

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 87]

Proposed Amendments to the Rules of Professional Conduct and Disciplinary Board Rules and Procedures Relating to Lawyer Succession Planning

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (the “Board”) is considering recommending to the Supreme Court of Pennsylvania amendments to the Rules of Professional Conduct and Disciplinary Board Rules and Procedures to require that every active lawyer in private practice in Pennsylvania maintain a written succession plan.

EXPLANATORY REPORT

New Rule of Professional Conduct 1.20

Pennsylvania’s current Rules of Professional Conduct do not mandate that private practice lawyers maintain a succession plan,¹ yet the Board recognizes that such planning is essential. The future is unpredictable and lawyers must strive to lessen the impact of unexpected interruption to their relationships with clients by proactively protecting the clients’ interests in the event of the attorney’s death, disability, or other unanticipated absence. A succession plan helps ensure a smooth transition of client files and ease chaos in times of crisis.

Proposed Rule of Professional Conduct (“RPC”) 1.20 governs lawyer succession planning. Subdivision (a) provides that every active lawyer in private practice in Pennsylvania have a written succession plan. This subdivision sets forth the minimum requirements of the plan, which should include: (1) the identity of the lawyer or law firm designated to carry out the plan; (2) the location of information necessary to access the designating lawyer’s pertinent records; and (3) information on the designating lawyer’s trust and operating accounts and corresponding records. Subdivision (b) requires that the designating lawyer notify the assisting lawyer and obtain that lawyer’s written consent to act as the assisting lawyer. The designating lawyer must also inform clients of the existence of the succession plan. Subdivision (c) addresses the liability of the assisting lawyer, and provides that the rule is not intended to create liability, but rather any such liability is determined by the terms of the agreement between the designating lawyer and the assisting lawyer.

The commentary following the rule text provides guidance to practitioners on implementing a succession plan tailored to the lawyer’s particular circumstances and offers examples to demonstrate that there can be flexibility in crafting the plan. As well, the commentary gives guidance to lawyers who practice in firm settings that include other Pennsylvania-admitted lawyers in good standing, that they may designate the firm as the

¹ Rule of Professional Conduct 1.3, Comment (5) provides that, “[t]o prevent neglect of client matters in the event of a sole practitioner’s death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer’s death or disability, and determine whether there is a need for immediate protective action.”

successor, and reminds lawyers of the obligation to notify clients of the succession plan, preferably by including the information in the engagement or retainer agreement.

Disciplinary Board Rule § 87.7(b)

A revision to the Disciplinary Board Rules would permit Office of Disciplinary Counsel to ask respondent-attorneys about their compliance with new Rule 1.20 as part of the process of sending a DB-7 Letter (Request for Statement of Respondent’s Position) during ODC’s investigation of a matter, as well as request that the respondent-attorney produce the succession plan. This proposed rule change gives Disciplinary Counsel the opportunity to discuss the requirements of succession planning with a respondent-attorney and allow for an educational opportunity.

Interested persons are invited to submit written comments, suggestions or objections by mail, email or facsimile to the Executive Office, 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 May 1, 2024.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

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

Rule 1.20. Lawyer Succession Planning.

(a) *Succession plan.* Every active lawyer in private practice in Pennsylvania (the “designating lawyer”) must have a written succession plan, either alone or as part of a law firm plan, specifying the steps to be taken in the event of the designating lawyer’s extended incapacity from practicing law, or the designating lawyer’s disability or death. At a minimum, the plan must include the following: (1) the identity of the lawyer or law firm designated to carry out the terms of the succession plan (the “assisting lawyer”); (2) the location of information necessary to access the designating lawyer’s current list of active clients, client files, and other client information including computer and other relevant passwords; and (3) information on the designating lawyer’s trust and operating accounts and corresponding records.

(b) *Notice of plan.* The designating lawyer must notify the assisting lawyer of, and the assisting lawyer must

consent to, the designation as an assisting lawyer in a writing signed by the designating lawyer and the assisting lawyer, or by electronic communication acknowledged by both the designating lawyer and the assisting lawyer. Designating lawyers must also notify their clients of the existence of the succession plan.

(c) *Liability of Assisting Lawyer.* If the assisting lawyer forms an attorney-client relationship with the designating lawyer's clients, the assisting lawyer will be subject to the existing rules and duties attendant to the attorney-client relationship. Otherwise, this rule is not intended to create liability between the assisting lawyer and the clients of the designating lawyer. Any liability between the designating and assisting lawyers shall be determined by the terms of the agreement between them.

Comment:

(1) When a lawyer is unexpectedly unable to practice for an extended period of time, the lawyer's clients, staff, and practice are at risk of significant harm. By taking proactive steps to plan for an unexpected interruption in practice, including implementation of a succession plan, a designating lawyer can avert or mitigate such harm. The goal of succession planning is to protect the interests of the designating lawyer's current clients by creating and implementing a succession plan to take effect when the designating lawyer is unable to practice law due to extended incapacity, or the lawyer's disability or death. The incapacity of the designating lawyer may be temporary or permanent.

