

IN RE: RULES OF THE COURT OF : IN THE COURT OF COMMON PLEAS OF
COMMON PLEAS OF : CUMBERLAND COUNTY, PENNSYLVANIA
CUMBERLAND COUNTY, :
PENNSYLVANIA : LOCAL RULES 1996-1335

ORDER OF COURT

AND NOW, this 17th day of November 2016, it is hereby Ordered and Decreed, that effective January 1, 2017, or thirty (30) days after publication in the Pennsylvania Bulletin, whichever is later, the Cumberland County Court of Common Pleas adopts the following local rules, 4002, 4007, and 4008, governing court reporting and transcripts for the 9th Judicial District.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the Pennsylvania Bulletin.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the Cumberland Law Journal.

By the Court


Edward E. Guido, P.J.

Rule 4002. Definitions

All terms in these rules shall have the same meaning as defined in Pa. R.J.A. No. 4002. As further clarification:

(A) *Commonwealth or subdivision thereof* includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) *Transcript* includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an *ordinary* transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a *non-ordinary* transcript is any transcript requested or prepared for any reason other than *ordinary* as defined in section (C)(1) above.

(D) The terms *daily*, *expedited*, *rough draft* and *same-day delivery* all refer to variations in the delivery deadline and cost for *non-ordinary* transcripts.

Rule 4007. Requests for Transcripts

(A) All requests for transcripts shall be submitted to the appropriate filing office, with a copy to the district court administrator's office, utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) The requesting party shall also serve copies of the formal request to:

(1) the judge presiding over the matter;

(2) the court reporter, court recorder or transcriptionist;

(3) the district court administrator's office (electronic submission through the transcript web link is preferred); and

(4) opposing counsel, or if not represented, the opposing party.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make non-refundable, partial payment of 90% of the estimated transcript cost upon receipt of their invoice. Invoices will be sent within 6 business days after the receipt of the transcript request by the Court Administrator's office. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Upon receipt of the final invoice, payment for the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof

(A) Costs

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

(a) for an ordinary transcript, \$2.50 per page;

(b) for an expedited transcript, \$3.50 per page, expedited transcripts are only available if the court reporter is able to accommodate;

(c) for a daily transcript, \$4.50 per page, daily transcripts are only available if the court reporter is able to accommodate; and

(d) for same day delivery, \$6.50 per page, same delivery transcripts are only available if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) Economic hardship – minimum standards

(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 and filed in the appropriate filing office. Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(a) Copies of the forms listed above shall be provided to:

(i) The presiding judge;

(ii) The court reporter;

(iii) The Court Administrator's Office;

(iv) Opposing counsel or the opposing party if self-represented.

(D) Copies of transcript

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

(1) \$0.50 per page bound, paper format, and,

(2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(E) Additional Costs

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.