

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Rule 5.50 of the Pennsylvania Rules of Orphans' Court Procedure; No. 985 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for public comment at 52 Pa.B. 3057 (May 28, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 5.50 of the Pennsylvania Rules of Orphans' Court Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on July 1, 2024.

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule 5.50. Settlement of Small Estates by Petition.

(a) *Applicability.* This Rule applies to all petitions filed pursuant to 20 Pa.C.S. § 3102, pertaining to settlement of small estates by petition.

(b) *Contents.* In addition to the requirements provided by the Rules in Chapter III, a petition shall set forth the following:

(1) *Estate.*

(i) the name and address of each petitioner and the petitioner's relationship to the decedent;

(ii) the decedent's name, date of death, and domicile at the time of death;

(iii) a statement whether the decedent died testate or intestate and, if testate[,]:

(A) that the original will [is attached,] has been lodged or probated with the Register; or

(B) that the original will cannot be produced, the reason it cannot be produced[, and that a photocopy of the original will is attached] and that the Register issued a decree accepting the photocopy as an original;

(iv) the name and address of each testate or intestate beneficiary, and if any such beneficiary is a minor or otherwise incapacitated, the name and address of such beneficiary's legal representative, as applicable; and

(v) whether a claim for family exemption is included, and if the claimant is not the surviving spouse, the relationship of the claimant to the decedent, and a statement that the claimant resided with the decedent at the date of death and if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption.

(2) *Assets.* All assets of decedent's estate, other than real estate and property distributable under 20 Pa.C.S. § 3101, and the value of each asset.

(3) *Liabilities.*

(i) [**the**] **The** names and addresses of all known creditors, total amounts claimed by each, whether the debts have been satisfied, and an itemized list of all debts, including whether or not admitted, a description of the property claimed and the gross value thereof, and whether there is any objection to the debt, and if so, by whom;

(ii) an itemized list of unpaid administrative expenses, unpaid taxes, all other unpaid debts, and, if insolvent, as prioritized under 20 Pa.C.S. § 3392; and

(iii) if the decedent was 55 years of age or older at the time of death, whether a request for a statement of claim was sent to the Department of Human Services in accordance with 62 P.S. § 1412, the date the request was made, and the response received from the Department.

(4) *Distribution.*

(i) [**the**] **The** name of any distributee paid prior to the filing of the petition, including the nature and amount of each payment;

(ii) the name of each proposed distributee and respective proposed distribution;

(iii) the name of each interested person who has consented to or joined in the petition; and

(iv) the names of each testate or intestate beneficiary, as applicable, who has not consented to or joined in the petition.

(5) *Taxes.* A statement that a Pennsylvania inheritance tax return has been filed, that all taxes due on the assets listed on the petition have been paid in full, and that proof of such payment is attached to the petition, or the reason why **the filing has not been made or** payment has not occurred.

(c) *Exhibits.* The following items shall be attached as exhibits to the petition in the following order:

(1) an original death certificate;

(2) [**the decedent's will, if any**] **a photocopy of the decedent's will along with either:**

(i) proof the original will was lodged or probated with the Register; or

(ii) a decree of the Register accepting a photocopy as the original.

(3) [**Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax**] **documentation supporting the statement required by subdivision (b)(5), if any;**

(4) original consents, joinders, and statements of no objection signed by interested parties; and

(5) a copy of any correspondence received from the Department of Human Services in response to the statement of claim referenced in [**subparagraph**] **subdivision** (b)(3)(iii).

(d) *Notice*. The petitioner shall serve written notice on interested parties in compliance with [**Chapter III**] **Pa.R.O.C.P. 3.5(b)**.

[**Explanatory**] Comment:

If the petitioner does not have the original will, he or she must petition the Register for a decree accepting a photocopy of the will as the original. The decree by the Register establishes the validity of the copy of the will and is not intended to initiate probate.

20 Pa.C.S. § 3101, referenced in [**paragraph**] **subdivision** (b)(2), sets forth certain allowable payments to the decedent's family members, and to a licensed funeral director for the decedent's burial expenses. Property payable under 20 Pa.C.S. § 3101 shall not be included when determining whether the decedent's personal property exceeds a gross value **of** \$50,000.

In [**paragraph**] **subdivision** (b)(3), the term "creditors" includes creditors of the decedent on the date of death, providers of funeral services, and providers of goods and services to the petitioner arising from settlement of the estate.

The Medical Assistance Estate Recovery Program, established by federal law, requires the Commonwealth to recover the Medical Assistance costs from decedents' estates. *See* 42 U.S.C. § 1396p; 62 P.S. § 1412.

Examples of documentation required by subdivision (c)(3) include, but are not limited to, a copy of the Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax, the filed inheritance tax return together with proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. *See* [**Rule**] **Pa.R.O.C.P. 1.99**.

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.O.C.P. 5.50

On May 2, 2024, the Supreme Court of Pennsylvania amended Pennsylvania Orphans' Court Rule of Procedure 5.50 governing small estate petitions. The Orphans' Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Effective October 1, 2020, Pa.R.O.C.P. 5.50 established procedures for the filing of small estate petitions.¹ Subsequently, the Committee received correspondence expressing two concerns about certain provisions in the rule. The

¹ A small estate is one with a gross value not exceeding \$50,000 "exclusive of real estate and property payable under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) but including property claimed as the family exemption." 20 Pa.C.S. § 3102.

first issue related to the requirement that the petitioner attach the Department of Revenue Notice of Appraisal and Assessment of Tax ("Notice") to the petition as an exhibit.² Commenters reported issuing delays of the Notice by the Department of Revenue.³ It was conveyed that, in some cases, the delay could outweigh the benefits of filing a small estate petition. Thus, the Committee reconsidered the need to require the Notice as an exhibit and contemplated other means that would demonstrate payment or waiver of tax.

Another issue related to service on interested persons in compliance with Chapter III, concerning petition practice and pleadings. The service rule provided that "[t]he petitioner shall serve written notice on interested parties in compliance with Chapter III." *See* Pa.R.O.C.P. 5.50(d). Commenters expressed concern that failure to designate the precise service procedure, *i.e.*, citation or notice, forced practitioners to elect the issuance of a preliminary decree and citation for all parties. While the Committee initially thought it preferable to leave the service determination to practitioners, it was sensitive to the cost burden reported by the commenters.

Finally, while reviewing the two issues raised by correspondents, the Committee identified a need to refine provisions relating to attachment of an original or a photocopy of the decedent's will, if the original will cannot be produced, as an exhibit to the petition. *See* Pa.R.O.C.P. 5.50(c)(2). The Committee observed that attaching a photocopy of a will to the petition could lead to an incorrect distribution if the decedent revoked the will. In the absence of the original will, the validity of the photocopy and the potential for revocation of an original will must be contemplated and determined. Thus, the Committee considered whether a petitioner not in possession of the original will should petition the Register of Wills to obtain a decree validating the photocopy.

Concurrently, the Committee reconsidered whether an original will should be filed with the petition. *See* Pa.R.O.C.P. 5.50(c)(2). The Register of Wills is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. In contrast, an original will filed as an exhibit to a petition may be difficult to locate in the future. Therefore, the Committee proposed that the original will be lodged or probated with the Register of Wills before the filing of the small estate petition. Rather than attaching the original will to the small estate petition, the petitioner would attach a photocopy demonstrating proof of lodging the will with the Register or a decree of the Register accepting a photocopy of the original.

The Committee approached these two new concepts with the goal of ensuring the intent of the will is carried out by adding procedures to ensure that the distribution is correct and the original will has not been revoked. The Committee published proposed amendments to Pa.R.O.C.P. 5.50 at 52 Pa.B. 3057 (May 28, 2022). All public comments received were reviewed and discussed by the Committee.

² The Department of Revenue issues the Notice after an inheritance tax return is filed. The Notice sets forth the Department's valuation of the estate's assets, allowable deductions, and tax due. *See Pennsylvania Department of Revenue, Inheritance Tax General Information, Form REV-720(SU)02-23*, available at <https://www.revenue.pa.gov/FormsandPublications/FormsforIndividuals/InheritanceTax/Documents/rev-720.pdf> (last visited April 26, 2024).

³ The Department of Revenue advises that it can take three to six months to complete processing from the date an inheritance tax return is filed with the Register of Wills, depending on the complexity of the return. *See supra* note 2.

Rule Changes

Notice of Appraisal and Assessment of Tax. The original intent of requiring the Notice as an exhibit to the petition was to ensure that taxes were satisfied prior to distribution. However, the Committee subsequently concluded there may be flaws with this approach, *e.g.*, there may be circumstances when the petitioner has not yet made a tax filing or cannot discern the exact value of decedent's assets if records are unavailable. Consideration was also given to the limited exposure of an underpayment, given the parameters for small estate eligibility and the ability to petition for revocation of the decree of distribution in the event of an improper distribution. 20 Pa.C.S. § 3102.

Subdivision (b)(5) was amended to require the reason a tax return has not been filed, if any. Subdivision (c)(3) was amended to replace the requirement to attach the Notice as an exhibit to the petition with the “documentation supporting the statement required by subdivision (b)(5), if any.”

Service. The Committee also examined the service provision of Pa.R.O.C.P. 5.50(d), which required the petitioner to “serve written notice on interested parties in compliance with Chapter III.” Pa.R.O.C.P. 3.5 provides two service methods—citation and notice. Pa.R.O.C.P. 3.5(a), pertaining to citation practice, is used to obtain personal jurisdiction when it has not previously been obtained or conferred by statute. When an orphans' court issues a citation, it is served on an interested party together with the petition in the same manner as original process in the Pennsylvania Rules of Civil Procedure. In contrast, when personal jurisdiction is not required, has been previously obtained, or conferred by statute, a petitioner proceeds by notice practice, *i.e.*, attaching a notice to plead to the petition and providing the documents to interested parties. Pa.R.O.C.P. 3.5(b).

The Committee extensively discussed service of the small estate petition prior to making Orphans' Recommendation 4 of 2019. While some commenters at the time suggested designating Pa.R.O.C.P. 3.5(b), permitting service by notice, as the sole method of service, the Committee at the time found it preferable to let practitioners decide what method of service was needed, consistent with practice in the other specific petitions set forth in Chapter V.

However, correspondence received after the adoption of Pa.R.O.C.P. 5.50 relayed that requiring service by citation creates a financial burden on an estate of limited means. The Committee discussed designating Pa.R.O.C.P. 3.5(b), notice practice, as the method of service for small estate petitions. The statute governing small estates gives discretion in the provision of notice regarding the petition filing and proposed distribution. “[U]pon petition of any party in interest . . . and with such notice as the court shall direct. . . .” See 20 Pa.C.S. § 3102. The Committee further contemplated that the *in rem* nature of small estate proceedings was more compatible with notice practice. Therefore, Pa.R.O.C.P. 5.50(d) was amended to direct service in compliance with Pa.R.O.C.P. 3.5(b).

Photocopies of Will. In addition to the Notice and service issues, the Committee reviewed the advisability of accepting a photocopy of the will as an exhibit to the petition. Attaching a photocopy of the will to the petition could result in an incorrect distribution if the decedent had revoked the will, unknown to the petitioner. The Committee considered whether a petitioner not in possession

of the original will should petition the Register of Wills to obtain a decree as to the validity of the photocopied will.

Having the Register of Wills decree accept a photocopy of a will establishes proof of its validity and will enable the court to order distribution in accordance with the will. A petition to accept the photocopy does not necessarily initiate probate, although a decree could be used to do so or to file a small estate petition. The Committee acknowledges that adding this practice to Pa.R.O.C.P. 5.50 could disincentivize petitioners who do not have an original will from electing a small estate petition over probate when a photocopy is of questionable validity. However, it seemed a necessary change to ensure the integrity and validity of the document in question.

Lodging and Probate. As part of the discussion relating to original and photocopied wills, the Committee considered whether an original will should be attached to a small estate petition as an exhibit. Specifically, the Committee was concerned that an original will filed as an exhibit to a petition may be difficult to locate in the future and not easily discoverable. Moreover, the Register of Wills is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. The Committee also considered that a petitioner could probate the will but subsequently elect to file a small estate petition once the assets of the estate are fully known. This change makes clearer that filing a small estate petition is still an option even if probate has been initiated.

The Committee also discussed electronic filing in the context of small estate petition filings. When electronic filing is authorized by local rule, a party may require the filing party to file an original of a legal paper or exhibit with the clerk. Pa.R.O.C.P. 4.7(b)(2). However, absent such a demand, the filing party is required to “maintain the original of all documents, . . . together with any exhibits filed, for [five] years after the disposition of the case.” See Pa.R.O.C.P. 4.7(c)(3). Because the original will is not necessarily filed in a small estate case, ensuring the location of the will becomes more important. The proposal was intended to ensure that all parties know the will exists and where it is located.

Therefore, the Committee proposed that a petitioner lodge or probate the original will with the Register of Wills before filing of the small estate petition. Rather than attach the original will as an exhibit, the petitioner would attach a photocopy demonstrating proof of lodging with the Register of Wills or the decree of the Register accepting a photocopy of the original.

The Committee believed there is a known distinction between lodging and probating a will with the Register. A person can be compelled to deposit a will with the Register of Wills. See 20 Pa.C.S. § 3137. The practice of lodging of a will with the Register of Wills is referenced in an unpublished Superior Court memorandum involving a premature estate dispute between siblings prior to the death of their mother, an incapacitated person. “[T]he guardian of the estate could lodge the will with the Register of Wills [to prevent sister from wrongfully gaining access to estate assets upon mother's death].” See *Matter of Bush*, 2019 WL 1283906, *2 (Pa. Super. filed March 19, 2019) (citing *Matter of Bush*, Court of Common Pleas of Chester County, Orphans' Court, No. 1509-1720). The *Register of Wills of Philadelphia County Manual* includes a chapter on lodging and compelling production

of a will. It provides “[a] person holding the original last Will of a decedent may lodge (*i.e.*, deposit) the Will with the Register for safekeeping pending further proceedings.” See *Register of Wills of Philadelphia County Manual*, Chapter 9, 1977465.pdf (last visited April 26, 2024). Finally, a treatise instructs, without further citation, that “a will may be deposited with the Register for safe keeping without the will being probated.” Cleaver Daniel C., *West’s Pennsylvania Practice, Pennsylvania Probate and Estate Administration*, § 1.3 (5th ed. 2017). The Committee does not suggest a probate requirement with this provision, but merely a decree establishing the validity of a photocopy. The Committee acknowledges that this requirement will add a step to the small estate procedure, but balanced the inconvenience of an additional step with ensuring the validity of the document and, therefore, the accurate distribution of the estate.

* * * * *

The amendments become effective July 1, 2024.

[Pa.B. Doc. No. 24-704. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4 AND 5]

Order Amending Rules 135, 460, and 547 of the Pennsylvania Rules of Criminal Procedure; No. 554 Criminal Procedural Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 5224 (September 26, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 135, 460, and 547 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2025.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

Rule 135. Transcript of Proceedings Before Issuing Authority.

[(A)] (a) The issuing authority shall prepare and forward to the court of common pleas a transcript of the proceedings in all summary cases when an appeal is taken and in all court cases when the defendant is held for court.

[(B)] (b) The transcript shall contain the following information, where applicable:

- (1) the date and place of hearings;
- (2) the names and addresses of the prosecutor, defendant, and witnesses;
- (3) the names and office addresses of counsel in the proceeding;
- (4) the charge against the defendant as set forth in the prosecutor’s complaint;
- (5) the date of issuance of any citation, summons, or warrant of arrest and the return of service thereon;
- (6) a statement whether the parties and witnesses were sworn and which of these persons testified;
- (7) when the defendant was held for court the amount of bail set;
- (8) the nature of the bail posted and the name and address of the corporate surety or individual surety;
- (9) a notation that the defendant has or has not been fingerprinted;
- (10) a specific description of any defect properly raised in accordance with Rule 109;
- (11) a notation that the defendant was advised of the right to apply for the assignment of counsel;
- (12) the defendant’s plea of guilty or not guilty, the decision that was rendered in the case and the date thereof, and the judgment of sentence and place of confinement, if any; **and**

(13) any other information required by the rules to be in the issuing authority’s transcript.

(c) *Electronic Transmission.*

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

Comment:

The requirement of a docket was deleted from this rule in 1985 because dockets are now routinely maintained under the supervision of the Administrative Office of Pennsylvania Courts. It is expected that issuing authorities will continue to keep dockets of criminal proceedings. The transcript requirements presuppose an accurate docket to supply the information necessary to prepare a transcript.