(2) The level of sophistication of a succession plan should be determined by each designating lawyer's or law firm's circumstance. For example, as part of the succession plan the designating lawyer can arrange for the assisting lawyer to take steps to promptly distribute the client matters, including any trust funds due to the clients, directly to the clients or to other lawyers chosen by the clients. Alternatively, the designating lawyer may draft the plan such that, with the clients' consent, the assisting lawyer will assume responsibility for the interests of the designating lawyer's clients, subject to the right of the clients to retain a different lawyer or law firm other than the assisting lawyer. Some designating lawyers may choose to designate more than one lawyer or a pool of lawyers as the assisting lawyer. These examples are not meant to be exhaustive or exclusive, but rather to suggest that there is great flexibility allowed by the rule in the crafting of the succession plan.

(3) If the designating lawyer is a member of a law firm that includes other Pennsylvania-admitted lawyers in good standing, the designating lawyer may designate the firm as the assisting lawyer.

(4) The designating lawyer must notify his or her clients of the existence of the lawyer's succession plan. Preferably this should be done by including the information in the engagement or retainer agreement.

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS COMPLAINTS

§ 87.7. Notification to respondent-attorney of complaint and duty to respond; duty to produce Pa.R.P.C. 1.15's required records and effect of failure to produce.

* * * * *

(b) *Transmission of notice.* Except as provided in subsection (a) of this section, the district office shall prepare and forward to the respondent-attorney Form DB-7 (Request for Statement of Respondent's Position), advising the respondent-attorney of:

(1) the nature of the grievance and if the investigation has not been initiated by the Office of Disciplinary Counsel pursuant to § 87.1(b) (relating to initiation of investigations), the name and address of the complainant; and

(2) the requirement that the respondent-attorney respond to the allegations against the respondent-attorney by filing with the district office a statement of position. Unless a shorter time is fixed by the Chief Disciplinary Counsel in such notice, the respondent-attorney shall have 30 days from the date of such notice within which to file a statement of position in the district office.

The notice requirements of this subdivision (b) shall be applicable to any Form DB-7A (Supplemental Request for Statement of Respondent's Position), in which case the notice shall advise the respondent-attorney of the requirement that the respondent-attorney respond to the supplemental allegations by filing with the district office a statement of position with respect thereto.

The Form DB-7 may inquire as to a respondent-attorney's compliance with Rule of Professional Conduct 1.20 (relating to lawyer succession planning) and may request that the respondent-attorney produce the writing required by subdivision (a) of Rule 1.20.

* * * * *

[Pa.B. Doc. No. 24-252. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rule of Civil Procedure LR223; Administrative Doc. No. 10117-2024

Administrative Order

In conjunction with the adoption of Beaver County Local Rule of Judicial Administration LJA5104 and with the approval of the Pennsylvania Civil Procedural Rules Committee, it is hereby *Ordered* that Beaver County Local Rule of Civil Procedure LR223 Custody and Storage of Trial Exhibits is *Rescinded*, effective thirty days following publication in the *Pennsylvania Bulletin*.

The District Court Administrator is directed to:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. File two (2) paper copies and one (1) electronic copy in Microsoft Word format only to bulletin@palrb.us with Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <https://www.beavercountypa.gov/departments/courts>, after publication in the *Pennsylvania Bulletin*;
4. Incorporate the rule change into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*;

5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,
President Judge

[Pa.B. Doc. No. 24-253. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rule of Judicial Administration LJA5104; Administrative Doc. No. 10117-2024

Administrative Order

As required by Pennsylvania Rule of Judicial Administration 5104, it is hereby *Ordered* that the following Beaver County Local Rule of Judicial Administration LJA5104 is adopted, effective thirty days following publication in the *Pennsylvania Bulletin*:

LJA5104. Policies and Procedures for the Custody of Exhibits in Court Proceedings.

(a) If present, the stenographer shall safeguard and maintain exhibits introduced in a court proceeding. If a stenographer is not present, the presiding Judge shall designate a member of his or her staff to safeguard and maintain exhibits introduced.

(b) The custodian designated in part (a), above shall file all exhibits with the appropriate records office no later than five (5) days following the end of the proceeding.

(c) Oversized documentary exhibits may be reduced to 8.5" × 11" paper, so long as the quality is not compromised. Alternatively, they may be submitted digitally via a CD or USB flash drive in a common format such as PDF with a file name identifying the exhibit. Voluminous documentary exhibits shall be submitted digitally via a CD or USB flash drive in a common format such as PDF with a file name identifying the exhibit.

(d) The proponent of any bulky or oversized non-documentary exhibit shall safeguard and maintain such exhibit during and after the court proceeding.

(e) Audio or visual recordings shall be submitted via a CD or USB flash drive; any proprietary or uncommon software necessary to play the recording must be included. The proponent of an audio or video recording shall designate in writing the timestamps of the portions presented to the factfinder if the recording is not presented in its entirety.

(f) Issues regarding exhibits not addressed in this Local Rule shall be governed by Pa.R.J.A. 5101—5104.

The District Court Administrator is directed to:

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

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

3. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <https://www.beavercountypa.gov/departments/courts>, after publication in the *Pennsylvania Bulletin*;

4. Incorporate the rule change into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*;

5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,
President Judge

[Pa.B. Doc. No. 24-254. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEDFORD COUNTY

Adoption of Local Rule of Judicial Administration 5102—Custody of Exhibits in Court Proceedings; Administrative Doc. No. 3 of 2024

Order of Court

And Now, Friday, February 16, 2024, inasmuch as the Supreme Court of Pennsylvania has adopted Pa.R.J.A. 5101—5105, with a directive that local rules of judicial administration comply with Pa.R.J.A. 5101—5105 no later than Monday, April 1, 2024, the Order of Court is as follows:

1. Local Rule of Judicial Administration 5102 (Custody of Exhibits in Court Proceedings) is hereby adopted as follows to this Order of Court.

