

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 5]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 207]

Adoption of Rule 510 of the Rules of Judicial Administration and Amendment of Pa. Code § 207.3; No. 501 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 31st day of August, 2018, Rule 510 of the Pennsylvania Rules of Judicial Administration is adopted, and 204 Pa. Code § 207.3 is amended, in the following form.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the amendments herein are required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 5. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

(Editor's Note: The following rule is added and printed in regular type to enhance readability.)

Rule 510. Guardianship Tracking System.

(a) *Definitions.* The words and phrases used in this rule shall have the following meanings:

Clerk—The Clerk of the Orphans' Court.

The System—The Guardianship Tracking System, or GTS, developed and administered by the Administrative Office as the electronic filing system to be used for filing reports and inventories required for guardianships of the person and guardianships of the estate, and for tracking data related to all statewide guardianship cases of adult incapacitated persons.

(b) *Participation and fees.* The System is the exclusive method for electronically filing required reports and inventories for guardianships of the person, and for guardianships of the estate, and for tracking data related to statewide guardianship cases of adult incapacitated persons. Court-appointed guardians may file reports and inventories in either an electronic format or a physical paper format. Guardians who elect to file in an electronic format shall use the System to file reports and inventories with the Clerk of the court where the matter was adjudicated.

(1) In order to participate in the System, a court-appointed guardian shall establish a UJS web portal account at <http://ujportal.pacourts.us> and register for access by procedures established by the Administrative Office.

(2) After access to the System is obtained, the guardian bears the responsibility for all actions associated with the guardian's user account.

(3) Establishment of an account by a guardian shall constitute consent to participate in electronic filing, including acceptance of electronic notices sent through the System. Use of the System by a guardian shall constitute certification that the submission is authorized.

(4) Any applicable filing fees, as required by statute, court rule or order, shall be paid electronically through the System at the time of submitting a filing. In addition to any applicable filing fees, an online payment convenience fee for use of the System may be imposed.

(c) *Filing.*

(1) When a report or inventory is filed electronically, the filing shall be submitted to the System at the UJS web portal at <http://ujportal.pacourts.us>, in accordance with this rule and any filing instructions as may otherwise be provided at the web portal site.

(2) Electronic filing may be submitted at any time (with the exception of times of periodic maintenance). The electronic filing must be completed by 11:59:59 p.m. EST/EDT to be considered filed on that day.

(3) The guardian shall be responsible for any delay, disruption, and interruption of the electronic signals, except when caused by the failure of the System's website.

(4) The date and time on which the filing was submitted to the System shall be recorded by the System. The System shall provide an electronic notification to the guardian when the filing has been submitted.

(5) The date and time on which the filing was accepted by the Clerk shall also be recorded by the System. The System shall provide an electronic notification to the guardian when the filing has been accepted by the Clerk.

(6) The submission and acceptance of an electronic filing shall satisfy the reporting requirements of Pa. O.C. Rule 14.8. An electronic filing shall be considered filed with the Clerk upon the date and time of the filer's electronic submission, if the Clerk determines the requirements for filing are met. If the Clerk determines the requirements for filing are not met, the Clerk may take any action as permitted by law, including, but not limited to, returning the submission for correction.

(7) Each Clerk shall determine whether physical paper copies, or electronic PDF/A copies of electronically filed reports and inventories must be maintained in order to comply with applicable record retention schedules. Consult the County Records Manual and Rule 507(a) for further information.

(8) When a report or inventory is submitted in a physical paper format, the Clerk shall ensure the information contained within the report or inventory is manually entered into the System in order to ensure maximum data collection.

(d) *Signature.*

(1) The electronic signature of the guardian, as required on the reports and inventories, shall be in the following form: /s/ Chris L. Smith.

(2) The use of an electronic signature on electronically filed reports and inventories shall constitute the guardian's acknowledgement of, and agreement with, the verification statements contained therein.

