

THE COURTS

Title 255—LOCAL COURT RULES

LACKAWANNA COUNTY

Adoption of Local Rule of Criminal Procedure; 2021 MD 228

Order

And Now, this 9th day of July 2021, *It Is Hereby Ordered and Decreed* as follows:

1. The following Lackawanna County Local Rule is *Hereby Adopted* pursuant to Pa.R.Crim.P. 576.1 effective August 23, 2021.

2. The adopted Local Rule shall be disseminated and published in the following manner:

One (1) certified paper copy of the adopted Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

The adopted Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

A copy of the adopted Local Rule shall be published on the Unified Judicial System's website through the Pennsylvania Judiciary's Web Application Portal;

The adopted Local Rule shall be kept continuously available for the public inspection and copying in the Office of the Clerk of Judicial Records, Criminal Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule; and

The adopted Local Rule shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

The adopted Local Rule shall be published on the website of the Lackawanna County Court of Common Pleas.

By the Court

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) *General Scope and Purpose of this Rule.*

In agreement with the Administrative Office of Pennsylvania Courts, the electronic filing of legal papers in Lackawanna County Court of Common Pleas, 45th Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this Rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) *Legal Papers Defined.* The legal papers which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filings are required or permitted, including orders, exhibits and attachments except for the following:

1. Legal papers filed or authorized to be filed under seal;
2. Applications for a search warrant;
3. Applications for an arrest warrant;
4. Grand jury materials;

5. Subpoenas;

6. Wiretap Act, cell phone, tracker and Internet petitions.

(C) All attorneys shall establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal at <https://ujportal.pacourts.us/MyServices.aspx> and participation is permissive. Parties who are proceeding without counsel are not required to establish a PACFile account and are not required to file legal papers using the electronic PACFile system.

(D) Applicable filing fees shall be paid electronically through procedures established by the Clerk of Court and at the same time and in the same amount as required by statute, court rule or order, or established by a published fee schedule.

(E) *Service.*

1. Upon submission of a legal paper for electronic filing, the PACFile system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.

2. Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(b) and 576(B).

3. Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

4. Where an electronic filing cannot be submitted to no fault of the filing party, traditional filing shall be accepted.

(F) *Legal Papers Filed in a Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a paper (or "hard-copy") format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to PDF and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to PDF, the PDF version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials.

(G) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC Confidential Information Form. The Confidential Information shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

This Rule shall be effective thirty (30) days from date of publication.

PATRICIA CORBETT,
President Judge

[Pa.B. Doc. No. 21-1155. Filed for public inspection July 23, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rule of Civil Procedure Relating to Admissibility of Guardian Ad Litem Reports and Testimony, Local Rule L.1915.11-2; No. 90037 of 2020, A.D.

Order of Court

And Now, this 6th day of April, 2020, it is hereby *Ordered and Decreed* that the Lawrence County Court of Common Pleas hereby adopts new local rules of civil procedure, as follows hereto and incorporated herein by reference.

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

1. File seven (7) certified copies of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Lawrence County Law Journal*.
5. Forward one (1) copy to the Lawrence County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order and Rule in the Office of the Prothonotary of Lawrence County.
7. The Prothonotary shall exit a copy of this Order to all commissioned judges of the Fifty-third Judicial District, the Lawrence County District Court Administrator, and JoEllen Thomas, Executive Director of the Lawrence County Bar Association.

The effective date of this Order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

DOMINICK MOTTO,
President Judge

L.1915.11-2. Admissibility of Guardian Ad Litem Reports and Testimony.

Guardian Ad Litem Reports and recommendations of necessity may be based on interviews of persons and reviews of records. Guardian Ad Litem Reports must be filed twenty (20) days prior to trial. Any objections to the admissibility of the Guardian Ad Litem's Report or Testimony must be filed within ten (10) days of the filing of the Guardian Ad Litem Report. Any party, on their own initiative and at their own expense, may subpoena any witness interviewed by the Guardian Ad Litem or subpoena the production of any document relied upon by the Guardian Ad Litem in forming his/her opinion. No objec-

tion to the admissibility of the Guardian Ad Litem's Report or Testimony at trial will be considered unless the objection was filed within ten (10) days of the filing of the Guardian Ad Litem's Report.

[Pa.B. Doc. No. 21-1156. Filed for public inspection July 23, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEBANON COUNTY

Rules of Criminal Procedure; Administrative Order No. 2 of 2021; Doc. No. 2021-00021

Order of Court

And Now, this 9th day of July, 2021, in compliance with Rule 576.1 of the Pennsylvania Rules of Criminal Procedure, it is *Hereby Ordered* that the Court adopts the following Rule of Criminal Procedure Rule 112 regarding Electronic Filing and Service of Legal Papers which becomes effective July 19, 2021.

The District Court Administrator is *Hereby Ordered* to:

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

Rule of Criminal Procedure 576.1. Electronic Filing and Service of Legal Papers.

A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 52nd Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile.

B. All parties are authorized to electronically file legal papers through PACFile with the Clerk of Courts in cases in the Lebanon County Court of Common Pleas, 52nd Judicial District.

C. Any party may, but is not required to, utilize PACFile for any document except the following:

1. applications for search warrants,
2. applications for arrest warrants,
3. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
4. submissions filed ex parte as authorized by law, and
5. submissions filed or authorized to be filed under seal.

D. Any party who is unable or declines to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

E. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576.

F. The Clerk of Courts is authorized to maintain electronic files only, without a corresponding physical paper file. Legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

By the Court

JOHN C. TYLWALK,
President Judge

[Pa.B. Doc. No. 21-1157. Filed for public inspection July 23, 2021, 9:00 a.m.]