

**FIRST JUDICIAL DISTRICT OF PHILADELPHIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

GENERAL COURT REGULATION No. 2008-03

***In Re: Amendment of Philadelphia Civil Rule *205.4 and
Adoption of Philadelphia Civil Rule * 204.1.***

ORDER

AND NOW, this 1st day of December, 2008, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 20, 2008 to amend Philadelphia Civil Rule *205.4 and to Adopt Philadelphia Civil Rule *204.1, IT IS HEREBY ORDERED that Philadelphia Civil Rule *205.4 is amended, and that Philadelphia Civil Rule *204.1 is adopted as attached.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and the above-referenced rule changes shall become effective on January 5, 2009. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and the Civil Procedural Rules Committee. Copies of the General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>, and, as required by Pa.R.C.P. No. 239.9 (d) and 239.8 (b) through (d), Philadelphia Civil Rule *205.4 shall be posted on the Pennsylvania Judiciary's Web Application Portal: <http://ujsportal.pacourts.us/Rules/RulesSelection.aspx>.

BY THE COURT:

/s/ Honorable Pamela Pryor Dembe

HONORABLE PAMELA PRYOR DEMBE
President Judge, Court of Common Pleas

November 20, 2008 Board of Judges' Meeting

Note: Deleted text is in ~~striketrough format~~; added text is in **bold, underlined format**.

Rule * 205.4. ELECTRONIC FILING OF LEGAL PAPERS FILED IN THE CIVIL TRIAL DIVISION.

~~(a) (1) Authorization for Electronic Filing.~~

~~(i) Commencing on a specific date as established by the Administrative Judge of the Trial Division by the issuance of an Administrative Order, parties may electronically file all legal papers and exhibits with the Prothonotary.~~

~~(ii) Commencing on a specific date as established by the Administrative Judge of the Trial Division by the issuance of an Administrative Order, parties shall electronically file all legal papers and exhibits with the Prothonotary.~~

~~***Note:** Electronic Filing will be implemented in 2008; however, the exact date is not known at this time. The Administrative Judge of the Trial Division will announce the implementation dates of discretionary and mandatory electronic filing by order issued as required by Pa.R.C.P. No. 239.*~~

(a) Commencing at 9:00 AM on January 5, 2009, parties shall electronically file all "legal papers," as defined in Pa.R.C.P. No. 205.4 (a)(2), with the Prothonotary through the Civil Trial Division's Electronic Filing System as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Philadelphia Civil Rule *205.4.

Explanatory Note: The term "legal paper" as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and other papers filed with the Prothonotary – even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond (such as Notices of Tax Liens).

* * *

(d) (3) Electronic Filing Fees and Costs. As authorized by Act 81 of 2006, the Prothonotary shall collect an electronic filing fee for each legal paper or exhibit filed as established by the Prothonotary with the approval of the President Judge of the Court of Common Pleas. In addition to such electronic filing fee, commencing on ~~date provided in subsection (a)(1)(ii)~~ **January 5, 2009**, the Prothonotary is authorized to charge the sum of \$1.00 per page for each page of a legal paper or exhibit which is filed in a hard copy format and which must be converted by the Prothonotary to a *portable document format*. All fees collected pursuant to this rule shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit. All such fees and costs

collected will be used for the implementation and maintenance of the electronic filing system and additional development, enhancements and training.

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(f) Local Procedures. As authorized by Pa.R.C.P. No. 205.4 (f), the following administrative procedures are adopted:

* * *

(7) If a legal paper is electronically filed, the Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule *205.4 and Pa.R.C.P. No. 205.4 (g), but the filing party must serve all others as required by rules of court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

NEW RULE

Rule * 204.1. Pleadings and Other Legal Papers. Format.

(a) In order to accommodate the filing of documents in an electronic format as authorized by Philadelphia Civil Rule *205.4, all “legal papers,” as defined in Pa.R.C.P. No. 205.4 (a)(2), must conform to the following requirements:

(1) All files must be no larger than 3MB each. If an electronic file exceeds this limit, then it must be split into multiple files;

(2) All PDF pages must be 8 and 1/2 inches in size exactly. Other file sizes may be incompatible with electronic filing;

(3) No security, passwords or other restrictions may be placed on electronic files. If an electronic file contains passwords or other security devices, it will be rejected; and

(4) After an electronic file is created, it must not be modified in any way. If an electronic filing is modified, it may be incompatible with the electronic filing system and will be rejected.

(b) In order to accommodate the scanning of legal papers presented in hard-copy format and saving in an electronic format as provided by Philadelphia Civil Rule *205.4(b)(1), in addition to the requirements of Pa.R.C.P. No. 204.1, all hard-copy “legal papers” must conform to the following requirements:

(1) all legal papers must be printed on only one side of the paper;

(2) all orders must contain a 3-inch space from the top of the page for all electronic court stampings, filing notices, etc.;

(3) legal papers must not be stapled or permanently bound, but must be secured by binder clips or other fasteners which do not puncture or otherwise interfere with scanning;

(4) bar codes on any page of the legal paper interfere with scanning and must therefore be crossed out or otherwise redacted; and

(5) to avoid scanning errors, Exhibit separator pages must be used instead of Exhibit tabs.

Explanatory Note: The source of this rule is Administrative Docket No. 01-2008, issued by Administrative Judge D. Webster Keogh on July 16, 2008.

Adopted by the Board of Judges on November 20, 2008; effective on January 5, 2009.