The procedures regarding the filing of a transcript after appeal in summary cases are set forth in Rule [460(C) and (D)] **460(c) and (d)**. For such procedures after the defendant is held for court in a court case, see Rule 547. With regard to other information required by the rules to be in the transcript, see, *e.g.*, Rule 542(G)(1).

The requirement that there be a notation indicating whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is to alert the district attorney and the court whether it is necessary to have the defendant fingerprinted after the case is held for court.

[**Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009.**]

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).]

CHAPTER 4. PROCEDURES IN SUMMARY CASES

**PART F. Procedures in Summary Cases for
Appealing to Court of Common Pleas for Trial *De
Novo***

**Rule 460. Notice of Appeal; Transmittal of Transcript
and Associated Documents.**

[(A)] (a) When an appeal is authorized by law in a summary proceeding, including an appeal following a prosecution for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

[(B)] (b) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who accepted the guilty plea or heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted or to which a guilty plea was entered, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral, if any, furnished to the issuing authority;

(9) the name and address of the attorney, if any, filing the notice of appeal; and

(10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

[(C)] (c) Within [5] **five** days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

[(D)] (d) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
 - (2) the original complaint or citation, **or a copy thereof if electronically transmitting the transcript and associated documents**, if any;
 - (3) the summons or warrant of arrest, if any; and
 - (4) the bail bond, if any.
- (e) **Electronic Transmission.**

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

[(E)] (f) This rule shall provide the exclusive means of appealing from a summary guilty plea or conviction. Courts of common pleas shall not issue writs of *certiorari* in such cases.

[(F)] (g) This rule shall not apply to appeals from contempt adjudications.

Comment:

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings. **The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.**

[This rule was amended in 2000 to make it clear in] Subdivision (a) makes clear that in a summary criminal case [that] the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

Appeals from contempt adjudications are governed by Rule 141.

[The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

See] See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

“Entry,” as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

When the only issues on appeal arise solely from an issuing authority’s determination after a default hearing pursuant to Rule 456, the matter must be heard *de novo* by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

[Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in] In electronically transmitted parking violation cases **[only]**, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to **[paragraph (D)(3)] subdivision (d)(3).**

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

[See] See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

Certiorari was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

For dismissal upon satisfaction or by agreement in summary cases, as defined in Rule 103, that have been appealed to the court of common pleas, see Rule 463.

[Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; Comment revised February 28, 2003, effective July 1, 2003; Comment revised December 29, 2017, effective April 1, 2018; Comment revised January 27, 2021, effective June 1, 2021.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court’s Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court’s Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court’s Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court’s Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court’s Order 30 Pa.B. 1509 (March 18, 2000).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 969 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court’s Order at 33 Pa.B. 1324 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court’s Order at 48 Pa.B. 226 (January 12, 2018).

Final Report explaining the January 27, 2021 Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court’s Order at 51 Pa.B. 688 (February 6, 2021).]

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 547. **[Return] Transmittal** of Transcript and **[Original Papers] Associated Documents.**

[(A)] (a) When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript. It shall be signed by the issuing authority, and have affixed to it the issuing authority’s seal of office.

[(B)] (b) The issuing authority shall transmit the transcript to the clerk of the proper court within **[5] five** days after holding the defendant for court or after closing out the case upon receipt of the notice that the case will be presented to the indicting grand jury.

[(C)] (c) In addition to this transcript the issuing authority also shall transmit the following **[items] documents:**

(1) the original complaint **or a copy thereof if electronically transmitting the transcript and associated documents;**

(2) the summons or the warrant of arrest and its return;

- (3) all affidavits filed in the proceeding;
- (4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody;
- (5) a request for the court of common pleas to issue a bench warrant as required in Rule 543(D)(3)(b);
- (6) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(3)(b)(ii); and
- (7) a copy of the notice that the case will be presented to the indicting grand jury.

(d) Electronic Transmission.

(1) The president judge by local rule may require the transcript and any associated documents to be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

(2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.

(3) The issuing authority shall retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies.

Comment:

[See] See Rule 135 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 542(G)(1) and 543.

When the case is held for court pursuant to Rule 543(D)(3), the issuing authority must include with the transcript transmittal a request for the court of common pleas to issue a bench warrant.

When the case is held for court pursuant to Rule 543(D)(3)(b)(ii), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). See [Rule] Pa.R.Crim.P. 543(D)(3)(b)(ii). The court of common pleas [must] shall take whatever actions deemed appropriate to address this non-compliance.

[See] See Chapter 5 Part E for the procedures governing indicting grand juries. Pursuant to Rule 556.2(A)(3), the judge [is required to] shall notify the issuing authority that the case will be presented to the indicting grand jury. Pursuant to Rule [556.11(A)] 556.2(A)(3)(a), upon receipt of the notice, the issuing authority [is required to] shall close out the case in his or her office, and forward it to the court of common pleas for all further proceedings. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the motion and order filed pursuant to Rule 556.2(A)(5).

When arrest warrant information has been sealed pursuant to Rule 513.1, the arrest warrant information already will have been filed with the clerk of courts. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the original file created for the sealing procedure.

For when the magisterial district court or the Philadelphia Municipal Court is required to transmit the contact information of the victim to the court of common pleas, see 18 P.S. § 11.201(2)(iii)(B).

[*Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014.*]

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2496 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3971 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 239 (January 11, 2014).]

**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE**

ADOPTION REPORT

Amendment of Pa.R.Crim.P. 135, 460, and 547

On May 2, 2024, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 135, 460, and 547. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Prior to the amendments discussed below, Pa.R.Crim.P. 460(D) required an issuing authority to file the transcript, original complaint or citation, the summons or warrant of arrest, and the bail bond with the clerk of courts if an appeal were taken. Similarly, Pa.R.Crim.P. 547(b)-(c) required an issuing authority to transmit to the clerk of courts a number of documents, including the original complaint, along with the transcript, if a defendant had been held for court or if the case was to be presented to the indicting grand jury. These rules required the transcript and documents to be physically transferred in their paper form.

With the introduction of the Electronic Records Management System (ERMS), magisterial district courts are now able to scan paper documents and convert them into an electronic format. Because of the availability of this technology, the Committee began considering amendments to the rules that would permit magisterial district courts to electronically transmit scanned transcripts and documents to the clerk of courts. Electronically transmitting these documents would eliminate delay and reduce costs.

To accomplish this modernization of the rules, the Committee favored rulemaking that would subject the electronic transmission of transcripts and documents to minimal requirements. First, the Committee chose to make the practice voluntary. By making the practice voluntary, the rules would not interfere with existing local procedures, or local procedures still being developed, by mandating statewide procedures. Additionally, the benefits of electronic transmission were viewed as sufficiently persuasive to render compulsion unnecessary. Second, rather than allowing electronic transmission to be at the discretion of each magisterial district court, the adoption of electronic transmission should be at the president judge's direction, ensuring uniformity across the judicial district. Third, any documents that were originally in paper form, including the transcript, would remain with the magisterial district court subject to the Court's Record Retention Policy. See 204 Pa. Code § 213.51.¹

The Committee published a proposal consistent with the above requirements for comment. See 50 Pa.B. 5224 (September 26, 2020). One response was received from a clerk of courts who questioned whether the proposal would include miscellaneous cases such as fugitives from justice, see 42 Pa.C.S. § 9134, and indirect criminal contempt, see 23 Pa.C.S. § 6114. The Committee concluded that these types of cases should not be included because the rules do not currently provide for the transfer of these miscellaneous dockets. Moreover, the scope of the proposal was limited to court cases and appeals from summary proceedings. See Pa.R.Crim.P. 135(a), 460(a), and 547(a).

Amendments

Rules 135, 460, and 547 have each been amended to include a new subdivision titled "Electronic Transmission," which is further subdivided into three additional subdivisions. The new subdivision provides for a president judge to require, via the adoption of a local rule, that "the transcript and any associated documents [] be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the

physical paper transcript and associated documents;" identifies the scanned transcript and associated documents as the original documents for purposes of these rules; and requires the magisterial district judge to "retain the physical paper transcript and associated documents as may be required by rule of court or records retention policies." Pa.R.Crim.P. 135(c); Pa.R.Crim.P. 460(e); Pa.R.Crim.P. 547(d).

Rules 460 and 547 have also been amended to permit a copy of the complaint or citation, which ever applies, to be transmitted electronically when electronically transmitting the transcript and associated documents. Pa.R.Crim.P. 460(d)(2); Pa.R.Crim.P. 547(c)(1). Prior to this amendment, the original complaint or citation was required to be transmitted with the transcript. If the physical file is mailed or couriered to the clerk of courts, the original is still required.

Finally, the title of Rule 460 has been amended to read, "Notice of Appeal; Transmittal of Transcript and Associated Documents," and the title to Rule 547 has been amended to read, "Transmittal of Transcript and Associated Documents."

* * *

The following commentary has been removed from Rule 135:

Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

The following commentary has been removed from Rule 460:

Comment, ¶ 9: "Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation."

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460

¹ The paper version of the documents, including wet signatures, have no discernable administrative or evidentiary value in subsequent proceedings. See also Pa.R.Crim.P. 103 (defining "copy" and "signature"). The archival value is governed by the Record Retention Policy.

adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; *Comment* revised February 28, 2003, effective July 1, 2003; *Comment* revised December 29, 2017, effective April 1, 2018; *Comment* revised January 27, 2021, effective June 1, 2021.

Committee Explanatory Reports:

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997.)

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2000).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 969 (February 22, 2003).

Final Report explaining the February 28, 2003 *Comment* revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1324 (March 15, 2003).

Final Report explaining the December 29, 2017 *Comment* revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 12, 2018).

Final Report explaining the January 27, 2021 *Comment* revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published with the Court's Order at 51 Pa.B. 688 (February 6, 2021).

The following commentary has been removed from Rule 547:

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended June 21, 2012, effective in 180 days; amended December 23, 2013, effective March 1, 2014.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 changes published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. 2496 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 38 Pa.B. 3971 (July 26, 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph (C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4140 (July 7, 2012).

Final Report explaining the December 23, 2013 *Comment* revisions concerning sealed arrest warrant documents published with the Court's Order at 44 Pa.B. 239 (January 11, 2014).

* * *

These amendments are effective April 1, 2025.

[Pa.B. Doc. No. 24-705. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 2, 5 AND 10]

Order Amending Rules 201, 205, 206, 208, 209, 211, 540, and 1003 of the Pennsylvania Rules of Criminal Procedure; No. 553 Criminal Procedural Rules Docket

Order

Per Curiam

And Now, this 2nd day of May, 2024, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 1357 (March 23, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 201, 205, 206, 208, 209, 211, 540, and 1003 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective October 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 201. Purpose of Warrant.

A search warrant may be issued to search for and to seize:

[(1)] (a) contraband, the fruits of a crime, or things otherwise criminally possessed; [or]

[(2)] (b) property that is or has been used as the means of committing a criminal offense; [or]

[(3)] (c) property that constitutes evidence of the commission of a criminal offense[.]; or

(d) a person for whom a bench or arrest warrant has been issued.

Comment:

Concerning the provisions of [paragraph (1)] **subdivision (a)** see *United States v. Rabinowitz*, 339 U.S. 56 (1950), overruled as to other points, *Chimel v. California*, 395 U.S. 752, 786 (1969). Also compare, *Cooper v. California*, 386 U.S. 58 (1967), with *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693 (1964).

Warrants may not be issued unless the affidavit alleges a pre-existing crime. See *United States ex. rel. Campbell v. Rundle*, 327 F.2d 153, 161 (3rd Cir. 1964), followed *sub nom. Commonwealth ex rel. Ensor v. Cummings*, 207 A.2d 230 (Pa. 1965) and *Commonwealth ex rel. Campbell v. Russell*, 207 A.2d 232 (Pa. 1965). [**The Third Circuit's opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeier*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).**]

Concerning the provisions of [paragraph (3)] **subdivision (c)**, see *Warden v. Hayden*, 387 U.S. 294 (1967).

Subdivision (d) clarifies that a person is a proper subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[**Official Note:** Rule 2002 adopted March 28, 1973, effective 60 days hence; renumbered Rule 201 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).]

Rule 205. Contents of Search Warrant.

[(A)] (a) Each search warrant shall be signed by the issuing authority and shall:

- (1) specify the date and time of issuance;
- (2) identify specifically the property **or person** to be seized;
- (3) name or describe with particularity the person or place to be searched;
- (4) direct that the search be executed either;

[(a)] (i) within a specified period of time, not to exceed 2 days from the time of issuance, or;

[(b)] (ii) when the warrant is issued for a prospective event, only after the specified event has occurred;

(5) direct that the warrant be served in the daytime unless otherwise authorized on the warrant, *provided that*, for purposes of the rules of Chapter 200, Part A, the term "daytime" shall be used to mean the hours of 6 a.m. to 10 p.m.;

(6) designate by title the judicial officer to whom the warrant shall be returned;

(7) certify that the issuing authority has found probable cause based upon the facts sworn to or affirmed before the issuing authority by written affidavit[(s)] attached to the warrant; and

(8) when applicable, certify on the face of the warrant that for good cause shown the affidavit[(s)] is sealed pursuant to Rule 211 and state the length of time the affidavit[(s)] will be sealed.

[(B)] (b) A warrant under [paragraph (A)] **subdivision (a)** may authorize the seizure of electronic storage media or of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in [(A)(4)(a)] **subdivision (a)(4)(i)** refers to the seizure of the media or information, and not to any later off-site copying or review.

Comment:

[**Paragraphs (A)(2) and (A)(3)] Subdivisions (a)(2) and (a)(3)** are intended to proscribe general or exploratory searches by requiring that searches be directed only towards the specific items, persons, or places set forth in the warrant. Such warrants should, however, be read in a common sense fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description may suffice. See *Commonwealth v. Matthews*, 285 A.2d 510, 513-14 (Pa. 1971).

Subdivision (a)(2) reflects the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[**Paragraph (A)(4)] Subdivision (a)(4)** is included pursuant to the Court's supervisory powers over judicial procedure to supplement *Commonwealth v. McCants*, 299 A.2d 283 (Pa. 1973), holding that an unreasonable delay between the issuance and service of a search warrant jeopardizes its validity. [**Paragraph (A)(4)] Subdivision (a)(4)** sets an outer limit on reasonableness. A warrant could, in a particular case, grow stale in less than two days. If the issuing authority believes that only a particular period which is less than two days is reasonable, he or she must specify such period in the warrant.

[**Paragraph (A)(4)(b)] Subdivision (a)(4)(ii)** provides for anticipatory search warrants. These types of warrants are defined in *Commonwealth v. Glass*, 754 A.2d 655 (Pa. 2000), as "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place."

[**Paragraph (A)(5)**] **Subdivision (a)(5)** supplements the requirement of Rule 203(E) that special reasonable cause must be shown to justify a nighttime search. A warrant allowing a nighttime search may also be served in the daytime.

[**Paragraph (A)(6)**] **Subdivision (a)(6)** anticipates that the warrant will list the correct judicial officer to whom the warrant should be returned. There may be some instances in which the judicial officer who issues the warrant may not be the one to whom the warrant will be returned. For example, it is a common practice in many judicial districts to have an “on-call” magisterial district judge. This “on-call” judge would have the authority to issue search warrants anywhere in the judicial district but may not be assigned to the area in which the search warrant would be executed. There may be cases when the warrant is incorrectly returned to the judge who originally issued the warrant. In such cases, the issuing judge should forward the returned search warrant to the correct judicial officer. Thereafter, that judicial officer should administer the search warrant and supporting documents as provided for in these rules, including the Rule 210 requirement to file the search warrant and supporting documents with the clerk of courts.

[**Paragraph (A)(8)**] **Subdivision (a)(8)** implements the notice requirement in Rule 211(C). When the affidavit[(s)] is sealed pursuant to Rule 211, the justice or judge issuing the warrant must certify on the face of the warrant that there is good cause shown for sealing the affidavit[(s)] and must also state how long the affidavit will be sealed.

For purposes of this rule, the term “electronically stored information” includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained. This definition is intended to cover all current types of computer-based information and to encompass future changes and developments.

For purposes of this rule, the term “seizure” includes the copying of material or information that is subject to the search warrant. This includes the copying of electronically stored information for later analysis.