2. This Order of Court and Local Rule of Judicial Administration 5102 shall be promulgated in accordance with Pa.R.J.A. 103(c), effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

TRAVIS W. LIVENGOOD,
President Judge

Rule of Judicial Administration 5102. Custody of Exhibits in Court Proceedings.

(A) The Clerk of Courts or Prothonotary or their designated representatives who are present at the court proceeding shall be the custodian for all exhibits during and after court proceedings. The custodian shall secure, maintain, retain and index all exhibits in accordance with Pa.R.J.A. 5102, et seq. In the event no representative of the Clerk of Courts or Prothonotary is present at the court proceeding, the presiding judge shall take possession of the exhibits and immediately forward the exhibits to the Clerk of Courts or Prothonotary at the conclusion of the court proceeding.

(B) The presiding judge may, upon consultation with the parties and/or their counsel, order that the proponent of any non-documentary exhibit, or any documentary exhibit larger than 8-1/2 × 11 inches, be designated as its custodian during and/or after the court proceeding. A proponent designated as the custodian of such exhibits shall have all the duties and responsibilities required of a custodian under Pa.R.J.A. 5102, et seq. Unless otherwise ordered, the proponent designated as custodian of such

exhibits shall secure, maintain, retain and index such exhibits for a minimum of the following time periods:

(1) *Non-criminal matters*. A period of 30 days after the conclusion of the case and the expiration of the appeal period, or final disposition of an appeal if one is taken.

(2) *Criminal matters*:

(1) *Homicides*. A period of 75 years.

(2) *Summary cases*. A period of 5 years.

(3) *All other criminal cases*. A period of 20 years.

[Pa.B. Doc. No. 24-255. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Rules; Rule 1301 Amendment; No. 2024IR0013

Order

And Now, this 12th day of February, 2024, Bradford County Court of Common Pleas Local Rule 1301 is amended to establish the amount in controversy to be submitted to compulsory arbitration be consistent with 42 Pa.C.S.A. § 7361.

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

1) File one (1) copy of the amended local rule 1301 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 to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

6) The effective date of the local rule shall be April 1, 2024 or 30 days after publication in the *Pennsylvania Bulletin* whichever occurs first.

By the Court

MAUREEN T. BEIRNE,
President Judge

Local Rule 1301. Cases for Submission to Compulsory Arbitration.

A. Compulsory arbitration as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S.A. Section 101, et seq, shall apply to all civil cases, except actions in equity, where the amount in controversy, exclusive of interest and costs, shall be fifty thousand dollars (\$50,000.00) or less, including appeals from a civil judgment of a district justice. Such actions shall be submitted to and heard by a board of arbitration consisting of three attorneys.

B. The amount in controversy generally will be determined by the pleadings or by an agreement of the attorneys, however, the Court, on its own motion or on the motion of any party, may determine, based upon affidavits, depositions, stipulations of counsel or after hearing or review of the record, that the amount actually

in controversy does not exceed fifty thousand dollars (\$50,000.00) and may enter an order certifying the case to a board of arbitration. In the event that a case within the arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation shall remove the same from the jurisdiction of the board of arbitrators.

C. A civil action shall be referred to arbitration by Order of Court or when any party or its counsel (1) files a praecipe with the Prothonotary, certifying that the pleadings are closed and the matter is ready for arbitration and (2) pays the appropriate listing fee. A copy of the arbitration praecipe shall immediately be delivered to the Court Administrator and all other counsel.

D. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference, however, all cases will come under the caseflow control of the Court Administrator.

[Pa.B. Doc. No. 24-256. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Rules; Rules 5102.1 and 5103.1; No. 2024IR0013

Order

And Now, this 21st day of February, 2024, Bradford County Court of Common Pleas adopts the following Local Rules of Judicial Administration governing the Custody of Exhibits for the 42nd Judicial District to be effective thirty (30) days after publication.

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

1) File one (1) copy of the local rule 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 to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

6) The effective date of the local rule shall be April 1, 2024 or 30 days after publication in the *Pennsylvania Bulletin* whichever occurs first.

By the Court

MAUREEN T. BEIRNE,
President Judge

42nd Jud.Dis.R.Jud.Admin. 5102.1. Custody of Exhibits. General Provisions.

(a) *During Court Proceedings before Judge or Hearing Officer*

1) The Court Reporter shall be the custodian of all documentary exhibits and photographs or electronic cop-

ies of non-documentary exhibits accepted or rejected during the court proceedings.

2) The Court Reporter shall maintain a written index of exhibits during the court proceedings.

3) The proponent shall include a Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the Court Reporter at the time the evidence is introduced.

4) The proponent of any non-documentary exhibit intended to be offered during a court proceeding shall maintain custody of it during the court proceeding.

