

RULE 39-101. Title and Citation of Rules

The rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania dealing with judicial administration shall be known as the 39th Judicial District Rules of Judicial Administration and may be cited as "39th Jud. Dist. R. Jud. Adm. ____".

RULE 39-507 Record Retention Schedule

39-507.1 Court Reporter Note/Tape Retention

A. In criminal cases in which the most serious crime charged is a misdemeanor of the first degree or lesser grade of offense, the Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the Court Reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

B. In criminal cases in which the most serious crime charged is a felony, the Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the Court Reporter at any time after seventy-five (75) years from the date when such notes were taken or tapes were made.

C. In all cases other than criminal cases, the Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the Court Reporter at any time after ten (10) years from the date when such notes were taken or tapes were made.

D. Notwithstanding the provisions of subsections A-C of this Rule, in any case in which the Court Reporter has transcribed notes taken and/or tapes made and such transcription has been approved by the Court and filed, the Court Reporter may destroy any such notes and/or tapes at any time after thirty (30) days from the date of filing of the transcription of such notes and/or tapes. Any objection to a transcription by the Court Reporter shall be made within thirty (30) days from the date of filing by serving such objections, in writing, upon the Court Reporter. If the objection is not resolved, the objecting party may, by petition, request the Court to determine the objection. Notes and/or tapes of the Court Reporter which are subject to objection shall be retained until all objections are determined.

E. Notwithstanding the provisions of subsections A-D of this Rule, any party may petition the Court for an order directing the retention of particular notes and/or tapes of the Court Reporter for a period of time beyond that required herein.

RULE 39-1901. Prompt Disposition of Matters: Termination of Inactive Cases

39-1901.1 Pursuant to Supreme Court Rule of Judicial Administration 1901, the declared policy of which is stated as follows: "It is the policy of the unified judicial system to bring each pending matter to a final conclusion as promptly as possible consistently with the character of the matter and the resources of the system. Where a matter has been inactive for an unreasonable period of time, the tribunal, on its own Motion, shall enter an appropriate Order terminating the matter," the following procedures are adopted:

(a) For the purposes of this Rule, an "inactive case" means any civil or criminal proceeding filed in the Court or with any District Justice of the Peace in which no action has been taken for a continuous period of two (2) full years or more.

(b) On or before February 1st of each year, the Prothonotary and the Clerk of Courts shall supply the Court Administrator with a list of the

(1) names and record addresses of the parties;

(2) the docket number, and

(3) the names and addresses of counsel of record of all inactive cases in such office for the previous calendar year, and also any other inactive cases of which such officer has knowledge.

(c) Upon receipt of the annual inactive list, the Court Administrator shall review the same with the President Judge who shall on the Court's own Motion, issue an Order directing the parties to show cause why the case should not be terminated, and stating that for failure to do so the case may be dismissed without prejudice. Said Order shall fix a date and time for hearing when the Rules are returnable, with not less than thirty (30) days notice. After such hearing, the case may be dismissed.

(d) Unless otherwise ordered by the hearing Judge, record costs in any dismissed criminal case shall be taxed to the County and in any other case to the plaintiff, petitioner or other party filing the proceeding.

(e) Each District Justice of the Peace on or before March 1st of each year, after thirty (30) days written notice of hearing to parties and counsel, shall dismiss inactive cases without prejudice, and shall transmit to the Court Administrator a report listing all inactive cases in such office that have not been terminated, and the reasons for nontermination.

(f) When termination is denied by the Court for good cause shown, the case shall continue to be carried on the inactive case list and placed in the next annual report, until the proceeding is terminated, provided, however, that the President Judge may order the case on a trial or argument list.

(g) In hearings before the Court, the Prothonotary and Clerk shall be prepared to inform the Court of the record status of the case and shall bring to Court the dockets relating to the cases being heard or copies thereof.

