

Local Rules of Judicial Administration

Rule LJA100. Public Access Policy; Case Records of the Trial Courts

Pursuant to Section 7, subsection C 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 file in all filing offices two versions of any document, a Redacted Version and an Unredacted Version.

Rule LJA1901A. Termination of Inactive Cases

The Court Administrator shall compile a list of inactive cases as of January 1 of each year comprised of all Civil Actions, except child custody cases, in which no steps or proceedings have been taken for two (2) years or more prior thereto.

Rule LJA1901B. Notice of Termination

Counsel or the parties in each case listed shall be given at least thirty (30) days written notice of the date on which the case shall be terminated. That date shall be the first Monday of April each year.

Rule LJA1901C. Manner of Notice

Said written notice shall be given in person or by regular mail to the last address of the counsel of record, or if there is no counsel of record, to the last address of the party. Where notice cannot be so given or has been returned undelivered, said notice shall be by one publication in the Beaver County Legal Journal at least thirty (30) days prior to such date. The publication may combine any number of such cases in such form as the Court Administrator may determine.

Rule LJA1901D. Content of Notice

Said written notice shall identify the matter and shall state the date of the termination and that the matter will be terminated by Court Order for unreasonable inactivity unless at least five (5) business days prior thereto, a party or counsel file objection to such termination stating reasons why such inactivity has not been unreasonable.

Rule LJA1901E. Presentation of Objection and Content

Objections to termination shall be in writing in the form of a motion prepared in accordance with LR206 and presented to the Court Administrator no later than five (5) business days before the scheduled termination date. Such objections shall state whether the matter has previously been listed for termination due to unreasonable inactivity and if

so, the date or dates of such listing in addition to the reasons therefor. Such objections shall also certify that the notice required by subsection F of this rule has been given.

Rule LJA1901F. Service of Objections

Any party or counsel filing objections to termination shall deliver a copy of the objections to all other parties interested in such matter, or their counsel of record, either personally or by regular mail at least five (5) business days prior to presentation.

Rule LJA1901G. Response to Objection

Any party or counsel who desires to respond to an objection to termination must file a response in writing with the Court Administrator on or before the termination date. If no response is filed the objection may be sustained.

Rule LJA1901H. Disposition of Objections

Where objections and a response to the objections have been filed, the Court Administrator will refer the case to the Court for disposition either on the pleading, or after hearing or argument.

Rule LJA1901I. Reinstatement

Any matter terminated after notice by publication may be reinstated by the Court upon motion filed and served upon all other parties to the matter and upon good cause shown.

Rule LR4007. Requests for Transcripts

A. Rough draft transcripts shall not be available in this Court.

B. In accordance with Pa.R.J.A. 4007, the party requesting either a full or partial transcript of any proceeding shall file the original request, on the “Transcript Request Form” which has been adopted by the Court Administrator of Pennsylvania, with the District Court Administrator's Office, and the requesting party is also required to serve copies of the completed “Transcript Request Form” on:

1. Chambers of the Judge who presided over the proceeding to be transcribed;
2. the office of the Court Reporters;
3. all counsel involved in the proceeding, and
4. all parties who were not represented by counsel in the proceeding, who appeared as self-represented litigant(s).

C. Any request for transcript shall only be processed and approved by Order of the presiding Judge.

D. Upon receipt of a Transcript Request Form approved by the presiding Judge, the District Court Administrator shall obtain an estimate of transcription costs from the Court Reporters and shall communicate the estimated costs of transcription to the requesting party. The requesting party shall be required to deposit a partial payment representing ninety (90%) percent of the estimated cost, which shall be totally nonrefundable. Payments shall be made payable to and shall be delivered to the appropriate filing office involved in the proceeding (i.e., Prothonotary, Clerk of Courts, Register of Wills, Clerk of the Orphans' Court) for deposit.

E. Upon receipt of the required deposit, the appropriate filing office will notify the office of the Court Reporters. The Court Reporters' Supervisor will then direct preparation of the transcript.

F. The office of the Court Reporters will notify the requesting party and the office Supervisor upon completion of the transcript, together with the balance due, if any.

G. Final balance due shall be made payable to and shall be delivered to the appropriate filing office. Upon payment of the balance owed, the Court Reporter will obtain the signature of the presiding Judge on the original transcript and file the original transcript in the appropriate filing office with the original Court records. The Court Reporter shall then deliver copies as required by Local Rule 4008.1.

H. Any requests for a transcript pursuant to Local Rule 4008.1(B) alleging an inability to pay, in full or in part, due to economic hardship, must be directed to the presiding Judge for determination, as set forth at Local Rule 4008.1(B).

