

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 51 ]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 300 ]

**Order Rescinding Rule 3.9 and Amending Rules 3.10 and 3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and Amending Rule 323 of the Rules of Civil Procedure before Magisterial District Judges; No. 405 Magisterial Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 14th day of December 2016, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 33 Pa.B. 745 (February 8, 2003), 37 Pa.B. 6902 (December 29, 2007), and 43 Pa.B. 2269 (April 27, 2013):

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 3.9 is rescinded, and that Rules 3.10-3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and Rule 323 of the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges, are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2017.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

##### CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

**Canon 3. A magisterial district judge shall conduct the magisterial district judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.**

Rule 3.9. [ Incompatible Practices ] (Reserved).

[ A. Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage. Magis-

terial district judges shall not receive any fee or emolument for performing the duties of an arbitrator.

B. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.]

#### Comment:

The provisions of former Rule 3.9 were added to Rule 3.10 to reflect limitations on outside activities applicable to all magisterial district judges.

Rule 3.10. [ Prohibited Practice of Attorney Magisterial District Judges ] Incompatible Practices and Limitations.

[ A. Attorneys who are magisterial district judges shall not practice before any magisterial district judge in the Commonwealth, nor shall they act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto. Nor shall they practice criminal law in the county within which their magisterial district is located. An employer, employee, partner of office associate of such magisterial district judges shall not appear or practice before them.

B. Attorneys who are magisterial district judges shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasi governmental agency, board, authority or commission operating within the Commonwealth.]

(A) Magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper, and impartial discharge of their duties, including, but not limited to, any of the following:

- (1) any activity prohibited by law;
- (2) any activity related to the collection of a claim or judgment for money; or
- (3) in the acceptance of any premium or fee for any judicial bond.

(B) Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage.

(C) Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

(D) Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator or a mediator.

(E) Magisterial district judges who are attorneys shall not practice law:

- (1) before any magisterial district judge in the Commonwealth;

(2) in any proceeding in which they have served as a magisterial district judge;

(3) in any proceeding related to a proceeding in which they served as a magisterial district judge; or

(4) in any criminal proceeding in the county within which their magisterial district is located. Magisterial district judges who are attorneys shall neither practice before nor act as an attorney or solicitor for any county or local municipal, governmental or quasi-governmental agency, board, authority or commission operating within the Commonwealth.

(F) Magisterial district judges who are attorneys shall not permit their employers, employees, partners or legal associates to appear or practice before them.

**Comment:**

(1) Paragraphs (A)—(D) of this rule apply to all magisterial district judges, including magisterial district judges who are attorneys, and are derived from former Rule 3.9.

(2) Magisterial district judges are prohibited from receiving any fee or emolument for performing the duties of an arbitrator or mediator. See 42 Pa.C.S. § 3304(b). Mediation was added to this rule in recognition of the growth of alternative dispute resolution after the statute and rule were originally promulgated.

**Rule 3.11. Financial Activities.**

\* \* \* \* \*

(B) Except as provided in Rule [ 3.9 and Rule ] 3.10, a magisterial district judge may serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

\* \* \* \* \*

**Rule 3.12. Compensation for Extrajudicial Activities.**

A magisterial district judge may accept reasonable compensation for extrajudicial activities such as speaking, teaching and writing unless such acceptance would appear to a reasonable person to undermine the magisterial district judge's independence, integrity, or impartiality.

**Comment:**

(1) A magisterial district judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other similar extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The magisterial district judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.

(2) Compensation derived from extrajudicial activities shall be subject to public reporting. See Rule 3.15.

(3) The provisions of this rule are subject to the restrictions imposed by [ Rules 3.9 and ] Rule 3.10.

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 300. CIVIL ACTION**

**Rule 323. Judgment—Payment in Installments.**

The magisterial district judge may in the entry of judgment order the payment of the same in periodic installments that shall not extend beyond 12 months from the date of judgment.

*Official Note:* Since many of the defendants coming before magisterial district judges are apt to be in financial difficulties, it was thought advisable to provide for payment in installments. The payments are to be made to the plaintiff and not to the magisterial district judge. See Rule [ 3.9 ] 3.10 of the Rules Governing Standards of Conduct of Magisterial District Judges.

**FINAL REPORT<sup>1</sup>**

**Recommendation 5-2008, Minor Court Rules Committee**

***Rescission of Rule 3.9, Amendment of Rules 3.10-3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and the Official Note to Rule 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges***

*Incompatible Practices and Limitations*

On December 14, 2016, effective April 1, 2017, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved the rescission of Rule 3.9, the amendment of Rules 3.10 and 3.11, and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, as well as the amendment of the Official Note to Rule 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges.<sup>3</sup>

*I. Background and Discussion*

The Minor Court Rules Committee (the "Committee") recommended the rescission of Rule 3.9 and the amendment of Rule 3.10 of the Rules Governing Standards of Conduct of Magisterial District Judges. Rule 3.9 addresses activities prohibited for all magisterial district judges, while Rule 3.10 sets forth practices prohibited for attorney-magisterial district judges only. The goal of these changes is to combine Rules 3.9 and 3.10 into one rule encompassing all limitations on magisterial district judges.

The issue of limitations on magisterial district judges was under review by the Committee since at least 2002. The Committee received an inquiry as to whether attorney-magisterial district judges could also serve as arbitrators, particularly in arbitration cases where the arbitrators' fees are paid by the parties. There appeared to be conflicting interpretations as to whether the prohibition on "receiving any fee or emolument for performing the duties of an arbitrator", set forth in former Rule 13, applied to attorney-magisterial district judges, who were also subject to the additional prohibited practices set forth in former Rule 14. The Committee noted that 42 Pa.C.S. § 3304(b) prohibited a judge or magisterial district judge from serving as a paid arbitrator, providing

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the content of the explanatory Final Reports.

