

TITLE 201

RULES OF JUDICIAL ADMINISTRATION

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Editorial Note

Under the Commonwealth Documents Law, the text of documents published in this title acquires no special status by reason of such publication. For the official text of judicial documents, reference should be made to the Prothonotary of the Supreme Court or to the Administrative Office of Pennsylvania Courts, as appropriate. See 201 Pa. Code Rule 103.

CHAPTER 1. GENERAL PROVISIONS

Rule	
101.	Title and citation of rules.
102.	Definitions.
103.	Procedure for adoption, filing and publishing rules.

Rule 101. Title and citation of rules.

These rules shall be known as the Pennsylvania Rules of Judicial Administration and may be cited as “Pa.R.J.A. No. ____.”

Rule 102. Definitions.

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

Administrative Judge—The presiding judge of a division of a court determined as provided by Rule 706 of these Rules or section 5 of the Schedule to the Judiciary Article and section 5(a) of the act of December 2, 1968 (No. 357).

Administrative Office—The Administrative Office of Pennsylvania Courts established by Rule 502 of these rules as the central office for the administration of the unified judicial system.

Chief Justice—The Chief Justice of Pennsylvania determined as provided by section 10(d) of Article V of the Constitution of Pennsylvania and Rules 705 and 706 of these rules.

Court Administrator—The Court Administrator of Pennsylvania appointed by the Supreme Court under section 19(b) of Article V of the Constitution of Pennsylvania and Rule 501(a) of these rules.

District Court Administrator—The court administrator responsible for the administration of the courts of a judicial district.

Judge—Includes a justice of the Supreme Court.

Judicial Council—The Judicial Council of Pennsylvania established by Rule 301 of these rules.

Personnel of the System—Judges and other judicial officers, their personal staff, the administrative staff of courts and magisterial district judges, and the staff of the Administrative Office and other central staff.

President Judge—The president judge of a court determined or selected as provided by section 10(d) of Article V of the Constitution of Pennsylvania and Rules 705 and 706 of these Rules or sections 11 and 19 of the Schedule to the Judiciary Article.

Presiding Judge—An administrative judge.

Related Staff—All individuals employed at public expense who serve the unified judicial system, but the term does not include personnel of the system.

Supreme Court—The Supreme Court of Pennsylvania existing under section 2 of Article V of the Constitution of Pennsylvania.

System—The unified judicial system of this Commonwealth.

System and Related Personnel—Personnel of the system and related staff. The term includes district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of the courts, clerks of the orphans' court division, prison and correctional officials, and the personnel of all of the foregoing.

Official Note: Order of October 15, 1973, provides as follows: The Pennsylvania Rules of Judicial Administration, section 102, entitled "Definitions" should be amended from the term "prothonotaries" under the subsection defining "System and Related Personnel," the prothonotaries of the Supreme Court of Pennsylvania, the Superior Court of Pennsylvania and the Commonwealth Court of Pennsylvania.

Source

The provisions of this Rule 102 adopted March 15, 1972, amended through October 15, 1973, 3 Pa.B. 2460. Effective January 18, 1973.

Rule 103. Procedure for adoption, filing and publishing rules.

(a) *Notice of proposed rulemaking.*

(1) Except as provided in subdivision (a)(3), the initial recommendation of a proposed rule, or proposed amendment, including the explanatory note that is

to accompany the rule, shall be distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein. The publication notification shall contain a statement to the effect that comments regarding the proposed rule or amendment are invited and should be sent directly to the proposing Rules Committee within a specified period of time.

(2) Written comments, suggestions or objections relating to the proposed rule or amendment shall be sent directly to the proposing Rules Committee within a specified number of days after the publication of the rule or amendment in the *Pennsylvania Bulletin*, and any such commentary shall be reviewed by the said Committee prior to action on the proposal by the Supreme Court. Any further proposals which are based upon the commentary so received need not be, but may be, published in the manner prescribed in subdivision (a)(1).

