

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW

#### [ 204 PA. CODE CH. 71 ]

#### Proposed Amendment to Pennsylvania Bar Admission Rule 204

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is considering recommending to the Pennsylvania Supreme Court that it amend Rule 204 of the Pennsylvania Bar Admission Rules concerning admission by reciprocity, i.e. admission without taking the bar examination for attorneys admitted in jurisdictions with which Pennsylvania has a reciprocal arrangement and who have practiced law for five of the last seven years. The amendment is set forth in Annex A. Additions to the text of the rule are shown in bold and underlined, deletions are shown in bold and brackets.

The proposed amendment reorganizes Rule 204 by delineating a definition section and moving that section to the beginning of the rule. This change is partly to emphasize the existing requirement that all attorneys seeking admission by reciprocity must meet the definition of “practice of law,” as well as the other requirements of the rule.

This section also expands the definition of the “practice of law,” which will permit more attorneys from other jurisdictions to qualify for admission by reciprocity. Currently, seven enumerated categories of legal activities count as the practice of law. While time spent as an attorney in a defender or legal services program will count, the time does not count when the employing organization is not a local, state, or federal agency. The proposed amendment changes this. Work as an independent contractor is not specifically excluded in Rule 204, but it does not easily fit the definition. The Board’s proposal will count time an attorney spends working as an independent contractor for a law firm providing those legal services are such that they require attorney licensure. In addition, the Board has interpreted the practice requirement of Rule 204 to require the attorney be legally permitted to work without supervision. The proposal will count two years of supervised practice, which will allow attorneys who moved to a new jurisdiction and practiced under supervision for a short time until getting licensed to have that practice time count towards the rule requirement. The rule retains the requirement that an attorney be admitted in a state and on active status at the time of any practice for the work to count. Thus, work as a judicial law clerk before admission to the bar will not count towards the requirement.

The Board also seeks to include definitions of “licensing state” as “the state where an attorney holds an active law license.” Additionally, the Board seeks to include in the rule the manner in which it has consistently calculated qualifying practice time. As outlined on the Board’s website, the Board interprets “a major portion of time and energy to the practice of law” as more than 50 percent of the attorney’s time, calculated by weeks. Every week in which an applicant practiced law more than 20 hours constitutes a qualifying week. See [www.pabarexam.org/non-bar-exam-admission/204\\_interpretation.htm](http://www.pabarexam.org/non-bar-exam-admission/204_interpretation.htm).

In addition to delineating a definition section, the Board’s proposed amendment reorganizes the requirements section of the rule. Under subsection (b), the proposed amendment requires an applicant to have a law degree from an accredited law school, be a member of the bar of a reciprocal state on active status, and present a certificate of good standing where the applicant is active and has been admitted. This latter item is a change from the existing rule in that applicants would no longer have to provide certificates of good standing from all jurisdictions where the attorney has ever been admitted, whether or not the attorney is still active in that jurisdiction. The proposed amendment retains the prohibition on admission for attorneys who are disbarred or suspended from practice.

Additionally, under subsection (b)(4) the Board clarifies the applicant must meet one of three criteria. Those criteria include that the applicant has taken and passed the bar examination in a reciprocal state and devoted a majority of time to the practice of law in one or more states for five of the last seven years prior to the filing date of the application, that the applicant has been admitted in a reciprocal state and devoted a majority of time to the practice of law in one or more reciprocal states for five of the last seven years preceding the date of filing the application, or that the applicant earned a score on the Uniform Bar Examination (UBE) in a reciprocal state sufficient to qualify for admission by score transfer and the applicant devoted a majority of time to the practice of law in one or more states for more than three of the last five years preceding filing the application. Subsections (b)(4)(A) and (B) are existing requirements. Subsection (b)(4)(C) was added to allow candidates who successfully completed the UBE to establish competency for admission for up to five after sitting for the UBE where they earned their qualifying score, provided they have three years of consistent practice time since attaining it. These candidates would not have to wait to pursue admission in Pennsylvania, when they are in the “gap,” which occurs at the point that they may no longer gain admission by transferring their qualifying UBE score and prior to five years elapsing since they have taken the exam.

The Board also seeks to amend the rule to allow remote practice to count towards admission. Currently, Pa.B.A.R. 204 specifies that the practice of law occur “in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction.” This precludes the Board from counting remote work in most cases. Additionally, remote work arrangements tend to be of a significant duration and not temporary work that may be authorized by the state in which the attorney worked. To permit counting remote practice, the Board proposes to remove the language quoted in this paragraph and retain the language that prohibits counting the unauthorized practice of law. In 204(c), the Board specifically recognizes remote practice as qualifying practice time provided the applicant meets all the other 204 requirements. The Board also proposes a two-year limitation on counting the time an attorney practices remotely while located outside the United States. Additionally, the Board defines licensing state, remote location, and the remote practice of law.

Other limitations and restrictions are proposed for the amount of time that will count when an attorney is practicing while under supervision. While the Board

proposes to count the practice time of an attorney who practiced temporarily, under supervision, in a jurisdiction in which the attorney was not licensed, the Board does not intend to count an unlimited amount of practice time in this capacity. Additionally, if an attorney practices in a state that required an attorney to obtain a limited or specialized license, the attorney must have attained that license, i.e. practice as an in-house corporate counsel, for the practice time to count. Finally, the Board emphasized that it will count practice time only if that applicant was admitted to the bar of a state at the time of the work and on active status.

Given the above, the Board seeks to amend Rule 204 as outlined above, to clarify the rule, to permit it to count other types of practice toward the five of the last seven years required for admission by reciprocity, and to close the gap created when it adopted Rule 206 regarding transfer of qualifying UBE scores.

Interested persons are invited to submit written comments regarding the proposed amendments to the Executive Director, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than August 16, 2024.

*By The Pennsylvania Board of Law Examiners  
Supreme Court of Pennsylvania*

GICINE P. BRIGNOLA,  
*Executive Director*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter B. ADMISSION TO THE BAR GENERALLY

#### IN GENERAL

#### Rule 204. Admission by reciprocity.

[ As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

(1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.

(2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.

(3) Presentation of a certificate of good standing from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

(4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth devoted a major portion of time and energy to the practice of law in one or more states.

(5) Presentation of proof satisfactory to the Board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this Rule.

(6) Satisfaction of the requirements of Paragraphs (a)(1), (b)(2) and (b)(3) of Rule 203. ]

(a) Definitions. This rule also incorporates definitions found in Rule 102. For purposes of this rule, the following defined terms shall have the meanings ascribed to them below:

(1) Practice of law. [ For purposes of this rule, the phrase "practice of law" is defined as engaging ] Engaging in any of the [ following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction ] nine enumerated legal activities below, provided:

(A) such activities were performed in a state in which the applicant was admitted to practice law, or

(B) if not, such activities must not have constituted the unauthorized practice of law in the state in which the activities were performed or in the state in which the clients receiving the legal services were located at the time the work occurred:

(i) Representation of one or more clients in the private practice of law.

(ii) Providing legal services as an attorney with a defender services program, legal services program, or a local, state, or federal agency.

(iii) Teaching law full time at an accredited law school, college or university in the United States, provided a substantial portion of such time was spent teaching at an accredited law school.

(iv) Service as a judge in a local, state, or federal [ , state or local ] court of record.

(v) Service full time as a judicial law clerk to any judge of any court of the United States or of any state or territory of the United States.

(vi) Service as corporate counsel.

(vii) Performing legal functions while serving on active duty in the United States military service as a judge advocate as defined in the Uniform Code of Military Justice, 10 U.S.C. § 801, as amended.

(viii) Work as an independent contractor for a law firm providing legal services requiring attorney licensure.

(ix) Providing legal services as an attorney in a jurisdiction in which the attorney is not licensed,

provided that the work is temporary and performed under the supervision of an attorney licensed in the jurisdiction.

[ The term “practice of law” shall not include providing legal services in any of the above referenced areas, when such services as undertaken constituted the unauthorized practice of law in the state in which the legal services were performed or in the state in which the clients receiving the unauthorized services were located. ]

(2) *Licensing State.* The state where an attorney holds an active law license.

(3) *Remote Location.* The location where an attorney is physically present when practicing law, but where the attorney is not licensed to practice.

(4) *Remote Practice of Law.* When an attorney is engaged in the practice of law authorized by the attorney’s licensing state and the attorney does so from a remote location and the attorney’s physical presence in the remote location is incidental and not for the practice of law.

(5) *Majority.* Majority is more than 50 percent of the attorney’s time, calculated by weeks. Every week in which an applicant practiced law more than 20 hours constitutes a qualifying week.

(b) *Requirements.* As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant, except where indicated, meets all the following requirements:

(1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.

(2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.

(3) Presentation of a certificate of good standing from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state, federal, or specialty court in which the applicant has been admitted and is on active status. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in any jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

(4) Presentation of proof satisfactory to the Board that the applicant meets one of the following:

(A) That the applicant has taken and passed the bar examination in a reciprocal state and the applicant has devoted a majority of time to the practice of law in one or more states for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth.

(B) That the applicant has gained admission in a reciprocal state and the applicant has devoted a majority of time to the practice of law in one or more reciprocal states for a period of five years of

the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth.

(C) That the applicant has earned a score on the Uniform Bar Examination in a reciprocal state that would have qualified for transfer under Pa.B.A.R. 206, and the applicant has devoted a majority of time to the practice of law in one or more states for a period of more than three of five years since sitting for the UBE exam in which the applicant earned the qualifying UBE score. The practice time must occur within the five years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth. And

(5) Satisfaction of the requirements of Paragraphs (a)(1), (b)(2) and (b)(3) of Rule 203.

(c) *Remote practice of law.* Remote practice of law will count towards qualifying practice time of this rule provided the applicant meets all the requirements of this rule.

(d) *Limitations and Restrictions.*

(1) When an attorney who is licensed and on active status practices law under supervision in a state or federal jurisdiction in which the attorney is not licensed in order not to constitute the unauthorized practice of law, the Board will count a maximum of two years of supervised practice toward the practice requirements of Rule 204.

(2) When an attorney has practiced law remotely while located outside of the United States, the Board will count a maximum of two years of remote practice toward the practice requirements of Rule 204.

(3) If at the time the attorney practiced in a state, the state required an attorney to obtain a limited or other specialized license in order to practice, the attorney must have obtained such license for the practice time to count toward admission under this rule.

(4) When calculating the number of weeks of practice that count under this rule, the Board will not count more than one week of time in situations in which the attorney worked a high number of hours during that week, nor will the Board average the hours an attorney worked over a period of weeks to increase the number of weeks that count.

(5) For practice time to count it must have occurred after the applicant was admitted to the bar of a state.

Adopted July 1, 1972. Amended June 6, 1977; July 22, 1977, imd. effective; Nov. 15, 1978, effective Dec. 2, 1978; Dec. 17, 1981, effective 30 days after Jan 9 1982; June 30, 1983, imd. effective; Aug. 22, 1986, imd. effective; June 16, 1993, imd. effective; Jan. 31, 1997, imd. effective; April 6, 1999, imd. effective; Nov. 23, 1999, imd. effective; May 25, 2000, imd. effective; March 30, 2004, effective Sept. 27, 2004; April 28, 2009, imd. effective; Oct. 14, 2011, effective in 30 days (Nov. 14, 2011); Jan. 4, 2022, effective Jan. 12, 2022.[ . ]

*Official Note:* The Commonwealth of Pennsylvania cannot be reciprocal with itself. Therefore, an applicant who does not take the bar examination in a reciprocal state may not have work performed in

**Pennsylvania, even if authorized, count towards the practice requirement of this rule.**

[Pa.B. Doc. No. 24-974. Filed for public inspection July 12, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rules of Criminal Procedure; Administrative Order No. 7 of 2024

##### Order of Court

And Now, this 28th day of June, 2024, it is hereby Ordered that the entirety of the Adams County Local Rules of Criminal Procedure are *Vacated* and replaced with Local Rules as reflected in Attachment 1 of this Order.

This wholesale rule replacement shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

1. A certified copy of this Order shall be submitted to the Criminal Procedural Rules Committee for review.
2. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rules are not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.
4. A copy of the proposed local rules shall be published on the 51st Judicial District website.
5. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying.
6. The effective date of the local rules shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,  
President Judge

##### Attachment 1

#### ADAMS COUNTY COURT OF COMMON PLEAS RULES OF CRIMINAL PROCEDURE

##### Rule 105.1. Citation and Applicability.

These Rules may be cited as Adams C.R.Crim.P. (number), or Local Crim. Rule (number). As used in these rules, "Clerk" shall mean the Clerk of Courts.

##### Rule 105.2. Appeals.

A. With the exception of appeals involving minor defendants, appeals from Magisterial District Judge decisions shall be listed for hearing by the Clerk of Courts on the first available Criminal Business Court Day at least twenty-eight (28) days later than the time of the filing of the appeal.

B. Appeals from summary convictions involving defendants under the age of eighteen (18) years shall be listed for hearing by the Clerk of Courts on the first Juvenile Court (DPS) Day of each month which is at least twenty-eight (28) days later than the time of the filing of the appeal. Immediately upon the filing of the appeal, the Clerk shall provide notice of the appeal and the date upon which it has been scheduled to the Department of Probation Services and the District Attorney's Office. Notice shall be provided to the defendant pursuant to local practice.

##### Rule 105.3. Requests for Closed Hearings.

Except as otherwise provided by law or state rule, a party to a criminal action intending to request that a proceeding be closed to the public, must give notice as follows:

##### (Caption)

Take notice that the undersigned intends to present a request to the Court on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ in Courtroom No./Chambers that proceedings concerning \_\_\_\_\_ be closed to the public.

The notice shall be posted in the Clerk of Courts' office and shall be mailed to every newspaper in general circulation in Adams County at least ten (10) days prior to presentment.

The moving party will be required to file proof of service at the time the request is made.

*Comment:* It is not intended that this Rule apply when a statute or general rule requires a private, or in camera hearing. It is intended to apply in situations where a judge has discretionary authority to bar the public from a proceeding.

##### Rule 105.6. Local Fees.

In addition to fees and charges imposed by statute or by the Supreme Court, the Court may impose fees as a condition of sentence or the Accelerated Rehabilitative Disposition Program (ARD), or the Addiction Diversionary Program (ADP). The fees shall be established by administrative order and may be assessed against a defendant by general wording in an order, to the effect, "the defendant shall pay fees established by Local Rule of court or administrative order."

An order may state, "the defendant shall pay fees established by Local Rule of Court except (listed exceptions)", in which instance all fees shall be included except those fees or that fee excepted.

##### Rule 117(B). Coverage.

The assigned on-call magisterial district judge shall be in contact with the Adams County Central Booking facility via video-conferencing daily at 4:00 P.M., 10:00 P.M., and 8:30 A.M. for the conducting of business which shall include receiving criminal complaints, conducting preliminary arraignments, setting bail, and any other business permitted by the Rules of Criminal Procedure.

