

# THE COURTS

## Title 255—LOCAL COURT RULES

### CAMBRIA COUNTY

Local Rules of Judicial Administration 101, 4007.1  
and 4008.1; Misc. No. 2016-4747

#### Administrative Order

*And Now*, this 22nd day of December 2016, *It Is Hereby Ordered, Directed and Decried* that the Cambria County Court of Common Pleas adopts the following Local Rules of Judicial Administration governing court reporting and transcripts. These Rules shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

The Cambria County District Court Administrator *Is Hereby Ordered and Directed* to:

1) File one (1) copy of the Local Rules of Judicial Administration with the Administrative Office of Pennsylvania Courts via e-mail to [rulescommittees@pacourts.us](mailto:rulescommittees@pacourts.us) and [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2) File two (2) paper copies and one (1) computer disk containing the text of the Local Rules of Judicial Administration with the Legislative Bureau for publication in the *Pennsylvania Bulletin*;

3) Publish these Rules on the Cambria County website [www.cambriacountypa.gov](http://www.cambriacountypa.gov);

4) Incorporate these Rules into the set of Local Rules on [www.cambriacountypa.gov](http://www.cambriacountypa.gov) within thirty (30) days after publication of them in the *Pennsylvania Bulletin*; and

5) File a copy of these Rules, which shall be continuously available for inspection, in the Cambria County Prothonotary's Office.

*By the Court*

NORMAN A. KRUMENACKER, III,  
*President Judge*

#### Rule 101. Title and Citation.

These Rules shall be known as the Cambria County Local Rules of Judicial Administration and may be cited as "C.C.L.R.J.A."

#### Rule 4007.1. Requests for Transcripts.

A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator which will include the current rates charged for transcripts. The form can be downloaded from the Cambria County website [www.cambriacountypa.gov](http://www.cambriacountypa.gov) or a copy can be obtained from the District Court Administrator's Office.

B) For an ordinary transcript, defined as necessary for the purpose of appeal or to advance litigation, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the District Court Administrator'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, court recorder or transcriptionist;
- 3) opposing counsel, but if not represented, the opposing party.

C) Requests for daily, expedited, or same day transcripts shall be filed with the District Court Administrator's Office at least ten (10) days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily or expedited transcript.

D) When a litigant requests a transcript:

1) The litigant ordering a transcript shall make partial payment in the amount of 80% of the estimated cost of the transcript which shall be communicated to them by the court reporter or the District Court Administrator's Office within ten (10) days of the request. Payment by self-represented litigants shall be by money order only. Cash shall not be accepted. Checks or money orders are to be made payable to Cambria County and shall be delivered to the District Court Administrator's Office.

2) The court reporter or transcriptionist shall prepare the transcript upon direction of the District Court Administrator's Office after approval of the presiding judge.

3) The court reporter, court recorder, or transcriptionist shall notify the ordering party and the District Court Administrator's Office of the completion of the transcript and of any outstanding balance due. The court reporter, court recorder, or transcriptionist shall deliver a copy of the transcript to the judge presiding over the matter for review and approval.

4) 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 or money orders for the final balance are to be made payable to Cambria County and shall be delivered to the District Court Administrator's Office.

E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the presiding judge shall determine economic hardship pursuant to the procedure set forth in Cambria County Local Rule 4008.1(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript without the necessity of a deposit upon receipt of the request.

#### Rule 4008.1. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

A) *Costs Payable*

1) *Electronic format*—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 the request; and

c. For a daily transcript, \$4.50 per page, if the court reporter is able to accommodate the request; and

d. For same day delivery, \$6.50 per page, if the court reporter is able to accommodate the request.

2) *Paper Format*—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*

1) 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 below the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown. The court shall advise litigants of the procedure for requesting a waiver or reduction of costs.

4) 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 the In Forma Pauperis Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application shall be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript.

Counsel for a represented party must provide the presiding judge with a letter of certification, as provided in Pennsylvania Rule of Civil Procedure 240(d), verifying that the client meets the financial eligibility requirements and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

C) *Assignment and allocation of transcript costs*

1) *Assignment of costs*—The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

2) *Allocation of costs*—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.

D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be filed with the District Court Administrator's Office and be provided according to the following schedule:

- 1) \$0.75 per page bound, paper format; and,
- 2) \$0.50 per page electronic copy.

E) *Additional Costs*

A presiding judge may impose a reasonable surcharge for transcripts 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 charges are at the discretion of the presiding judge.

