

WESTMORELAND COUNTY RULES OF JUDICIAL ADMINISTRATION

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Adopted May 22, 2014, effective August 23, 2014.

GENERAL PROVISIONS

RULE WJ103 OFFICIAL PUBLISHER OF LOCAL RULES

The Westmoreland County Court Administrator is the official publisher of the Westmoreland County Rules of Court.

Adopted December 16, 1993, effective April 1, 1994. Rule WJ103 rescinded September 23, 2015; new rule WJ103 adopted September 23, 2015, effective November 9 , 2015.

RULE WJ110 OATHS AND ACKNOWLEDGMENTS

All court assistants, whether full-time, part-time or temporary, and all court reporters are authorized to administer oaths and affirmations and to take acknowledgments pursuant to 42 Pa.C.S.A. § 327.

Rescinded September 18, 2012; new Rule WJ110 adopted September 18, 2012, effective November 12, 2012.

Note: Rule WJ1901 was rescinded effective July 25, 2003.

UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

RULE WJ507A RETENTION OF COURT EXHIBITS

CIVIL CASES

- A. Subject to the provisions of subsection B, the Prothonotary shall have the authority to purge, dispose or destroy all civil court exhibits after a case has been finalized. In determining whether a case has been finalized, the Prothonotary shall consider:
 - 1. whether the appeal period has run without an appeal being perfected,
 - 2. whether the appellate court has ruled on the appeal and no further appeal has been perfected, and
 - 3. whether the case is settled, discontinued, satisfied, and ended on the record.

- B. Prior to disposing of a civil court exhibit, the Prothonotary shall notify by first class mail any self represented party and all counsel of record of the following:
 - 1. the exhibit will be disposed of if no claim is made within 30 days and
 - 2. the exhibit will be returned to the party claiming the exhibit at the expiration of the 30 days unless another party files an objection.

Adopted July 12, 1999, effective September 6, 1999.

RULE WJ510 PUBLIC ACCESS OF OFFICIAL CASE RECORDS IN THE MAGISTERIAL DISTRICT COURTS

- A. The following are the fees to be charged for accessing and copying case records in the Westmoreland County magisterial district courts:
 - 1. \$0.25 per page copied (No fee shall be charged to a party for copies of their own case records.)
 - 2. \$8.00 for each completed quarter (1/4) hour associated with the preparation, copying and re-filing of requested court records (This fee is only for bulk requests and shall not be charged if service time is less than 15 minutes).
- B. Fees paid for services are non-refundable.
- C. Pre-payment of estimated costs for services may be required at the discretion of the magisterial district court judge.

Adopted August 18, 2010, effective October 4, 2010.

RULE WJ511 FILING DOCUMENTS TO CONFORM TO PUBLIC ACCESS POLICY

Pursuant to Section 7 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 confidential information as defined by the Public Access Policy shall use and file the Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as on the Court Administration website, at <http://www.co.westmoreland.pa.us/2295/Local-Rules-of-Court>.
Adopted 9-14-17 Effective 1-6-18

RULE WJ4007. REQUEST FOR TRANSCRIPTS

- (A) In accordance with Pa. R.J.A. 4007, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with Court Administration, in office M3 of the Westmoreland County Courthouse, in the form provided at <http://www.co.westmoreland.pa.us/index.aspx?nid=1024> (Court Administration; Forms). The party requesting a transcript shall also serve a copy of the request upon the court reporter, the presiding judge and opposing counsel or, in the event the opposing party is not represented, the opposing party.
- (B) Upon receipt of the completed written request form, Court Administration shall obtain an estimate of the transcript cost and shall communicate the cost of the transcript to the requesting party. The requesting party shall make partial payment of seventy five percent (75%) of the estimated cost, which shall be nonrefundable. Payments shall be made at the Westmoreland County Treasurer's office. No transcripts shall be delivered to private parties until 100% of the payment cost of the transcript is received. No down payment shall be required from the Commonwealth or a subdivision of the Commonwealth.