For the procedures for motions for return of property, see Rule 588.

[**Official Note: Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; Comment revised October 22, 2013, effective January 1, 2014; amended July 31, 2017, effective October 1, 2017.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6649 (November 9, 2013).

Final Report explaining the July 31, 2017 amendment regarding search warrants for electronically stored information published with the Court’s Order at 47 Pa.B. 4680 (August 12, 2017).]

Rule 206. Contents of Application for Search Warrant.

Each application for a search warrant shall be supported by a written affidavit[(s)] signed and sworn to or affirmed before an issuing authority, which affidavit[(s)] shall:

[(1)] (a) state the name and department, agency, or address of the affiant;

[(2)] (b) identify specifically the items[or], property, or person to be searched for and seized;

[(3)] (c) name or describe with particularity the person or place to be searched;

[(4)] (d) identify the owner, occupant, or possessor of the place to be searched;

[(5)] (e) specify or describe the crime which has been or is being committed;

[(6)] (f) set forth specifically the facts and circumstances which form the basis for the affiant’s conclusion that there is probable cause to believe that the items, [or] property, or person identified are evidence or the fruit of a crime, or are contraband, or are expected to be otherwise unlawfully possessed or subject to seizure, and that these items or property are or are expected to be located on the particular person, or that these items, property, or persons are or are expected to be located at the particular place described;

[(7)] (g) if a “nighttime” search is requested (*i.e.*, 10 p.m. to 6 a.m.), state additional reasonable cause for seeking permission to search in nighttime;

[(8)] (h) when the attorney for the Commonwealth is requesting that the affidavit(s) be sealed pursuant to Rule 211, state the facts and circumstances which are alleged to establish good cause for the sealing of the affidavit(s); and

[(9)] (i) a certification that the application complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* regarding confidential information and documents.

Comment[s]:

For the contents of the search warrant, see Rule 205.

[While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.]

Subdivisions (b) and (f) reflect the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench

or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[The 2005 amendments to paragraph (6) recognize] Subdivision (f) recognizes anticipatory search warrants. To satisfy the requirements of [paragraph (6)] subdivision (f) when the warrant being requested is for a prospective event, the application for the search warrant also must include a statement explaining how the affiant knows that the items to be seized on a later occasion will be at the place specified. *See Commonwealth v. Coleman*, 830 A.2d 554 (Pa. 2003)[, and]; *Commonwealth v. Glass*, 754 A.2d 655 (Pa. 2000).

When the attorney for the Commonwealth is requesting that the search warrant affidavit[(s)] be sealed, the affidavit[(s)] in support of the search warrant must set forth the facts and circumstances the attorney for the Commonwealth alleges establish that there is good cause to seal the affidavit[(s)]. *See also* [Rule] Pa.R.Crim.P. 211(B)(2). Pursuant to Rule 211(B)(1), when the attorney for the Commonwealth requests that the search warrant affidavit be sealed, the application for the search warrant must be made to a judge of the court of common pleas or to an appellate court justice or judge, who would be the issuing authority for purposes of this rule. For the procedures for sealing search warrant affidavit[(s)], see Rule 211.

See Rule 113.1 regarding the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and the requirements regarding filings and documents that contain confidential information.

[*Official Note:* Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; amended June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court's Order at 35 Pa.B. 6087 (November 5, 2005).

Amendment regarding the Court's public access policy published with the Court's Order at 48 Pa.B. 3575 (June 16, 2018).]

Rule 208. Copy of Warrant; Receipt for Seized Property.

[(A)] (a) A law enforcement officer, upon taking property or person pursuant to a search warrant, shall leave with the person from whom or from whose premises the property or person was taken a copy of the warrant and affidavit[(s)] in support thereof, and a receipt for the

property seized. A copy of the warrant and affidavit[(s)] must be left whether or not any property or person is seized.

[(B)] (b) If no one is present on the premises when the warrant is executed, the officer shall leave the documents specified in [paragraph (A)] subdivision (a) at a conspicuous location in the said premises. A copy of the warrant and affidavit[(s)] must be left whether or not any property or person is seized.

[(C)] (c) Notwithstanding the requirements in [paragraphs (A) and (B)] subdivisions (a) and (b), the officer shall not leave a copy of an affidavit that has been sealed pursuant to Rule 211.

Comment:

Subdivisions (a) and (b) include the provision of Rule 201(d) that provides that a person may be the subject of a search warrant when the person is also the subject of a bench or arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the bench or arrest warrant. The search warrant does not take the place of the underlying bench or arrest warrant.

[*Official Note:* Rule 2008 adopted October 17, 1973, effective 60 days hence; amended September 3, 1993, effective January 1, 1994; renumbered Rule 208 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).]

Rule 209. Return With Inventory.

* * * * *
Comment:
* * * * *

[*See*] See Rule [205(A)(6)] 205(a)(6) regarding the circumstances under which the issuing authority to whom the warrant is returned may differ from the one that issued the warrant.

As provided in Rule [205(A)(4)] 205(a)(4), search warrants generally authorize execution within a period not to exceed two days. Paragraph (B) requires that an unexecuted warrant be returned to the issuing authority upon expiration of this period.

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Rule 211. Sealing Search Warrant Affidavits.

* * * * *
Comment:
* * * * *

District justices, [bail commissioners] arraignment court magistrates, and municipal court judges do not have authority to seal an affidavit(s). In cases in which it is believed that there is good cause to seal the affidavit(s), the application for the search warrant must be presented to a judge of the court of common pleas or a

justice or judge of an appellate court. *See also* [**Rule 206(8)**] **Pa.R.Crim.P. 206(h)**.

* * * * *

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

* * * * *

Comment:

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Paragraph (D) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. *See also* Rules 513(A), [**208(A)**] **208(a)**, and 1003. *See* Rule 513.1(F) concerning a defendant’s access to arrest warrant information that has been sealed.

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CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

PART A. Philadelphia Municipal Court Procedures

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

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Comment:

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Paragraph (D)(3)(c) requires that the defendant’s attorney, or if unrepresented the defendant, receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 540(C). *See also* [**Rules 208(A)**] **Pa.R.Crim.P. 208(a)** and 513(A).

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**SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE
ADOPTION REPORT**

Amendment of Pa.R.Crim.P. 201, 205, 206, 208, 209, 211, 540, and 1003

On May 2, 2024, the Supreme Court amended Pennsylvania Rules of Criminal Procedure 201, 205, 206, 208, 209, 211, 540, and 1003.¹ The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

Prompted by the Court’s opinion in the companion cases of *Commonwealth v. Romero* and *Commonwealth v. Castro*, 183 A.3d 364 (Pa. 2018) (hereinafter “*Romero and Castro*”), the Committee began examining the manner in which an arrest warrant is used to gain access to a residence or other premises in an attempt to apprehend the subject of the warrant. The Committee concluded that the extent to which the police may search a residence pursuant to an arrest warrant and the manner in which such a search is adjudicated is primarily a substantive

issue and, as demonstrated in *Romero* and *Castro*, this substantive law is still being developed.

However, in considering these issues, the Committee became concerned that Rule 201 (Purpose of Warrant) could cause confusion as “persons” are not identified in the rule as proper subjects of a search warrant. As a result, law enforcement, reading Rule 201 as not governing the issuance of a search warrant for a person, might conclude that an arrest warrant is sufficient regardless of where the subject of the warrant is to be located, even when intending to search a premises that is not the residence of the subject of the arrest warrant. Under such circumstances, the search would be conducted without a judge having first determined that there was probable cause for the search. Additionally, because the rule provides for the issuance of a warrant that permits law enforcement “to search” and “to seize,” the Committee was concerned that the term “seize” would suggest that a search warrant could replace the need for an arrest warrant. To address these concerns, the following amendments have been adopted.

Amendments

Rule 201 has been amended to add a subdivision (d). This subdivision states that the search for and seizure of a person can be authorized by a search warrant if that person is also the subject of either a bench or arrest warrant. The Comment to Rule 201 has been revised to state specifically that a search warrant alone is insufficient; a bench or arrest warrant must also be issued.

The proposed amendment of Rule 201 was published for comment in March of 2019. *See* 49 Pa.B. 1357 (March 23, 2019). Two responses to the publication were received. One response questioned the description of the holding in the *Romero* and *Castro* cases contained in the Publication Report. As this did not implicate the proposed rule change itself, the Committee made no change to the proposal.

The other comment suggested that other rules might need to be amended in light of the proposed provision that would permit a person to be the subject of a search warrant. The Committee concurred that the terminology of several rules should be broadened to incorporate this concept. The Committee identified Rules 205 (Contents of Search Warrant), 206 (Contents of Application for Search Warrant), and 208 (Copy of Warrant; Receipt for Seized Property) as warranting amendment. Those rules have been amended to specifically incorporate a person as a proper subject of a search warrant. Additionally, corollary amendments have been made to Rules 209, 211, 540, and 1003.

Additionally, the proposed subdivision published for comment would have also provided for the issuance of a search warrant to search for “a person for whom there is probable cause to believe is a victim of a crime and for whom there is no other means of access.” However, concerns were raised post-publication that this proposed subdivision might permit the issuance of a search warrant to gain access to a victim of any crime, even a lesser one, or result in the issuance of a warrant to gain access to a victim who is merely declining to participate in a prosecution or investigation rather than being prevented from such participation. The Committee concluded that other, less intrusive methods, such as subpoenas, were more appropriate for gaining access to these individuals. Consequently, this subdivision and related commentary were not adopted.

¹ Stylistic amendments have also been made to conform to the Supreme Court of Pennsylvania Style and Rulemaking Guide for Procedural and Evidentiary Rules.

Lastly, commentary has been removed from Rules 201 and 206. The following commentary has been removed from Rule 201: “The Third Circuit’s opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeyer*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).” This sentence has been removed as superfluous. The cases cited in that sentence are discussed in *United States ex. Rel. Campbell v. Rundle*, 327 F.2d 153 (3rd Cir. 1964), which is cited earlier in the second paragraph of the Comment. The following commentary has been removed from Rule 206: “While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.” This paragraph has been removed as unnecessary historical commentary.

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The following commentary has been removed from Rule 201:

Comment, ¶ 2: “The Third Circuit’s opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmeyer*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).”

Official Note: Rule 2002 adopted March 28, 1973, effective 60 days hence; renumbered Rule 201 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

The following commentary has been removed from Rule 205:

Official Note: Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; *Comment* revised October 22, 2013, effective January 1, 2014; amended July 31, 2017, effective October 1, 2017.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6649 (November 9, 2013).

Final Report explaining the July 31, 2017 amendment regarding search warrants for electronically stored information published with the Court’s Order at 47 Pa.B. 4680 (August 12, 2017).

The following commentary has been removed from Rule 206:

Comment, ¶ 2: “While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.”

Official Note: Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; amended June 1, 2018, effective July 1, 2018.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court’s Order at 35 Pa.B. 6087 (November 5, 2005).

Amendment regarding the Court’s public access policy published with the Court’s Order at 48 Pa.B. 3575 (June 16, 2018).

The following commentary has been removed from Rule 208:

Official Note: Rule 2008 adopted October 17, 1973, effective 60 days hence; amended September 3, 1993, effective January 1, 1994; renumbered Rule 208 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

* * * * *

These amendments are effective October 1, 2024.

[Pa.B. Doc. No. 24-706. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rule of Judicial Administration of the Court of Common Pleas; No. AD-2024-148-PJ

Order of Court

And Now, this 6th day of May, 2024, it is hereby *Ordered* that the following proposed Local Rules of Judicial Administration of the Court of Common Pleas of Allegheny County, Pennsylvania, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

ALLEGHENY COUNTY RULES OF JUDICIAL
ADMINISTRATION 5101.4—5103.4.
FAMILY DIVISION: CUSTODY OF EXHIBITS IN
COURT PROCEEDINGS

By the Court

SUSAN EVASHAVIK DiLUCENTE,
President Judge

**Allegheny County Rules of Judicial Administration.
Family Division: Custody of Exhibits in Court Proceedings.**

**Rule 5101.4. Family Division Custody of Exhibits.
Definitions.**

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

(1) “*Court proceeding.*” Any trial, hearing, argument, or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record; however, this rule shall not apply to, and thus this definition does not encompass, record hearings that may be appealed de novo to a court of common pleas or upon which exceptions or objections can be filed to a court of common pleas. A court proceeding also does not include a proceeding before a magisterial district court, a judicial arbitration matter pursuant to Pa.R.C.P. 1301 et seq., a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, or any matter that is not a record proceeding. A court proceeding may occur over more than one day, including non-consecutive days;

(2) “*Custodian.*” The person or persons designated by these rules to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall be either the proponent of the exhibit or a member of court staff. A custodian shall also include that custodian’s designee;

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

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

(5) “*Records office.*” The Allegheny County Department of Court Records, Civil/Family Division (“Department of Court Records”) will serve as the records office for purposes of this rule and shall have the responsibility and function to maintain and retain the official case file and list of docket entries as required by rule or law. The records office for purposes of filing under this rule shall not include the automated systems of the Unified Judicial System such as the Common Pleas Case Management System or the Pennsylvania Appellate Case Court Management System, or PACFile.

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

Comment: This rule as defined in (a)(1) would not apply, for example, to record hearings before hearing officers in divorce, enforcement/contempt, custody, support, delinquency, and dependency matters. Nonetheless, litigants or court personnel who believe that this rule does not apply to a proceeding should independently verify that the proceeding fits the above exception.

**Rule 5102.4. Family Division Custody of Exhibits.
General Provisions.**

(a) *During Court Proceedings.* In all Family Division proceedings, the court may designate a member of the court staff or the proponent of evidence to serve as custodian during and throughout court proceedings, and the custodian’s name shall be placed on the record. When a custodian names a designee, the court shall place the name of the designee on the record. In naming a custo-

dian or accepting a custodian’s designee, the court shall consider the proponent’s capabilities and circumstances as set forth below in (b) of this Subsection. Where these rules would apply in a proceeding before a hearing officer as set forth herein in Subsection 5101.4(a)(1), the hearing officer shall serve as custodian during proceedings.

(1) The custodian shall secure and maintain all exhibits during court proceedings, including during breaks and recesses, unless otherwise provided herein at 5103.4(c)(3) regarding bulky exhibits and 5103.4(d) regarding hazardous exhibits; and

(2) The custodian shall secure all exhibits at the end of each day during the proceeding, unless otherwise provided herein in Subsection 5103.4(c)(3) or 5103.4(d). However, subject to the considerations immediately below at Subsection 5102.4(b), if a proceeding is conducted over nonconsecutive days, the court may designate the proponent of the evidence to serve as custodian on days when court proceedings are not taking place.

(b) *After Court Proceedings.* Unless the court directs otherwise by naming a member of court staff as custodian, at the conclusion of a court proceeding, the custodian shall become the proponent of the evidence that the proponent proffered. The name of all custodians shall be placed on the record. If the court determines that through the exhaustion of post-trial actions and appeals, a pro se party is unable to perform the duties of a custodian or that any other party or proponent is unable to maintain and secure an exhibit or that a particular proponent or proponents may tamper with or permit the degradation of any exhibits, the court may designate a court custodian in each such proponent’s stead to perform all duties identified in this rule. Where these rules apply in a proceeding before a hearing officer as set forth herein in Subsection 5101.4(a)(1), after proceedings before that hearing officer, the hearing officer may serve as custodian or may designate the hearing officer’s staff (such as the hearing officer’s clerk) to serve as custodian.

(1) *Custodian.* The custodian shall:

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

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

(iii) secure and maintain all other non-documentary exhibits as directed by the court or as agreed to by the parties.

(2) *Index of Exhibits.* A custodian filing exhibits with the Department of Court Records shall include a list of exhibits using the same numbers used by the proponent during the court proceeding to refer to each exhibit. For each exhibit, the custodian filing the exhibits shall also: identify the proponent; indicate whether the exhibit was admitted into or rejected from evidence; and provide a textual description or identification of the exhibit. Court staff, as designated by the presiding judge and whether serving as custodian or not, shall keep an index of exhibits utilizing substantially the same form set forth at

the conclusion of these rules. In proceedings before a hearing officer, the hearing officer shall create and keep the index. A proponent custodian filing exhibits may utilize a copy of the court's completed form for filing.