##### Rule 120. Attorneys—Appearance and Withdrawals.

Upon filing of entry of appearance, counsel of record shall receive notification of filings and docket entries in the matter until said attorney files a withdrawal of appearance and upon approval of said withdrawal by the court.

**Rule 123. Unusual Magisterial District Judge Proceedings.**

Whenever cases pending before a magisterial district judge involve a greater number of persons expected to attend a hearing, than can be reasonably accommodated in the magisterial district judge's facility, and/or coordination of witnesses, attorneys and prosecuting officers can best be accomplished at a centralized location; the magisterial district judge may request the President Judge to direct that hearings be conducted in a courtroom in the County's Judicial Center;

In addition if:

efficient administration of justice requires special scheduling of a pending case, the President Judge may direct that proceedings be held in a courtroom designated by the Court Administrator.

**Rule 150. Bench Warrants.**

A. This Rule shall apply to all bench warrants subject to the provisions of Pa.R.Crim.P. 150.

B. Individuals taken into custody as a result of the service of a criminal bench warrant shall be immediately transported and committed to the Adams County Adult Correctional Complex.

C. Upon commitment to the county prison, the Warden, or designated officer, shall determine the nature of and source of the bench warrant.

1. If the warrant was issued by a judicial officer of another county, the Warden, or designated officer, shall promptly notify proper authorities in the jurisdiction which issued the warrant.

2. If the warrant was issued by a Magisterial District Judge from Adams County, the individual shall be promptly produced before the on-call Magisterial District Judge. If the matter is not resolved at that time, the individual shall be produced before the Magisterial District Judge who issued the warrant within 72 hours of commitment to the prison.

3. If the warrant was issued by a Judge of the Court of Common Pleas of Adams County, the procedure set forth below shall be followed:

a. On or before 8:30 A.M. of the business day immediately following commitment to the prison, the Sheriff, or designated officer, shall notify the District Court Administrator of the commitment.

b. The District Court Administrator shall make arrangements for the individual to be produced before the Court no later than 72 hours after commitment to the prison and shall produce a scheduling list for the court to be distributed to interested persons.

c. Upon receipt of the scheduling list, the Warden or designated officer shall review and determine that all eligible defendants are listed for court, and if it is determined that a defendant is eligible but not listed, the Warden or designated officer shall immediately notify the District Court Administrator.

4. Any proceeding scheduled pursuant to this Rule may be conducted by videoconferencing. When videoconferencing is used, the judicial officer shall promptly provide appropriate written notice to the prison to either retain or release the individual.

**Comment:**

This Rule is designed to address those situations where an individual has been taken into custody as a result of

the issuance of a criminal bench warrant in a court case (see Pa.R.Crim.P. 103). The Rule is not intended to address i) those situations where an individual voluntarily appears before the Court prior to service of the warrant, ii) those circumstances where the individual is taken into custody in or about the Adams County Courthouse, the Court is open for business, and it would be impracticable or unreasonable to transport the individual to the prison in accordance with this Rule, or iii) those situations where the Sheriff of Adams County, in the exercise of discretion, directs an individual to appear before the Court on a date and time certain (which shall customarily be the next regularly scheduled Bench Warrant court.) Except in the first circumstance, the Sheriff shall promptly notify the District Court Administrator of such apprehension or arrangement for the purpose of providing notification to appropriate persons.

This Rule does not apply to warrants issued in civil matters, i.e. Domestic Relations, Protection From Abuse. In those situations, it is expected that the individual will be promptly produced before the judge who issued the warrant or such other judge who may be designated by the President Judge. However, when a warrant is issued for failure to appear for an indirect criminal contempt proceeding in a Protection From Abuse matter, it is advisable to follow the procedure set forth in this Rule.

Notice to the District Court Administrator required by Paragraph 4 shall include, but not be limited to, the identity of the person committed, the docket number(s), the date the warrant was issued, and the date and time of commitment.

In scheduling a bench warrant hearing, the District Court Administrator shall follow local practice. Generally, the hearing will be scheduled for 1:15 P.M. on the next available Monday or Wednesday, whichever is sooner.

**Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option.**

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstance:

All misdemeanor and/or felony charge investigations, with the exception of search warrants to obtain a blood sample to determine blood alcohol content and the presence of controlled substances based on violations of 75 Pa.C.S. § 3802(a)—(d), Driving Under the Influence of Alcohol/Controlled Substances, unless the investigation involves a fatality and/or serious bodily injury. In such instance, the affidavit of probable cause shall clearly set forth that the investigation does not involve a fatality and/or serious bodily injury;

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

**Rule 507. Approval of Certain Police Complaints by Attorney for the Commonwealth.**

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers charging any of the following felony or misdemeanor crimes:

- A. Corrupt Organizations in violation of 18 Pa.C.S. § 911
- B. Criminal Homicide in violation of 18 Pa.C.S. § 2501
- C. Murder in violation of 18 Pa.C.S. § 2502

D. Voluntary Manslaughter in violation of 18 Pa.C.S. § 2503

E. Involuntary Manslaughter in violation of 18 Pa.C.S. § 2504

F. Causing or Aiding Suicide in violation of 18 Pa.C.S. § 2505

G. Drug Delivery Resulting in Death in violation of 18 Pa.C.S. § 2506

H. Criminal Homicide of Law Enforcement Officer in violation 18 Pa.C.S. § 2507

I. Criminal Homicide of Unborn Child in violation of 18 Pa.C.S. § 2603

J. Murder of Unborn Child in violation of 18 Pa.C.S. § 2604

K. Voluntary Manslaughter of Unborn Child in violation of 18 Pa.C.S. § 2605

L. Aggravated Assault of Unborn Child in violation of 18 Pa.C.S. § 2606

M. Strangulation in violation of 18 Pa.C.S. § 2718

N. Rape in violation of 18 Pa.C.S. § 3121

O. Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1

P. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123

Q. Sexual Assault in violation of 18 Pa.C.S. § 3124.1

R. Institutional Sexual Assault in violation of 18 Pa.C.S. § 3124.2

S. Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125 (graded as a felony of the second degree or higher)

T. Arson and Related Offenses in violation of 18 Pa.C.S. § 3301

U. Dealing in the Proceeds of Illegal Activity in violation of 18 Pa.C.S. § 5111

V. Homicide by Vehicle in violation of 75 Pa.C.S. § 3732

W. Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735

X. Aggravated Assault by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735.1

Y. Criminal Attempt, Criminal Solicitation, or Criminal Conspiracy to commit any of the above offenses

shall not hereafter be accepted by a judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

#### **Rule 527. Realty Bail.**

A. In cases where realty is posted as bail, the following procedures shall be applied to determine the value of the realty and the equity in it:

1. The fair market value of the realty shall be established by a written appraisal report prepared by a real estate broker duly licensed in Pennsylvania, within three (3) months of the date of presentation of the report; or by multiplying the assessed value of the realty (land and improvements) by the common level ratio factor prescribed by the Pennsylvania Department of Revenue from time to time for transfer tax purposes.

2. The equity in realty shall be determined by considering the appraisal and a lien certificate signed by any attorney at law authorized to practice in this Common-

wealth, including the solicitor of the Recorder of Deeds, Prothonotary, Tax Claim Bureau, or a duly authorized agent of a title insurance company licensed to do business in Pennsylvania. The certificate must identify all liens against the property and the face amounts thereof. Statements from lienholders about current balances may also be considered.

B. Certificates and appraisals shall be presented to the Magisterial District Judge or to the Clerk for determination of the acceptability of the realty for bail purposes. A defendant may appeal any adverse ruling to the Court.

C. The official with whom bail is posted shall collect a fee to enter and satisfy judgment in an appropriate office in the county in which the realty is situated. Until changed, the fee for judgments in Adams County shall be \$14.50. Defendant must produce proof of the fee for any county other than Adams.

D. If a Magisterial District Judge accepts such bail, the Magisterial District Judge shall transmit the judgment and satisfaction fee and a certified copy of the bail bond to the Clerk's office. In all instances when realty is accepted, the Clerk shall transmit to the Court a certified copy of the bail bond, together with a proposed order directing that judgment be entered against both the defendant and surety in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams.

E. Upon receipt of an order signed by a judge, the Clerk shall transmit a certified copy of the order, the judgment and satisfaction fee, and a certified copy of the bail bond to the appropriate office for entry of judgment.

F. In Adams County, the appropriate office for entry of judgment shall be the Prothonotary's office.

G. The order shall be substantially in the following form:

#### **(CAPTION)**

#### **ORDER**

And Now, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it is ordered that judgment in the amount of \$ \_\_\_\_\_ be entered in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams, and jointly against \_\_\_\_\_ and \_\_\_\_\_. No execution shall proceed against the judgment defendants without leave of court. No interest shall accrue on the judgment unless and until an order forfeiting bail is entered against judgment defendants in the criminal case. When the bail obligation is satisfied, the Clerk of Courts shall promptly direct the appropriate officer to satisfy the judgment.

By the Court,

\_\_\_\_\_  
J.

#### **Rule 528. Monetary Condition of Release on Bail.**

In addition to the forms of security permitted by Pa.R.Crim.P. 528 to satisfy monetary conditions of bail, a defendant or other surety may deposit the following forms of security in lieu of cash:

A. Certified Check payable to the Clerk of Courts and issued by a bank with a branch office located in Adams County, when security is being deposited directly with the Clerk of Courts.

B. Money Orders when the Office of the Clerk of Courts is closed for business and security is being deposited at the Adams County Adult Correctional Complex.

**Rule 529. Bail Modification.**

Defendants' motions for reduction or modification of bail must be filed of record. Upon receipt, the Clerk of Courts shall serve a copy of the motion upon the Court. In all instances where a defendant files a motion for bail modification, an affidavit shall accompany said motion. The affidavit shall substantially be in the form as provided by the Court, located at:

<https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>

This Rule does not preclude the ability for a motion for bail modification to be made in open court during a trial or hearing as permitted by Pa.R.Crim.P. 575(A)(1). The Court may still direct the movant to complete an affidavit.

**Rule 535. Fees Upon Return of Deposits.**

The costs of administering cash bail, including costs of the percentage-cash bail program, shall be set by administrative order. Until changed, the Clerk or Magisterial District Judge shall retain \$25.00 as costs, when returning cash deposits to the persons entitled thereto. The amount retained shall then be paid to the County of Adams.

**Rule 541. Waiver of Preliminary Hearing.**

A. A defendant represented by counsel may waive the right to a preliminary hearing by both the defendant and counsel executing a waiver in substantially the form set forth in Rule 541.1. The waiver shall be prepared by the presiding Magisterial District Judge prior to the defendant's execution of the waiver. Upon defendant's execution of the waiver, the waiver must be returned to and, if accepted, signed by the Magisterial District Judge. The executed waiver may be presented by counsel to the presiding Magisterial District Judge no later than the end of business on the Friday preceding the preliminary hearing.

B. If bail was set at preliminary arraignment, bail shall remain as set unless the defendant requests a hearing.

C. Bail for any defendant waiving preliminary hearing who has not otherwise been preliminarily arraigned by a Magisterial District Judge shall be set by the presiding Magisterial District Judge. Bail shall be noted by the Magisterial District Judge on the waiver form prior to execution of the form by the defendant. Bail shall be conditioned upon compliance with the following conditions in addition to any special conditions set by the Magisterial District Judge:

1. The defendant must appear at all times required until full and final disposition of the case(s).

2. The defendant must obey all further orders of the bail authority.

3. The defendant must provide a current address and must give written notice to the bail authority, the Clerk of Courts, the District Attorney, and the court bail agency or other designated court bail officer, of any change of address within 48 hours of the date of the change.

4. The defendant must neither do, nor cause to be done, nor permit to be done on his or her behalf, any act as prescribed by Section 4952 of the Crimes Code (relating to intimidation of witnesses or victims), or by Section

4953 (relating to retaliation against witnesses or victims), 18 Pa.C.S. § 4952, 4953.

5. The defendant must refrain from criminal activity.

6. The Defendant must comply with any fingerprint order, if any is issued by this Court.

D. Execution of the waiver form by a party will indicate their acknowledgement of the bail conditions. The Magisterial District Judges are relieved from requiring further signature of the defendant on bail documentation.

E. When a waiver is executed and filed with the Magisterial District Judge pursuant to the terms of this section, the Magisterial District Judge shall confirm receipt of the same to defendant's counsel. Upon confirmation of receipt, the defendant's obligation to appear as previously directed is waived.

**Rule 541.1. Form of Waiver.**

The notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS  
COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA MJ-513 \_\_\_ -

VS.

I verify that the foregoing is true and correct to the best of my knowledge:

1. I am represented by counsel of record and wish to waive my preliminary hearing.

2. If I am represented by counsel, my attorney concurs in this waiver.

3. I understand the nature of all charges against me.

4. I understand that I am required to report for formal arraignment before the Adams County Court of Common Pleas on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the date which I must appear. I am further aware that my presence at formal arraignment is required and if I fail to appear, the proceeding may be conducted in my absence and a bench warrant will be issued for my arrest.

5. I understand that my bail has been set at \_\_\_\_\_ and that failure to appear as directed at all future court proceedings or to otherwise comply with the conditions of bail as set forth hereinbelow may result in forfeiture of the bail bond and issuance of a warrant for arrest.

6. I understand that the conditions of my release as established in paragraph 5 above are as follows:

a. I must appear at all times required until full and final disposition of the case(s).

b. I must obey all further orders of court.

c. I must provide a current address and must give written notice to the bail authority/court bail agency/other designated court bail officer, Adams County Clerk of Courts and the Adams County District Attorney of any change of address within 48 hours of the date of the change. In this regard, if my address listed on the

criminal complaint is inaccurate, I must advise the bail authority/court bail agency/other designated court bail officer, Clerk of Courts and the District Attorney of the correct address within 48 hours of the date this document is executed by me.

d. I must neither do, nor cause to be done, nor permit to be done on my behalf, any act as proscribed by Section 4952 of the Pennsylvania Crimes Code (relating to intimidation of witnesses or victims) or by Section 4953 (relating to retaliation against witnesses or victims), 18 Pa.C.S. § 4952, 4953.

e. I must refrain from criminal activity.

f. I must comply with any fingerprint order if issued by any court.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa.C.S. § 4904). I have been advised by the issuing authority of my right to a preliminary hearing. I understand that, by waiving my right to a preliminary hearing, I am precluded from raising the sufficiency of the Commonwealth's prima facie case. I voluntarily waive this hearing and agree for this matter to be bound over to court.

Dated: \_\_\_\_\_  
Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of all future court proceedings before the Adams County Court of Common Pleas.

Dated: \_\_\_\_\_  
Attorney

This waiver of preliminary hearing is accepted.

