

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 69]

Amendment to Commonwealth Court Internal Operating Procedure

The Commonwealth Court has amended its Internal Operating Procedure § 414, 210 Pa. Code § 69.414, effective March 10, 2017.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 69. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT OF PENNSYLVANIA

DECISIONS

§ 69.414. Citing Judicial Opinions in Filings.

(a) An unreported opinion of this court may be cited and relied upon when it is relevant under the doctrine of law of the case, *res judicata* or collateral estoppel. Parties may also cite an unreported panel decision of this court issued after January 15, 2008, for its persuasive value, but not as binding precedent.

(b) Except as provided in subsection (d) (relating to single judge opinions in election law matters), a single-judge opinion of this court, even if reported, shall be cited only for its persuasive value and not as a binding precedent.

(c) A reported opinion of the Court en banc or panel may be cited as binding precedent.

(d) A reported opinion of a single judge filed after October 1, 2013, in an election law matter may be cited as binding precedent in an election law matter only. **For purposes of IOP § 414, “an election law matter” is one that involves the content of a ballot for the next ensuing election.**

[Pa.B. Doc. No. 17-570. Filed for public inspection April 7, 2017, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Adoption of Local Rules Regarding Court Reporting and Transcripts; No. 282 CD 2017

Order of Court

And Now, March 22, 2017 the following rules are hereby *Adopted* as the Local Rules of Judicial Administration 4001, 4002, 4004, 4007 and 4008 governing court reporting and transcripts for the 18th Judicial District of Pennsylvania to be effective thirty (30) days after publica-

tion in the *Pennsylvania Bulletin*. The Clarion County District Court Administrator is Ordered and Directed to do the following:

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

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

(3) Publish the local rules on the Clarion County website at <http://www.co.clarion.pa.us/government/courts.html>

(4) File one copy of the local rule in the appropriate filing offices for public inspection and copying.

By the Court

JAMES G. ARNER,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 4001. Scope of Rules and Policy.

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

(B) These Rules shall be known as the Local Rules of Judicial Administration and shall be cited as L.R.J.A.

Rule 4002. Definitions.

Court Administrator means the Court Administrator of Pennsylvania.

District Court Administrator means the County Court Administrator.

Rule 4004. Qualifications of Court Reporters.

(A) Reserved

(B) Reserved.

(C) Reserved.

(D)(1) Every court reporter utilized by the Court of Common Pleas of Clarion County shall provide to the District Court Administrator before January 31 each year, documentation indicating the number of continuing professional education hours that the Court Reporter successfully completed for the preceding calendar year and shall provide to the District Court Administrator proof of their requalification every three years by completion of thirty (30) hours of continuing professional education properly certified or accredited by the National Court Reporters Association.

(2) The District Court Administrator shall assure that the requirements set forth for court recorders in subdivision (C) of the Pennsylvania Rules of Judicial Administration are satisfactorily met by conducting a review of work products for accuracy, timeliness and quality.

(E) Reserved.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized “Request for Transcript” form which may be downloaded from <http://www.co.clarion.pa.us/government/courts.html>, which is Clarion County’s website, or which can be obtained from the District Court Administrator or

the following filing offices: Prothonotary, Clerk of Courts, and Register of Wills/Clerk of Orphans' Court.

(B) The original request shall be filed in the appropriate filing office and the requesting party shall provide copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the district court administrator; and
- (3) opposing counsel or, if opposing party is not represented, to the opposing party
- (4) the district court administrator shall determine which court reporter is responsible for the transcript requested and shall deliver a copy of the request to the appropriate court reporter.

(C) Reserved

(D) Upon receipt of a request for an ordinary transcript, the court reporter assigned to the proceeding shall, within seven (7) calendar days of receipt of the Request to transcribe, calculate the estimated cost of the transcript using the price rates explicitly established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto and provide that information to the district court administrator.

(1) A non-refundable deposit in the amount of 90% of the estimated cost of the transcript shall be made by the requestor within fourteen (14) calendar days after the district court administrator has informed the requestor of the estimated cost. All deposits shall be made by money order, certified check or law firm check made payable to the "County of Clarion" and delivered to the district court administrator, who will deposit the check with the Clarion County Treasurer. Upon receipt of the down payment the district court administrator shall notify the appropriate court reporter that the transcript is to be prepared and shall further indicate the date by which it is to be completed.

(2) Upon receipt of the directive to transcribe, the court reporter assigned to the proceeding shall prepare the transcript.

(3) The court reporter shall notify the district court administrator upon completion of the transcript and shall advise the district court administrator of the final total cost. The District Court Administrator shall notify the ordering party, and any other party having requested a copy, of the balance due.

