

PART V
LOCAL RULES OF JUDICIAL ADMINISTRATION

(cited as L.R.J.A No. ____)

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1901 Termination of Inactive Case. Notice

(a) Rescinded October 28, 2003, effective December 15, 2003.

(b) The Clerk of Courts shall list for general call on the first Monday of November of each year at 10:00 A.M. all criminal proceedings in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to the District Attorney, any private prosecutor and the defendant. If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

(c) The Clerk of the Orphans' Court Division shall list for general call on the first Monday of November of each year at 10:00 A.M. all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered. If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Clerk of the Orphans' Court Division shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(d) Each District Justice shall annually provide to the Court Administrator on or before the first day of September in each year a list of all civil and criminal matters in which no steps or proceedings have been taken for two (2) years or more prior thereto. The Court Administrator shall thereupon give notice to the parties in all civil matters, and to the police or private prosecutor, in all criminal matters, that the matter will be dismissed on the first Monday of November at 10:00 A.M. by the District Justice of the District in which the matter was commenced, unless good cause is shown. Each District Justice shall hear all objections to dismissal in the Third Floor Hearing Room of the Armstrong County Courthouse at 10:00 A.M. on the first Monday of November of each year.

(e) Notice of an opportunity for hearing on a proposed

termination shall be given by the Prothonotary, Clerk of Courts, the Clerk of the Orphans' Court Division, or Court Administrator, as the case may be, as follows:

- i) in person or by regular mail to the last address of record of the parties or their counsel of record; or
- ii) by publication one time in the Armstrong County Legal Journal, at least thirty (30) days before the date of the general call, where notice by regular mail cannot be given or has been returned undelivered.

Comment

Former L.R.J.A. No. 1901(a) is now governed by Pa.R.C.P. No. 230.2.

Rule 1904 Custody, Storage and Disposal of Exhibits

(a) The term "official custodian," as used in this rule, shall mean the Prothonotary, Clerk of Courts, or Clerk of the Orphans' Court Division, as the case may be.

(b) All exhibits received in evidence, or offered and rejected, upon the hearing of any cause or motion shall be delivered to the official custodian, who shall keep the same in custody, unless otherwise ordered by the Court.

(c) All exhibits initially taken into custody by the official custodian shall be taken from the custody of the official custodian by the party who produced or offered them, or by such party's attorney of record, within ninety (90) days after the discontinuance of the case or the entry of a final judgment by the Court, or, in the event of an appeal, within ninety (90) days of the disposition of the case by the appellate court; otherwise, such exhibits shall be deemed to have been abandoned. The person seeking a return of exhibits shall, upon request, produce such identification as may satisfy the official custodian. After a return of exhibits, the official custodian shall enter the act upon the appropriate docket.

(d) The official custodian may petition the Court in writing for an order authorizing the destruction or disposal of any abandoned exhibits; provided, however, that the official custodian shall give written notice to the attorney of record of the party who produced or offered the exhibits, or if there is no attorney of record, to the unrepresented party, at least thirty (30) days in advance of the presentation of the petition, by

regular mail sent to the attorney's or the party's last known address. The notice shall be substantially in the form prescribed by Appendix X of these Local Rules.

(e) After the destruction or disposal of an exhibit, the official custodian shall verify such destruction or disposal by affidavit filed in the appropriate case file. The affidavit shall include a description of the method and date of disposal.

RULES GOVERNING COURT REPORTING AND TRANSCRIPTIONS

Rule 5000.13 Retention and Safeguarding of Reporters' Notes

(a) Every court reporter who is an employee of the County of Armstrong shall cause all notes of proceedings to be stored and retained in the facilities owned by and provided by the County for such purposes.

(b) In the month of January of each year, every court reporter who is an independent contractor hired from time to time by the County shall deliver to the Court for storage, retention, and protection all notes of proceedings conducted two or more years earlier.