

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

**PART I – COURT OF COMMON PLEAS**

**(AS OF July 29, 2024)**

**PART II – ORPHANS' COURT DIVISION**

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**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."

## **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 to 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/her 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/she is a member of the bar of this Commonwealth and maintains his/her principal office for the practice of law in this county.

(1) 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 magisterial district judge of this county, all of which are governed by the Pennsylvania Bar Admission Rules.

### **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.



## **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.

## 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 to show cause and of the petition upon which the rule is founded shall be served with the notice.

### **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.

### **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/her office, upon which shall be posted all such notices as may be required to be posted in the said office.

### **Rule 303 Withdrawal of Appeal**

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.

## **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/she 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/her the pleadings, commissions, depositions or other exhibits or papers filed in the case, taking their or his/her 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.

### **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.

**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.

**Rule 402      Record of Filing**

The prothonotary or clerk of courts shall time-stamp all papers filed the day and hour of filing the same, and no parole evidence shall be received to contradict such endorsement. For electronically filed documents, the date and time shall be the time the legal paper was received by the Berks County Electronic Filing System as more specifically set forth in B.R.C.P. No. 205.4.

## **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 magisterial district judge 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.

### **Rule 510 Public Access Policy**

Pursuant to Sections 7 and 8 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 personal information as defined by the Policy shall file a Confidential Information Form along with the redacted copy of the document and persons who file confidential documents as defined by the Policy shall file a Confidential Document Form along with the unredacted document. Parties are expressly prohibited from filing a redacted and an unredacted version of any document. The policy and forms are available on the Administrative Office of Pennsylvania Courts website [www.pacourts.us](http://www.pacourts.us) as well as on the Berks County Court website [www.co.berks.pa.us](http://www.co.berks.pa.us).

## 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 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 is defined in Pa.R.C.P. 76.

### **Rule 1901 Termination of Inactive cases**

(a) This Local Rule shall apply to all civil and family cases regardless of the nature or extent of the relief sought.

(b) The Prothonotary may initiate proceedings to terminate a case in which there has been no activity of record for two years or more by serving a notice of proposed dismissal of court case.

(c) The Prothonotary shall serve the notice on counsel of record and on the parties if not represented, at least sixty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination. The notice shall be served by mail pursuant to Rule 440 or by electronic transmission pursuant to Rule 205.4(g). If the mailed notice is returned, the notice shall be served by advertising it in the Reading Eagle newspaper.

(d) The notice required by subdivision (c) shall be in substantially the following form:

(Caption)

#### Notice of Proposed Termination of Court Case

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years. You may stop the court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with Prothonotary of the Court at Berks County Prothonotary, 2<sup>nd</sup> Floor Courthouse, 633 Court Street, Reading, PA 19601 on or before \_\_\_\_\_.

IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED.

BY THE COURT:

\_\_\_\_\_  
Date of this Notice

\_\_\_\_\_  
Prothonotary

(e) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

TO THE COURT:

\_\_\_\_\_ intends to proceed with the above captioned matter.  
Date: \_\_\_\_\_ Attorney for \_\_\_\_\_

(f) If no statement of intention to proceed has been filed in the required time period, the Prothonotary shall mark the matter as terminated with prejudice for failure to prosecute.

(g) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action. All matters so terminated may not be reinstated except with leave of Court, for cause shown.

(h) Following the filing of a Statement of Intention to Proceed, the Court shall schedule a hearing in the subject case to show cause why the case should not be terminated for inactivity.

**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. R.C.P. , 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. R.C.P. . 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.

**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 magisterial district judge of Berks County shall be examined by March 1 of each year by the respective magisterial district judge 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 magisterial district judge shall, by the succeeding May 1, notify in writing counsel of record and parties without counsel, at his/her 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 magisterial district judge 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 magisterial district judge 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 magisterial district judge 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 magisterial district judge 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 magisterial district judge 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 magisterial district judge 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 magisterial district judges, 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 magisterial district judge. 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 magisterial district judge at his/her designated office at a given time. Proof of publication thereof shall be filed with the respective magisterial district judge, 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 magisterial district judge 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 magisterial district judge.

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

### **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.

## **TRANSCRIPTS**

### **No. 4002.- Definitions**

“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.

“Rough Draft Transcript” as used in these rules shall mean an uncertified and unedited transcription of the proceedings, including the testimony of witnesses, that is presented in its initial form that may contain untranslated or mistranslated stenotype symbols which will need to be revised before it is finished and certified. A “Rough Draft Transcript” request is only available during the instant proceedings and may be used by counsel solely for the purposes of preparation for hearings and/or trials and may not be used for any evidentiary purpose whatsoever in a hearing and/or trial nor may it be read or displayed to a jury or other factfinder.

