as a line of transcript.

(f) *Parentheses.* Parenthetical notations shall be marked by parentheses. They shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback.]

(1) No fewer than 25 typed lines on standard 8-1/2 x 11 paper.

(2) No fewer than nine or 10 characters to the typed inch.

(3) Left-hand margin to be set at no more than 1-3/4 inches.

(4) Right-hand margin to be set at no more than 3/8 inch.

(5) Each question and answer to begin on a separate line.

(6) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text.

(7) Carry-over Q & A lines to begin at the left-hand margin.

(8) Colloquy material to begin no more than 15 spaces from the left-hand margin, with carry-over colloquy to the left-hand margin.

(9) Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin.

(10) Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin.

(B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through [(9)] (10) for paper transcripts and, in addition, shall be in PDF format with the following settings:

(1) *functions disabled:* content changes; and

(2) *functions enabled:* search, select, copy, paste and print.

Comment

Rule 4010 standards for both paper and electronic transcripts, which [**closely follow federal court standards**] follow the standards of the National Court Reporters Association, assure that all transcripts of proceedings before the Pennsylvania courts are formatted in the same way, whether prepared by official court reporters or transcriptionists, contract or per diem personnel, or by transcription companies.

Rule 4011. Deadline for Delivery of Transcript.

(A) [The] Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript [**within 30 calendar days of receiving**

notice to prepare the transcript as provided by Rule 4007, unless an accelerated timeframe is mandated by law] for those cases under appeal within 14 days of receiving notice from the district court administrator or the court's designee, as required by Pa.R.A.P. 1922(a). [The court reporter or transcriptionist, upon a showing of good cause to the president judge or his or her designee, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.]

(B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the district court administrator or the court's designee, as provided by Rule 4007, unless an accelerated time frame is mandated by court order, law or local rule.

(C) For requests made by a party required to post a deposit under Rule 4007, the 30-day period for delivery of the transcript shall not commence until the Rule 4007 deposit is received by the court. In those cases involving economic hardship under Rule 4008, the 30-day period for delivery of the transcript shall not commence until disposition of the application for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.

(D) The court reporter or transcriptionist, upon a showing of good cause to the president judge, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.

[(B)] (E) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.

Official Note: For rules governing children's fast track appeals, see Pa.R.A.P. 102 *et seq.*

(F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, in any event such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the President Judge.

Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such Rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these Rules take precedence.

Rule 4012. Sanctions for Delayed Transcript.

(A) The president judge may take disciplinary action [, including reassignment, reduction of fees, contempt of court, or decertification] against any court reporter, court recorder, or transcriptionist [who impedes the prompt administration of justice, whether by protracted delinquency in a single case or by engaging in a pattern of delinquency in a number of cases] where noncompliance with these Rules impedes the prompt administration of justice,

whether by protracted delinquency in a single case or by engaging in a pattern of delinquency in a number of cases.

[(B) The failure of a court reporter or transcriptionist to complete the notes within the time imposed by these rules or by court order, which delays transmission of the complete record to the appellate court, interferes with the reviewing court's proceedings. The appellate court may enter an order to compel the preparation, filing and transmission of the notes and may take disciplinary action including contempt of court or reduction of fees.

(C) A district court administrator or his or her designee may cause a transcript to be prepared by another court reporter or transcriptionist from notes in the event of the inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

(D)] (B) The Court Administrator shall notify the Supreme Court of Pennsylvania of instances of unreasonable delay in preparing transcripts. The Court Administrator may recommend imposition of sanctions, including [decertification] disqualification of individual court reporters or transcriptionists.

[(E)] (C) The president judge shall ensure that the number, proficiency and organization of court reporting personnel in any district are adequate to support the full and unrestricted operation of the courts. When transcript delay is caused by an insufficient supply of qualified court reporters or other staff resources, or inefficient management of the court reporting operation, the Supreme Court may direct the president judge to take immediate corrective actions.

Rule 4013. Certification of Transcript.

Court reporting personnel who take the notes, record or transcribe a proceeding shall certify that the transcript of proceedings is true and correct and meets the format specifications established by the Supreme Court of Pennsylvania in Rule 4010. When more than one person was engaged in the production of the transcript, each shall certify as to his or her contribution.

Rule 4014. Redaction of Personal Data Identifiers.

(A) On its own motion, or upon motion of any party, the court may order the court reporter or transcriptionist preparing the transcript to redact [the following personal data identifiers:] confidential, personal and/or financial data and other identifiers.

- [(1) Social Security numbers;
- (2) financial institution account identifiers;
- (3) dates of birth;
- (4) names of minor children;
- (5) home addresses and telephone numbers; and
- (6) other identifiers as privacy and security may require.]

(B) Information that is redacted shall, unless otherwise directed by the court, appear in transcripts that are provided to the court and to the parties, but not in any transcript filed in the appropriate filing office or provided to any other requestor.

Rule 4015. Ownership of Notes.

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 any transcriptions thereof, are the exclusive property of the judicial district.

Comment

Nothing in these rules prohibits someone who has lawfully obtained a transcript from making a copy.

The ownership of court reporting software and equipment, when purchased by the court reporter, shall remain the property of the court reporter, unless the terms of employment with the district court provide otherwise.

Rule 4016. Storage and Retention.

(A) Each judicial district shall make provision for the archiving, storage and retention of transcribed and untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools or dictionaries necessary for proper transcription.

(B) Notes of testimony and other materials specified in subdivision (A) shall be retained in compliance with the *Record Retention and Disposition Schedule with Guidelines* adopted by the Supreme Court.

Comment

Each judicial district is responsible for the preservation of the transcript production materials listed in Rule 4016(A) in a form that guarantees their accuracy, authenticity, and accessibility. These materials must be protected from loss arising from personnel turnover in the court, environmental hazards, or unsecured access.

[Exhibits admitted into evidence are part of the court record and must be maintained with the official court record in the appropriate filing office. Excluded here are drugs, weapons, and other dangerous materials kept in secure locations by law enforcement for production on appeal or for a new trial, or pending forfeiture or destruction order of the court. Original materials shall not be maintained in the personal files of court reporting personnel.]

[Pa.B. Doc. No. 16-2240. Filed for public inspection December 23, 2016, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 31]

Pennsylvania Continuing Judicial Education; No.
719 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 9th day of December, 2016, a continuing judicial education program is hereby established on the following terms:

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 31. CONTINUING JUDICIAL EDUCATION PROGRAM

Sec.	
31.1.	Overview.
31.2.	General.
31.3.	Continuing Judicial Education Board of Judges.
31.4.	Minimum Continuing Judicial Education Requirements.
31.5.	Waivers, Extensions and Deferrals.
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31.10.	Accreditation of a Single Course or CJE Activity by a Provider.
31.11.	Reporting.
31.12.	Compliance.
31.13.	Confidentiality.

§ 31.1. Overview.

(a) *General Requirement.* As of January 1, 2017, commissioned judges serving the Philadelphia Municipal Court, the Courts of Common Pleas, the Commonwealth Court of Pennsylvania, the Superior Court of Pennsylvania, and the Supreme Court of Pennsylvania and certified senior judges must complete a program of continuing judicial education.

(b) *Exceptions and Exemptions.* There shall be no exceptions to or exemptions from this requirement, except in limited instances with approval of the Continuing Judicial Education Board of Judges established in this chapter.

§ 31.2. General.

(a) *Purpose.* The continuing judicial education program is adopted to assure that judicial officers continue their education to have and maintain the requisite knowledge and skill to fulfill their judicial responsibilities.

(b) *Definitions.* The following words and phrases, when used in these rules, shall have, unless the context clearly indicates otherwise, the following meanings:

“*Alternative Education Activity.*” A learning opportunity which is not otherwise specifically addressed herein, but which harmonizes with the scope and purposes of this chapter.

“*Board.*” The Continuing Judicial Education Board of Judges established by this chapter.

“*CJE.*” Continuing judicial education to be provided under this chapter.

“*Judge.*” A commissioned jurist in the Commonwealth Unified Judicial System who is a Justice of the Supreme Court of Pennsylvania, a judge of an intermediate appellate court, a judge of a court of common pleas, or a judge of the Philadelphia Municipal Court. The term also includes certified senior judges.

§ 31.3. Continuing Judicial Education Board of Judges.

(a) *Establishment.* The Supreme Court hereby establishes the Continuing Judicial Education Board of Judges.

(b) *Purpose.* The primary purpose of the Board is to guide development and delivery of continuing judicial education to Judges serving the Commonwealth’s Unified Judicial System.

(c) *Composition.*

(i) *Membership.* The Board shall consist of twelve (12) members appointed by the Supreme Court. Eight (8) shall be jurists serving one of the Commonwealth's courts governed by this rule.

(ii) *Chair and Vice Chair.* The Supreme Court shall appoint from the members of the Board a chair and a vice chair.

(iii) *Other Officers and Committees.* The Board may designate such other officers and form such other committees as it deems appropriate.

(d) *Term of Board Members.*

(i) *Regular Terms.* The regular term of members of the Board shall be for three (3) years, and no member may serve for more than two (2) consecutive three (3) year terms.

(ii) *Initial Terms.* The terms of the first Board shall be staggered so that four (4) members shall be appointed for three (3) year terms, four (4) members for two (2) year terms, and four (4) members for one (1) year terms.

(e) *Action by the Board.* Seven (7) Board members shall constitute a quorum. The Board shall act only with the concurrence of not less than seven (7) Board members. The Board may adopt rules providing for the holding of teleconference meetings.

(f) *Responsibilities of the Board.*

(i) *Accreditation Decisions.* The Board shall make accreditation decisions consistent with the purpose and standards set forth.

(ii) *Noncompliance Appeals.* The Board shall hear and decide noncompliance appeals.

(iii) *Waiver, Extension, Deferment.* The Board shall hear and decide requests from Judges for waiver, extension, or deferment from the requirements set forth.

(iv) *Incidental Responsibilities.* The Board shall undertake all incidental tasks attendant to the above, including affording essential notices and recordkeeping activities.

(v) *Pennsylvania Rules for Continuing Judicial Education.* The Board shall prepare a set of rules governing continuing judicial education for review and approval by the Supreme Court, to replace this chapter.

(g) *Compensation and Expenses.* Board members shall receive no compensation for services provided under these rules, but they shall be reimbursed by the Board for their reasonable and necessary expenses in attendance at meetings and in otherwise fulfilling their responsibilities.

(h) *Immunity.* The Board, and its members, employees and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the administration of the continuing judicial education requirements.

§ 31.4. Minimum Continuing Judicial Education Requirements.

(a) *General Requirement.* Commencing January 1, 2017, every Judge, annually, shall complete a minimum of three (3) hours of continuing education in judicial ethics and a minimum of nine (9) hours of continuing education in judicial practice and related areas as defined by the Board.

(b) *Fulfillment.*

(i) *Course Attendance and Alternatives.* The CJE requirement shall be fulfilled by attending the required

number of CJE courses delivered by the Administrative Office of Pennsylvania Courts' Judicial Education Department or accredited providers, or by completing a CJE activity approved by the Board as sufficient to meet the CJE general requirement.

(ii) *Courses Offered by the Judicial Education Department.* Four (4) of the annual CJE requirement shall be earned through courses offered by the Administrative Office of Pennsylvania Courts' Judicial Education Department. This requirement shall be waived for 2017.

(iii) *Distance Learning Courses.* Four (4) of the annual CJE requirement may be earned through approved computer-based or distance education courses.

(iv) *Teaching or Alternative Educational Activity.* Four (4) of the annual CJE requirement may be earned through Board approved teaching or alternative education activities.

(c) *Newly Elected or Appointed Judges.* Every newly elected or appointed Judge serving the Commonwealth's Courts of Common Pleas and the Philadelphia Municipal Court shall attend New Judge School administered by the Administrative Office of Pennsylvania Courts' Judicial Education Department in its entirety at his or her first opportunity. This requirement shall be in addition to the annual CJE requirements described herein.

§ 31.5. Waivers, Extensions and Deferrals.

(a) *Waiver.* The Board may waive the CJE requirements for a period of not more than one (1) year upon a finding by the Board of undue hardship or circumstances beyond the control of the Judge which prevent him or her from complying in any reasonable manner with the CJE requirement.

(b) *Extensions of Waivers.* A waiver may be extended upon application to the Board and Board approval. Upon termination of the waiver, the Board may make such additional CJE requirements as it deems appropriate.

(c) *Deferrals.* Deferment is available to any Judge eligible for senior status but not so certified. Upon senior judge certification, the Judge shall complete the CJE requirement by the deadline of the current year and will have until the following compliance deadline to complete the standard requirement plus the deferred CJE requirements, not to exceed two (2) times the current annual requirement.

(d) *Members of the Armed Forces.*

(i) *Waiver.* Upon written request, the CJE requirement will be waived in their entirety for any compliance period in which members of the Armed Forces serve on active duty.