(e) *Notice of filing.* Effective June 1, 2019, if required by Pa. O.C. Rule 14.8(b), the guardian shall be responsible for serving a notice of filing within ten days after filing a report. Service shall be in accordance with Pa. O.C. Rule 4.3.

Note: The Guardianship Tracking System (GTS) will provide all court-appointed guardians of adult incapacitated persons the convenience of filing inventories and annual reports online. Use of the System will alleviate the need for traditional paper filings. The System will also assist the Unified Judicial System with tracking and monitoring of statewide practices related to guardianship cases, as was recommended by the Supreme Court's Elder Law Task Force, and the Advisory Council on Elder Justice in the Courts. The applicable rules of court continue to apply to all filings in guardianship cases.

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 207. TRANSMITTING REMITTANCES

§ 207.3. Online Payment Convenience Fee—Adjustment of Fines, Costs, Fees, and Other Remittances.

(a) Pursuant to 42 Pa.C.S. § 3502(c)(3), the Court Administrator of Pennsylvania hereby adjusts the level of fines, costs, fees, and other remittances by assessing a non-refundable \$2.75 convenience fee for online credit/debit card payments of court costs, fines, fees, and restitution associated with pre-existing cases [**or those**], cases initiated within the Magisterial District Judge, Common Pleas, and Appellate Court Case Management Systems of the Pennsylvania Courts, **or filings submitted via the Guardianship Tracking System.** Said amount shall be paid through a contracted financial intermediary and shall be added at the time of the payment.

(b) This regulation shall become effective January 1, 2010, and shall apply to all online credit/debit card payments initiated through the AOPC's UJS Portal made on or after this date on pre-existing cases [**or those**], cases initiated within the Magisterial District Judge, Common Pleas, and Appellate Court Case Management Systems of the Pennsylvania Courts, **or filings submitted via the Guardianship Tracking System.**

[Pa.B. Doc. No. 18-1441. Filed for public inspection September 14, 2018, 9:00 a.m.]

TITLE 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA CODE CH. 71]

Proposed Amendment to Pennsylvania Bar Admission Rules; New Rule 304—Limited Admission of Military Spouse Attorneys

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is considering recommending to the Pennsylvania Supreme Court that it amend its rules to add Rule 304 to the Pennsylvania Bar Admission Rules concerning limited admission for spouses of active duty members of the United States Uniformed Services (military spouse) as set forth in Annex A.

The Board is proposing to amend the Pennsylvania Bar Admission Rules by adopting a new rule that permits the attorney spouse of a military spouse to be admitted to fully practice law in Pennsylvania without having to pass the bar examination or meet the waive-in requirements under Pa.B.A.R. 204. The license is valid as long as the military spouse is on active duty and currently stationed in Pennsylvania or assigned to duty outside the United States and was last stationed in Pennsylvania. The attorney spouse must be licensed in another jurisdiction, in good standing, and not currently be admitted to practice in Pennsylvania under another Pennsylvania bar admission rule.

The Board is proposing this rule to alleviate the difficulty faced by military spouses and their families when serving this country. Active duty service members are frequently reassigned to different states and often their spouses move with them. Because the attorney spouse does not choose the state in which the military spouse is stationed, the attorney spouse may have difficulty meeting the current requirements for admission into the Pennsylvania bar.

The military spouse, and consequently the attorney spouse, make many sacrifices to serve this country. The Board is attempting to lessen this burden on attorney spouses and, by doing so, also lessen the burden on the military spouse. Pennsylvania has only a few military installations. It has been estimated that there were approximately 2,600 active duty personnel assigned to permanent duty stations in Pennsylvania in 2016, making it likely that the number of attorney spouses seeking admission would be very small. However, the rule's impact on the military families it would assist would be significant and would go a long way toward showing Pennsylvania's support of military members and their families.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than October 15, 2018.

*By The Pennsylvania Board of Law Examiners
Supreme Court of Pennsylvania*

GICINE P. BRIGNOLA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

(*Editor's Note:* The following rule is added and printed in regular type to enhance readability.)