(b) *After Court Proceedings before Judge or Hearing Officer*

1) The Court Reporter shall be the custodian of all documentary exhibits and photographs or electronic copies of non-documentary exhibits after court proceedings have concluded.

2) The Court Reporter shall:

i) Retain or take custody of all documentary exhibits and photograph or electronic copies of non-documentary exhibits accepted or rejected during the court proceedings.

ii) Ensure the written index of the exhibits is consistent with the exhibits in the custodian's possession and take all steps necessary to cure any inconsistencies.

iii) File the written index of the exhibits and all documentary exhibits, photographs, and photographs or electronic copies of non-documentary exhibits with the appropriate records office within five (5) business days of the conclusion of the court proceedings.

3) The proponent shall secure and maintain all non-documentary exhibits unless otherwise directed by the Court.

42nd Jud.Dist.R.Jud.Admin. 5103.1. Custody of Exhibits. Special Provisions.

(a) *Photographs of Non-Documentary Exhibits.*

1. In advance of a proceeding, the proponent shall prepare a physical, photographic copy of all potential, non-documentary exhibits pursuant to Pa.R.J.A. 5103(b).

2. The proponent shall also prepare a separate document to provide to the Court Reporter along with the photograph that describes the photograph(s), including:

- i. the case name,
- ii. docket number,
- iii. proponent name, and
- iv. date photograph was taken.

(b) *Media Depositions.* Media depositions presented at trial shall be retained by the proponent. The proponent shall submit either a copy of the media deposition on a portable media device or a transcript of the media deposition as an exhibit provided it complies with subdivision (c) of this Rule.

(c) *Reproduction of Oversized or Voluminous Documentary Exhibits.*

1. Where the intended, original documentary exhibit(s) exceeds 150 pages (single sided), the proponent shall cause the exhibit to be transformed into a portable

document file ("pdf") and placed onto a flash drive, thumb drive, usb drive, or other portable media-containing device.

2. The proponent shall place the portable media device in an envelope not exceeding 8 1/2 by 11 inches containing either a label on the envelope or a separate document within the envelope describing the device's contents, including:

- i. the case name,
- ii. docket number,
- iii. proponent name,
- iv. creation date of original documents (if known), and date documents were reduced to pdf.

(d) *Status Conference for Bulky, Oversized, or Otherwise Physically Impractical Exhibits.*

1. In advance of any proceeding where a proponent anticipates their exhibit(s) will be categorized as bulky, oversized, or otherwise physically impractical pursuant to Pa.R.J.A. 5103(c)(3), the proponent shall, when the issue has not previously been raised and addressed, file a motion for a status conference, which may be conducted via telephone or advanced communication technology at the discretion of the presiding judge.

2. The presiding judge, counsel, and parties if unrepresented, shall discuss maintenance and security of the exhibit(s) both during and after the proceeding consistent with Pa.R.J.A. 5104(a)(4), and the presiding judge shall confirm same by an Order of Court.

(e) *Weapons, Contraband, and Hazardous Materials Pursuant to Pa.R.J.A. 5103(d).*

1. Each presiding judge in any Court Proceeding may issue special instructions to address the method by which exhibits under this rule are maintained during a court proceeding, including the party that shall secure the exhibits while the Court Proceeding is in session, as well as during all breaks and recesses, which method shall be confirmed by an Order of Court.

i. In the absence of a Court Order, in any Court Proceeding where exhibits are offered into evidence, the proponent shall secure the exhibits while the Court Proceeding is in session, as well as during all breaks and recesses.

ii. During a Court Proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

iii. Exhibits under this rule are prohibited from viewing in the jury room. The Court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

2. At the conclusion of a Court Proceeding, all exhibits which have been offered into evidence, whether or not admitted of record, shall be kept in the custody of the proponent, the proponent's designee, or such other person as designated by the presiding judge.

3. Exhibits categorized under this Rule may only be disposed of or destroyed by an Order of Court.

4. If there are Exhibits which require temporary storage, the Sheriff's Office shall provide the proponent with

an escort to the Records Office, as defined by Pa.R.J.A. 5101(a)(7), or other secure area designated by the presiding judge.

[Pa.B. Doc. No. 24-257. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ERIE COUNTY

Local Rules of Judicial Administration 5102 and 5103; Doc. No. 4 of 2024

Order

And Now, this 20th day of February, 2024, it is hereby Ordered and Decreed that, effective 30 days after publication in the *Pennsylvania Bulletin*, the Erie County, Pennsylvania Court of Common Pleas adopts Local Rules of Judicial Administration 5102 and 5103 pertaining to custody of exhibits.

The Erie County District Court Administrator shall process this Order in accordance with Pennsylvania Rule of Judicial Administration 103(c) (rules of judicial administration).

By the Court

JOSEPH M. WALSH, III,
President Judge

Custody of Exhibits in Court Proceedings.

Local Rule 5102. Custody of Exhibits. General Provisions.

(a) *During and After Court Proceedings.* The proponent of an exhibit is designated as its “custodian” during and after court proceeding, including during breaks and recesses, and for all applicable records retention periods.

(b) Each custodian shall file their documentary exhibits, photographs, and photographs of non-documentary exhibits, with the appropriate records office within 5 business days of conclusion of a court proceeding.