(3) A proposed rule or amendment may be promulgated even though it has not been previously distributed and published in the manner required by subdivisions (a)(1) and (a)(2), where exigent circumstances require the immediate adoption of the proposal; or where the proposed amendment is of a typographical or perfunctory nature; or where in the discretion of the Supreme Court such action is otherwise required in the interests of justice or efficient administration.

(b) *Rules adopted by the Supreme Court.*

(1) Rules adopted by the Supreme Court shall be filed in the office of the Prothonotary of the Supreme Court.

(2) After an order adopting a rule or amendment has been filed with the Prothonotary of the Supreme Court, the Prothonotary shall forward a certified copy of the order and rule or amendment to:

(i) The publisher of the official version of Supreme Court decisions and opinions who shall cause it to be printed in the first available volume of the State Reports.

(ii) The prothonotaries or clerks of all courts, which may be affected thereby, and thereupon the order and rule or amendment shall be published by such prothonotaries or clerks in the same manner as local rules adopted by such courts.

(iii) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(iv) The Administrative Office.

(c) *Rules of judicial administration adopted by other courts and by agencies of the System.*

(1) As used in this subdivision, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court, council, committee, board, commission or other agency of the unified judicial system to govern judicial administration. This subdivision shall also apply to any amendment of a local rule.

(2) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

(3) When a local rule under this subdivision corresponds to a general rule, the local rule shall be given a number that is keyed to the number of the general rule.

(4) Reserved.

(5) All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

(i) Reserved.

(ii) The adopting court or agency shall distribute two paper copies of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The adopting court or agency also shall distribute to the Legislative Reference Bureau a copy of the local rule on a computer diskette, CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b).

(iii) The effective date of the local rule shall not be less than 30 days after the date of publication of the local rule in the *Pennsylvania Bulletin*.

(6) Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court or agency shall:

(i) file one copy of the local rule with the Administrative Office;

(ii) publish a copy of the local rule on the website of the court or county in which the adopting court has jurisdiction; and

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

(7) A compilation of local rules shall be kept continuously available for public inspection and copying in the respective filing office and on the website of the adopting court or county in which the adopting court has jurisdiction. Upon request and payment of reasonable costs of reproduction and mailing, the respective court office shall furnish a person with a copy of any local rule.

(8) No pleading or other legal paper shall be refused for filing by the prothonotary or clerk of courts 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 a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

(d) *Rules of procedure adopted by other courts of the System.*

(1) For the purpose of this subdivision, the term “local rule” shall include every rule, administrative order, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, which is

adopted by a court of common pleas and the Philadelphia Municipal Court to govern practice and procedure. This subdivision shall also apply to any amendment of a local rule.

(2) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly. A Rules Committee, at any time, may recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

(3) Local rules shall be given numbers that are either keyed to the number of the general rules to which the local rules correspond or assigned by the general rules.

(4) All proposed local rules shall be submitted in writing to the appropriate Rules Committee for review. The adopting court shall not proceed with the proposed local rule until it receives written notification from the appropriate Rules Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

(5) All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

(i) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the written notification pursuant to subdivision (d)(4).

(ii) The adopting court shall distribute two paper copies of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The adopting court also shall distribute to the Legislative Reference Bureau a copy of the local rule on a computer diskette, CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b).

(iii) The effective date of the local rule shall not be less than 30 days after the date of publication of the local rule in the *Pennsylvania Bulletin*.

(6) Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

(i) file one copy of the local rule with the Administrative Office;

(ii) publish a copy of the local rule on the website of the court or county in which the adopting court has jurisdiction; and

(iii) incorporate the local rule in the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

(7) A compilation of local rules shall be kept continuously available for public inspection and copying in the respective filing office and on the website of the adopting court or county in which the adopting court has jurisdiction. Upon request and payment of reasonable costs of reproduction and mailing, the respective court office shall furnish a person with a copy of any local rule.