Rule 304. Limited Admission of Spouses of Active-Duty Service Members of the United States Uniformed Services.

An applicant may apply for limited admission to the practice of law in Pennsylvania as a spouse of an active-duty service member of the United States Uniformed Services if all requirements of this rule are satisfied.

(a) *Qualifications.*

An applicant who seeks admission pursuant to this rule:

(1) must be present in Pennsylvania as the spouse of an active-duty member of the United States Uniformed Services who is (A) assigned to duty in Pennsylvania or (B) assigned to duty outside the United States but whose last assignment within the United States was in Pennsylvania;

(2) must satisfy the requirements of Rule 203(a)(1) and (2)(i) (related to completion of undergraduate studies and legal studies at a law school accredited by the American Bar Association) and Rule 203(b)(2) (related to character and fitness);

(3) must not have taken and failed the Pennsylvania bar examination;

(4) must be currently admitted as an attorney at law in the highest court of another state, commonwealth, territory or the District of Columbia;

(5) must not currently be the subject of a pending disciplinary matter in any jurisdiction in which the applicant is admitted to the practice of law or be currently suspended or disbarred in any such jurisdiction;

(6) must not have been disciplined for professional misconduct by any jurisdiction within the 10 years immediately preceding filing of the Pennsylvania application or been disbarred at any time by any jurisdiction; and

(7)(A) must be employed and supervised by a Pennsylvania-licensed attorney who is in good standing and who is currently engaged in the practice of law in Pennsylvania; or

(B) be employed by the Federal government, the Commonwealth of Pennsylvania or a local government within Pennsylvania and supervised in that employment by a Pennsylvania-licensed attorney who is currently engaged in the practice of law in Pennsylvania.

(b) *Procedure.*

(1) An applicant who seeks admission pursuant to this rule must submit to the Board of Law Examiners an affidavit confirming that the applicant satisfies the requirements of Rule 304(a); that the applicant agrees to supplement his or her application with any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that

the applicant agrees to notify the Prothonotary of the Pennsylvania Supreme Court of any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant has read, is familiar with and agrees to abide by the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement; that the applicant will comply with any obligations imposed by the Pennsylvania Continuing Legal Education Board and that the applicant submits to the jurisdiction of the Pennsylvania Supreme Court with respect to any and all disciplinary matters.

(2) An applicant must submit to the Board of Law Examiners an affidavit of the Pennsylvania attorney who will, pursuant to Rule 304(a)(7), supervise the applicant if the application is granted. The supervising lawyer must confirm in the affidavit that he or she will (A) supervise the applicant in the performance of the applicant's legal work and (B) notify the Board in the event the applicant leaves the employ of the supervising attorney's law firm or is otherwise no longer being supervised by that attorney.

(3) The applicant must submit to the Board of Law Examiners the following:

(A) certificates or official transcripts evidencing compliance with the provisions of Rule 304(a)(2) related to legal education;

(B) a certificate of good standing from the highest court or the admissions authority of a state, commonwealth, territory or the District of Columbia in which the applicant is currently licensed to practice law;

(C) a copy of the United States military orders of the applicant's spouse establishing that the spouse is present in Pennsylvania because of military orders; and

(D) any fee required by the Board of Law Examiners.

(4) If an applicant satisfactorily completes the steps required by this rule and the Board determines that the applicant is qualified under this rule, the Board shall provide to the applicant a certificate recommending admission of a spouse of an active-duty service member.

(5) At any time within 6 months of the issuance of a certificate recommending admission of a spouse of an active-duty service member, an applicant may file a motion with the Prothonotary of the Supreme Court of Pennsylvania, on a form prescribed by the Board for issuance of such a license. The applicant shall submit the form with the certificate recommending admission of a spouse of an active-duty service member along with any fee the Prothonotary may assess.

(6) Upon receipt of a properly supported motion, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of the Supreme Court of Pennsylvania subject to the restrictions of this rule.