- (C) Requests based on economic hardship.
 - (1) In the event that a requester seeks reduction or waiver of transcript fee, he or she shall complete the petition requesting reduction in or waiver of transcript costs found at <http://www.co.westmoreland.pa.us/index.aspx?nid=1024> (Court Administration; Forms). The petition shall be submitted to the presiding judge, who shall make a determination as soon as reasonably possible and shall provide a copy of the grant or denial of application to the assigned court reporter and court administrator's office. All payment shall be made to the Westmoreland County Treasurer.

- (D) Payment.

All checks shall be made payable to "Westmoreland County Treasurer".

Adopted December 21, 2016, effective February 13, 2017.

Rule WJ4008. Transcript Costs.

- (A) Costs. Costs payable by a requesting party other than the Westmoreland County District Attorney's office, the Westmoreland County Public Defender's office, Westmoreland County Conflict Counsel or court-appointed counsel, or any other County office or agency, for a transcript in an electronic format shall be as follows:

Private Pay Rates:

Ordinary	\$2.50 per page
Expedited	\$3.50 per page
Daily	\$4.50 per page
Same day delivery	\$6.50 per page

Transcripts in bound paper format are subject to a surcharge of \$0.25 per page, and copy rates apply.

In the event a condensed transcript is delivered, the page rates above apply regardless of the number of pages of transcript on the sheet.

- (B) Economic Hardship. Reduction based on economic hardship shall be in accordance with Pa. R.J.A 4008(B).
- (C) Allocation of Costs. Allocation of costs shall be as set forth Pa. R.J.A. 4008(C).

- (D) Copies of Transcript. A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided at the rate of \$0.75 per page bound, paper format; and \$0.50 per page electronic copy.
- (E) Additional Costs. Pursuant to Pa. R.J.A. 4008(E), the presiding judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation.

A reasonable fee for a secure electronic feed may be imposed by the court reporter.

Adopted December 21, 2016, effective February 13, 2017. Amended April 22, 2019, effective June 11, 2019.

RULE WJ6000.1 COURT APPOINTED COUNSEL

- (a) All attorneys wishing to be appointed by the Court must annually certify to the Court Administrator that the attorney has adequate liability insurance coverage.
- (b) Attorneys representing parents or serving as guardian ad litem (GAL) in juvenile and orphans' court for dependency/termination proceedings must, annually receive three (3) hours of CLE credits devoted to dependency/termination proceedings. All attorneys wishing to be added to the court-appointed list to represent parents or serve as a GAL in juvenile and orphans' court for dependency/termination proceedings must first attend a 6 hour training program presented by the Court and County Solicitors Office. Proof of these CLE credits must be submitted to the Court Administrator.
- (c) Payment of Fees
 - (1) Criminal Appointments
 - a. Pre-Adjudication and Adjudication - Counsel must present the Petition for Attorney's Fees for pre-adjudication and adjudication **after completion of the preliminary hearing and, unless otherwise ordered, monthly thereafter for all capital cases and quarterly thereafter for all other cases until representation is concluded.** The attorney will indicate the case number, criminal charges and charge disposition on the petition. **Invoices submitted more than 120 days after case adjudication will not be paid.**
 - b. Direct Appeal and PCRA - Invoices for work done in furtherance of direct appeal or for post-conviction review (PCRA) must be submitted within 120 days of the work completed. **Invoices submitted for work done in furtherance of appeal or for assignment of a PCRA beyond the 120 days will not be paid.**
 - c. Conflict Counsel - Invoices shall be submitted monthly pursuant to contract.
 - (2) Family Court Appointments - Counsel or GAL in any family court matter must present a Petition for Attorney's Fees **within 120 days after each hearing, review hearing, adjudication, or disposition.** Please indicate the file number and who (i.e., mother, grandmother, guardian ad litem for the children) you

represent. **Invoices submitted beyond the 120 day deadline will not be paid.**

(d) Rate of Compensation

The hourly rate of compensation shall be fixed from time to time by Order of Court. Compensation for Conflict Counsel shall be established by contract.

(e) Procedures

The Court Administrator of Westmoreland County may establish procedures regarding the form of Petitions, copies, subpoenas, postage and telephone, professional services, mileage and travel, witness fees, and other costs and services.

Adopted May 22, 2014, effective August 23, 2014.