

**IN THE COURT OF COMMON PLEAS OF BERKS COUNTY
TWENTY-THIRD JUDICIAL DISTRICT OF PENNSYLVANIA**

**PART I – COURT OF COMMON PLEAS
PART II – ORPHANS’ COURT DIVISION**

EFFECTIVE January 7, 2005

**BERKS COUNTY
RULES OF JUDICIAL ADMINISTRATION**

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TITLE AND CITATION OF RULES

Rule 1

These rules shall be known as Berks County Rules of Judicial Administration and shall be cited as "B.R.J.A."

Effective October 10 1988

CALENDAR

Rule 10 **Court Calendar**

The court shall annually, by order, adopt a court calendar which will fix the dates for all trials, hearings, arraignments, arguments and all other court sessions and proceedings for the ensuing year.

Effective October 10 1988

ATTORNEYS

Rule 100 Admission to Bar

(a) Applicants for membership in the bar of this county, shall be members of the bar of this Commonwealth as evidenced by a current certificate issued by the Court Administrator of Pennsylvania under Pa. R.D.E. 219, and shall satisfy this court of their bona fide intention to maintain their principal office for the practice of law in this county.

(b) Applications for membership in the bar of this county shall be referred to the Admissions Committee of the Berks County Bar Association and motions for admission shall be made said committee. Said application shall contain the following:

(1) Applicant's name and address.

(2) A statement of applicant's intention to establish and maintain his principal office for the practice of law in this county.

(3) The date applicant was admitted to the bar of this Commonwealth.

(4) Current certificate issued by the Court Administrator of Pennsylvania under Pa. R.D.E. 219.

(c) Upon approval of application by the court, applicant shall become and remain a member of the bar of this county so long as he is a member of the bar of this Commonwealth and maintains his principal office for the practice of law in this county.

(a) This Rule is not intended to govern the right to practice or to prescribe any special requirement for the practice by any member of the bar of this Commonwealth before this court or any district justice of this county, all of which are governed by the Pennsylvania Bar Admission Rules.

Effective October 10 1988

Rule 101 Compliance with Court Orders or Rules

Each attorney practicing before the court shall punctually, comply with all applicable Rules, orders and directives of the court, and shall be available and appear for a conference, hearing or trial in the courtroom or place assigned within or at the time scheduled by the court. Failure to comply with any Rule, order or directive of the court or to be available and appear for a scheduled conference, hearing or trial within or at the time scheduled shall be cause for the court to impose such sanctions as shall be deemed appropriate under the circumstances.

Effective October 10 1988

Rule 102 Conflicts in Scheduling

In the event an attorney is scheduled to appear at the same time before different judges of this court for Juvenile Court or Criminal Court proceedings, the attorney shall first appear in accordance with the following priority: Juvenile Court hearing, jury trial, trial without jury, pretrial hearing, Post Conviction Hearing Act hearing, sentencing, guilty plea, Accelerated Rehabilitation Disposition hearing, motion; and as early as possible in advance of scheduled appearances, the attorney shall notify the judge (or his/her secretary or personal tipstaff) involved in lesser priority matters of the nature of the priority proceedings.

With respect to other proceedings involving an attorney scheduled to appear at the same time before different judges of this court or before this court and another court or tribunal, the attorney shall contact each judge and/or tribunal chairman involved, explain the conflict situation and seek guidance as to which proceeding the attorney shall first attend. If after contacting each judge and/or chairman involved, the attorney has not obtained permission to give one proceeding priority over the other or others, the attorney shall contact the Emergency Motions Judge of this court for instruction and direction.

Effective October 10 1988

NOTICES

Rule 300 Form

Every required notice shall be in writing and shall be effective only upon proper service being made thereof, except for oral notice permitted by the court to be given at bar and a minute thereof made by the prothonotary or clerk of courts, or noted by a court stenographer in notes of the proceeding as may be directed by the court. If the notice is in pursuance of a rule obtained by the party giving it, a copy of such rule and of the petition upon which the rule is founded shall be served with the notice.