Dated: \_\_\_\_\_  
Magisterial District Judge

**Rule 542. Notice of Arraignment.**

A. In all cases where defendants are held for court, the Magisterial District Judge shall provide the defendant and counsel of record notice of the dates of formal arraignment, non-trial disposition conference, DUI date or plea date, and criminal trial term including jury selection. Notice shall be given at the conclusion of the preliminary hearing. The notice (hereinafter "Written Notice") shall be in the form set forth in Rule 542.1 and shall be signed by the defendant and counsel, if any. The defendant and defense counsel of record shall be given a copy of the Written Notice at the time of acknowledgement. In the event the preliminary hearing is waived, the Written Notice may be given solely to counsel who thereafter shall have the Written Notice executed by their client and filed with the Clerk of Court's Office prior to formal arraignment. Counsel shall also provide a copy of the Written Notice to their client. No further notice of the scheduled court dates shall be required.

B. The court dates for further appearance of the defendant will be set in accordance with Local Rule 542.2.

C. The issuing authority shall transmit the original Written Notice of court dates, along with the transcript, to the Clerk of Court's Office within five (5) days of the defendant being held for court.

**Rule 542.1. Form of Written Notice.**

The written notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS  
COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA MJ-513-CR-

VS.

CHARGES:

**NOTICE OF COURT DATES**

1. You must appear for formal arraignment at a time to be determined by separate notice on \_\_\_\_\_, 20\_\_ in a Courtroom to be designated, fourth floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has filed a written waiver of arraignment with the Adams County Clerk of Court's Office prior to the above specified date and time. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.

2. You must appear for a non-trial disposition conference in the Adams County District Attorney's Office, Room 301, Adams County Courthouse, on \_\_\_\_\_, 20\_\_ at 10:00 a.m. Your failure to appear on said date and time will result in your bail being revoked and a bench warrant being issued for your arrest. If you are represented by counsel, your appearance may be waived upon consent of the Commonwealth.

3. You must appear at a time to be determined by separate notice on \_\_\_\_\_, 20\_\_ in a Courtroom to be designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or requesting a continuance in the above-captioned case. If you fail to appear on said date, your bail will be revoked and a warrant will be issued for arrest.

4. You are scheduled for trial during the trial term beginning \_\_\_\_\_, 20\_\_ at 8:30 a.m. in Courtroom No. 2, fourth floor, Adams County Courthouse. Jury selection will take place on the first day of the trial term and trials will be held throughout the length of the trial term. Your failure to appear will result in forfeiture of your bail and issuance of a warrant for your arrest. If you fail to appear without cause for jury selection or trial, your absence may be deemed waiver of your right to be present and the proceeding, including trial, may be conducted in your absence. If trial occurs in your absence, you may be found guilty of all charges against you and subject to all penalties provided by law including imprisonment.

**FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, YOU MAY BE ELIGIBLE FOR COUNSEL UPON COMPLETION OF AN APPLICATION FOR COURT APPOINTED COUNSEL AVAILABLE AT THE ADAMS COUNTY PUBLIC DEFENDER'S OFFICE AT 717-337-9842.**

I, the undersigned defendant, acknowledge that I have received a copy of the above Notice of Court Dates and understand that should I fail to appear on the dates set forth hereinabove, a bench warrant may be issued for my arrest. I further understand that a trial may be held in



my absence if I fail to appear on the trial dates set forth hereinabove.

\_\_\_\_\_  
Date      Defendant's signature      Defense Attorney's signature

**Rule 542.2. Scheduling of Court Dates.**

A. The date on which a defendant shall be directed to appear for formal arraignment, non-trial disposition conference, DUI date or plea date, and trial will be as follows:

1. Arraignment shall be scheduled on the arraignment date as established bi-annually by schedule adopted by the Court.

2. Non-trial disposition conference shall be scheduled as established bi-annually by schedule adopted by the Court.

3. Plea dates shall be held on DUI dates and plea dates as established by the Court Calendar, as supplemented by the Court Administrator's Office pursuant to paragraph B hereinbelow.

4. Jury selection and trial shall be scheduled on the first day of the criminal trial term, as established by the Court Calendar, which follows the DUI date/plea date established above.

B. The Court Administrator's Office shall biannually prepare a schedule from the Court Calendar, which shall list the dates of arraignment, non-trial disposition conference, DUI date or plea date, and jury selection/trial term applicable for cases held for court on or before each Central Court date. On or before January 1st and July 1st of each year, the Court Administrator's Office shall post the schedule for Central Court dates occurring within the following six (6) months and provide copies to the Court, the Clerk of Court's Office, each Magisterial District Judge, the District Attorney, and the Public Defender. The Magisterial District Judge shall enter the dates of court appearances and the notice required by this rule in accordance with the schedule established by the Court Administrator's Office.

C. If a defendant is held for court following a preliminary hearing on a date other than a Central Court date, they shall be scheduled for additional proceedings according to the schedule which would apply to the Central Court date immediately following the preliminary hearing.

D. In order to comply with Pennsylvania Rule of Criminal Procedure 600, the Commonwealth may change the dates of plea and trial by providing the Court and counsel with written notice of the same at the time of formal arraignment.

**Rule 570.1. Non-Trial Disposition Conference.**

A. Within 60 days of formal arraignment, the Commonwealth and defense attorney or pro se defendant shall meet for a non-trial disposition conference to discuss:

1. informal discovery;
2. applicable sentencing guideline ranges and other sentencing factors; and
3. the terms, if any, of proposed plea offers and agreements.

B. The date of non-trial disposition conference shall be set annually by the Court Calendar with notice of the same provided to the parties at the time of preliminary hearing.

C. Attendance at the non-trial disposition conference is mandatory and appearing at the same shall be a standard condition of all bail.

D. Upon petition of the Commonwealth, and after hearing, the Court may revoke the defendant's bail for failure to appear at the non-trial disposition conference.

E. The non-trial disposition conference is a non-record proceeding.

**Rule 571. Waiver of Arraignment.**

A defendant who is represented by counsel of record may waive appearance at formal arraignment by presenting to the Court prior to or at the time of formal arraignment a waiver in substantially the form set forth in Rule 571.1. The waiver shall be executed by both the defendant and counsel. If a defendant represented by counsel waives arraignment, the Commonwealth shall serve counsel of record with a copy of the criminal information within ten (10) days of the date the waiver is presented to the Court. The Commonwealth shall further provide counsel of record notice of the dates of defendant's plea day appearance and jury selection/trial within ten (10) days of the date the waiver is presented to the Court. Counsel waiving formal arraignment on behalf of a defendant shall be prepared to indicate on the record at the time of the plea day appearance and/or jury selection that the defendant was provided written notice as to the respective date and requirement that the defendant must appear for plea and/or trial.

**Rule 571.1. Form of Waiver.**

The notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS  
COUNTY, PENNSYLVANIA  
CRIMINAL  
COMMONWEALTH OF PENNSYLVANIA      CP-01-CR-  
VS.

**WAIVER OF APPEARANCE AT FORMAL  
ARRAIGNMENT**

I verify that the foregoing is true and correct to the best of my knowledge:

1. I understand that I have the right to be represented by counsel. I am represented by counsel of record and wish to waive my appearance at formal arraignment.

2. My attorney concurs in this waiver.

3. I understand the nature of all charges against me.

4. I am aware of my right to file motions, including a request for a bill of particulars, a motion for pre-trial discovery and inspection, a motion requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322, and an omnibus pre-trial motion. I am also aware of the time limits within which these motions must be filed.

5. I understand that I am required to report for future court proceedings including my plea date and date for trial on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the dates and times which I must appear. I am further aware that my presence at these events is required and if I fail to appear, it may be deemed a waiver of my right to be present and the proceedings may be conducted in my absence. Additionally, I understand a bench warrant will be issued for my arrest.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa.C.S. § 4904). I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of plea day and trial before the Adams County Court of Common Pleas.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of plea day and trial before the Adams County Court of Common Pleas.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney

**Rule 576.1. Electronic Filing and Service of Legal Papers.**

A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 51st Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile, effective March 9, 2020.

B. All parties identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) are authorized to electronically file legal papers through PACFile with the clerk of courts in cases in the Adams County Court of Common Pleas, 51st Judicial District.

C. Any party identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) may utilize PACFile for any document except the following:

1. applications for search warrants,
2. applications for arrest warrants,
3. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
4. submissions filed ex parte as authorized by law, and
5. submissions filed or authorized to be filed under seal,
6. exhibits offered into evidence, whether or not admitted, in a court proceeding,

D. Any party who is ineligible, declines, or not otherwise required to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

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

F. In the event an attorney enters an appearance for a defendant who was previously unrepresented and said defendant established a PACFile account while unrepresented, said defendant shall no longer be permitted to utilize PACFile while represented by counsel, as defined under Pa.R.Crim.P. 576.1(D).

G. On March 9, 2022, all attorneys shall be required to file criminal legal papers electronically through PACFile in the 51st Judicial District, subject to the provisions in this Rule.

**Rule 590. Pleas and Plea Agreements.**

A. The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator on a day(s) which shall be designated as "Plea Day" or "DUI Court" on the Court Calendar. The day(s) selected shall be at least ten (10) days before the respective trial term.

B. If a party desires to continue a regularly scheduled Plea Day or DUI Court Day, the request shall be made by written motion setting forth good cause for the request and shall be filed at least one week prior to the scheduled Court appearance.

C. Requests for continuances should normally not be made on Plea Day or DUI Court Day except under unforeseen or extraordinary circumstances. If, after the conclusion of Plea Day or DUI Court Day, either party becomes aware of circumstances justifying a continuance, a request should be filed with the Court and all parties in writing prior to close of business on the Wednesday preceding criminal trial week. The motion shall set forth whether the other parties concur with or oppose the relief requested.

D(1). All defendants and all attorneys representing defendants on a respective Plea Day or DUI Court Day must attend unless:

- a. the case has previously been resolved through plea or other disposition; or
- b. a motion for a continuance has been previously presented and granted; or
- c. the defendant and/or counsel and the District Attorney's Office have agreed that the defendant and/or counsel may be excused from the call of the list.

D(2). Failure of the defendant to appear may result in the imposition of sanctions by the Court including the issuance of a bench warrant and revocation of bail bond. Failure of counsel to appear may result in the imposition of sanctions, including the imposition of attorney fees against counsel.

E. No later than two weeks prior to the start of the trial term, Court Administration shall prepare and provide to the Court a preview list of all cases scheduled for the upcoming trial term. The Court shall set the trial schedule, taking into account Pa.R.Crim.P. 600. Any case that cannot be heard due to unavailability of trial days during a trial term shall be continued by the Court to the following trial term for disposition. Such cases shall receive priority in scheduling during the following trial term. Court Administration shall release a list to the public of all cases scheduled for the trial term upon notification by the Court.

F. If a defendant is represented by counsel and desires to tender a guilty or nolo contendere plea, a Guilty/Nolo Contendere Plea Colloquy substantially in the form set forth in Rule 590.1 shall be completed. The Colloquy shall be executed by the defendant and defendant's counsel and filed with the Clerk of Courts prior to entry of the plea.

G. When the parties have arrived at a plea agreement, they shall state on the record in open Court and in the presence of the Defendant, the terms of the agreement. The agreement will be confirmed in writing substantially in the form set forth in Rule 590.2 and presented to the Court prior to the entry of any plea. At a minimum, the written agreement must contain ALL terms of the agree-

ment and must be executed by the Commonwealth, the Defendant and Defendant's counsel, if any. Nothing in this Rule will prevent the Judge from ordering for good cause shown and with the consent of all parties and counsel, that specific conditions in the agreement be placed on the record in camera and the record sealed.

*Comment:* Orderly scheduling of jury trials and regard for the convenience of jurors shall be important factors in determining the interests of justice under Pa.R.Crim.P. 106. In order that a trial schedule may be prepared and announced in accordance with this Rule, requests for continuance ordinarily should be made by written motion no later than immediately after the trial list is announced for that particular term. In those instances where witness unavailability or other unforeseeable need arises requiring a continuance subsequent to the call of the trial list, a request for continuance should be made prior to the close of business on the Wednesday preceding the criminal trial term.

Although motions for continuance will obviously be governed by the state rule, the local rule is intended to express Court policy that a definite trial schedule published in advance of trial will reduce inconvenience to the Court, the parties, witnesses and jurors. Timeliness measured from promulgation of the trial list is an important consideration in the decision to grant or deny a continuance request. It is expected that all counsel will act with reasonable diligence and promptness in determining whether a case is ready for trial and that counsel shall be in a position to make that determination, at the latest, on the Wednesday prior to trial.

It is noted that the Court calendar will generally schedule at least two (2) plea days and two (2) DUI Court days prior to each criminal trial term. The intent of this rule is that each plea or DUI Court day shall be a separate and distinct day concerning applicability of the time limits of this rule and continuances from one plea day to another to avoid the intent of this rule will generally not be granted by the Court except as the interests of justice otherwise require.

#### **Rule 590.1. Form of Plea Colloquy.**

Written Plea Colloquies required by Rule 590 shall substantially be in the form as provided by the Court, located at:

<https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>

#### **Rule 590.2. Form of Plea Agreements.**

Written Plea Agreements required by Rule 590 shall substantially be in the forms provided by the Court, located at:

<https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>

#### **Rule 625. Juror Qualification Form.**

A. Court Administration shall devise a juror qualification form limited to questions sufficient to determine a person's qualification to serve as a juror as required by 42 Pa.C.S.A. § 4521(d)(1). The juror qualification form shall be in a format that substantially allows for responses to the following questions:

1. Are you a resident of Adams County?
2. Are you a citizen of the Commonwealth of Pennsylvania?
3. Can you read, write and understand the English language?

4. Have you been convicted of a crime punishable by imprisonment for more than one year and not granted a pardon or amnesty?

5. Are you incapable, by reason of mental or physical infirmity, to render efficient jury service?

6. Are you 18 years of age or older?

B. The juror qualification form shall include a signature line for which the person completing the form declares under penalty of perjury that the responses to the questions on the form are true to the best of the person's knowledge.

C. The questions outlined in this Rule and the responses contained therein from prospective jurors shall constitute in whole a completed juror qualification form, and only this form shall be made available to the attorney for the Commonwealth or the defendant's attorney for review or copying, upon request, as permitted by Pa.R.Crim.P. 625(A)(1)(d).

#### **Rule 700.1. Sentencing by any Judge.**

In addition to the judge who received the defendant's plea of guilty or of nolo contendere, any judge may sentence that defendant if the defendant was notified of that possibility at the time the plea was entered.

#### **Rule 704. Post-sentence Rights.**

At the time of sentencing, the Defendant shall provide the Court with an executed Statement of Post-sentence Rights that shall substantially be in the form as provided by the Court, located at <https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>. The Court shall make the Statement of Post-sentence Rights part of the record and shall determine on the record that the Defendant has been advised of post-sentence rights.