<sup>2</sup> Minor Court Rules Committee Recommendation 5-2008.

<sup>3</sup> Rules 3.9 and 3.10 are derived from former Rules 13 and 14 respectively, which were rescinded in light of the Court's adoption of the new Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

that “[n]o judge or magisterial district judge shall receive any fee or emolument for performing the duties of an arbitrator.” After consideration of the inquiry, and review of the relevant rules, statutes, and other authorities, the Committee agreed that amendments to the rules were advisable to clarify that no magisterial district judge, including a judge who was also an attorney, may act as an arbitrator for a fee.

The Committee published its initial proposal in 2003, at 33 Pa.B. 745 (February 8, 2003). After receiving comments from various sources, the Committee reworked the proposal, and subsequently tabled it while other groups attempted to achieve a legislative solution to the question. In the absence of a legislative solution, the Committee republished the proposal at 37 Pa.B. 6902 (December 29, 2007), and received additional valuable input. The Committee submitted a recommendation to the Pennsylvania Supreme Court (“Court”) in 2008, but was instructed by the Court to engage in further review. After further drafting efforts, the proposal was published for public comment at 43 Pa.B. 2269 (April 27, 2013), and resubmitted to the Court later that year. Following the Court’s adoption of the new Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, the Committee revised the recommendation to reflect the new Conduct Rules, as well as to make further modifications. Subsequently, the Court directed the Committee to revisit the recommendation, and the Committee undertook further efforts to revise the rules consistent with the Court’s guidance.

## II. Proposed Rule Changes

### A. Rule 3.9

Rule 3.9, titled “Incompatible Practices”, set forth prohibitions applicable to all magisterial district judges. The Committee recommended rescinding Rule 3.9 and incorporating its provisions into Rule 3.10 as the simplest way to ensure that all magisterial district judges, both attorneys and non-attorneys, are following the same guidelines for incompatible practices and limitations. The substantive material of Rule 3.9, with modification, is found in Rule 3.10. A note was added to Rule 3.9, directing readers to Rule 3.10.

### B. Rule 3.10

The prior version of Rule 3.10, titled, “Prohibited Practice of Attorney-Magisterial District Judges”, set forth those limitations applicable only to attorney-magisterial district judges. As explained above, the Committee’s goals in redrafting Rules 3.9 and 3.10 were to clarify the limitations on all judges, as well as to remove the distinction between attorney and non-attorney judges. The rule has been retitled “Incompatible Practices and Limitations.”

Paragraphs (A) and (B) of Rule 3.10 are taken from the first two sentences of rescinded Rule 3.9A. Paragraph (C) is derived from paragraph B of rescinded Rule 3.9. Paragraph (D) of Rule 3.10 is derived from the last sentence of rescinded Rule 3.9A, and explicitly provides that a magisterial district judge shall not receive any fee or emolument for performing the duties of an arbitrator or mediator. Paragraphs (E)—(F) pertain to the conduct of attorney magisterial district judges.

While 42 Pa.C.S. § 3304(b) and rescinded Rule 3.9 solely reference “arbitration,” amended Rule 3.10 references both arbitration and mediation, which reflects the growth in the use of alternative dispute resolution methods since the original promulgation of the statute and the

rule. Moreover, there should not be a distinction between a magisterial district judge serving as an arbitrator or a mediator for a fee.

Finally, application of the prohibitions to “all employees assigned to or appointed by magisterial district judges”, as set forth in former Rule 3.9, has been deleted. These rules apply to the conduct of magisterial district judges, and prohibitions on the activities of court employees are addressed as part of the terms and conditions of employment for those persons rather than appearing in the Rules Governing Standards of Conduct of Magisterial District Judges. As set forth in the *Application* provision of the Rules Governing Standards of Conduct of Magisterial District Judges, the definition of magisterial district judge contains the following footnote pertaining to court employees:

Though not covered by these Conduct Rules, there is a Code of Conduct for Employees of the Unified Judicial System (“Employee Code”). It applies to “employees” defined as, “Employees of the Unified Judicial System” and includes 1) all state-level court employees, and 2) all county-level court employees who are under the supervision and authority of the President Judge of a Judicial District of Pennsylvania, unless otherwise indicated by Supreme Court order or rule.

See Rules Governing Standards of Conduct of Magisterial District Judges, *Application* [2], n.1.

### C. Rules 3.11 and 3.12

Rule 3.11(B) is amended to delete the reference to rescinded Rule 3.9. Similarly, the Comment to Rule 3.12 is amended to delete the reference to rescinded Rule 3.9.

### D. Rule 323

The Official Note to Rule 323 is amended to replace the reference to rescinded Rule 3.9 with a reference to Rule 3.10.

[Pa.B. Doc. No. 16-2294. Filed for public inspection December 30, 2016, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

### SEPTA Strike; Administrative Judge Administrative Order No. 2016-5

#### Order

*And Now*, this 26th day of October, 2016 in light of the announced strike by SEPTA commencing on November 1, 2016, in order to safeguard the rights of the various parties in litigation pending in the Courts of the First Judicial District of Pennsylvania for or against SEPTA, *It Is Hereby Ordered, Adjudged and Decreed* that:

1) all arbitrations, jury and non-jury trials in which SEPTA is a party will be continued for the duration of the strike and four (4) days after it ends;

2) any Order issued in matters where SEPTA or a SEPTA employee represented by SEPTA counsel is a party are stayed during the pendency of the work stoppage and for twenty (20) days thereafter; and

3) no default for failure to answer a Complaint, Petition or Motion, or to comply with a discovery Order will be issued for the duration of the strike and twenty (20) days thereafter.

