

First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County
Philadelphia Rules of Judicial Administration



LOCAL RULES

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**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Philadelphia Rules of Judicial Administration**

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**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Philadelphia Rules of Judicial Administration**

Rule *101. Title and Citation of Rules. These Rules shall be known as the Philadelphia County Rules of Judicial Administration and may be cited as "Phila. R.J.A."

Note: Adopted on June 14, 2017, effective July 1, 2017. See *President Judge General Court Regulation No. 2017 - 02*. Published in the *Pennsylvania Bulletin* on June 24, 2017.

Rule *401. Policy Concerning Access to Case Records of the Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions, in Conjunction with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts ("UJS Case Records Policy")

- (a) **Confidential Information.** When a document (including exhibits) contains any of the confidential information listed in Section 7.0 of the UJS Case Records Policy, the filer shall file a *Redacted Version* and an *Unredacted Version* of the document, as provided below.
- (1) *Redacted Version.* The *Redacted Version* of the document shall not include any of the confidential information listed in Section 7.0 (A), and must be redacted in a manner that is visibly evident to the reader. The *Redacted Version* of the document shall be accessible by the public.
 - (2) *Unredacted Version.* The *Unredacted Version* of the document shall contain all information, including the confidential information listed in Section 7.0 (A). The *Unredacted Version* of the document shall not be accessible by the public.
 - (3) A *Redacted Version* of a document which contains confidential information does not need to be filed for case types that are sealed or exempt from public access pursuant to applicable authority.

(b) Confidential Documents.

The documents listed in Section 8.0 (A) of the UJS Case Records Policy shall be filed together with the *Confidential Document Form*. When a document is filed using the First Judicial District's Electronic Filing System, the *Confidential Document Form* will be generated by the Electronic Filing System upon entry of the requisite information by the filer. All confidential documents filed in connection with each filing can be uploaded at the same time. A *Confidential Document Form* need not be used for case types that are sealed or exempt from public access pursuant to applicable authority. Confidential documents filed together with the *Confidential Document Form* are not accessible by the public; however, the *Confidential Document Form* is accessible by the public.

(c) Access to Case Records at a Court Facility

The information described in Section 9.0 of the UJS Case Records Policy is not accessible by the public at any First Judicial District court facility.

(d) Remote Access.

- (1) **By the Parties.** Counsel of record or unrepresented parties shall continue to have remote access to documents and other legal papers filed in their case(s) only.
- (2) **By the Public.** Before providing remote access to Case Records or dockets to the public, each Court or Division of the First Judicial District must insure that the information and documents listed and described in Section 10.0 are not remotely accessible by the public.

- (e) Fee Schedules.** The First Judicial District shall adopt a Fee Schedule, as provided in Section 6.0 of the UJS Case Records Policy, which shall be posted on the court's website at www.courts.phila.gov and posted in each court facility's filing office in an area accessible to the public.

Note: Adopted by the Administrative Governing Board of the First Judicial District of Pennsylvania on November 13, 2017, effective January 6, 2018. See *Administrative Governing Board Order No. 02 of 2017*. Published in the *Pennsylvania Bulletin* on December 2, 2017.

Rule *402. Electronic Case Records. Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions.

- (a) Electronic case record information maintained by the First Judicial District is available as provided in this rule to the extent its release is authorized or restricted by law, state and local rules, and applicable policies of the Unified Judicial System.
- (b) Requests for electronic case record information shall be made on forms provided by the First Judicial District from time to time.
- (c) Standard reports will be made available to Requesters upon payment of the requisite fee. Requests for combined electronic case records ("bulk records") shall be reviewed and approved on a case-by-case basis. Any request for bulk records that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will be granted if the request is not onerous, and the First Judicial District has available personnel and resources needed to compile the information requested without adversely impacting the operations of the First Judicial District or otherwise disrupting its orderly and efficient case flow.
- (d) Requests for electronic case records will be subject to fees and costs adopted by the First Judicial District from time to time. The First Judicial District must assess, charge and collect the fees and other charges that are required by law and other legal authority. See, e.g. 42 Pa.C.S. § 1725, 42 P.S. §21015 et seq., and 42 P.S. § 21081.
 - (1) The First Judicial District shall adopt a Public Access Fee Schedule which shall be posted on the court's website at www.courts.phila.gov and posted in each court facility's filing office in an area accessible to the public.
 - (2) The Public Access Fee Schedule may be amended from time to time by the First Judicial District.