Effective October 10 1988

Rule 301 Production of Evidence

Notice to produce books, or papers for trial or hearing, for the purpose of procuring the admission of secondary evidence of their contents, shall be served upon counsel of record or upon the party without counsel.

Effective October 10 1988

Rule 302 Posting on Bulletin Boards

The prothonotary shall provide two (2) separate notice bulletin boards of suitable size and shape to be placed in prominent and convenient positions in his office, upon which shall be posted all such notices as may be required to be posted in the said office.

Effective October 10 1988

Rule 303 Statement of Matters Complained of on Direct Appeal Withdrawal of Appeal

In every appeal from an order or decree to which no post-trial motions or exceptions were filed but such appeal is taken directly to an appellate court, appellant or appellant's counsel shall, within ten (10) days after taking the appeal, file of record a concise statement of the matters complained of and intended to be argued on appeal, and shall serve a copy thereof upon the judge from whose order or decree the appeal was taken, except that if such judge was a visiting judge, or if such appeal is taken from an order or decree of a master, referee or review officer appointed by the court, such copy shall be served upon the president judge of this court so that an appropriate opinion may be prepared and filed. Whenever an appeal is withdrawn by counsel, counsel shall give notice of such withdrawal immediately to the judge from whose order or decree the appeal was taken, except that if such judge was a visiting judge, or if such appeal is taken from an order or decree of a master, referee or review officer appointed by the court, counsel shall give such notice to the president judge of this court.

Effective October 10 1988

RECORDS

Rule 400 Removal of Records

No record of any of the courts, no opinion filed therein, and no paper filed in any cause or proceeding, shall be taken from the custody of the prothonotary or clerk of courts without a written order of a judge stipulating for the return of the same to the prothonotary or clerk of courts within a specified time, and in every case, the prothonotary or clerk of courts shall take a receipt for such record or paper from the person to whom he delivers it, to be attached to said order and retained until the record or paper is returned; but in cases before arbitrators, commissioners, viewers or masters, the prothonotary or clerk of courts, on application of such parties, shall deliver to them or him the pleadings, commissions, depositions or other exhibits or papers filed in the case, taking their or his written receipt therefor, stipulating for the return of the same to the custody of the prothonotary or clerk of courts when the award is made or the duties of the appointment or commission are otherwise terminated. In the case of judges, the prothonotary or clerk of courts may simply note on his record the name of the judge having custody thereof. The date of the return of the records shall also be noted on the same record.

Effective October 10 1988

Rule 401 Forms of Papers Filed Filing Fee Required, Unless Excused

(a) Each paper filed in any legal proceeding with the prothonotary or clerk of courts shall:

- (1) be written in ink, typewritten or printed;
- (2) contain a caption as that term is defined in Pa.R.C.P. 1018; and

(3) be endorsed with the name and address of the attorney presenting it, or if there be no attorney, with the name and address of the party presenting it.

A paper which does not comply with all of the above requirements shall nevertheless be received and filed by the prothonotary or clerk of courts.

The prothonotary or clerk of courts, as the case may be, shall forthwith notify the judge assigned to the case, or if no judge is assigned to the case, the president judge, of such non-complying paper and the judge shall issue a rule as of course upon the party filing the non-complying paper to show cause why such paper should not be replaced with a paper meeting all requirements of this rule or be stricken.

(b) Anything in subsection (a) above to the contrary notwithstanding, the prothonotary and clerk of courts shall not enter any paper upon the record without payment of the required filing fee, unless such payment is excused by statute, rule or order of court.

Effective October 10 1988

Rule 401.1 Papers Presented By Persons Unauthorized By State Rules

Any papers or documents that are submitted on behalf of an individual party by someone other than the party's attorney of record as defined by Pa. R. C. P. 76 or by the party pro se shall be accepted by the prothonotary or clerk of courts as a communication only and no further action shall be taken. Such papers will not be forwarded to the assigned judge for further consideration. A copy of the papers accepted will be sent to the party's attorney of record or the party if no attorney has entered an appearance for the party. The following notice shall be attached to the returned copies:

NOTICE

The attached papers were accepted on (date). These papers were not forwarded to the assigned judge due to the failure to comply with B. R. J. A. 401.1.