#### **Rule 705. Rehabilitative Programs.**

The Chief Probation Officer shall submit a list of rehabilitative, treatment or therapy programs their respective offices propose to use as part of probation with restrictive conditions, probation or parole to the President Judge, who may, after consulting with other judges of this court, approve the list either in whole or in part. Additions or deletions from the list may be proposed from time to time. Lists or amendments to the lists shall be filed with the Clerk, along with the administrative order of approval. Approval of a specific agency shall serve to approve all therapists, counselors, psychologists and psychiatrist associated and in good standing with that agency.

#### **Rule 708.1. Violation of Probation, Probation with Restrictive Conditions, or Parole.**

Unless otherwise specifically noted, procedures established by this Rule shall apply to violations of probation, probation with restrictive conditions, and/or parole, regardless of which particular form of supervision is involved.

A. *Gagnon I Hearing Master:* The President Judge shall appoint an attorney authorized to practice before the Court to conduct Gagnon I hearings.

B. *Gagnon I Hearings:* Court Administration shall create and distribute an annual calendar for which there shall be monthly Gagnon I Hearings. Defendants not in custody shall be scheduled by Court order at least three (3) weeks in advance of the hearing date. When a defendant has been committed to Adams County Adult Correctional Complex because of a violation, and no other detainees require commitment, hearings may be more

promptly scheduled. The master shall promptly file with the Court preliminary findings and recommendations.

*C. Gagnon II Hearings:* Gagnon II hearings shall be conducted on Revocation Day and normally scheduled by Court order at least three (3) weeks in advance. As in the case of Gagnon I hearings, hearings may be more promptly scheduled when a defendant is incarcerated.

*D. Failure to appear:* A judge may order that a bench warrant issue for the arrest of any defendant who fails to appear at a hearing. Any person so arrested shall be produced before a judge within 72 hours after being placed in the Adams County Adult Correctional Complex. The judge shall explain the reasons defendant is being held, the right to counsel and to hearing(s) on the charges and the possible consequences of being found in violation.

1. Normally, when defendant has been arrested for failure to appear at a Gagnon I hearing, appearance before a judge shall suffice and be in lieu of that hearing. However, a Gagnon I hearing may be scheduled at defendant's request.

2. Defendant may admit some or all of the alleged violations, but shall be under no obligation to deny them.

3. If bail is set, it shall be conditioned on the defendant appearing at the next regularly scheduled Gagnon I or Gagnon II hearing date that follows arrest as ordered.

*Comment:* Although scheduling pursuant to this local rule is intended to reflect a balance between the necessity to prepare for hearings and defendant's interest in prompt disposition of charges, considerations of reasonableness may dictate either earlier or later hearings. Nothing in these rules shall preclude requests for special scheduling.

*E. Commencement of proceedings:* Revocation proceedings may be commenced by petition and rule to show cause or by arrest. When commenced by arrest, defendant shall be produced before a judge without unnecessary delay. If possible, defendant shall be produced within 72 hours of placement at Adams County Prison.

[Pa.B. Doc. No. 24-975. Filed for public inspection July 12, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rules of Judicial Administration; Administrative Order No. 10 of 2024

##### Order of Court

*And Now*, this 28th day of June, 2024, in order to come into compliance with the requirement of Pa.R.J.A. 103(c)(3), it is hereby Ordered that the entirety of the Adams County Local Rules of Judicial Administration are *Vacated* and replaced with Local Rules that are keyed to align with Pennsylvania Rules of Judicial Administration as reflected in Attachment 1 of this Order.

This wholesale rule replacement shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

1. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, contain-

ing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.

3. A copy of the proposed local rules shall be published on the 51st Judicial District website.

4. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying.

5. The effective date of the local rules shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

#### Attachment 1

### ADAMS COUNTY RULES OF JUDICIAL ADMINISTRATION

#### General Provisions

##### Rule 101. Title and Citation of Rules.

Local rules may be cited:

Adams C.R.J.A. (number)—Rules of Judicial Administration

Adams C.Civ.R. (number)—Rules of Civil Procedure

Adams C.Crim.R. (number)—Rules of Criminal Procedure

Adams C.Juv.R. (number)—Rules of Juvenile Court Procedure

Adams C.O.R. (number)—Rules of Orphans' Court Procedure

They may also be cited as Local (R.J.A., Civ., Crim., Juv., O.C.) Rule (number).

##### Rule 103. Procedure for Adopting, Filing and Publishing Rules.

Local rules are intended to supplement State rules and shall be read in context with those rules. In case of a conflict the rules adopted by the Pennsylvania Supreme Court shall prevail.

##### Rule 116. Offices To Which Rules Apply.

The Rules adopted under this chapter shall apply to all offices in the Adams County court system unless the context indicates otherwise. Offices in the court system shall include the offices of Magisterial District Judges, Domestic Relations Section, the Clerk of Courts, Orphans' Court Division, Criminal and Miscellaneous Sections, and the Prothonotary. In some instances these rules will also apply to the Sheriff, Register of Wills and Recorder of Deeds.

##### Rule 117. Court Calendar.

The Court shall promulgate a court calendar annually. There shall be included therein no less than twelve (12) weeks set aside for criminal jury trials and no less than seven (7) weeks set aside for civil jury trials. The Prothonotary and Clerk shall prepare a list of cases scheduled for hearing, trial argument or other action at least five (5) days prior to a specified calendar day and provide each judge presiding over such cases with a copy thereof. Other than summary appeals, the hearing list

shall reflect matters listed for hearing at least ten (10) days prior to hearing date. The list may be supplemented by order or with approval of a judge.

**Rule 118. Legal Journal.**

*The Adams County Legal Journal* is designated for the publication of Court or other legal notices as required by the various statutes, laws, rules, orders or decrees of the Court in the Commonwealth of Pennsylvania.

**Rule 120. Bulletin Board.**

Both the Prothonotary and Clerk of Courts shall maintain in public view a bulletin board for the purpose of posting required notices.

**Rule 130. Law Library.**

A. *Research and Reference Facility:* The Adams County Law Library shall be used as a research facility by the Court, county officials, and county attorneys, in accordance with law, and subject to rules promulgated by the Law Library Committee and approved by the Court. In furtherance of a desire to maintain the Adams County Law Library as a complete County Reference Law Library, the following publications are to be provided for the law library:

1. All published slip opinions authored by the Adams County Court shall be delivered to the Adams County Law Library which shall hereinafter act as a depository for said Opinions.

2. All ordinances of municipalities and townships, including Zoning Ordinances, shall be made available to the Adams County Law Library.

B. *Open to the public:* The Adams County Law Library shall be a facility open to the general public subject to rules promulgated by the Law Library Committee and approved by the Court.

C. *Law Library Committee:* The President Judge shall appoint a chairman and committee to operate and maintain the Adams County Law Library. Committee members shall be selected from members of the Adams County Bar Association and shall serve at the pleasure of the President Judge. The committee may deal directly with the Adams County Commissioners in budgetary matters. The committee shall annually file a report and accounting with the Court. Upon approval, the report shall be filed of record in the Prothonotary's Office.

D. *Rules.* Until changed, the following rules shall apply:

1. The library is open to the public during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except during those times when the Courthouse is closed.

2. The Adams County Law Library is intended primarily for a reference library. No books may be taken out by members of the general public. Limited borrowing privileges are as follows:

a. All books must be returned within three (3) days from the date that they are signed out, in a register provided and located at the desk in the law library. Violation of this provision shall subject the violator to the following penalties:

i. Books held beyond thirty (30) days—library privileges to be revoked and offender to be reported to the Adams County Court.

ii. After thirty (30) days, the offender will be billed for the replacement cost of the volume(s) held.

b. The following books are for reference only and may not be taken out of the law library: Purdons Statutes, Pennsylvania Law Encyclopedia, United States Code Annotated, U.S. Code Service, all Slip Opinions, Court Rules, Dictionaries, Directories, Shepard Citations, *Pennsylvania Code*, *Pennsylvania Bulletin*, and all other books maintained on shelves that are marked indicating that the contents may not be removed.

3. For all materials which are in circulation and borrowed from the library, authorized individuals shall sign the register and legibly indicate the volume number and title, the borrower's name (judge, attorney, or county official), and the date that the volume was removed. Every item taken from the library must be signed out. When the item is returned to the library, the register must be dated on the same line on which it was signed out to indicate that the item is returned. The item must be placed on a desk or cart and NOT re-shelved.

4. The photocopier in the law library is for the convenience of all persons authorized to use the law library. Use is restricted to making reasonable numbers of copies of library material without violating The Copyright Act at 17 U.S.C. § 108. The Committee may subject the copier's use to conditions and restrictions by posting same by or on the copier and may revoke any person's usage privileges.

5. These rules shall be posted in a conspicuous place in the Adams County Law Library.

**Rule 150. Extended hearing.**

An extended hearing is defined as one requiring two or more hours. Parties requesting a hearing, whether by order or praecipe, shall certify whether the hearing can reasonably be expected to become an extended hearing. The Court will then schedule the matter for conference or hearing as deemed appropriate by the Court.

**Fees, Costs and Financial Matters**

**Rule 401. Money Paid Into Court.**

A. Any party wishing to pay money into Court shall request leave to do so by petition, in conformance with Adams C.Civ.R. 206.4(c).

B. The Prothonotary and Clerk of Courts shall open and maintain accounts for the deposit of funds paid into Court, pursuant to court order. Accounts and depositories shall be approved by the Court. Disbursements or distributions shall be made pursuant to court order. An administrative fee of twenty-five (\$25.00) dollars shall be paid from the fund.

C. When money is paid to the Prothonotary pursuant to Pa.R.Civ.P.D.J. 1008, the payee shall state in writing whether or not the Prothonotary is authorized to periodically release sums to a landlord without application by the landlord. If authority is granted, the tenant shall state the amount that may be periodically disbursed. Until authority is cancelled by the tenant, those sums may be periodically released without further Order of Court.

**Rule 402. Fee Schedule: Public Access to Magisterial District Court Records.**

A. Any member of the public requesting access to the public records of the magisterial district courts of Adams County shall be charged the following fees:

1. *Photographing*—\$0.25 per page;

2. *Facsimile or other electronic memos*—\$0.25 per page;

3. *Conversion to paper from electronic storage*—\$0.15 per page;

4. *Postage*—actual cost;

5. *Redaction*—none;

6. \$5.00 per each quarter (1/4) hour associated with the preparation, copying and re-filing of requested records.

B. Depending upon the volume of the records requested, the Magisterial District Judge may require a reasonable deposit before authorizing response to the request.

C. Fees paid for services are non-refundable.

D. Fees may be waived if the Magisterial District Judge determines that the requestor is indigent.

E. All fees received pursuant to this Rule shall be identified as revenue to the magisterial district court and shall be remitted monthly to the general fund of the County of Adams.

F. All terms used in this Rule shall have the same meaning as found in the definitional section of the Public Access Policy of the Unified Judicial System of Pennsylvania at 204 Pa. Code Sec. 213.1.

### Documents and Records

#### Rule 801. Papers Filed.

For purposes of this Rule, papers include pleadings, motions, petitions and orders. Nothing in this rule shall be construed contrary to any State rule.

##### A. *Size and Color.*

Papers filed in the court system of Adams County shall be eight and one-half inches by eleven inches (8 1/2 × 11) in size. Papers shall be on white or off-white stock. Exhibits to papers may be of a different color if the original does not permit compliance with this Rule.

##### B. *Characters.*

Papers should be written in ink, printed, typewritten, photocopied, mimeographed or otherwise mechanically reproduced.

##### C. *Caption.*

The caption should include the name and division of the Court, identifying case number, the names of the parties, and the title of the proceeding.

##### D. *Orders.*

Papers requiring an order shall have a proposed order attached as the first page and shall be first filed in either the Office of the Clerk of Courts or the Office of the Prothonotary. Normally, papers should then be presented to the Court Administrator for routing. Papers may also be presented to the appropriate judge in chambers, or filed in open court, if the judge is already presiding over that litigation.

##### E. *Prior Action.*

If a paper refers to prior action taken by the Court, the paper shall identify the date the action was taken and the judge taking such action and shall have attached as an exhibit a copy of the order directing the action.

##### F. *Backers.*

The use of backers, mini-backers, toppers or other cover stock is discouraged. No substantive content of any pleading or document shall be contained on the backer, mini-backer, topper or other cover stock. The Clerk of Courts and the Prothonotary shall not physically retain

or preserve any backer, mini-backer, topper or other cover stock, or retain or preserve any information contained thereon.

##### G. *Social Security Numbers.*

No document submitted for filing to the Prothonotary's Office shall disclose the Social Security number of any person, except as specifically authorized by Rule promulgated by the Pennsylvania Supreme Court, court order, or as required by State or Federal law.

#### Rule 802. Records.

##### A. *Officers.*

The Prothonotary, Clerk of Courts, Domestic Relations Section, Recorder of Deeds and Register of Wills shall be responsible for the safekeeping of records in their respective offices.

##### B. *Unsupervised Access to Records.*

No person other than a judge, attorney admitted to practice in Pennsylvania, or persons designated by a judge or attorney may have unsupervised access to records. Attorneys shall designate which employees from their law office may have unsupervised access. The designation of law office employees must be written and filed in the appropriate office. All unsupervised access shall be limited to the Court's normal business hours and confined to the Prothonotary, Clerk of Courts, Domestic Relations Section or Recorder/Register's Offices where the records are stored. Attorneys and designated employees must sign an acknowledgement that they understand this Rule and will do nothing to damage or compromise the integrity of records. If the law office employee's designation is to be removed due to termination of employment or otherwise the attorney shall promptly so notify the Officer. The Officer shall periodically request updated written designations.

##### C. *Removal of Records.*

Officers may not authorize temporary removal of records for the purposes of examination and study by any person other than a judge, judicial staff, masters, auditors, court-appointed arbitrators or other court appointed persons. Officers shall require receipts and must be informed precisely where the records may be located. Any person temporarily removing the records shall authorize the Officer to seize and regain possession of the records without process or notice, wherever they may be held. On the day of hearing the master, chairperson of Board of View, or chairperson of Board of Arbitration may remove the records applicable to the appointed case for use at the hearing and shall return said records intact to the Officer at the end of said hearing. Where the records in a case are unusually voluminous the Officer may relax the restrictions of this Rule so that the original records may be removed from the office for a longer period of time.

##### D. *Electronic Copies.*

Upon appointment by the Court the Officer shall make electronic copies of the pleadings available to a master, members of Board of View and members of Board of Arbitration.