This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration and shall become effective immediately. The original Order shall be filed with the Office of Judicial Records, Civil (formerly, Prothonotary) in a Docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the Order shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

*By the Court*

HONORABLE JACQUELINE F. ALLEN,  
Administrative Judge, Trial Division  
Court of Common Pleas  
Philadelphia County  
First Judicial District of Pennsylvania

[Pa.B. Doc. No. 16-2295. Filed for public inspection December 30, 2016, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Local Rule of Judicial Administration 4007 Court Reporters and Transcripts; No. AD-1619-2016

##### Administrative Order of Court

*And Now*, this 9th day of December, 2016, *It Is Hereby Ordered* that the following Clinton County Local Rule of Judicial Administration 4007 Court Reporters and Transcripts is adopted and shall become effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that one (1) copy of this Order and rule shall be sent via email to the Administrative Office of Pennsylvania Courts ([adminrules@pacourts.us](mailto:adminrules@pacourts.us)), that two (2) copies of this Order and rule shall be sent to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and one (1) copy emailed to [bulletin@palrb.us](mailto:bulletin@palrb.us), that one (1) copy of the Order and rule be filed with the Office of the Prothonotary of Clinton County, Pennsylvania, and that the new rule be incorporated into the Court Rules section of the Clinton County Court website ([http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/](http://www.clintoncountypa.com/departments/court_services/county_courts/)) within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

*By the Court*

CRAIG P. MILLER,  
President Judge

#### Clinton County Local Rule of Judicial Administration 4007. Court Reporters and Transcripts.

##### 1. GENERAL PROVISIONS

(A) The District Court Administrator is the designee for purposes of the administration of this local rule.

(B) This rule shall not interfere with or otherwise limit the income of Court Reporters. Court Reporters shall continue to be properly compensated for their professional services as related to the preparation of transcripts and orders.

##### 2. PROCEDURES

###### (A) Format

Requests for ordinary transcripts shall be set forth on a standardized form provided by the District Court Administrator of the Commonwealth of Pennsylvania and available at the Office of the District Court Administrator of Clinton County or the Clinton County Website.

###### (B) Requests for Transcripts

For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court (Clerk of Courts, Prothonotary, or Orphan's Court).

###### (C) Service

The Requesting Party shall serve copies of the formal request to:

1. The Presiding Judge;
2. The Court Reporter(s) assigned to the proceeding;
3. The District Court Administrator; and
4. All opposing counsel or parties if party is unrepresented.

###### (D) Costs

The Court Reporter, upon receipt of request, shall estimate the cost of transcribing the requested transcript and provide that information to the District Court Administrator. The District Court Administrator shall forward that information to the requesting party.

(E) *Requests for Daily, Expedited or Same Day Transcript:*

(1) Requests for daily, expedited or same day transcript shall be filed in writing in the appropriate filing office at least thirty (30) days prior to the beginning of proceedings.

(2) Copies of the written request shall be served as provided for by Section (C) supra.

(3) In the event of an emergency, a party may request by oral motion to the court a daily, expedited or same day transcript. Granting said request shall be at the discretion of the Court.

###### (F) Private Litigants

When a private litigant requests a transcript, the party ordering said transcript shall make a payment of 75% of the estimated cost of the transcript as determined on the official request for transcript form.

###### (G) Payment of Costs

Deposit checks shall be made payable to The County of Clinton—Transcript Deposit Fund and shall be delivered to the District Court Administrator.

*(H) Preparation of Transcript*

Upon receipt of the 75% deposit, the Court Reporter assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

*(I) Notice of Completion*

The Court Reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and the final cost thereof. The Court Reporter(s) shall deliver a copy to the District Court Administrator. The original transcript shall not be filed and counsel or parties shall not receive copies until payment in full is received by the District Court Administrator.

*(J) Payment of Balance*

Checks for the final balance due will be made payable to The County of Clinton—Transcript Deposit Fund and delivered to the District Court Administrator. Upon receipt of payment in full, the Court Reporter shall file and deliver the transcript to the requesting party or parties and upon presentation of an appropriate bill by the Court Reporter, the County shall make payment to the Court Reporter.

*(K) Economic Hardship*

(1) The application to waive all or a portion of the costs for an ordinary transcript shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a petition to waive all or a portion of the transcript costs and filed in the appropriate filing office.

(2) When a litigant requests a transcript but cannot pay for the transcript due to alleged economic hardship, the Court will determine economic hardship pursuant to the procedure set forth in Paragraph 3(C) *infra*.

(3) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the cost of procuring the transcript shall be waived or otherwise adjusted by the Court.

(4) In cases of economic hardship where there is no pending appeal or there exist no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need for said transcript which shall be set forth in the request for transcript before the Court shall waive or adjust the cost of obtaining the transcript. The Court will determine if the requesting party has demonstrated reasonable need to have the transcript prepared without payment of the cost of the transcript.

*3. Rates*

Transcript cost payable by a requesting party other than the Commonwealth or a subdivision thereof shall be governed as follows:

*(A) Costs Payable*

The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

1. For an Ordinary Transcript, \$2.50 per page
2. For an Expedited Transcript, \$3.50 per page
3. For a Daily Transcript, \$4.50 per page
4. For Same Day delivery, \$6.50 per page
5. For Rough Draft, \$1.00 per page

6. For complex litigation add \$0.50 to the per page price for each class of transcript. The Court will determine at the request of any party or Court Reporter, if the litigation shall be deemed “complex.”