Effective October 17, 2005

Rule 402 Record of Filing

The prothonotary or clerk of courts shall endorse upon all papers filed the day and hour of filing the same, and no parole evidence shall be received to contradict such endorsement.

Effective October 10 1988

Rule 403 Length of Time Maintained

Praecipes, certificates or order for trial or argument, proofs of service thereof, receipts for papers returned may, after being duly endorsed and noted on the proper docket by the prothonotary or clerk of courts, be kept on file only until the occasion to which they relate shall have passed or the object thereof accomplished, and other papers filed serving only a passing purpose in any proceedings may, after being duly endorsed and noted on the proper record by the prothonotary or clerk of courts, be kept on file only until the cause is satisfied, settled, discontinued or dismissed or otherwise terminated of record.

Effective October 10 1988

SURETY COMPANIES

Rule 500 Information to Be Filed

Every company undertaking to become surety on any bond, recognizance or other obligation in connection with any matter before any district justice or the courts of this county shall, in addition to filing the certificate issued by the Insurance Commissioner of the Commonwealth of Pennsylvania required under the provisions of the Act of June 25, 1885, P.L. 181 Section 1, as amended, 40 P.S. Section 831, file in the offices of the prothonotary and the clerk of courts the power or powers of attorney of its agent or agents authorized to execute such bonds, recognizances and other obligations for it and on its behalf which power or powers of attorney shall remain effective until revoked by said corporation by written revocation filed in the offices of the prothonotary and the clerk of courts; and no bond, recognizance or other obligation shall be accepted or approved unless executed by the principal officers of the company or by an agent or agents whose authority is evidenced by power of attorney so filed.

The prothonotary and the clerk of courts shall keep a list of all companies which have filed the requisite certificate of the Insurance Commissioner, with notation thereon, of the names and addresses of the company's agent or agents whose power or powers of attorney have been duly filed in accordance with the foregoing Rule, and shall note thereon any revocation of such certificate or revocation by the company of any agent's authority.

Effective October 10 1988

TERMINATION OF CASES

Rule 1900 Discontinuance and/or Settlement of Active Cases. Release of Property from Lien

Except as otherwise provided by Pennsylvania Rules of Civil Procedure, a civil action shall be discontinued, ended or settled or property released from any lien by the claimant, counterclaimant or party possessing a lien by filing a praecipe with the prothonotary providing for such disposition. A certified copy of the praecipe shall be served upon opposing counsel and/or unrepresented parties. Proof of service shall be filed by verified statement, as verified as defined in Pa.R.C.P. 76.

Effective October 10, 1988

Rule 1901 Termination of Inactive Cases

(a) The prothonotary in any civil case which remains open on the docket of the prothonotary and in which no docket activity has been reflected for a period of 670 days prior thereto, or 1,035 days in a divorce case, shall within fifteen (15) days thereafter serve notice upon each party's counsel of record, or if a party is not represented by counsel of record, upon such party. Said notice shall be substantially in the following form;

(CAPTION)

WARNING

"The above captioned case will be subject to termination without further notice under B.R.J.A. 1901 if no docket activity occurs within sixty (60) days after the service of this notice upon you or if no party files a motion, within said sixty (60) day period, to allow the case to remain active and requests a hearing thereon.

Docket activity within such sixty (60) day period or the filing of such motion within said period with a request for a hearing will prevent the prothonotary from automatically terminating the case under this rule.

If the prothonotary makes personal service of this notice, the sixty (60) day period shall begin to run on the date of service.

If the prothonotary makes service of this notice by mail, the sixty (60) day period shall begin to run on the date of mailing.

If the prothonotary makes service by publication, the sixty (60) day period shall begin to run on the date of publication.