(ii) *Termination of Active Duty.* Within thirty (30) days after termination of active duty, the Judge must notify the Board and will be required to comply with CJE requirements for the forthcoming year.

§ 31.6. Standards for Approved CJE Activities.

(a) *General Standards.* All CJE activities approved for credit shall meet the following standards:

1. The activity shall have significant intellectual or practical content, the primary objective of which is to improve a Judge's professional competence and ethical behavior.

2. The activity shall be an organized program of learning to deal with matters directly related to subjects that satisfy the objectives of these rules.

3. Each CJE activity shall be open to all Judges interested in the subject matter and there shall be no attendance restrictions, except as may be permitted by the Board, upon application from a provider, where:

attendance is restricted based on objective criteria for a bona fide educational objective to enhance the CJE activity; or

membership in the provider organization is open to all interested Judges, on reasonable non-discriminatory basis and cost.

4. The program leaders or lecturers shall be qualified with the practical and/or academic experience necessary to conduct the program effectively.

5. Each attendee shall be provided with thorough, high quality and carefully prepared written course materials before or at the time of the activity. Although written materials may not be appropriate to all courses, they are expected to be utilized whenever possible.

6. The course or activity must be presented in a suitable setting to create a positive educational environment.

7. The Board will take into consideration the special needs of disabled and incapacitated Judges in gaining access to and participation in CJE activities. The Board shall require providers to make reasonable accommodations for disabled and incapacitated Judges.

(b) *Distance Education.* Distance learning courses including computer-based and teleconference programs may be approved for credit provided that they meet interactive, technical and accreditation standards set forth by the Board, as well as the following terms and conditions:

1. Seminars viewed at remote sites by electronic transmission, will receive credit if a moderator is present and interaction available.

2. Only distance learning courses pre-approved for credit or conducted by accredited providers may be taken for credit.

3. Courses must provide mechanisms to ensure interactivity.

§ 31.7. Credit for CJE Activities.

(a) *Accreditation or Approval.* Credit will be given only for completion of CJE activities which are accredited or approved by the Board.

(b) *Course Length.* No course of instruction less than sixty (60) minutes shall be considered eligible for CJE credit.

(c) *Credit.* One (1) hour of credit will be awarded for each sixty (60) minutes of instruction.

(d) *Credit Increments.* Credit will be recorded in thirty (30) minute increments beyond the first sixty (60) minutes. One-half hour credit shall be awarded for courses scheduled at least thirty (30) minutes but less than sixty (60) minutes beyond the initial sixty (60) minutes and for each half hour scheduled thereafter.

(e) *Approval of CJE Activities Conducted by Non-accredited Providers, Alternative Education Activities, and Teaching Activities.*

(i) *General Statement.* Courses offered by a provider which is not an accredited continuing judicial education provider, Alternative Education Activities, and teaching activities which harmonize with the scope and purposes of

this chapter may qualify for CJE credit, subject to the following terms and conditions:

(ii) *Individual Approval Required.* All CJE activities conducted by a provider which has not been accredited by the Board, alternative education activities and teaching activities must be individually approved by the Board for credit.

(iii) *Requests for Approval.* A Judge should request Board approval for continuing judicial education activities conducted by a non-accredited provider, alternative education activities, or teaching activities sixty (60) days prior to the activity, but in all events a Judge must request such approval no more than thirty (30) days after completing the activity in order for the request to be considered.

(iv) *Form of Application.* The application shall be in the form and with such documentation required by the Board.

(v) *Additional Information.* Upon request by the Board, the applicant shall submit to the Board information concerning the course or activity, including the brochure describing the activity and the qualifications of anticipated speakers, the method or manner of presentation of materials, and, if requested, a set of the materials.

(vi) *Courses Pertaining to Non-Judicial Subjects.* If a course does not bear entirely on judicial ethics or judicial practice, or the method of presenting the course is below minimum standards, the Board may determine that such course is entitled to no credit or may assign such partial credit as it deems appropriate.

(vii) *Teaching Activities.* The following additional terms and conditions apply to credit for teaching activities:

1. Credit will be given on the basis of two hours credit for each hour of presentation where the applicant has prepared quality written materials for use in the presentation.

2. Credit for repeat presentations or presentations without such written materials will be given only for the actual time of presentation.

(f) *Excess Credits for Judicial Ethics.* CJE credits for judicial ethics in excess of the annual requirement may be applied toward remaining annual CJE requirements.

(g) *Carry Forward Credits.* A Judge may carry forward a balance of credit hours in excess of the current annual CJE requirement including satellite, computer based and distance learning credits, which shall retain their character as such for the succeeding reporting year, subject to the following terms and conditions.

(i) *Credit Limitation.* No more than one (1) times the current annual CJE requirement may be carried forward into the succeeding reporting year.

(ii) *Time Limitation.* No CJE credit may be carried forward more than one (1) succeeding reporting year.

(iii) *Credit Attributes.* Carry forward credits retain the same attributes (judicial ethics, distance learning, etc.) which they would have had if used in the year in which they were earned.

(h) *Local Education Activities*

(i) *Approval.* Local education activities will be subject to approval by the Board for credit upon submission of appropriate documentation.

(ii) *Accreditation.* Local education programs may be accredited by the Board according to the standards set forth and upon submission of appropriate documentation.

(i) *Teleconferences, Electronic Presentations and Distance Learning Programs.* Computer based and distance learning programs may be approved for CJE credit providing they meet interactive, technical and accreditation standards set forth by the Board. Seminars viewed at remote sites by electronic transmission will receive credit if a moderator is present or available for interaction.

(j) *Law School and Graduate Level Courses.* Law school and graduate school courses may qualify for CJE credit, computed in accordance with these standards, subject to the following terms and conditions:

1. Courses must otherwise qualify for credit, and the law school or graduate level courses in question cannot be required to qualify for the awarding of a basic degree.

2. Courses offered towards graduate or advance degrees may receive credit, upon submission of appropriate documentation to the Board.

3. One (1) hour of CJE credit may be given for each approved graduate credit hour awarded by the school (or the non-credit equivalent).

4. The school offering the course shall be a law school accredited by the American Bar Association or college or university accredited by the Middle States Commission on Higher Education or other regional equivalent.

(k) *Self-Study.* Self-study will not be approved for credit.

§ 31.8. Accreditation of Continuing Judicial Education Providers.

(a) *Application.* Application may be made for accreditation as an Accredited Continuing Judicial Education Provider by submitting the appropriate form to the Board.

(b) *Evaluations.* The provider shall develop and implement methods to evaluate its course offerings to determine their effectiveness and the extent to which they meet the needs of Judges and, upon a request from the Board, provide course evaluations by the attendees on such forms as the Board shall approve.

(c) *Period of Accreditation.*

(i) *General Rule.* The grant of accreditation shall be effective for a period of two (2) years from date of the grant.

(ii) *Continuation of Accreditation.* The accreditation may be continued for an additional two (2) year period by application with the Board before the end of the provider's accreditation period.

(iii) *Status Pending Action on Application for Continuation.* If an application for continuation is timely filed, the accredited status shall continue until the Board acts on the application for continuation.

(d) *Conditional Accreditation.* The Board shall determine if there are pending or past breaches of these rules, and the Board, at its discretion, may condition continuation upon the provider meeting additional requirements specified by the Board.

(e) *Termination.* If an application for continuation is not filed before the end of the provider's accreditation period, the provider's accredited status will terminate at the end of the period. Any application received thereafter shall be considered by the Board as an initial application for accredited provider status.

(f) *Revocation.* Accredited Continuing Judicial Education Provider status may be revoked by the Board if the requirements of the Board are not met or if, upon review of the provider's performance, the Board determines that content of the course material or the quality of the CJE activities or provider's performance does not meet the standards set forth in the rules and these regulations.

§ 31.9. Standards for Accredited Continuing Judicial Education Provider Status.

Accredited Continuing Judicial Education Provider status may be granted at the discretion of the Board to applicants satisfying one of the following requirements:

1. The provider has presented, within the past two (2) years, five (5) separate programs of CJE which meet the standards of quality set forth in these rules;

2. The provider has demonstrated to the Board that its CJE activities have consistently met the standards of quality set forth in the rules and these regulations; or

3. The provider is an American Bar Association accredited law school.

§ 31.10. Accreditation of a Single Course or CJE Activity by a Provider.

A provider of CJE activities which has not qualified as an Accredited Continuing Judicial Education Provider may apply for accreditation of a single CJE activity in a form provided by the Board, subject to the following terms and conditions:

1. The Board may require submission of a detailed description of the provider, the course, the course materials and the lectures.

2. Application by a provider for accreditation of a single CJE activity should be submitted prior to the date of presentation of the activity. Application for retroactive approval must be made within thirty (30) days of the event or activity.

3. The CJE activity must meet the standards set forth in the rules and these regulations.

§ 31.11. Reporting.

(a) *Reporting Responsibility.* Reporting shall be the responsibility of the individual Judge.

(b) *Form of Reporting of CJE Activities.* Judges shall report accredited CJE activities to the Board in fashion approved by the Board.

(c) *Time for Reporting.* Judges should report accredited continuing judicial activities within thirty (30) days of completing the activity.

(d) *Annual Compliance Reporting.* All commissioned Judges shall report CJE compliance in writing within thirty (30) days of the end of each calendar year.

§ 31.12. Compliance.

(a) Records.

(i) *Recordkeeping by the Board.* The Board shall maintain current records of CJE attendance for each Judge to whom the rules and these regulations apply. These records shall be made available as the Board shall determine.

(ii) *Recordkeeping by Judges.* Each active Judge shall maintain records sufficient to establish compliance with the CJE requirement in the event of a dispute.

(b) *Annual Status Notifications.* The Board will notify each Judge of his or her CJE status three (3) months prior to the final day of the calendar year and will provide a final compliance notice within sixty (60) days after the end of the calendar year. The final compliance notice shall include the hours earned during the calendar year which have been reported and carryover hours if present.

(c) Noncompliance and Compliance Disputes.

(i) *Notification.* If a Judge shall fail to comply with these rules, or if a Judge is determined by the Board to be deficient in his or her CJE requirement, such Judge shall be so notified in writing by the Board of the nature of such noncompliance and shall be given one hundred eighty (180) days from the date of the notice to remedy such noncompliance.

(ii) *Evidence of Compliance or Hearing Request.* Within thirty (30) days of the date of the notice, the Judge shall either file evidence of compliance or request a hearing.

(iii) *Hearing.* If, in response to the notice of noncompliance, the Judge timely files a request for a hearing, the Board shall schedule a hearing. The hearing shall be held at least ten (10) days after written notice to the Judge.

(iv) *Reasonable Cause for Noncompliance.* If the Board finds that the Judge had reasonable cause for noncompliance, the Judge shall have one hundred eighty (180) days from the date of notice of the Board's decision to correct the noncompliance. If compliance is not achieved within the one hundred eighty (180) day period, the Board shall proceed as provided.

(v) *Report to Judicial Conduct Board.* If a Judge shall fail to remedy non-compliance within one hundred eighty days after the later of the date of the notice of noncompliance or the date of a decision from the Board finding reasonable cause for noncompliance, the Board shall so report to the Judicial Conduct Board for their consideration.

(d) *Crediting Pertaining to Periods of Noncompliance.* Credit hours earned shall be first applied to satisfy the requirements of the compliance period which was the subject of the notice to the Judge before any excess credits earned during the notice period may be applied to subsequent requirements.

§ 31.13. Confidentiality.

The files, records and proceedings of the Board as they relate to or arise out of any alleged failure of a Judge to satisfy the requirements of the rules or these regulations shall be deemed confidential and shall not be disclosed except in furtherance of the duties of the Board or upon the request of the Judge affected or as they may be introduced in evidence or otherwise produced in proceedings under these regulations.

[Pa.B. Doc. No. 16-2241. Filed for public inspection December 23, 2016, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Rules 3.5 and 8.2 of the Rules of Professional Conduct; No. 148 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 5th day of December, 2016, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend Pa.R.P.C. 3.5 and 8.2 having been published for comment in the *Pennsylvania Bulletin*, 46 Pa.B. 4820 (August 6, 2016):

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 3.5 and 8.2 of the Rules of Professional Conduct are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

ADVOCATE

Rule 3.5. Impartiality and Decorum of the Tribunal.

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;

(c) communicate with a juror or prospective juror after discharge of the jury if:

(1) the communication is prohibited by law or court order;

(2) the juror has made known to the lawyer a desire not to communicate; or

(3) the communication involves misrepresentation, coercion, duress [of] or harassment; or

(d) engage in conduct intended to disrupt a tribunal.

Comment:

(1) Many forms of improper influence upon a tribunal are proscribed by criminal law. Others are specified in the [ABA Model] Code of Judicial Conduct **and/or the Rules Governing Standards of Conduct for Magisterial District Judges**, with which an advocate should be familiar. A lawyer is required to avoid contributing to a violation of such provisions.