(8) No pleading or other legal paper shall be refused for filing based upon a requirement of a local rule. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with a local rule. In any

case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Official Note: The purpose of subdivisions (c) and (d) is to further the policy of the Supreme Court to implement the Unified Judicial System under the Constitution of 1968 and to facilitate the statewide practice of law under the Court's general rules. Local rules of judicial administration and local rules of procedure should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties. The provisions of subdivision (d) apply to local rules of procedure, but not to case-specific orders.

The caption or other words used as a label or designation shall not determine whether something is or establishes a rule; if the definition in subdivisions (c)(1) or (d)(1) is satisfied, the matter is a rule regardless of what it may be called. Local rules "adopted by a court of common pleas" in subdivision (d)(1) is intended to include those local rules of procedure for proceedings before a magisterial district judge.

To simplify the use of rules, local rules are to be given numbers that are keyed to the number of the general rules to which the rules correspond unless numbers are specifically assigned. *See, e.g.*, Pa.R.C.P. No. 239.1—239.7. This requirement is not intended to apply to local rules that govern general business of the court or agency and which do not correspond to a statewide rule.

Subdivision (d)(4) requires that, before publishing a local rule of procedure or proceeding with any of the other requirements, the adopting court must submit all proposed local rules of procedure to the appropriate Rules Committee. For administrative convenience, proposed local rules of procedure may be sent to one email address (rulescommittees@pacourts.us) where the proposal will be distributed to the appropriate Rules Committee. Subdivision (d)(4) emphasizes that the adopting court must comply with all the provisions of this subdivision before any local rule will be effective and enforceable.

To be effective, all local rules shall be published in the *Pennsylvania Bulletin*. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect. The diskette or CD-ROM must be labeled with the court's or agency's name and address and the rule's computer file name. Section 13.11(e) provides that documents may be accepted in an alternate format if it is requested by the court or agency and agreed upon by the Legislative Reference Bureau.

Although a local rule shall not be effective until at least 30 days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the court or agency may act by specific orders governing particular matters in the interim before an applicable local rule becomes effective.

One copy of the local rule must also be filed with the Administrative Office. When rules are forwarded to the Administrative Office, the adopting court or agency should indicate whether the rules have been distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. For administrative convenience, local rules of procedure and judicial administration may be sent to adminrules@pacourts.us for filing.

New or amended local rules shall be timely compiled into the set of local rules to further facilitate the statewide practice of law, increase accessibility by the public, and maintain the currency of the requirement set forth in subdivisions (c)(7) and (d)(7).

Subdivisions (c)(7) and (d)(7) require that a separate consolidated set of local rules be maintained in the filing office, which may be the prothonotary, clerk of courts, clerk of orphans'

court, or domestic relations section depending on the type of proceeding, and on the website of the adopting court or the county in which the adopting court has jurisdiction. It is intended that a complete and up-to-date set of local rules will be maintained on the website of the adopting court or the county in which the adopting court has jurisdiction.

The Administrative Office maintains a web page linking to the websites of the courts of common pleas. That web page is located at <http://www.pacourts.us/courts/courts-of-common-pleas/individual-county-courts>.

Under subdivision (c)(8) a filing may be rejected if it is not accompanied by the necessary filing fee unless a fee waiver request is pending or granted. *See, e.g.*, Pa.R.C.P. No. 240.

Source

The provisions of this Rule 103 adopted and effective January 13, 1972; amended and effective May 10, 1973, 3 Pa.B. 921; renumbered from Supreme Court Rule 85 by Order dated March 15, 1972; amended and effective April 21, 1978, 8 Pa.B. 1271; amended October 10, 1979, effective October 20, 1979, 9 Pa.B. 3509; amended January 28, 1983, effective July 1, 1983, 13 Pa.B. 676; amended February 20, 2001, effective April 1, 2001, 31 Pa.B. 1319; amended May 14, 2013, effective in 30 days, 43 Pa.B. 2988; amended June 28, 2016, effective August 1, 2016, 46 Pa.B. 3790; amended February 3, 2017, effective immediately, 47 Pa.B. 937. Immediately preceding text appears at serial pages (382560) to (382565).

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