(1) The “Index of Exhibits” accompanying the filed exhibits pursuant to Pa.R.J.A. 5102(b)(2) and this Rule shall be in the form appended to these Rules, or a substantially similar form.

(2) A copy of the “Index of Exhibits” (without attached exhibits unless ordered otherwise) shall be served on the trial court and parties within 5 business days of conclusion of a court proceeding.

Note: “Proponent”, “Exhibit”, “Custodian”, “Court Proceeding”, and “Records Office” are defined at Pa.R.J.A. 5101. Further, as stated in the Comment to Pa.R.J.A. 5101, “Exhibit” includes “items admitted or rejected by the court after being offered into evidence by a proponent.”

Local Rule 5103. Custody of Exhibits. Special Provisions.

(a) *Oversized Documentary Exhibits and Photographs.* The proponent of any oversized documentary exhibit or photograph exhibit shall ensure that a copy of the exhibit reduced to no larger than 8-1/2 × 11 inches is entered into the official case record in conformity with Erie R.J.A. 5102(b). All copies shall be clear and capable of further reproduction or transfer to digital media.

(b) *Non-documentary Exhibits.* The custodian shall retain custody of non-documentary exhibits (including, but not limited to, weapons, cash, other items of value, drugs, and other dangerous contraband or materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding, including during breaks and recesses, and for all applicable records retention periods.

(1) Non-documentary Exhibits shall be photographed by the proponent, converted to a letter sized document (8-1/2 × 11 inches), and appropriately marked and produced during the court proceeding for inclusion in the official case record. Said document shall be clear and capable of further reproduction or transfer to digital media.

(2) Unless otherwise ordered by the court, at the conclusion of the court proceeding, non-documentary exhibits shall remain in the custody of the custodian-proponent for safekeeping as required by any applicable records retention periods, or until further order of court.

(3) Unless required otherwise by law, regulation, administrative agency retention schedule, or order of court, the custodian-proponent shall maintain non-documentary exhibits for a minimum of following time periods:

(i) *Non-criminal matters.* Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.

(ii) *Criminal matters:*

(1) *Homicides:* Retain Exhibits 75 years.

(2) *Summary cases:* Retain Exhibits 5 years.

(3) *Other cases:* Retain Exhibits 20 years.

(c) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the official case record on a universal serial bus (USB) flash drive (or other format if expressly approved by the court). If one proponent has multiple digital exhibits, they may be submitted as separate files on one USB flash drive.

(d) Any exhibit containing confidential information meeting the categories enumerated in Pa. Access Policy § 8.0 shall include an Administrative Office of Pennsylvania Courts approved confidential document cover sheet so that the document can be properly sealed by the records office.

[“INDEX OF EXHIBITS” FORM APPENDED NEXT PAGE]

	:	IN THE COURT OF COMMON PLEAS
vs.	Plaintiff(s)	OF ERIE COUNTY, PENNSYLVANIA
	:	DIVISION
	:	NO.
Defendant(s)	:	

**INDEX OF EXHIBITS
PURSUANT TO PA.R.J.A. 5102(b)(2)**

FILED ON BEHALF OF: _____
(Name of Party(ies))

DATE OF PROCEEDING: _____

TYPE OF PROCEEDING: _____

PRESIDING JUDGE: _____

NOTE: For any exhibit that is a photograph of an oversized documentary exhibit or non-documentary exhibit, indicate in the “Description” how the physical exhibit will be secured and maintained in conformity with Pa.R.J.A. 5102(b)(iii) and Erie R.J.A. 5103(a)-(b). For any digital exhibit, indicate the storage type (USB flash drive; CD ROM, etc.).

Exhibit:	Party:	Description:	Admitted?

[Attach Additional Pages as Needed]
[Pa.B. Doc. No. 24-258. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

INDIANA COUNTY

Local Rule of Judicial Administration Custody of Exhibits; MD-32-2024

Order of Court

And Now, this 31st day of January, 2024, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is *Hereby Ordered* that the Court adopts the following Rule of Judicial Administration Custody of Exhibits regarding Indiana County's custody of exhibits, effective April 1, 2024.

The Court Administrator shall:

- 1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourt.us;
- 2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to Bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;
- 3) Provide one copy of this Order to the members of the Indiana County Bar Association;
- 4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.IndianaCountyPA.gov;
- 5) File this Order in the Prothonotary's Office of Indiana County.

Rule 5102. General Provisions.

The court recorder or court reporter for all, or a portion, of a court proceeding shall be designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding submitted during that period.

(a) If only one custodian is involved with a proceeding, he/she shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

(b) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

Rule 5103. Custody of Exhibits. Special Provisions.

(a) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding.

(1) These non-documentary exhibits must be photographed by the proponent, converted to a letter sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for

safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(3) Unless otherwise ordered, the proponent or filing office shall maintain non-documentary exhibits for the following time periods, at a minimum:

i. *Non-criminal matters*. Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal, if one is taken.

ii. *Criminal matters*.

1. *Homicides*. Retain exhibits 75 years.

2. *Summary cases*. Retain exhibits 5 years.

3. *Other cases*. Retain exhibits 20 years.

(b) Any digital exhibit that cannot be printed (i.e. audio or video recording) shall be entered into the records on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in PA. Access Policy § 8.0 shall include a Confidential Document Form so that the document can be properly sealed by the record office.