* * * * *

**MAINTAINING THE INTEGRITY OF THE
PROFESSION**

**Rule 8.2. Statements Concerning Judges and Other
Adjudicatory Officers.**

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct **and/or the Rules Governing Standards of Conduct for Magisterial District Judges, as applicable.**

* * * * *

[Pa.B. Doc. No. 16-2242. Filed for public inspection December 23, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEDFORD COUNTY

Court Facility Firearm Directive; No. AD 5 for 2016

Administrative Order of Court

And Now, this 5th day of December, 2016, the Order of Court is as follows:

The Court adopts the following Bedford County Court Facility Firearm Directive as an Order of this Court.

By the Court

THOMAS S. LING,
President Judge

BEDFORD COUNTY COURT FACILITY FIREARM DIRECTIVE

General Policy Overview:

1. Recognizing the potential for physical danger while working in the Courtroom and related areas and dealing with individuals in extremely stressful situations, the Bedford County Court of Common Pleas pursuant to state law recognizes and approves the carrying of firearms by certain law enforcement officers and court officials during the performance of their duties, for defensive purposes and where appropriate to support the Sheriff's Office in maintaining Courtroom security.

2. Pursuant to state law the following persons are not prohibited from possessing firearms in the Bedford County Court facilities during the performance of their official duties: judges, prosecutors, support hearing officers, bailiffs, federal, state, and local law enforcement officers. The Court hereby approves the possession of firearms in the Bedford County Court facilities by these officials and officers subject to the following restrictions regarding court bailiffs.

3. Bailiffs must meet the following requirements for firearms provision in the performance of their duties:

a. The person is employed by the County of Bedford in that capacity; and

b. The Bailiff continues to follow all safety procedures and qualifications and requirements described in the below listed section. All of these below listed provisions apply only to Bailiffs and not the other officers listed in paragraph two above.

The President Judge retains the sole right to authorize or withdraw a Bailiff's authorization to carry a firearm while engaged in departmental duties.

Legal Background:

(Title 18 Section § 913) provides that "the lawful performance of official duties by a court official" exempts that official from the prohibition on possession of a firearm in a court facility.

Deadly Force:

Deadly Force is defined in the Pennsylvania Crimes Code, 18 P.S. Section 501 as, "Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury."

1. The use of deadly force by Bailiffs shall be strictly limited to defensive situations; and those situations where they act in support of Sheriff Deputies;

2. A Bailiff may use deadly force only to defend himself/herself or another person from what the Bailiff perceives as an immediate threat of death or serious bodily injury;

3. A Bailiff shall exhaust every means available to disengage safely, or by every other reasonable means of defense of themselves or others from death or serious bodily injury, before the use of deadly force;

4. When the use of deadly force is justified, Bailiffs discharging weapons shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to the innocent, Bailiffs should shoot initially at "center body mass";

5. Firearms shall not be drawn or displayed routinely. In cases where the Bailiff has reasonable suspicion that a person is carrying a deadly weapon in a court facility it should be discussed with the on-duty Deputy regarding the approach to the person. If exigent circumstances exist that cause a Bailiff to draw his/her firearm during a confrontation he/she must explain in writing to the President Judge the necessity of drawing the firearm due to a specified or perceived threat; and

6. Bailiffs shall not utilize deadly force in an offensive posture to affect the apprehension of those persons who commit violations of court rules who do not present the threat of death or serious bodily injury. Nothing contained in this paragraph shall preclude the use of deadly force for self-defense, when warranted.

Serious Bodily Injury:

The legal definition of serious bodily injury is defined in the Pennsylvania Crimes Code, 18 P.S. section 2301 as, "Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ."

Verbal Warning:

Where practical in a deadly force situation Bailiffs shall identify themselves as a Bailiff and give some type of warning prior to using deadly force, if the time and opportunity exists.

Safety:

The safe handling of a firearm is of paramount concern. This involves the effort of individual staff and court.

When in the office, firearms are to be worn on the individual or locked in a secure area. Firearms are never to be left unattended on a desk, chair, or table, or in a box, bag, or purse.

Bailiffs found to be careless or negligent in the handling of a firearm will have their authorization to carry a firearm revoked. All decisions regarding same will be made by the President Judge and will be final.

All individuals will safely handle any firearms as though they are loaded. Firearms will be handled with muzzles pointed in a safe direction without fingers on the trigger.

Care, Cleaning, and Inspection:

Bailiffs are responsible for the care and cleaning of the firearm and for proper use of safety equipment. If any defects are noted or repairs are needed, the individual should immediately take steps toward the repair of said firearm.

Firearms will be cleaned and lubricated when in duty service.

Each officer will read the firearm manual issued by the manufacturer and comply with instruction toward care and maintenance.

Firearms will be inspected by their owner on a periodic basis on at least an annual basis.

Training:

Each Bailiff will have the option whether to carry a firearm or not.

Any bailiff choosing to attempt to train, certify, and qualify must:

1. Notify the President Judge that he would like to carry a firearm in performance of his duty; and
2. Qualify annually through the Bedford County Sheriff's Office or other approved agency, including under the Federal Retired Law Enforcement Safety Act.

It shall be the duty of all Bailiffs to report to the President Judge any physical and/or emotional conditions, including physical and/or emotional impairment, drug or alcohol abuse, use of impairment creating prescribed medication, assessment or treatment with a psychologist or psychiatrist and any/all pharmacological conditions causing emotional or physical impairment of Bailiffs authorized to carry a firearm within the office. Medical documentation may be requested by the President Judge or may be provided by the Bailiff to evaluate the condition.

Impairment will be defined as a condition which can affect judgment, reaction time, motor skills, and visual acuity thereby affecting the ability to handle a firearm with safety and proficiency.

Absolutely no firearm shall be carried by any Bailiff while on duty or on-call time when the Bailiff has consumed alcohol or is under medical, physical, or psychological impairment from any drug.

Under any of the above conditions impairing a Bailiff's ability to act, react, or think clearly, the President Judge may hear the matter or may suspend a Bailiff's authorization to carry a firearm for office business, and in either case, documentation will be prepared by the President Judge to support his/her decision.

Requalification:

In order to maintain the authorization to carry a firearm the Bailiff must re-qualify with his/her firearm not less than once per year. The re-qualifications are mandatory.

A Bailiff who provides medical documentation of extenuating circumstances may be granted a leave from a scheduled requalification attempt by the President Judge. If approved, the requalification will be scheduled as quickly as possible.

Authorized Firearms, Ammunition, and Gear:

The President Judge of Common Pleas Court approves for Bailiffs use on duty firearms ranging from .380 to 45 ACP.

Upon certification, Bailiffs are permitted to carry firearms that are either county owned or privately owned in the correct caliber range.

If the Bailiff is qualified with a second firearm, the carrying of a second or "back-up" firearm is not prohibited.

The Bailiff will be authorized to carry the approved firearm providing the firearm passes an initial visual performance inspection by the Sheriff's Office and providing said firearm passes on-going visual and performance inspections according to policy.

The Bailiffs will provide all ammunition. Under no circumstances will Bailiffs be permitted to use, on duty, any reloads or the like. Bailiffs will be reimbursed for ammunition purchased for duty purposes.

Appropriate handgun holsters will be utilized by the Bailiffs and will be approved by the President Judge. Cross-draw and ankle, holsters are permitted.

Firearms shall be carried concealed. When armed the Bailiffs badge must be displayed whether on the Bailiff's hip or lanyard style.

Special Circumstances:

In the case of theft, loss, allegations or misuse, or the discharge of a firearm, a prompt inquiry will be initiated by the President Judge and the Sheriff.

The President Judge is responsible for looking into any allegation of misuse or mishandling of a firearm and has the sole right to withdraw a Bailiff's authorization to carry a firearm while engaged in office duties.

A "Firearm Incident Report Form" will be promptly completed, within 24 hours, by a Bailiff who has drawn and/or pointed, armed, discharged their firearm in the course of his duties. (attached)

Lost/Stolen Firearms:

All lost/stolen firearms will be immediately reported to the local and state police providing the firearm serial number, details of the occurrence, person discovering the theft, etc. An immediate verbal and then written report, within 24 hours, will also be made to the President Judge.

The President Judge will decide if further inquiry is necessary.

Discharge of Firearm:

Any discharge or firing of a firearm, during working hours, other than during approved training must be reported verbally immediately to the President Judge by the Bailiff firing the firearm providing the exact location and time of the incident, names, and addresses of any witnesses, reasons the firearm was fired, names of investigating police officers, and any other information that may be necessary in understanding and investigating the

incident. The failure to promptly report the discharge of a firearm may result in disciplinary/corrective action. A report will be submitted on the "Firearm Incident Report Form" and forwarded to the President Judge.

In the event death or injury results, the jurisdictional police must be immediately notified by the person discharging the firearm, or another bailiff acting under the direction of the Bailiff involved.

The President Judge will contact the District Attorney who will decide as to what course of action is necessary in investigating the incident.

The involved Bailiff shall submit a verbal report to the President Judge immediately. A final report shall be prepared and submitted within 72 hours.

Incidents or Allegations:

An incident is defined as, but not limited to:

1. Loss or theft or a firearm;
2. Allegations of misuse or a firearm;
3. Discharge of a firearm other than during approved training; and
4. The unsafe displaying of a firearm during performance of duty not while in preparation to defend oneself or another.

It is the responsibility of the individual carrying the firearm to report immediately to the President Judge any incidents or situations that may result in allegations being made and written complaints being filed with the President Judge regarding the use/display of a firearm. Other staff who observes the unusual situation involving a firearm should submit a written and verbal report to the President Judge. The "Firearm Incident Report Form" shall be used.

Reclamation of Firearm Authorization:

The President Judge may withdraw authorization to carry a firearm upon the following circumstances:

1. From a Bailiff involved in a serious firearm incident until the investigation is complete;
2. If a Bailiff is observed in chronic unsafe behavior with a firearm by fellow employees;
3. When a Bailiff fails to obtain a passing score on initial firearms qualification or on firearms requalification; and
4. Upon observation and documentation by the President Judge of:
 - a. Serious physical impairment;
 - b. Drug/alcohol or emotionally related problems; and/or
 - c. Receipt of a report from a psychiatrist or doctor stating the employee is unable to perform his/her duties.

The President Judge shall suspend the authorization to carry a firearm should a need be presented and/or in the event of the previously cited conditions exist.

Other sanction recommendations may be considered by the President Judge based on the findings of the law enforcement body who may be investigating the incident depending on the degree of negligence or malpractice.

If firearms authorization has been suspended and/or revoked, authorization to carry will be returned upon the discretion of the President Judge.

Provisions:

The President Judge will facilitate a review of this policy at least once annually. Each Bailiff will be provided an updated copy of said policy. Each officer will be required to sign an acknowledgement of receipt and understanding of this policy.

FIREARM INCIDENT REPORT FORM

Name of person completing this form: _____ .

Name of Bailiff involved in the incident: _____ .

Date, time, and location of incident: _____ .

Was this a drawing, aiming, pointing, discharge of firearm? (circle all that apply)

Bailiff's weapon that was involved: (serial number, caliber, owned by): _____

Names, addresses, and phone numbers of others present: _____

Injuries? YES NO If yes, be specific with details: _____

Narrative of the incident in detail: _____

Date Time Signature of Bailiff

[Pa.B. Doc. No. 16-2243. Filed for public inspection December 23, 2016, 9:00 a.m.]

BUTLER COUNTY

Local Rules Adoption Real Estate Tax Assessment Appeals; MSD 16-40309

Order of Court

And Now, this 6th day of December, 2016, it is hereby Ordered and Decreed, that effective January 1, 2017, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, the Butler County Court of Common Pleas adopts the following local rules, series L 5000, related to Real Estate Tax Assessment Appeals.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Butler County Court website at www.butler.pa.us.
4. Incorporate the local rule into the set of local rules on the Butler County website within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the office of the Butler County Prothonotary for public inspection and copying.
6. Forward one (1) copy to the *Butler County Legal Journal*.

By the Court

THOMAS J. DOERR,
President Judge

Rule L5000. Real Estate Tax Assessment Appeals.

(a) Except as otherwise provided in this section, the procedure in an appeal from a tax assessment determination shall be in accordance with the rules relating to civil actions.

(b) All filing pertaining to a Real Estate Tax Assessment Appeal shall contain a coversheet and a caption as set forth in accordance with these rules.

(c) Real Estate Tax Assessment Appeals Petition shall be formatted and contain the following:

(1) A caption designating the named party taking the appeal as the Appellant, the Butler County Board of Assessment Appeal and the Tax Identification Number of the subject property.

