

Local Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

- (A) Each Magisterial District Court shall be open for regular business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding county-established holidays. The hours of an office may be modified with the approval of the President Judge or the President Judge's designee.
- (B) When, during regular business hours for magisterial district judges, a judge with venue over a matter is unavailable, any other magisterial district judge in Wayne County is hereby temporarily assigned to serve the magisterial district of the judge who is unavailable. Such an arrangement shall be made between respective magisterial district judges and communicated to the District Court Administrator.
- (C) A magisterial district judge shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the:
- (1) Issuance of search warrants pursuant to Pa.R.Crim.P. 203;
 - (2) Issuance of arrest warrants pursuant to Pa.R.Crim.P. 513; and,
 - (3) Issuance of emergency orders under the Protection from Abuse Act (23 Pa.C.S. §§ 6101-6122), the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. §§ 62A01-62A20), and the Older Adults Protective Services Act (35 P.S. §§ 10225.101-10225.5102).
- (D) This rule shall be satisfied by a magisterial district judge remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator or designee.
- (E) The on-call magisterial district judge shall be responsible for performing all services required by Pa.R.Crim.P. 117(A)(2), in the following manner: The on-call magisterial district judge shall call the booking officer at the Wayne County Correctional Facility each morning at 8:30 a.m. to determine if there is a need to perform any of the services required by Pa.R.Crim.P. 117(A)(2). If such need has arisen, the on-call magisterial district judge shall conduct all necessary proceedings, without unnecessary delay, either at the office of the on-call magisterial district judge or remotely by two-way audio-visual communication (to the extent allowable by Pa.R.Crim.P. 119) at the option of the on-call magisterial district judge.
- (F) In addition to those persons who are authorized by statute or the Pennsylvania Rules of Criminal Procedure to accept bail, the Warden or the designee of the Warden of the Wayne County Correctional Facility outside of regular business hours, is authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure. The Warden or Warden's designee shall be authorized to accept bail and to witness a defendant's signature on the bail bond. The defendant and surety shall be given a copy of the bail bond. The Warden or Warden's designee shall then forward the appropriate bail information and any money posted to the Magisterial District Court office on the next business day.

LOCAL RULE CRIMINAL PROCEDURE 576.1. Electronic Filing and Service of Legal Papers

A. The 22nd Judicial District Court of Common Pleas of Wayne County and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon an implementation plan for PACFile in Wayne County for certain criminal filings. In accordance with Pa.R.Crim.P. 576.1 and this rule, legal papers may be filed electronically using the PACFile electronic filing system developed by the AOPC. Electronic filing is permissive and not mandatory.

B. *Legal Papers Defined.* The "legal papers" which may be filed electronically includes all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, except the following:

1. Applications for a search warrant;
2. Applications for an arrest warrant;
3. Submissions filed or authorized to be filed under seal;
4. Grand jury materials;
5. Submissions filed by ex parte as authorized by law; and,
6. Exhibits offered into evidence, whether or not admitted, in a court proceeding.

C. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

D. Attorneys or self-represented individuals who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile

E. Applicable filing fees shall be accepted in the same manner as currently required by statute, court order, Local Rule or as established by fee schedule.

F. The Office of the Clerk of Courts shall convert legal papers in paper format to an electronic PDF version, except for those filings excluded in subsection (B) of this rule. Once converted to PDF, the PDF version shall be deemed to be the original legal paper and shall be used as such for all purposes. Neither the Clerk of Courts nor the Court is required to maintain a physical hard copy of any legal paper filed electronically.

G. Use of the PACFile system shall constitute as the filer's certification that the electronic notice and service of other documents through the PACFile system will be accepted by filer. The submission of an electronic filing shall satisfy the service requirements of Pa.R.Crim.P. 576 on any attorney or party who has established an account as provided in subsection D. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576.

H. Service of legal papers on any attorney or party who has not established an account as provided in subsection (D) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices must be served in accordance with Rule 576: Sheriff, Adult Probation, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution list including the names and addresses of all parties required to be served with a paper copy.