### **No. 4007.1 – Requests for Transcripts**

(A) Obtain a Transcript Request Form from any courtroom, from Court Administration, from the Official Court Reporters’ Office, or online at [www.co.berks.pa.us](http://www.co.berks.pa.us).

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original Transcript Request Form with the appropriate filing office of the court. The requesting party shall also serve copies of the request to the judge presiding over the matter, the court reporter, the district court administrator, and opposing counsel, but if not represented, the opposing party.

(C) Where daily, expedited, same day, or rough draft transcripts are requested, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by Subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited, or rough draft transcript.

(D)(1) When a litigant requests a transcript, the litigant ordering a transcript shall make payment in the amount of one-half payment to the appropriate filing office of the court;

(2) Upon authorization by the court, the court reporter shall prepare the transcript;

(3) Upon completion of the transcript, the court reporter shall notify the ordering party of the completion of the transcript with a notice of the balance due and lodge and file the original and one (1) copy of the transcript (if a copy was requested) to the appropriate filing office and a copy to the presiding judge.

(4) Upon payment of any balance due and owing by the ordering party, the appropriate filing office shall deliver the copy of the transcript to the ordering party. Checks for the final balance due shall be delivered to and made payable to the appropriate filing office.

(E) When a litigant requests a transcript but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008.2.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter shall prepare the transcript without the necessity of a deposit.

**No. 4008.1 - Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof**

(A) Where a person or entity other than the Commonwealth or a subdivision thereof has requested an ordinary original transcript:

(1) Any person or entity who obtains a Transcript Request Form shall pay to the appropriate filing office one-half the estimated cost for the transcript calculated at the rate of \$2.75 for each page of bound ordinary original transcript and \$0.75 for each page of copy to the requestor in bound paper format or \$0.50 for each page of copy to the requestor in electronic format and shall pay the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such one-half advance payment has been made.

(2) Upon completion of the transcript, the court reporter shall file the ordinary original transcript with the filing office along with a notice of the balance due to the person or entity who obtained the Transcript Request Form. Checks for the final balance due shall be made payable to the filing office and shall be delivered to the filing office.

(3) Where any person or entity other than the Commonwealth or a political subdivision thereof requests a copy of the transcript previously ordered, transcribed, and filed of record, such person or entity must complete a Request for Copy of Transcript form and may purchase the same by paying the filing office \$0.75 for each page of bound paper format. Where any person or entity other than the Commonwealth or a political subdivision thereof requests a copy of the transcript in electronic format (if available), such person or entity must complete a Request for Copy of Transcript form and may purchase the same by paying the filing office \$0.50 for each page of transcript.

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

(5) Where a litigant requests a copy of the transcript and has been approved for representation by a legal aid service, the court reporter shall provide the legal aid client with a copy without charge

(B) The filing office shall pay the monies received for original transcript and for copies to the county promptly. The county shall thereupon pay therefrom:

(a) to the court reporter, the sum of \$2.75 for each page of bound ordinary original transcript;

(b) to the court reporter, the sum of \$.0.75 for each page of copy in bound paper format or \$0.50 for each page of copy in electronic format;

(c) to the court reporter, the sum of \$2.50 for each page of copy of rough draft transcript;

(d) to the court reporter, the sum of \$3.75 for each page of bound original expedited transcript;

(e) to the court reporter, the sum of \$4.75 for each page of bound original daily transcript;

(f) to the court reporter, the sum of \$6.75 for each page of bound original same-day delivery transcript.

### **Rule 4008.2 – Economic hardship – minimum standards**

(A) Transcript costs for ordinary original 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.

(B) Transcript costs for ordinary original transcripts in matters under appeal or where the transcript is necessary to advance the litigation 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.

(C) Transcript costs for ordinary original 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 (A) or (B) and upon good cause shown.

(D) 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.

### **No. 4008.3 - Transcript Costs Payable by the Commonwealth (including the County of Berks) or a Subdivision Thereof**

(A) Where the Commonwealth or a subdivision thereof is liable for the cost of an ordinary original transcript:

(1) Upon receipt of the Transcript Request Form, the court reporter shall immediately begin the transcription of his or her notes as directed by the Transcript Request Form without the necessity of a deposit.