*(B) Bound Paper Format*

1. When a transcript is requested in bound paper form, the costs shall be in accordance with Section 3(A) *supra* relating to electronic format plus a surcharge of \$0.25 per page.

2. When a transcript is requested to be delivered in electronic format, the Court Reporter shall prepare an additional transcript in bound paper format if one is needed to be filed of record at no additional cost.

*(C) Economic Hardship*

1. Transcript cost shall not be waived for daily, expedited or same day transcript.

2. The transcript cost for necessary ordinary transcripts shall be waived as follows:

a. If requester has been permitted to proceed in forma pauperis.

b. If requester has income less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

c. If requester is represented by an attorney providing free legal service and the attorney files a praecipe which contains a certification by the attorney that the attorney is providing free legal service to the party and believes that the party is unable to pay the costs.

3. The transcript cost for necessary ordinary transcripts shall be reduced by one half if requester has income less than 200 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

4. Transcript costs for ordinary transcripts that are not subject to appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under 2(K) if the party demonstrates reasonable need.

*(D) Assignment and Allocation of Transcript Costs*

1. The requesting party or the party required by rule to file the transcript shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for any transcript ordered by the Court, unless requesting a copy as provided by Subparagraph (E).

2. When more than one party requests a transcript, or more than one party is required by rule to file a transcript, the costs will be divided equally among the parties.

*(E) Copies of a transcript*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

1. \$0.75 per page bound, paper format
2. \$0.50 per page for an electronic copy

Any request for a copy of a transcript shall be directed to the District Court Administrator. Filing offices must direct all requests for copies of any transcript to the District Court Administrator.

The District Court Administrator shall notify the responsible Court Reporter to prepare a copy of the ordered transcript. All payments shall be paid to The County of Clinton Transcript Deposit Fund and upon presentation of appropriate bill by the Court Reporter, the County shall pay said fee to the Court Reporter.

(F) *Other Costs*

1. Costs payable to a Court Reporter by the Commonwealth, any subdivision of the Commonwealth or indigent parties for preparation of an ordered transcript and/or other necessary document shall be paid by the County at the rate as follows:

(a) Ordinary transcripts and orders—\$2.25 per page; and

(b) All other requests as set forth in Subparagraph 3(A) *supra*.

2. Said payment by the County shall be made upon presentation of appropriate billing document from the Court Reporter.

[Pa.B. Doc. No. 16-2296. Filed for public inspection December 30, 2016, 9:00 a.m.]

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**COLUMBIA AND MONTOUR COUNTIES**  
**Business of the Courts; Case No. X of 2016**

**Order**

*And Now*, this 8th day of December, 2016, it is hereby *Ordered and Decreed* that L.R. Nos. 4007 and 4008 shall be adopted to the 26th Judicial District's Local Rules of Judicial Administration is adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail 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 to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

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

*By the Court*

HONORABLE THOMAS A. JAMES, Jr.,  
*President Judge*

**L.R. No. 4007. Requests for Transcripts.**

(A) All requests for transcripts shall be set forth on a standardized form provided by the District Court Administrator. The form shall be available on the Columbia/Montour County website at: ([www.columbia/montourcourts](http://www.columbia/montourcourts)) or in the office of court administration.

(B) *The Request for Ordinary Transcripts*: The party requesting the full or partial transcript of a trial or other

proceeding shall file the original request with the Prothonotary/Clerk of Courts, or Clerk of Orphans Court office.

(C) *Service*: The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter assigned to the proceeding
3. District Court Administrator
4. Opposing counsel or party, if party is unrepresented

(D) *Filing*: Daily, expedited or same-day transcripts are available upon written request with the appropriate filing office at least 10 days prior to the proceeding. Copies of the request shall be served as provided by Section (C).

(E) *Private Litigant Requests*: When a private litigant requests a transcript or other proceeding, the litigant making the request shall make payment in the amount of 75% of the estimated total cost of the transcript to the Court Reporter assigned to the proceeding.

(F) *Payment of Costs*: All checks are to be made payable to The 26th Judicial District and shall be delivered to the Court Reporter. All payments received by the Court Reporter shall be remitted to the Prothonotary/Clerk of Courts, Clerk of Orphans Court office for receipt of said payment(s).

(G) *Preparation of Transcripts*: Upon receipt of the 75% deposit, the court reporter(s) assigned to the proceeding shall prepare the transcript.

(H) *Notice of Completion*: The court reporter(s) shall notify the ordering party of the completion of the transcript. Upon final payment of any balance due for said transcript(s), the Court Reporter shall obtain the signature of the presiding judge on the original transcript and file the original transcript in the appropriate filing office. Copies shall also be delivered to the parties by the court reporter.

When a transcript is requested for which the court or county is irresponsible for the cost(s), the court reporter shall prepare the transcript without the necessity of a deposit.

(I) *Economic Hardship*:

(1) When a litigant requests a transcript, but cannot pay for the transcript because of an alleged economic hardship, the Court shall determine the economic hardship based upon application of the litigant to waive or reduce the cost(s) pursuant to R.C.P. 240. Such application shall be filed in the appropriate filing office with the request for transcript.

(2) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court.

(3) In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

Litigants represented by legal aid services are not required to prove economic hardship. Legal aid services must verify on the Transcript Request Form that the matter is under appeal or that the transcript being requested is necessary to advance current litigation.

