

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Rule of Judicial Administration *5101 and Rescission of Philadelphia Rule of Judicial Administration *1900; President Judge General Court Regulation; No. 6 of 2024

Order

And Now, this 10th day of June, 2024, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 16, 2024, to adopt Philadelphia Rule of Judicial Administration *5101, and rescind *1900 as follows to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the following local rules, has determined that Rule *5101 is consistent with applicable statewide rules, and has authorized their promulgation.

Now, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Local Rule of Judicial Administration *5101 is adopted, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is consistent with any general rule of the Supreme Court. This Order and the following local rule shall be filed with the Office of Judicial Records in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified paper copies of this Administrative Order and the following local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <https://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligence* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE NINA WRIGHT-PADILLA,
President Judge
Court of Common Pleas

Phila.R.J.A. No. *5101

Philadelphia Rule of Judicial Administration No. *5101

Rule *5101. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas.

(a) *General Rule*. In accordance with Pa.R.J.A. 5101, counsel and unrepresented parties shall present all exhib-

its, physical evidence and electronic evidence used and offered during trials or evidentiary hearings, which shall be inventoried, filed, and retained as provided in this rule.

(b) *Custody of Exhibits During Court Proceedings*. The tipstaff or other court staff designated by the presiding judge shall be the custodian of exhibits pursuant to Pa.R.J.A. 5102. The custodian shall secure and maintain all exhibits presented to the court during the proceedings, including during breaks and recesses.

(c) *Documentary Evidence*. Counsel and unrepresented parties may pre-mark exhibits. When possible, all documentary exhibits such as letters and reports should be 8-1/2 × 11 size. For oversized documentary evidence, see subsection (d).

(d) *Physical Evidence*. Physical evidence and oversized exhibits must be photographed by the proponent, converted to letter sized pdf and appropriately marked and produced during the trial or evidentiary hearing. Unless otherwise provided by the presiding judge, at the conclusion of the trial or evidentiary hearing, physical evidence shall be returned to the police in criminal cases and to counsel in civil cases for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(e) *Electronic Evidence*. Electronic evidence, including audio or video exhibits, must be produced by the proponent on a USB drive, CD/DVD, or other medium specified by the presiding judge or Office of Judicial Records.

(f) *Confidential Documents*. Confidential documents offered as exhibits shall be produced with a Confidential Document form as provided by the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (UJS Case Records Policy) as provided in Phila.R.J.A. No. *401. Confidential Documents are not accessible by the public.

(g) *Confidential Information*. Documents offered as exhibits which contain confidential information listed in the UJS Case Records Policy shall be produced in a Redacted Format. All confidential information will be contained on the confidential information sheet which is not accessible by the public.

(h) *Sealed Documents*. Any documents the presiding judge deems necessary to seal will not be accessible by the public. Exhibits that are ordered sealed cannot be electronically filed. They can be given to the tipstaff or other court staff designated by the presiding judge and will be manually uploaded or kept and sealed from the public view.

(i) *Exhibit List*. At the conclusion of the trial or evidentiary hearing, designated court staff shall inventory all exhibits and evidence, whether documentary, physical, electronic, audio, video or otherwise, and whether admitted or marked for identification. Any oversized exhibit, physical evidence or visual evidence not previously converted to letter size pdf format as provided in subsection (d) shall be photographed and/or converted to pdf letter size and marked. Each Exhibit and piece of evidence shall be clearly marked and placed on the Exhibit List which shall be reviewed and approved by the presiding judge, filed of record and copies provided to all parties no later than five days following the conclusion of the trial or evidentiary hearing. When submitting or uploading Ex-

hibit Lists and Exhibits, Counsel and unrepresented parties shall certify compliance with this rule by including the following language:

I certify that this filing is in compliance with Philadelphia Rule of Judicial Administration No. *5101 and all files submitted with this transaction were introduced as evidence during trial or other evidentiary hearing.

(j) *After Court Proceedings.* Exhibits and evidence shall be made part of the record as follows:

(1) *Trial Division:*

a. *Civil Section:* within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall upload their documentary exhibits through the Electronic Filing System and, if not already done, provide to the Office of Judicial Records a USB drive, or CD/DVD with audio or video evidence, as provided in this rule. The Office of Judicial Records shall either upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program, or retain any USB drive, or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

b. *Criminal Section:* within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall upload their documentary exhibits through the Electronic Filing System and, if not already done, provide to the Office of Judicial Records a USB drive, or CD/DVD with audio or video evidence, as provided in this rule. The Office of Judicial Records shall either upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program, or retain any USB drive, or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

c. *Self-represented Parties:* at the conclusion of the trial or evidentiary hearing, the tipstaff or other designated court staff pursuant to subsection (b) shall take possession of all exhibits and any USB drive or CD/DVD proffered by self-represented Parties and shall deliver them to the Office of Judicial Records which shall convert all documentary evidence to PDF format and stored in a documentary-evidentiary program as required by Pa.R.J.A. 5101—5103, or upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program and/or retain any USB drive or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

(2) *Family Court:* Pursuant to 5104(b), proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters are excluded from this Rule.