(c) *Limitations*

(1) An applicant who is granted limited admission under this rule and who continues to satisfy the requirements of Rule 304(a) is entitled to all the same rights, privileges and benefits and is subject to the same duties, obligations and responsibilities as active members of the bar of the Supreme Court of Pennsylvania subject to the following limitations.

(2) The limited admission provided by this rule shall terminate automatically upon the occurrence of any of the following:

(A) any of the provisions of Rule 304(a) are no longer satisfied or

(B) the attorney admitted under this rule is admitted to the bar of the Supreme Court of Pennsylvania under any other rule.

(3) In the event Rule 304(c)(2)(A) or (B) applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

Official Note: For purposes of this rule, the “United States Uniformed Services” are defined to include the following: the United States Army; the United States Marine Corps; the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; the National Oceanic and Atmospheric Administration Commissioned Officer Corps and any other entity designated as part of the United States Uniformed Services by the United States Department of Defense or the United States Department of Homeland Security. See 10 U.S.C. § 101(a)(4) and (5).

The phrase “active duty” shall have the meaning given it in 10 U.S.C. § 101(d)(1).

For purposes of Rule 304(a)(7), “practice of law” shall have the meaning set out in Rule 204.

The supervision required by Rule 304(a)(10) must be sufficient to insure that the supervising attorney has knowledge of the specific conduct, ratifies the conduct, knows of the conduct at a time when its consequences may be avoided or mitigated and will assume responsibility for the supervised attorney’s work should the supervised attorney’s limited license terminate.

[Pa.B. Doc. No. 18-1442. Filed for public inspection September 14, 2018, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Hearing Committees

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) 102 and 206, relating to the definitions of hearing committee member statuses and the procedures for appointing hearing committee members in disciplinary and reinstatement proceedings, as set forth in Annex A.

Hearing committees serve a vital function in Pennsylvania’s disciplinary system. Pursuant to Rule 206(b), upon assignment by the Board, these committees have the power and duty to conduct investigatory hearings and hearings into formal charges of misconduct, and to submit their conclusions to the Board. Further, hearing committees are authorized under Rule 218(c)(3) to conduct

hearings on the reinstatement of attorneys who have been disbarred or suspended for more than one year, and to submit findings and recommendations to the Board.

Recently, the Board has encountered administrative challenges in appointing hearing committees in districts with heavy caseloads that require frequent committee member involvement, particularly in the districts of Philadelphia and its surrounding counties.

Current Rule 206(a) provides that when a hearing committee is necessary to handle a matter, the Board appoints a committee consisting of three members from the appropriate disciplinary district¹, all of whom are members of the bar of this Commonwealth. The hearing committee composition is prescribed by Rule 206(a) and must have one “senior” member, and another member who is either a “senior” or “experienced” member. Although not explicitly stated, the third member may be a new, experienced or senior member.

Current Rule 102 defines the criteria for “senior” and “experienced” members, which are two-fold in nature. A “senior” hearing committee member is one who at the time of appointment to a committee, has previously served for a full 3-year term² as a member and has served on hearing committees that have conducted at least two hearings into formal charges of misconduct by respondent-attorneys. Additionally, a “senior” hearing committee member may be an attorney who has previously served as a member of the Board. An “experienced” hearing committee member is one who at the time of appointment to a committee, has served as a member for least 1 year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

The requirement that a hearing committee be composed of at least two members who have experience with disciplinary proceedings ensures a knowledgeable review of matters. Additionally, we note that senior and experienced members have heightened duties and are authorized to take certain actions that new members are not, such as chair a hearing committee (senior members only)³, review and approve recommendations by Disciplinary Counsel⁴ and consider petitions for reinstatement to active status from formerly admitted attorneys who have not been disbarred or suspended.⁵

As mentioned, the Rules, as currently written, pose challenges. These challenges lie in forming committees for hearings and appointing members to serve in capacities requiring elevated levels of service from the eligible pool in a particular district, as there are a dearth of members classified as “experienced.” This situation impacts the timeliness of the committee appointment process and the scheduling of hearings, as the administrative task of securing committee members who have the requisite levels of experience takes longer to accomplish.