**Rule 4008. Transcript Costs Payable by a Requesting Party, other than the Commonwealth or a Subdivision Thereof.**

(A) Costs payable to the initial ordering party for transcripts delivered via electronic format shall not exceed:

1. For an ordinary transcript, \$2.50 per page
2. For an expedited transcript, \$3.50 per page
3. For a daily transcript, \$4.50 per page
4. For same-day delivery, \$6.50 per page
5. For copies, \$.25 per page
6. For complex litigation, \$4.50 per page (i.e. Medical Malpractice)

(B) Costs payable by the Commonwealth or a subdivision thereof shall be governed as follows:

1. For an ordinary transcript, \$2.00 per page
2. For an expedited transcript \$2.25 per page
3. For a daily transcript \$3.50 per page
4. For same-day delivery, \$5.50 per page
5. For copies, \$.25 per page
6. For complex litigation, \$3.50 per page

(C) When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

(D) Requests for copies of Transcripts previously ordered and filed of record shall be directed to and produced solely by the Court Reporters' office. Costs for filed transcripts shall be as follows:

1. \$.75 per page, paper format
2. \$.50 per page, electronic format

[Pa.B. Doc. No. 16-2297. Filed for public inspection December 30, 2016, 9:00 a.m.]

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**HUNTINGDON COUNTY**

**Adoption of Local Rules LR 4007 and LR 4008; No. CP-31-MD-265-2016; AO-2-2016**

**Administrative Order of Court**

*And Now*, this 16th day of December, 2016, Local Rules of Judicial Administration governing court reporting and transcripts, as follows, are hereby adopted and shall be referenced as LR 4007 and LR 4008. The effective date shall be thirty (30) days after publication in the *Pennsylvania Bulletin*. The Huntingdon County District Court Administrator is Ordered and Directed to do the following:

1. File one copy of the Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. Distribute two paper copies and a computer diskette containing the text of the Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish the local rules on the Huntingdon County Court of Common Pleas' website; and

4. Incorporate the local rules into the set of local rules on the Huntingdon County Court of Common Pleas website within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

5. The Huntingdon County Prothonotary shall ensure that the Rules are continuously available for public inspection in the office of Prothonotary.

*By the Court*

GEORGE N. ZANIC,  
*President Judge*

**Huntingdon County Local Rules of Judicial Administration 4007 and 4008**

**Rule 4007. Requests for Transcripts.**

(A) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court and submit a request with the Court Administrator's office.

(B) When daily, expedited, same day or rough draft transcripts are available, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (A). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(C) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make partial payment of 50% of the estimated transcript cost. Deposit checks are to be made payable to Huntingdon County, and shall be delivered to the District Court Administrator.

(2) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to Huntingdon County and shall be delivered to the District Court Administrator.

**Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, if the court reporter is able to accommodate;
- (c) for a daily transcript, \$4.50 per page, if the court reporter is able to accommodate; and
- (d) for same day delivery, \$6.50 per page, if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards*

The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application

should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office.

(C) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

- (1) \$.75 per page bound, paper format; and,
- (2) \$.50 per page electronic copy.

(D) *Additional costs*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

[Pa.B. Doc. No. 16-2298. Filed for public inspection December 30, 2016, 9:00 a.m.]

## SULLIVAN COUNTY

### Local Rules of Court; No. 2016-238

#### Order of Court

*And Now*, this 16th day of December, 2016,

*It Is Ordered* that the Sullivan County Court of Common Pleas adopts the following Local Rules of Court governing court reporting and transcripts for the 44th Judicial District to be effective thirty (30) days after publication.

*It Is Further Ordered* that the District Court Administrator of Sullivan County is directed to:

1. File one (1) copy of the local rules 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 local rules on the court's website after publication in the *Pennsylvania Bulletin*.
4. File one copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

#### Local Rules of Judicial Administration

These rules supplement the Pennsylvania Rules of Judicial Administration and implemented to comply with Pa.R.J.A. 4009.

#### Rule 4007. Requests for Transcripts.

(A) All Requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from the Sullivan County Court Administrator's Office or on the county website when available.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding

shall file the original request with the Prothonotary's Office. The requesting party shall also serve copies of the formal request to:

- 1) The judge presiding over the matter;
- 2) The court reporter or court recorder;
- 3) The district court administrator or his or her designee;
- 4) Opposing counsel, but if not represented, the opposing party.

An affidavit of service shall be filed after service.

(C) Daily, expedited, same day and rough draft transcripts are not available.

(D) When a litigant requests a transcript:

1) The litigant ordering a transcript shall make a deposit payment in the amount of 75% of the estimated total of the transcript. Deposit checks are to be payable to the Prothonotary of Sullivan County and shall be delivered the District Court Administrator.

2) Upon receipt of the 75% deposit, the court reporter assigned to the proceeding shall be directed by order of the presiding judge to prepare the transcript.

3) The court reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks for the final balance due are to be made payable to the Prothonotary of Sullivan County and shall be delivered to the District Court Administrator.

4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(E) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must proceed pursuant to S.C.R.J.A. 4008(B).

(F) Deposits pursuant to S.C.R.J.A. 4007(D)(2).

#### Rule 4008. Transcripts Costs.

(A) *Costs payable:*

(1) *Electronic Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court, for a transcript delivered via electronic format shall be \$2.25 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via electronic format shall be \$1.75 per page.

(2) *Paper Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.50 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, Court or Court for a transcript delivered via paper format shall be \$2.00 per page.

(B) *Economic Hardship—minimum standards*

(1) See Pa.R.J.A. 4008(B)(1).

(2) See Pa.R.J.A. 4008(B)(2).

(3) See Pa.R.J.A. 4008(B)(3).

(4) Request to waive all or a portion of costs.

