

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 213 ]

#### Proposed Amendments to the Electronic Case Record Public Access Policy of the Unified Judicial System

The Administrative Office of Pennsylvania Courts is considering recommending to the Supreme Court of Pennsylvania the adoption of amendments to the *Electronic Case Record Public Access Policy of the Unified Judicial System* that incorporates electronic case record information residing in the Guardian Tracking System (GTS) as well as a few clarifying amendments.

Proposed new material is underlined and in bold-face type, and deleted material is bracketed and in bold-face type.

The Explanatory Report highlights the considerations in formulating this proposal. All interested persons are invited to submit suggestions, comments, or objections. All communications in reference to this proposal should be submitted no later than May 17, 2021 to:

Administrative Office of Pennsylvania Courts  
ATTN: Public Access Comments  
601 Commonwealth Avenue  
P.O. Box 61260  
Suite 1500  
Harrisburg, PA 17106  
PublicAccessComments@pacourts.us

GEOFF MOULTON,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 213. COURT RECORDS POLICIES

#### Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

##### § 213.71. Definitions.

(a) “CPCMS” means the Common Pleas Criminal Court Case Management System.

(b) “Custodian” is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) “Electronic Case Record” means information or data created, collected, received, produced, or maintained by a court or office in connection with a particular case that exists in the Pennsylvania Appellate Court Case Management System (PACMS), CPCMS, Guardianship Tracking System (GTS), or Magisterial District Judge Automated System (MDJS) and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. This definition

does not include images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS, GTS, or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.

(d) “GTS” means the Guardianship Tracking System.

[ (d) ] (e) “MDJS” means the Magisterial District Judge Automated System.

[ (e) ] (f) “Office” is any entity that is using one of the following automated systems: [ Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS) ] PACMS; CPCMS; GTS; or MDJS.”

[ (f) ] (g) “PACMS” means the Pennsylvania Appellate Court Case Management System.

[ (g) ] (h) “Party” means one by or against whom a civil or criminal action is brought.

[ (h) ] (i) “Public” includes any person, business, non-profit entity, organization or association.

(1) “Public” does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, the office of the clerk of the orphans’ court division, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

[ (i) ] (j) “Public Access” means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

[ (j) ] (k) “Request for Bulk Distribution of Electronic Case Records” means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

[ (k) ] (l) “UJS” means the Unified Judicial System of Pennsylvania.

[ (l) ] (m) “Web Docket Sheets” are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

##### § 213.72. Statement of General Policy.

(a) This policy covers all electronic case records.

(b) The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.

(c) A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

**§ 213.73. Electronic Case Record Information Excluded from Public Access.**

The following information in an electronic case record is not accessible by the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) victim information including name, address and other contact information;
- (4) informant information including name, address and other contact information;
- (5) juror information including name, address and other contact information;
- (6) a party's street address, except the city, state, and ZIP code may be released;
- (7) witness information including name, address and other contact information;
- (8) SID (state identification) numbers;
- (9) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- (10) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- (11) information sealed or protected pursuant to court order;
- (12) information to which access is otherwise restricted by federal law, state law, or state court rule;

**[ (13) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice; and**

**(14) ] (13) information regarding arrest warrants and supporting affidavits until execution[ . ];**

**(14) information maintained in GTS, except aggregate, statistical, and/or other data that does not identify an incapacitated person, as determined by the Administrative Office of Pennsylvania Courts, may be released; and**

**(15) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.**

**§ 213.74. Requests for Bulk Distribution of Electronic Case Records.**

(a) To the extent that adequate resources and technical capabilities exist, a request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

(b) To the extent that adequate resources and technical capabilities exist, a request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

- (i) the purpose/reason for the request;
- (ii) identification of the information sought;
- (iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected;
- (iv) certification that the information will not be used except for the stated purposes; and

(v) whether [ IRB ] **relevant Institutional Review Board** approval has been received, if applicable.

**§ 213.75. Requests for Electronic Case Record Information from Another Court or Office.**

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

**§ 213.76. Responding to a Request for Access to Electronic Case Records.**

(a) Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;

(2) notify the requestor in writing that the requestor has not complied with the provisions of this policy;

(3) notify the requestor in writing that the information cannot be provided; or

(4) notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.

(b) If the court or office cannot respond to the request as set forth in subsection (a), the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

**§ 213.77. Fees.**

(a) Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.

(b) A fee schedule shall be in writing and publicly posted.

(c) A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

(1) a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and

(2) the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

**§ 213.78. Correcting Data Errors.**

(a) A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.

(b) A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

(c) A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.

(1) The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

(2) The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. **If the alleged error appears in GTS, the request for correction shall be submitted to the clerk of the orphans' court division.** The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(3) The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(4) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.

(5) Within 10 business days of receipt of a request, the clerk of courts, **clerk of the orphans' court division**, or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:

(i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(6) A requestor has the right to seek review of a final decision under subsection 5(i)—(v) rendered by a clerk of courts, **clerk of the orphans' court division**, or [ a ] Magisterial District Court within 10 business days of notification of that decision.