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

(a) to the District Attorney of Berks County if said District Attorney of Berks County is a party to the action or is representing the Commonwealth in said action;

(b) 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;

(c) to any party proceeding in forma pauperis;

(d) to any person or entity, including but not limited to the Commonwealth or any of its political subdivisions.

(B) Upon completion of the transcript, the County of Berks shall pay to the court reporter the sum of \$2.25 for each page of ordinary original transcript.

(C) Any judge of the Court of Common Pleas, the District Attorney, and the County Solicitor shall each be entitled to request an ordinary original transcript in any proceeding upon request without charge. In such case, the County of Berks shall be liable for the cost of preparing the ordinary original transcript whenever no other person or entity is otherwise liable

for the cost therefor and shall pay to the court reporter the sum of \$2.25 for each page of ordinary original transcript.

Nothing in this rule shall authorize delivery of an ordinary original transcript, or a copy thereof, in a proceeding where the record is sealed to any person or entity not otherwise entitled to the same.

#### **No.- 4008.4. Additional Costs**

- (A) 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, a trial judge may impose a surcharge of \$0.50 per page for ordinary original transcript.
- (B) In cases of a non-technical nature where a secure electronic feed is requested to instantaneously deliver the translated notes from the court reporter to a laptop or other portable electronic device via cable, WiFi, router, or Bluetooth to the parties, a fee of \$3.50 per page per hookup shall be charged. There shall be no charge to the court for such a connection.
- (C) In cases such as mass tort, medical malpractice, or other unusually complex litigation where a secure electronic feed is requested to instantaneously deliver the translated notes from the court reporter to a laptop or other electronic device via cable, WiFi, router, or Bluetooth to the parties, a fee of \$4.00 per page shall be charged. There shall be no charge to the court for such a connection.
- (D) In cases where a rough draft transcript is requested by the court and/or the parties of all or part of a proceeding while utilizing a secure electronic feed, a fee of \$2.50 per page of rough draft shall be charged.

#### **Rule 4009.1 – Fees and Procedures**

(A) All transcripts of official court proceedings shall be prepared only upon written authorization or order of Court. No transcript of any official court proceeding may be prepared without the written consent of the Common Pleas Court judge assigned to the respective case. In the event that the assigned judge cannot be contacted by all exhaustive means, the authorization must be made by the respective Administrative Judge or the President Judge of the Court of Common Pleas.

(B) The following are step-by-step guidelines for ordering transcripts from the Official Court Reporters of the Court of Common Pleas of Berks County, Pennsylvania:

- (a) Obtain a Transcript Request Form from any courtroom, from Court Administration, from the Official Court Reporters' Office, or online at [www.co.berks.pa.us](http://www.co.berks.pa.us);
- (b) Contact the official court reporter that was present at the proceeding that you desire to have transcribed and request the amount of the estimated cost of one-half payment of the transcript. If you don't know the name or contact number of the official court reporter, contact the chief court reporter at 610-478-6467;
- (c) Fill out the Transcript Request Form Sections I, II, III, and IV. Sign and date the Transcript Request Form. **YOU MUST MAKE ADDITIONAL COPIES OF THE TRANSCRIPT REQUEST FORM FOR DISTRIBUTION;**
- (d) Take the unauthorized Transcript Request Form and all copies along with a check payable to the appropriate office (not the official court reporter) in the amount of the estimated cost of one-half payment of transcript to one of the following offices: Criminal to the Clerk of Courts, Civil/Family/Equity to the Prothonotary, Orphans' Court to the Register of Wills. **NEITHER THE CLERK OF COURTS' OFFICE, THE PROTHONOTARY'S OFFICE, NOR THE REGISTER OF WILLS' OFFICE WILL ACCEPT THE TRANSCRIPT REQUEST FORM IF THE APPROPRIATE PAYMENT IS NOT INCLUDED AT THE TIME OF FILING;**

(e) The Clerk of Courts' Office, Prothonotary's Office, and the Register of Wills' Office will forward the unauthorized Transcript Request Form to the appropriate Court of Common Pleas judge for authorization and signature and will make the appropriate distribution of the copies of the Transcript Request Form.