The filing of a Motion to Allow the Case to Remain Open, with or without a request for a hearing, will not be considered docket activity for the purpose of this rule."

(b) (1) Service shall be by personal service or first class mail. If the prothonotary serves said notice by mail, the prothonotary shall mail it to the party's counsel of record at such counsel's last address of record, or if such party has no counsel of record, to such party at such party's last address of record.

(2) If the prothonotary:

(A) does not serve the notice required under section (a) hereof in person; and

(B) is unable to serve it by mail; or

(C) attempts to serve it by mail addressed as above provided and said notice is returned undelivered; then the prothonotary shall promptly advertise said notice one time in the legal publication of Berks County, Pennsylvania, presently the Berks County Law Journal.

(c) If no additional docket activity has taken place, or if no Motion to Allow the Case to Remain Active has been filed and a hearing date thereon requested within sixty (60) days after the service of the notice (based upon the date of personal service, the date of mailing or the date of publication, whichever method of service is used), the case shall be marked "Terminated under B.R.J.A. 1901", without any further notice whatsoever.

(d) Any case terminated after notice has been served by publication pursuant to B.R.J.A. 1901 (c)(2) above, may be reinstated by the court for "good cause" shown at a hearing held after the filing of a petition to reinstate.

(e) Whenever a terminated case appears on the execution docket, the prothonotary shall promptly give notice to the sheriff that the case has been terminated.

Comment.

This Rule is designed to remove stale cases from the docket. It gives parties notice that their case has been inactive on the docket for sixty (60) days short of two (2) years in a civil case or three (3) years in a divorce case.

If docket activity does not occur before the end of said sixty (60) day period, and if no party within said period has filed a Motion to Allow the Case to Remain Active and requested a date for a hearing, the prothonotary shall mark the action terminated without further notice, even though docket activity occurs, or such a Motion is filed, after the end of said sixty (60) day period.

If docket activity does occur before the end of said sixty (60) day period, or if a Motion to Allow the Case to Remain Active is filed before the end of said period, and a hearing date thereon requested, the prothonotary will not mark the case terminated.

Causing docket activity to occur, or filing a Motion to Allow the Case to Remain Active and requesting a date for a hearing will not necessarily prevent the case from being non prosced. The court retains the right and power to non pros an action if undue delay has occurred in its prosecution, there is no compelling reason for the delay and a party has been prejudiced by the delay.

We call your attention to the case of Penn Piping. Inc. v. Insurance Company of North America, 529 Pa. 350, 603 A.2d 1006 (1992) and its progeny.

Effective February 28 1995

**Rule 1901.1 Termination of Inactive Criminal Cases
In Court of Common Pleas**

- (a) All criminal cases which remain open on the dockets of the clerk of courts, and in which there is reflected no activity for a period of at least two (2) years prior thereto, shall be listed by the clerk of courts for the next available criminal argument court after notice of termination is given as provided below. Such officer shall give notice of the listing of said case in criminal cases to the district attorney, other attorneys of record for either the prosecution or the defendant and the defendant as provided by Pa. R.J.A 1901(c) (1) and (2) at least sixty (60) days prior to the argument court date listing; that said case shall be terminated if no petition is filed by any party in interest conforming to Pa. Rs.C.P. 206 and 207, setting forth reasons why said case should not be terminated. If no petition contra termination is filed at least six (6) days prior to the argument court date to which the case has been listed, the clerk of courts shall strike the matter from the list and enter an order, as of course, terminating the case. If a petition is filed contra termination, it shall have endorsed thereon a notice to plead thereto within twenty (20) days of the date of service of the petition. Proofs of service on all those upon whom service of the petition is required shall be filed in the office of the clerk of courts. Thereupon, the matter shall proceed in accordance with Pa. Rs.C.P. 208 and 209. If, thereafter, the matter is not listed for an argument court occurring within six (6) months of the criminal argument court date to which the case was initially listed, the clerk of courts shall enter an order, as of course, terminating the case.
- (b) Termination of a case under this Rule shall bar any further action thereon, except by order of the court only after written petition on proper cause shown.
- (c) Termination of any case pursuant to this Rule shall have no effect upon the liability of the parties for payment of costs unless otherwise ordered by the court.

