

IN RE: ADOPTION OF
LACKAWANNA COUNTY RULES OF
CIVIL PROCEDURE

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IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

2016 – CIV – 1

ORDER

AND NOW this 29 day of December, 2016, it is hereby ORDERED and DECREED

as follows:

1. The attached Lackawanna County Rules of Civil Procedure, 4007, 4008, and 4008.1 are HEREBY ADOPTED effective as of January 1, 2017.

2. The adopted Local Rules shall be disseminated and published in the following manner:

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

(b) The adopted Local Rules shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;

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

(d) The adopted Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil 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 Rules; and

MAURIB. KELLY
LACKAWANNA COUNTY
2016 DEC 30 10:24
CLERK OF
JUDICIAL RECORDS

(e) The adopted Local Rules shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

BY THE COURT:

 P.J.
JUDGE MICHAEL J. BARRASSE

Rule 4007. Requests for Transcripts.

- (A) All requests for transcripts shall be set forth on the standardized Request for Transcript form available in all filing offices and at the Lackawanna County Court Administration website.
- (B) A party completing a Request for Transcript form shall obtain the total estimated cost from the court reporter as detailed in subsection (D). The party requesting a transcript shall provide copies of the Request for Transcript form to:
- (1) The judge presiding over the matter;
 - (2) The court reporter;
 - (3) The Lackawanna County Court Administrator's office; and
 - (4) Opposing counsel or the opposing party, if self-represented.
- (C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B) above. A party may request by oral motion a daily, expedited, or same-day transcript after the ten (10) day period. This request will be accommodated upon approval of the presiding judge and the court reporter.

(D) When a litigant requests a transcript:

- (1) The party requesting a transcript shall obtain from the court reporter the estimated total cost of the transcript and make a non-refundable deposit payment in the amount of 100% of the estimated total cost of the transcript. The court reporter shall also notify the Clerk of Judicial Records of the estimated total cost of the transcript.
- (2) The party requesting a transcript shall make payment by cash, cashier's check, money order, or law firm check made payable to Lackawanna County at the designated office of the Clerk of Judicial Records. No personal checks are accepted.
- (3) Upon payment for the transcript, the Clerk of Judicial Records shall immediately notify the Court Reporter to begin transcription.
- (4) Should additional costs apply beyond the estimated total cost, the court reporter shall notify the requesting party and the Clerk of Judicial Records for arrangement of final payment.
- (5) Upon payment of the total cost of the transcript, the court reporter shall obtain the signature of the presiding judge on the original transcript and deliver the original transcript in paper format to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, paper and/or electronic copies shall be delivered to the ordering parties.
- (6) The court reporter shall notify the Court Administrator's office upon filing of the transcript.

- (E) Any party requesting a transcript alleging the inability to pay due to economic hardship must present a Motion to Proceed *in Forma Pauperis* for transcripts pursuant to Lacka. Co. R. Civ. P. 208.3(a), along with a supporting affidavit substantially in the form required by Pa. R. Civ. P. 240(h). Where a party proceeds *in forma pauperis* for transcripts, a copy of the Order approving *in forma pauperis* status shall be attached to the Request for Transcript form.
- (F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript without the necessity of a deposit.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript shall not exceed:

- (a) For an ordinary transcript in paper format, \$2.75 per page, or \$2.50 for an electronic format;
- (b) For an expedited transcript in paper format, \$3.75 per page, or \$3.50 for an electronic format;
- (c) For a daily transcript in paper format, \$4.75 per page, or \$4.50 for an electronic format;
- (d) For same day delivery in paper format, \$6.75 per page, or \$6.50 for an electronic format.

(B) *Economic Hardship – minimum standards*

- (1) Transcript costs for ordinary 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
- (2) Transcript costs for ordinary 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.

- (3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(C) *Assignment and allocation of transcript costs*

- (1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.
- (2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript*

- (1) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:
 - (a) \$0.75 per page bound, paper format; and
 - (b) \$0.50 per page electronic copy.

(E) *Additional Costs*

- (1) The presiding judge may impose a reasonable surcharge not to exceed \$0.50 per page in cases such as mass tort, asbestos, medical malpractice, or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary.

Rule 4008.1 Transcript Costs Payable by the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by the Commonwealth or a subdivision thereof for a transcript shall not exceed:

- (a) For an ordinary transcript in paper format, \$1.75 per page.
- (b) For an expedited transcript in paper format, \$2.35 per page.
- (c) For a daily transcript in paper format, \$3.25 per page.
- (d) For same day delivery in paper format, \$5.00 per page.
- (e) For a Central Court/Grand Jury transcript in paper format, \$3.00 per page.

(B) *Copies of transcripts.*

(1) A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

- (a) For copies of an ordinary transcript in paper format, \$0.75 per page, or \$0.50 for an electronic format;
- (b) For copies of an expedited transcript in paper format, \$1.40 per page, or \$1.15 for an electronic format;
- (c) For copies of a daily transcript in paper format, \$1.90 per page, or \$1.65 for an electronic format;
- (d) For copies of a same day transcript in paper format, \$2.00 per page, or \$1.75 for an electronic format;