

**YORK COUNTY LOCAL RULES OF JUDICIAL ADMINISTRATION**  
**(Including Amendments Adopted through October 23, 2015)**

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## **CONSTRUCTION AND APPLICATION OF RULES**

### **10. Title and Citation of Rules**

These Rules shall be known as the York County Rules of Judicial Administration, and may be cited as “YCJA \_\_\_\_”.

### **11. Effective Date**

(A) These Rules, and any amendments to these Rules, shall become effective thirty (30) days after publication in the Pennsylvania Bulletin as provided in Pennsylvania Rule of Judicial Administration 103(c).

(B) These Rules, and any amendments to these Rules, shall apply to all actions of any kind pending on the effective date, and to those filed thereafter.

### **12. Definitions**

Unless otherwise expressly stated, as used in these Rules:

"Action" means any action or proceeding of any nature pending before the Court of Common Pleas of York County or any Magisterial District Court in the 19th Judicial District;

“Application” means, unless otherwise noted, any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court. The term does not include a complaint as set forth in Pa.R.Civ.P. 1017;

“Clerk of Courts” means the Clerk of the Court of Common Pleas of York County, the Office of the Clerk of Courts, and deputies and employees thereof;

“Counsel” means an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth, and may further refer to any party to an action pending before the Court who is unrepresented;

"County" means York County;

"Court" means the Court of Common Pleas of York County, and Magisterial District Courts of the 19th Judicial District, or a judge thereof;

“Courtroom” means a courtroom, hearing room, grand jury room, or other room in which judicial proceedings are conducted, whether located in the York County Judicial Center, in a Magisterial District Court, or any other location within the 19th Judicial District;

“Court Administrator” means the District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, and deputies and employees thereof;

“Motion” means any application to the court for an order, except those otherwise designated by these local rules or by Pa.R.Civ.P. 208.1(b);

“Party”, whether used in the singular or plural, and whether used in these Rules or in any court order, means the party or parties appearing in the action pro se, or the attorney or attorneys of record for such party or parties, where appropriate, unless otherwise indicated;

"Prothonotary" means the Prothonotary of the Court of Common Pleas of York County and the Office of the Prothonotary and deputies and employees thereof.

### **13. Liberal Construction and Application of Rules**

(A) These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action.

(B) The court at every stage of any action may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

(C) The court may suspend the application of these Rules in individual cases by written order. When the court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that the order is inconsistent.

## **JUDICIAL CENTER, COURTROOMS AND ENVIRONS**

### **100. Prohibited Items In Judicial Center, Magisterial District Justice Courts**

(A) All persons are prohibited from bringing the following items into the York County Judicial Center, into any courtroom in which a court proceeding is taking place, and into any Magisterial District Justice Court:

(1) Food or beverages of any kind, including water in any container.

(a) Employee Exception: The prohibition in Section (1) above shall not apply to those individuals employed in the Judicial Center, Magisterial District Court, or employed by the County of York, who clearly display an identification badge issued by the County of York, provided, however, that no food or beverages, other than water supplied by court employees, shall be permitted in a courtroom, hearing room, or grand jury room.

(b) Juror Exception: The prohibition in Section (1) above shall not apply to those individuals who are serving as jurors summoned by the Court Administrator, who clearly display an identification badge issued by the County of York, provided, however, that no food or beverages shall be permitted in a courtroom, hearing room, or grand jury room.

(2) Weapons of any kind. This prohibition shall not apply to those individuals employed by the Sheriff's Department, County Detectives or Adult and Juvenile Probation Departments, who are specifically authorized to carry weapons and who are on duty. As to Magisterial District Courts, this prohibition shall not apply to those individuals specifically permitted by the Magisterial District Judge of that district to possess weapons.

(B) Any prohibited items confiscated by officers in charge of security are subject to being retained and disposed of by such officers.

## **112. Photography, Recording, Broadcasting and Electronic Equipment**

(A) The taking of photographs, including video pictures and recording, and the use of audio and video broadcast and audio recording equipment and any other device capable of capturing or transmitting sound or images, in a courtroom or hearing room or its environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited.