Effective October 10 1988

**Rule 1901.2 Termination of Inactive Civil Cases
Before District Justices**

(a) The docket of civil actions at law filed in the office of a district justice of Berks County shall be examined by March 1 of each year by the respective district justice having custody of such docket; and with respect to those actions that have not been reduced to judgment or final order and for which there is no activity reflected on the docket within two (2) years prior to March 1 of the year of examination, the respective district justice shall, by the succeeding May 1, notify in writing counsel of record and parties without counsel, at his last known address by first class mail, that if no appropriate legal steps are taken to bring the matter to conclusion, or no written objections to termination setting forth the reasons therefor are filed within sixty (60) days after the mailing of such notice, the action will be automatically terminated as of course and without further notice, and thereafter no proceedings may be had on such matters. The prospective district justice shall note on the docket the dates and the names and addresses of persons given such notice by mail.

(b) If no appropriate legal steps are taken for bringing such action to conclusion, or no written objection to termination setting forth the reasons therefor are filed prior to sixty (60) days after the mailing of such notice, the respective district justice shall make an entry on the respective docket, "Action is terminated with prejudice under Pa. R.J.A. 1901."

(c) If written objections to termination are filed under this Rule, such written objections shall be considered as being the nature of a rule issued as of course against all opposing parties to show case why the action should not remain active. Upon the filing of such written objections, the respective district justice shall schedule the matter for hearing, to be held not less than forty-five (45) days nor more than sixty (60) days after such filing, shall give at least forty-five (45) days written notice thereof, along with a copy of said written objections, by regular mail to counsel of record and parties without counsel, and shall note on the docket the date of filing such objections, and the date, names and addresses of persons given notice and copy of objections by mail. Upon hearing held, the district justice shall determine whether or not the objections are well founded, and shall enter on the respective docket that the action remain open for a period of time determined by the district justice in his discretion, but not to exceed one (1) year or that the "Action is terminated with prejudice under Pa. R.J.A. 1901."

(d) If the district justice is unable to give notice under subsections (a) or (c) hereof, along with copy of objections if applicable, in that the same has been mailed and returned undelivered, the district justice shall, not less than forty-five (45) days nor more than sixty (60) days after deposit of the same in the United States mail, certify the caption and docket number of such action to the court administrator of Berks County setting forth that notice could not be given with respect to proceedings for termination of an action or that a copy of objections could not be served and notice of hearing hereon could not be given, or combination thereof as the case may be. Publication of notice thereof, which may be a consolidated publication referring to one or more actions before one or more district justices, shall thereupon be made by the court administrator at the expense of the County of Berks by advertisement one (1) time in the Berks County Law Journal and in a newspaper of general circulation within the county stating the caption of the action, docket number, and name and office address of the respective district justice. If the notice also pertains to objections filed, it shall state, in addition to caption of the action and document number, that objections were filed and a hearing will be held thereon before the respective district justice at his designated office at a given time. Proof of publication thereof shall be filed with the respective district justice, who shall thereafter proceed in the same manner as when notice was given by mail, except that any action terminated shall be without prejudice, in which event the respective district justice shall make an entry on the respective docket, "Action terminated under Pa. R.J.A. 1901," and thereafter no proceedings may be had on such matter except by order of the Berks County Court of Common Pleas upon application and proper cause shown.

(e) If an action is terminated with prejudice in the manner hereinbefore provided, an objecting party shall have the right to appeal to the Berks County Court of Common Pleas within the same time and in the same manner as appeal is taken from a judgment entered in an action at law by a district justice.

(f) Termination of any action pursuant to this Rule shall have no effect upon the liability of the parties for payment of costs.