#### Rule 803. Correction of Public Records.

Neither the Prothonotary, the Register of Wills, the Clerk of Courts, the Recorder of Deeds, Domestic Relations Section nor the Sheriff shall erase any matter erroneously entered in any official or public record, such as an entry book, docket, mortgage or deed, or will book. Any erroneous entry shall be stricken there from in red ink in such manner as to leave the stricken matter

legible, and the correct entry inserted. Upon the making of any correction the Officer making the same shall note the date of such making. In the event that any such Officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between two other entries unless the Officer shall note on the record that it was so made, together with the date thereof.

**Rule 805. Public Access Policy: Case Records of the Trial Courts.**

Pursuant to Section 7.0 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form (CIF) in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an un-redacted version. The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-forms>.

**Judicial Appointments**

**Rule 1001. Petitions For Board of View.**

*A. Content of Petition.*

1. Petitions filed for the appointment of a Board of View shall cite therein the statutory authority under which the board is being sought.

2. The petition shall identify persons having an interest in the appointment of the board, persons who will be legally impacted by the decision of such board, and any attorney who has a real or potential conflict of interest in the matter.

*B. Delivery to the Court.* Upon the filing of the petition with the Prothonotary, the petitioner(s) shall have the petition forwarded to the Court Administrator for processing.

*C. The Board.*

1. Boards of View shall generally be composed of three (3) persons, with the chairperson being an attorney licensed to practice in the Commonwealth of Pennsylvania whose principal office is located in Adams County.

2. The Court may revoke the appointment of the Board, or any member thereof, for whatever cause that the Court deems appropriate.

*D. Deposit.*

1. When the request for a Board of View concerns a private road or other circumstance where a party is statutorily responsible for such costs the Court shall, upon appointment of the Board of View, direct the petitioner to deposit a sum with the Prothonotary to cover the fees and expenses of the Board. That sum shall be from time to time designated by the President Judge but shall initially be set at \$1,000.00. No further action on the petition shall occur until the deposit is presented to the Prothonotary. The Prothonotary shall notify the chairperson of the Board of such receipt.

2. The Court may, at the request of the chairperson, direct that additional sums be deposited consistent with the services provided or to be provided by the Board. In such circumstance the proceedings shall be stayed pending receipt of the additional deposit, unless otherwise directed by the Court.

3. The Prothonotary shall maintain the deposit, pay fees and expenses therefrom as directed by the Court, and return any remaining balance to the petitioner within forty (40) days after the date of approval of the Report of the Board by the Court.

*E. Compensation and Expenses.*

1. Boards of View shall be compensated at a rate established from time to time by the Court.

2. A Petition For Compensation and Expenses shall be made by the Board of View at the time of the filing of its Report. A copy of that petition shall be served upon all parties of record, or their attorneys.

3. Compensation and expenses shall be approved by the President Judge, or designee.

*F. Report.* The Report of a Board of View shall be in writing and submitted to the Court within sixty (60) days of appointment of the Board. If the report cannot be completed and submitted within that period of time, the chairperson shall file a preliminary report with the Court explaining the reason(s) for the delay and setting forth the expected time needed to complete the report.

**Rule 1002. Petition For Appointment of Humane Society Police Officer.**

Any person or entity seeking the appointment of a person to act as a humane society police officer pursuant to the provisions of 22 Pa.C.S.A. Sec. 3701, et. seq., shall file a petition in the Office of the Clerk of Courts setting forth verification that the proposed officer satisfies the requirements of the statute. Immediately after filing and docketing of the petition it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

**Rule 1003. Petition For Appointment of School Police Officer.**

Any school district seeking to have a person appointed as a school police officer pursuant to provisions of 24 P.S. Sec. 7-778 shall file a petition in the Office of Prothonotary. Immediately after filing and docketing of the petition, it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

**Rule 1004. Guardian Ad Litem.**

Any interested party may move, in the case wherein facts are of record, or may petition, in cases wherein facts are not of record, for the appointment of a guardian ad litem for any party in interest, not sui juris, by reason of infancy or otherwise. The fee for the guardian ad litem shall be set by the judge to whom the case is assigned, and shall be paid in the first instance by the moving or petitioning party. Thereafter, the judge may make such order as may be appropriate, including assessing the fees as costs in the case.

**Rule 1005. Petition for Appointment to Fill Vacancy in Office of Constable.**

A. Any person seeking to be appointed to serve as constable to serve a vacancy in said office pursuant to 44 Pa.C.S.A. § 7121 shall file petition in the Adams County Clerk of Courts Office. The petition shall include the following:

1. A statement identifying the borough, city, ward, or township in which a vacancy exists;

2. The expiration date of the term of office for which the appointment is being sought;

3. A statement that the petitioner is a resident of the municipality where the vacancy exists; and

4. A statement that the petitioner has or will satisfy all the statutory requirements to serve as a constable.

B. The petition shall be signed by ten (10) qualified electors residing in the borough, city, ward, or township in which the vacancy exists. In addition to original signature, each qualified elector shall be identified by printed name and address.

C. Upon the filing of a petition in compliance with the requirements of this rule, the Adams County Clerk of Courts Office shall forward the same to the President Judge, or designee, within five (5) business days of the filing of the same. The President Judge, or designee, shall schedule hearing or take other appropriate action as necessary.

#### **Rule 1010. Payment for Court Appointments.**

A. This rule shall be applicable to assignments for which payment for services rendered are assigned by the Court to the County of Adams or to the parties, according to local procedure, including but not limited to the following services:

1. Court-appointed Counsel in criminal, civil, juvenile and orphans' court matters;
2. Custody Conciliator;
3. Divorce Hearing Officer;
4. Gagnon I Master;
5. Juvenile Hearing Master; and
6. Guardian Ad Litem in dependency, custody and support matters.

B. Compensation for the services noted within this rule shall be established from time-to-time by Administrative Order.

C. All court-appointed counsel, conciliators, hearing officers, masters and guardians are encouraged to submit motion for payment of services on a monthly or quarterly basis.

D. In all instances, court-appointed counsel, conciliators, hearing officers, masters and guardians shall submit motion for payment in the calendar year the service was rendered.

1. Motions for payment must be filed by January 7 of a given year for the work performed in the preceding year.

2. Failure to submit motion for payment by January 7 shall result in forfeiture of payment for services rendered.

3. Court-appointed counsel, conciliators, hearing officers, masters and guardians may petition the Court for special consideration if cause is presented as to a delay in submission of motion for payment.

E. This rule is not applicable when services are governed by separate agreement with the County of Adams.

#### **Appeals to Court**

#### **Rule 1101. Appeals From Government Agencies.**

A. Whenever an appeal is filed from the final order of a governmental agency pursuant to provisions of 42 Pa.C.S.A. Sec. 933, the appeal shall have attached thereto a copy of said final order.

B. The Prothonotary or Clerk of Courts shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court will then schedule a conference, hearing, or argument, or take such other action as may be deemed necessary or appropriate.

#### **Rule 1102. Land Use Appeals.**

Whenever an appeal is filed pursuant to provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. Sec. 10101, et. seq., the Prothonotary shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court shall then schedule a conference or hearing or take such other action as may be deemed necessary or appropriate.

#### **Rule 1103. License Suspension Appeals.**

A. All appeals from governmental action suspending or revoking licenses, rights or privileges, shall have attached thereto a copy of the suspension or revocation order.

B. Hearings for such appeals shall be held on a regularly scheduled Miscellaneous Court day.

#### **Rule 1104. Tax Assessment Appeals.**

##### *A. Caption.*

1. A real estate tax assessment appeal from a decision of the Adams County Board of Assessment Appeals as to the amount of assessment for real estate tax purposes or to an exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed in the Office of the Prothonotary within the time prescribed by statute.

2. The caption shall designate the party taking the appeal as Appellant and the Adams County Board of Assessment Appeals as Appellee. If the appellant is a taxing authority it shall join the owner(s) of the real estate involved as of course as a party in the assessment appeal by designating such named owner(s) in the caption as Respondent(s).

B. *Joinder of Appeals.* Joinder of more than one real estate tax parcel in a single appeal be permitted only where the parcels are situate adjacent to each other, are titled in the name of the same owner(s), and have been joined for title and taxing purposes in a single deed.

C. *Contents of Appeal.* A Real Estate Tax Assessment Appeal shall contain the following:

1. A caption as proscribed above.
2. The name and address of the Appellant(s).
3. The name and address of all titled owners of the real estate.
4. The identity of the municipality and school district wherein the real estate is located.
5. Reference to the decision of the Adams County Board of Assessment Appeals from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

6. A brief averment of the nature of and the reasons for the appeal.

7. The written signature of the Appellant(s). If the Appellant(s) is/are individuals but constitute(s) less than all titled owners of the real estate there shall be an averment whether the Appellant(s) is/are representing the interest of all the owners. If the Appellant is a corporation the person signing the appeal shall note his/her position in the corporation.



8. A verification consisting of a verified statement as “verified” is defined in Pa.R.Civ. P. No. 76.

D. *Service.* Appellant(s) shall serve copies of the appeal by certified or registered mail or by personal service upon the Board at its official office and, unless named as the appellant, the Board of County Commissioners of Adams County, and upon the respondent owner(s) of the real estate at said owner’s last known address. Within ten (10) days after the filing of the Real Estate Tax Assessment Appeal the Appellant(s) shall file a proof of such service with the Prothonotary.

*Comment:* It is suggested, but not required, that the Appellant(s) provide service of the appeal upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices, or in the absence of any official office, at the last known address of the secretary of said body.

E. *Answer.* No answer or responsive pleading is required to be made by any person or entity entitled to service of a copy of the Appeal or any other pleading filed during the appeal unless otherwise directed by the Court.

F. *Amendment.* Amendment of any pleading shall be permitted as a matter of right up to the date of the pre-trial conference but after the pre-trial conference no amendment shall be permitted except upon approval by the Court.

G. *Intervention.*

1. The County of Adams or the proper municipality or school district not named as Appellee may intervene as of course during the pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

2. The Notice of Intervention shall contain the name of the intervening party designated as Intervenor in the caption, and shall set forth that such identified party is intervening.

3. The intervenor shall serve copies of the Notice of Intervention personally or by ordinary mail upon Appellant(s), Appellee, any Respondent owner and any other intervening parties of record.

4. Within ten (10) days after the filing of the Notice of Intervention the intervenor shall file a proof of such service with the Prothonotary.

H. *Administrative Processing.* The Prothonotary shall forward the file to the President Judge, or designee, on the thirty (31st) day following the filing of the appeal.

I. *Pre-trial Conference.*

1. Upon receipt of the file from the Prothonotary the Court shall schedule a pretrial conference or take such other action as may be deemed necessary or appropriate.

2. Each party shall file a pre-trial conference memorandum as directed by the Court.

3. An owner, attorney-at-law, or person with legal fiduciary responsibility, who has authority to settle the case must appear at the pre-trial conference.

J. *Discovery.* Pre-trial discovery is permitted as agreed upon by the parties or as directed by the Court.

K. *Settlement.* Any proposed settlement presented to the Court for approval shall indicate whether it is joined in by all owners, the County of Adams, and all relevant municipal taxing authorities. The settlement shall contain a proposed order directing that notice of the proposed settlement be given by ordinary mail to all owners or

relevant municipal bodies who have not joined in the proposal giving them thirty (30) days from the date of mailing to object thereto or the proposed settlement will be considered approved by the Court.

**Rule 1105. Tax Sale Appeals.**

All tax sale appeals shall be docketed in a manner which identifies the appeal by the tax sale number. Once the appeal is filed, a separate file for that appeal shall be maintained by the Prothonotary.

*Comment:* Generally, all tax sales for a given year are collectively docketed as filing year-S-file number. Appeals shall be filed to the same docket number but shall also note the sale number. An example would be 2012-S-235 (Sale No. 36).

**Rule 1106. Truancy Appeals.**

All appeals filed by a parent, guardian, or person in parental relation from a summary conviction under provisions of the School Code, 24 P.S. Sec. 13-1333, for violation of the compulsory school attendance law shall be filed in the Office of the Clerk of Courts and shall be heard on a regularly scheduled Criminal Business Court day.

**Miscellaneous Petitions**

**Rule 1201. Petitions For Exemption From Disability to Possess a Firearm.**

A. Any person who is prohibited by law from possessing a firearm and who is seeking an exemption from such disability under provision of the Pennsylvania Uniform Firearms Act of 1995, 18 Pa.C.S.A. Sec. 6101, et. seq.1 and specifically under Section 6105 thereof, shall file a petition in the Office of the Prothonotary of Adams County. In addition to any other provision of law, the petition shall include:

1. Averment(s) stating the reason(s) the petitioner is prohibited from possessing a firearm and shall attach, as an exhibit, any supporting documentation.

2. Averment(s) stating the reason(s) the petitioner believes he/she is entitled to exemption.

3. The identity of all persons entitled to notice of the proceeding.

4. An averment whether, by law, the hearing is to be open or closed to the public.

B. Within five (5) days after the filing of the petition, it shall be forwarded to the President Judge, or designee, for the scheduling of a hearing or such other action as may be deemed necessary or appropriate.

**Rule 1202. Sale of Impounded Unclaimed Vehicles.**

A. The Sheriff of Adams County shall, on a periodic basis, conduct sales of impounded unclaimed vehicles in conformity with the Pennsylvania Vehicle Code, specifically, 75 Pa.C.S.A. Sec. 6310(b). The following process shall be observed for the sale of said vehicles:

1. The Magisterial District Judge shall issue an order for the sale of the impounded, unclaimed vehicle and shall provide the Sheriff with a) a copy of said order, b) the name and address of each known owner, lienholder, and secured party of the vehicle, c) the appropriate law enforcement officer involved, d) the identity of any constable or towing agent involved, e) the location where the vehicle is impounded, f) any unpaid fines and costs owing to the Magisterial District Court and g) any known costs as described in 75 Pa.C.S.A. Sec. 6309, 6309.1 and 6309.2.

2. Upon receipt of the information provided in paragraph A.1., above, the Sheriff shall serve notice upon owners, lienholders and secured parties as required by 75 Pa.C.S.A. Sec. 6310(b). The Sheriff shall also notify the law enforcement officers, constables, towing agent, and impound official, if any, of the date and time of sale together with a request for verification of any unpaid costs incurred by said entity pursuant to statute for the seizure, towing, impounding or storage of said vehicle.

3. If the identity or address of an owner is unknown or notice has been returned as undeliverable notice of the sale shall be given by the Sheriff by publication once in the *Adams County Legal Journal* and in one local newspaper of general circulation.

4. On the date established for the sale of such vehicles the Sheriff shall conduct said sale in accordance with normal personal property sale procedures.

5. Following the sale the proceeds of sale shall first be applied to the costs incurred by the Sheriff for the sale, secondly, to the payment of all fines and costs, and thirdly to the payment of encumbrances. The balance, if any, shall be remitted to the owner.

