

PART V
LOCAL RULES OF JUDICIAL ADMINISTRATION

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

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 100. Local Rule of Judicial Administration Governing Public Access Policy

In accordance with Section 7.0 Confidential Information of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, certain information described in Section 7.0(A) shall not be included in any document filed with the court or custodian. Parties or attorneys shall file a Confidential Information Form contemporaneously with such document. The Confidential Information Form is available on www.accourts.com, www.pacourts.us, or in the filing office.

Adopted November 30, 2017. Effective January 6, 2018.

Rule 1901 Termination of Inactive Case. Notice

(a) The prothonotary shall list for the general call on the first Monday in November of each year all civil matters in which no steps proceedings have been taken for two 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, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary 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. The objecting party or counsel of record must appear at the general call.

Adopted January 15, 2015, effective March 8, 2015

(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 1901.1 Status Conference in Certain Cases

(a) The Court Administrator shall cause a status conference to be held before a judge approximately 180 days after a complaint in civil action, as defined below in subsection (c), has been filed, unless the case has already been placed on the Pre-Trial Conference List pursuant to L.R.C.P. No. 212.1.

(b) At the status conference, the Court may do any or all of the following:

- i) establish deadlines for discovery;
- ii) establish deadlines for the filing of amended pleadings or the joinder of additional parties;
- iii) order a severance or consolidation pursuant to Pa.R.C.P. No. 213;
- iv) schedule a pre-trial conference;
- v) schedule a trial;
- vi) take any other action to expedite the resolution of the issues.

(c) For purposes of this Rule, "civil action" includes only tort, mass tort, professional liability, contract, and equity actions.

Adopted November 21, 2014, effective January 13, 2015

Rule 1904 Custody, Storage and Disposal of Exhibits

(Rescinded on March 22, 2024, effective May 6, 2024.)

RULES GOVERNING COURT REPORTING AND TRANSCRIPTIONS

Rule 4001 Interpretation of Rules. Citations of Rules

(A) These Local Rules of Judicial Administration pertaining to court reporting and transcripts shall be read *in pari materia* with the Pennsylvania Rules of Judicial Administration pertaining to the same subject matter.

(B) The Local Rules of Judicial Administration shall be cited as L.R.J.A. _____.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4002 Definitions

Court Administrator means the court administrator of the Court of Common Pleas of the 33rd Judicial District sitting in Armstrong County.

Court reporter includes court recorder, unless indicated otherwise.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4004 Certification of Court Reporter. Duties of Court Administrator

(A) The Court Administrator shall be responsible for making the determination of whether a court reporter first employed or utilized by the Court after January 1, 2017 meets the minimum criteria to serve in such capacity, as set forth in the Pennsylvania Rule of Judicial Administration. In the event that the minimum criteria are met, the Court Administrator shall approve the court reporter's use by the Court.

(B) The Court Administrator shall be responsible for presenting pertinent information to the President Judge sufficient so as to permit the judge to determine if the triennial or other requalification requirements for a court reporter, as set forth in the Pennsylvania Rules of Judicial Administration, have been satisfied.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4007 Requests for Transcripts. Payments

(A) All requests for a transcripts shall be filed with the Court Administrator.

(B) Upon receipt of a request for an ordinary transcript, the Court Administrator shall forthwith instruct the appropriate court reporter to prepare a brief statement of estimated cost. In preparing such statement, the court reporter shall calculate the estimated cost by using the price rates explicitly established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto.

(C) A partial payment shall be made by the requester after the Court Administrator has informed the requester of the estimated cost. A partial payment in the amount of seventy-five percent (75%) of the estimated cost shall be made for an ordinary transcript. A partial payment in the amount of ninety per cent (90%) of the estimated cost shall be made for all other transcripts. All checks shall be made payable to "The Treasurer of Armstrong County." All checks shall be delivered to the Court Administrator.

(D) The Court Administrator shall receive payment for any balance owed for the transcript. All checks shall be payable to "County of Armstrong." The Court Administrator shall deliver the transcript to the requester upon receipt of such payment.

(E) If a filing office (Office of the Prothonotary, Clerk of Courts, or the Clerk of the Orphans' Court Division) receives a request for a copy of a transcript already delivered to it by a court reporter, it shall forward the same to the Court Administrator. The Court Administrator shall proceed in accordance with this Rule. The filing office is prohibited from making a copy of a transcript, paperbound or otherwise.

