

IN RE: ADOPTION OF LOCAL RULE : IN THE COURT OF COMMON PLEAS
OF CRIMINAL PROCEDURE : OF LACKAWANNA COUNTY
: 2021 MD 228

ORDER

AND NOW, this 9th day of July 2021, IT IS HEREBY ORDERED AND DECREED as follows:

1. The attached Lackawanna County Local Rule is HEREBY ADOPTED pursuant to Pa. R. Crim. P. 576.1 effective August 23, 2021.
2. The adopted Local Rule shall be disseminated and published in the following manner:

One (1) certified paper copy of the adopted Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

The adopted Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;

A copy of the adopted Local Rule shall be published on the Unified Judicial System's website through the Pennsylvania Judiciary's Web Application Portal;

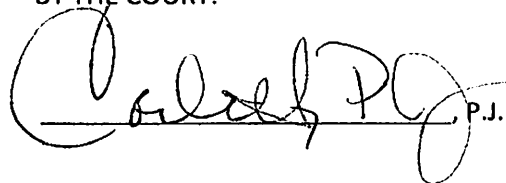
The adopted Local Rule shall be kept continuously available for the public inspection and copying in the Office of the Clerk of Judicial Records, Criminal Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule; and

The adopted Local Rule shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

The adopted Local Rule shall be published on the website of the Lackawanna County Court of Common Pleas.

MAURIE B. KELLY
CLERK OF JUDICIAL RECORDS
CRIMINAL DIVISION
LACKAWANNA COUNTY
2021 JUL -9 A 10:13

BY THE COURT:


P.J.

Title 255—LOCAL COURT RULES

LACKAWANNA COUNTY

Adoption of Local Rule of Criminal Procedure; 2021 MD 228

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Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) General Scope and Purpose of this Rule.

In agreement with the Administrative Office of Pennsylvania Courts, the electronic filing of legal papers in Lackawanna County Court of Common Pleas, 45th Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this Rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) *Legal Papers Defined.* The legal papers which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filings are required or permitted, including orders, exhibits and attachments except for the following:

1. Legal papers filed or authorized to be filed under seal;
2. Applications for a search warrant;
3. Applications for an arrest warrant;
4. Grand jury materials
5. Subpoenas;
6. Wiretap Act, cell phone, tracker and Internet petitions.

(C) All attorneys shall establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal at <https://ujportal.pacourts.us/MyServices.aspx> and participation is permissive. Parties who are proceeding without counsel are not required to establish a PACFile account and are not required to file legal papers using the electronic PACFile system.

(D) Applicable filing fees shall be paid electronically through procedures established by the Clerk of Court and at the same time and in the same amount as required by statute, court rule or order, or established by a published fee schedule.

(E) Service.

1. Upon submission of a legal paper for electronic filing, the PACFile system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.

2. Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(b) and 576(B).

3. Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

4. Where an electronic filing cannot be submitted to no fault of the filing party, traditional filing shall be accepted.

(F) *Legal Papers Filed in a Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a paper (or "hard-copy") format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to PDF and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to PDF, the PDF version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials.

(G) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC Confidential Information Form. The Confidential Information shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

This Rule shall be effective thirty (30) days from date of publication.

By the Court

PATRICIA CORBETT,
President Judge

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[Pa.B. Doc. No. 21-2308-14. Filed for public inspection July 23, 2021, 9:00 a.m.]
