

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

In re: Establishment and Adoption of :   1   AD 2018  
Local Rules of Criminal Procedure :  
: :  
: :

ORDER

**And Now**, this 31<sup>st</sup> day of August, 2018, *it is Ordered* that Monroe County Rules of Criminal Procedure are established and effective upon the following:

Establishment of Local Rules Nos. 1, 2 and 576.1 (these are new rules).

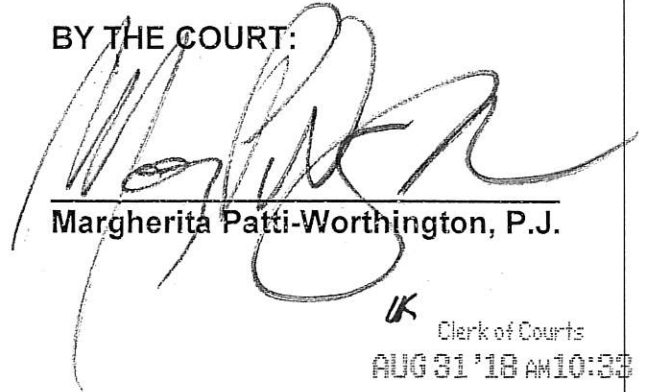
All of the aforementioned rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall:

1. File one copy of these Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two paper copies and one electronic copy of these Rules in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Arrange to have these Rules published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).
4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).
5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office

- a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

BY THE COURT:



Margherita Patti-Worthington, P.J.

UK  
Clerk of Courts  
AUG 31 '18 AM 10:33

cc: John J. Goldner, District Court Administrator

COURT OF COMMON PLEAS, 43<sup>rd</sup> JUDICIAL DISTRICT – CRIMINAL DIVISION  
MONROE COUNTY

***Rules of Construction***

**RULE 1 - TITLE AND CITATION OF RULES**

These Rules shall be known as “Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania, Rules of Criminal Procedure” and may be cited as “Monroe Co.R.Crim.P. \_\_\_\_\_”.

## **RULE 2 - EFFECTIVE DATE**

Each Rule adopted by the Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

## **RULE 576.1 - ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS**

### **(A) General Scope and Purpose of this Rule.**

The electronic filing of legal papers in the Court of Common Pleas, 43<sup>rd</sup> Judicial District, is hereby authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

### **(B) Use of the electronic filing system is permissive and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1 (C).**

### **(C) The Administrative Office of Pennsylvania Courts has agreed upon the implementation plan for the use of PACFile in the 43<sup>rd</sup> Judicial District as of June 28, 2016.**

### **(D) The Clerk of Courts may maintain an electronic file only, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For such filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.**

### **(E) PACFile**

(1)The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at:

<https://ujportal.pacourts.us/AttorneyServices.aspxParticipation>

(2)Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account

constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

**(F) Legal Papers Filed in a Paper Format.**

Any legal paper submitted for filing to the Clerk of Courts in a paper (or “hard-copy”) format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to pdf, the pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 43<sup>rd</sup> Judicial District.

**(G) Filing Fees**

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

**(H) Record on Appeal**

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (F), shall become the record on appeal.

**(I) Confidential information.**

Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC *Confidential Information Form*. The *Confidential Information Form* shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

**(J) Miscellaneous provisions.**

The Clerk of Courts shall provide sufficient computer terminals at such locations as may be determined from time to time to allow parties and the public to file and access legal papers as provided by this rule and as authorized by applicable Public Access Policies.