Effective October 10 1988

Rule 1901.3 Termination of Inactive Criminal and Summary Cases Before District Justices

(a) All pending felony, misdemeanor and summary cases filed with a district justice for which the docket discloses that there have been no steps or proceedings other than the filing of a not found return on a warrant of arrest within two (2) years shall be ascertained by an examination of the docket by the respective district justice by September 1 of each year. Said district justice shall thereupon, by the succeeding December 1, notify in writing the district attorney in court cases involving felonies and misdemeanors, and shall notify in writing the defendant, prosecutor-complainant, private prosecuting attorney, and defense counsel of record in all felony, misdemeanor and summary cases, at his last known address by first class mail, setting forth the caption of the case and that if no appropriate legal steps are taken for prosecuting the case to conclusion, or no written objections to termination setting forth the reasons therefore are filed within sixty (60) days after the mailing of such notice, the case will be ordered terminated, as of course, without further notice, and thereafter no proceeding may be had on such matters except upon order of the Berks County Court of Common Pleas, upon proper cause shown. The respective district justice shall note on the docket the date and names and addresses of persons given such notice by mail.

(b) If no appropriate legal steps are taken for prosecuting such case to conclusion, or no written objections to termination setting forth the reasons therefor are filed prior to sixty (60) days after the mailing of such notice, the respective district justice shall make an entry on the respective docket that, "Case is terminated under Pa. R.J.A. 1901."

(c) If written objections to termination are filed as provided under this Rule, the district justice shall examine said objections, and if they set forth reasons satisfactory to the district justice why no activity has appeared of record for the past two (2) years other than the filing of a not found return on a warrant of arrest, the district justice shall enter an order on the respective docket that the case remain open, upon such terms as may be deemed advisable. If such written objections to termination do not set forth reasons prima facie satisfactory to the district justice, said written objections shall be considered as being in the nature of a rule issued, as of course, against all opposing parties to show cause why the case should not remain active, whereupon the district justice shall schedule the matter for hearing, to be held not less than forty-five (45) days nor more than sixty (60) days after such filing, shall give at least forty-five (45) days written notice thereof, along with a copy of said written objections, by first class mail to all parties previously notified as provided under subsection (1) hereof and shall note on the docket the date of filing such objections and the date, names and addresses of persons given such notice, and copy of objections by mail. Upon hearing held, the district justice shall determine whether or not the objections are well founded and shall make an entry on the respective docket that the case remain open upon such terms as may be deemed advisable or that, "Case is terminated under Pa. R.J.A. 1901."

(d) If the district justice is unable to give notice under subsections (a) or (c) hereof, along with copy of objections if applicable, in that the same has been mailed and returned undelivered, and the case is not settled or the prosecution withdrawn in accordance with the Pennsylvania Rules of criminal Procedure, the district justice shall, not less than forty-five (45) days nor more than sixty (60) days after having deposited the notice, along with copy of objections if applicable, in the mail, certify the caption and docket number of such case to the court administrator of Berks County, setting forth that notice could not be given with respect to proceedings for termination of a case or that a copy of objections could not be served, and notice of hearing thereon could not be given, or combination thereof as the case may be. Publication of notice thereof, which may be a consolidated publication referring to one or more actions before one or more district justices, shall thereupon be made by the court administrator at the expense of the County of Berks by advertisement one (1) time in the Berks County Law Journal and in a newspaper of general circulation within the county. If the notice pertains to proceedings for termination of a case, it

shall state the caption of the case, docket number, and name and office address of the respective district justice. If the notice also pertains to objections filed, it shall state, in addition to the caption of the case and docket number, that objections were filed and a hearing will be held thereon before the respective district justice at his designated office at a given time. Proof of publication thereof shall be filed with the respective district justice, who shall thereafter proceed in the same manner as when notice was given by mail.

(e) Termination of any case pursuant to this Rule shall have no effect upon the liability of the parties for payment of costs.

Effective October 10 1988

TRANSCRIPTS

Rule 5000.2 Definition

Clerk as used in the rules shall mean the prothonotary, where the records of the proceedings involved are filed with the prothonotary, and the clerk of courts, where the records of the proceeding involved are filed with said clerk.