WAYNE COUNTY CIVIL LOCAL RULES

LOCAL RULE 76.1

- A. This Court hereby designates the LEGAL JOURNAL OF WAYNE COUNTY as the legal publication for Wayne County. All notices and special service required to be published in a legal journal of the County as required by Rule or Statute shall be published in the LEGAL JOURNAL OF WAYNE COUNTY.
- B. The rates to be charge[d] for advertising in the LEGAL JOURNAL OF WAYNE COUNTY shall be established from time to time by the Executive Committee of the Wayne County Bar Association, as approved by the President Judge.

LOCAL RULE 208.2(d) Certification Regarding Contested Motions

All motions shall include a certification, signed by counsel for the moving party, stating whether or not said motion is contested or uncontested.

LOCAL RULE 208.3 (a) Motions

Except for motions made orally during a trial or hearing, all motions shall be written, shall contain a caption setting forth the name of the court, the number of the action, nature of the proceeding, names of the parties, and the name of counsel, or if no counsel of record, the name of the party making the motion. All motions shall include a proposed Order.

All motions shall be filed in the Wayne County Prothonotary's Office. Any motion which does not seek scheduling of a Rule to Show Cause or Appointment of a Master shall be presented in Motions Court.

If the Motion, Petition or Application is of such nature that opposing parties have the right to be heard, the moving party shall give each opposing party at least forty-eight (48) hours notice of the time when the moving party will appear and present such motion, petition or application, unless the emergency nature of the matter presents such notice. In that situation, the moving party shall give as much notice as is reasonably possible.

LOCAL RULE 1012. Entry of Appearance. Withdrawal of Appearance. Notice.

1. Every attorney who has agreed to represent an individual pro bono in a matter pending before this Court shall be permitted to withdraw his/her appearance in such matter before its conclusion upon certification that s/he has completed all duties and responsibilities incident to her/his representation and fully complied with the terms of this Local Rule.
 2. To make a limited appearance pursuant to this Local Rule, counsel must enter her/his appearance on an approved Praecipe for Entry of Limited Appearance form, attached Exhibit A, which confirms that the attorney is providing free legal service to the party, sets forth with particularity those duties to be rendered for the party, and confirms counsel's belief that the party is unable to pay the costs of a lawyer, as provided by Pa.R.C.P. 240(d)(1).
 3. If an attorney has agreed to represent an indigent client pro bono in a matter that has been previously scheduled for a hearing or other court appearance at a time in conflict with the pro bono attorney's pre-existing obligations, the attorney may request a reasonable continuance to allow said attorney to prepare for and participate in the hearing. Before making such request, the pro bono attorney shall contact all parties and obtain from them their consent (or objection) and a date or dates to which the matter may be rescheduled. In the absence of objection, the request for continuance shall be granted without hearing or further Order of this Court; if there is objection, counsel shall present a Motion to Continue in Motions Court.
 4. In matters where the client will represent her/himself following pro bono counsel's withdrawal, counsel must use an approved Substitution of Appearance form, attached Exhibit B, to withdraw her/his appearance, which shall include the certifications required by paragraph 1 of this Order and a certificate of service that Notice of Withdrawal of Appearance has been delivered to the client. In instances where pro bono counsel is being replaced by private counsel (pro bono or otherwise), counsel should use standard entry and withdrawal forms.
 5. In matters where the Rules of Civil Procedure require leave of Court to be obtained before withdrawal may occur, counsel shall provide a Motion to Withdraw along with a proposed Rule upon all parties to show cause why said withdrawal should not be permitted. The Rule shall be returnable with any answer in opposition to be filed within twenty (20) days. In the absence of any timely-filed answer in opposition, counsel shall present a Rule Absolute granting the petition as being uncontested and entering the withdrawal. In matters in which leave of Court is not required by the Rules of Civil Procedure, withdrawal shall be effective upon the filing of the Praecipe.
 6. Except in such cases where said information has been deemed confidential, any entry of appearance by a self-represented party shall set forth the current address and telephone number of the formerly represented client.
 7. This Order shall constitute leave of Court for the Prothonotary to enter the withdrawal of pro bono counsel upon satisfaction of the above requirements.
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IN THE COURT OF COMMON PLEAS OF WAYNE COUNTY
COMMONWEALTH OF PENNSYLVANIA
22nd JUDICIAL DISTRICT