6. At any time during this process the Sheriff shall have the right to discontinue the sale if there is reasonable basis to conclude that the cost incurred or to be incurred by the Sheriff shall exceed the amount reasonably expected to be offered at sale. In such circumstance the Sheriff shall notify the Magisterial District Judge in writing of the basis for that conclusion. Thereafter the Sheriff shall only be required to proceed to sale if the Sheriff's costs are guaranteed in a manner deemed acceptable by the Sheriff.

#### **Rule 1203. Older Adults Protective Services Act.**

A. This Rule addresses procedures to be followed under the Older Adults Protective Services Act, 35 P.S. § 10225.101, et seq.

B. *Emergency Petitions.* Whenever a petition for emergency order is filed under Section 307 of the Act, 35 P.S. § 10225.307, outside the normal business hours of the Court of Common Pleas, said petition shall be presented to the on-call Magisterial District Judge. Any order entered by a Magisterial District Judge shall be considered a temporary order but shall remain in effect until a preliminary hearing is held pursuant to Paragraph D.

C. The Magisterial District Judge shall contact the Court Administrator as soon as possible after granting or denying relief. All papers shall be promptly forwarded for filing to the Prothonotary's Office.

D. If the Magisterial District Judge grants relief, the Court will schedule a preliminary hearing to be held at 1:00 P.M. on the next Business Court Day following the granting of relief by the Magisterial District Judge. The Magisterial District Judge granting relief shall provide notice to all known interested parties in the form set forth in Paragraph E., below.

E. At the preliminary hearing, the Court shall determine whether the relief granted pursuant to the emergency order shall remain in effect or be modified and shall set a date for a plenary hearing.

#### **F. Form of Notice**

##### Notice

An Emergency Petition under the Older Adults Protective Services Act has been filed as attached. An emergency order has been granted and will remain in effect until 1:00 P.M. on \_\_\_\_\_, 20\_\_\_\_, when it

will be considered in a Courtroom that will be designated on that date in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the emergency order may be continued, modified, or terminated. If the order is continued or modified, a full hearing on the merits will be scheduled. You may appear for either hearing. The Court may proceed in absence of any interested person except the petitioner to take testimony and enter an order granting relief.

The older adult affected by this proceeding is entitled to be represented by counsel and is hereby notified that if he/she cannot afford a lawyer to go to or telephone the office set forth below to apply for court appointed counsel.

Adams County Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, PA 17325  
Telephone: (717) 337-9846

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Magisterial District Judge

#### **Miscellaneous Administrative Provisions**

#### **Rule 1901. Termination of Inactive Cases.**

##### *A. Magisterial District Court-Traffic*

1. In this subsection, the rule shall apply only to those summary traffic violations or parking violations in which a warrant has been issued pursuant to Pennsylvania Rule of Criminal Procedure Rule 430(A), Rule 430(B)(1)(a) or Rule 430(B)(2).

2. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Dismiss any summary citation or ticket filed under Title 75 (relating to vehicles) or under local ordinance pertaining to overtime parking which was issued three years prior to November 15th of each respective year.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension as needed pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

3. Each Magisterial District Court shall promptly provide a list of those cases being dismissed to Court Administration.

##### *B. Magisterial District Court-Non-Traffic*

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

i. Identify all non-traffic summary cases where no plea has been entered and where there has been no evidence of activity in the three years prior to November 15th of each respective year.

ii. Compile a list that will indicate the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

iii. Forward this list to Court Administration.

2. Upon receipt of the lists, Court Administration shall:

i. Publish the list in a newspaper of general circulation in Adams County for all cases in which the affiant is neither filing as a law enforcement officer nor a tax bureau or taxing authority.

ii. For matters where the affiant is filing as a law enforcement officer, provide a copy of the list of those cases to the District Attorney.

iii. For matters where the affiant is a tax bureau or taxing authority, provide a copy of the list of those cases to the tax bureau or taxing authority.

3. The publication and lists sent to the District Attorney and tax bureau or taxing authority shall include a disclaimer to indicate that the matters listed shall be terminated after 30 days of publication or date of lists sent to the District Attorney and tax bureau or taxing authority unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

i. If the affiant requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

ii. Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the affiant, shall be filed of record in MDJS.

iii. The affiant shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

4. In the event a hearing is not requested within 30 days of publication, the Magisterial District Court shall:

i. Dismiss the summary citation or ticket filed.

ii. Vacate any active warrant in relation to the dismissed summary citation or ticket and promptly remove the warrant from MDJS, CPCMS or any other system or list in which the warrant has been issued.

iii. For any matter involving a license suspension, forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pennsylvania Rule of Criminal Procedure Rule 470.

**Rule 1910. Photography, Recording, Broadcasting, and Electronic Equipment in Judicial Facilities.**

A. The activation, operation, or use of any device capable of capturing, recording, transmitting, or broadcasting a photograph, video, motion picture, or audio is prohibited within a judicial facility and the environs of a judicial facility unless otherwise permitted by this rule.

**B. Definitions.**

*Activate, Operate, or Use*—The terms activate, operate, or use include but are not limited to any electronic device which is being powered or is in the “on” position regardless of whether the device is in silent mode or otherwise disabled unless the device is completely turned off.

*Environs*—The environs of a judicial facility include the entire floor on which is located a courtroom, hearing room, jury room, prisoner holding room, Security Department station, or any court filing office including the Prothonotary's Office, the Clerk of Courts Office, the Domestic Relations Office, and the Department of Probation Services Office. The term also includes any elevator and/or stairwell accessing a judicial facility.

*Judicial Facilities*—The term includes any courtroom, hearing room, or judicial chambers used by the Court, including Magisterial District Courts, to conduct trials, hearings, or any other court related business including rooms made available to interview witnesses including the environs of such a room.

*Recording, Broadcasting, or Electronic Equipment*—The terms recording, broadcasting, or electronic equipment include but are not limited to cell phones, laptops, electronic tablets, cameras, tape recorders, video recorders, and electronic devices of any type capable of photographing, recording, broadcasting, or digitally preserving information.

C. *Exceptions.* The prohibitions set forth in this rule shall not apply to the following:

1. *Attorney Exception*—Licensed attorneys conducting business related to the representation of a client provided the device is in the “silent” or “vibrate only” mode when the attorney is in a courtroom or hearing room unless the device is being actively utilized in a proceeding which the attorney is appearing. The exceptions set forth in this section do not authorize the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion picture, or audio of a proceeding or person within a judicial facility or its environs.

2. *Court Administration Exception*—The use of advanced communication technology by Court Administration, an official court reporter, or designee for purposes of recording/transcribing the official court record or conducting proceedings with offsite counsel, parties, or witnesses in furtherance of directives from the presiding Judge.

3. *Emergency Responder Exception*—Emergency medical, fire, law enforcement, or other personnel responding to an emergency call within a judicial facility.

4. *Employee/Independent Contractor Exception*—Employees or independent contractors of the Adams County Court of Common Pleas or Adams County who clearly display an identification badge issued by the County of Adams or is otherwise pre-approved by the Security Director while the employee is acting as an employee/contractor on court/county business provided the device shall have the power switch “off” when the employee enters a courtroom or hearing room unless the courtroom is closed for repairs.

5. *Evidence/Equipment Exception*—Devices used for the purpose of presenting evidence, or a device which is actual evidence, in any court proceeding actually being conducted at the time of use of the device with the permission of the presiding Judge.

6. *Law Enforcement Exception*—Law enforcement officers providing proper identification and are on business related to a matter pending before the court and/or meeting with the Office of District Attorney provided the device shall have the power switch “off” while the law enforcement officer is in a courtroom or hearing room. This rule is also inapplicable to County Security Officers acting within the scope of their authority.

7. *Magisterial District Court Exception*—In a criminal judicial proceeding before a Magisterial District Judge, the Magisterial District Judge, upon request, shall permit the attorney for the Commonwealth, the affiant, or the defendant to record oral communications made during a judicial proceeding as an aid to the preparation of the written record for subsequent use in a case. Such recording shall not be publicly played or disseminated in any manner unless in a subsequent court proceeding for the litigation in which the recording was made. This exception is limited to the recordation of oral testimony and does not accept or permit the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion picture, or audio of a proceeding.

8. *Office Exception*—The provisions of this rule may be waived by an elected official or department director within the confines of their office space provided the device shall have the power switch “off” when leaving the office and reentering other environs of the judicial facility.

9. *Special Permission Exception*—The President Judge may, upon request, make exception to the prohibitions contained in this rule under such circumstances and subject to such conditions as the President Judge may prescribe. The presiding Judge in an active court proceeding is authorized to grant exception to this rule to any party as the interests of justice require. The permission shall be limited to the proceeding being conducted and for the sole purpose of allowing the party access to information from an electronic device. The permission shall not authorize the capturing, recording, or broadcasting of a photograph, video, or audio of the proceeding nor shall extend beyond the confines of the courtroom in which the proceeding is being conducted unless the proceeding is a ceremonial proceeding in which the presiding Judge has expressly authorized such actions.

10. *Special Proceedings Exception*—At the discretion of the presiding Judge, photographing, video or audio recordings, televising, or broadcasting any special proceeding such as a marriage, naturalization, or adoption in a courtroom and subject to directives from the presiding Judge.

11. *Statutory Exception*—The prohibitions in this rule shall not apply in instances where Pennsylvania statutory law permits the recording of executive or legislative branch proceedings conducted in offices or conference rooms other than courtrooms. Where such exception applies, the electronic device shall only be activated upon entry into the room in which the proceeding is occurring and shall be deactivated and have the power switch “off” before reentry into the other environs of a judicial facility.

#### D. Penalties.

1. Any violation of this rule may result in a finding of contempt and imposition of any other sanction authorized by law. Additionally, a violation of 18 Pa.C.S.A. § 5103.1 will result in criminal prosecution. The prohibitions set forth in this rule are in addition to all federal, state, and county laws and policies and any rule adopted by the Supreme Court including procedural rules.

2. Any person who violates this rule shall immediately surrender the electronic device to the Adams County Security Department, the Adams County Sheriff’s Department, or Court designee for the remainder of their visit. Additionally, the Security Department and/or the Sheriff’s Department is authorized to seize from any person any electronic equipment or device used in violation of this rule as necessary for the preservation of evidence in a subsequent contempt/criminal proceeding.

E. The exceptions set forth in this section do not authorize the use or operation of an electronic device to capture, record, transmit, or broadcast a photograph, video, motion picture, or audio of a proceeding or person within a judicial facility or its environs. The exceptions set forth in this section do not shield a person from prosecution under 18 Pa.C.S.A. § 5103.1 for actions in violation of the statutory provision unless authorized by the presiding Judge.

#### Rule 1911. Sound System in Courtroom.

Unless directed otherwise by the presiding judge or presiding magisterial district judge during a proceeding, the management of a sound system in a courtroom,

including the ability to control power to microphones, shall only be performed by the presiding judge or magisterial district judge, a tipstaff, personal staff of the presiding judge or magisterial district judge, or authorized court administration staff. Under no circumstances shall attorneys, agencies representatives, parties to a proceeding, or any other person touch the sound system, turn off or otherwise adjust a live microphone on the bench, an attorney table, a podium used to address the Court or a witness box. The only exception to this Rule shall be when an attorney, agency representative or party to a proceeding needs to temporarily mute a microphone to speak off the record, which said microphone shall be immediately unmuted once back on the record.

### Uniform Rules Governing Court Reporting and Transcripts

#### Rule 4007. Request for Transcripts.

(a) All requests for transcripts shall be set forth on a standardized form approved by the Administrative Office of Pennsylvania Courts and provided by the 51st Judicial District and available at the office of District Court Administrator of Adams County and the Adams County website. The form shall indicate the current rates authorized to be charged for transcripts under these rules. Requestors may also use the standardized form as created by the District Court Administrator of Pennsylvania.

(b) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office (Clerk of Courts, Prothonotary, Orphans Court, or Domestic Relations Office) in which the litigation is pending. The requesting party shall also serve copies of the formal request to:

- (1) the Judge presiding over the matter,
- (2) the Court Reporter, Recorder, or Transcriptionist assigned to the proceeding,
- (3) the District Court Administrator, and
- (4) opposing counsel or party if the party is unrepresented.

(c) Where daily, expedited, or same day transcripts are requested, request for those transcripts shall be filed in writing in the appropriate filing office at least ten (10) days prior to the proceeding with copies of the request delivered as required by paragraph (b). Where justice requires and ten (10) days prior notice cannot reasonably be provided, requests for daily, expedited, or same day transcripts shall be made by oral motion to the presiding Judge.

(d) Following receipt of a request for transcript, the presiding Judge shall forthwith produce an order:

- (1) setting forth the amount of the deposit which shall be 75 percent of the anticipated total cost of the transcript and directing the transcript to be prepared upon payment of the deposit;
- (2) setting a reduced payment rate and directing the transcript to be prepared upon payment of the reduced rate; or
- (3) approving or denying an economic hardship exemption and, where applicable, directing preparation of the transcript.

(e) Upon receipt of the court order referenced in subparagraph (d) above, the filing office shall make service of the same on the requestor. If deposit or reduced payment is required, the payment shall be paid to the filing office

prior to commencement of transcript preparation. Upon receipt of the payment, the filing office shall promptly advise Court Administration of the same who thereafter shall direct the Court Reporter to prepare the transcript.

(f) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall comply with Adams R.J.A. 4007(a). After the Court has set the amount to be paid, and upon satisfaction of any financial obligation related to the request, the Court Reporter shall provide a copy to the requesting party.

**Rule 4008. Transcript Costs.**

(a) Costs payable by a requesting party other than the Commonwealth or subdivision thereof to produce an Original transcript shall be:

- (1) for an ordinary transcript, \$2.50 per page,
- (2) for an expedited transcript, \$3.50 per page,
- (3) for a daily transcript, \$4.50 per page, and
- (4) for same day delivery, \$6.50 per page.

(b) Costs payable by the Commonwealth or subdivision thereof to produce an Original transcript shall be:

- (1) for an ordinary transcript, \$1.55 per page,
- (2) for an expedited transcript, \$1.75 per page,
- (3) for a daily transcript, \$2.00 per page, and
- (4) for same day delivery, \$4.00 per page.

(c) Regardless of whether the request is made by a party or the Commonwealth or subdivision thereof, in order to obtain a copy of the Original transcript, costs payable by the requesting party shall be 50 cents per page for an electronic copy and/or 75 cents per page for a bound, paper copy in addition to any cost incurred for the production of the original.

(d) *Economic hardship.*

(1) A party seeking consideration of an economic hardship related to obtaining a transcript may petition the Court in utilizing the in forma pauperis self-help packet available at the Adams County Law Library or online at [www.adamscountypa.gov](http://www.adamscountypa.gov). In order for a party to be considered for economic hardship, the in forma pauperis self-help packet must be fully completed and verified.

(2) A transcript requested by Legal Aid Services must include with the request for transcript a letter of certification verifying that the client meets financial eligibility and the matter is under appeal or the transcript being requested is necessary to advance the current litigation.