(2) The Petition and all subsequent filings shall include the cover page which includes the caption and identifies the following:

(i) a listing of all interested parties, including but not limited to the municipality and the school district wherein the property is located;

(ii) The name of the property owner if different than the Appellant;

(iii) The address of the property;

(iv) Intervenors, who have filed a Notice of Intervention, pursuant to Rule L5000(e).

(3) The Appellant shall serve copies of the Real Estate Tax Assessment Appeals Petition via regular mail upon County Solicitor, the governing body of the municipality in which the tax parcel is located, the board of school directors of the school district wherein the real estate is located and the property owner. Within twenty days thereafter, the Appellant shall file a proof of service.

(a) Except for the parties (Butler County Board of Assessment Appeal, the Appellant and the property owner, should they not be the Appellant), all other interested parties will not receive further notice until such interested party or parties files the Notice of Intervention, as set forth in these rules.

(4) The caption of the assessment appeal shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE APPEAL OF:

_____)
 (NAME OF APPELLANT))
)
 From the Butler County Board of)
 Assessment Appeal)
)
 Tax ID No. _____)

Case No.: _____

(5) The cover page of the Real Estate Tax Assessment Appeal shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE APPEAL OF:

_____)
 (NAME OF APPELLANT))
)
 From the Butler County Board of)
 Assessment Appeal)
)
 Tax ID No. _____)

Case No.: _____

School District: _____

Municipality: _____

Property Owner: _____

Property Address: _____

Intervenor(s): _____

(d) Pa.R.C.P. 4001 et seq. encompassing Discovery shall be applicable to Real Estate Tax Assessment appeals unless otherwise ordered by the court.

(e) Any interested party who wishes to participate in the appeal may file with the Prothonotary a Notice of Intervention.

(i) The Notice of Intervention shall contain the name of the interested party, to be designated as intervenor in the cover page, and shall set forth that such identified party is intervening.

(ii) Intervenor shall serve copies of the Notice of Intervention by regular mail upon the Appellant, County Solicitor, the governing body of the municipality in which the affected tax parcel is located, the board of school directors of the school district wherein the real estate is located, the property owner and any other intervening parties of record.

(iii) Intervenor shall file with the Prothonotary, within five days of the filing of the Notice of Intervention, proof of service of copies thereof including a verified statement, as defined in Pa.R.C.P. 76, that service was made by regular mail.

(iv) Said filing shall contain a certification that the official court docket has been reviewed and that all parties and intervenors of record are listed (where indicated) and have been served.

(v) No response is required to be made by any party served with a copy of the Notice of Intervention.

(vi) Parties, who do not file a Notice of Intervention, will not receive further notices in regards to the Assessment Appeal.

(vii) The Notice of Intervention shall be substantially in the following form, which should include a cover page and caption as per Rule L5000(e), as well as the Notice of Intervention and the Proof of Service of the Intervention:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE APPEAL OF:

_____)	
(NAME OF APPELLANT))	
From the Butler County Board of)	Case No.: _____
Assessment Appeal)	
Tax ID No. _____)	

NOTICE OF INTERVENTION AND ENTRY OF APPEARANCE

_____ enters the above captioned matter as an Intervenor.

Please enter my appearance.

Signature of Intervenor/ Counsel for Intervenor
Name and Address for Intervenor for service

Name _____
Address _____
Phone _____
Facsimile _____

All Notices in the above-captioned case shall be served at this address.

Proof of Service of the Notice of Intervention

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

_____)	
(NAME OF APPELLANT))	
From the Butler County Board of)	Case No.: _____
Assessment Appeal)	
Tax ID No. _____)	

PROOF OF SERVICE BY THE INTERVENOR

I hereby certify that the Notice of Intervention and Entry of Appearance in the above captioned matter has been served upon Appellant, County Solicitor, the governing body of the municipality in which the tax parcel is located, the board of school directors of the school district wherein the real estate is located, the property owner and any other intervening parties of record as per the official court docket reviewed upon _____, 20____ as follows:

(Listing of the parties/intervenors served)

Signature of Intervenor

Rule L5001. Conciliation Conference.

(a) Upon the filing of a Real Estate Tax Assessment Appeal, a Conciliation Conference date shall be scheduled by Court Administration for a time not less than sixty days after the last date for the filing of an Appeal.

(b) Completed written appraisal(s) or any other evidence of value that will be offered for the subject property shall be exchanged with the parties and intervenors, a minimum of five (5) business days prior to the Conciliation Conference.

(c) At the time of the Conciliation Conference, all parties and/or their counsel shall be present, with full authority to effectuate settlement of the appeal. Each party must have a completed written appraisal(s) for the subject property, which has been previously exchanged with Appellant, County Solicitor, the governing board of the municipality in which the tax parcel is located, the board of school directors of the school district wherein the real estate is located, the property owner and any other intervening parties of record.

(d) The scheduling Order will be in the following format:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT))
)
From the Butler County Board of) Case No.: _____
Assessment Appeal)
)
Tax ID No. _____)

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

ORDER OF COURT

An Assessment Appeal Conciliation Conference is scheduled for _____@ ____m in Courtroom # _____.

Any continuance of the Assessment Appeal Conciliation Conference must be obtained upon motion presented to the assigned Judge.

Counsel is directed to have a written appraisal of the property completed and exchanged with Appellant, County Solicitor, the governing board of the municipality in which the tax parcel is located, the board of school directors of the school district wherein the real estate is located, the property owner and any other intervening parties of record, a minimum of five (5) business days prior to the Conciliation Conference date listed above. Further, counsel shall be prepared to discuss settlement and, if necessary, discuss the scheduling of a date for the Assessment Appeal Panel hearing.

A copy of this Order shall be served upon all parties and intervenors of record.

BY THE COURT,

Date: _____

Rule L5002. Hearing. Assessment Appeal Panel Hearing Notice.

(a) Cases that are not concluded following the Tax Assessment Conciliation Conference shall be scheduled for a hearing before the Assessment Appeal Panel. The hearing notice shall be in the following format:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT))
)
From the Butler County Board of) Case No.: _____
Assessment Appeal)
)
Tax ID No. _____)

School District: _____
Municipality: _____
Property of: _____
Property Address: _____
Intervenor _____

ORDER OF COURT

AND NOW, this _____ day of _____, 20 __, upon consideration of the within Real Estate Tax Assessment Appeal Petition, the Court appoints:

- 1. _____ Esquire, Chairman
- 2. _____ Esquire
- 3. _____ Esquire

as a Assessment Appeal Panel.

IT IS ORDERED THAT the within Real Estate Tax Assessment Appeal Petition will be heard on the _____ day of _____, 20 _____, in the 4th Floor Hearing Room of the Butler County Government Center. The time for the Real Estate Tax Assessment Appeal Petition shall be posted on the Butler County Website at www.co.butler.pa.us and faxed to all counsel, parties and panel members on or before _____, not less than one week prior to the hearing.

A Real Estate Tax Assessment Appeal status report, in the form set forth as attached hereto, shall be filed with Court Administration on or before _____, no later than 10 days prior to the hearing. A copy of the Real Estate Tax Assessment Appeal status report form is available on the Butler County Website, www.co.butler.pa.us.

Any continuance of the Real Estate Tax Assessment Appeal hearing must be obtained upon motion presented to the assigned Judge. Continuances requested after the posting of the time for the hearing shall only be granted upon the payment of the Butler County Board of Assessment Appeal fees.

A copy of this Order shall be served on all parties and intervenors of record. Should this matter settle before the Real Estate Tax Assessment Appeal date, please notify Court Administration via facsimile at 724 284-5185. You will be required to file a Praecipe to Settle and Discontinue within 10 days.

BY THE COURT,

Judge

(b) *Real Estate Tax Assessment Appeal Status Report.* All orders of court scheduling the Real Estate Tax Assessment Appeal hearing shall provide for notification that a Real Estate Tax Assessment Appeal status report shall be filed with Court Administration ten (10) days prior to the scheduled hearing date. The Real Estate Tax Assessment Appeal status report shall be in the format set forth below:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT))
)
From the Butler County Board of) Case No.: _____
Assessment Appeal)
)
Tax ID No. _____)

School District: _____
Municipality: _____
Property of: _____
Property Address: _____
Intervenor _____

REAL ESTATE TAX ASSESSMENT APPEAL STATUS REPORT

Appellant's Counsel Name & Phone No. _____
FAX No. _____

Board of Assessment Appeal/County of Butler
Counsel Name & Phone No. _____
FAX No. _____

Intervenor(s)' Counsel Name & Phone No.: _____
FAX No. _____

Status of Settlement negotiations: _____

Anticipated total length of Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other hearings may be scheduled to follow the time allotted for your case) _____ .

Other considerations that the court needs to be aware of concerning the scheduling of a hearing time: _____ .

NOTICE: Any continuance requested after the scheduling of a hearing time for your Real Estate Tax Assessment Appeal hearing as per Butler County L.R.C.P. L5002 will require a motion before the Court and the payment of the Board of Assessment Appeals' fees.

Date: _____

Signature _____
(legal counsel or party, if unrepresented)

This form may be filed individually or jointly by all counsel and any unrepresented parties. This form may be filed in person or by FAX to the office of the Court Administrator. FAX # 724-284-5185 or via e-mail.

(c) Upon receipt of the status report forms, each case will be scheduled for a specific time for hearing before an Real Estate Tax Assessment Appeal Panel on the scheduled date. Notification of the scheduled hearing time shall be forwarded to all parties by mail and/or facsimile transmission. The scheduled times will also be posted on the Butler County website, www.co.butler.pa.us, and in the offices of Court Administration and the Prothonotary.

Rule L5003. Continuances.

(a) *CONTINUANCES.* Continuances of the Real Estate Tax Assessment Appeal hearings before a Butler County Assessment Appeal Panel may only be obtained by leave of Court. Parties seeking a continuance shall file their Motion for Continuance before the assigned judge for the case. Continuances will be granted by the Court only for good and sufficient reasons as presented by the parties. Any continuance requested and granted after the posting of the times as set forth in Rule L5002 shall include a requirement that the party requesting a continuance shall be responsible for payment of the Butler County Assessment Appeal Panel fees, as established pursuant to special order of court. The party, upon whom such fees have been imposed, may not, so long as such fees remain unpaid, take any further procedural steps in such matter without obtaining prior leave of court. The party, upon whom such fees have been imposed may not recover such fees if that party is ultimately successful.

Rule L5004. Settlement.

(a) *SETTLEMENT.* When counsel agree upon terms for settlement, they shall notify the Court, in writing, in the following format, as soon as possible such that the case can be removed from the hearing list:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

_____)
(NAME OF APPELLANT) _____)
)
) Case No.: _____
)
From the Butler County Board of _____)
Assessment Appeal _____)
)
)
Tax ID No. _____)

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

STIPULATION TO SETTLE

WHEREAS, the Appellant(s), _____, is/are the owners of the property located in Butler County, Pennsylvania known as Butler County Tax Parcel Number _____ .

WHEREAS, the Appellant(s) filed an assessment appeal to the Board of Assessment Appeals of Butler County and thereafter an appeal was filed to this Honorable Court.

WHEREAS, based upon the risk and hazards of litigation, the parties have decided that it is in their best interest to settle the above-captioned matter based upon the terms and conditions outlined in this Stipulation to Settle.

NOW, THEREFORE, the undersigned, intending to be legally bound and to bind their respective clients, agree to the following settlement.

After further review by all parties, it was agreed the assessment shall be as follows:

- 1. Commencing on _____, for the County and Township taxes, and _____, for the School taxes, the assessment shall be set based on a fair market value of \$_____ and an assessed value of \$_____ for tax year _____ .

- 2. In determining the assessed value of the property, the County Assessment Office shall use a Common Level Ratio of _____ %.
- 3. The parties agree that the Court should enter an Order in the form attached setting the assessed value as herein above set forth and ordering that the case be marked settled, discontinued, and ended.
- 4. The Appellant shall pay the appropriate fee, payable to the Prothonotary of Butler, for the discontinuance of this action. Payment shall accompany the filing of this stipulation.
- 5. If the docket is not settled within ten (10) days of the settlement date set forth in this Stipulation, Appellant shall appear as scheduled by the Court. Settlement of the docket shall cancel this hearing.
- 6. This Stipulation can be executed in counterparts.

Signature

(b) Upon the filing of the Stipulation to Settle, the Court shall enter the following order:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT))
)
) Case No.: _____
From the Butler County Board of)
Assessment Appeal)
)
)
Tax ID No. _____)

School District: _____
Municipality: _____
Property of: _____
Property Address: _____
Intervenor _____

ORDER

AND NOW, this ____ day of _____, upon review of the Stipulation of Settlement among the parties, attached hereto, it is hereby ORDERED, ADJUDGED and DECREED that the stipulation to settle the appeal is approved; and

It is further ORDERED that the Butler County Board of Assessment Appeals shall establish the fair market value for assessment purposes on the Butler County Tax Parcel Number _____ to be \$_____ and the assessed value from \$_____ to \$_____ as of _____, for County and Municipal taxes, and _____, for School District taxes; and

It is further ORDERED that, upon receipt of the appropriate filing fee from the Appellant, the Prothonotary of Butler County is to mark the above case, settled, discontinued, and ended. If the docket is not settled within ten (10) days of the settlement date set forth the parties' Stipulation, Appellant shall appear before the court on the _____ day of _____ at 9:00 o'clock a.m. in courtroom _____. Settlement of the docket shall cancel this hearing.