The current requirement that a member must serve a specified number of years before transitioning to a higher classification poses an obstacle to the appointment process, in that the member may have participated in the required number of hearings before the time limit passes, yet the Board is unable to use that member at the more advanced classification until the end of the time limit.

¹ Pennsylvania is divided into four disciplinary districts, as set forth in Rule 202(a), Pa.R.D.E.

² Members are appointed to two consecutive 3-year terms.

³ Rule 206(a), Pa.R.D.E.

⁴ Disciplinary Board Rule § 85.2(a)

⁵ Rule 218(d)(4), Pa.R.D.E.

Following review and analysis, the Board concludes that it is more critical to the efficient functioning of the disciplinary system that a member serve on a set number of hearings to ensure the member has the practical knowledge necessary to conduct disciplinary matters; the timing is less relevant.

The Board proposes two amendments to remedy administrative burdens and ensure timely appointment of hearing committees and scheduling of hearings and other matters.

The proposed amendments to Rule 102 modify the definitions of "senior" and "experienced" hearing committee members by eliminating the time requirements to attain those statuses. The main thrust of these proposed amendments is to increase the pool of experienced and senior members eligible to conduct matters by more quickly transitioning members to those elevated statuses.

The proposed amendment to Rule 206(a) gives the Board discretion, in exigent circumstances, to appoint a committee member or members from outside of the respondent's geographical disciplinary district, or to require that a disciplinary matter be transferred to another disciplinary district. This proposal gives the Board needed flexibility in situations where it experiences difficulty in the prompt appointment of a hearing committee panel. As indicated by the proposed word "exigent," the Board does not intend to deviate from the normal appointment process within a disciplinary district unless necessary to advance a matter.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before October 15, 2018.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JULIA FRANKSTON-MORRIS, Esq.,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

"Experienced hearing committee member."—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served [**as a member of a panel of hearing commit-**

tee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney] on at least one hearing committee that has conducted a hearing into formal charges of misconduct by a respondent-attorney.

* * * * *

"Senior hearing committee member."—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has [**previously**] served either (i) as a member of the Board, or (ii) [**a full three-year term on a panel of hearing committee members and on hearing committees that have conducted hearings into formal charges of misconduct by respondent-attorneys] on at least two hearing committees that have conducted hearings into formal charges of misconduct by respondent-attorneys.**

* * * * *

Subpart B. MISCONDUCT

Rule 206. Hearing committees and special masters.

(a) When a hearing committee is required to handle a matter, the Board shall appoint a hearing committee consisting of three hearing committee members from the appropriate disciplinary district. **Under exigent circumstances, the Board has the discretion to appoint a hearing committee member(s) from outside the appropriate disciplinary district, or to require that a matter be transferred to another disciplinary district.** At least one of the members of the hearing committee shall be a senior hearing committee member, and another member shall be either a senior hearing committee member or an experienced hearing committee member. The Board shall designate one of the members so appointed as the chair for the committee, who shall be a senior hearing committee member. The terms of hearing committee members shall be three years and no member shall serve for more than two consecutive three-year terms. Board rules may authorize a hearing committee member whose term has expired to continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term. A hearing committee member who has served two consecutive three-year terms may be reappointed after the expiration of one year. A hearing committee shall act only with the concurrence of a majority of its members and two members shall constitute a quorum, except that a single senior or experienced hearing committee member may act for the committee when the committee is sitting as an investigatory hearing committee under Enforcement Rule 213(a)(1) (relating to subpoena power, depositions and related matters) or when conducting a prehearing conference. The terms of hearing committee members shall commence on July 1.