By the Court

THOMAS M. BIANCO,
President Judge

[Pa.B. Doc. No. 24-259. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LACKAWANNA COUNTY

Adoption of Court of Common Pleas Rules of Judicial Administration 5101—5105 Governing the Custody of Exhibits for Court Proceedings; No. 2024-MISC-85

Order

And Now, this 14th day of February 2024, in accordance with Pa.R.Civ.P. 239 and Pa.R.J.A. 103(c), it is hereby *Ordered* and *Decreed* as follows:

(a) The Lackawanna County Court Administrator shall distribute two paper copies of the following proposed Lacka.Co. Rules of J.A. Nos. 5101—5105 to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The Court Administrator shall also distribute to the Legislative Reference Bureau a copy of these proposed local rules on a USB Flash Drive, or another agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b). The effective date of the proposed local rules shall not be less than 30 days after the date of publication of the local rules in the *Pennsylvania Bulletin*.

(b) Contemporaneously with publishing the proposed local rules in the *Pennsylvania Bulletin*, the Lackawanna County Court Administrator shall:

i. file one copy of the proposed local rules with the Administrative Office of the Supreme Court;

ii. publish a copy of the proposed local rules on the website of this court or Lackawanna County; and

iii. thereafter compile the local rules within the complete set of the local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

(c) A compilation of local rules shall be kept continuously available for public inspection and copying in the Clerk of Judicial Records office and on the website of this court or Lackawanna County. Upon request and payment of reasonable costs of reproduction and mailing, the court administrator's office shall furnish a person with a copy of the proposed local rules.

(d) No pleading or other legal paper shall be refused for filing by the Clerk of Judicial Records based on a requirement of a local rule unrelated to the payment of filing fees. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with these local rules. In any case of noncompliance with these local rules, the court or its designee shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

(e) The adoption of Lack.Co. Court of Common Pleas Rules of Judicial Administration 5101—5105 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* in compliance with Pa.R.J.A. 103(c)(5)(iii); and

(f) The Court of Common Pleas of Lackawanna County shall incorporate the following proposed Local Rules in the complete set of the Lackawanna County Rules of Judicial Administration no later than thirty (30) days following their publication in the *Pennsylvania Bulletin*.

By the Court

PATRICIA CORBETT,
President Judge

Rule 5101. Definitions.

(a) The following words and phrases when used in these local rules shall have the following meanings, unless the context clearly indicates otherwise, or unless the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

(1) *"Court Proceeding."* Any trial, hearing, argument or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record. It does not include a proceeding before a magisterial district court, a judicial arbitration matter pursuant to Pa.R.Civ.P. 1301 et seq., a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters unless the hearing officer and counsel of record agree the proceeding shall constitute a court proceeding which shall adhere to Lack.Co.R.J.A. 5101—5105, any hearing or proceeding that can be appealed de novo to the court of common pleas or upon which exceptions or objections can be filed to the court of common pleas or any matter that is not a record proceeding;

(2) *"Custodian."* The person or persons designated by local rule of judicial administration or by the Court during a Court Proceeding, to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall either be a member of court staff, e.g., court reporter, clerk of court, hearing officer, or the proponent of the exhibit. Custodian shall also include the custodian's designee;

(3) *"Exhibit."* A document, record, object, photograph, model, or similar item offered into evidence, whether or not admitted, in a court proceeding;

(4) *"Judicial District."* Lackawanna County;

(5) *"Local Rule."* A local rule of judicial administration, however titled, adopted by the Lackawanna County Court of Common Pleas pursuant to Pa.R.J.A. 103(c);

(6) *"Proponent."* A party seeking the admission of an exhibit into the record in a court proceeding; and

(7) *"Records Office."* The Lackawanna County Clerk of Judicial Records, the Register of Wills or the Clerk of Orphans Court.

(b) For any words and phrases not defined by these rules, a meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

Comment: The definition of "court proceeding" includes, but is not limited to, civil and criminal trials, ancillary arguments, and hearings, as well as divorce, custody, support, delinquency, and dependency hearings before hearing officers and made of record.

The definition of "exhibit" includes items admitted into evidence by the court, or rejected by the court, after being offered into evidence by a proponent.

Rule 5102. Custody of Exhibits. General Provisions.

(a) *During Court Proceedings.* A member of the court's staff, or the proponent of the exhibit or the court reporter, shall be designated by the court as the custodian during a court proceeding. The custodian of the exhibit shall secure and maintain all exhibits during a court proceeding, including breaks and recesses, unless otherwise provided in these rules.

(b) *After Court Proceedings.* The Court shall designate a member of court staff, the court reporter or the proponent of the exhibit to be designated as the custodian after the court proceeding has concluded.

(1) *Custodian.* The custodian shall:

(i) take custody of, including safeguarding and maintaining all documentary exhibits, including but not limited to photographs, and photographs of non-documentary exhibits either admitted or rejected during the court proceeding;

(ii) file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Records Office within five business days of the conclusion of the court proceeding unless otherwise directed by the court; and

(iii) secure and maintain all other non-documentary exhibits as:

(A) directed by the court; or

(B) agreed to by the parties.

(2) *Index of Exhibits.* The custodian who is responsible for filing the exhibits with the Records Office shall include a numbered list of exhibits, and for each exhibit identify the proponent of the exhibit, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit in substantial compliance with Form 1 in the attached appendix.