(F) The provisions of this Local Rule regarding deposits and final payments shall not apply to a request for a transcript where the Commonwealth or any subdivision thereof is the requester, or where the requester has been given *in forma pauperis* status. Legal aid clients shall be entitled to obtain an ordinary transcript at no cost, provided that Laurel Legal Services, or any other legal aid agency representing the requester, must first provide the President Judge with a letter of certification verifying, as provided in R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

Adopted November 16, 2016. Effective January 10, 2017

**Rule 4008 Transcript Costs Payable by Requesting Party
Other than the Commonwealth or a Subdivision
Thereof**

(A) The transcript costs payable by a requesting party other than the Commonwealth or a subdivision thereof, shall be subject to the provisions of Paragraph (B) and (C) of this Rule, and shall be as follows:

(1) Electronic Format:

- (a) for an ordinary transcript, \$2.50 per page
- (b) for an expedited transcript, \$3.50 per page
- (c) for a daily transcript, \$4.50 per page
- (d) for same-day delivery, \$6.50 per page
- (e) for a real-time feed, \$1.00 per page
- (f) for complex litigation, \$3.00 per page
- (g) for rough drafts, \$1.00 per page

(2) Paper Format:

- (a) for an ordinary transcript, \$2.75 per page
- (b) for an expedited transcript, \$3.75 per page
- (c) for a daily transcript, \$4.75 per page
- (d) for same-day delivery, \$6.75 per page
- (e) for a real-time feed, \$1.00 per page
- (f) for complex litigation, \$3.25 per page
- (g) for rough drafts, \$1.25 per page

(B) The president judge may impose a reasonable surcharge in cases of unusually complex litigation, such as litigation where unusually complex expert testimony is received.

(C) A litigant who requests a transcript in a matter under appeal or where the transcript is necessary to advance the litigation, may seek a waiver or reduction of the fees otherwise payable by simultaneously filing a petition to proceed *in forma pauperis* together with the request for a transcript. The petition shall be in the form prescribed by Pa.R.C.P. No. 240(h).

Adopted November 16, 2016. Effective January 10, 2017

Rule 4009 Fees for Court Reporting Products

The President Judge shall, from time to time, enter an order of court pertaining to the fees paid to court reporters for their work products. All such fees shall be reasonable.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4015 Ownership of Notes. Storage. Unauthorized Copying

(A) Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by court reporting personnel to record or monitor a proceeding in or for a court as well as transcriptions thereof, are the exclusive property of the Thirty-third Judicial District, subject to the vested property interests of court reporters described by these rules. Court reporters must, on a daily basis, upload their notes to the Cloud for storage.

(B) The copying of any portion of a transcript or the copying of a copy of any portion of a transcript is prohibited except in accordance with the procedures set forth in these Local Rules of Judicial Administration. Any person who violates this provision shall be liable to the County of Armstrong for payment of the copied product. The Court may impose sanctions upon litigants who violate this provision. The Court may report any violation to appropriate disciplinary tribunals as a violation of an ethical obligation.

Adopted November 16, 2016. Effective January 10, 2017

Rule 5000.13 Retention and Safeguarding of Reporters' Notes Repealed

Adopted November 16, 2016. Effective January 10, 2017

RULES GOVERNING CUSTODY OF EXHIBITS

Rule 5101. Definition

The term "custodian," as used in this rule, shall mean the Prothonotary/Clerk of Courts, or a designated representative, as the case may be.

Adopted March 22, 2024. Effective May 6, 2024.

Rule 5102. Custody of Exhibits. General Provisions.

(a) During Court Proceedings.

(1) The custodian shall secure and maintain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(2) If, for any given proceeding, no representative of the Clerk of Courts/Prothonotary is present, then the court reporter shall be designated as custodian during the court proceeding.

(b) After Court Proceedings.

The custodian shall deliver all documentary exhibits, photographs, and photographs of non-documentary exhibits to the Prothonotary/Clerk of Courts for filing within five (5) business days after the conclusion of the court proceeding.

Adopted March 22, 2024. Effective May 6, 2024.

Local 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 x 11 inches, the proponent shall ensure that a copy of the document reduced to 8-1/2 x 11 inches 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 x 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 x 11 inches) of the exhibit is entered into the record.

(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) An exhibit that is bulky, oversized or otherwise physically impractical for the custodian to maintain, the exhibit shall be secured as directed by the court in a secured vault established for such purpose.

(4) Any 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, such as compact disc, if expressly approved by the court).

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

(1) If a proponent intends to bring any weapon, drug or other dangerous material into court for use in a proceeding, the proponent shall so notify the Sheriff of Armstrong County at least one day in advance and attach the gun or material to a board.

(2) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the custodian shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses. The securing of exhibits of this nature shall be done under the supervision of the Sheriff of Armstrong County or deputy.

Adopted March 22, 2024. Effective May 6, 2024.