[Pa.B. Doc. No. 17-186. Filed for public inspection February 3, 2017, 9:00 a.m.]

**FAYETTE COUNTY**

**Local Rule of Judicial Administration 5000.13; No. 94 of 2017 GD**

**Order**

*And Now*, this 12th day of January, 2017, pursuant to Pennsylvania Rule of Judicial Administration 103(c), it is hereby ordered that Fayette County Local Rule of Judicial Administration 5000.13 is rescinded, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary is directed as follows:

(1) One copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this order on the website of Administrative Office of Fayette County Courts.

(2) Amend the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. WAGNER, Jr.,  
*President Judge*

[Pa.B. Doc. No. 17-187. Filed for public inspection February 3, 2017, 9:00 a.m.]

**FAYETTE COUNTY**

**Rules of Judicial Administration 4007: Requests for Transcripts; and 4008 Transcript Costs Payable by a Requesting Party Other than the Commonwealth or a Subdivision Thereof; No. 95 of 2017 GD**

**Order**

*And Now*, this 12th day of January, 2017, it is hereby Ordered, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, Fayette County Rules of Judicial Administration 4007 and 4008 are adopted as follows.

The Prothonotary is directed as follows:

(1) File one copy of the Local Rules with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy of the Local Rules shall be sent to the Fayette County Law Library.

(4) One copy of the Local Rules shall be sent to the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of these rules on the website of Administrative Office of Fayette County Courts.

(2) Compile these rules within the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

Local Rules of Judicial Administration 4007 and 4008 shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,  
President Judge

#### Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be set forth on a standardized form provided by the Administrative Office of Pennsylvania Courts. The "Request for Transcript or Copy" form is available in the office or on the website of the Administrative Office of Fayette County Courts. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(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 Administrative Office of Fayette County Courts.

(C) The production of daily, expedited, same day or rough draft transcripts are only available at the discretion of the court reporter.

(D) When a litigant requests a transcript,

(1) the district court administrator shall request the court reporter to estimate the transcript cost. The ordering party shall make partial payment in the amount of seventy-five percent (75%) of the estimated transcript cost. All payments are nonrefundable and shall be made by money order, certified check, or check from an attorney payable to the County of Fayette and delivered to the Administrative Office of Fayette County Courts. No payments shall be made to the court reporter.

(2) upon receipt of the deposit by the Administrative Office of Fayette County Courts, the court reporter shall prepare the transcript.

(3) the court reporter shall notify the ordering party and the district court administrator of the completion of the transcript and of the final balance due.

(4) upon payment of any balance owed to the Administrative Office of Fayette County Courts, the court reporter shall deliver the original transcript to the appropriate filing office and a copy for the ordering party in the form requested to the district court administrator.

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

#### 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 not exceed:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page;
- (c) for a daily transcript, \$4.50 per page; and
- (d) for same day delivery, \$6.50 per page.

(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*—In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court as provided herein. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate good cause shown before the court shall waive or adjust the cost of obtaining the transcript.

(1) 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 U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) To request a waiver of all or a portion of transcript costs in accordance with Rule 4008(B)(1) through (B)(3), the applicant must attach to the Request for Transcript a "Petition to Proceed In Forma Pauperis and Affidavit" in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. The Petition and Affidavit are available in the office or on the website of the Administrative Office of Fayette County Courts. The applicant must file the Petition and Affidavit in the appropriate filing office and provide a copy to the Administrative Office of Fayette County Courts for presentation as a routine motion to the presiding judge.

(5) To proceed under Rule 4008(B)(3), after presentation of the "Petition to Proceed In Forma Pauperis and Affidavit" through Motions Court, the presiding judge, at his or her discretion, may schedule a hearing to determine whether the applicant has established good cause to

receive a waiver of all or a portion of transcript costs. The determination of good cause shown is at the discretion of the presiding judge.

(6) Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid services shall be entitled to obtain ordinary transcripts for no cost by attaching to their Request for Transcript a letter of certification verifying in accordance with Rule 4008(B) that the represented client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(7) Transcripts requested in accordance with Rule 4008(B)(1) through (B)(3) shall have costs imputed to the County of Fayette for payment to the court reporter. In accordance with Rule 4007(E), no deposit shall be required.

(C) *Assignment and allocation of transcript costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Original costs to produce the transcript shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* 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.

(D) *Copies of transcript*

(1) A request for a copy of any transcript previously ordered, transcribed and filed of record shall be made pursuant to the "Request for Transcript or Copy" form and the request filed with the Administrative Office of Fayette County Courts.