RULE 39-1905. Media Access

(a) No person or group of persons shall block, impede, congest or interfere with the free flow of parties, witnesses, court personnel, attorneys, or the general public in the hallways, entrances, and elevators to and from the courtrooms of this judicial district on days when court is in session, during the normal hours of operation, or while a trial or other court proceeding is occurring, and for one hour before the proceeding begins and one hour after the proceeding concludes:

(1) Through the operation of any equipment, or through the conduct of interviews, broadcasts, or any other activity associated with the gathering, production, and dissemination of news;

(2) Through demonstrations, protests or other public displays except by express permission of the court upon cause shown.

(b) The preceding provision shall not be construed to prohibit any member of the media or the public from having access to any office open to the public in any courthouse in this judicial district.

(c) This rule shall be subject to suspension by the court for such public proceedings and ceremonies as the court shall deem appropriate.

(d) Failure to abide by the contents of this rule shall be considered an act in contempt of court, and may result in such penalties, including removal from courthouse premises, as the court may decide.

RULE 39.5000.1. Rules Governing Court Reporting and Transcripts

- 39-5000.1.1.** Scope. These Rules are intended to be coordinated with and supplement the current Pa.R.Jud.Adm. Nos. 5000.1 - 5000.13, Pa.R.A.P. 1922 and Pa.R.C.P. 227.3 effective January 1, 1984, for use in the 39th Judicial District of Pennsylvania. In the event of conflict, the Rules of the Supreme Court shall control. These Rules shall govern the production, reproduction and filing of transcripts of testimony.

RULE 39-5000.5. Requests and Orders for Transcripts

39-5000.5.1 In addition to those time when it is necessary for a Motion or an Appeal, any person at any time by application to the Court may request the Court to direct a Court Reporter to prepare a transcript. When completed, the original shall be lodged with the appropriate office and copies shall be provided as requested by the party or parties. For the original and copies requested by him, the requesting, moving or appealing party shall make such deposits as required by Rule 39-5000.6.

39-5000.5.2:

(a) In civil cases, an application for an Order providing that less than the entire proceedings shall be transcribed may be made to the trial Court by any party within two (2) days after the Order for transcript is filed. Any party shall have the right to require that specific parts of the notes of testimony be transcribed subject to the requirements for the payment of transcript fees.

(b) In criminal cases, diminution of transcription shall be in accordance with Rule 9030 of the Pennsylvania Rules of Criminal Procedure.

RULE 39-5000.6. Deposit of Partial Transcript Fee

39-5000.6.1. Except where the Commonwealth or a subdivision is liable for the costs, or an Order of Court has been made excusing a deposit, the official Court Reporter shall require a deposit of one-half (1/2) the estimated costs for the transcription and the copies ordered before starting the transcript. The deposit shall be held by the appropriate office until it is to be paid to the Reporter when the transcript is lodged. The transcript itself and any copies shall not be available to any party until the costs of such transcript and copies are paid in full.

RULE 39-5000.14. Lodging

39-5000.14.1 Upon receipt of the Order for transcript from the Court and upon filing an Appeal, after the payment of the required deposit for such transcript as provided in Rule 39-5000.6, the official Court Reporter shall make and lodge a transcript with the appropriate office within fourteen (14) days thereafter.

RULE 39-5000.15. Certification and Notification

39-5000.15.1 Such transcript, as provided in Rule 39-5000.14 shall have attached a certificate signed by the Court Reporter certifying that the transcript is a true and accurate transcript and that the parties or their counsel have been notified of the lodging in the appropriate office.

RULE 39-5000.16. Objections

39-5000.16.1:

(a) The Court Reporter shall notify the respective parties or their attorneys that the transcript has been lodged and that if no objections are made to the transcript within five (5) days after receipt of such notice, the transcript will be marked, filed and become a part of the record. If objections are made to the transcript by any party, they shall be submitted to and settled by the trial Court. The party filing objections shall serve a copy of the objections on the other parties and notify the other parties of the date when the transcript will be submitted to the Court for settlement.