BY THE COURT:

J

(c) If a case settles after the posting of a hearing time for the case as per Butler County L.R.C.P. L5002, but before the scheduled hearing, the Appeals Panel shall be paid by the county as per administrative order under Local Rule L5004 upon Order of Court that directs payment in the case.

Compensation fees paid to the Appeals Panel shall not be taxed as costs or follow the award as other costs.

(d) The Court shall enter the following appropriate Order for payment:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE APPEAL OF:

(NAME OF APPELLANT))
)
) Case No.: _____
From the Butler County Board of)
Assessment Appeal)
)
)
Tax ID No. _____)

School District: _____
Municipality: _____
Property of: _____
Property Address: _____
Intervenor(s): _____

ORDER OF COURT

AND NOW, this ____ day of _____, 2016, the Court having been informed that the above case has been settled/continued, the Real Estate Tax Assessment Appeal Hearing scheduled _____, is hereby cancelled. This case is removed from the Real Estate Tax Assessment Appeal Hearing list.

Payment to the appointed board is authorized at the rate of \$_____ per board member as follows:

_____, Chairman
_____, Member
_____, Member.

BY THE COURT,

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE APPEAL OF:

(NAME OF APPELLANT)
From the Butler County Board of
Assessment Appeal
Tax ID No. _____
Case No.: _____

School District: _____
Municipality: _____
Property of: _____
Property Address: _____
Intervenor(s): _____

ORDER OF COURT

AND NOW, this ____ day of _____, 2016, the Court having been informed that an award has been entered in the above case, payment to the Assessment Appeals Panel is authorized at the rate of \$_____ per board member as follows:

_____, Chairman
_____, Member
_____, Member.

BY THE COURT,

Rule L5005. Appointment to Assessment Appeal Panel.

(a) *ASSESSMENT APPEAL PANEL.* Appeals from the Board of Assessment Appeals shall be scheduled for a hearing before an Assessment Appeal Panel consisting of arbitrators appointed pursuant to 53 Pa.C.S.A. § 8854 and 42 Pa.C.S.A. § 7361. Court Administration shall compile a list of persons eligible and willing to serve on the Butler County Assessment Appeal Panel as appointed by the President Judge. This list shall be comprised of members of the bar actively engaged in the practice of law in Butler County. "Actively engaged in the practice of law in Butler County" is defined as an attorney who regularly maintains an office in Butler County for the practice of law. Proceedings before the Assessment Appeal Panel shall not be of record.

(b) If a Assessment Appeal Panel member is not able to serve on his or her appointed date, said member shall secure a replacement member from the list of eligible attorneys who have consented to serve. Said member shall notify Court Administration of the replacement, and Court Administration shall appoint said substitute attorney to replace said member. Should a vacancy on the Assessment Appeal Panel occur prior to the hearing for any reason, or should a member of the panel fail to attend the hearing or secure a replacement, a member of the panel shall notify Court Administration, who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the Assessment Appeal Panel occur after the hearing takes place, but before an award is signed by all panel members, or should a member of the panel fail to or refuse to perform his or her duties, the award shall be signed and filed by the

remaining members of the panel. If the remaining members of the panel are unable to agree, they shall notify Court Administration who shall appoint a third member. Thereafter, Court Administration shall schedule a re-hearing for the new panel, which shall thereafter file an award.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least three (3) years.

(d) Each member of the Assessment Appeal Panel who has been duly sworn to hear a case shall receive as compensation a fee in the amount set by the court from time to time by administrative order. In cases requiring hearings that exceed one half (1/2) day, the Assessment Appeal Panel may petition the court for additional compensation, which the court may grant for cause shown. The Assessment Appeal Panel shall be entitled to receive their compensation fees as follows:

(e) If an Assessment Appeal Panel member fails in his or her duties, or the Panel fails to file an award promptly, as required by Pa.R.C.P. No. L5005, the result will be the forfeiture of the Assessment Appeal Panel members' fees.

(f) Upon the filing of the Assessment Appeals Panel's award, a discontinuance by the parties after the swearing of the Assessment Appeals Panel, or, after the posting of the time for the Assessment Appeal hearing, an Order of Court removing the case from the Assessment Appeal based upon settlement of the case or a continuance is granted, Court Administration shall process an Order for payment of the applicable fee to each member of the Assessment Appeals Panel.

Rule L5006. Authority of the Panel Chairperson.

(a) The chairperson of the Assessment Appeals Panel shall have the powers conferred upon him or her by law, including but not limited to the following:

(1) The chair of the Assessment Appeals Panel shall have initial authority to make all rulings on objections to evidence or on other issues that arise during the hearing. Such rulings shall be final unless objected to by one of the board members. In the latter instance, the board members shall consult and vote and the final ruling shall be that of the majority.

(2) Following the hearing and entry of award, the chair of the Assessment Appeals Panel shall release the exhibits to the party who offered them. Parties shall provide three working copies of any exhibits to the Appeal Panel at the time of hearing.

Rule L5008. Award.

(a) *AWARD.* The Assessment Appeals Panel shall file their award within seven (7) days after the completion of hearing. Any Assessment Appeal Panel member who fails to file the award as required by this Rule may forfeit their fees. The award shall be in the following format:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

_____)	
(NAME OF APPELLANT))	
From the Butler County Board of)	Case No.: _____
Assessment Appeal)	
Tax ID No. _____)	

School District: _____

Municipality: _____

Property of: _____

Property Address: _____

Intervenor _____

QUALIFICATION OF ASSESSMENT APPEAL PANEL

AND NOW, this ____ day of _____, 20____, we, the undersigned, having been named as the Assessment Appeal Panel in the above-captioned matter, do solemnly swear or affirm that we will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that we will discharge the duties of our office with fidelity.

Sworn to and subscribed _____	_____
Before me this _____	Chairman
Day of _____, 20____	_____
	Member
_____	_____
Prothonotary	Member
	Assessment Appeal Panel

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)
From the Butler County Board of Assessment Appeal
Tax ID No. Case No.:

School District:
Municipality:
Property of:
Property Address:
Intervenor

AWARD BY THE ASSESSMENT APPEAL PANEL

AND NOW, this ___ day of ___, 20___, we, the undersigned Assessment Appeal Panel, after having been duly sworn and having heard the evidence and the allegation of the parties, do award and find as follows:

For Parcel No.:
Market Value: \$___ as of

Applicable Common Level Ratio:

_____, Chairman
_____, Member
_____, Member

Rule L5009. Appeal.

Appeals from an Award entered by the Assessment Appeal Panel shall be de novo to the Butler County Court of Common Pleas and shall be filed in the following format:

IN THE COURT OF COMMON PLEAS, BUTLER COUNTY PENNSYLVANIA

IN RE Appeal of:

(NAME OF APPELLANT)
From the Butler County Board of Assessment Appeal
Tax ID No. Case No.:

School District:
Municipality:
Property of:
Property Address:
Intervenor

REQUEST FOR HEARING

To the Prothonotary:

Notice is given that ___ appeals from the award of the Assessment Appeal Panel entered in this case on _____. A copy of the award is attached hereto.

I hereby certify that the compensation of the Assessment Appeal Panel has been paid. A copy of the court order regarding payment of the Assessment Appeal panel is attached hereto.

Respectfully submitted,

CAMERON COUNTY**Adoption of Local Rules L4007 and L4008 Regarding Transcript Requests and Fees; No. 2016-2064****Order of Court**

Now, December 8, 2016, pursuant to Pa.R.J.A. 4000—4009, the Court hereby adopts the following new Local Rule 4007 and Rule 4008, covering the requests and transcribing fees for transcripts of court proceedings in Elk County or Cameron County, which become effective on January 1, 2017.

The District Court Administrator of the 59th Judicial District (Elk and Cameron Counties) is directed as follows:

(1) File one copy of the Administrative Order with the Administrative Office of Pennsylvania Courts.

(2) Submit two copies of the Administrative Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

(3) Publish a copy of the Administrative Order on the website of the 59th Judicial District.

(4) Compile a complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

(5) File the Administrative Order with the filing office of each county for public inspection and copying.

Rule L4007. Requests for Transcripts.

(1) All requests for transcripts shall be submitted on a form provided by the District Court Administrator that will include all elements required by the Court Administrator of Pennsylvania. The form shall be made available on the Court's website at www.co.pa.elk.us/judicial and at the office of the District Court Administrator.

(2) The requesting party shall submit the original request form to the District Court Administrator and shall serve copies of the request to:

- a. The judge presiding over the matter;
- b. The court reporter or court recorder
- c. The opposing counsel or an opposing party if unrepresented.

(3) A party making a request for transcript shall make a partial payment of 95% of the estimated cost. All checks shall be made payable to the County of Elk in Elk County matters or the County of Cameron in Cameron County matters. Payment shall be delivered to the office of the District Court Administrator, P.O. Box 416, Ridgway, PA 15853, regardless of the county of venue.

Rule L4008. Costs for Transcripts.

(1) Costs paid by the requesting party, other than the Commonwealth of Pennsylvania or a subdivision thereof, for a transcript in 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
- d. For same day delivery, \$6.50 per page

(2) Costs paid by the requesting party and any other party for a paper copy of the transcript shall be \$0.25 per page

(3) Where the Commonwealth or a subdivision thereof is liable for the cost in electronic format:

- a. For all transcripts, \$2.00.

(4) The trial judge may impose a reasonable surcharge in cases such as professional malpractice or other complex litigation.

(5) Transcript costs subject to waiver under Pa.R.J.A. 4008(B) shall be reviewed by the District Court Administrator upon written application by the requesting party. Applications are available from the office of the District Court Administrator.

(6) A request for a copy of any transcript previously filed of record shall be submitted to the District Court Administrator and provided according to the following fee schedule:

- a. For paper format, \$0.75 per page
- b. For electronic format, \$0.50 per page

By the Court

RICHARD A. MASSON,
President Judge

[Pa.B. Doc. No. 16-2245. Filed for public inspection December 23, 2016, 9:00 a.m.]

CARBON COUNTY**Adoption of New Local Rules of Judicial Administration Governing Court Reporting and Transcripts; No. 16-3551; 16-9388; CP-13-AD-0000007-2016; 1DR2016****Administrative Order 18-2016**

And Now, this 1st day of December, 2016, it is hereby

Ordered and Decried that effective January 1, 2017, the Carbon County Court of Common Pleas adopts the following local rules governing court reporting and transcripts for the 56th Judicial District.

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

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

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules in the *Carbon County Law Journal* and on the Carbon County Court website at www.carboncourts.com.

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

5. Incorporate these rules into the set of local rules on www.carboncourts.com within thirty (30) days after the publication of these rules in the *Pennsylvania Bulletin*.

6. File one (1) copy of these rules in the appropriate filing office for public inspection and copying.

By the Court

ROGER N. NANOVIC,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 101. Title and Citation.

These Rules shall be known as the Carbon County Rules of Judicial Administration and may be cited as "C.C.R.J.A.- ."

Rule 4007. Submitting and Processing Transcript Requests—Local Rule.

A. Transcript Requests:

1. All requests for transcripts shall be set forth on the standardized form provided by the Administrative Office of Pennsylvania Courts.

2. The request form shall be submitted to the District Court Administrator with copies to the Presiding Judge, the court reporter and opposing counsel/unrepresented party.

3. Upon receipt of a transcript request, the court reporter shall provide the District Court Administrator and the requesting party with an estimated cost of the transcript requested and except where the Court or County is responsible for the cost, shall notify the requesting party to submit a check payable to the County of Carbon in an amount of no less than one-half of the estimated total cost. Said check shall be delivered to the District Court Administrator. Upon receipt of this deposit, the District Court Administrator will notify the court reporter to prepare the transcript.

4. When the transcript is completed, the court reporter shall so notify the District Court Administrator and the requesting party of this fact and of the final balance due. A check payable to the County of Carbon for the final balance due shall be delivered to the District Court Administrator by the requesting party. Upon receipt of the final balance due, the District Court Administrator will notify the court reporter to file the transcript in the appropriate filing office and provide copies to the parties.

5. All checks submitted for transcripts shall be forwarded by the District Court Administrator to the appropriate filing office where the original case file is located. Said filing office shall deposit and record the transcript costs paid and shall forward the funds to the County of Carbon.

