

# THE COURTS

## Title 255—LOCAL COURT RULES

### YORK COUNTY

**Adoption of Local Rule of Judicial Administration 7040; CP-67-AD-0025-2023; 2023-MI-0158; 6723-0115**

**Administrative Order Adopting York County Rule of Judicial Administration 7040 Regarding Digital Media as Evidence**

*And Now*, this 11th day of May, 2023, it is *Ordered* that York County Local Rule of Judicial Administration 7040 is adopted, effective January 1, 2024.

The District Court Administrator shall publish this order as may be required.

*By the Court*

MARIA MUSTI COOK,  
*President Judge*

(This is an entirely new rule. Effective 01/01/2024)

**Rule 7040. Digital Media as Evidence.**

(A) “Electronic evidence” refers to media created, transmitted, or stored in digital format including, but not limited to, all documents, photographs, audio files, video files, text messages, and/or social media excerpts proposed to be submitted as evidence or exchanged in discovery which is transmitted in any form other than paper.

(B) All electronic evidence to be presented in a court proceeding or submitted into the record for the York County Court of Common Pleas shall comply with the requirements of this Rule. Any electronic evidence that does not comply with this rule will not become a part of the record of the case.

(C) When electronic evidence is used during a court proceeding, the party submitting electronic evidence shall:

(1) provide a device by which the electronic evidence may be viewed or played which shall have an output which is compatible with the technology in the courtroom;

(2) be familiar with how to operate the device so that the electronic evidence can be viewed;

(3) make the electronic evidence available for use by the opposing parties during cross-examination of the same witness for which it was originally used;

(4) provide the clerk with the electronic evidence, as amended through trial, on its submitted storage device with data preserved in its native format that shall:

(a) have files formatted to a file type, whenever possible, consistent with the acceptable file types periodically published by the court. When a file type is unique or proprietary, the party must provide the appropriate codex or other software to be able to open and view the file on any computer;

(b) have individual files with each file name consistent with how the file will be referenced on the record (e.g., “Commonwealth’s Exhibit 1”);

(c) be provided on a secure and protected media storage device (see (D), below); and

(d) be identified with a label that shall be affixed to each storage device legibly identifying the case caption (which may be abbreviated), docket number(s), and disk number (1 of 2, etc.) if there is more than one media storage device per case. If it is impractical to affix such label directly on the media storage device, the media storage device shall be submitted in an 8 1/2” by 11” envelope which shall be labeled with all the above information.

(D) The court only accepts the media storage device and file types as periodically published by the court on its public website. The court shall periodically seek input from the York County Bar Association regarding device and file types commonly in use by practitioners. Such storage devices shall be for the exclusive use of the courts and authorized court personnel, unless otherwise ordered.

(E) The clerk shall retain electronic evidence for the same time frame as it would retain any other form of evidence.

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