* * * * *

[Pa.B. Doc. No. 18-1443. Filed for public inspection September 14, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Civil Procedure; Administrative Order Number 9 of 2018

Order of Court

And Now, this 27th day of August, 2018, *It Is Hereby Ordered* that the following changes be made to the Adams County Rules of Civil Procedure:

Rule 205.2(a). Filing Legal Papers with the Prothonotary.

A. Physical Characteristics of Filed Papers

Legal papers submitted to the Prothonotary shall comply with the following requirements of Adams County Rule of Judicial Administration No. [3.0(A)] 301(A).

Rule 251. Money Paid into Court.

Except for appeals from District Justices pursuant to Pa.R.C.P.D.J. No. 1008 (see Adams County Rule of Judicial Administration [10.0] 201), any party wishing to pay money into the Court shall, by petition, in conformance with Adams C.Civ.R. No. 206.4(c), request leave to do so. The Prothonotary shall open and maintain accounts for deposit of funds paid into Court. Disbursements from the accounts shall be made only pursuant to Court Order. The Prothonotary shall be entitled to an administrative fee of \$25.00 from the account for handling the account.

Rule 430. Legal Publication.

Note: See Adams County Rule of Judicial Administration No. [11] 110.

Rule 1302(c). Distribution of Pleadings.

The original files may be acquired from the Prothonotary on the date of the hearing by the Chairman of the Board. Electronic copies of the pleadings shall be distributed to all members of the board by the Prothonotary via electronic distribution no earlier than forty-five (45) days prior to the scheduled hearing nor later than thirty (30) days prior to the scheduled hearing.

Note: See Adams County Rule of Judicial Administration No. [5.0] 310 about removing papers from the Prothonotary's Office.

It Is Further Directed that:

a. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to adminrules@pacourts.us;

b. Upon notification from the AOPC that the local rule is not inconsistent with the policy, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall

be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 18-1444. Filed for public inspection September 14, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MIFFLIN COUNTY

Local Rule 4007 and Local Rule 4008 of Judicial Administration; CP-44-CV-2-2018

Amended Order of Court

And now, this 31st day of August, 2018, the Court hereby adopts the following new Local Rules of Judicial Administration hereby amending this Court's Order dated December 19, 2016.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on a form provided by the District Court Administrator or a form prepared by the judicial district and approved by the District Court Administrator. The form shall include the current rates authorized to be charged for transcripts under these rules.

(B) The request for transcript form may be downloaded from the Mifflin County Court website at www.co.mifflin.pa.us/dept/courts. A copy may also be obtained from the Office of Court Administration. For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with Court Administration. The requesting party shall also serve copies of the formal request upon the:

- (1) Judge presiding over the matter;
- (2) District Court Administrator;
- (3) Court Reporter or transcriptionist;
- (4) Opposing counsel, but if not represented, the opposing party.

The provisions of subsection (B) do not apply to requests by the Judicial Conduct Board.

(C) Daily, expedited, or same day transcripts are not available except in extreme circumstances approved by the presiding Judge.

(D) When a party requests a transcript,

(1) the party ordering a transcript shall make payment of the estimated transcript cost. Payments are to be made payable to County Of Mifflin and shall be delivered to the Office of Court Administration. Court Administration staff will forward same to the Prothonotary/Clerk of Court. Payment by private parties shall be made by money order or cashier's check. Personal checks and cash shall NOT be accepted by the Office of Court Administration.

(2) the Court Reporter, Court Recorder or transcriptionist shall prepare the transcript upon direction of the District Court Administrator after approval by the presiding Judge.

(3) the Court Reporter, Court Recorder or transcriptionist shall notify the ordering party and the Office of Court Administration of the completion of the transcript and deliver the original to the presiding Judge for approval of the transcript.

(4) upon payment of any balance owed, the Court Reporter, the Court Recorder or transcriptionist shall deliver the original transcript to the appropriate filing office for filing with copies for distribution to the requesting party and any other parties who may have requested copies. Copies of the transcript and filing of the original will be made upon payment in full. Checks for the final balance are to be made payable to the County of Mifflin and shall be delivered to the district court administrator or other court designee.