6. Any request by a litigant for a transcript pursuant to Pa.R.J.A. 4007(E) alleging inability to pay due to economic hardship must be directed to the Presiding Judge for determination as provided in Rule 4008(B) and shall be accompanied by a proposed order granting the requested relief.

7. All production of transcripts by the court reporters shall be in compliance with Pa.R.J.A. Rules 4001 et seq.

8. In addition to the filing requirements of Rule 4006(F) (matters on appeal), court reporters shall file a separate monthly report with the District Court Administrator of all ordered or requested transcripts for matters not under appeal on a form to be provided by the District Court Administrator. On this form, the court reporters shall report on the status of each request or order for a transcript of court proceedings in chronological order starting with the earliest request or order made to the most recent.

Rule 4008. Transcript Costs Payable by a Requesting Party—Local Rule.

A. Transcript Costs:

1. The charge to a requesting party for transcripts of judicial proceedings in the Courts of Carbon County prepared by a court reporter shall be as follows:

a. For a requesting party other than the Commonwealth or a political subdivision of this Commonwealth when the transcript is provided in electronic format:

(1) \$2.50 per page for an ordinary transcript;

(2) \$3.50 per page for an expedited transcript (when available);

(3) \$4.50 per page for daily transcript (when available); and

(4) \$6.50 per page for same day delivery for transcripts delivered within six (6) hours of the close of the court session (when available).

Any transcript prepared in bound paper format shall include a \$0.25 per page surcharge.

b. For the Commonwealth or a Political Subdivision of this Commonwealth when the transcript is provided in electronic format:

(1) \$2.00 per page for an ordinary transcript, plus \$1.00 per page for a copy requested by a party other than the Commonwealth or a political subdivision (provided that if more than one such party requests a copy, the aggregate cost of these copies to all requesting parties shall not exceed \$2.50 per page);

(2) \$3.00 per page for an expedited transcript (when available), plus \$1.00 per page for a copy requested by a party other than the Commonwealth or a political subdivision (provided that if more than one such party requests a copy, the aggregate cost of these copies to all requesting parties shall not exceed \$3.50 per page);

(3) \$4.00 per page for a daily transcript (when available), plus \$1.00 per page for a copy requested by a party other than the Commonwealth or a political subdivision (provided that if more than one such party requests a copy, the aggregate cost of these copies to all requesting parties shall not exceed \$4.50 per page); and

(4) \$5.00 per page for same day delivery for transcripts delivered within six (6) hours of the close of the court session (when available), plus \$1.00 per page for a copy requested by a party other than the Commonwealth or a political subdivision (provided that if more than one such party requests a copy, the aggregate cost of these copies to all requesting parties shall not exceed \$6.50 per page).

Any transcript prepared in bound paper format shall include a \$0.25 per page surcharge.

c. For cases such as mass tort, medical malpractice or unusually complex litigation for which court reporters need to significantly expand their dictionary, upon certification of this need by the court reporter and approval by the presiding trial judge, a surcharge of \$0.25 per page will be added to the foregoing rates charged the requesting party.

2. The charge for a rough draft transcript of judicial proceedings in the Courts of Carbon County prepared by a court reporter is hereby set at \$1.00 per page for an ordinary draft and \$2.25 per page for a daily rough draft (when available).

3. For any party who requests real time transmission of the court reporter's translated notes instantaneously by

an electronic feed to a laptop, tablet, phone or other portable electronic device via cable, Wi-Fi, router or Bluetooth, the party, media or other interested individual making such request (after first checking with the District Court Administrator that real time transmission is available) shall (1) file their request with the District Court Administrator a minimum of fourteen days in advance of the proceeding; (2) be required to cover the cost of the electronic connection to accommodate such request; and (3) be charged a fee of \$150.00 for each half day or less of transcription services provided by the court reporters and \$300.00 for each day in which the proceedings exceed a half day.

B. Waiver/Reduction of Transcript Costs:

1. Ordinary transcripts requested by litigants in matters under appeal or where the transcript is necessary to advance the litigation who meet the minimum standards for economic hardship pursuant to Pa.R.J.A. 4008(B)(1) and (B)(2) shall attach to their transcript request an affidavit in support of any request to waive all or a portion of the transcription costs.

2. The cost for ordinary transcripts in matters that are not under appeal or where the transcript is not necessary to advance the litigation, and the cost for expedited, daily, rough draft or same day delivery transcripts (when available) to litigants who meet the minimum standards for economic hardship pursuant to Pa.R.J.A. 4008(B)(1) and (B)(2) and who request a waiver or reduction in transcript fees shall have attached to the transcript request an affidavit in support of any request to waive all or a portion of the costs of transcription. Costs may be waived at the Court's discretion upon good cause shown.

3. The affidavit required by Subsection (B)(1) and (B)(2) shall be in substantially the form required by Pa.R.C.P. 240(h).

4. Litigants who have been approved for representation by legal aid services shall not be required to prove economic hardship and shall be entitled to obtain ordinary transcripts at no cost. Legal aid services must provide to the Presiding Judge and attach to their transcript request a letter of certification verifying in accordance with Pa.R.J.A. 4008(B) that the represented client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

C. Cost for Copies of Filed Transcripts:

1. Any requests for copies of transcripts that have been previously ordered, transcribed and filed of record shall be provided by the filing office at the following copy rates, which funds shall be turned over to the County of Carbon:

- a. \$0.75 per page bound, paper format; and
- b. \$0.50 per page electronic copy.

Rule 4009. Compensation to be Paid to Court Reporters—Local Rule.

A. In accordance with Pa.R.J.A. 4009, requiring the promulgation and publishing of a local rule establishing the fees to be paid for all court reporting products and the comment following Pa.R.J.A. 4007, the following amounts shall be paid to court reporters for their professional services as indicated below:

1. For transcripts requested by a party other than the Commonwealth or a political subdivision, court reporters shall be paid for their professional services an amount

equal to the amount charged a requesting party as set forth in Rule 4008(A)(1)(a) and (c) (if applicable), plus an additional \$1.00 per page.

2. For transcripts requested by the Commonwealth or a political subdivision, court reporters shall be paid for their professional services an amount equal to the amount charged a requesting party as set forth in Rule 4008(A)(1)(b) and (c) (if applicable), plus an additional \$1.00 per page for copies requested by a party other than the Commonwealth or a political subdivision.

3. For a rough draft transcript, court reporters shall be paid for their professional services an amount equal to the amount charged a requesting party as set forth in Rule 4008(A)(2).

4. For real time transmission of the court reporters' translated notes, court reporters shall be paid for their professional services the sum of \$150.00 for each half day or less of transcription services provided and \$300.00 for each day in which the proceedings exceed a half day.

5. The amount of compensation to be paid to court reporters for their professional services in the preparation and production of transcripts is not to be reduced notwithstanding the waiver or reduction in the cost of a transcript to a litigant pursuant to Rule 4008(B).

6. It is the intent of this Rule to ensure that court reporters shall continue to be compensated for the preparation of transcripts in an amount substantially the same as that previously received by court reporters for these services prior to the Pennsylvania Supreme Court's adoption of Pa.R.J.A. Nos. 4007—4009 and is not intended to reduce or otherwise limit the income of court reporters.

Rule 4014. Automatic Redaction of Certain Personal Data Identifiers—Local Rule.

A. Unless otherwise directed by the Presiding Judge, the court reporter preparing the transcript shall redact from the original transcript filed in the appropriate filing office those personal data identifiers for which redaction software has been obtained and is being utilized in such filing office, but these identifiers shall not be redacted on transcripts that are provided to the Court and to the parties. Currently, the software being utilized by the Prothonotary's Office redacts the following personal data identifiers:

1. Social Security Numbers, all but the last four digits;
2. Driver's License Number, all but the last four digits;
3. Vehicle Identification Numbers, all but the last four digits;
4. Financial institutions account numbers, all but the last four digits;
5. Dates of Birth, except year;
6. Names of minor children, except for the first initial of the first and last names.

Rule 4016. Storage and Retention of Exhibits—Local Rule.

In any proceeding in which cash, drugs, weapons or other dangerous materials are marked as exhibits and admitted into evidence, such exhibits shall be kept in secure locations by law enforcement for production on appeal or for a new trial, or pending forfeiture or a destruction order of the Court. With respect to those files whose contents are required to be kept confidential, as

well as any other matters where the files have been sealed or access to the files has been restricted, exhibits admitted into evidence as part of the Court record shall be maintained with the official Court record in the appropriate filing office, excluding those exhibits identified in the preceding sentence. All other exhibits admitted into evidence in a Court proceeding shall be retained by the court reporter in a secure location provided by the County for these purposes.

[Pa.B. Doc. No. 16-2246. Filed for public inspection December 23, 2016, 9:00 a.m.]

CHESTER COUNTY

Fee Bill for the Office of the Register of Wills and Clerk of Orphans' Court; No. 1516-9999

Order

And Now, this 30th day of November, 2016, pursuant to the provisions of 42 P.S. 21022.1 and 42 P.S. 21032.1, the fee bills of the Register of Wills and Clerk of Orphans' Court of Chester County, Pennsylvania, are amended as indicated on the proposed fee bill. The fee bill shall be effective the 1st day of February, 2017.

By the Court

JACQUELINE C. CODY,
President Judge

**SCHEDULE OF FEES
Register of Wills
County of Chester**

**Letters Testamentary
Letters of Administration**

Cost includes Recording of Pages

Cost is based on Valuation of Gross Estate as provided in the Petition for Grant of Letters.
{See Note # 1}

Note: Other usual fees charged at probate are marked with @@

Valuation of Gross Estate {Note #1}		Cost	
0	to	10,000	125.00
10,001	to	50,000	175.00
50,001	to	100,000	225.00
100,001	to	200,000	275.00
200,001	to	300,000	325.00
300,001	to	400,000	375.00
400,001	to	500,000	425.00
500,001	to	600,000	475.00
600,001	to	700,000	525.00
700,001	to	800,000	575.00
800,001	to	900,000	625.00
900,001	to	1,000,000	675.00

... For each succeeding \$100,000 or fraction of, add 75.00

Note # 1: ADDITIONAL PROBATE FEE

At the time of filing the Petition for Grant of Letters an estimate of the gross probate value of the Estate is made. The fee for Letters is based on that estimated value. When the Inheritance Tax Return and Inventory are filed, the actual gross probate value of the estate is calculated. If the actual gross probate value of the estate is greater than the estimated gross probate value of the estate, an additional probate fee is charged. No refund is issued if the actual gross probate value is less than the estimated gross probate value.

Note # 2: Miscellaneous Transactions

Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument.

Additional Probate {Note # 1}	*****
Amended Petition	30.00
Answer, Reply, Response	20.00
Appeal to Orphans' Court	75.00
Automation Fee (for initial/first filings)	10.00
Bond	20.00
Caveat—Formal	100.00
Caveat—Informal	25.00
Certification of Notice {charged only at Probate} @@	10.00
Certification of Record by Deputy Clerk	10.00
Certification (Formal) of Record by Elected Official	50.00
Claim—Filing	20.00
Commission executed for a Jurisdiction	25.00
Commission sent to a Jurisdiction	50.00
Copy {Per Page}	1.00
Disclaimer	20.00
Exemplification Certificate	75.00
Exemplification from another Jurisdiction	50.00
Inheritance Tax Certification	5.00
Inheritance Tax Return {charged only at Probate} @@	20.00
Inventory—Estate {charged only at Probate} @@	10.00
JCS/ATJ/CJEA—State Fee @@	35.50
Miscellaneous Transactions {Note # 2}	*****
Name Change Certificates {includes BOTH offices}	25.00
Name Search	15.00
Petition	50.00
Petition for Citation	75.00
Receipt & Release	30.00
Register of Wills Hearing	100.00
Renunciation—Each Name	5.00
Returned Check	30.00
Short Certificate @@	10.00
Status Report {charged only at Probate} @@	15.00
Subpoena	10.00

Subsequent Petition for Letters	50.00
Tax Only Estate (“No Letters” Estate) (no State fee charged)	50.00

The JCS/ATJ/CJEA is a PA State fee imposed on the INITIAL/FIRST filing of a Petition in the Register of Wills/Clerk of Orphans’ Court, including but not limited to, Petition for Grant of Letters, Petition for Citation, Small Estate Petition, Petition for Adoption, Petition for Termination, Petition for Appointment of a Guardian.