(a) To request a waiver or reduction of transcript costs:



(i) Legal Aid Services must attach to their request for transcript a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(ii) Self-represented litigants claiming economic hardship must attach to the request for transcript (1) a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240 and (2) a letter of certification that the matter is under appeal and setting forth the reasons a transcript is needed for appeal or that the transcript being requested is necessary to advance the current litigation and set forth the reasons for such need.

(C) See Pa.R.J.A. 4008(C)

(D) *Copies of transcripts*—Any requests to the filing office for copies of filed transcript shall be directed to the District Court Administrator's Office. Any copy of transcripts shall be produced solely by the court report or court recorder. The costs of copies shall be in accordance with Pa.R.J.A. 4008(D) and shall be paid in advance payable to the Prothonotary of Sullivan County and delivered to the District Court Administrator.

[Pa.B. Doc. No. 16-2299. Filed for public inspection December 30, 2016, 9:00 a.m.]

## WASHINGTON COUNTY

### Uniform Rules Governing Court Reporting and Transcripts; No. 2016-1

#### Order

*And Now*, this 13th day of December, 2016, *It Is Hereby Ordered and Decreed* that the following Local Rules of Judicial Administration be adopted.

*It Is Further Ordered* that Washington County Local Rule of Civil Procedure L-507.1 is hereby rescinded. The District Court Administrator is directed to do the following:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts.
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 to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
4. File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

KATHERINE B. EMERY,  
President Judge

#### L-4007. Transcript Requests. Deposits.

(A) All original transcript requests shall be made on the standardized form promulgated by the Court Administrator of Pennsylvania, and filed in the filing office in which the matter being transcribed is filed of record.

(1) The requesting party shall serve copies of the formal request on:

- (a) the presiding judge;
- (b) the court reporter, court recorder, or transcriptionist;
- (c) the District Court Administrator; and
- (d) opposing counsel, or if not represented, the opposing party.

(2) The requesting party may be required to provide additional information or documentation as required by the judicial district.

(3) The request for transcription shall be processed and approved by the District Court Administrator or his/her designee.

(B) A deposit of \$50.00 shall be required for all transcript requests, unless the costs of transcription are waived pursuant to a state or local rule of court. This amount shall be paid by cash, credit card (if permitted by the filing office), money order, or check from an attorney, made payable to the County of Washington. The deposit shall be applied to the final cost of the transcript, and may include an administrative fee for the processing of the request, at an amount to be set by the District Court Administrator.

(1) The balance for a completed transcript shall be due at the time of delivery of the transcript. This amount shall be paid by cash, credit card (if permitted by the filing office), money order, or check from an attorney, made payable to the County of Washington. A receipt evidencing full payment must be produced prior to the release of a transcript to the requesting party.

(2) The deposit, and any other payments for transcription costs, shall be remitted to the filing office in which the matter being transcribed is filed of record.

(3) A deposit shall not be required in cases in which the judicial district, the county, or the Commonwealth or a subdivision thereof, is responsible for the costs of transcription.

(4) All deposits are non-refundable upon filing of a transcript request.

(C) Requests for daily, expedited, same day, or rough draft transcripts shall be made in writing on the Transcript Request Form available in the office of Court Administration, or at [www.washingtoncourts.us](http://www.washingtoncourts.us).

(1) A copy of the completed request shall be served the same day on the District Court Administrator.

(2) The decision to permit a daily, expedited, same day, or rough draft transcript shall be made by the presiding judge in consultation with the District Court Administrator.

(3) Nothing in these rules shall be read to entitle a requesting party to an expedited transcript, daily transcript, or rough draft transcript, or to receive a transcript via same day delivery.

(D) An application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit on a form substantially similar to the following:

\_\_\_\_\_ :  
 \_\_\_\_\_ :  
 Plaintiff(s)/Petitioner(s)/Commonwealth :  
 \_\_\_\_\_ : No. \_\_\_\_\_  
 Vs. :  
 \_\_\_\_\_ :  
 \_\_\_\_\_ :  
 Defendant(s)/Respondent(s) :

Application and Affidavit for a Free or Reduced Cost Transcript

1. I, \_\_\_\_\_, am the (Plaintiff) (Defendant) in the above matter and because of my financial condition am unable to pay the fees and costs for a transcript of the proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of transcription.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

b. Employment:

If you are presently employed, state:

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

If you are presently unemployed, state:

Date of last employment: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

c. Other Income Within The Past Twelve (12) Months (state as dollar amounts):

Business or Profession: \_\_\_\_\_

Other Self-Employment: \_\_\_\_\_

Interest: \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and Annuities: \_\_\_\_\_

Social Security Benefits: \_\_\_\_\_

Support Payments: \_\_\_\_\_

Disability Payments: \_\_\_\_\_

Unemployment Compensation & Supplemental Benefits: \_\_\_\_\_

Workman's Compensation: \_\_\_\_\_

Public Assistance: \_\_\_\_\_

Other: \_\_\_\_\_

d. Other Contributions to Household Support (state as dollar amounts):

(Wife) (Husband) (Friend) Name: \_\_\_\_\_

If your (wife) (husband) (friend) is employed, state:

Employer: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contribution from Children: \_\_\_\_\_

Contribution from Parents: \_\_\_\_\_

Other Contributions: \_\_\_\_\_

e. Property Owned (state as dollar amounts):

Cash: \_\_\_\_\_
Checking Account: \_\_\_\_\_
Savings Account: \_\_\_\_\_
Certificates of Deposit: \_\_\_\_\_
Real Estate (Including Home): \_\_\_\_\_
Motor Vehicle: Make \_\_\_\_\_ Year: \_\_\_\_\_
Cost: \_\_\_\_\_ Amount Owed: \_\_\_\_\_
Stocks & Bonds: \_\_\_\_\_
Other: \_\_\_\_\_

f. Debts and Obligations (state as dollar amounts):

Mortgage: \_\_\_\_\_
Rent: \_\_\_\_\_
Loans: \_\_\_\_\_
Other: \_\_\_\_\_

g. Persons Dependent Upon You For Support:

(Wife) (Husband) Name: \_\_\_\_\_
Children, if any: \_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
Other Persons: \_\_\_\_\_
Name: \_\_\_\_\_
Relationship: \_\_\_\_\_

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_ Date Requestor (Print Name)
Requestor (Sign Name)
(end form)

(1) The waiver application shall be filed with the standardized request form and any other documentation as provided for in subsection (A) of this rule.