- (3) Requesters may be required to pay the estimated cost of any report before release of the approved electronic case information.

Note: Adopted by the Administrative Governing Board of the First Judicial District of Pennsylvania on November 13, 2017, effective January 6, 2018. See *Administrative Governing Board Order No. 02 of 2017*. Published in the *Pennsylvania Bulletin* on December 2, 2017.

Rule *403. Financial Records of the Court of Common Pleas and the Philadelphia Municipal Court.

- (e) Pennsylvania Rule of Judicial Administration No. 509 implements Section 304 of The Right to Know Law which requires Judicial Agencies to provide financial records. See Act 3 of 2008, 65 P.S. § 67.304. Financial Records maintained by the First Judicial District are presumed to be open to any member of the public for inspection or copying during established business hours as provided in Pennsylvania Rule of Judicial Administration No. 509 and this rule.
 - (1) Information regarding First Judicial District Contracts and Purchase Orders of \$5,000 or more issued after July 1, 2008 is available through the UJS Web Portal, <https://ujportal.pacourts.us/DocumentPostings/Search.aspx>, by selecting "Philadelphia" in the "*Judicial Office*" field.
 - (2) Financial records may also be requested by completing the First Judicial District Financial Records Request Form, which is available on the First Judicial District's website at www.courts.phila.gov.
- (f) The First Judicial District shall designate an Open-Records Officer and Appeals Officer, as required by 65 P.S. § 67.502 and 65 P.S. § 67.503.
- (g) The First Judicial District shall adopt a Fee Schedule, which shall be available on the First Judicial District's website at www.courts.phila.gov. The Fee Schedule may be amended from time to time. Pre-payment will be required if expected compliance costs exceed \$100.

Note: Adopted by the Administrative Governing Board of the First Judicial District of Pennsylvania on November 13, 2017, effective January 6, 2018. See *Administrative Governing Board Order No. 02 of 2017*. Published in the *Pennsylvania Bulletin* on December 2, 2017.

Rule *404. Philadelphia Municipal Court Traffic Division Public Access Policy

- (a) **Case Records.** The policy of the Philadelphia Municipal Court Traffic Division (“Traffic Division”) is to provide unrestricted access to its case records except as provided by law and state and local rules. The “*case records*” of the Traffic Division consist of citations issued or filed as required by law and rules of court, any notices, orders and warrants issued by the Traffic Division and any other legal papers filed with the Traffic Division. However, the following Traffic Division case records shall not be accessible to the public:
- (1) Documents containing defendant’s employment and financial information which is provided as required by rules of court to enable the Traffic Division to enter and enforce installment payment orders, including *In Forma Pauperis* petitions; and
 - (2) Documents which contain any of the confidential information listed in subsection (b) below, unless the confidential information is redacted.
- (b) **Electronic Case Records and Confidential Information.** It is the policy of the Traffic Division to permit the public to access, inspect and obtain electronic case records of the Traffic Division that exist in its case management system, eTIMS and any supporting electronic program, to the fullest extent legally permitted and feasible, except as provided by law, state and local rules, applicable UJS policies, provided that the Traffic Division’s orderly and efficient case flow is not disrupted by the request for electronic case records. However, the following information is deemed confidential and shall not be accessible to the public:
- (1) social security numbers;
 - (2) operator license numbers;
 - (3) witness information for Traffic Court cases including name, address and other contact information;
 - (4) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
 - (5) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
 - (6) information sealed or protected pursuant to court order;
 - (7) information to which access is otherwise restricted by federal law, state law, or state court rule; and
 - (8) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator with the approval of the Administrative Governing Board of the First Judicial District.
- (c) **Request for Bulk Electronic Case Records or Data.** Standard reports will be made available to Requesters upon payment of the requisite fee. Requests for combined electronic case records (“bulk records”) shall be reviewed and approved on a case-by-case basis. Any request for bulk records that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will be granted if the request is not onerous, and the Traffic Division has available personnel and resources needed to compile the information requested without adversely impacting the operations of the First Judicial District or otherwise disrupting its orderly and efficient case flow. Requests for electronic case records will be subject to fees and costs adopted by the Traffic Division from time to time.

- (d) **Remote Access to Case Records and Electronic Case Records.** The Traffic Division is not required to provide remote access to case records or electronic case records. From time to time, however, the Traffic Division may provide electronic access to all or some such case records and/or electronic case records, in accordance with this rule and other applicable law, rules or regulations.
- (e) **Fees. Forms.** The Traffic Division shall adopt a Public Access Fee Schedule and Request Forms, which may be amended from time to time and which shall be posted on the FJD website, <http://www.courts.phila.gov>.