Chester County Register of Wills uses a third party processor named Municipay to process payments for transactions. For credit and debit card payments, Municipay will charge a processing fee of 2.25% on the total amount paid with a minimum fee of \$2.00

**SCHEDULE OF FEES
Clerk of the Orphans’ Court
County of Chester**

ADOPTIONS	
Adoption Investigation	850.00
Adoption Investigation Review	125.00
Adoption Petition for Domestic & Foreign—includes amended petitions and certification of final decree	150.00
Attorney for the Minor {Separate Check}	150.00
Counseling for Natural Parents {Separate Check}	75.00
Foreign Adoption Registration—includes amended petitions and certification of final decree	100.00
Identifying Adoption Search	300.00
Non-Identifying Adoption Search	150.00
Report of Intention to Adopt	25.00
Termination Petition—includes citations, amended petitions, motion for appointment of counsel and certification of final decree	75.00

GUARDIANSHIP OF INCAPACITATED PERSON	
Appointment of Guardian for Incapacitated—includes emergency and permanent petitions, amended petitions, citations, motion for appointment of counsel, certification of final decree and inventory	150.00
Certificate of Guardian Appointment	25.00

MARRIAGE LICENSES	
Certification of No Marriage	25.00
Certified Marriage Record	15.00
Court Consent—Applicant Under 16 years	40.00
Custodial Consent—Applicant Under 18 Years	20.00
Exemplification of Marriage Record	40.00
Marriage Application	75.00
Non-Resident Marriage Affidavit	10.00
Replacement of Marriage License	10.00
Waiver of 3 Day Waiting Period	25.00

ACCOUNTS FILED FOR FORMAL AUDIT			
Cost is based on valuation of Gross Estate, i.e. Gross Principal Receipts plus Gross Income Receipts as provided on account face sheet.			
<i>Valuation of Gross Estate</i>			<i>Cost</i>
0	to	100,000	200.00
100,001	to	250,000	300.00
250,001	to	500,000	400.00
500,001	to	750,000	500.00
750,001	to	1,000,000	600.00
1,000,001	to	1,250,000	700.00
1,250,001	to	1,500,000	800.00
1,500,001	to	1,750,000	900.00
1,750,001	to	2,000,000	1000.00
. . . For each succeeding \$500,000 or fraction of, add 200.00			
Also add Cost for Recording of Account at 5.00 per page			

Chester County Clerk of the Orphans’ Court uses a third party processor named Municipay to process payments for transactions. For credit and debit card payments, Municipay will charge a processing fee of 2.25% on the total amount paid with a minimum fee of \$2.00

Agreement	20.00
Amended Petition	30.00
Answer, Reply, Response	20.00
Appeal to Superior/Supreme Court {Note # 3}	125.00
Award of Real Estate	30.00
Automation Fee (for initial/first filings)	10.00
Bond	20.00
Certificate of Trustee Appointment	25.00
Certification of Record by Assistant Clerk	10.00
Certification (Formal) of Record by Elected Official	50.00
Claim-Filing	20.00
Copy—Per Page	1.00
Deed of Real Estate	30.00
Deed of Trust Recording	30.00
Disclaimer	20.00
Exemplification Certificate	75.00
Family Exemption Claim	30.00
Family Settlement Agreement	30.00
Informal Accounts	50.00
Joinder	20.00
JCS/ATJ/CJEA—State Fee	35.50
Miscellaneous Transactions {Note # 4}	****
Motion {with Order}	20.00
Name Change Certificates (includes BOTH offices)	25.00
Name Search	15.00

Objections	20.00
Petition	50.00
Petition for Citation	75.00
Power of Attorney	30.00
Praecepte {with Order}	20.00
Receipt & Release	30.00
Returned Check	30.00
Satisfaction of Awards	30.00
Schedule of Distribution	50.00
Small Estate Petition—includes Inheritance Tax Return and Certification of Decree. Add \$35.50 for JCS Fee and \$10.00 for Automation Fee, if first filing	90.00
Spousal Election	30.00
Stipulation	20.00
Subpoena	10.00
Surety/Fiduciary Registration	10.00

SPECIAL SERVICES: Poundage - 5 cents for each dollar up to \$1000 + 2 cents for each dollar over \$1000.

Note # 3: SUPERIOR COURT FEE & POSTAGE FEE
Must include a SEPARATE check for \$ 85.50, payable to Superior Court of PA, to be sent with the Notice of Appeal by the Clerk of the Orphans’ Court. Also, an Invoice for Postage will be sent out for the cost of mailing the case file to Superior/Supreme Court.

Note # 4: Miscellaneous Transactions
Instruments not specifically listed will be charged at a rate comparable to this schedule for a like instrument.

The JCS/ATJ/CJEA is a PA State fee imposed on the INITIAL/FIRST filing of a Petition in the Register of Wills/Clerk of Orphans’ Court, including but not limited to, Petition for Grant of Letters, Petition for Citation, Small Estate Petition, Petition for Adoption, Petition for Termination and Petition for Appointment of a Guardian.

[Pa.B. Doc. No. 16-2247. Filed for public inspection December 23, 2016, 9:00 a.m.]

DAUPHIN COUNTY

Uniform Disbursement Schedule Prioritization; AO-18-2016; No. 0010-18-MD-2016

Administrative Order

And Now This 28th day of November, 2016, pursuant to 204 Pa. Code § 29.405(1)(i)(E), the collection and disbursement of Dauphin County Booking Center Fees shall be given priority status. After full collection and payment of the Booking Center Fees assessment, all other county fees for services under 204 Pa. Code § 29.405(1)(i)(E) shall be paid based on a pro-rated formula. The Administrative Office of Pennsylvania Courts shall make the necessary changes to the Common Pleas Case Management System (CPCMS) to accomplish the foregoing.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 16-2248. Filed for public inspection December 23, 2016, 9:00 a.m.]

ELK COUNTY

Adoption of Local Rules L4007 and L4008 Regarding Transcript Requests and Fees; No. 2016-913

Order of Court

Now, December 8, 2016, pursuant to Pa.R.J.A. 4000—4009, the Court hereby adopts the following new Local Rule 4007 and Rule 4008, covering the requests and transcribing fees for transcripts of court proceedings in Elk County or Cameron County, which become effective on January 1, 2017.

The District Court Administrator of the 59th Judicial District (Elk and Cameron Counties) is directed as follows:

- (1) File one copy of the Administrative Order with the Administrative Office of Pennsylvania Courts.
- (2) Submit two copies of the Administrative Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.
- (3) Publish a copy of the Administrative Order on the website of the 59th Judicial District.
- (4) Compile a complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.
- (5) File the Administrative Order with the filing office of each county for public inspection and copying.

Rule L4007. Requests for Transcripts.

(1) All requests for transcripts shall be submitted on a form provided by the District Court Administrator that will include all elements required by the Court Administrator of Pennsylvania. The form shall be made available on the Court’s website at www.co.pa.elk.us/judicial and at the office of the District Court Administrator.

(2) The requesting party shall submit the original request form to the District Court Administrator and shall serve copies of the request to:

- a. The judge presiding over the matter;
- b. The court reporter or court recorder
- c. The opposing counsel or an opposing party if unrepresented.

(3) A party making a request for transcript shall make a partial payment of 95% of the estimated cost. All checks shall be made payable to the County of Elk in Elk County matters or the County of Cameron in Cameron County matters. Payment shall be delivered to the office of the District Court Administrator, P.O. Box 416, Ridgway, PA 15853, regardless of the county of venue.

Rule L4008. Costs for Transcripts.

(1) Costs paid by the requesting party, other than the Commonwealth of Pennsylvania or a subdivision there, for a transcript in 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
- d. For same day delivery, \$6.50 per page

(2) Costs paid by the requesting party and any other party for a paper copy of the transcript shall be \$0.25 per page

(3) Where the Commonwealth or a subdivision thereof is liable for the cost in electronic format:

a. For all transcripts, \$2.00.

(4) The trial judge may impose a reasonable surcharge in cases such as professional malpractice or other complex litigation.

(5) Transcript costs subject to waiver under Pa.R.J.A. 4008(B) shall be reviewed by the District Court Administrator upon written application by the requesting party. Applications are available from the office of the District Court Administrator.

(6) A request for a copy of any transcript previously filed of record shall be submitted to the District Court Administrator and provided according to the following fee schedule:

a. For paper format, \$0.75 per page

b. For electronic format, \$0.50 per page

By the Court

RICHARD A. MASSON,
President Judge

[Pa.B. Doc. No. 16-2249. Filed for public inspection December 23, 2016, 9:00 a.m.]

MERCER COUNTY

Local Rules of Court; No. 3 AD 2016

And Now, this 5th day of December, 2016, The Court Hereby *Approves, Adopts and Promulgates* Mercer County Local Rules of Judicial Administration: 4004 (B); 4006; 4007; 4008 (A); and 4011. These Rules are adopted pursuant to the Order of the Pennsylvania Supreme Court as amended on May 12, 2016, and these Rules will become effective on January 1, 2017.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It is further *Ordered and Directed* that these Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County. These Local Rules shall be published in the *Mercer County Law Journal*.

By the Court

THOMAS R. DOBSON,
President Judge

Mercer County Local Rule of Judicial Administration 4004(B). Court Reporter Qualifications.

(1) On or before the 15th day of January of each year, every court reporter shall provide to the lead court reporter the number of continuing professional education hours that the court reporter completed for the just ended calendar year.

(2) On or before the 31st day of January of each year, the lead court reporter shall provide a report to the President Judge and District Court Administrator of the hours of continuing professional education that each court reporter has completed during the three (3) year requalifying period. The qualifying period shall coincide

with the three (3) year cycle of any court reporter that is currently in an NCRA continuing education cycle.

Mercer County Local Rule of Judicial Administration 4006. Court Reporter Duties.

(A) Reserved.

(B) Reserved.

(C) Reserved.

(D) Reserved.

(E) Reserved.

(F) Reserved.

(G) 1. On the first business day of each month, each court reporter shall provide to the lead court reporter a report listing the following:

(a) The case caption, type of proceeding to be transcribed, date requested and expected completion date for every transcript requested for the preceding month;

(b) The case caption, type of proceeding to be transcribed, date requested and expected completion date for every transcript requested prior to the 1st day of the preceding month;

(c) The case caption and completion date of every transcript completed in the prior month.

2. On or before the 10th day of each month, the lead court reporter shall provide a report to the President Judge and the District Court Administrator listing the transcripts pending to be transcribed, the court reporter assigned to the matter, the date requested and the expected completion date.

3. The report shall be developed by the lead court reporter and approved by the President Judge if no form is provided by the AOPC.

Mercer County Local Rule of Judicial Administration 4007. Requests for Transcripts.

(E) Anyone requesting a transcript, unless waived by the Court, shall file a Motion with the Mercer County Court Administrator setting forth what is to be transcribed; whether or not it is to be an ordinary, expedited, daily or same day delivery; whether or not it is to be in electronic format or bound paper format; and whether or not a waiver is being requested.

(1) The District Court Administrator shall contact the assigned court reporter to determine the estimated cost of the transcript and provide that amount orally to the requesting party within 24 hours of the filing of the motion.

(2) If a fee waiver is requested, the District Court Administrator shall schedule a hearing to be held within five (5) business days after the filing of said motion to be heard by the presiding judge. If the waiver is not granted or a partial waiver is granted, then the requesting party shall pay a deposit equal to 75% of the estimated cost of the transcript within three (3) business days of said hearing.

(G) 1. A party requesting a transcript, unless a waiver is requested, shall pay a deposit in the amount of 75% of the requested estimated cost of the transcript. The check shall be made payable to the court reporter.

4. The final payment is due at the time that the transcript is picked up and/or delivered.

Mercer County Local Rule of Judicial Administration 4008(A). Fees.

A. Fee schedule for court reporters.

(1) The requesting party, unless waived, shall pay \$2.50 per page for ordinary and electronic transcripts and \$2.75 per page for a bound paper form transcript. The Commonwealth shall pay \$2.00 and \$2.25, respectively, per page;

(2) The requesting party, unless waived, shall pay \$3.50 per page for expedited transcripts in electronic format and \$3.75 per page in bound paper form. The Commonwealth shall pay \$3.00 and \$3.25, respectively, per page;

(3) The requesting party, unless waived, shall pay \$4.50 per page for daily transcripts in electronic format and \$4.75 per page in bound paper form. The Commonwealth shall pay \$4.00 and \$4.25, respectively, per page;

(4) The requesting party, unless waived, shall pay \$6.50 per page for same day delivery in electronic format and \$6.75 per page in bound paper form. The Commonwealth shall pay \$6.00 and \$6.25, respectively, per page;

(5) Any party requesting a copy of a transcript, unless waived, shall pay \$0.75 in bound paper form, and \$0.50 per page in electronic format. The Commonwealth shall pay \$0.50 and \$0.25, respectively, per page;

(6) A court reporter shall be paid by the County, the sum of \$1.50 per page for court orders;

(7) If the transcript involves a mass tort, medical malpractice, or unusually complex litigation, a surcharge of \$0.50 per page shall be added to the set forth herein, upon Order of the presiding Judge;

(8) Any requesting party shall pay a fee of \$1.00 per page for a rough draft, with no certification. There will be no waiver of said fee.

Mercer County Local Rule of Judicial Administration 4011. Deadline for Delivery of Transcripts.