(e) Except as otherwise set forth in this rule, no filing fee shall be assessed to a litigant filing a request for transcript.

**Rule 4009. Fees.**

(a) Fees for all transcripts shall be payable by check, money order, or credit card as required by the respective filing office.

(b) All revenue received related to the production of transcripts or copies thereof, unless required to be held in escrow pursuant to these rules, shall be transferred to the Adams County general fund coded to the Courts' charges for services revenue line.

**Rule 4011. Delivery of Transcript.**

(a) The Court Reporter shall notify the requesting party and the District Court Administrator or designee upon completion of the transcript and shall indicate the balance to be paid at the respective filing office.

(b) The District Court Administrator or designee shall notify the filing office of the balance owed.

(c) Upon completion of the transcript, the Court Reporter shall file it of record and the deposit paid, if any, shall be applied to the cost of production of the original.

(1) No copy of a transcript shall be provided to any party unless an original transcript has been filed of record and the cost of the copy being sought, if any, has been paid.

(2) If a Judge requires a transcript that has not been filed of record, regardless if there are any current requests for the transcript from any party, the requesting Judge shall direct the Court Reporter to create and file the transcript of record and, once filed, to produce a copy to the requesting Judge. Thereafter, any further requests by any party shall be charged at the copy rate.

(d) Upon payment of the balance owed to the filing office, the filing office shall notify Court Administration, and thereafter the Court Reporter shall deliver a copy to the requesting party.

**Custody of Exhibits in Court Proceedings**

**Rule 5102. Exhibits Generally.**

A. When the Clerk of Courts or Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Clerk of Courts or Prothonotary shall be responsible for marking the exhibit.

2. For criminal matters, the Clerk of Courts shall be responsible for maintaining an exhibit sheet.

3. When the proceeding has adjourned, the Clerk of Courts or Prothonotary shall be responsible for taking and maintaining possession of all exhibits that have been admitted into evidence;

a. Placement of the document exhibits in the appropriate file;

b. If there are other physical exhibits (weapons, instruments of crime/fraud, etc.), the Sheriff's Office will provide the Clerk of Courts or Prothonotary with an escort to the filing office.

4. Court Reporters shall be responsible for providing blank exhibit tags to the Clerk of Courts or Prothonotary.

B. If neither the Clerk of Courts nor Prothonotary is serving the Court and present during a judicial proceeding and an attorney or party needs to have an exhibit entered into evidence:

1. The Court Reporter shall be responsible for marking exhibits;

2. For criminal matters, the Court Reporter shall be responsible for maintaining an exhibit sheet to be filed with the Clerk of Courts.

3. When the proceeding for which neither the Clerk of Courts nor Prothonotary were present has concluded for the day:

a. The Tipstaff in charge of the courtroom shall be responsible for:

i. Gathering all exhibits;

ii. For criminal matters, gathering the exhibit sheet from the Court Reporter;

iii. If applicable, verifying that the exhibits match the items listed on the sheet;

iv. Returning the exhibits and exhibit sheet, if applicable, to the appropriate filing office, who shall verify receipt of all exhibits upon acceptance.

b. The Sheriff in charge of the courtroom shall be responsible to escort the Tipstaff to the filing office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

4. If the court proceeding ends for the day after the closing of a filing office, the Chief Tipstaff or designee shall ensure the securing of all exhibits in a locked area that is only accessible to the Chief Tipstaff or designee.

a. If the court proceeding resumes the next business day, the Chief Tipstaff or designee shall return the exhibits to the courtroom unless otherwise instructed by the presiding Judge.

b. If the court proceeding has concluded, the Chief Tipstaff or designee shall return the exhibits to the appropriate filing office at the beginning of the next business day, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

C. In the event the Court takes a matter under advisement and needs to maintain the exhibits, the Tipstaff in charge of the courtroom shall:

1. Gather the exhibits;
2. For criminal matters, gather the exhibit sheet from the Court Reporter;
3. Secure the exhibits in a locked area that is only accessible to the Chief Tipstaff or designee and to allow them to be removed when the presiding Judge requests to examine them, and to re-secure them when the presiding Judge is no longer needs them;
4. When instructed by the presiding Judge, return the exhibits to the appropriate filing office, to be escorted by the Sheriff's Office if there are other physical exhibits (weapons, instruments of crime/fraud, illegal substances, etc.).

D. The handling of exhibits as described in this Rule only applies to exhibits that have been admitted by the Court. Any exhibits introduced but not admitted by the Court shall be the responsibility of the party that introduced the exhibit.

#### **Rule 5103. Civil Trial Exhibits.**

A. After trial, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

B. Within sixty (60) days after the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary after thirty (30) days written notice by regular mail to the attorney or party who offered the exhibit.

C. Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge

shall determine the validity of such claim and determine the manner and timing of disposition.

[Pa.B. Doc. No. 24-976. Filed for public inspection July 12, 2024, 9:00 a.m.]

## **Title 255—LOCAL COURT RULES**

### **CAMERON AND ELK COUNTIES**

#### **Adoption of Local Rules Custody of Exhibits; No. 2020-272 (Elk County); No. 2020-357 (Cameron County)**

#### **Order of Court**

*Now, June 28th, 2024, It Is Hereby Ordered and Decreed* that the Local Rules of the 59th Judicial District of Pennsylvania are hereby amended to include new local rules 5102, 5103, and 5104, in accordance with Pa.R.J.A. 5101—5105 as ordered by the Pennsylvania Supreme Court.

The District Court Administrator is respectfully directed to:

1. File this Order of Court in the Office of the Cameron County Prothonotary and the Office of the Elk County Prothonotary.
2. File one (1) copy with the Administrative Office of Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
3. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. Incorporate these local rules into the set of Local Rules of the 59th Judicial District of Pennsylvania following publication of the local rules in the *Pennsylvania Bulletin*.
5. Publish these Rules on the Court's website at [www.co.elk.pa.us/judicial](http://www.co.elk.pa.us/judicial).

*By the Court*

SHAWN T. McMAHON,  
*President Judge*

#### **Rule 5102. General Provisions.**

The court reporter or court recorder/monitor for all, or a portion, of a court proceeding shall be designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(a) If only one custodian is involved with a proceeding, they shall file with the appropriate records office (Prothonotary/Clerk of Courts or Orphan's Court) all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

(b) The custodian or designee shall prepare the Index of Exhibits during the court proceedings on a form supplied by Court Administration.

(1) If a designee is preparing the Index of Exhibits during a proceeding, the custodian shall obtain the Index of Exhibits prepared during the court proceeding from the designee and compare the exhibits in the possession of the custodian with the Index of Exhibits before filings the exhibits in the records office.

(c) The proponent shall assure that document evidence is in a format, including size and material, that is compatible with being filed and easily stored by the records office. If, due to the nature of the proceeding and the requirement that an oversized or undersized document exhibit be entered into evidence that is not easily capable of storage by the records office, then the records office may request that alternate measures be undertaken for storage of this document evidence, including that the proponent retain custody in conformance with Rule 5103 for physical evidence.

(d) The proponent shall include a Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the custodian at the time the evidence is introduced.

(e) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

#### **Rule 5103. Special Provisions.**

(a) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding unless otherwise directed by the Court.

(1) These non-documentary exhibits must be photographed by the proponent, converted to a letter-sized document (8-1/2 × 11 inches), and appropriately marked and produced during the court proceeding for inclusion in the documentary record. Photographs must be color photographs unless otherwise directed by the Court.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(3) Unless otherwise ordered, the proponent or filing office shall maintain non-documentary exhibits for a minimum of following time periods:

(i) *Non-criminal matters.* Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.

(ii) *Criminal matters:*

1. *Homicides.* Retain exhibits 75 years.
2. *Summary cases.* Retain exhibits 5 years.
3. *Other cases.* Retain exhibits 20 years.

(iii) The document retention provision set forth above shall apply to any exhibits held currently by the custodian.

(iv) The custodian may submit a motion to the Court to address the conversion or retention of previously entered exhibits that are currently being held so long as any motion is served on the appropriate parties or counsel to their last known address.

(b) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania shall include a Confidential Document Form so that the document can be properly sealed by the records office. These forms shall be given by the proponent to the custodian at the time the evidence is introduced.

(d) Media depositions presented at trial shall remain in the proponent's possession. The proponent shall simultaneously submit a transcript of the deposition as an exhibit.

#### **Rule 5104. Exclusion.**

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 are excluded from the provisions of these Rules.

[Pa.B. Doc. No. 24-977. Filed for public inspection July 12, 2024, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **WAYNE COUNTY**

#### **Local Rule of Judicial Administration; No. 155 CV 2024**

#### **Order**

*And Now*, this 1st day of April, 2024, Wayne County Court of Common Pleas adopts the following Local Rules of Judicial Administration governing the Custody of Exhibits for the 22nd Judicial District to be effective April 1, 2024.

The District Court Administrator is directed to:

1. File one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2. Submit two (2) certified copies of this Order and one (1) electronic copy in Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Publish a copy of this Order on the Wayne County Court of Common Pleas website;

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

#### **Local Rule Judicial Administration 5102.1. Custody of Exhibits. General Provisions.**

(a) *Custodian.*

(1) The Clerk of Courts or Prothonotary who is present at a court proceeding shall be the custodian for all documentary exhibits and photographs or electronic copies of non-documentary exhibits accepted or rejected during court proceedings. The custodian shall secure, maintain, retain, and index all exhibits in accordance with Pa.R.J.A. 5101—5105.

(2) In the event no representative of the Clerk of Courts or Prothonotary is present at the court proceeding, the Court Recorder, or any other court staff designated by the judicial officer, shall take temporary custody of all documentary exhibits and photographs or electronic copies of non-documentary exhibits accepted or rejected during the court proceeding.

(3) The custodian shall file the written index of the exhibits and all documentary exhibits, photographs or electronic copies of non-documentary exhibits with the records office upon conclusion of the court proceeding, but not later than five (5) business days after conclusion of the proceeding.

(4) The proponent shall secure and maintain all non-documentary exhibits in accordance with Rule 5103.1(c) and (d) unless otherwise directed by the Court.

(b) *Index of Exhibits.* The Clerk of Courts, Prothonotary, or Court Recorder present at the court proceeding shall maintain an index of exhibits in a format to be approved by the President Judge.

(c) *Confidential Information.* If an exhibit offered into evidence contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, the proponent shall include a properly completed Confidential Document Form. These forms shall be given by the proponent to the court staff member maintaining the index of exhibits at the time evidence is introduced.

**Local Rule Judicial Administration 5103.1. Custody of Exhibits. Special Provisions.**

(a) *Documentary Exhibits.*

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

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) *Photographs.*

(1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 × 11 inches) is entered into the record.

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

(c) *Non-documentary Exhibits: Generally.*

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 × 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

(3) Unless otherwise ordered by the court, at the conclusion of the court proceedings, non-documentary exhibits shall remain in the custody of the proponent

custodian for safekeeping as required by any applicable retention periods, or until further order of court.

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

(1) In any 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.

(3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

(4) Unless otherwise ordered by the court, at the conclusion of the court proceedings, non-documentary exhibits shall remain in the custody of the proponent custodian for safekeeping as required by any applicable retention periods, or until further order of court.

*By the Court*

JANINE EDWARDS,  
*President Judge*

[Pa.B. Doc. No. 24-978. Filed for public inspection July 12, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WYOMING AND SULLIVAN COUNTIES

#### Adoption of the 44th Judicial District, Courts of Common Pleas Rules of Judicial Administration 5101—5105 Governing the Custody of Exhibits for Court Proceedings; No. 2024CV-0144

#### Order

*And Now*, this 26th day of June 2024, in accordance with Pa.R.Civ.P. 239 and Pa.R.J.A. 103(c), it is hereby *Ordered and Decreed* as follows:

(a) The Court Administrator for the 44th Judicial District, Wyoming and Sullivan Counties shall distribute two paper copies of the following proposed Wyoming and Sullivan Counties Rules of J.A. Nos. 5101—5105 to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*. The Court Administrator shall also distribute to the Legislative Reference Bureau a copy of these proposed local rules on a USB Flash Drive, or another agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b). The effective date of the proposed local rules shall not be less than 30 days after the date of publication of the local rules in the *Pennsylvania Bulletin*.

(b) Contemporaneously with publishing the proposed local rules in the *Pennsylvania Bulletin*, the Court Administrator for the 44th Judicial District, Wyoming and Sullivan Counties shall:

i. File one copy of the proposed local rules with the Administrative Office of the Supreme Court;

ii. Publish a copy of the proposed local rules on the website for both Wyoming and Sullivan Counties; and



iii. Therefore, add to the local rules within the complete set of the Rules of Judicial administration 5101—5105 Governing the custody of Exhibits for Court Proceedings no later than 30 days following publication in the *Pennsylvania Bulletin*.

(c) A compilation of local rules shall be kept continuously available for public inspection and copying in the Clerk of Judicial Records/Prothonotary's office and on the website for both Wyoming and Sullivan Counties.

(d) No pleading or other legal paper shall be refused for filing by the Clerk of Judicial Records/Prothonotary based on a requirement of a local rule unrelated to the payment of filing fees. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with these local rules. In any case of noncompliance with these local rules, the court or its designee shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

(e) The adoption of the 44th Judicial District, Wyoming and Sullivan Counties Court of Common Pleas Rules of Judicial Administration 5101—5105 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* in compliance with the Pa.R.J.A. 103(c)(5)(iii); and

(f) The 44th Judicial District, Wyoming and Sullivan Counties shall incorporate the following proposed Local Rules in the complete set of the 44th Judicial District of Wyoming and Sullivan Counties Rules of Judicial Administration no later than thirty (30) days following their publication in the *Pennsylvania Bulletin*.

By the Court

HON. RUSSELL D. SHURTLEFF,  
President Judge

### The 44th Judicial District, Wyoming and Sullivan Counties Rules of Judicial Administration:

#### Rule 5101. Definitions.

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

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. It does not include a proceeding before a magisterial district court, a judicial arbitration matter pursuant to Pa.R.Civ.P. 1303 et seq., a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters unless the hearing officer and counsel of record agree the proceeding shall constitute a court proceeding which shall adhere to the 44th Judicial District, Wyoming and Sullivan Counties R.J.A. 5101—5105, any hearing or proceeding that can be appealed de novo to the court of common pleas or upon which exceptions or objections can be filed to the court of common pleas or any matter that is not a record proceeding;

2) "*Custodian.*" The person or persons designated by local rule of judicial administration or by the Court during a Court Proceeding, to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall either be a member of court staff, e.g., court reporter, or administrative assistant, the common-

wealth, or clerk of courts, or the proponent of the exhibit. Custodian shall also include the 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) "*Judicial District.*" The 44th Judicial District, Wyoming and Sullivan Counties;

5) "*Local Rule.*" A local rule of judicial administration, however titled, adopted by the Court of Common Pleas of the 44th Judicial District, Wyoming and Sullivan Counties pursuant to the Pa.R.J.A. 103(c);

6) "*Proponent.*" A party seeking the admission of an exhibit into the record in a court proceeding; and

7) "*Records Office.*" The Wyoming and Sullivan County Clerk of Judicial Records, Prothonotary, the Register of Wills or the Clerk of Orphans Court.