(3) *Confirmation.* If the exhibits are transferred from a court staff-custodian or court reporter-custodian to a proponent-custodian, the court staff-custodian shall confirm that the proponent-custodian has complied with subdivision (b)(1)(ii).

(4) *Relief.* If the custodian does not file the exhibits as required by subdivision (b)(1)(ii), the proponent, if not

designated as the custodian or in possession of the exhibits, may seek appropriate relief with the court.

Comment: Court may direct the proponent of exhibits to secure and maintain exhibits that are bulky, oversized or otherwise physically impractical for the custodian to maintain during court proceedings. See Lack.Co.R.J.A. 5103(c)(3).

Non-documentary exhibits typically will be returned to the proponent at the conclusion of the court proceeding. See Local Rule 5103 for special provisions relating to oversized documents, photographs, non-documentary exhibits, and digital media. If the court has concerns about the proponent's ability to retain an exhibit through the exhaustion of all appeals and post-trial actions, the court may direct other provisions for securing the exhibit. The court should take into consideration the possibility that a proponent may be incapable or unable to maintain and secure an exhibit, as well as the possibility that a proponent may tamper with or otherwise permit the degradation of an exhibit. The court should also consider any cases that may require special instructions for retention of non-documentary exhibits, such as in capital cases.

The exhibit list required by subdivision (b)(2) will enable the parties to easily determine the contents of a case record.

Rule 5103. Custody of Exhibits. Special Provisions.

(a) *Documentary Exhibits.*

(1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 × 11 inches, the proponent shall ensure that a copy of the document reduced to 8-1/2 × 11 inches (or smaller) is entered into the record.

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) *Photographs.*

(1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 × 11 inches) is entered into the record.

(2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(c) *Non-documentary Exhibits: Generally.*

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 × 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

(3) If the exhibit is bulky, oversized or otherwise physically impractical for a court staff-custodian or court reporter to maintain; the court may direct that the proponent offering the exhibit maintain custody of the exhibit and secure the exhibit during the court proceeding.

(d) *Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.*

(1) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the proponent shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses.

(2) During the proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

(3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

(e) *Use of Digital Media.* A proponent shall ensure that any exhibit in a digital format, that is entered into the record, is in a format acceptable to the court.

(f) *Duplicates.* The court may direct that the original item, and not a duplicate, be entered into the record.

Comment: When documents and photographs are reduced in size and copied to comply with subdivisions (a)-(b) of this rule, the proponent must ensure that the quality of the document or photograph is not compromised. All documentary exhibits must be capable of clear reproduction. Subdivision (b) recognizes that a proponent may have a sentimental attachment to a photograph and may not want to relinquish it for inclusion in the record.

In subdivision (c), non-documentary exhibits comprise a broad spectrum of objects, including, but not limited to, jewelry, clothing, automobiles, furniture, as well as the items listed in subdivision (d).

In subdivision (d), the phrase "weapons, cash, other items of value, drugs, or other dangerous materials" includes, but is not limited to, guns, knives, explosives, controlled substances, narcotics, intoxicants, currency, money, negotiable instruments, toxic materials, and bio-hazards. For purposes of this rule, "secured" means inaccessible by unauthorized persons. See UJS Pennsylvania Court Safety Manual for best practices on firearms handling. Judges shall consider additional safety measures if substances, likely to cause bodily harm, are present in the courtroom, for example, fentanyl and its derivatives, or other substances known to be especially lethal or toxic.

Neither documentary exhibits of unusual bulk or weight nor non-documentary exhibits should be transmitted unless authorized by a party or by the prothonotary of the appellate court. See Pa.R.A.P. 1931(c). In the case of exhibits under subdivision (d) of this rule, such exhibits should only be transmitted by law enforcement personnel who are authorized to transport such items to the appellate court.

Regarding the use of media in the courtroom, technology is constantly evolving and judicial districts have access to varying levels of technology. As set forth in subdivision (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring the court has the means to access it during a court proceeding. Current technology may include the use of portable formats, such as flash drives and compact discs.

With regard to other limitations on the use of duplicates, see Pa.R.E. 1003.

Rule 5104. Prohibition.

(a) *Prohibition.* The automated systems of the Unified Judicial System (e.g., Common Pleas Case Management

System, Pennsylvania Appellate Case Court Management System, and PACFile) shall not be used for submitting or storing exhibits as required by this chapter.

Rule 5105. Confidentiality. Exhibits Under Seal.

(a) If an exhibit offered into evidence contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania ("Policy"), the proponent shall give a copy of the exhibit and a certification prepared in compliance with the Policy and any related local rule to the records office no later than five days after the conclusion of the court proceeding.

(b) Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

Comment: Subdivision (a) of this rule relates to the confidentiality of information contained in exhibits. Al-

though the Policy does not apply directly to exhibits, important policy considerations are set forth therein, particularly as it relates to personal identification information, as well as highly sensitive financial, medical, and psychological information. While the Policy does not address the handling of non-documentary exhibits, it is expected that parties will adhere to the policy considerations set forth therein and ensure that otherwise confidential information and documents are not made available through the record. Adhering to the guidance of the Policy will ensure that a protected version of the exhibit is maintained in the record for public viewing.