(A) The date of notice to transcribe for appeal shall be the date of the post-appeal conference.

[Pa.B. Doc. No. 16-2250. Filed for public inspection December 23, 2016, 9:00 a.m.]

**MONTGOMERY COUNTY
Fees of Clerk of Orphans' Court**

And Now, this 2nd day of December, 2016, the following bill of costs is established effective January 1, 2017 to be chargeable to parties and to estates, before said Court for settlement, for the services of the Clerk of said Court and in the transaction of the business of said Court.

ACCOUNTS—Filing, advertising, recording, setting up printed copies of advertising of accounts of trustees and guardians of minors and incapacitated, including adjudication and certificate of the Clerk in estate not exceeding in value of

not exceeding in value of \$1,000	39.00
Over 1,001 and not exceeding 5,000	85.00
Over 5,001 and not exceeding 10,000	109.00
Over 10,001 and not exceeding 25,000	121.00
Over 25,001 and not exceeding 50,000	152.00
Over 50,001 and not exceeding 100,000	182.00

Over 100,001 and not exceeding 250,000	242.00
Over 250,001 and not exceeding 500,000	330.00
Over 500,001 and not exceeding 1,000,000	396.00
Each succeeding \$500,000 or fraction thereof	193.00

In addition to the above fees for filing there will be a fee for recording, per page 1.00
Supplemental or Amended Accounts (fee per page) 1.00

TECHNOLOGY FEE—For Accounts 10.00

ADOPTION, Petition for, recording, including certified copy of

DECREE and CERTIFICATE of ADOPTION 91.00
Report of intent to adopt (\$15.00 and Act 34—75.00) 90.00

Abandonment, petition for finding and Transcript 36.00

Foreign Decree Registration Filing 36.00

Petition for release of Identifying Information 212.00

Petition for release of Nonidentifying Information 61.00

AMENDED PETITIONS 31.00

ANSWER 20.00

APPEAL to Supreme or Superior Court, 91.00

certificate of record and bond and transmission costs

APPEAL, INHERITANCE TAX 91.00

AWARD OF REAL ESTATE Petition 1 description 25.00

AWARD OF REAL ESTATE, certification of excerpt from

Schedule of Distribution, 1 description 20.00

Each Additional description 7.00

BIRTH RECORD, certified copy of 28.00

BOND, filing, approval of, and recording 7.00

CERTIFICATE and seal 28.00

CITATION, Petition for, and order (one name) 64.00

(Includes issuance and proof of service)

Each Additional Name 5.00

Riders (Over 10 Names) Additional Fee 3.00

CLAIM, filing of 20.00

COPIES OF DECREES, adjudication, etc, per page 1.00

DEED, execution of by clerk 25.00

DEED OF TRUST, filing of, per page 1.00

DISCLAIMER 20.00

ELECTION, to take under or against will filing of 20.00

EXCEPTIONS, to adjudication, schedule of distribution, etc. filing 32.00

JUDICIAL COMPUTER FEE, all first time filings 35.50

CHILD CARE FUND, all first time filings 5.00

TECHNOLOGY FEE, all first time filings 10.00

GENEALOGICAL RESEARCH FEES 33.00

SEARCH FEE (ANY TYPE RESEARCH) 33.00

EXEMPLIFICATION of record, per page Certificate 1.00 39.00

FAMILY EXEMPTION, filing claim for and recording;

Personal Estate 20.00

Real Estate, on description 20.00

Each additional description 4.00

FAMILY SETTLEMENT AGREEMENT	32.00
Additional Name	5.00
GUARDIAN'S REPORT Person and/or Estate (each)	20.00
PETITION FOR APPOINTMENT OF GUARDIAN	39.00
PETITION FOR MINOR'S COMPROMISE	64.00
Each Additional Minor (One Petition)	5.00
PETITION for ADJUDICATION of INCAPACITY	64.00
PETITION for EMERGENCY & PERMANENT GUARDIAN	64.00
INTERROGATORIES	14.00
INVENTORY GUARDIAN FILING of NON-JUDICIAL SETTLEMENT AGREEMENTS	32.00
Each Additional Name(s)	5.00
NON-PETITION FILING	13.00
OBJECTIONS & PRELIMINARY OBJECTIONS PETITIONS (W/Existing Estate Number)	39.00
PETITIONS (No Existing Estate Number)	64.00
POWER OF ATTORNEY	114.50
RECEIPT and RELEASE Filing and Recording (one name)	20.00
EACH ADDITIONAL NAME	32.00
RENUNCIATION	5.00
SALE—Receive Proceeds, Petition to, Amount of Additional Bond and Certificate Order of Public Sale and Return (one description)	51.00
Each Additional Description	5.00
SATISFACTION OF AWARDS—Each Name	7.00
SCHEDULE OF DISTRIBUTION, first ten pages Or Fraction thereof—Double Space	39.00
	20.00
SHORT CERTIFICATE, guardian and trustee STIPULATION	11.00
SUBPOENA	32.00
	11.00
MARRIAGE LICENSE	32.50
STATE tax	.50
CHILDREN'S FUND/DOMESTIC VIOLENCE TOTAL ML FEE	20.00
Appointment of Guardian—Issuance of ML Petition for and ORDER (under 16 Years of Age)	\$53.00
	24.00
CONSENT FORM (16 to 18 Years of Age)	14.00
WAIVER (3 Day Waiting Period) (MILITARY WAIVER N/C)	19.00
CERTIFIED DUPLICATE CERTIFICATE or APPLICATION	14.00
COMBINATION—APPLICATION/CERTIFICATE RE: Immigration, Apostille, Adoptions etc.	28.00
UNCERTIFIED COPY MARRIAGE RECORD	1.00
RE-ISSUE MARRIAGE LICENSE LICENSE ISSUE	53.00
NEW APPLICATION	30.00
SINGLE STATUS LETTER	30.00
NO RECORD LETTER	61.00
MARRIAGE LICENSE CLEARANCE (MARYLAND & other STATE Requirements)	14.00

OUTSIDE MARRIAGE APPLICATION Travel Fee	83.00
(Plus Marriage License Fee) TOTAL	\$136.00
CASH	

RETURNED CHECK FEE 32.00

1. The word "page" means a page of cap, brief, or typewriting paper written double space.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Register of Wills of this County in the transaction of the business of said office are hereby revoked.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 16-2251. Filed for public inspection December 23, 2016, 9:00 a.m.]

**MONTGOMERY COUNTY
Fees of Register of Wills**

And Now, this 2nd day of December, 2016 the following bill of costs is established effective January 1, 2017 to be chargeable to parties and to estates for the probate of Wills and Testaments, and granting of Letters Testamentary and of Administration, and for all services of the Register of Wills of this County, in the transaction of the business of said office.

ACCOUNTS—ACCOUNTS are ACCEPTED by the CLERK OF THE ORPHANS' COURT

ADMINISTRATION, Letters of, including filing and entering bond and tax due commonwealth in estates. . .

Not exceeding in value of \$250.00	11.00
Over 251 and not exceeding 1,000	31.00
Over 1,001 and not exceeding 5,000	48.00
Over 5,001 and not exceeding 10,000	73.00
Over 10,001 and not exceeding 25,000	91.00
Over 25,001 and not exceeding 50,000	121.00
Over 50,001 and not exceeding 100,000	152.00
Over 100,001 and not exceeding 200,000	182.00
Over 200,001 and not exceeding 300,000	212.00
Over 300,001 and not exceeding 400,000	264.00
Over 400,001 and not exceeding 500,000	297.00
Over 500,001 and not exceeding 600,000	330.00
Over 600,001 and not exceeding 700,000	363.00
Over 700,001 and not exceeding 800,000	396.00
Over 800,001 and not exceeding 900,000	429.00
Over 900,001 and not exceeding One Million	462.00
First Million	462.00
Each Million above	330.00
Each succeeding \$100,000 or fraction thereof	31.00
Judicial Computer Fee	35.50
Child Care Fund	5.00
Technology Fee	10.00

LETTERS TESTAMENTARY, including probate, filing and entering bond and tax due Commonwealth in estates

Not exceeding in value of \$250.00	11.00
Over 251 and not exceeding 1,000	31.00
Over 1,001 and not exceeding 5,000	48.00
Over 5,001 and not exceeding 10,000	73.00
Over 10,001 and not exceeding 25,000	91.00
Over 25,001 and not exceeding 50,000	121.00
Over 50,001 and not exceeding 100,000	152.00
Over 100,001 and not exceeding 200,000	182.00
Over 200,001 and not exceeding 300,000	212.00
Over 300,001 and not exceeding 400,000	264.00
Over 400,001 and not exceeding 500,000	297.00
Over 500,001 and not exceeding 600,000	330.00
Over 600,001 and not exceeding 700,000	363.00
Over 700,001 and not exceeding 800,000	396.00
Over 800,001 and not exceeding 900,000	429.00
Over 900,001 and not exceeding One Million	462.00
First Million	462.00
Each Million above	330.00
Each succeeding \$100,000 or fraction thereof	31.00
Judicial Computer Fee	35.50
Child Care Fund	5.00
Technology Fee	10.00

For each page of Will, per page 1.00

ADDING CODICIL TO PROBATE 20.00

AFFIDAVIT—filing of 7.00

APPEAL—filing and certifying to Orphans’ Court 91.00

ANSWER 20.00

SECOND, copy of, including seal and certificate 7.00
 Filing and entering where additional security/bond is required 7.00

BRIEFS, filing relating to hearing, etc. 32.00

CAVEAT, filing informal 32.00

CAVEAT, filing formal with bond 96.00
 Cancellation & Rescheduling of hearing 32.00

CERTIFICATE and seal 14.00

CERTIFICATE and seal of real estate (Tax Clearance) 14.00

CHILD CARE FUND—all first time filings 5.00

CITATION or attachment. Petition for (one name) 64.00
 Each additional name (Over ten names an add. fee) 5.00

COMMISSIONS to Register of PA to take testimony 45.00

COMMISSIONS from Register of PA, execution of 20.00

COPIES of account, will, inventory, etc. per page 1.00

EXEMPLIFICATION of:

Will, (including first page)	39.00
Additional pages (per page)	1.00
Miscellaneous Records (including first page)	14.00
Miscellaneous Filings	14.00

OBJECTIONS 32.00

RECORDING—exemplified copies of administration from other States 32.00
 where letters are not required to be issued

Exemplified copies of wills from other states where letters are not required to be issued. One page and affidavits 32.00
 Each additional page 1.00

RENUNCIATION, filing each 5.00

RETURNED CHECK Fee	32.00
SHORT CERTIFICATE	11.00
Up-dating (One time only)	6.00
SUBPOENA	11.00
SUCCEEDING APPOINTMENT	20.00
SUGGESTION OF DEATH	14.00
SPECIAL SERVICE	
Probate of Will outside of Office.	96.00
Affidavit of Witness	96.00
TECHNOLOGY FEE	10.00
INVENTORY & APPRAISEMENT—TAX PAPERS —(Double Space)	20.00
SEARCH FEE (ANY SEARCH)	33.00
Non Probate—Inheritance Tax Fees	64.50
Tax Forms	14.00
Judicial Computer Fee	35.50
Child Care Fund	5.00
Technology Fee	10.00

1. The word “page” means a page of cap, brief, or typewriting paper written double space.

2. If a fee is not specifically provided for in this schedule, it shall be the same fee as for a similar service.

3. All prior Orders made establishing bills of costs for the services of the Register of Wills of this County in the transaction of the business of said office are hereby revoked.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 16-2252. Filed for public inspection December 23, 2016, 9:00 a.m.]

MONTGOMERY COUNTY

Sheriff’s Office Request to Increase Fees Pursuant to 42 P.S. § 21101 et seq.; No. 2016-00001

Order

And Now, this 5th day of December, 2016, upon consideration and review of the Petition to Establish an Additional Fee and Restricted Account, known as Sheriff’s Computer Fund, pursuant to § 42 P.S. 21118.1(a), (b) and § 21119 of the Sheriff’s Fee Act, it is *Ordered and Decreed That* said Petition is Granted.

It is further *Ordered* that The Montgomery County Sheriff’s Department is ordered to establish an additional fee and restricted account, known as the Sheriff’s Computer fund, for the purpose of computerizing the Office of the Sheriff, as per the attached Sheriff’s Directive, marked as Exhibit “A”.

By the Court

HONORABLE WILLIAM J. FURBER,
President Judge

[Pa.B. Doc. No. 16-2253. Filed for public inspection December 23, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Maeble Lois Hairston (# 60905), having been disbarred from the practice of law in the state of New Jersey, the Supreme Court of Pennsylvania issued an Order on December 12, 2016, disbarring Maeble Lois Hairston from the Bar of this Commonwealth, effective January 11, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 16-2254. Filed for public inspection December 23, 2016, 9:00 a.m.]