(B) Environs Defined: Environs of a courtroom or hearing room shall include the entire floor on which is located any courtroom, hearing room, jury room, grand jury room, sheriff's office or station, Prothonotary's or Clerk of Courts' office, office of the District Attorney, or any lockup or prisoner holding area. Environs also includes the corridor or lobby on the main floor or street floor, any elevator area and any area constituting an interior entrance area to the building of any courtroom, hearing room or grand jury room. Environs includes the York County Judicial Center and all York County Magisterial District Court buildings.

(C) Cellular Telephones Prohibited: Cameras, cellular telephones, portable electronic data devices and any other device capable of capturing or transmitting images or sound are prohibited inside of the York County Judicial Center and all York County Magisterial District Court buildings.

(1) Employee Exception: The prohibition in Section (C) above shall not apply to those individuals employed in the Judicial Center, a Magisterial District Court or employed by the County of York, who clearly display an identification badge issued by the County of York, provided, however, that the device shall be in a “silent” or “vibrate only” mode when the employee enters a courtroom, hearing room, or grand jury room.

(2) Attorney Exception: The prohibition in Section (C) above shall not apply to an attorney at law who enters the Judicial Center or a Magisterial District Court on business related to the representation of a client, provided, however, that the device shall have the power switched “off” when the attorney enters a courtroom, hearing room, or grand jury room.

(3) Emergency Responder Exception: The prohibition in Section (C) above shall not apply to emergency medical or other personnel responding to a call within the Judicial Center or Magisterial District Court.

(4) Other Exceptions: The prohibition in Section (C) above may be waived by a judge, Court Administrator, or the Sheriff or his designee, in special circumstances.

(D) Special Proceedings: In the discretion of any judge, photographing, making video or audio recordings, or televising or broadcasting any special proceedings, such as investiture, naturalization, or ceremonial proceedings, in a courtroom or its environs may be permitted under such conditions as the judge may prescribe, consistent with the proscriptions of Pa. R.J.A. No. 1910.

(E) Stenographic Recordings: Except as permitted by law or rule of court, the recording by any means of any judicial proceedings by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

(F) Special Permission: The President Judge may, upon application, make exception to the prohibitions contained in this Rule under such circumstances and subject to such conditions as the President Judge may prescribe.

(1) The application shall include the reason for the request, the type of electronic medium intended to be used, the locations at which the electronic medium is to be used, and the date and times of the day for which the exception is being sought.

(2) If the exception is being sought in connection with any judicial proceeding, the caption and case number of the proceeding shall be included in the application.

(G) Special Cases: The court may make such orders as may be necessary in connection with any specific case to protect the rights of all parties and the public.

## ATTORNEYS

### 200. Admission to Practice

(A) An attorney at law admitted to practice to the bar of this Commonwealth, and who is in good standing, may practice before the Court.

(B) An attorney who is not admitted to practice to the bar of this Commonwealth and who seeks special admission to practice before this Court shall cause to be filed a motion for admission *pro hac vice* pursuant to Pa.R.Civ.P. 1012.1, Pa.B.A.R. 301 and YCCiv. 208.3(a).

(1) A motion for admission *pro hac vice* shall be in the form required by YCCiv. 205.2.

(2) A motion for admission *pro hac vice* shall contain all information required by Pa.R.Civ.P. 1012.1, Pa.B.A.R. 301, and the information required in 204 Pa.Code Sec. 81.503.

(C) An attorney who is not admitted to practice to the bar of this Commonwealth and who seeks special admission to practice before a Magisterial District Justice shall cause to be filed a motion for admission *pro hac vice* pursuant to 204 Pa.Code 81.501 et seq. and applicable rules of civil and criminal procedure.

### 210. Court Appointed Counsel; Fees; Fee Petitions

(A) The Court Administrator shall maintain lists of counsel available for appointment by the court to represent individuals in various matters. Separate lists of available counsel shall be maintained for criminal cases, civil cases, juvenile dependency cases, and juvenile delinquency cases.