Note: Adopted by the Administrative Judge of the Philadelphia Municipal Court Traffic Division on November 6, 2017, effective January 6, 2018. See *Philadelphia Municipal Court Traffic Division Administrative Order No. 01 of 2017*. Published in the *Pennsylvania Bulletin* on December 2, 2017.

Rule *1900. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas, Trial Division.

- (a) **General Rule.** Counsel and unrepresented parties shall pre-mark all exhibits, physical evidence and electronic evidence used and offered during trials or evidentiary hearings, which shall be inventoried, filed and retained as provided in this rule.
- (b) **Physical evidence.** Physical evidence and oversized exhibits must be photographed by the proponent, converted to letter sized pdf and appropriately marked and produced during the trial or evidentiary hearing. Unless otherwise provided by the presiding judge, at the conclusion of the trial or evidentiary hearing, physical evidence shall be returned to the police in criminal cases and to counsel in civil cases for safekeeping as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.
- (c) **Electronic Evidence.** Electronic evidence, including audio or video exhibits, must be produced by the proponent on a USB drive, or other medium specified by the Office of Judicial Records from time to time, together with any associated player.
- (d) **Confidential Documents.** Confidential documents offered as Exhibits shall be produced with a *Confidential Document* form as provided by the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* (UJS Case Records Policy) as provided in Phila.R.J.A. No. *401. Confidential Documents are not accessible by the public.
- (e) **Confidential Information.** Documents offered as Exhibits which contain confidential information listed in the UJS Case Records Policy shall be produced in a *Redacted Format* and *Unredacted Format* as provided in Phila.R.J.A. No. *401. *Unredacted Documents* which contain confidential information are not accessible by the public.
- (f) **Sealed Documents.** Any documents the presiding judge deems necessary to seal will not be

accessible by the public.

(g) Exhibit List. At the conclusion of the trial or evidentiary hearing, designated court staff shall inventory all exhibits and evidence, whether documentary, physical, electronic, audio, video or otherwise, and whether admitted or marked for identification. Any oversize exhibit, physical evidence or visual evidence not previously converted to letter size pdf format as provided in subsection (b) shall be photographed and/or converted to pdf letter size and marked. Each Exhibit and piece of evidence shall be clearly marked and placed on the *Exhibit List* which shall be reviewed and approved by the presiding judge, filed of record and copies provided to all parties.

(h) Uploading Exhibits and Evidence. Exhibits and evidence shall be made part of the record as follows:

- (1) **Trial Division, Civil:** within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall upload their documentary exhibits through the Electronic Filing System and, if not already done, provide to the Office of Judicial Records any USB drive with audio or video evidence, as provided in this rule. The Office of Judicial Records shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.
- (2) **Trial Division, Criminal:** at the conclusion of the trial or evidentiary hearing, the Office of Judicial Records shall take possession of all exhibits and any USB drive, shall upload all documentary exhibits through the Electronic Filing System and shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.
- (3) **Self-represented Parties:** at the conclusion of the trial or evidentiary hearing, designated court staff shall take possession of all exhibits and USB drive proffered by self-represented Parties and shall deliver them to the Office of Judicial Records which shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

Note: Adopted on November 22, 2017, effective January 6, 2018. See *Trial Division Administrative Judge Order No. 04 of 2017*. Published in the *Pennsylvania Bulletin* on December 9, 2017.

Rule *4007. Requests for Transcripts.

(A) Requests for transcripts must be submitted through the electronic *Transcript Ordering System* (“*TOS*”) accessible through the website of the First Judicial District of Pennsylvania at

www.courts.phila.gov. A standard *Request for Transcript* form may be utilized by Requestors who cannot access the *Transcript Ordering System*. The *Request for Transcript* form is available on the Court's website at www.courts.phila.gov/forms and must be emailed to transcripts@courts.phila.gov.

(B) Cases on Appeal. As provided in Pa. R.A.P. 1922 (b), unless an order authorizing diminution of transcription has been issued by the trial court in a civil case or pursuant to Pa.R.Crim.P. 115 in a criminal case, the court reporter or transcriptionist shall transcribe the entire proceedings.

(C) The party requesting the transcript shall serve a copy of the Request on:

- (1) the court reporter;
- (2) the judge presiding over the matter; and
- (3) all counsel who have entered an appearance in the case and on any unrepresented party(ies).

