

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
ADMINISTRATIVE GOVERNING BOARD**

No. 02 of 2017

***In Re: Rescission of the Public Access Policy of the First Judicial District of Pennsylvania
adopted October 15, 2012, and Adoption of Phila.R.J.A. Nos. *401, *402 and *403***

ORDER

AND NOW, this 13th day of November, 2017, as required by the Order issued by the Supreme Court of Pennsylvania on January 6, 2017 in connection with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, No. 477 Judicial Administration Docket, it is ORDERED and DECREED as follows:

- 1) The Public Access Policy of the *First Judicial District of Pennsylvania* adopted on October 15, 2012 (AGB Order No. 06 of 2012) is rescinded, effective January 6, 2018;
- 2) Philadelphia Rules of Judicial Administration No. *401, *402 and *403, attached, are adopted effective January 6, 2018; and
- 3) The attached First Judicial District's *Public Access Fee Schedule* is adopted effective January 6, 2018.

This Order is issued in accordance with Pa.R.J.A. 103 and shall be filed with the attached rules with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Order and rules shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Order and rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Order and rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ *Sheila Woods-Skipper*

Honorable Sheila Woods-Skipper
Chair, Administrative Governing Board of
the First Judicial District of Pennsylvania
President Judge, Court of Common Pleas of
Philadelphia County

PHILADELPHIA RULE OF JUDICIAL ADMINISTRATION

Rule *401. Policy Concerning Access to Case Records of the Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions, in Conjunction with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (“UJS Case Records Policy”)

- (a) **Confidential Information.** When a document (including exhibits) contains any of the confidential information listed in Section 7.0 of the UJS Case Records Policy, the filer shall file a *Redacted Version* and an *Unredacted Version* of the document, as provided below.
- (1) *Redacted Version.* The *Redacted Version* of the document shall not include any of the confidential information listed in Section 7.0 (A), and must be redacted in a manner that is visibly evident to the reader. The *Redacted Version* of the document shall be accessible by the public.
 - (2) *Unredacted Version.* The *Unredacted Version* of the document shall contain all information, including the confidential information listed in Section 7.0 (A). The *Unredacted Version* of the document shall not be accessible by the public.
 - (3) A *Redacted Version* of a document which contains confidential information does not need to be filed for case types that are sealed or exempt from public access pursuant to applicable authority.
- (b) **Confidential Documents.**
The documents listed in Section 8.0 (A) of the UJS Case Records Policy shall be filed together with the *Confidential Document Form*. When a document is filed using the First Judicial District’s Electronic Filing System, the *Confidential Document Form* will be generated by the Electronic Filing System upon entry of the requisite information by the filer. All confidential documents filed in connection with each filing can be uploaded at the same time. A *Confidential Document Form* need not be used for case types that are sealed or exempt from public access pursuant to applicable authority. Confidential documents filed together with the *Confidential Document Form* are not accessible by the public; however, the *Confidential Document Form* is accessible by the public.
- (c) **Access to Case Records at a Court Facility**
The information described in Section 9.0 of the UJS Case Records Policy is not accessible by the public at any First Judicial District court facility.
- (d) **Remote Access.**
- (1) **By the Parties.** Counsel of record or unrepresented parties shall continue to have remote access to documents and other legal papers filed in their case(s) only.
 - (2) **By the Public.** Before providing remote access to Case Records or dockets to the public, each Court or Division of the First Judicial District must insure that the information and documents listed and described in Section 10.0 are not remotely accessible by the public.
- (e) **Fee Schedules.** The First Judicial District shall adopt a Fee Schedule, as provided in Section 6.0 of the UJS Case Records Policy, which shall be posted on the court’s website at www.courts.phila.gov and posted in each court facility’s filing office in an area accessible to the public.

PHILADELPHIA RULE OF JUDICIAL ADMINISTRATION

Rule *402. Electronic Case Records. Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions.

- (a) Electronic case record information maintained by the First Judicial District is available as provided in this rule to the extent its release is authorized or restricted by law, state and local rules, and applicable policies of the Unified Judicial System.
- (b) Requests for electronic case record information shall be made on forms provided by the First Judicial District from time to time.
- (c) Standard reports will be made available to Requesters upon payment of the requisite fee. Requests for combined electronic case records (“bulk records”) shall be reviewed and approved on a case-by-case basis. Any request for bulk records that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will be granted if the request is not onerous, and the First Judicial District has available personnel and resources needed to compile the information requested without adversely impacting the operations of the First Judicial District or otherwise disrupting its orderly and efficient case flow.
- (d) Requests for electronic case records will be subject to fees and costs adopted by the First Judicial District from time to time. The First Judicial District must assess, charge and collect the fees and other charges that are required by law and other legal authority. See, e.g. 42 Pa.C.S. § 1725, 42 P.S. §21015 et seq., and 42 P.S. § 21081.
 - (1) The First Judicial District shall adopt a Public Access Fee Schedule which shall be posted on the court’s website at www.courts.phila.gov and posted in each court facility’s filing office in an area accessible to the public.
 - (2) The Public Access Fee Schedule may be amended from time to time by the First Judicial District.
 - (3) Requesters may be required to pay the estimated cost of any report before release of the approved electronic case information.