Effective October 10 1988

Rule 5000.4 Transcription of Court Reporter's Notes In Cases Not on Appeal

No court reporter shall transcribe any notes of proceedings in any case not on appeal to the Commonwealth, Superior or Supreme Court without an order of court.

Transcripts are to be made and filed as soon as possible after entry of the order in the sequence in which the orders therefor are received by the court reporter, unless the president judge orders otherwise.

Effective October 10 1988

Rule 5000.5 Transcription of Court Reporter's Notes In Cases on Appeal

Upon the filing of a notice of appeal, together with the court's transcript order, the court reporter shall immediately proceed to transcribe his or her notes as directed by the court order made a part of, and filed with, the notice of appeal. See Pa. R.A.P. 1922(a) and (b) , and Pa. R.J.A. 5000. 5 (a) and (b) and 5000.6.

Effective October 10 1988

No. 5000.7 Fees for Transcripts

(a) Where a person or entity other than the Commonwealth, or one of its political subdivisions, has requested a transcript:

(1) Any person or entity which obtains an order for a transcript shall pay to the clerk one-half the estimated costs for the transcript calculated at the rate of \$2.25 for each page of original transcript and shall pay the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such advance payment has been made.

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof;

(A) to the district attorney, if he is a party to the action or represents the Commonwealth in such action;

(B) to the county solicitor of Berks County, if he or she is a party to the action or represents the County of Berks in such action;

(C) to the person or entity who ordered the transcript, if, but only if, such person or entity has paid the balance due for the transcript to the clerk in full calculated at the rate of \$2.25 for each page of original transcript.

(3) Where the Commonwealth, or any political subdivision, requests a copy of the transcript, the court reporter shall provide the Commonwealth, or political subdivision thereof, with a complete and legible copy thereof without charge.

(4) Where any person or entity, other than the Commonwealth, or a political subdivision thereof, requests a copy of the transcript, such person or entity may purchase the same by paying the clerk \$1.00 for each page of complete and legible copy.

(5) The clerk shall pay the monies received for original transcript and for copies to the county promptly, and the county shall thereupon pay therefrom:

(A) to the court reporter, the sum of \$2.25 for each page of original transcript.

(B) to the court reporter, the sum of \$1.00 for each page of complete and legible copy.

(b) Where the Commonwealth or a subdivision thereof, including the County of Berks, is liable for the cost:

(1) The court reporter, upon receipt of the transcript order, shall immediately begin the transcription of his or her notes as directed by the transcript order,

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy to each of the following:

(A) to any party proceeding in forma pauperis;

(B) to the district attorney of Berks County, if said district attorney is a party to the action or is representing the Commonwealth in said action;

(C) to the county solicitor of Berks County, if the county solicitor is a party to the action or is representing the county in said action.

(D) If any person or entity, including but not limited to the Commonwealth, or any of its political subdivisions, desires a copy of the transcript, the court reporter shall provide such person or entity with a complete and legible copy of the same without charge.

(3) Upon completion of the transcript, the County of Berks shall pay to the court reporter, the sum of \$2.00 for each page of original transcript.

(c) Any judge of the court, the district attorney and county solicitor shall each be entitled to a copy of the transcript in any proceeding upon request without charge. In such case, the county shall be liable for the cost of preparing the original transcript whenever no other person or entity is otherwise liable for the cost therefor.

(d) Nothing in this rule shall authorize delivery of a transcript, or copy thereof, in a proceeding where the record is impounded, to any person or entity not otherwise entitled to the same.

Comments: Rule 5000.2(h) of the Pa. R.J.A. provides that in any case where the court orders a transcript for its own use or where a copy thereof is for the use of a party entitled to proceed in forma pauperis, the county shall pay for the original and one copy of the transcript.

Berks County provides a computer-aided transcription system. For those court reporters who cannot use the system or who must transcribe notes not capable of being translated by the system, the county provides dictation equipment, typewriters, paper and supplies, and pays the typist directly.

Effective October 1 1998