(4) Upon notification to the requesting party that the transcript is completed and of the balance due, payment for the balance due shall be paid by money order, certified check or law firm check made payable to the County of Clarion and delivered to the district court administrator within seven (7) calendar days from the date of notification. The district court administrator will deposit payment with the Clarion County Treasurer and process payment to the court reporter. Original transcripts will not be filed nor copies distributed until the balance is paid in full.

(E) Reserved.

(F) The provisions of this Local Rule regarding deposits and final payments shall not apply to a request for a transcript where the Commonwealth or any subdivision thereof is the requestor, or where the requestor has been granted in forma pauperis status.

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

(A)(1)(2) *Costs.* The costs payable by a requesting party, other than the Commonwealth of Pennsylvania or a subdivision thereof, unless a waiver is granted, shall be as follows:

Ordinary:	\$2.75 (paper)
Expedited:	\$3.75 (paper)
Daily:	\$4.75 (paper)
Same Day:	\$6.75 (paper)

These prices are for the original prepared in bound paper format as Clarion County does not accept an electronic transcript for filing. Further, Expedited, Daily or Same Day transcripts are only available if the court reporter is able to accommodate such request.

Fee schedule for COPIES:	\$0.75 (paper)
	\$0.50 (electronic)

(B) *Economic Hardship.*

- (1) Reserved.
- (2) Reserved.
- (3) Reserved.

(4) Litigants claiming economic hardship must attach a completed In Forma Pauperis affidavit, pursuant to PA Rule of Civil Procedure 240, to the Request for Transcript form. Proof of income must be supplied including documents for the past three months, such as pay stubs, social security benefit statements, Domestic Relations child support information, and/or unemployment benefit statements.

(a) No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates extraordinary need.

(C) Reserved.

(D) *Copies of transcripts.*

Any requests for copies of transcripts filed of record shall be directed to the District Court Administrator and shall be produced solely by the District Court Administrator. Payment for copies of transcripts shall be paid by money order, certified check or law firm check made payable to the County of Clarion and delivered to the District Court Administrator pursuant to the rates established in 4008(A)(1)(2).

(E) *Additional Costs*

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

[Pa.B. Doc. No. 17-571. Filed for public inspection April 7, 2017, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; Local Rule 230—Disposition of Land Use Appeals in the Court of Common Pleas

Order of Court

And Now, this 22nd day of March, 2017, it is hereby Ordered and Decreed, that effective thirty (30) days after

publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas adopts local rule 230, governing procedure for the disposition of land use appeals in the Court of Common Pleas for the 9th Judicial District.

The Cumberland 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 Cumberland County Court website at www.ccpa.net.

4. Incorporation of the local rule into the set of local rules on www.ccpa.net 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 appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

LAND USE APPEALS

Rule 230. Disposition.

1. Contemporaneously with the notice of the filing of the complete return of the record, the Prothonotary shall forward the appeal to Court Administration for assignment of a Judge of the Court of Common Pleas. The Court Administrator shall assign appeals to the Judges on a rotating basis.

2. Within ten (10) days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. The Prothonotary shall immediately serve a copy of the motion upon the assigned Judge.

3. At the conference, the Court may, inter alia:

- Require or approve supplementation of the record.
- Fix a time for a de novo hearing before the Court.
- Employ expert(s) to aid the Court to frame an appropriate order.

d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.

e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

4. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

5. If no party has filed a request for a conference within ten (10) days after the Prothonotary gives notice of the filing of the complete return of the record, the Court shall immediately issue a standard order setting a briefing schedule and date for oral argument.

6. The standard briefing schedule shall be as follows:

The appellant shall file a brief within forty (40) days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal.

Each other party shall file a responsive brief within thirty (30) days after service of appellant's brief.

The appellant may file a reply brief within ten (10) days after service of the responsive brief.

7. Within the standard order setting the briefing schedule, the judge shall schedule oral argument for the next argument term corresponding with the close of the briefing period.

8. If appellant fails to file a brief within the time period established under the rules of this section or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

[Pa.B. Doc. No. 17-572. Filed for public inspection April 7, 2017, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; Local Rule 1920.55-1

Order of Court

And Now, this 21st day of March, 2017, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas rescinds local rule 1920.55-1 and adopts local rule 1920.55-1, governing exceptions to the divorce master's report for the 9th Judicial District.

The Cumberland 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 Cumberland County Court website at www.ccpa.net.

4. Incorporation of the local rule into the set of local rules on www.ccpa.net 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 appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

DIVORCE RULES

Rule 1920.55-1.

[When exceptions are filed to the master’s report, the Prothonotary shall immediately list the case for the next Argument Court. It shall be the responsibility of counsel to request the court to order that a transcript be prepared if needed.] When exceptions to the Divorce Master’s report are filed, the Prothonotary shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

[Pa.B. Doc. No. 17-573. Filed for public inspection April 7, 2017, 9:00 a.m.]