(i) The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

(ii) If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.

(iii) If the request for review concerns a **decision of a clerk of [ courts' decision ] courts or a clerk of the orphans' court division**, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

**§ 213.79. Continuous Availability of Policy.**

A copy of this policy shall be continuously available for public access in every court or office that is using [ the ] PACMS, CPCMS, **GTS**, and/or MDJS.

**EXPLANATORY REPORT**

**Amendments to the Electronic Case Record Public Access Policy of The Unified Judicial System of Pennsylvania**

The Administrative Office of Pennsylvania Courts is proposing amendments to Sections 1.00, 3.00, 3.10, 6.00, and 7.00 of the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) to incorporate electronic case record information residing in the Guardianship Tracking System (GTS). The amendments are detailed below.

Section 1.00 has been amended to include a definition for GTS that is the Guardianship Tracking System. GTS is a statewide application for courts to manage guardianship cases and track guardian compliance with annual reporting, and an online means of filing required reports by Pennsylvania guardians. The definitions for "electronic case records" and "office" were also amended to include GTS. In addition, the office of the clerk of the orphans' court division has been added to the list of entities that are not included in the definition of "public".

Section 3.00 has been amended to provide that information maintained in GTS is not accessible by the public, except for aggregate, statistical, and/or other data that does not identify an incapacitated person, as determined by AOPC. This amendment is consistent with the provisions in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Case Records Policy)* regarding individual cases, and serves to enhance the public's trust and confidence in the courts. Given the extensive financial, medical, and related sensitive information provided to a court in guardianship matters, these records are generally inaccessible pursuant to the *Case Records Public Policy* and other relevant legal authority. See e.g., 20 Pa.C.S. § 5511(a) and *In re Estate of DuPont*, 2 A.3d 516 (Pa. 2010) (Proceedings related to the appointment of guardianship for incapacitated persons shall be closed to the public upon request of the alleged incapacitated person or his/her counsel). The amendments also include a reorganization of Section 3.00 for clarity.

The abbreviation of "IRB" appearing in Section 3.10(B)(2)(e) was replaced with "relevant Institutional Review Board".

Section 6.00(C) has been amended to clarify that requests to correct an alleged error in an electronic case record in GTS must be submitted to, and responded by, the clerk of the orphans' court division. The term "clerk of the orphans' court division" includes any office performing the duties of clerk of the orphans' court division (i.e., Office of Judicial Records).

In addition, Section 7.00 has been amended to include that a copy of the Policy shall be continuously available for public access in every court or office using GTS.

[Pa.B. Doc. No. 21-593. Filed for public inspection April 16, 2021, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### ACCC Insurance Company (ACCC); Administrative Doc. No. 13 of 2021

##### Order

*And Now*, this 23rd day of March, 2021, upon consideration of the following Order Appointing Liquidator and Permanent Injunction involving ACCC Insurance Company (ACCC) entered by the District Court of Travis County, Texas on December 11, 2020, it is hereby Ordered and Decreed that all cases in which ACCC Insurance Company (ACCC) is a named party shall be placed in deferred status until further notice.

It is further Ordered and Decreed that all actions currently pending against any insured of ACCC Insurance Company (ACCC) shall be placed in deferred status until further notice.

*By the Court*

LISETTE SHIRDAN-HARRIS,  
*Administrative Judge  
Trial Division*  
DANIEL J. ANDERS,  
*Supervising Judge  
Trial Division—Civil Section*

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at [www.courts.phila.gov](http://www.courts.phila.gov). Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First judicial District of Pennsylvania.

[Pa.B. Doc. No. 21-594. Filed for public inspection April 16, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

##### Order

*And Now*, this 22nd day of March, 2021, Dauphin County Orphans' Court Local Rule 4.7 is promulgated as follows:

##### Rule 4.7. Electronic Filing.

(a) The Dauphin County Court of Common Pleas permits the electronic filing of legal papers with the Clerk of the Orphans' Court using their electronic filing system.

(b) *Legal Papers Defined*. "Legal papers" shall include all written motions, written petitions, and any notices or documents for which filing is required or permitted, including orders, exhibits, and attachments except for the following:

(1) Petitions, exhibits, or related filings under Title 23, Part III (Termination and Adoption)

(2) Petitions to Disinter

(3) Petitions filed under Title 20, Chapter 57 (Presumed Decedents)

(4) Formal Accounts

(5) Minor's Applications for Judicial Authorization of an Abortion

(c) (Reserved)

(d) *Filing*

(1) All legal papers that are filed electronically shall be filed through the Clerk of the Orphans' Court's Electronic Filing System. General access to the Electronic Filing System shall be provided through a link found on the Clerk of the Orphans' Court's webpage at [www.dauphincounty.org](http://www.dauphincounty.org).

(2) The Clerk of the Orphans' Court shall provide the filing party with a Submission Receipt which includes the date and time the legal paper was received by the Electronic Filing System.