PHILADELPHIA RULE OF JUDICIAL ADMINISTRATION

Rule *403. Financial Records of the Court of Common Pleas and Philadelphia Municipal Court Civil and Criminal Divisions.

- (a) Pennsylvania Rule of Judicial Administration No. 509 implements Section 304 of The Right to Know Law which requires Judicial Agencies to provide financial records. See Act 3 of 2008, 65 P.S. § 67.304. Financial Records maintained by the First Judicial District are presumed to be open to any member of the public for inspection or copying during established business hours as provided in Pennsylvania Rule of Judicial Administration No. 509 and this rule.
- (1) Information regarding First Judicial District Contracts and Purchase Orders of \$5,000 or more issued after July 1, 2008 is available through the UJS Web Portal, <https://ujportal.pacourts.us/DocumentPostings/Search.aspx>, by selecting "Philadelphia" in the "*Judicial Office*" field.
 - (2) Financial records may also be requested by completing the First Judicial District Financial Records Request Form, which is available on the First Judicial District's website at www.courts.phila.gov.
- (b) The First Judicial District shall designate an Open-Records Officer and Appeals Officer, as required by 65 P.S. § 67.502 and 65 P.S. § 67.503.
- (c) The First Judicial District shall adopt a Fee Schedule, which shall be available on the First Judicial District's website at www.courts.phila.gov. The Fee Schedule may be amended from time to time. Pre-payment will be required if expected compliance costs exceed \$100.

First Judicial District of Pennsylvania

Philadelphia Rule of Judicial Administration Nos. *401, *402 and *403
Court of Common Pleas and Municipal Court Civil and Criminal Divisions

PUBLIC ACCESS FEE SCHEDULE

Effective January 6, 2018

- 1) **Copies of Official Case Records and Financial Records.** Unless otherwise provided by applicable authority¹, \$0.25 shall be charged per page for Official Case Records and Financial Records provided in a paper or electronic format, whether duplicated by photocopying or printing from electronic media.
- 2) **Historical Electronic Case Records Data File.** A file consisting of agreed upon electronic data fields spanning a five (5) year period, as follows:
 - (a) \$25,000 for electronic data maintained by the below Courts/Divisions:
 - (i) Court of Common Pleas, Civil
 - (ii) Court of Common Pleas, Orphans'
 - (iii) Municipal Court, Civil²
 - (b) \$10,000 for each Court or Division for electronic data maintained by that Court or Division:
 - (i) Court of Common Pleas, Civil
 - (ii) Court of Common Pleas, Orphans'
 - (iii) Municipal Court, Civil²
 - (c) \$3,000 for each report type (e.g. "Case Record" or "Judgment File") for each of the following Courts or Divisions:
 - (i) Court of Common Pleas, Civil
 - (ii) Court of Common Pleas, Orphans'
 - (iii) Municipal Court, Civil²
- 3) **Recurring Reports.** Until otherwise provided, recurring monthly reports are available at the cost of \$300 per month. A list of the available recurring (standard) reports may be posted on the website of the First Judicial District and may be amended from time to time.
- 4) **Weekly Reports.** Recurring Reports which are provided on a monthly basis will be provided on a weekly basis for the monthly fee, and an additional cost of \$85 per week.
- 5) **Daily Reports.** Recurring Reports which are provided on a monthly basis will be provided on a daily basis for the monthly fee, and an additional cost of \$85 per business day
- 6) **Ad Hoc, Non-Recurring, Requests.** Will be provided at a cost based on a standard programming fee of @\$85 per hour, plus \$300 per report.
- 7) **Record requested on media such as CD, DVD or other memory devices are subject to a minimum fee of \$5 or actual cost. Postage will be added, at actual cost, if delivery is requested by U.S. mail or other expedited delivery. Other costs incurred in producing Financial Records will be assessed at actual cost.**

¹ See, e.g. 42 Pa.C.S. §1721, 42 P.S. §21015 et seq., and 42 P.S. § 21081.

² The Case Management System for this Division is maintained by a third-party provider. The cost for requested data may be higher depending on the amount the third-party provider will charge the District for producing the requested report. An estimate will be provided to the Requester for approval and pre-payment before the requested report is produced.