Rule LR4008. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof

A. Costs Payable (Paper Format Only).

1. For an ordinary transcript--\$1.75 per page;
2. For an expedited transcript--\$2.75 per page; and
3. For a daily transcript--\$3.75 per page

Rule LR4008.1. Transcript Costs Payable by Requesting Party, Other Than the Commonwealth or a Subdivision Thereof

A. Costs Payable (Paper Format Only).

1. For an ordinary transcript--\$2.75 per page;

2. For an expedited transcript--\$3.75 per page; and
3. For a daily transcript--\$4.75 per page.

B. Economic Hardship--Minimum Standards.

1. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis 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) poverty guidelines for the current year.
2. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be reduced by one-half ($\frac{1}{2}$) 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.
3. Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2), but only upon good cause shown.
4. The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs, submitted with the Request for Transcript and approved by the presiding Judge.

C. Assignment and Allocation of Transcripts Costs.

1. Assignment of Costs. The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.
2. Allocation of Costs. When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

D. Copies of Transcript. A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided at a cost of \$0.75 per page, paper format only.

Rule LJA5000. Transcripts

A. Transcripts Ordered by Court: Where a party wishes to proceed in forma pauperis, a motion shall be presented to the trial judge setting forth the reasons for such request, the specific portion or portions of the record which it is requested that the Court order transcribed and the reasons therefor. At least three business days written notice shall be given to the adverse party of the time such motion is to be presented to the trial judge. The attorney for the adverse party is to be present at the time of the motion and may make requests for additional transcription of the record, stating the reasons therefor. The Court will consider the requests and will make an appropriate order, which order and motion shall be filed of record in the office of the Prothonotary, with a copy to the Court Reporter.

B. The Court may, on its own motion, order an original or a copy of a transcript of a record or a portion thereof for its own use. All transcripts ordered for the Court shall be paid by Beaver County at the rates provided for in Pa.R.J.A. No. 5000.7 and shall be taxed as part of the record costs.

Rule LJA5000.6. Fees

Except where the Commonwealth or a subdivision is liable for the costs, the Court Reporter shall require a deposit of one-half the estimated charge for the transcript as a condition precedent to starting transcription.

After ascertaining from the Court Reporter the amount required, the said deposit shall be paid to the Prothonotary by the party requesting the transcript.

After obtaining a receipt from the Prothonotary signifying said deposit has been made, the person making said deposit shall deliver a copy of said receipt to the Court Reporter who will then proceed with the transcript, as requested, in the manner provided pursuant to Pa.R.J.A. No. 5000 et seq.

When the transcript is completed, the Court Reporter shall notify the party requesting the same.

The completed transcript shall be delivered by the Court Reporter to the office of the Prothonotary. The transcript shall be held by the Prothonotary in a transcript escrow file and shall not be delivered to the party ordering the transcript until any balance due for the transcript has been paid to the Prothonotary. The original transcript may then be filed of record and copies thereof released to requesting parties.

All transcript payments shall be remitted by the Prothonotary to the County of Beaver. When the Court Reporter has submitted the completed transcript, the Court Reporter may

then bill the County of Beaver for payment for said transcripts. The County of Beaver shall then pay the same pursuant to its present practice.

LJA5104 POLICIES AND PROCEDURES FOR THE CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

- (a) If present, the stenographer shall safeguard and maintain exhibits introduced in a court proceeding. If a stenographer is not present, the presiding Judge shall designate a member of his or her staff to safeguard and maintain exhibits introduced.
- (b) The custodian designated in part (a), above shall file all exhibits with the appropriate records office no later than five (5) days following the end of the proceeding.
- (c) Oversized documentary exhibits may be reduced to 8.5" x 11" paper, so long as the quality is not compromised. Alternatively, they may be submitted digitally via a CD or USB flash drive in a common format such as PDF with a file name identifying the exhibit. Voluminous documentary exhibits shall be submitted digitally via a CD or USB flash drive in a common format such as PDF with a file name identifying the exhibit.
- (d) The proponent of any bulky or oversized non-documentary exhibit shall safeguard and maintain such exhibit during and after the court proceeding.
- (e) Audio or visual recordings shall be submitted via a CD or USB flash drive; any proprietary or uncommon software necessary to play the recording must be included. The proponent of an audio or video recording shall designate in writing the timestamps of the portions presented to the factfinder if the recording is not presented in its entirety.
- (f) Issues regarding exhibits not addressed in this Local Rule shall be governed by Pa.R.J.A. 5101 – 5104.