(3) The Clerk of the Orphans' Court will review the documents submitted electronically and will provide the filing party with a Notice of Filing, a Notice of Fee, or a Notice of Rejection. A Notice of Filing does not constitute acceptance of the filing by the Court of Common Pleas.

(e) (Reserved)

(f) *Fees*

(1) A filing party shall pay any required filing fee after receipt of the Notice of Fee by following the link in the Notice of Fee. Upon receipt of payment, the filing party will receive a Notice of Filing.

Rule 4.7 shall be published in the *Pennsylvania Bulletin* and will become effective thirty (30) days from the date of publication.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 21-595. Filed for public inspection April 16, 2021, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**MONTGOMERY COUNTY**

**Rescission of Local Rule of Civil Procedure: 1920.55-1\*(c). Alternate Hearing Procedure for Matters Referred to a Hearing Officer.; No. 2021-00001**

**Order**

And Now, this 6th day of April, 2021, the Court hereby Rescinds Montgomery County Local Rule of Civil Procedure 1920.55-1\*(c). Alternate Hearing Procedure for Matters Referred to a Hearing Officer. This rescission shall become effective immediately.

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

By the Court

THOMAS M. DeRICCI,  
*President Judge*

**Rule 1920.55-1\*(c). Alternate Hearing Procedure for Matters Referred to a Hearing Officer.**

[Rescinded.]

[Pa.B. Doc. No. 21-596. Filed for public inspection April 16, 2021, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**WESTMORELAND COUNTY**

**Limited Entry of Appearance for Pro Bono Representation; No. 3 of 2020**

**Administrative Order of Court**

And Now, this 17th day of March 2021, *It Is Hereby Ordered* that Westmoreland County Rule W1012, Limited Entry of Appearance for Pro Bono Representation is hereby adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,  
*President Judge*

Westmoreland County Rules of Civil Procedure

**Rule W1012. Limited Entry of Appearance for Pro Bono Representation.**

(a) Attorneys who represent a client or clients pro bono through the Westmoreland County Pro Bono program may file a praecipe for entry of limited appearance which shall be in the form set forth in subparagraph (b) below and which shall be served upon all parties to the action as provided by Pennsylvania Rule of Civil Procedure 440(a)(1) and which shall set forth clearly the limitation of the attorney's representation. The limited entry of

appearance shall be accompanied by a Praecipe to Proceed In Forma Pauperis, including certification by the representing attorney, as is required by Pennsylvania Rule of Civil Procedure 240(d)(1). The fee for filing the limited entry of appearance shall be waived.

(b) The praecipe for entry of limited appearance shall be in the following form:

**CAPTION**

**PRAECIPE FOR ENTRY OF LIMITED APPEARANCE**

To the Prothonotary:

Kindly enter my Limited Appearance for [Plaintiff's/Defendant's Name], in the above-captioned matter. I hereby certify that I have accepted the representation of \_\_\_\_\_ [Plaintiff's/Defendant's name] and that I am accepting no fee for my services and my appearance is limited to [providing representation on the \_\_\_\_\_ filed in the above matter—or—at the custody conference scheduled for \_\_\_\_\_ in the above matter—or other specified scope of representation as the circumstances dictate].

Upon completion of the representation as set forth above and consisted with Westmoreland County Rule of Civil Procedure 1012(c), I may withdraw my appearance without further petition or order of court.

\_\_\_\_\_/s/

[Name of attorney]  
Attorney for Plaintiff/Defendant  
Address  
Telephone number  
Supreme Court ID:

(c) Upon completion of representation, the attorney shall file a praecipe for withdrawal of limited appearance. The praecipe for withdrawal of appearance shall be served upon all parties and the assigned judge and any fee for filing such withdrawal shall be waived. The praecipe for withdrawal of appearance may be filed without leave of court and shall be in the form set forth below:

**CAPTION**

**PRAECIPE FOR WITHDRAWAL OF LIMITED APPEARANCE**

To the Prothonotary: Kindly withdraw my Limited Appearance for [Plaintiff/Defendant] in the above-captioned matter. I hereby certify that I have completed all my duties as set forth in my limited entry of appearance filed on \_\_\_\_\_.

I further certify that I have notified all parties and the assigned judge of my withdrawal.

Any further notices or communications shall be sent directly to the Plaintiff/Defendant at the following address:

Plaintiff/Defendant's Name  
Address:  
Telephone number:

By: \_\_\_\_\_ [Attorney signature]

Attorney's name  
Attorney for Plaintiff/Defendant  
Address  
Telephone number  
Supreme Court ID:

DATE:

[Pa.B. Doc. No. 21-597. Filed for public inspection April 16, 2021, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated April 5, 2021, Phillip F. Drinkwater, III A/K/A Phillip Francis Drinkwater, III (# 62058), whose registered address is in New Jersey, has been suspended from the practice of law in this Commonwealth for a period of six months, effective May 5, 2021. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 21-598. Filed for public inspection April 16, 2021, 9:00 a.m.]

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