(3) *Method of Filing.* For matters on the adult docket, exhibits must be filed electronically utilizing the eFiling and Retrieval System at the Department of Court Records. Pro se litigants are encouraged to file electronically as well but the Department of Court Records accepts filing of court documents in person or by other means which may be posted on the Department of Court Records website. Matters on the juvenile docket shall be filed with the Department of Court Records Juvenile Section, which is located at 414 Grant Street, Second Floor City-County Building, Room 229, Pittsburgh, Pennsylvania 15219; unless the court permits otherwise, proponents of exhibits in such matters other than those proceeding in forma pauperis shall be responsible for printing exhibits for filing when those exhibits are not contained on a Universal Serial Bus ("USB") flash drive under Subsection 5103.4(a)(3) or other format as the court might allow for digital media under Subsection 5103.4(e).

(4) *Confirmation.* If exhibits are transferred from a member of the court staff serving as custodian to a proponent custodian, the court custodian shall confirm that the proponent custodian has complied with the filing requirements set forth herein in Subsection (b)(1)(ii). Otherwise, the court custodian shall be responsible for the filing of exhibits in keeping with the requirements of this rule.

(5) *Relief.* If a custodian does not file the exhibits as required in this Subsection, then a party or proponent not designated as the custodian or in possession of the exhibits may seek appropriate relief from the court.

Comment: The parties are encouraged to work collaboratively prior to trial to stipulate to trial exhibits that they find unobjectionable and file the stipulations and exhibits covered by the stipulations along with an index in substantially the form provided at the end of these rules with the Department of Court Records. In the event of a stipulation, the parties shall notify the court and provide the court with a copy of the exhibits and index of the exhibits filed as soon as such stipulation is reached and the index is completed.

In a court proceeding, there could be multiple parties and multiple proponent custodians each of whom is responsible for the exhibits they proffered. Proponent custodians and/or court custodians should label their exhibits with reference to the party proffering the exhibit and using sequential numbers (for example, "CYF Exhibit 1" and "CYF Exhibit 2" or "Defendant Smith Exhibit 1" and "Defendant Smith Exhibit 2"). If a listed exhibit is withdrawn, the withdrawal may be noted on the index of exhibits. Where an exhibit is withdrawn, the custodian preparing the index and the proffering party should maintain the numbering system in place before withdrawal to avoid confusion from renumbering. This could result in a gap in the numbering of exhibits. A hearing officer who serves as custodian during court proceedings will prepare the index of exhibits.

Under (a)(3), courts and custodians should bear in mind that as of this rules enactment, the eFiling and Retrieval System allows individuals to file documents in a case and see the docket, the official list of documents filed in a case

as well as scanned images of the documents filed unless the case or specific item is sealed by order of court or if an applicable statute, local rule, or other source of law prohibits public access. Pertinent information can often be found on the Department of Court Records website as well as the Allegheny County website.

Under (a)(4), proponent custodians should notify the court staff on the same day on which they have filed exhibits to aid the court staff in confirming the proponent custodians' compliance.

The custodian, if a member of the court staff, may direct the proponent to secure and maintain exhibits that are bulky, oversized, or otherwise physically impractical for the custodian to maintain during the court proceedings. See Subsection 5103.4(c)(3). Typically, non-documentary exhibits will be returned to their respective proponent at the conclusion of a court proceeding.

If a court finds that there is a need to review the exhibits as filed, for example in preparing an opinion for appeal, the court may requisition the file from the department of court records, using any forms or procedures established for such review.

Rule 5103.4. Family Division Custody of Exhibits. Special Provisions.

(a) Documentary Exhibits.

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

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document or copy of a photograph, where submitted, is clear and can be further reproduced or transferred to digital media.

(3) Voluminous documentary exhibits are those where the intended original documentary exhibit exceeds 150 physical pages (whether single- or double-sided). Each proponent of a voluminous documentary exhibit in advance of a proceeding shall have that exhibit placed onto USB flash drive or other format that the court may deem acceptable for entry into the record.

(b) Photographs.

(1) If a proponent offers into evidence a photograph, the proponent shall ensure in advance of the proceeding that the original or a copy of the photograph instead of the original is no larger than 8 1/2 × 11 inches when entered into the record. If the original photograph is in color, any copy placed in the record shall also be in color.

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

(c) Non-Documentary Exhibits Generally.

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure in advance of the proceeding that a photograph no larger than 8 1/2 × 11 inches of the exhibit is entered into the record instead of the non-documentary exhibit. If the non-documentary exhibit displays color, the copy shall also be in color.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and can be further reproduced or transferred to digital media. If more than one photograph is required to convey a full image of an exhibit (for example, from more than one angle), the proponent shall take as many such additional photographs as are necessary; in this case, the exhibit shall be labeled with subparts under one number (such as Exhibit 1(a), 1(b), etc.).

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

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

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

(2) During the proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit including compliance with any court orders relating to the exhibit.

(e) *Use of Digital Media.* Any media or videos presented at a court proceeding shall be retained by the proponent, but the proponent shall ensure in advance of the court proceeding that an exhibit of this type is placed onto a USB flash drive or other format acceptable to the court for entry into the record. If the court determines that a party lacks the ability to comply with this Subsection, such as those who are pro se and/or do not understand the requirement or those who are proceeding in forma pauperis, the court shall have court staff assist the proponent in attempting to comply with this rule, including but not limited to supplying a USB flash drive unless another format has been deemed acceptable to the court.

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

(g) *Exhibits Under Seal.* If an exhibit offered into evidence contains confidential information or confidential documents as defined by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania ("Policy"), the proponent shall give a copy of the exhibit and a certification prepared in compliance with the Policy and any related local rules to the records office no later than five days after the conclusion of the court proceeding. Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

(h) *Copies to the Court:* In accordance with each judge's operating procedures, parties shall provide copies of all exhibits proffered to the trial judge before or at the time of the court proceedings and no later than at the time of the proceedings. The Court is not required to maintain the exhibits after court proceedings conclude except for circumstances in which a court custodian is

named and must retain the exhibits until filed in compliance with Subsection (g) directly above.

Comment: Subsection (b) recognizes that a proponent may have a sentimental attachment to a photograph and might not want to relinquish it for inclusion in the record if it can be submitted in compliance with this rule.

Regarding the use of media in the courtroom, technology is constantly evolving, and judicial districts have access to varying levels of technology. Accordingly, the rule requires a proponent to provide evidence using USB flash drives but also gives the court discretion to approve alternatives. As set forth in Subsection (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring that the court has the means to access it during a court proceeding. This situation may occur in many settings; for example, on occasion, a proponent desires to play a video from a cell phone as evidence. That proponent must first ensure that the media or video can be provided to the court by an acceptable method. Whenever possible, a proponent should provide such evidence to the court prior to the hearing so as not to slow proceedings.

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

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

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

Subsection (g) relates to the confidentiality of information contained in exhibits. Although the Policy does not apply directly to exhibits, important policy considerations are set forth therein, particularly as it relates to personal identification information and highly sensitive financial, medical, and psychological information. While the Policy does not address the handling of non-documentary exhibits, it is expected that parties will adhere to the policy considerations set forth therein and ensure that otherwise confidential information and documents are not made available through the record. Adhering to the guidance of the Policy will ensure that a protected version of the exhibit is maintained in the record for public viewing. Moreover, this Subsection recognizes that some exhibits contain such highly sensitive information or images that they are sealed by the court during the court proceeding.

[Pa.B. Doc. No. 24-707. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Administrative Procedures for Clerk of Courts; No. 0014-12-MD-2024; AO. 15-2024

Administrative Order

And Now, this 1st day of May, 2024, the Court having determined that action is necessary to safeguard the filing of legal papers and other critical functions related to the administration of justice and due process and noting the current deficiencies and unacceptable backlog in filing, docketing, scanning, and processing of Orders and documents within the Clerk of Courts Office, and also based upon the information gathered at an evidentiary hearing held on April 1, 2024, including the assurances of the Clerk of Courts that the factors causing the aforementioned deficiencies and backlog were substantially rectified and that the office had cleared those backlogs and was up to date with its filing obligations, it is hereby *Ordered, Adjudged, and Decreed* that the filing office of the Clerk of Courts shall follow the procedures set forth as follows:

Hours of Operation

All filing offices shall be open to the public and judiciary staff from 8:00 a.m. to 4:30 p.m., daily Monday through Friday, excepting holidays and other judicially sanctioned closures. Filing offices may be open longer than the established hours of operation. The Court is “always open for the transaction of judicial business,” and a filing office may be requested to stay open outside of the established hours of operation if the Court remains in session or requires the processing of judicial business. See 42. Pa.Con.Stat.Ann § 324. This includes the answering of all telephone inquiries throughout the times of public operation.

Bench Warrant Orders

All Orders directing the issuance of a Bench Warrant, including the issuance of the Bench Warrant or the lifting of a Bench Warrant, shall be filed, docketed, scanned, and fully processed and distributed on the same business day if received by 4:00 p.m. by the Clerk of Courts. If the

Bench Warrant is filed after 4:00 p.m., it shall be processed by noon for the next business. Excluded from said calculation shall be all weekends and holidays.

Accelerated Rehabilitative Disposition (ARD) Orders and Dispositions

All ARD orders or other dispositions of ARD cases shall be filed, docketed, scanned, and fully processed and distributed within seventy-two (72) hours of the date of the issuance of the Order or disposition.

Driving Under the Influence (DUI) Orders and Dispositions

All DUI orders or other dispositions of Driving Under the Influence cases shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours of the date of the issuance of the Order or disposition. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

Verdicts

All verdicts, whether entered following a bench or jury trial, shall be filed, docketed, scanned, and fully processed within twenty-four (24) hours from the time of receipt by the Prothonotary.

State Sentencing Orders

All orders or dispositions that result in a defendant being sentenced to a period of state incarceration shall be filed immediately upon presentation to the Clerk of Courts with three certified copies being immediately sent to the Sheriff’s Department. Within forty-eight (48) hours from the time of delivery to the Clerk of Courts of the Order or other disposition, said document shall be docketed, scanned, and fully processed and distributed including but not limited to the entry of all information necessary for the printing of a complete DC-300B such that the individual State packets necessary for transport of the Defendant may be completed in a timely manner.

Sentencing Orders and Dispositions

All sentencing orders and dispositions, other than state sentencing orders noted above, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts.

Juvenile Orders and Dispositions

All juvenile orders and dispositions shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All juvenile orders, including orders executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

Dependency Orders and Dispositions

All dependency orders and disposition shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. All dependency orders, including orders executed electronically (CPCMS), shall be properly filed in the appropriate physical file within five (5) business days.

General Court Orders, Inmate Mail, and Indirect Criminal Contempt (ICC) Orders

All general court orders and dispositions, including ICC orders, shall be filed, docketed, scanned, and fully processed and distributed within twenty-four (24) hours from the time of receipt by the Clerk of Courts. Inmate mail shall be appropriately processed, including docketing and/or distribution to the Court and Counsel, within twenty-four (24) hours from the time of receipt.

Summary Appeal Orders and Dispositions

All Notices of Appeal from summary convictions shall be filed, docketed, scanned, fully processed, and distributed within forty-eight (48) hours of receipt by the Clerk of Courts. All summary appeal Orders and dispositions shall be filed docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts. Forms required for submission to the Pennsylvania Department of Transportation are to be processed in a timely fashion.

Bail and Pretrial Services Order

Bail Orders shall be filed, docketed, scanned, fully processed and distributed on the same day as received by the Clerk of Courts unless received after 4:00 p.m. In that event, bail Orders shall be processed and distributed by noon the following business day. If applicable, distribution of such Orders shall include the Dauphin County Prison and/or the Magisterial District Court by facsimile or email.

Notices of Appeal from Court of Common Pleas and Related Documents

All Notices of Appeal and any appeal-related documents shall be filed, docketed, scanned, fully processed and distributed to the appropriate appellate court within twenty-four (24) hours. The Clerk of Courts shall advise the appropriate Judge of the filing of a Notice of Appeal. The Clerk of Courts shall provide to the appropriate judge a copy of all communications and Orders received by the Clerk of Courts from any appellate court. The Clerk of Courts shall coordinate the preparation of the record for appeal with the appropriate judge.

Further, when directed by either a Pennsylvania appellate court, or a federal court, the Clerk of Courts shall prepare, copy, and transmit the requested record of any Dauphin County Court of Common Pleas case to the appropriate appellate court or federal court.

Probation and Parole Orders and Other Probation Office Documents

All probation and parole Orders and other probation office documents shall be filed, docketed, scanned, and fully processed and distributed within forty-eight (48) hours from the time of receipt by the Clerk of Courts.

Distribution of Filings

All filings accepted by the Clerk of Courts shall be distributed to parties and any interested entities or persons as noted by the filing party or entity. Those filings include, but are not limited to, transport Orders, transcript requests forms, Omnibus Pretrial Motions, motions in limine, discovery requests, reciprocal discovery requests, and discovery inventories.

Commitments to Dauphin County Prison or Other Correctional Facility

All Orders providing for a commitment to Dauphin County Prison, or another correctional facility, must be filed, docketed, scanned, and distributed to the appropriate facility within forty-eight (48) hours.

However, any Order for immediate release from incarceration, or Orders imposing a sentence of probation, setting or modifying bail, entering a nolle prosequi, or waiving extradition for an incarcerated individual must be docketed, scanned, and distributed on the same day it is received unless received after 4:00 p.m. In that event, all processing must be completed by noon on the following business day.

Statistical Reporting

All AOPC statistical docket corrections or reporting shall be fully processed and completed by all filing offices as requested by Court Administration. The compilation of statistical information for reporting to the AOPC is the responsibility of Court Administration.

Enforcement

The elected Clerk of Courts and their staff shall comply with the provisions of this Administrative Order. The Court may initiate contempt proceedings if there is a failure to adhere to the requirements set forth in this Administrative Order. Questions concerning a provision of the Administrative Order shall be directed to the Court Administrator, who is responsible for bringing those matters needing clarification or other action to the attention of the President Judge and other appropriate judges. Any other Order that conflicts or is otherwise inconsistent with this Administrative Order is hereby *Rescinded*, except those issued pursuant to a locally declared judicial emergency.

It is further *Ordered* that the Court Administrator shall cause a copy of this Order to be published in the *Dauphin County Reporter*, the official legal publication of Dauphin County, at the expense of the County of Dauphin, and in the *Pennsylvania Bulletin*.

By the Court

SCOTT ARTHUR EVANS,
President Judge

[Pa.B. Doc. No. 24-708. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Custody of Exhibits in Court Proceedings; F.C.R.J.A. 5104; No. 930 of 2024 G.D.

Order

And Now, this 8th day of May 2024, it is hereby Ordered that the local rule of judicial administration of Custody of Exhibits in Court Proceedings is adopted as follows. Further, it is hereby Ordered that the Fayette County Administrative Order of Custody of Evidence Admitted in Court adopted September 9, 2014, is hereby rescinded.

The Prothonotary is directed as follows:

(1) A copy of the order and rule shall be filed with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

(2) Two copies of the order and rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The local rule shall be e-mailed in Microsoft Word format to bulletin@palrb.us.

(3) One copy of the order and rule 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 rule on the website of Administrative Office of Fayette County Courts at www.fayettecountypa.org.

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

The local rule of Custody of Exhibits in Court Proceedings shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

STEVE P. LESKINEN,
President Judge

Rule 5104. Custody of Exhibits in Court Proceedings.

(a) *Designation of Custodian.*

1. In court proceedings before a Judge, the Court Reporter is designated as the custodian to safeguard and maintain exhibits introduced in a court proceeding.

2. In court proceedings before a Hearing Officer, the Hearing Officer is designated as the custodian to safeguard and maintain exhibits introduced in the court proceeding.

(b) *During Court Proceedings.*

1. Throughout court proceedings, all documentary and non-documentary exhibits shall remain in the custody of the proponent until the exhibit is offered for admission into the record.

2. Non-documentary exhibits, including, but not limited to, weapons, cash, other items of value, drugs, and other dangerous contraband or materials, and bulky, oversized, or otherwise physically impractical exhibits for the custodian to maintain shall remain in the custody of the proponent during court proceedings.

3. Non-documentary exhibits shall be photographed by the proponent and the photograph shall be appropriately marked and produced during the court proceedings for inclusion in the official case record.

4. After being offered into evidence, whether accepted or rejected by the presiding Judge or Hearing Officer, documentary and photograph exhibits shall then be placed in the custody of the custodian.