(2) The waiver application shall be served as set forth in subsection (A) of this rule.

(3) The waiver application shall be processed by the District Court Administrator or his/her designee.

(a) The waiver application may be approved by the District Court Administrator when:

(i) the record demonstrates that the requesting party has been granted permission to proceed in forma pauperis by the court in the matter for which the transcript has been requested;

(ii) the requesting party has submitted sufficient documentation of income to establish entitlement to a free or reduced ordinary transcript pursuant to Local Rule of Judicial Administration 4008(E); or

(iii) documentation that establishes that a free legal aid service attorney has entered an appearance on behalf

of the requesting party in the matter for which the transcript has been requested.

Note: A determination under subsection (D)(3)(a)(ii) or (iii) that a litigant is entitled to an ordinary transcript at a free or reduced rate only applies to the requested transcript, and is not a substitute for the procedures under state or local rules of court for a litigant to receive permission to proceed in forma pauperis in any matter.

(4) If the requesting party applies for a waiver or reduction and does not qualify based on the criteria set forth above, they may proceed with their request at the applicable rate set forth in these rules.

L-4008. Transcript Costs for a Private Individual or Entity. Waiver of Costs for the Commonwealth or a Subdivision. Economic Hardship.

(A) The transcript costs for a requesting party other than the Court and the Commonwealth shall be the maximum rate set forth in Pennsylvania Rule of Judicial Administration 4008. For the purpose of this local rule,

the Court is defined as any judge or master. The Commonwealth is defined as the District Attorney, Public Defender, or any other department or agency of the County of Washington.

(1) The rates set forth above shall include the original transcript, filed of record with the appropriate filing office, one (1) copy of the transcript for the presiding judge (if requested), and one (1) copy of the transcript to be provided to the initial requesting party. When more than one party requests the transcript, or is required by general rule to file the transcript, the cost shall be divided equally among the parties, and each party shall receive one (1) copy of the transcript.

(2) When the transcript is in bound paper format, the requesting party shall be charged a surcharge of \$0.25 per page.

(3) Payments for all transcript costs shall be made at the filing office. If paying by check or money order, the payee shall be the County of Washington. A convenience fee may be charged for payments by credit card, or made online.

(a) Monies collected for transcripts shall be remitted by the filing office to an account maintained by the Treasurer of the County of Washington. The monies collected shall be deposited monthly by the Treasurer to the general fund of the County of Washington to be used to supplement the County's appropriation for court reporters and court reporting services.

(4) All requests for a copy of any transcript previously ordered, transcribed, and filed of record shall be made to the filing office in which the transcript is lodged of record.

(a) The cost for a copy of any transcript previously ordered, transcribed, and filed of record shall be \$0.75 per page for bound, paper format, and \$0.50 per page for an electronic copy. Copies shall be obtained from the filing office in which the transcript is lodged of record.

(b) Monies collected for copies shall be remitted by the filing office to an account maintained by the Treasurer of the County of Washington. The filing office may deduct a \$0.25 fee per page for administrative costs. The remaining monies collected for copies of transcripts shall be deposited monthly by the Treasurer to the general fund of the County of Washington to be used to supplement the County's appropriation for court reporters and court reporting services.

(B) The transcript costs for a request made by the Court or the Commonwealth, if applicable, shall be set by administrative order.

(1) Nothing herein shall prohibit a filing office from charging a fee of \$0.25 per page to the Commonwealth for a copy of a transcript previously ordered, transcribed, and filed of record; provided however, that no fee shall be charged to a court-appointed counsel, hearing officer, expert, or master, for a transcript in a case in which they have been appointed.

(C) At the discretion of the trial judge, a reasonable surcharge may be imposed on a transcript request in cases such as mass tort, medical malpractice or other unusually complex litigation where there is a need for court reporters to significantly expand their dictionary. The surcharge shall be set in consultation with the District Court Administrator.

(D) At the discretion of the District Court Administrator or his/her designee, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers

the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device to parties, the media, or other interested individuals. Permission to install or obtain such a feed must be received from the presiding judge and the District Court Administrator, and will be subject to the availability of the necessary court reporting resources.

(E) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the United States Department of Health and Human Services for the calendar year in which the request is made, and shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the United States Department of Health and Human Services for the calendar year in which the request is made.

(1) Litigants who are represented by a free legal aid service for low-income citizens shall not be required to prove economic hardship, and are entitled to obtain ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation for no cost.

(a) To receive a no-cost ordinary transcript, clients of a free legal service must demonstrate that a legal aid service attorney has entered an appearance on their behalf in the case for which a transcript is requested. Legal aid services shall provide the District Court Administrator with a letter certifying that the client meets financial eligibility and that the matter is under appeal or is necessary to advance the current litigation.

(2) Transcript costs for ordinary transcripts in matters that are not subject to appeal or necessary to advance the litigation shall not be waived or reduced for litigants who qualify for economic hardship, unless ordered by the court for cause shown.