### **Rule 4010.1 – Format of Transcript**

- (A) All paper transcripts except orders dictated from the bench are prepared as follows:
- (1) No fewer than 25 typed lines on standard 8½" x 11" paper;
  - (2) No fewer than nine or ten characters to the typed inch;
  - (3) Left-hand margin to be set at no more than 1¾";
  - (4) Right-hand margin to be set at no more than 3/8";
  - (5) Each question and answer to begin on a separate line;
  - (6) Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the Q and A to the text;
  - (7) Carry-over Q and A lines to begin at the left-hand margin;
  - (8) Colloquy material to begin no more than 15 spaces from the left-hand margin, with carry-over colloquy to the left-hand margin;
  - (9) Quoted material to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 10 spaces from the left-hand margin;
  - (10) Parentheticals and exhibit markings to begin no more than 15 spaces from the left-hand margin, with carry-over lines to begin no more than 15 spaces from the left-hand margin.
- (B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (10) for paper transcripts and, in addition, shall be in PDF format with the following settings:
- (1) functions disabled: content changes; and
  - (2) functions enabled: search, select, copy, paste, and print.

### **Rule 4011.1 – Deadline for Delivery of Transcript**

- (A) Unless otherwise ordered by the court, the official court reporter shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the District Court Administrator or the court's designee as required by Pa.R.A.P. 1922(a).
- (B) Unless otherwise ordered by the court, the official court reporter shall deliver transcripts for all other requests within thirty (30) calendar days of receiving notice from the District Court Administrator or the court's designee.
- (C) For requests made by a party required to post a deposit under Rule 4009.1(B)(d), the 14-day period for those cases under appeal or the 30-day period for delivery of the transcript shall not commence until the deposit is received by the court. In those cases involving economic hardship, the 14-day period for those cases under appeal or the 30-day period for delivery of the transcript shall not commence until disposition of the application for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.
- (D) The court reporter, upon showing of good cause to the president judge, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.
- (E) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.
- (F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the president judge.

## **CUSTODY OF EXHIBITS IN COURT PROCEEDINGS**

### **Rule 5101. Custody of Exhibits. Exclusion of Certain Proceedings**

For purposes of the local rules governing custody of exhibits, the following hearings are excluded: proceedings before conference officers or hearing officers in custody, delinquency, dependency, and support matters with the exception of divorce master hearings.

### **Rule 5102. Custody of Exhibits. General Provisions**

(A) **During Court Proceedings.** Any documentary exhibits and photographs of non-documentary exhibits offered into evidence in a case will be placed in the custody of the assigned court reporter as custodian during the court proceeding, including breaks and recesses.

(B) **After Court Proceedings.** No later than five business days after the end of the court proceeding, the Evidence/Exhibit Storage Technician, as custodian, shall take custody of all documentary exhibits and photographs of non-documentary exhibits.

1. **Evidence/Exhibit Storage Technician as custodian: Evidence/Exhibit Storage Technician** shall:
  - i. retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding; and
  - ii. file an Index of Exhibits with the corresponding Records office, as defined by Pa. R.J.A. 5101(a)(7), no later than five business days after the conclusion of the Court Proceeding pursuant to Pa. R.J.A. 5104(a)(2)
2. **Index of Exhibits.** The assigned court reporter as custodian shall include a numbered list of exhibits, and for each exhibit identify the proponent, whether the exhibit was admitted or rejected from evidence, and a textual description or identification of the exhibit, which shall accompany the exhibits and be given to the Evidence/Exhibit Storage Technician.
3. **Confidential Information Form.** In all Court Proceedings, the Proponent shall include a properly completed Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the Proponent to the assigned court reporter maintaining the Index of Exhibits at the time evidence is introduced.

### **Rule 5103. Custody of Exhibits. Special Provisions.**



**(A) Documentary Exhibits**

1. If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 x 11 inches, the proponent shall ensure that a copy of the document reduced to 8-1/2 x 11 inches (or smaller) is entered into the record. Items larger than 8-1/2 x 11 inches may be used for illustration during court proceedings.
2. A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media in a format acceptable to the Court.
3. If a proponent offers into evidence a deposition of a witness via digital media, the digital media shall be a format acceptable to the Court and shall be marked as an exhibit. The submission of the same must be accompanied by a transcript of the deposition which shall also be marked as an exhibit.
4. Documentary exhibits, photographs, and photographs of non-documentary exhibits entered into the record are subject to existing record retention schedules.

**(B) Non-documentary Exhibits: Generally.**

1. If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 x 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.
2. The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials as determined by the presiding judge) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding.
3. During a Court Proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.
4. Non-documentary exhibits may only be disposed of or destroyed by an Order of Court.

**LIBRARY**

The Berks County Law Library shall be managed by the Law Librarian who shall establish such policies, procedures, and fees, deemed necessary to provide research and other library services to the Bench, Bar, and general Public.