5. The proponent may reduce oversized documentary exhibits to 8.5 × 11 inches paper, so long as the quality is not compromised, or may submit the exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.

6. The proponent may submit voluminous documentary exhibits digitally via a CD or USB flash drive as a PDF with a file name identifying the exhibit.

(c) *After Court Proceedings.*

1. *Proponent Responsibilities.*

i. The proponent of non-documentary exhibits shall safeguard and maintain such exhibits and may only dispose of or destroy non-documentary exhibits as required by any applicable records retention periods or by Order of Court.

ii. If not submitted during the court proceedings, the proponent shall provide to the custodian a photograph (no larger in size than 8.5 × 11 inches) of the non-documentary exhibits in lieu of the non-documentary exhibit, within five business days of the conclusion of the court proceeding.

2. *Custodian Responsibilities.*

i. The custodian shall retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

ii. The custodian shall prepare and file a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit.

iii. The custodian shall file all documentary exhibits, photographs, and photographs of non-documentary exhibits with the records office within five business days of the conclusion of the court proceeding unless otherwise directed by the court.

(d) All other issues regarding custody of exhibits in court proceedings shall be governed by Pennsylvania Rule of Judicial Administration 5101—5104.

[Pa.B. Doc. No. 24-709. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MERCER COUNTY

Amendment to Local Rule of Civil Procedure L309; No. 1060 CIVIL 2024

And Now, this 18th day of April, 2024, the Court hereby *Approves, Adopts and Promulgates* the following Amendment to Mercer County Local Rule L309 regarding Praecepte for Trial List.

It Is Further Ordered and Directed that the Court Administrator of Mercer County shall file one (1) certified copy of the Amendment with the Administrative Office of the Pennsylvania Court and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It Is Further Ordered and Directed that this Amendment shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County.

By the Court

DANIEL P. WALLACE,
President Judge

AMENDMENT TO LOCAL RULE OF CIVIL PROCEDURE L309 PRAECEPTE FOR TRIAL

A. LOCAL RULE L309 shall be deleted and replaced with the following:

1. Pursuant to Local Rules L317(c)(3) and L317(c)(4), regarding case management orders for regular and complex cases, all matters shall be placed on the trial list utilizing a Praecepte for Trial.

[Pa.B. Doc. No. 24-710. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2024-07 Increasing Fee of Alcohol Highway Safety Program and Wages for Alcohol Highway Safety Instructors; No.: C-48-AD-75-2024

Administrative Order

And Now, this 6th day of May, 2024, it is hereby *Ordered and Decreed* that the fee for the Northampton County Alcohol Highway Safety Program is hereby increased to \$300.00 per class and the wages for each Alcohol Highway Safety Instructor shall also be increased to \$450.00 per 12.5 hours of sessions.

It is further *Directed* that the Northampton County Court of Common Pleas' Court Administrator shall comply with all requirements set forth in Pa.R.J.A. 103(c), such as: distributing two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the

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

This Administrative Order shall become effective Monday, June 17, 2024 or thirty (30) days from when publication in the *Pennsylvania Bulletin* occurs.

By the Court

CRAIG A. DALLY,
President Judge

[Pa.B. Doc. No. 24-711. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Administrative Order; No. AD-41-24

Administrative Order

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rules of Civil Procedure For Magisterial District Judges: Rule 201 (Citation of Civil Procedural Rules), Rule 1203 (Jurisdiction for Emergency Protective Relief) and Rule 1206 (Commencement of Abuse and Sexual Violence or Intimidation Proceedings):

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.

2. Distribute two paper copies of each Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Distribute one copy of each Rule to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.

4. Publish the local Rules on the Schuylkill County Court's website.

5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.

6. File one copy of each local Rule in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.Civ.P.M.D.J. 201. Citation of Civil Procedural Rules for Magisterial District Judges.

These rules shall be known as Schuylkill County Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges. They shall be cited as "Sch.R.Civ.P.M.D.J. _____."

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.Civ.P.M.D.J. 1203. Jurisdiction for Emergency Protective Relief.

A. Magisterial District Judges serving on-call duty on holidays and outside of regular business hours, pursuant to a schedule prepared by the Schuylkill County Criminal Court Administrator, shall provide continuous coverage as required by the Protection from Abuse Act, the Protection of Victims of Sexual Violence or Intimidation Act, and the Older Adults Protective Services Act.

This Order is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.Civ.P.M.D.J. 1206. Commencement of Abuse and Sexual Violence or Intimidation Proceedings.

A. Individuals seeking emergency protection orders under the Protection from Abuse Act or the Protection of Victims of Sexual Violence or Intimidation Act outside of normal business hours or on holidays shall go to the site of the Schuylkill Hope Center for Victims of Domestic Violence, or its successor, in Pottsville, Schuylkill County where, at a time agreed upon by the Magisterial District Judge and personnel of the Hope Center, or its successor, the Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing, and grant or deny requested relief.

This Order is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-712. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**SCHUYLKILL COUNTY****Administrative Order; No. AD-43-24****Administrative Order**

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rules of Juvenile Civil Procedure: Rule 102 (Citing the Juvenile Court Procedural Rules) and Rule 210 (Arrest Warrants):

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.
2. Distribute two paper copies of each Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Distribute one copy of each Rule to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.
4. Publish the local Rules on the Schuylkill County Court's website.
5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.
6. File one copy of each local Rule in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.J.C.P. 102. Citing the Schuylkill County Juvenile Court Procedural Rules.

Juvenile court procedural rules adopted by this Court shall be known as Schuylkill County Rules of Juvenile Court Procedure, and shall be cited as "Sch.R.J.C.P. _____."

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

Sch.R.J.C.P. 210. Arrest Warrants.

A. The Magisterial District Judge serving on-call duty outside of regular business hours, including on holidays, shall be the designated issuing authority for purposes of Pa.R.J.C.P. 210(a).

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-713. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**SCHUYLKILL COUNTY****Administrative Order; No. AD-44-24****Administrative Order**

And Now, this 1st day of May, 2024, it is *Ordered and Decreed* that this Court adopts the following Rule of Criminal Procedure 117 regarding Magisterial District Court Coverage and *Rescinds* Administrative Order No. AD-102-2006:

The Schuylkill County Court Administrator is *Hereby Ordered* to:

1. Distribute one copy of the Rule and Order to the Administrative Office of Pennsylvania Courts via email at adminrules@pacourts.us.
2. Distribute two paper copies of the Rule and Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Distribute one copy of the Rule and Order to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.
4. Publish the local Rule on the Schuylkill County Court's website.
5. Incorporate the local Rule into the set of local Rules on this Court's website within 30 days after the publication of the Rule in the *Pennsylvania Bulletin*.
6. File one copy of the local Rule and Order in the Office of the Clerk of Courts of Schuylkill County.

By the Court

JACQUELINE L. RUSSELL,
President Judge

Sch.R.Crim.P. 117. Magisterial District Court Coverage.*Regular Business Hours*

A. Each Magisterial District Court Office shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m. The times may be modified upon approval of the President Judge to meet the needs of the public and the Court.

B. All court proceedings normally conducted before a Magisterial District Court Judge shall be handled by the appropriate Magisterial District Judge as determined by the Rules regarding venue. The Magisterial District Judge shall be available for all court proceedings without unreasonable delay during normal business hours for the purposes of accepting the posting of bail, performing preliminary arraignments, accepting complaints, issuing search and arrest warrants, conducting summary trials or setting collateral in summary cases following arrests with or without a warrant.

C. In the event a Magisterial District Judge with jurisdiction over a matter is unavailable during regular business hours, the President Judge will transfer the matter to another Magisterial District Judge in the 21st Judicial District.

On-Call Magisterial District Judge

A. The President Judge shall assign, on a rotating basis, Magisterial District Judges to serve on-call duty outside of regular business hours, including on holidays, to fulfill the duties of a Magisterial District Judge within the 21st Judicial District by providing continuous coverage as required by the Pennsylvania Rules of Criminal Procedure, pursuant to a schedule prepared by the Schuylkill County Court Administrator.

B. On days that the Court is open for business, the On-Call Magisterial District Judge shall commence duty at 4:30 p.m. and remain on duty until 8:30 a.m. the following morning. On weekends and holidays the On-Call Magisterial District Judge shall be on duty from 8:30 a.m. on the day that their duty starts until 8:30 a.m. when the Court is next open for regular business.

C. The On-Call Magisterial District Judge shall be available, without unreasonable delay, to issue search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513, to conduct summary trials or set collateral in summary cases following arrests with a warrant issued pursuant to Pa.R.Crim.P. 430(A) as provided in Pa.R.Crim.P. 431(B)(3) and following arrests without a warrant as provided in Pa.R.Crim.P. 441(C), to conduct preliminary arraignments whenever a warrant of arrest is executed within the judicial district pursuant to Pa.R.Crim.P. 516, to set bail whenever an out-of-county warrant of arrest is executed within the judicial district pursuant to Pa.R.Crim.P. 517(A), and to accept complaints and conduct preliminary arraignments whenever a case is initiated by arrest without warrant pursuant to Pa.R.Crim.P. 519(A)(1). The foregoing shall be conducted at the On-Call Magisterial District Judge's established office or, in the Judge's discretion, via advanced communication technology. In the event of a technological failure, the proceedings shall be conducted at the Judge's established office.

D. The Magisterial District Judge may, in the Judge's sole discretion, accept bail deposits outside of normal business hours. However, the posting of bail shall be accepted outside of normal business hours and on holidays at the Schuylkill County Prison. The Warden, or in his absence the Warden's designee in charge, shall be authorized to accept bail deposits, as provided in Pa.R.Crim.P. 117, have the defendant sign the bail bond, release the defendant upon execution of the bail bond, and deliver the bail deposit and bail bond to the Clerk of Courts promptly upon the opening of the courthouse the next business day. Bail deposits after normal business hours and on holidays must be by cash, money order, or by bail bond posted by a professional bail bondsman registered with Schuylkill County. Persons desiring to post bail after normal business hours or on holidays shall contact the Schuylkill County Prison at 570-628-1450 to make arrangements to do so. All parties authorized to accept bail shall comply with the provisions of and be subject to the limitations specified in the Pennsylvania Rules of Criminal Procedure.

Effective Date.

This Rule is effective 60 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 24-714. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES**WASHINGTON COUNTY****Approval and Adoption of Amendments to Local Rules of Civil Procedure; No. 2024-1****Administrative Order**

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that the amendments to the following Local Rules of Civil Procedure:

1. Rule L-205.2(a);
2. Rule L-205.2(b);
3. Rule L-208;
4. Rule L-210;
5. Rule L-212.7;
6. Rule L-212.8;
7. Rule L-227.1;
8. Rule L-240;
9. Rule L-440;
10. Rule L-1028(c);
11. Rule L-1034;
12. Rule L-1035.2(a),
13. Rule L-1041.1;
14. Rule L-1303.1;

15. Rule L-1308; and

16. Rule L-5000.1,

as set forth following this Order, are *Approved* and *Adopted*.

The amendments of the above-identified local rule of civil procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

Rule L-205.2(a). Pleadings and Legal Papers. Physical Characteristics. Proposed Order.

(1) All pleadings and legal papers filed with the Prothonotary shall be on white, letter-sized (8.5 inch by 11 inch) paper of good quality, and otherwise conform to the requirements of Pa.R.C.P. 204.1.

(a) Footnotes shall be single-spaced and in 10-point font.

(b) Every paper filed shall be fastened only at the top left corner of the pages with one staple, or, if the document is too thick, a metal fastener. Cloth tape and “bluebacks” shall not be used.

(2) All attachments, supporting documents, and exhibits shall be on letter-sized (8.5 inch by 11 inch) paper at the time of filing with the Prothonotary. Documents that are sized differently in original form shall be re-sized and reproduced to comply with this rule.

(3) *Proposed Order*. Every motion, petition, or preliminary objection shall include a proposed order of court which shall be attached before the certificate of service. If a legal paper is filed electronically, there shall be a separately filed proposed order of court in a Microsoft Word format in accordance with Wash.L.R.C.P. 205.4(b)(2).

Rule L-205.2(b). Caption Sheet.

(1) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Caption Sheet below. If needed, a second page may be attached and numbered “Caption Sheet 2” at the bottom of the page.

(a) The lettering shall be in a font of no smaller than twelve-point size or an equivalent and shall substantially follow the format in Form of Caption Sheet below.

(b) The Caption Sheet on the document commencing the action (e.g., praecipe or complaint), shall have a margin at the top of three (3) inches for the stamp of the Prothonotary.

(2) The information required includes:

(a) (In capital letters from the left to right margins)

“IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA”

(b) (In capital letters on left side of center) The complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

i. the specific DIVISION, e.g., CIVIL or DOMESTIC RELATIONS;

ii. the docket number;

iii. the name of the assigned judge, if applicable;

iv. the name of the pleading, in bold face and all capital letters;

v. if the action is filed as a class action, then “CLASS ACTION” shall be set forth following the title of the document;

vi. if the action involves real estate, then the address, municipality, ward if applicable, and a tax identification number shall be set forth;

vii. the completed statement: “Filed on behalf of (party’s name, party’s relationship to case)”;

viii. the completed statement: “Counsel of Record: (attorney’s name and Pennsylvania Identification Number, firm name, firm number, address, and telephone number)”;

ix. the electronic mail address for service of the filing party; and

x. every motion, petition, or pleading must include a “Certificate of Service” which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made. The “Certificate of Service” shall be substantially in the following form:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [Title of Document] has been served upon all other parties at the address(es) listed below via [manner of service], this ____ day of _____, 20__.

[Name and address of counsel]
[Signature]

(3) *Form of Caption Sheet.*

The Caption Sheet shall be formatted substantially in the following form:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

JOHN DOE,
Plaintiff,
vs
BIG CORPORATION, INC., and
JANE DOE,
Defendants.

CIVIL DIVISION
Docket No. _____
JUDGE _____
[TITLE OF DOCUMENT]
CLASS ACTION (if applicable)
Real Estate Involved (if applicable):
(Address, municipality, ward if applicable; a tax identification number is required in all cases involving real estate.)
Filed on behalf of Plaintiff, JOHN DOE
Counsel of Record for this Party:
Henry Smith, Esquire
Pennsylvania I.D. #12345
Eeny, Meeny, Miny & Mo
Firm I.D #6789
123 South Main Street, Suite 100
Washington, PA 15301-0000
724-867-5309
724-987-6543 (fax)
emmm@domain.com

Rule L-208.4. Court Order.

In all cases in which the Court enters an order after initial consideration of a petition or motion, the Court may:

- (1) file and docket the order directly into the case management system and require the Prothonotary to perform service; or
- (2) require counsel, or the moving party if unrepresented, to retrieve and file the order immediately with the Prothonotary. Upon receipt of the order, the moving party shall serve a copy on all other parties within three (3) business days.

Rule L-210. Briefs.

(1) Absent a court order for cause shown, the body of a brief shall not exceed 3,000 words. Non-conforming or illegible briefs may not be considered in the discretion of the Court. All briefs shall use a proportionally spaced typeface in fourteen (14) point font; the proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. All other physical characteristics of a brief shall comply with Wash.L.R.C.P. 204.1.

- (2) Every brief shall contain the following:
 - (a) a brief history of the case;

- (b) a statement of the issue(s) involved;
 - (c) a copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, order, and/or transcript;
 - (d) an argument with citations of the authority relied upon;
 - (e) a citation or copy to any opinion of the Court or an agency involved in the case; and
 - (f) a conclusion.
- (3) No supplemental brief(s) shall be filed, absent an order of court.
- (4) Unless otherwise ordered by the Court, the brief of a moving party shall be filed contemporaneously with the motion. The brief of the responsive party shall be filed at least ten (10) days prior to the argument.

(5) This rule shall not apply to any brief filed in support of, or in opposition to, a motion for post-trial relief pursuant to Pa.R.C.P. 227.1.

Rule L-212.7. Washington County Civil Litigation Mediation Program.

(1) In the discretion of the assigned Judge, a case may be ordered to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos

cases, cases ordered to private mediation under this rule, or professional liability cases. The selection of a case for mediation shall not delay any scheduled trial of the matter.

(2) The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. An approved list of mediators shall be maintained by the District Court Administrator. The parties may agree to a particular mediator from the list if permitted by the Court.