	:		
PLAINTIFF NAME	:		
Plaintiff	:		
	:		
v.	:	No. _____	
	:		
DEFENDANT NAME	:		
Defendant	:		
	:		

PRAECIPE FOR ENTRY OF LIMITED APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my limited appearance on behalf of _____, Plaintiff/Defendant in the above matter. I hereby certify that I have accepted this representation as a pro bono volunteer attorney through the Wayne County Bar Association Pro Bono Program. Pursuant to Pa. R.Civ. P. 240(d)(1), I further certify that I believe the party is unable to pay the costs of this proceeding, including my fees. My representation will end, by agreement with my client, upon ____[specify terms].

Upon completion of the above duties and consistent with the agreement, I may withdraw my appearance by filing the Entry of Appearance of Withdrawal of Appearance form with the Prothonotary or, if Court approval is required, by filing a Motion to Withdraw stating the reasons for withdrawal and attaching a proposed Order. Upon filing my withdrawal or motion to withdraw as counsel, I shall provide a copy of the same to my client and shall certify the address at which my client may receive additional notices after my withdrawal.

Respectfully submitted,

Date: _____

Name
Attorney ID. No. ____
Address
Telephone Number.

IN THE COURT OF COMMON PLEAS OF WAYNE COUNTY

COMMONWEALTH OF PENNSYLVANIA

22nd JUDICIAL DISTRICT

_____	:	
PLAINTIFF NAME	:	
Plaintiff	:	
	:	
v.	:	No. _____
	:	
DEFENDANT NAME	:	
Defendant	:	
_____	:	

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY

I, _____, [☐] Plaintiff [☐] Defendant, will be representing myself in this lawsuit from now on. Please WITHDRAW the appearance of my attorney, named below, as my attorney of record.

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record. All pleadings and legal papers can be served on me at the address listed below, which may or may not be my home address as allowed by court rule:

Print Name: _____

Address: _____

Telephone number: _____

Dated: _____ Signed: _____

WITHDRAWAL OF COUNSEL OF RECORD

Kindly WITHDRAW my appearance for the filing party. I hereby certify that I have completed all duties I agreed to perform in my Pro Bono engagement for this client, and in the Limited Entry of Appearance I filed in this case. I also certify that on behalf of the filing party, I am this day serving a true and correct copy of this document on all parties (including the party named above) and/or their counsel of record, by first class mail, postage prepaid.

Date:

Counsel for the above filing party
Attorney ID No.
Address

Wayne County Local Rules of Judicial Administration

Rule 1000. Public Access— Confidential Information.

A. Pursuant to Section 7 of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, the following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver's License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. 1931(a), except for victim's name.

B. In order to comply with this Rule, all confidential information, as defined by Section A, shall be documented on a Confidential Information Form. The form shall be available in each filing office as well as on the court website at: www.waynecountypa.gov/court-of-common-pleas.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as juvenile cases or adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office is not required to review or redact any filed document for compliance with the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*. A party's or attorney's failure to comply with this rule shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended, or any combination thereof. A court may also impose appropriate sanctions for failing to comply with this section.

Rule 1001. Public Access— Confidential Documents.

A. Pursuant to Section 8 of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, the following documents are confidential and shall be filed with the appropriate filing office under a cover sheet designated “Confidential Document Form”:

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. 1910.27(c); and
7. Agreements between parties as used in 23 Pa.C.S. § 3105.

B. The Confidential Document Form shall be available in each filing office as well as on the court website at: www.waynecountypa.gov/court-of-common-pleas. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public. The Confidential Document Form shall be accessible to the public.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as juvenile cases or adoptions.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office is not required to review or redact any filed document for compliance with the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

Rule 4007.1. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on a form provided by the district court administrator. The form shall include the current rates charged for transcripts.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court recorder or transcriptionist;
- (3) opposing counsel, but if not represented, the opposing party.