*Note:* The procedure to waive all or a portion of costs for ordinary transcripts is set forth in Local Rule of Judicial Administration 4007.

(F) Nothing in this rule shall be read to prescribe or specify a fee to be paid to a court reporter or transcriptionist for both transcripts requested by litigants and transcripts requested by the Commonwealth or a subdivision thereof. The compensation of court reporters or transcriptionists is a matter for the judicial district and county funding authority.

#### **L-4014. Redaction of Personal Data Identifiers.**

(A) The following personal data identifiers shall be redacted by the court reporter or transcriptionist preparing a transcript, unless otherwise ordered by the court:

- (1) Social Security numbers;
- (2) financial institution account identifiers; and
- (3) names of minor children.

(B) Nothing in this rule shall prevent the redaction of additional personal data identifiers upon motion of any party, or sua sponte the court.

#### **L-4016. Storage and Retention of Notes of Testimony and Transcripts.**

(A) In criminal cases in which the most serious crime charged is a misdemeanor of the first degree or less, the District Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court

reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

(B) In felony cases, the District Court Administrator is authorized to direct the destruction of all court reporter notes or tapes at any time after fifty (50) years from the date when such notes were taken or tapes were made.

(1) Where there has been an acquittal in a felony case, the District Court Administrator is authorized to direct the destruction of all court reporter notes or tapes after seven (7) years from the date when such notes were taken or tapes were made. Prior to destruction, thirty (30) days notice shall be given to all interested parties, and a court order authorizing the destruction shall be obtained and filed.

(C) In all cases other than criminal cases, the District Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

(D) Notwithstanding the provisions of subsections A through C of this Rule, in any case in which the court reporter has transcribed from notes taken and/or tapes made and such transcription has been approved by the Court and filed, the court reporter may destroy any such notes and/or tapes any time after thirty (30) days from the date of filing of the transcription.

(E) Notwithstanding the provisions of subsections A through D of this Rule, any party may petition the Court for an order directing the retention of particular notes and/or tapes of the court reporter for a period of time beyond that required herein.

(F) The District Court Administrator shall establish a policy making provision for the archiving, storage, and retention of untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools, or dictionaries necessary for proper transcription, according to the retention schedule herein.

[Pa.B. Doc. No. 16-2300. Filed for public inspection December 30, 2016, 9:00 a.m.]

## WYOMING COUNTY

### Local Rules of Court; No. 2016-1373

#### Order of Court

*And Now*, this 16th day of December, 2016,

*It Is Ordered* that the Wyoming County Court of Common Pleas adopts the following Local Rules of Court governing court reporting and transcripts for the 44th Judicial District to be effective thirty (30) days after publication.

*It Is Further Ordered* that the District Court Administrator of Wyoming County is directed to:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto: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 local rules on the court's website after publication in the *Pennsylvania Bulletin*.

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

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

#### Local Rules of Judicial Administration

These rules supplement the Pennsylvania Rules of Judicial Administration and implemented to comply with Pa.R.J.A. 4009.

#### Rule 4007. Requests for Transcripts.

(A) All Requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from the Wyoming County Court Administrator's Office or on the county website when available.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Prothonotary's Office. The requesting party shall also serve copies of the formal request to:

- 1) The judge presiding over the matter;
- 2) The court reporter or court recorder;
- 3) The district court administrator or his or her designee;
- 4) Opposing counsel, but if not represented, the opposing party.

An affidavit of service shall be filed after service.

(C) Daily, expedited, same day and rough draft transcripts are not available.

(D) When a litigant requests a transcript:

1) The litigant ordering a transcript shall make a deposit payment in the amount of 75% of the estimated total of the transcript. Deposit checks are to be payable to the Prothonotary of Wyoming County and shall be delivered the District Court Administrator.

2) Upon receipt of the 75% deposit, the court reporter assigned to the proceeding shall be directed by order of the presiding judge to prepare the transcript.

3) The court reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks for the final balance due are to be made payable to the Prothonotary of Wyoming County and shall be delivered to the District Court Administrator.

4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(E) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must proceed pursuant to W.C.R.J.A. 4008(B).

(F) Deposits pursuant to W.C.R.J.A. 4007(D)(2).

#### Rule 4008. Transcripts Costs.

(A) *Costs payable:*

(1) *Electronic Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court, for a transcript delivered via electronic format shall be \$2.25 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via electronic format shall be \$1.75 per page.

(2) *Paper Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.50 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, Court or Court for a transcript delivered via paper format shall be \$2.00 per page.

(B) *Economic Hardship—minimum standards*

(1) See Pa.R.J.A. 4008(B)(1).

(2) See Pa.R.J.A. 4008(B)(2).

(3) See Pa.R.J.A. 4008(B)(3).

(4) Request to waive all or a portion of costs.

(a) To request a waiver or reduction of transcript costs:

(i) Legal Aid Services must attach to their request for transcript a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibil-

ity and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(ii) Self-represented litigants claiming economic hardship must attach to the request for transcript (1) a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240 and (2) a letter of certification that the matter is under appeal and setting forth the reasons a transcript is needed for appeal or that the transcript being requested is necessary to advance the current litigation and set forth the reasons for such need.

(C) See Pa.R.J.A. 4008(C)

(D) *Copies of transcripts*—Any requests to the filing office for copies of filed transcript shall be directed to the District Court Administrator's Office. Any copy of transcripts shall be produced solely by the court report or court recorder. The costs of copies shall be in accordance with Pa.R.J.A. 4008(D) and shall be paid in advance payable to the Prothonotary of Wyoming County and delivered to the District Court Administrator.

[Pa.B. Doc. No. 16-2301. Filed for public inspection December 30, 2016, 9:00 a.m.]