a. *Dependency Matters:* at the conclusion of the trial or evidentiary hearing, the tipstaff or other designated court staff pursuant to subsection (b) shall take possession of the exhibits and evidence and upload the documentary exhibits through the electronic filing system and provide to the Clerk of Family Court any USB drive, or CD/DVD with audio or video evidence, as provided in this rule. The Clerk of Family Court shall either upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program, or retain any USB drive, or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

b. *Adoption Matters:* at the conclusion of the trial or evidentiary hearing, the tipstaff or other designated court

staff pursuant to subsection (b) shall take possession of the exhibits and evidence and upload the documentary exhibits through the electronic filing system and provide to the Clerk of Family Court any USB drive, or CD/DVD with audio or video evidence, as provided in this rule. The Clerk of Family Court shall either upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program, or retain any USB drive, or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

c. *Delinquency Matters:* at the conclusion of the trial or evidentiary hearing, the Office of Judicial Records shall take possession of all exhibits and any USB drive or CD/DVD, shall upload the documentary exhibits through the electronic filing system and shall either upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program, or retain any USB drive, or CD/DVD as required by Pa.R.J.A. 5101—5103 until further order of court.

d. *Adult Criminal Matters in Family Court:* See section (j)(1)b.

e. *Domestic Relations Matters:* at the conclusion of the trial or evidentiary hearing, the tipstaff or other designated court staff pursuant to subsection (b) shall take possession of all exhibits and any USB drive or CD/DVD proffered, and shall deliver them to the Clerk of Family Court, which shall convert all documentary evidence to PDF format and stored in a documentary-evidentiary program as required by Pa.R.J.A. 5101—5103, or upload the contents of any USB drive or CD/DVD to a documentary-evidentiary program and/or retain any USB drive or CD/DVD as required by required by Pa.R.J.A. 5101—5103 until further order of court.

(3) *Orphans' Court:* within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall send their Exhibit List and exhibits to the electronic mail address instructed by the presiding judge to be attached to an Order and Decree entered by court. Orphans' Court Administration shall retain all evidence as required by Pa.R.J.A. 5101—5103 until further order of court.

[Pa.B. Doc. No. 24-860. Filed for public inspection June 21, 2024, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Rescission of 39th Jud. Dist. R.C.P. 205.1.3.; Administrative Order re: 2024-2078

Order

And Now, this 10th day of June, 2024, the Court reviewed its local rule of civil procedure 205.1.3 adopted in 1995, reproduced as follows:

“Rule 39-205.1.3. Filing of TeleFaxed Pleadings and Papers.:

In every civil action, the Prothonotary shall accept for filing legible pleadings and papers which have been properly signed and/or verified which have been telefaxed, so long as, within five days of any such filing, the original of the telefaxed pleading or paper is filed.

Any party who telefaxes a pleading or paper for filing bears the responsibility for assuring its receipt in legible form and for assuring that the pleading or paper is actually delivered to and filed with the Prothonotary. Adopted by Order of Court dated April 13, 1995, Published in the *Pennsylvania Bulletin* Vol. 25, Number 17, April 29, 1995.”

The Court conferred with the Pennsylvania Civil Procedural Rules Committee concerning this local rule’s compliance with applicable Pennsylvania Rules of Civil Procedure. The Civil Procedural Rules Committee advised in its letter dated June 10, 2024 that our local rule rescission is not inconsistent with statewide procedure.

Accordingly, both the Franklin and Fulton County Branches of the 39th Judicial District hereby rescind 39th Jud.Dist.R.C.P. 205.1.3, effective thirty (30) days after the publication of this Order in the *Pennsylvania Bulletin*.

As such, Mr. Mark Singer, District Court Administrator for the 39th Judicial District, is ordered and directed to do the following:

1. Email one (1) copy of this Order to the Administrative Office of Pennsylvania Courts (AOPC) at adminrules@pacourts.us.
2. Mail one (1) paper copy of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* to the following address: Pa. Code and Bulletin, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg PA 17120.
3. Email one (1) copy of this Order in Microsoft Word format only to the Legislative Bureau at bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.
4. File one (1) copy of this Order with the Office of Prothonotary in both Franklin and Fulton Counties, and mail one (1) copy to the Franklin County Law Library and the Fulton County Law Library for public inspection and copying.

5. Publish a copy of this Order rescinding 39th Jud.Dist.R.C.P. 205.1.3 on the Franklin County and Fulton County Court websites.

6. Remove local rule 39th Jud.Dist.R.C.P. 205.1.3 the 39th Judicial District’s set of local rules, whether in paper or web-based format, not later than thirty (30) days after this Order is published in the *Pennsylvania Bulletin*.

By the Court

SHAWN D. MEYERS,
President Judge

[Pa.B. Doc. No. 24-861. Filed for public inspection June 21, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that John Macauley Burkman, Jr., A/K/A John M. Burkman, Jr., (# 65933), having been disbarred in the District of Columbia Court of Appeals, the Supreme Court of Pennsylvania issued an Order dated July 10, 2024, disbaring John Macauley Burkman, Jr., A/K/A John M. Burkman, Jr., from the Bar of this Commonwealth, effective July 10, 2024.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 24-862. Filed for public inspection June 21, 2024, 9:00 a.m.]