(E) When a party 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.

(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, without the necessity of a deposit, at the direction of the District Court Administrator after approval by the presiding Judge who will determine the priority of the request.

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 original transcript in an electronic format shall be:

- (a) for a transcript for which an accelerated delivery is not requested, \$2.50 per page;
- (b) expedited transcript, \$3.50 per page, if the court reporter is able to accommodate;
- (c) daily transcript, \$4.50 per page, if the court reporter is able to accommodate;
- (d) same day delivery, \$6.50 per page, if the court reporter is able to accommodate.

(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.

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

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

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, 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. Such application should be prepared in the form of an In Forma Pauperis Petition to Waive Transcript Fee and submitted with the request for transcript.

(C) *Assignment and allocation of transcripts costs:*

(1) *Assignment of costs.* The requesting party, or the party required by general rule to file a transcript, shall be responsible for the cost of the original 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 is to receive the transcript, or is required by general rule to file the transcript, the cost of the original transcript shall be divided equitably among the parties, taking into account any reduced fee or free transcripts.

(D) *Copies of transcript:*

(1) A request for a copy of any transcript previously ordered, transcribed and filed of record shall not exceed:

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

(2) A request for a copy of an expedited transcript shall not exceed:

- (a) \$1.00 per page bound, paper format; and,
- (b) \$0.75 per page electronic copy.

(3) A request for a copy of a daily transcript shall not exceed:

- (a) \$1.25 per page bound, paper format; and,
- (b) \$1.00 per page electronic copy.

(4) A request for a copy of a same day transcript shall not exceed:

- (a) \$1.50 per page bound, paper format; and,
- (b) \$1.25 per page electronic copy.

(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 a Court Reporter to significantly expand his/her dictionary.

(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.

Said Local Rules of Judicial Administration shall be effective in the 58th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Mifflin County website.

By the Court

DAVID W. BARRON,
President Judge

[Pa.B. Doc. No. 18-1445. Filed for public inspection September 14, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Establishment and Adoption of Local Rules of Criminal Procedure; 1 AD 2018

Order

And Now, this 31st day of August, 2018, it is Ordered that Monroe County Rules of Criminal Procedure are established and effective upon the following:

Establishment of Local Rules Nos. 1, 2 and 576.1 (these are new rules).

All of the aforementioned rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of these Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two paper copies and one electronic copy of these Rules in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Arrange to have these Rules published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

RULES OF CONSTRUCTION

Rule 1. Title and Citation of Rules.

These Rules shall be known as “Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania, Rules of Criminal Procedure” and may be cited as “Monroe Co.R.Crim.P. _____”.

Rule 2. Effective Date.

Each Rule adopted by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) *General Scope and Purpose of this Rule.*

The electronic filing of legal papers in the Court of Common Pleas, 43rd Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) Use of the electronic filing system is permissive and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1(C).

(C) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 43rd Judicial District as of June 28, 2016.

(D) The Clerk of Courts may maintain an electronic file only, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For such filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.

(E) *PACFile*

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at: <https://ujportal.pacourts.us/AttorneyServices.aspx>

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(F) *Legal Papers Filed in a Paper Format.*

Any legal paper submitted for filing to the Clerk of Courts in a paper (or “hard-copy”) format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to pdf, the pdf version of the legal paper shall be deemed and treated as

the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 43rd Judicial District.

(G) *Filing Fees*

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(H) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (F), shall become the record on appeal.

(I) *Confidential information.*

Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from

including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC Confidential Information Form. The Confidential Information Form shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

(J) *Miscellaneous provisions.*

The Clerk of Courts shall provide sufficient computer terminals at such locations as may be determined from time to time to allow parties and the public to file and access legal papers as provided by this rule and as authorized by applicable Public Access Policies.

[Pa.B. Doc. No. 18-1446. Filed for public inspection September 14, 2018, 9:00 a.m.]