(3) Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance, in person, of trial counsel, the parties, and the representative of the defendant's insurance carrier, with authority to enter into a full and complete compromise and settlement, is mandatory. If trial counsel, the parties, or a representative fail to appear, absent good cause, the mediation will not be held and sanctions, upon request of the mediator, shall be entered against the non-appearing individual(s) by the Court. Sanctions may include an award of reasonable mediator and attorney's fees and other costs associated with the failure to appear.

(4) At least seven (7) days prior to the mediation, each party shall file, with the mediator, a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) a summary of medical and expert reports (if applicable); (4) an itemized list of damages; and (5) settlement posture and rationale.

(a) This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to rule of court, in which case the mediation statement shall only provide updated or additional information.

(b) Failure to file a mediation statement may result in sanctions, if requested by the mediator.

(5) Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the Court Administrator. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator.

(6) If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information:

- (a) the mediator's assessment of liability;
- (b) the mediator's assessment of damages;
- (c) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case;
- (d) the Plaintiff's final settlement demand;
- (e) the Defendant's final settlement offer; and
- (f) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

(7) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the Court Administrator.

(8) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be

liable to and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

Comment: Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa.Con.Stat. § 5949.

(9) Notwithstanding the preceding subsections and Wash.L.R.C.P. 1042.1—1042.20, the Court may in its discretion submit a civil case for an alternative dispute resolution ("ADR") before a private mediator/arbitrator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered ADR, unless otherwise agreed upon; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

(a) The method of ADR shall be in the discretion of the private mediator/arbitrator.

(b) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(c) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator/arbitrator on their own initiative.

Note: When selecting a case for ADR before a private mediator, the Court shall consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

Rule L-212.8. Mini-Jury Trials.

(1) *Purposes.* The purpose of mini-jury trials is to establish a less formal procedure for the resolution of civil actions for money damages while preserving the right to a jury trial de novo. As a part of the Court's pre-trial procedure, the Court may refer cases for a mini-jury trial upon motion of a party or sua sponte.

(2) *Preliminary considerations.* The following shall be considered, but shall not be controlling, in determining if civil cases are amenable for a mini-jury trial.

(a) *Time necessary for regular trial.* The Court will determine if the regular trial time would be three (3) days or more.

(b) *Consent of attorneys.* While the Court will attempt to obtain the consent of the attorneys to a mini-jury trial, the Court shall have the authority to direct a mini-jury trial as an extension of the settlement conference.

(c) *Existing offer and demand.* The Court will attempt to obtain the agreement of counsel to keep any current offer or demand open for forty-eight hours after the mini-jury trial verdict.

(d) *Credibility.* The Court will determine if the major issues will be resolved on the basis of credibility.

(e) *Appeals from arbitration.* Cases appealed from arbitration will be presumptive candidates for mini-jury trials.

(3) The following procedures shall apply to all mini-jury trials:

(a) *Attendance of parties.* Individual parties shall attend the mini-jury trial in person. An officer or other

responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the mini-jury trial.

(b) *Non-binding effect.* Mini-jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the mini-jury trial shall be binding on counsel, the parties, nor shall anything constitute a waiver, unless specifically stipulated to or agreed upon by the parties.

(c) *Special verdict questions.* Cases will be submitted to the jurors by way of special verdict questions. Counsel shall submit to the Special Master, forty-eight (48) hours prior to the selection of the jury, a joint statement or proposed special verdict questions, for use at trial. If counsel cannot agree on a joint statement, the Special Master will select the special verdict questions to be used. Special verdict questions for the mini-jury trial need not be the same as those for a regular jury trial. The jury will determine the amount of damages in all cases, regardless of whether a defendant is found to be liable or not liable. The Special Master will determine the format to be used and make rulings on disputed questions.

(d) *Size of Jury.* The number of jurors shall be six (6) and the agreement of five-sixths of the jury shall be necessary to reach a verdict. There shall be no preemptory challenges to jurors, but jurors may be excused for cause.

(e) *Presentation of the case by counsel.* Each side shall be entitled to one hour for presentation of its case unless counsel presents a compelling reason at a pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel may involve a combination of argument, summarization of evidence to be presented at the regular trial, and a statement of the applicable law but only to the extent it is needed to be known by the jury in answering the special verdict questions. Counsel may call witnesses, but cross-examination shall only be done as part of a party's presentation of its case. Counsel may quote from depositions and/or reports to the extent that such evidence can reasonably be anticipated to be admissible at the time of trial. Counsel should not refer to evidence which would not be admissible at trial. The Plaintiff shall proceed first and shall have a five (5) minute rebuttal following the presentation of the defendant's case.

(f) *Applicable law.* The Special Master will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The points for charge shall be submitted jointly by the parties to the Special Master forty-eight (48) hours prior to the selection of the mini-jury. The Special Master shall decide on any disputes on a point for charge.

(g) *Jury verdict.* The jury will be asked to return a verdict if five-sixth of them agree to it. (The same five-sixth majority need not answer each special verdict question.)

(h) *Length of Deliberations.* If the jury does not reach a five-sixth majority verdict within a reasonable time, the Special Master will consider polling the jurors individually.

(i) *Oral Questions to Mini-Jury.* After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered "yes" or "no" or by a dollar figure may be asked. The attorneys shall be limited to ten questions each unless a greater number is allowed by the Special Master. No questions

shall be asked such that the answers will disclose the personal view of any particular member of the jury.

(j) *Scheduling Regular Trial.* Should the mini-jury trial not result in a settlement, the regular trial shall not be held the same calendar week unless the jury is dismissed and will not come into contact with the balance of the venire.

(k) *Release of verdict.* The mini-jury trial is an extension of the settlement conference, and the verdict shall not be filed or otherwise made public.

(4) *Selection of Special Masters.* The Court Administrator shall maintain a roster of approved Special Masters, who shall be attorneys admitted to practice for not less than ten (10) years. The parties may agree upon a Special Master who is not on the roster maintained by the Court Administrator, provided that the name of such person is submitted to, and approved by, the President Judge or the judge to whom the case is assigned.

(5) Each party to a case selected for mini-jury trial shall pay a fee made payable to the County of Washington and submitted to the Office of the Court Administrator for processing. The mini-jury trial fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator. The special master shall be compensated at a commensurate rate to their service, as established by the Court Administrator and approved by the Court.

(a) *Application Process.* Any lawyer possessing the qualifications may submit a written request to serve as a Special Master to the Court Administrator. The President Judge shall certify as many Special Masters as determined to be necessary for the program.

(b) *Withdrawal by Special Master.* Any person whose name appears on the roster maintained by the Court Administrator may ask to have his/her name removed or, if selected to serve, decline to serve but remain on the roster.

(c) *Disqualification.* Persons selected to be Special Masters shall be disqualified for bias or prejudice and shall disqualify themselves in any action in which they would be required to disqualify themselves if they were a judge.

(6) *Sanctions.* If a party, or their counsel, fails to comply with this rule, the Special Master may continue the mini-jury trial to another date as selected by the Court Administrator. If the mini-jury trial is continued, the Court may enter sanctions against the offending party or counsel, including the imposition of counsel fees, juror costs, and any other appropriate relief.

Rule L-227.1. Motion for Post-Trial Relief.

(1) Any post-trial motions shall be filed with the Prothonotary in accordance with Pa.R.C.P. 227.1, together with a transcript request form designating that portion of the record to be transcribed.

(2) All post-trial motions must specify the grounds relied upon as provided by Pa.R.C.P. 227.1(b)(2).

(3) Unless otherwise ordered by the Court, a brief in support of post-trial motions shall be filed within thirty (30) days following receipt of the transcript or, if no request for transcript has been made by either party, within thirty (30) days of the date of the filing of the post-trial motion.

(4) Unless otherwise provided by the Court, briefs in opposition to post-trial motions shall be filed within twenty (20) days from the date of the filing of the brief of the moving party.

(5) A certificate of service shall accompany all briefs filed hereunder.

Rule L-240. In Forma Pauperis.

(1) A party seeking leave to proceed in forma pauperis shall apply to the Court for such status. The application shall include as an attachment the affidavit of the party demonstrating an inability to pay the costs of litigation.

Note: The affidavit form is set forth in Pa.R.C.P. 240; application forms are available in the County Law Library. Presentation of the application to the Court must comply with the requirements of Local Rule 208.3(a).

(2) Legal counsel employed by or affiliated with Summit Legal Aid are authorized to file a praecipe for in forma pauperis status on behalf of their client.

(3) The Prothonotary shall accept for filing by a party a praecipe as provided by Pa.R.C.P. 240(d), or an application under this rule, without charge to the party.

(a) Except as provided in Wash.L.R.C.P. 1915.37, upon withdrawal of an attorney who has filed a praecipe on behalf of a client pursuant to Pa.R.C.P. 240(d), the party must file a petition to for leave to proceed in forma pauperis to continue to have the costs of litigation waived as set forth in Pa.R.C.P. 240(f).

(4) If there is an improvement in the financial circumstances of a party which will enable the party to pay costs, the party must immediately file a praecipe to decertify in forma pauperis status. The Prothonotary shall not be permitted to retroactively charge previously waived costs to a party because of a change in economic status or if a party is no longer receiving free legal service from an attorney.

Rule L-440. Service of Copies of Legal Papers.

(1) Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by:

(a) the procedures for electronic service set forth in Pa.R.C.P. 205.4 and Wash.L.R.C.P. 205.4; or

(b) facsimile transmission if the requirements of Pa.R.C.P. 440(d)(1)—(3) are satisfied.

(2) It is the responsibility of the attorney, or a party if unrepresented, to maintain valid physical and electronic mail addresses with the Prothonotary and the C-Track E-Filing portal.

Rule L-1028(c). Procedures for Disposition of Preliminary Objections.

(1) All preliminary objections shall be filed with the Prothonotary.

(2) The issues raised in all preliminary objections shall be disposed of at regular sessions of Argument Court, which shall be scheduled as part of the annual court calendar, and shall follow the procedures set forth below.

Comment: See Wash.L.R.C.P. 302, entitled "Argument Court. Argument List."

(3) The Court Administrator shall maintain the Argument Court list.

(4) The schedule for briefs shall be in accordance with these local rules, unless otherwise ordered by the Court.

(5) The argument list shall be closed thirty (30) days prior to the date for argument. The list shall then be prepared by the Court Administrator and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties who have cases listed for argument of the listing by regular mail.

(6) Briefs shall be filed of record and conform to the requirements of Wash.L.R.C.P. 210.

(7) Issues raised, but not briefed, shall be deemed abandoned.

(8) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear; e.g., "(R. pg. 30 L. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

(9) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes total, unless prior permission is granted to extend argument for cause shown.

(10) The Court may decide a case on briefs only sua sponte, or upon motion of a party.

(11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no less than seven (7) days prior to Argument Court. The Court shall continue an argument only upon good cause shown.

Rule L-1034(a). Procedures for Disposition of a Motion for Judgment on the Pleadings.

All motions for judgment on the pleadings shall be filed with the Prothonotary. The procedures for the disposition of a motion for judgment on the pleadings shall be identical to those described in Wash.L.R.C.P. 1028(c).

Rule L-1035.2(a). Procedures for Disposition of a Motion for Summary Judgment.

All motions for summary judgment shall be filed with the Prothonotary. The procedures for the disposition of a motion for summary judgment shall be identical to those described in Wash.L.R.C.P. 1028(c).

Rule L-1041.1. Asbestos Litigation.

(1) Upon filing of a case in asbestos the case shall be assigned to a judge, who shall preside over all proceedings relating to the case.

(2) All pleadings and proposed orders shall include a caption substantively as follows:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

<p>John Doe,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>Big Corporation, Inc.</p> <p style="text-align: right;">Defendant.</p>		<p>No. _____</p>
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(3) In all asbestos cases, the course of litigation shall be governed by the terms set forth in a case management order (“CMO”).

a. Any party may present a CMO to the Court for approval within sixty (60) days of the filing of the complaint. The proposed CMO shall set forth the actual dates in which each stage of the litigation must be completed.

(4) In the absence of a CMO approved by the Court within sixty (60) days from the filing of the complaint, the Court shall enter the following CMO:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

<p>John Doe,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>Big Corporation, Inc.</p> <p style="text-align: right;">Defendant.</p>		<p>No. _____</p>
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CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20 __, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. This Case Management Order (“CMO”) shall govern the litigation in the above-captioned matter.
2. Within sixty (60) days of the commencement of the action, defendants shall select an attorney from one of their number to act as lead defense counsel. Lead defense counsel shall promptly file a notice of his or her selection with the Prothonotary. In the event that lead defense counsel ceases to act in that capacity, the defendants shall select a replacement within thirty (30) days. Replacement lead counsel shall promptly file a notice of his or her selection with the Prothonotary.
3. Plaintiff’s Answers to Standard Short Form Interrogatories shall be served on all defense counsel within six (6) months of the date of the filing of the complaint.
4. The parties shall disclose all known fact witnesses within eight (8) months of the date of the filing of the complaint.
5. Discovery shall be completed within fourteen (14) months of the date of the filing of the complaint.
6. All Motions for Summary Judgment shall be filed within sixteen (16) months of the filing of the complaint.
7. Responses to the Motions for Summary Judgment shall be filed within seventeen (17) months of the filing of the complaint.
8. After the responses to the Motions for Summary Judgment have been filed, any party may present a motion for argument date. Arguments for all Motions for Summary Judgment shall be heard on the same day.
9. Plaintiff shall file a pre-trial statement within twenty-one (21) months of the date of the filing of the complaint.
10. Defendant(s) shall file a pre-trial statement within thirty (30) days of the filing of Plaintiff’s pre-trial statement.
11. The pre-trial statements shall contain a narrative statement, a list of any expert witnesses intended to be called at trial, all expert reports, and an assessment of damages. The pre-trial statement shall also include any presently known

motions in limine and any legal research, memorandum, or brief in support thereof. Failure to file a motion in limine shall bar a future filing, unless said motion could not be anticipated prior to the filing of the pre-trial statement.

12. Upon the filing of pre-trial statements by all active parties, the Court Administrator shall place the case on the trial list of the assigned judge.

13. This CMO may be modified by agreement of all parties, subject to Court approval, or upon motion of any party for good cause shown.

BY THE COURT

_____, J.
ASSIGNED JUDGE

(5) It is the responsibility of the moving party to file all original Orders with the Prothonotary. Further, the moving party shall serve copies of all Orders upon all counsel of record and any pro se litigant. If the Court serves copies of any Order, such service shall be made to counsel for the plaintiff and lead counsel for the defendants, who shall be responsible for providing service upon all counsel of record and any pro se litigant.

Rule L-1303.1. Scheduling of Arbitration Hearing. Discovery Time Limits.

(1) A matter subject to compulsory arbitration shall be scheduled for a hearing as set forth below.

(a) An appeal of a decision of a magisterial district judge pursuant to Pa.R.M.D.J. 1002 shall be scheduled for arbitration within one hundred twenty (120) days of the filing of the appeal in the Court of Common Pleas.

(b) All other matters subject to compulsory arbitration shall be scheduled at the direction of the Court Administrator.

(c) The parties may seek to schedule an arbitration hearing earlier than the limits listed above in subsection (b) upon the filing of a joint praecipe with the Prothonotary.

i. There shall be no discovery permitted after the filing of a joint praecipe.

(2) Discovery in all matters subject to compulsory arbitration other than appeals pursuant to Pa.M.D.J. 1002 shall be limited to one hundred fifty (150) days from the commencement of the action, unless otherwise ordered by the Court for good cause shown. In no case shall discovery be permitted to exceed two hundred forty (240) days.

(3) If a party fails to appear for a scheduled arbitration hearing, the Court may act as follows:

(a) immediately hear the matter as an ex parte, non-jury trial and enter a verdict; or

(b) order the matter to proceed to arbitration for a hearing and the entry of an award by the arbitration panel.

(4) A non-jury verdict entered by the Court shall not exceed \$50,000.00 to any party, exclusive of costs and interest.

Comment: When the Court “hears the matter,” it accelerates the time for conducting a de novo trial. However, the proceeding is still a “trial” and the rules otherwise applicable to a trial in the Court of Common Pleas are not suspended. Therefore, counsel, or a party if unrepresented, should be prepared to present testimony and introduce evidence at the trial, and the Court should make findings of fact and conclusions of law. See *Hayes v. Donohue Designer Kitchen, Inc.*, 818 A.2d 1287 (Pa.Super.Ct. 2003).