(a) If the request is for an electronic copy, the Administrative Office of Fayette County Courts shall collect \$0.50 per page and direct the court reporter to provide the electronic copy to the district court administrator for the requesting party.

(b) If the request is for a paper format copy, the district court administrator shall notify the filing office to collect \$0.75 per page, prepare a paper copy of the transcript, and provide the copy to the requesting party.

[Pa.B. Doc. No. 17-188. Filed for public inspection February 3, 2017, 9:00 a.m.]

JEFFERSON COUNTY

**Order Implementing New Local Rules of Judicial Administration Governing Court Reporting and Transcripts; 1-2017 A.D.**

**Order**

*And Now*, this 19th day of January 2017, the Court hereby adopts Local Rules of Judicial Administration (Jeff.Co.R.J.A. or L.R.J.A.) 4002, 4007, and 4008, which shall supplement the corresponding State Rules of Judicial Administration and shall govern in Jefferson County. Copies of those Rules follow this order for reference.

This Order shall become effective thirty (30) days after the date when the corresponding Rules are published in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN HENRY FORADORA,  
*President Judge*

**L.R.J.A. 4002. Definitions.**

(A) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) Transcript includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one or two categories regarding need and purpose:

(1) An ordinary transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) A non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (C)(1) above.

(D) The terms expedited, daily, and same day delivery refer to variations in the delivery deadline and cost for non-ordinary transcripts.

**L.R.J.A. 4007. Requests for Transcripts.**

(A) All requests for transcripts shall be set forth on a standardized Request for Transcript form provided by the Court Administrator of Pennsylvania. The Request for Transcript form can be downloaded from the Jefferson County website at [www.jeffersoncountypa.com](http://www.jeffersoncountypa.com) or a copy can be obtained at the district court administrator's office.

(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 district court administrator. The requesting party shall also serve copies of the formal request to:

(1) the judge presiding over the matter;

(2) the court reporter assigned to the proceeding;

(3) opposing counsel, but if not represented, the opposing party.

(C) Expedited, daily, and same day transcripts are generally not available. If a party wishes to request a non-ordinary transcript, said request shall be filed in writing with the district court administrator at least 10 days prior to the proceeding. Court approval will be required.

(D) When a litigant requests a transcript,

(1) the litigant ordering the transcript shall make a non-refundable, partial payment of 90% of the estimated total cost of the transcript. The payment deposit shall be paid by cash, money order, certified check, or law firm check made payable to Jefferson County and shall be delivered to the district court administrator.

(2) Upon receipt of the 90% deposit, the court reporter(s) assigned to the proceeding shall be directed by the district court administrator to prepare the transcript.

(3) The court reporter shall notify the ordering party and the district court administrator upon completion of the transcript and shall indicate the balance due.

(4) Final payment shall be paid by cash, money order, certified check, or law firm check made payable to Jefferson County and shall be delivered to the district court administrator. Upon payment of any balance owed, the court reporter(s) shall deliver the original transcript to the appropriate filing office and copies to the parties.

(E) Any requests by a litigant for a transcript pursuant to Pa.R.J.A. 4007(E) alleging inability to pay due to economic hardship must be directed to the presiding judge for determination as provided in 4008(B).

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter shall prepare the transcript at the direction of the district court administrator after approval by the judge presiding over the matter who will determine the priority of the request.

**L.R.J.A. 4008. Transcript Costs Payable by a Requesting Party Other than the Commonwealth or a Subdivision Thereof.**

(A) *Costs*

(1) *Electronic Format.* The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall not exceed:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, with Court approval;
- (c) for daily transcript, \$4.50 per page, with Court approval;
- (d) for same day delivery, \$6.50 per page, with Court approval.

(2) *Paper Format.* 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 Pa.R.C.P. 240(h). Such application shall be prepared in the form of a

Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates extraordinary need.

(C) *Copies of 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; and,
- (2) \$0.50 per page electronic copy, not to exceed \$50.00.

(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. 17-189. Filed for public inspection February 3, 2017, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Scott Browning Gilly having been suspended from the practice of law in the United States District Court for the Southern District of New York by Order dated September 12, 2016; the Supreme Court of Pennsylvania issued an Order dated January 18, 2017 suspending Scott Browning Gilly from the practice of law in this Commonwealth for a period of one year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-190. Filed for public inspection February 3, 2017, 9:00 a.m.]

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