(b) The Court shall examine any parts of the transcript to which objections are made pursuant to Rule 39-5000.16 and may examine any other parts of the transcript. If the trial Judge examines any portion of the transcript, he shall certify, by reference to the page and line number of their equivalent, which portions he has read and corrected.

(c) After the differences have been settled or other corrections have been made and certified by the Court, the Court shall return the transcript to the appropriate office where the same shall be marked filed and shall become a part of the official record.

RULE 39-5000.17. Certification and Filing

39-5000.17.1 If no objections are made to the text, after five (5) days the appropriate officer shall mark the transcript filed and it shall become a part of the official record.

RULE 39-5000.18. Transcripts to be Available to the Court

39-5000.18.1 After a transcript is lodged, so that it may be available to the Court, it may not be removed from the appropriate office except by the Court or the official Court Stenographer or to be forwarded to another Court for appropriate proceedings.

RULE 39-7001. Costs

39-7001.1 A party entitled to costs shall file his bill, verified by his oath, or by oath of his agent or attorney, that is correct of his knowledge or upon his information or belief, and that the witnesses were material and necessary, as he, in good faith, believed at the time of trial. Such bill, verified by his oath or that of his agent or attorney, shall show their attendance and places from which mileage is claimed. If either party objects to a bill of costs, he may file his exceptions in writing with the Prothonotary who shall hear and determine the same; and if either party is dissatisfied, he may renew his exceptions within ten (10) days of determination by the Prothonotary. Such renewal shall operate as an appeal, and the matter shall be heard by the Court. No exception or appeal shall operate to stay execution or prevent the collection of the debt or costs. When collected on execution or voluntarily paid into Court, the costs excepted to will be retained until the question is decided.

Appeals shall be placed on the current Argument list, but may be heard and decided by the Court in chambers. Evidence shall be in the form of affidavits unless depositions are ordered.

RULE 39-7002. Legal Advertisements

39-7002.1 The Franklin County Legal Journal is designated as the legal newspaper for the publication in Franklin County of Court or other legal notices.

RULE 39-7003. Money Paid Into Court

39-7003.1 Money paid into Court in any proceeding shall be in trust with the Prothonotary or Clerk, as the case may be. Payment shall be made in cash, certified check, cashier's check or money order drawn to the order of the officer with whom the deposit is to be made, or in such form as all parties may agree in writing filed with the officer. Any money may be temporarily invested by the Prothonotary or Clerk in a manner and with the approval of a Judge or by written agreement of the parties or their attorneys. If a bank checking account is the place where the fund is deposited, it shall, consistent with banking laws or practice, be in an interest-bearing insured account, with said interest to be payable to the party finally determined by the Court to be entitled to the principal fund. The account shall be clearly denominated by reference to the Court docket. Money shall be drawn out of such account only upon check of the Prothonotary or Clerk, as the case may be.

RULE 39-7004. Records

39-7004.1 The Prothonotary, Clerk and Register and Recorder shall be responsible for the safe keeping of all records and papers in their respective offices and, except under the supervision of such officer, no person but the Judge or an attorney of the Court shall handle or inspect the same.

39-7004.2 No person other than the Prothonotary, his Deputy or Clerk, or person authorized by them, shall be permitted to make any entry upon the docket or other records of the office.

39-7004.3 Neither the Prothonotary, Register of Wills, Clerk of Courts, Recorder of Deeds, nor the Sheriff shall make any erasure of any matter erroneously entered in any entry book, docket, mortgage or deed book, will book or other official record. Any erroneous entry shall be struck therefrom in red ink in such manner as to leave the stricken matter legible and the correct entry inserted. Upon the making of any such correction the officer making the same shall note the date of such making. In the event that any such officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between the two other entries unless the officer shall note on the record that it was so made together with the date thereof.