Rule L-1308. Appeals from Arbitration.

All appeals from arbitration must be timely filed with the Prothonotary accompanied by payment in the amount of \$500.00 or 50% of the amount in controversy, whichever is less.

Rule L-5000.1. Real Estate Tax Assessment Appeal.

(1) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned “Petition for Real Estate Tax Assessment Appeal” or “Petition for Real Estate Tax Exemption Appeal” and filed with the Prothonotary within the time prescribed by statute.

(2) The appeal shall contain the following:

(a) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(b) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(c) Name and address of the taxpayer(s), and any other party to the appeal.

(d) Nature of and reasons for the appeal.

(e) Reference to the decision of Washington County Board of Assessment Appeals (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board’s notice of decision shall be attached as an exhibit to the petition.

(f) *Reason(s) for the appeal.* The petition shall identify whether the challenge is based on fair market value, base year value, or a constitutional challenge based on uniformity.

(g) A verification in accordance with Pa.R.C.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(3) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses,

and any other party, in the manner prescribed by Pa.R.C.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Washington County.

(4) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(5) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(6) All appeals shall be subject to Pa.R.C.P. 1012, 1023.1, and 1025.

(7) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(8) No appeal may be withdrawn without the consent of all other parties, or leave of court.

Note: The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa.Comm.w.Ct. 1997).

[Pa.B. Doc. No. 24-715. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Approval and Adoption of Local Rule of Civil Procedure L-205.4; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Civil Procedure L-205.4, as set forth following this Order, is *Approved and Adopted*.

The above-identified local rule of civil procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

Rule L-205.4. Electronic Filing of Legal Papers.

For the purposes of this rule, the following words shall have the following meaning:

“case management system,” means an electronic document repository maintained, administered, and managed by the Court to track information and manage cases;

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmission;

“filing party,” an attorney, party, or other person who files a legal paper by means of electronic filing; and

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(a) *Electronic filing.* Beginning January 1, 2025, the filing of legal papers with the Prothonotary of the Court of Common Pleas of Washington County, 27th Judicial District, is required to be done electronically unless otherwise excluded below. Prior to the date identified in the preceding sentence, the filing of legal papers electronically shall be permissive.

(1) Notwithstanding the previous section, the following legal papers shall not be filed electronically:

(i) a complaint for custody;

(ii) a complaint for divorce that includes a count for custody;

(iii) an appeal taken pursuant to Pa.M.D.J. 1002 through 1008;

(iv) a notice of appeal from a decision of the court of common pleas pursuant to Chapter 9 of the Rules of Appellate Procedure;

(v) an appeal from an award by a board of arbitration;

(vi) an appeal of a suspension of a driver’s license or motor vehicle registration;

(vii) exemplification of records;

(viii) filings under seal;

(ix) a petition for a name change;

(x) praecipe to continue an arbitration hearing;

(xi) praecipe to reinstate a complaint;

(xii) praecipe to reissue a writ of summons;

(xiii) a request for special relief pursuant to Pa.R.C.P. 1531;

(xiv) a request for a second or subsequent continuance of an arbitration hearing;

(xv) filing of a bond, supersedeas, or any other monies into court; and

(xvi) oversized documents that cannot be reduced to an 8.5 by 11-inch paper format.

(2) 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.

(3) Actions for child support or alimony are filed in the Domestic Relations Section and are not subject to this rule.

(b) *Document Format.*

(1) Electronically filed legal papers shall be presented in a portable document format (PDF).

(2) If a legal paper contains a proposed order of court, the filing party shall separately file only the proposed order in a Microsoft Word format.

(3) In the event any legal paper is presented in hard copy for filing, the Prothonotary shall convert and maintain the legal paper as a PDF. The physical legal paper

shall be returned to the filing party for retention in accordance with Pa.R.C.P. 205.4(b)(4).

(c) *Electronic Access.*

(1) The Prothonotary shall provide sufficient terminals for use by filing parties and to provide for public access to court records.

(a) The Prothonotary shall make the terminals available for use during business hours as established by the President Judge.

(b) The Prothonotary shall provide assistance to users of the public terminals in accordance with Pa.R.C.P. 205.4.

(2) The designated website for electronic filing is the C-Track E-Filing Portal, which can be accessed by clicking on the “e-File” link on the Court’s website (www.washingtoncourts.us).

(3) All electronic filers must register with the C-Track E-Filing Portal by clicking on the “Register as an E-Filer” link of the designated website.

(4) Use of the C-Track E-Filing Portal shall be in accordance with the user manual (if applicable), this local rule, and all instructions contained on the designated website.

(5) Registered users that submit electronic filings shall be individuals, and not law firms, agencies, corporations, or other groups; provided, however, that the filer of a legal paper must be a party or counsel of record.

(d) *Fees.*

(1) The Prothonotary shall accept payment of all electronic filings fees through credit or debit card. The payment processor shall be approved by the Court through the President Judge, or his or her designee.

(a) A reasonable convenience fee may be charged for the use of a credit or debit card.

(b) The Prothonotary may not accept alternate payment or a deposit of funds in advance of filing; provided however, that a filing party who utilizes a public terminal may pay all fees associated with the filing by cash or money order in addition to those methods prescribed in paragraph (1).

(2) The Prothonotary shall collect a user fee for the filing of certain legal papers as established by the Court through the President Judge. The user fee and list of legal papers shall be delineated by Administrative Order.

(e) *Acceptance of Filing.*

(1) In the event that a legal paper is to be filed by a deadline, the filing shall be timely if filed by 11:59:59 P.M. EST/EDT on the day of the deadline.

Note: The electronic filing system is presumed to always be available. However, there will be times that the system is unavailable due to maintenance or other reasons. In such an event, the filing party shall make all reasonable attempts to file the legal paper as soon as the unavailability ends.

(2) The Court upon motion shall resolve any dispute arising under the preceding paragraph or Pa.R.C.P. 205.4(e). If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted, or filed by the system or Prothonotary, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that the filing party made reasonable efforts to present and file the paper in a timely manner.

(3) If a legal paper is accepted by the Prothonotary, it shall be deemed to have been filed upon the date and time it was received by the C-Track E-Filing Portal; provided, however, that the Prothonotary is authorized to refuse for filing a legal paper that is submitted without the requisite fee being paid.

(4) Nothing shall prohibit the Court and/or District Court Administrator, or their respective designees, from directly filing an order, notice, or transcript into the C-Track case management system or E-Filing Portal. For purposes of this rule, an order may include an unfiled motion or petition that is attached to order once it has been signed by a common pleas judge.

(f) *Filing Status; Record; and Other Procedures.*

(1) Upon receipt of an electronic filing, the Prothonotary shall provide the filing party with an e-mail notification, or automated notification from the C-Track E-Filing Portal, which includes the date and time the document was received by the C-Track E-Filing Portal.

(2) After review of the electronic filing, the Prothonotary shall provide the filing party with a second e-mail notification, or automated notification from the C-Track E-Filing Portal, that the document has been accepted for filing (“filed”) or refused and not accepted for filing and the reason.

(3) When a legal paper is accepted by the Prothonotary, the PDF is considered part of the official record. Proposed orders filed in Microsoft Word are to aid the Court and not part of the official record.

(4) The Prothonotary shall maintain hard copies of the following documents regardless of the method of filing:

(i) a final order in an Abuse Act case until five years after the date of the order;

(ii) a verdict;

(iii) a final order in a petition for a name change; and

(iv) a divorce decree.

For all other legal papers, notices, or orders filed or maintained electronically under this Rule, the Prothonotary is not required to maintain a hard copy.

(5) Hard copy case files in existence at the time this Rule is adopted must continue to be maintained by the Prothonotary. Except as otherwise authorized by the Court through the President Judge, the Prothonotary may only purge a case file upon closure of the case if the legal papers in the case file are scanned into the C-Track case management system in a PDF format. To purge a case file, the Prothonotary must file an attestation that the electronic documents represent a full and complete copy of the papers in the case file.

Note: This paragraph does not apply to cases that are expunged in accordance with statute, rule, or order of court.

(6) When an electronic filer files a document that should be marked “confidential” or otherwise secured, the filer shall indicate such required security at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

Note: A docket entry, legal paper, or other information may only be sealed by the Court upon issuance of an order. A party may not seal a filing sua sponte; rather, the party should present a motion if requesting that a case or filing be sealed.

(7) All electronic filing fees and costs shall be submitted and collected according to subsection (d) of this Rule.

(8) Except as provided in Pa.R.C.P. 240, the Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the C-Track E-Filing Portal. If a legal paper is submitted without the requisite fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. If the pleading or legal paper other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. 205.4(g)(2)(ii).

(9) Attachments, including exhibits, required to be part of any filing, shall be filed electronically at the same time as the legal paper. An attachment or exhibit that exceeds the technical standards for the C-Track E-Filing Portal or is unable to be electronically filed due to its physical characteristics must be filed in person within one business day of the filing of the legal paper.

(g) *Service.* The C-Track E-Filing Portal will automatically distribute a copy of any legal paper filed in a case to each registered C-Track user who has entered his or her appearance in that case and has been selected by the electronic filer to receive electronic service. Such automatic distribution by the C-Track E-Filing Portal of electronically filed legal papers other than original process constitutes service in accordance with the Pennsylvania Rules of Civil Procedure. The electronic filer must serve the electronically filed legal papers upon any opposing parties or attorneys who are not registered users of the C-Track E-Filing Portal in accordance with the Pennsylvania Rules of Civil Procedure.

(1) Service through the C-Track E-Filing Portal upon transmission on a Saturday, a Sunday, a holiday recognized by Court, or after 5:00 P.M. EST/EDT, shall be considered complete on the next business day.

(2) Establishment as a registered user of the C-Track E-Filing Portal constitutes consent to participate in electronic filing, including acceptance of service electronically of any document, other than original process, filed on the C-Track E-Filing Portal in any type of civil proceeding that permits electronic filing.

(3) Use of the C-Track E-Filing Portal does not relieve a party of service requirements for a notice of appeal pursuant to Pa.R.A.P. 906(a)(2)–(4).

(h) *Civil Cover Sheet.* The filing of a cover sheet pursuant to Pennsylvania Rule of Civil Procedure 205.5 is not required in the C-Track E-Filing Portal.

(i) *Termination Notices for Inactive Cases.* In addition to the procedures set forth in Pa.R.C.P. 230.2, notice of proposed termination for inactive cases may be accomplished electronically in cases where a party is a registered user of the C-Track E-Filing Portal.

(j) *Public Access Policy.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania. Use of electronic filing does not relieve any obligation regarding the filing of confidential information and/or documents.

(k) *Signature and Verification.* A legal paper filed electronically is deemed an original document.

(1) A legal paper filed electronically must include a signature block for the name of the authorized filer.

(2) A required signature shall be supplied either by filing a scanned image of the legal paper that bears the original signature of the filer, or, by affixing the digitalized signature, or the name of the filer preceded by /s/, and the printed name of the attorney, to the electronically filed legal paper.

[Pa.B. Doc. No. 24-716. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Approval and Adoption of Local Rule of Orphans' Court Procedure L-O.C. 4.7; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, having received approval from the appropriate statewide rules committee in accordance with Pennsylvania Rule of Judicial Administration 103(d)(4), it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Orphans' Court Procedure L-OC 4.7, as set forth following this Order, is *Approved and Adopted*.

The above-identified local rule of Orphans' Court procedure shall be effective June 20, 2024, and following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;
3. File one (1) copy of this Administrative Order in the Orphans' Court at docket OC-2024-1;
4. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and
5. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

L-O.C. Rule 4.7. Electronic Filing.

For the purposes of this rule, the following words shall have the following meaning:

“case management system,” means an electronic document repository maintained, administered, and managed by the Court to track information and manage cases;

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmission;

“filing party,” a party or counsel of record who files a legal paper by means of electronic filing; and

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(a) *Electronic Filing.* Beginning June 20, 2024, a filing party may electronically file legal papers with the Regis-

ter of Wills/Clerk of the Orphans' Court ("clerk") following the procedures set forth in this Rule and consistent with the procedures set forth in Pa.R.O.C.P. Rule 4.7.

(1) Notwithstanding the preceding paragraph, the following legal papers may not be filed electronically:

- (i) Grant of letters;
- (ii) Inheritance tax return; and
- (iii) An original will or codicil.

Note: Filings made pursuant to Pa.R.O.C.P. 14.8 and Pa.R.J.A. 510 must be done in the Guardianship Tracking System, and not via C-Track.

(2) 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) *Electronic Filing of Legal Paper.*

(1) Electronically filed legal papers shall be submitted in a portable document format ("PDF").

(2) If a legal paper contains a proposed order of court, the filing party shall separately file only the proposed order in a Microsoft Word format.

(3) In the event any legal paper is presented in hard copy for filing, the clerk shall convert and maintain the legal paper as a PDF. The physical legal paper shall be returned to the filing party for retention in accordance with Pa.R.O.C.P. Rule 4.7(b)(2), with the exception of an original will or codicil. If an original will or codicil is filed, the clerk shall scan and retain the testamentary writing for a minimum of ten (10) years after the closure of the case.

(c) *Signature and Verification.*

(1) A legal paper filed electronically is deemed an original document.

(2) A legal paper filed electronically must include a signature block for the name of the authorized filer.

(3) A required signature shall be supplied either by filing a scanned image of the legal paper that bears the original signature of the filer, or, by affixing the digitalized signature, or the name of the filer preceded by /s/, and the printed name of the attorney, to the electronically filed legal paper.

(d) *Website and Filing Date.*

(1) The clerk shall provide sufficient terminals for use by filing parties and to provide for public access to court records.

(i) The clerk shall make the terminals available for use during business hours as established by the President Judge.

(ii) The clerk shall provide assistance to users of the public terminals.

(2) The designated website for electronic filing is the C-Track E-Filing Portal, which can be accessed by clicking on the "e-File" link on the Court's website (www.washingtoncourts.us).

(3) All electronic filers must register with the C-Track E-Filing Portal by clicking on the "Register as an E-Filer" link of the designated website.

(4) Use of the C-Track E-Filing Portal shall be in accordance with the user manual (if applicable), this local rule, and all instructions contained on the designated website.

(5) Registered users that submit electronic filings shall be individuals, and not law firms, agencies, corporations, or other groups; provided, however, that the filer of a legal paper must be a party or counsel of record.

(6) In the event that a legal paper is to be filed by a deadline, the filing shall be timely if filed by 11:59:59 P.M. EST/EDT on the day of the deadline.

(7) If a legal paper is accepted by the clerk, it shall be deemed to have been filed upon the date and time it was received by the C-Track E-Filing Portal; provided, however, that the clerk is authorized to refuse for filing a legal paper that is submitted without the requisite fee being paid.

(8) Nothing shall prohibit the Court and/or District Court Administrator, or their respective designees, from directly filing an order or notice into the C-Track case management system or E-Filing Portal. For purposes of this rule, an order may include an unfiled motion or petition that is attached to an order once it has been signed by a common pleas judge.

(9) Upon receipt of an electronic filing, the clerk shall provide the filing party with an e-mail notification, or automated notification from the C-Track E-Filing Portal, which includes the date and time the document was received by the C-Track E-Filing Portal.

(10) After review of the electronic filing, the clerk shall provide the filing party with a second e-mail notification, or automated notification from the C-Track E-Filing Portal, that the document has been accepted for filing ("filed") or refused and not accepted for filing and the reason.

(11) When a legal paper is accepted by the clerk, the PDF is considered part of the official record. Proposed orders filed in Microsoft Word are to aid the Court and shall not be part of the official record.

(12) When an electronic filer files a document that should be marked "confidential" or otherwise secured, the filer shall indicate such required security at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

(i) Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania. Use of electronic filing does not relieve any obligation regarding the filing of confidential information and/or documents.

(ii) Electronic filings that contain "Confidential Information" as defined by the Case Records Public Access Policy of the Administrative Office of Pennsylvania Courts shall be filed appropriately redacted, as required under the Public Access Policy. The electronic filer shall separately electronically file a Confidential Information Form and shall indicate that the form is a confidential filing at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

(iii) Electronic filings that contain "Confidential Documents" as defined by the Case Records Public Access Policy of the Administrative Office of Pennsylvania Courts shall be marked confidential at the time of their filing submission through the prompts on the C-Track E-Filing Portal. The electronic filer shall separately file a publicly accessible Confidential Document Form indicating the confidential documents and the type of pleading.