(D) The court reporter, transcriptionist or other staff designated by the District Court Administrator shall provide an estimate of the cost of the transcript, and the requestor must make a non-refundable, partial payment of 95% of the estimated cost before the court reporter or transcriptionist will begin transcribing the proceeding.

(E) The time within which the transcript must be delivered begins to run upon the First Judicial District's receipt of the requestor's partial payment.

(F) When the transcript has been completed, it shall be filed in the *Court Reporting System* ("CRS"), shall be made available to the judge presiding over the matter, and shall be delivered to the requestor upon the payment of any balance owed.

(G) The delivery date of the transcript shall be the date the transcript is filed in the *Court Reporting System*.

(H) All requests by a litigant for the waiver or reduction of the transcript cost due to economic hardship, as provided in Pa.R.J.A. 4007 (E), shall be accompanied by proof that the litigant meets the requirements set forth in Pa.R.J.A. 4008 and Phila. R.J.A. 4008 (D). Such request shall be supported by an affidavit substantially in the form required by Pa.R.C.P. No. 240 (h), which is available through the TOS and on the Court's website at: www.courts.phila.gov/forms. Requests for the waiver or reduction of the transcript cost due to economic hardship are limited to the requested transcript and shall be reviewed and determined as may be provided by the District Court Administrator from time to time. A litigant who wishes to proceed *in forma pauperis* for the duration of the case must file a *Petition to Proceed in Forma Pauperis* in accordance with established rules of court.

Note: Adopted on June 14, 2017, effective July 1, 2017. See *President Judge General Court Regulation No. 2017 - 02*. Published in the *Pennsylvania Bulletin* on June 24, 2017.

Rule *4008. Transcript Costs

(A) Transcript Costs.

The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for transcripts in an electronic or paper format shall be as follows:

- (1) for an ordinary transcript, \$3.00 per page;
- (2) for an expedited transcript, \$4.50 per page;
- (3) for a daily transcript, \$6.00 per page;
- (4) for same-day delivery, \$9.00 per page;
- (5) for real-time, \$11.00 per page;
- (6) for real time streaming (to outside locations), full day, \$250.00; and
- (7) in ASCII format, or with Word Index: add \$25 for each.
- (8) Rough drafts will not be provided.

(B) Copies of Transcripts.

The costs payable for a copy of transcripts in an electronic or paper format shall be as follows

- (1) for an ordinary transcript, \$2.00 per page;
- (2) for an expedited transcript, \$3.00 per page;
- (3) for a daily transcript, \$4.00 per page; and
- (4) for same-day delivery, \$6.00 per page.

(C) Transcript Costs Payable by the Commonwealth or a Subdivision Thereof.

The transcript costs payable by the Commonwealth or a subdivision thereof, including but not limited to the District Attorney, the Pennsylvania Attorney General, the City of Philadelphia's Law Department, court-appointed counsel, and the Defender Association of Philadelphia shall be two (\$2.00) dollars per page for ordinary delivery.

(D) Economic Hardship Standards.

(1) In matters under appeal or where the transcript is necessary to advance the litigation:

(a) transcript costs for ordinary transcripts shall be *waived* for a litigant who has been permitted by the court to proceed *in forma pauperis*; who is represented by court appointed counsel; who is represented by Legal Aid services which certify that the client meets financial eligibility; or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) guidelines for the current year. See Pa.R.J.A. 4008(B)(1).

(b) transcript costs for ordinary transcripts shall be *reduced by one-half* for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year. See Pa.R.J.A. 4008(B)(2).

(2) In matters not under appeal, where the transcript is not necessary to advance the litigation: the requesting party must file a *Petition for Waiver of Transcript Costs* and must demonstrate reasonable need before the court shall waive or reduce the cost of obtaining the transcript.

(E) Payment Options. Payments may be made with approved credit and debit cards, checks or money orders made payable to the “*First Judicial District of Pennsylvania-Transcripts*,” or as otherwise provided by the District Court Administrator from time to time. A convenience fee shall be charged for electronic payments to off-set merchant charges incurred by the First Judicial District. No cash payments will be accepted. Direct payments to court reporters and transcriptions are not permitted.

Note: Adopted on June 14, 2017, effective July 1, 2017. See *President Judge General Court Regulation No. 2017 - 02*. Published in the *Pennsylvania Bulletin* on June 24, 2017.