(1) At least annually, by the last day of June, the Court Administrator shall solicit requests for attorneys, with a principal office located in York County, who will accept cases by court appointment.

(2) Those attorneys responding to the solicitation shall warrant that they have experience in the areas for which they seek appointment, and shall include a copy of their professional liability insurance declarations page, or other proof of professional liability insurance, now in effect, with the response.

(3) An attorney who has previously been on a list for appointments shall also respond to the solicitation with updated information, or the attorney shall be removed from all lists for court appointments.

(B) Appointment to represent an individual in a particular matter is limited to representation in that matter only to its conclusion, including proceedings on direct appeal, absent further order of court.

(C) Fee petitions in cases in which an attorney has been appointed by the court shall be submitted, with supporting documentation and an original proposed order with sufficient copies to conform, to the Court Administrator for assignment to a judge. In criminal cases, the fee petition shall be assigned to the judge to whom the case was assigned.

(D) General Requirements for All Fee Petitions:

(1) Unless otherwise stated, all fee petitions must be presented to the Court Administrator for assignment to a judge within thirty (30) days of the date of last service rendered at the trial level, and within (30) days of final decision for any appeal.

(2) The fee petition shall set forth the caption of the case, the manner of disposition of the case, and if disposed of by trial, the number of days spent in trial.

(3) An itemized billing reflecting the dates, time spent and nature of the services shall be included in or attached to the petition.

(4) An appropriate hourly rate consistent with administrative orders in effect at the time the service was rendered shall be displayed, along with a subtotal of the dollar amounts for the services, and a final dollar total being requested.

(5) Time spent by administrative assistants, paralegals, employees or agents other than the appointed attorney may not be billed without leave of court.

(6) Reimbursement may be sought, without leave of court, for travel time, except to and from the Judicial Center, long distance phone charges, printing and extraordinary copying costs for preparation of exhibits and documents for appeals, extraordinary postage, extraordinary travel mileage, and, with prior court approval, expert fees for investigators and other experts. Routine expenses such as mileage, to the York County Prison, the Judicial Center, or to preliminary hearings, photocopying, telephone bills, postage, and other such expenses, may not be claimed for reimbursement.

(E) Criminal Cases: Counsel appointed to represent individuals in criminal cases shall not represent the individual in any probation or parole proceedings unless re-appointed by the Court to do so.

(F) Complex Criminal Cases: All homicide cases, and other cases which will likely take a year or more or will require an inordinate amount of attorney time to resolve may be subject to interim fee petitions.

(1) The petition shall set forth a brief statement asserting the grounds for considering the case for interim billing, and shall request that interim billing be permitted.

(2) Interim fee petitions shall contain, in addition to the matters set forth in YCCiv. 210(C) above, a recitation of the total of the preceding fee petition, the date when the preceding fee petition was submitted, the amount approved, and shall indicate whether the amount approved has been paid and the date paid.

(G) Juvenile Dependency Proceedings: Fee petitions in juvenile dependency cases shall be submitted at least quarterly, and may be submitted monthly, and shall be for services rendered only in the preceding period.

(1) The petitions may include requests for reimbursement in multiple cases, so long as each case is clearly identified by caption and number, and the supporting billing information only pertains to each individual case.

(2) Such petitions, along with an original proposed order and sufficient copies to conform, shall be submitted to the Court Administrator for assignment to a judge.

(3) The fee petitions shall contain, in addition to the matters set forth in YCCiv. 210(C) above, a recitation of the total of the preceding fee petition, the date when the preceding fee petition was submitted, the amount approved, and shall indicate whether the amount approved has been paid and the date paid.

(4) An additional appointment must be sought and approved before taking an appeal to any federal court, or undertaking representation before any governmental agency.

## **211. Applications for Court Appointed Counsel; In Forma Pauperis**

(A) Applications for court appointed counsel, or to proceed in forma pauperis, shall be verified by the individual seeking to proceed or to be represented by court appointed counsel, and shall be submitted to the Court Administrator for assignment to a judge for consideration.