(C) Daily, expedited, same day or rough draft transcripts are not available.

(D) When a litigant requests a transcript,

- (1) the litigant ordering a transcript shall make payment of the estimated transcript cost. Deposit payments are to be made payable to Wayne County and shall be delivered to the Prothonotary's Office. Payment may be made by cash, check, or money order. Deposit payments are non-refundable, and proof of deposit shall be provided to the district court administrator.
- (2) the court recorder or transcriptionist shall prepare the transcript upon direction of the district court administrator.
- (3) the court recorder or transcriptionist shall notify the ordering party and the district court administrator of the completion of the transcript.
- (4) upon payment of any balance owed, the court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office for distribution. Payment of the final balance shall be made payable to Wayne County and shall be delivered to the Prothonotary's Office. Proof of payment shall be provided to the district court administrator. Copies of the transcript may be requested upon payment in full.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court recorder or transcriptionist shall prepare the transcript at the direction of the district court administrator without the necessity of a deposit.

Rule 4008.1. 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 in an electronic format shall be:

(a) for an ordinary transcript, \$2.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(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, 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.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure and shall be served with the form requesting a transcript.

(C) Assignment and allocation of transcripts 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

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

(1) \$0.75 per page bound, paper format; and,

(2) \$0.50 per page electronic copy.

(a) **Custodian.**

- (1) The Clerk of Courts or Prothonotary who is present at a court proceeding shall be the custodian for all documentary exhibits and photographs or electronic copies of non-documentary exhibits accepted or rejected during court proceedings. The custodian shall secure, maintain, retain, and index all exhibits in accordance with Pa.R.J.A. 5101-5105.
- (2) In the event no representative of the Clerk of Courts or Prothonotary is present at the court proceeding, the Court Recorder, or any other court staff designated by the judicial officer, shall take temporary custody of all documentary exhibits and photographs or electronic copies of non-documentary exhibits accepted or rejected during the court proceeding.
- (3) The custodian shall file the written index of the exhibits and all documentary exhibits, photographs or electronic copies of non-documentary exhibits with the records office upon conclusion of the court proceeding, but not later than five (5) business days after conclusion of the proceeding.
- (4) The proponent shall secure and maintain all non-documentary exhibits in accordance with Rule 5103.1(c) and (d) unless otherwise directed by the Court.

(b) **Index of Exhibits.** The Clerk of Courts, Prothonotary, or Court Recorder present at the court proceeding shall maintain an index of exhibits in a format to be approved by the President Judge.

(c) **Confidential Information.** If an exhibit offered into evidence contains confidential information or confidential documents as defined in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the proponent shall include a properly completed Confidential Document Form. These forms shall be given by the proponent to the court staff member maintaining the index of exhibits at the time evidence is introduced.

LOCAL RULE JUDICIAL ADMINISTRATION 5103.1. Custody of Exhibits. Special Provisions

(a) **Documentary Exhibits.**

- (1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 x 11 inches, the proponent shall ensure that a copy of the document, reduced to 8-1/2 x 11 inches (or smaller) is entered into the record.
- (2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) **Photographs.**

- (1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 x 11 inches) is entered into the record.
- (2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(c) **Non-documentary Exhibits: Generally.**

- (1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 x 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.
 - (2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.
 - (3) Unless otherwise ordered by the court, at the conclusion of the court proceedings, non-documentary exhibits shall remain in the custody of the proponent custodian for safekeeping as required by any applicable retention periods, or until further order of court.
- (d) **Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.**
- (1) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the proponent shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses.
 - (2) During the proceeding, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.
 - (3) Exhibits comprised of weapons, cash, other items of value, drugs, or other dangerous materials are prohibited from viewing in the jury room. The court may direct alternative viewing arrangements for such exhibits upon the request of the jury.
 - (4) Unless otherwise ordered by the court, at the conclusion of the court proceedings, non-documentary exhibits shall remain in the custody of the proponent custodian for safekeeping as required by any applicable retention periods, or until further order of court.