(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:* The definition of "court proceeding" includes, but is not limited to, civil and criminal trials, ancillary arguments, and hearings, as well as divorce, custody, support, delinquency, and dependency hearings before hearing officers and made of record.

The definition of "exhibit" includes items admitted into evidence by the court, or rejected by the court, after being offered into evidence by a proponent.

#### Rule 5102. Custody of Exhibits. General Provisions.

(a) *During Court Proceedings.* A member of the court's staff, or the proponent of the exhibit or the court reporter, shall be designated by the court as the custodian during a court proceeding. The custodian of the exhibit shall secure and maintain all exhibits during a court proceeding, including breaks and recesses, unless otherwise provided in these rules.

(b) *After Court Proceedings.* The Court shall designate a member of court staff, the court reporter or the proponent of the exhibit to be designated as the custodian after the court proceeding has concluded.

1) *Custodian.* The custodian shall:

i. Take custody of, including safeguarding and maintaining all documentary exhibits, including but not limited to photographs, and photographs of non-documentary exhibits either admitted or rejected during the court proceeding;

ii. 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; and

iii. Secure and maintain all other non-documentary exhibits as:

1. Directed by the court; or
2. Agreed to by the parties.

2) *Index of Exhibits.* The custodian who is responsible for filing the exhibits with the Records Office shall include a numbered list of exhibits, and for each exhibit identify the proponent of the exhibit, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit in substantial compliance with Form 1 in the attached appendix.

3) *Confirmation*. If the exhibits are transferred from a court staff-custodian or court reporter-custodian to a proponent-custodian, the court staff-custodian shall confirm that the proponent-custodian has complied with subdivision (b)(1)(ii).

4) *Relief*. If the custodian does not file the exhibits as required by subdivision (b)(1)(ii), the proponent, if not designated as the custodian or in possession of the exhibits, may seek appropriate relief with the court.

*Comment*: Court may direct the proponent of exhibits to secure and maintain exhibits that are bulky, oversized, weapons, drugs, hazardous items, or otherwise physically impractical for the custodian to maintain during court proceedings.

Non-documentary exhibits typically will be returned to the proponent at the conclusion of the court proceeding. See Local Rule 5103 for special provisions relating to oversized documents, photographs, non-documentary exhibits, and digital media. If the court has concerns about the proponent's ability to retain an exhibit through the exhaustion of all appeals and post-trial actions, the court may direct other provisions for securing the exhibit. The court should take into consideration the possibility that a proponent may be incapable or unable to maintain and secure an exhibit, as well as the possibility that a proponent may tamper with or otherwise permit the degradation of an exhibit. The court should also consider any cases that may require special instructions for retention of non-documentary exhibits, such as in capital cases.

The exhibit list required by subdivision (b)(2) will enable the parties to easily determine the contents of a case record.

### **Rule 5103. Custody of Exhibits. Special Provisions.**

#### *(a) Documentary Exhibits.*

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

2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

#### *(b) Photographs.*

1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 × 11 inches) is entered into the record.

2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

#### *(c) Non-documentary Exhibits: Generally.*

1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 × 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

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

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

1) In any 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.

3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

*(e) Use of Digital Media.* A proponent shall ensure that any exhibit in a digital format, that is entered into the record, is in a format acceptable to the court.

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

*Comment*: When documents and photographs are reduced in size and copied to comply with subdivisions (a)-(b) of this rule, the proponent must ensure that the quality of the document or photograph is not compromised. All documentary exhibits must be capable of clear reproduction. Subdivision (b) recognizes that a proponent may have a sentimental attachment to a photograph and may not want to relinquish it for inclusion in the record.

In subdivision (c), non-documentary exhibits comprise a broad spectrum of objects, including, but not limited to, jewelry, clothing, automobiles, furniture, as well as the items listed in subdivision (d).

In subdivision (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. Judges shall consider additional safety measures if substance, likely to cause bodily harm. Are present in the courtroom, for example, 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 subdivision (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.

Regarding the use of media in the courtroom, technology is constantly evolving and judicial districts have access to varying level of technology. As set forth in subdivision (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring the court has the means to access it during a

court proceeding. Current technology may include the use of portable formats, such as flash drives and compact discs.

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

**Rule 5104. Prohibition.**

(a) *Prohibition.* The automated systems of the Unified Judicial System (e.g., Common Pleas Case Management System, Pennsylvania Appellate Case Court Management System, and PACFile) shall not be used for submitting or storing exhibits as required by this chapter.

**Rule 5105. Confidentiality. Exhibits Under Seal.**

(a) If an exhibit offered into evidence contains confidential information or confidential documents as defined in 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 rule to the records office no later than five days after the conclusion of the court proceeding.

(b) Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

*Comment:* Subdivision (a) of this rule 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, as well as 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.

Subdivision (b) 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. 24-979. Filed for public inspection July 12, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WYOMING AND SULLIVAN COUNTIES

#### Adoption of the 44th Judicial District, Courts of Common Pleas Rules of Judicial Administration 5101—5105 Governing the Custody of Exhibits for Court Proceedings; No. ADM-9 2024

##### Order

*And Now*, this 26th day of June 2024, in accordance with Pa.R.Civ.P. 239 and Pa.R.J.A. 103(c), it is hereby *Ordered and Decreed* as follows:

(a) The Court Administrator for the 44th Judicial District, Wyoming and Sullivan Counties shall distribute two paper copies of the following proposed Wyoming and Sullivan Counties Rules of J.A. Nos. 5101—5105 to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*. The Court Administrator shall also distribute to the Legislative Reference Bureau a copy of these proposed local rules on a USB Flash Drive, or

another agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b). The effective date of the proposed local rules shall not be less than 30 days after the date of publication of the local rules in the *Pennsylvania Bulletin*.

(b) Contemporaneously with publishing the proposed local rules in the *Pennsylvania Bulletin*, the Court Administrator for the 44th Judicial District, Wyoming and Sullivan Counties shall:

i. File one copy of the proposed local rules with the Administrative Office of the Supreme Court;

ii. Publish a copy of the proposed local rules on the website for both Wyoming and Sullivan Counties; and

iii. Therefore, add to the local rules within the complete set of the Rules of Judicial Administration 5101—5105 Governing the Custody of Exhibits for Court Proceedings no later than 30 days following publication in the *Pennsylvania Bulletin*.

(c) A compilation of local rules shall be kept continuously available for public inspection and copying in the Clerk of Judicial Records/Prothonotary’s office and on the website for both Wyoming and Sullivan Counties.

(d) No pleading or other legal paper shall be refused for filing by the Clerk of Judicial Records/Prothonotary based on a requirement of a local rule unrelated to the payment of filing fees. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with these local rules. In any case of noncompliance with these local rules, the court or its designee shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

(e) The adoption of the 44th Judicial District, Wyoming and Sullivan Counties Court of Common Pleas Rules of Judicial Administration 5101—5105 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* in compliance with the Pa.R.J.A. 103(c)(5)(iii); and

(f) The 44th Judicial District, Wyoming and Sullivan Counties shall incorporate the following proposed Local Rules in the complete set of the 44th Judicial District of Wyoming and Sullivan Counties Rules of Judicial Administration no later than thirty (30) days following their publication in the *Pennsylvania Bulletin*.

*By the Court*

HON. RUSSELL D. SHURTLEFF,  
*President Judge*

#### The 44th Judicial District, Wyoming and Sullivan Counties Rules of Judicial Administration:

##### Rule 5101. Definitions.

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

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. It does not include a proceeding before a magisterial district court, a judicial arbitration matter pursuant to Pa.R.Civ.P. 1303 et seq., a hearing before a register of wills pursuant to Pa.R.O.C.P. 10.3, proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters unless the hearing officer and counsel of record

agree the proceeding shall constitute a court proceeding which shall adhere to the 44th Judicial District, Wyoming and Sullivan Counties R.J.A. 5101—5105, any hearing or proceeding that can be appealed de novo to the court of common pleas or upon which exceptions or objections can be filed to the court of common pleas or any matter that is not a record proceeding;

2) “*Custodian.*” The person or persons designated by local rule of judicial administration or by the Court during a Court Proceeding, to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall either be a member of court staff, e.g., court reporter, or administrative assistant, the commonwealth, or clerk of courts, or the proponent of the exhibit. Custodian shall also include the 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) “*Judicial District.*” The 44th Judicial District, Wyoming and Sullivan Counties;

5) “*Local Rule.*” A local rule of judicial administration, however titled, adopted by the Court of Common Pleas of the 44th Judicial District, Wyoming and Sullivan Counties pursuant to the Pa.R.J.A. 103(c);

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

7) “*Records Office.*” The Wyoming and Sullivan County Clerk of Judicial Records, Prothonotary, the Register of Wills or the Clerk of Orphans Court.

(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:* The definition of “court proceeding” includes, but is not limited to, civil and criminal trials, ancillary arguments, and hearings, as well as divorce, custody, support, delinquency, and dependency hearings before hearing officers and made of record.

The definition of “exhibit” includes items admitted into evidence by the court, or rejected by the court, after being offered into evidence by a proponent.

#### **Rule 5102. Custody of Exhibits. General Provisions.**

(a) *During Court Proceedings.* A member of the court’s staff, or the proponent of the exhibit or the court reporter, shall be designated by the court as the custodian during a court proceeding. The custodian of the exhibit shall secure and maintain all exhibits during a court proceeding, including breaks and recesses, unless otherwise provided in these rules.

(b) *After Court Proceedings.* The Court shall designate a member of court staff, the court reporter or the proponent of the exhibit to be designated as the custodian after the court proceeding has concluded.

1) *Custodian.* The custodian shall:

i. Take custody of, including safeguarding and maintaining all documentary exhibits, including but not limited to photographs, and photographs of non-documentary exhibits either admitted or rejected during the court proceeding;

ii. 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; and

iii. Secure and maintain all other non-documentary exhibits as:

1. Directed by the court; or
2. Agreed to by the parties.

2) *Index of Exhibits.* The custodian who is responsible for filing the exhibits with the Records Office shall include a numbered list of exhibits, and for each exhibit identify the proponent of the exhibit, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit in substantial compliance with Form 1 in the attached appendix.

3) *Confirmation.* If the exhibits are transferred from a court staff-custodian or court reporter-custodian to a proponent-custodian, the court staff-custodian shall confirm that the proponent-custodian has complied with subdivision (b)(1)(ii).

4) *Relief.* If the custodian does not file the exhibits as required by subdivision (b)(1)(ii), the proponent, if not designated as the custodian or in possession of the exhibits, may seek appropriate relief with the court.

*Comment:* Court may direct the proponent of exhibits to secure and maintain exhibits that are bulky, oversized, weapons, drugs, hazardous items, or otherwise physically impractical for the custodian to maintain during court proceedings.

Non-documentary exhibits typically will be returned to the proponent at the conclusion of the court proceeding. See Local Rule 5103 for special provisions relating to oversized documents, photographs, non-documentary exhibits, and digital media. If the court has concerns about the proponent’s ability to retain an exhibit through the exhaustion of all appeals and post-trial actions, the court may direct other provisions for securing the exhibit. The court should take into consideration the possibility that a proponent may be incapable or unable to maintain and secure an exhibit, as well as the possibility that a proponent may tamper with or otherwise permit the degradation of an exhibit. The court should also consider any cases that may require special instructions for retention of non-documentary exhibits, such as in capital cases.

The exhibit list required by subdivision (b)(2) will enable the parties to easily determine the contents of a case record.

#### **Rule 5103. Custody of Exhibits. Special Provisions.**

(a) *Documentary Exhibits.*

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

2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) *Photographs.*

1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 × 11 inches) is entered into the record.

2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

*(c) Non-documentary Exhibits: Generally.*

1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 × 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

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

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

1) In any 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.

3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.

*(e) Use of Digital Media.* A proponent shall ensure that any exhibit in a digital format, that is entered into the record, is in a format acceptable to the court.

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

*Comment:* When documents and photographs are reduced in size and copied to comply with subdivisions (a)-(b) of this rule, the proponent must ensure that the quality of the document or photograph is not compromised. All documentary exhibits must be capable of clear reproduction. Subdivision (b) recognizes that a proponent may have a sentimental attachment to a photograph and may not want to relinquish it for inclusion in the record.

In subdivision (c), non-documentary exhibits comprise a broad spectrum of objects, including, but not limited to, jewelry, clothing, automobiles, furniture, as well as the items listed in subdivision (d).

In subdivision (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. Judges shall consider additional safety measures if substance, likely to cause bodily harm. Are present in the courtroom, for example, 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 subdivision (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.

Regarding the use of media in the courtroom, technology is constantly evolving and judicial districts have access to varying level of technology. As set forth in subdivision (e), a proponent offering an audio, visual, or computer file into evidence is solely responsible for ensuring the court has the means to access it during a court proceeding. Current technology may include the use of portable formats, such as flash drives and compact discs.

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

**Rule 5104. Prohibition.**

*(a) Prohibition.* The automated systems of the Unified Judicial System (e.g., Common Pleas Case Management System, Pennsylvania Appellate Case Court Management System, and PACFile) shall not be used for submitting or storing exhibits as required by this chapter.

**Rule 5105. Confidentiality. Exhibits Under Seal.**

*(a)* If an exhibit offered into evidence contains confidential information or confidential documents as defined in 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 rule to the records office no later than five days after the conclusion of the court proceeding.

*(b)* Any exhibit sealed by the court during the court proceeding shall not be accessible to the public.

*Comment:* Subdivision (a) of this rule 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, as well as 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.

Subdivision (b) 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. 24-980. Filed for public inspection July 12, 2024, 9:00 a.m.]

**SUPREME COURT****Transfer of Duties of the Office of Judicial Records, First Judicial District of Pennsylvania; No. 619 Judicial Administration Docket****Order**

*And Now,* this 20th day of June, 2024, pursuant to Article V, Section 10(a) of the Constitution of the Commonwealth of Pennsylvania, it is hereby *Ordered And Decreed* that all powers and duties of the Prothonotary of

Philadelphia and Clerk of Quarter Sessions of Philadelphia, currently vested in the Office of Judicial Records of the First Judicial District of Pennsylvania by Orders of this Court, be transferred from the Trial Division to the Office of Court Administration. This Order and Caption supersede the Order dated September 20, 2013 entered on this docket.

[Pa.B. Doc. No. 24-981. Filed for public inspection July 12, 2024, 9:00 a.m.]

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