Note: A docket entry, legal paper, or other information may only be sealed by the Court upon issuance of an order. A filing party may not seal a filing sua sponte;

rather, the filing party should present a motion if requesting that a case or filing be sealed.

(e) *Delay in Filing.* The Court upon motion shall resolve any dispute arising under Pa.R.O.C.P. Rule 4.7(e). If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted, or docketed by the system or clerk, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that the filing party made reasonable efforts to present and file the paper in a timely manner.

(f) *Fees.*

(1) The clerk shall accept payment of all electronic filings fees through credit or debit card. The payment processor shall be approved by the Court through the President Judge, or his or her designee.

(i) A reasonable convenience fee may be charged for the use of a credit or debit card. The convenience fee shall be set by the Court through the President Judge, or his or her designee.

(ii) The clerk may not accept alternate payment or a deposit of funds in advance of filing; provided however, that a filing party who utilizes a public terminal may pay all fees associated with the filing by cash or money order in addition to those methods prescribed in paragraph (1).

(2) The clerk shall collect a user fee for the filing of certain legal papers as established by the Court through the President Judge. The user fee and list of legal papers shall be delineated by Administrative Order.

(3) The Court may require the payment of a one time or reoccurring user fee to access the public docket or legal papers through the C-Track E-Filing Portal. Such fees shall be delineated by Administrative Order and shall be published on the C-Track E-Filing Portal or on the Courts website (www.washingtoncourts.us).

(4) Payment of fees in person at the office of the clerk may be made in cash, check, money order, or by credit card/debit card. Payment of Inheritance Tax may only be made in person and shall not be accepted through the C-Track E-Filing Portal.

(g) *Service.* The C-Track E-Filing Portal will automatically distribute a copy of any legal paper filed in a case to each registered C-Track user who has entered his or her appearance in that case and has been selected by the electronic filer to receive electronic service. Such automatic distribution by the C-Track E-Filing Portal of electronically filed legal papers other than original process constitutes service in accordance with the Pennsylvania Orphans' Court Rules. The electronic filer must serve the electronically filed legal papers upon any opposing parties or attorneys who are not registered users of the C-Track E-Filing Portal in accordance with the Pennsylvania Orphans' Court Rules.

(1) Service through the C-Track E-Filing Portal upon transmission on a Saturday, a Sunday, a holiday recognized by Court, or after 5:00 P.M. EST/EDT, shall be considered complete on the next business day.

(2) Establishment as a registered user of the C-Track E-Filing Portal constitutes consent to participate in electronic filing, including acceptance of service electronically of any document, other than original process, filed on the C-Track E-Filing Portal in any type of proceeding that permits electronic filing.

(3) Use of the C-Track E-Filing Portal does not relieve a party of service requirements for a notice of appeal pursuant to Pa.R.A.P. 906(2)—(4).

(h) *Termination Notices for Inactive Cases.* In addition to the procedures set forth in Pa.R.J.A. 1901 and Local Rule of Judicial Administration 1901, notice of proposed termination for inactive cases may be accomplished electronically in cases where a party is a registered user of the C-Track E-Filing Portal.

(i) *Maintenance of Physical Files.* Hard copy case files in existence at the time this Rule is adopted must continue to be maintained by the clerk, as well as any physical case records created after the effective date of this rule.

(a) The clerk may only purge a case file upon closure of the case if the legal papers in the case record are scanned into the C-Track case management system in a PDF format. To purge a case record, the clerk must file an attestation that the electronic documents represent a full and complete copy of the papers in the case file, in addition to any requirements that may be required by Pa.R.J.A. 507 and the County Records Committee (16 P.S. § 13001, et seq.).

(b) Notwithstanding the previous subsection, the President Judge may require the clerk to create or maintain physical case records as necessary for the administration of justice and the business of the court.

[Pa.B. Doc. No. 24-717. Filed for public inspection May 17, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Rescission of Local Rule of Civil Procedure L-223A; No. 2024-1

Administrative Order

And Now, this 3rd day of May, 2024, it is hereby *Ordered, Adjudged, and Decreed* that Local Rule of Civil Procedure L-223A is *Rescinded*. In accordance with the applicable statewide rules of judicial administration, the custody of exhibits in civil cases shall be governed by Local Rules of Judicial Administration L-5101.1—L 5105.

This Order shall be effective following publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. 103(c)(5). The District Court Administrator is directed to:

1. File copies of this Administrative Order and the adopted local rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

2. File one (1) electronic copy of this Administrative Order and the adopted local rules with the Administrative Office of Pennsylvania Courts;

3. Arrange for the publication of the local rules on the website for the Twenty-seventh Judicial District, www.washingtoncourts.us, within thirty (30) days of the effective date; and

4. Cause a copy hereof to be published in the *Washington County Reports* once a week for two (2) successive weeks at the expense of the County of Washington.

By the Court

GARY GILMAN,
President Judge

[Pa.B. Doc. No. 24-718. Filed for public inspection May 17, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORY OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595 Abacus Federal Savings Bank
2 ACNB Bank
613 Allegent Community Federal Credit Union
375 Altoona First Savings Bank
376 Ambler Savings Bank
532 AMERICAN BANK (PA)
615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
648 Andover Bank (The)
377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
485 Bank of America, NA
662 BANK OF BIRD-IN-HAND
415 Bank of Landisburg (The)
596 Bank of Princeton (The)
664 BankUnited, NA
501 BELCO Community Credit Union
673 BENCHMARK FEDERAL CREDIT UNION
652 Berkshire Bank
663 BHCU
5 BNY Mellon, NA
392 Brentwood Bank
495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
618 Capital Bank, NA
**675 CENTRE 1ST BANK, A DIVISION OF OLD
DOMINION NATIONAL BANK**
394 CFS BANK
623 Chemung Canal Trust Company
599 Citibank, NA
238 Citizens & Northern Bank
561 Citizens Bank, NA
206 Citizens Savings Bank
576 Clarion County Community Bank
591 Clearview Federal Credit Union
23 CNB Bank
223 Commercial Bank & Trust of PA
21 Community Bank (PA)
371 Community Bank, NA (NY)
132 Community State Bank of Orbisonia
380 County Savings Bank
536 Customers Bank

Bank Code D.

339 Dime Bank (The)
27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
567 Embassy Bank for the Lehigh Valley
541 Enterprise Bank
28 Ephrata National Bank
601 Esquire Bank, NA
340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
158 1st Summit Bank
31 F & M Trust Company—Chambersburg
658 Farmers National Bank of Canfield
34 Fidelity Deposit & Discount Bank (The)
583 Fifth Third Bank
661 First American Trust, FSB
643 First Bank
174 First Citizens Community Bank
539 First Commonwealth Bank
674 First Commonwealth Federal Credit Union
504 First Federal S & L Association of Greene
County
525 First Heritage Federal Credit Union
42 First Keystone Community Bank
51 First National Bank & Trust Company of
Newtown (The)
48 First National Bank of Pennsylvania
426 First Northern Bank & Trust Company
604 First Priority Bank, a division of Mid Penn
Bank

592 FIRST RESOURCE BANK

657 First United Bank & Trust
408 First United National Bank
151 Firstrust Savings Bank
416 Fleetwood Bank
175 FNCB Bank
647 FORBRIGHT BANK
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
639 Freedom Credit Union
58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
362 Harleysville Savings Bank
363 Hatboro Federal Savings
463 Haverford Trust Company (The)
606 Hometown Bank of Pennsylvania
68 Honesdale National Bank (The)
605 Huntington National Bank (The)
608 Hyperion Bank

Bank Code I.

669 Industrial Bank
365 InFirst Bank
668 Inspire FCU
557 Investment Savings Bank
526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe Neighborhood Bank
488 Jonestown Bank & Trust Company
191 Journey Bank
659 JPMorgan Chase Bank, NA

72 JUNIATA VALLEY BANK (THE)**Bank Code K.**

651 KeyBank NA
414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
510 Marion Center Bank
387 Marquette Savings Bank
367 Mauch Chunk Trust Company
511 MCS (Mifflin County Savings) Bank
641 Members 1st Federal Credit Union
555 Mercer County State Bank
192 Merchants Bank of Bangor
671 Merchants Bank of Indiana
610 Meridian Bank
294 Mid Penn Bank
276 MIFFLINBURG BANK & TRUST COMPANY
457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
168 NBT Bank, NA
347 Neffs National Bank (The)
434 NEW TRIPOLI BANK
15 NexTier Bank, NA
666 Northern Trust Co.
439 Northumberland National Bank (The)
93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
489 OMEGA Federal Credit Union
94 Orrstown Bank

Bank Code P.

598 PARKE BANK
584 Parkview Community Federal Credit Union
40 Penn Community Bank
540 PennCrest Bank
419 Pennian Bank
447 Peoples Security Bank & Trust Company
99 PeoplesBank, a Codorus Valley Company
556 Philadelphia Federal Credit Union
448 Phoenixville Federal Bank & Trust
665 Pinnacle Bank
79 PNC Bank, NA
449 Port Richmond Savings
667 Premier Bank
354 Presence Bank
451 Progressive-Home Federal Savings & Loan Association
637 Provident Bank
491 PS Bank

Bank Code Q.

107 QNB Bank
560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank

Bank Code S.

153 S & T Bank
316 Santander Bank, NA

460 Second Federal S & L Association of Philadelphia
646 Service 1st Federal Credit Union
458 Sharon Bank
462 Slovenian Savings & Loan Association of Franklin-Conemaugh
486 SOMERSET TRUST COMPANY
633 SSB Bank
122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
143 TD Bank, NA
656 TIOGA FRANKLIN SAVINGS BANK
182 Tompkins Community Bank
660 Top Tier FCU
577 Traditions Bank
609 Tristate Capital Bank
672 Truist Bank
640 TruMark Financial Credit Union
467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
481 Union Building and Loan Savings Bank
634 United Bank, Inc.
472 United Bank of Philadelphia
475 United Savings Bank
600 Unity Bank
232 Univest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
121 Wayne Bank
631 WELLS FARGO BANK, NA
553 WesBanco Bank, Inc.
494 West View Savings Bank
473 Westmoreland Federal S & L Association
476 William Penn Bank
272 Woodlands Bank
573 Woori America Bank
630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

Name Change

- 81 Mars Bank—Change to 15 NexTier Bank, NA
- 182 Tompkins Vist Bank—Change to 182 Tompkins Community Bank
- 220 Republic First Bank, d/b/a Republic Bank—Change to 58 Fulton Bank, NA

Platinum Leader Change

- 596 Bank of Princeton (The)—Remove

Correction

Removal

[Pa.B. Doc. No. 24-719. Filed for public inspection May 17, 2024, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 244 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 7th day of May, 2024, it is hereby Ordered that the financial institutions named on the attached list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

Bank Code A.

- 595 Abacus Federal Savings Bank
- 2 ACNB Bank
- 613 Allegent Community Federal Credit Union
- 375 Altoona First Savings Bank
- 376 Ambler Savings Bank
- 532 AMERICAN BANK (PA)**
- 615 Americhoice Federal Credit Union
- 116 AMERISERV FINANCIAL**
- 648 Andover Bank (The)
- 377 Apollo Trust Company

Bank Code B.

- 558 Bancorp Bank (The)
- 485 Bank of America, NA
- 662 BANK OF BIRD-IN-HAND**
- 415 Bank of Landisburg (The)
- 596 Bank of Princeton (The)
- 664 BankUnited, NA
- 501 BELCO Community Credit Union
- 673 BENCHMARK FEDERAL CREDIT UNION**
- 652 Berkshire Bank
- 663 BHCU
- 5 BNY Mellon, NA
- 392 Brentwood Bank
- 495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

- 654 CACL Federal Credit Union
- 618 Capital Bank, NA
- 675 CENTRE 1ST BANK, A DIVISION OF OLD DOMINION NATIONAL BANK**

- 394 CFS BANK**
- 623 Chemung Canal Trust Company
- 599 Citibank, NA
- 238 Citizens & Northern Bank
- 561 Citizens Bank, NA
- 206 Citizens Savings Bank
- 576 Clarion County Community Bank
- 591 Clearview Federal Credit Union
- 23 CNB Bank
- 223 Commercial Bank & Trust of PA
- 21 Community Bank (PA)
- 371 Community Bank, NA (NY)
- 132 Community State Bank of Orbisonia
- 380 County Savings Bank
- 536 Customers Bank

Bank Code D.

- 339 Dime Bank (The)
- 27 Dollar Bank, FSB

Bank Code E.

- 500 Elderton State Bank
- 567 Embassy Bank for the Lehigh Valley
- 541 Enterprise Bank
- 28 Ephrata National Bank
- 601 Esquire Bank, NA
- 340 ESSA Bank & Trust

Bank Code F.

- 629 1st Colonial Community Bank
- 158 1st Summit Bank
- 31 F & M Trust Company—Chambersburg
- 658 Farmers National Bank of Canfield
- 34 Fidelity Deposit & Discount Bank (The)
- 583 Fifth Third Bank
- 661 First American Trust, FSB
- 643 First Bank
- 174 First Citizens Community Bank
- 539 First Commonwealth Bank
- 674 First Commonwealth Federal Credit Union
- 504 First Federal S & L Association of Greene County
- 525 First Heritage Federal Credit Union
- 42 First Keystone Community Bank
- 51 First National Bank & Trust Company of Newtown (The)
- 48 First National Bank of Pennsylvania
- 426 First Northern Bank & Trust Company
- 604 First Priority Bank, a division of Mid Penn Bank
- 592 FIRST RESOURCE BANK**
- 657 First United Bank & Trust
- 408 First United National Bank
- 151 Firstrust Savings Bank
- 416 Fleetwood Bank
- 175 FNCB Bank
- 647 FORBRIGHT BANK**
- 291 Fox Chase Bank
- 241 Franklin Mint Federal Credit Union
- 639 Freedom Credit Union
- 58 Fulton Bank, NA

Bank Code G.

- 499 Gratz Bank (The)
- 498 Greenville Savings Bank

Bank Code H.

- 244 Hamlin Bank & Trust Company
- 362 Harleysville Savings Bank
- 363 Hatboro Federal Savings

463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 668 Inspire FCU
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 191 Journey Bank
 659 JPMorgan Chase Bank, NA
 72 **JUNIATA VALLEY BANK (THE)**

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
 510 Marion Center Bank
 387 Marquette Savings Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 671 Merchants Bank of Indiana
 610 Meridian Bank
 294 Mid Penn Bank
 276 **MIFFLINBURG BANK & TRUST COMPANY**
 457 Milton Savings Bank

Bank Code N.

433 National Bank of Malvern
 168 NBT Bank, NA
 347 Neffs National Bank (The)
 434 **NEW TRIPOLI BANK**
 15 NextTier Bank, NA
 666 Northern Trust Co.
 439 Northumberland National Bank (The)
 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
 489 OMEGA Federal Credit Union
 94 Orrstown Bank

Bank Code P.

598 **PARKE BANK**
 584 Parkview Community Federal Credit Union
 40 Penn Community Bank
 540 PennCrest Bank
 419 Pennian Bank
 447 Peoples Security Bank & Trust Company
 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA

449 Port Richmond Savings
 667 Premier Bank
 354 Presence Bank
 451 Progressive-Home Federal Savings & Loan
 Association
 637 Provident Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of
 Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of
 Franklin-Conemaugh
 486 **SOMERSET TRUST COMPANY**
 633 SSB Bank
 122 Susquehanna Community Bank

Bank Code T.

638 3Hill Credit Union
 143 TD Bank, NA
 656 **TIOGA FRANKLIN SAVINGS BANK**
 182 Tompkins Community Bank
 660 Top Tier FCU
 577 Traditions Bank
 609 Tristate Capital Bank
 672 Truist Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Univest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 Washington Financial Bank
 121 Wayne Bank
 631 **WELLS FARGO BANK, NA**
 553 WesBanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 Woori America Bank
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.**

PLATINUM LEADER BANKS

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.*New**Name Change*

- 81 Mars Bank—Change to 15 NexTier Bank, NA
- 182 Tompkins Vist Bank—Change to 182 Tompkins Community Bank
- 220 Republic First Bank, d/b/a Republic Bank—Change to 58 Fulton Bank, NA

Platinum Leader Change

- 596 Bank of Princeton (The)—Remove

*Correction**Removal*

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