Subdivision (b) recognizes that some exhibits contain such highly sensitive information or images that they are sealed by the court during the court proceeding.

Appendix
Form 1
Custodial List of Exhibits

Case Name: _____

Docket Number: _____

<i>Exhibit Number</i>	<i>Description of Exhibit</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>*Bulk Exhibit</i>

<i>Exhibit Number</i>	<i>Description of Exhibit</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>*Bulk Exhibit</i>

*Indicates photograph of non-documentary exhibits retained by proponent. (E.g., weapons, cash, bulky or oversized items identified in Rule 5103).

[Pa.B. Doc. No. 24-260. Filed for public inspection March 1, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rules L5101—L5105 Governing the Custody of Exhibits; No. 90036 of 2024 A.D.

Administrative Order

And Now, this 12th day of February, 2024, in accordance with the directives of Pennsylvania Rules of Judicial Administration, 5101—5105, and in order to effectuate the purposes thereof, Local Rules L5101—L5105 are hereby adopted as follows:

CUSTODY OF EXHIBITS IN COURT PROCEEDINGS.

Rule L5101. Definitions.

(a) Any word or phrase used in these local rules that are defined in Pa.R.J.A. 5101(a) shall have the meaning and definition as set forth in Pa.R.J.A. 5101(a)(1)—(7), unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the local rule in which the particular rule is included.

(b) For any words and phrases not defined in Pa.R.J.A. 5101, a meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

Rule L5102. Custody of Exhibits. General Provisions.

(a) *During Court Proceedings.* The Court Reporter shall be designated as custodian of all documentary exhibits and photographs and non-documentary exhibits accepted or rejected during court proceedings; provided, however, if the Court Reporter is not present during the court proceeding, such as if the proceeding is being electronically and/or digitally recorded, the court assistant serving that courtroom shall be designated as such custodian, and shall, immediately upon the conclusion of the proceeding, deliver such exhibits to the custody of the Court Reporter.

(b) *After Court Proceedings.* The Court Reporter shall be designated as the custodian of all documentary exhibits and photographs and all non-documentary exhibits accepted or rejected during the court proceedings after the court proceedings have concluded.

(1) *Custodian.* The custodian shall:

(i) retain and take custody of all documentary exhibits, photographs, and non-documentary exhibits accepted or rejected during the court proceeding;

(ii) within five (5) business days file of record with the Prothonotary and Clerk of Courts in the case file a

numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence and a textual description or identification of the exhibit, and immediately secure all such exhibits in a secured and locked vault provided to the Court Reporter for such purposes, with access thereto to be provided only under the control and supervision of the Court Reporter and the President Judge.

Rule L5103. Custody of Exhibits. Special Provisions.

(a) *Documentary Exhibits.*

(1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 × 11 inches, the proponent may provide a copy reduced to 8-1/2 × 11 inches for entry into the record.

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) *Photographs.*

(1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 × 11 inches) is entered into the record.

(2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(c) *Non-documentary Exhibits: Generally.*

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 × 11 inches) of the exhibit is entered into the record.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

(3) An exhibit that is bulky, oversized or otherwise physically impractical for the Court Reporter to maintain, the exhibit shall be secured as directed by the court in a secured vault established for such purpose.

(d) *Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.*

(1) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the Court Reporter shall secure the

exhibits while the court proceeding is in session as well as during all breaks and recesses.

(2) During the proceeding, the Court Reporter shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

(3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court shall direct alternative viewing arrangements for such exhibits upon the request of the jury.

(e) *Use of Digital Media.* A proponent shall ensure that an exhibit in a digital format entered into the record is in a format acceptable to the court.

(f) *Duplicates.* The court may direct that the original item, and not a duplicate, be entered into the record.

Rule L5105. Confidentiality. Exhibits Under Seal.

(a) If an exhibit offered into evidence contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”), the court may direct that the exhibit be sealed and a certification prepared in compliance with the Policy be affixed thereto.

(b) Any exhibit sealed by the court shall not be accessible to the public.

The effective date of this Order shall be April 1, 2024.

The District Court Administrator of Lawrence County shall:

1. File one (1) electronic copy of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

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

3. Arrange to have this Administrative Order and Rule published in the Lawrence County Bar Association web-

site at lawrencecountybar.org, and forward one (1) copy to the *Lawrence Law Journal* for publication.

4. Arrange to have this Administrative Order and Rule, as well as all Local Rules, published on the 53rd Judicial District website at lawrencecountypa.gov.

5. Keep this Administrative Order and Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the appropriate Lawrence County filing office. The respective filing office shall furnish to any person a copy of any local rule upon request and payment of reasonable costs of reproduction and mailing.

By the Court

DOMINICK MOTTO,
President Judge

[Pa.B. Doc. No. 24-261. Filed for public inspection March 1, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Christopher M. Manganello, A/K/A Christopher Michael Manganello, (# 82728), having been disbarred in the Supreme Court of New Jersey, the Supreme Court of Pennsylvania issued an Order February 7, 2024, disbaring Christopher M. Manganello, A/K/A Christopher Michael Manganello, from the Bar of this Commonwealth, effective March 8, 2024.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-262. Filed for public inspection March 1, 2024, 9:00 a.m.]