(1) The judge to whom the matter has been assigned shall initially evaluate the applicant's eligibility for counsel using guidelines to be determined by reference to 125% of the poverty level for a family of a particular size as determined by the U.S. Department of Health and Human Services and duly published from time to time.

(2) Should the judge determine that the applicant is eligible for court appointed counsel, because of the application of the guidelines set forth above, or because the individual is otherwise unable to employ counsel, the judge shall promptly notify the applicant and appointed counsel.

(B) The judge assigned to consider the application may request the Solicitor for the County of York to respond to any application, and may schedule a hearing before an assigned judge to consider the merits of any application.

## **250. Appointments**

(A) The President Judge shall, from time to time, and as required by law or rule of court, appoint the following to serve the following terms at rates of pay, if any, which shall be set from time to time by administrative action or order, or other process:

(1) Viewers to serve on boards of view for a term of five years, pursuant to conduct proceedings pursuant to the Eminent Domain Code, the Private Road Act, and otherwise pursuant to law;

(2) Visitors to serve on a board of visitors pursuant to 16 P.S. Sec. 1980, for a term of one year;

(3) Custody conciliators; who shall serve at will;

(4) Custody mediators, who shall have met the requirements of Pa.R.Civ.P. 1940.4, and who shall serve at will;

(5) Divorce mediators pursuant to YCCiv. 1971, and who shall serve at will;

(6) Adult and juvenile probation officers;

(7) Domestic Relations enforcement officers;

(8) Mental Health Review Officers to serve a one year term pursuant to 42 Pa.C.S. Sec. 3152(c);

(9) The Administrative Judge of the Orphans' Court Division;

(10) A representative to the Prison Board;

(11) A representative to the Criminal Justice Advisory Board;

(12) A representative to the County of York Salary Board;

(13) Judges to supervise various aspects of court operations.

(B) The President Judge shall, from time to time, appoint others to positions as required or permitted by law or rule of court, upon motion presented.

## **COURT PERSONNEL**

### **300. District Court Administrator**

(A) The District Court Administrator shall have the following duties, in addition to those established in law or by rule of court, and in consultation with the President Judge:

(1) To make schedules and assign magisterial district judges, including senior magisterial district judges, to districts and to duty schedules;

(2) To make schedules, assign judges of the Court of Common Pleas to schedules, cases and courtrooms;

(3) To manage the flow of cases through the various court divisions;

(4) To establish and oversee a system of management of court-employed and court-related personnel; and

(5) To hire and terminate court-employed personnel pursuant to established policies.

(B) The District Court Administrator shall, in consultation with the President Judge, annually prepare an appropriate budget for the courts so that the courts are sufficiently funded to carry out their judicial duties.

## **INSPECTION OF RECORDS**

### **509. Requests to Inspect Records and Records Manager**

(A) A request to inspect or obtain copies of records accessible pursuant to Pa.R.J.A. 509 or any other public law, which are in the possession or control of a court of this Judicial District, and which are not otherwise privileged or protected from disclosure by law, rule of procedure, or court order, shall be made in writing and addressed to the District Court Administrator, who is designated as the Records Manager for the 19th Judicial District. A request to inspect records maintained by a Magisterial District Judge may be referred by the District Court Administrator to the judge whose court is subject to the request.

(1) The request shall identify the person making the request, the person's address and telephone number, and whether the request is to copy records and if so, in what format, and shall identify or describe the records with sufficient specificity to enable the Court Administrator to ascertain which records are being requested.

(2) The Court Administrator shall charge reasonable fees for granting access to the records requested, including but not limited to, photocopying or printing from electronic media at the rate of \$.25 per page, costs of postage, copying onto electronic media, or other means of duplication.

(B) Upon receipt of a written request for access to records pursuant to section (A) above, the Court Administrator shall send a copy of the request to the President Judge and to the solicitor for the County of York.

(C) If the Court Administrator denies a written request for access to records, the denial may be appealed in writing to the President Judge within 15 business days of the mailing date of the response or within 15 days of the deemed denial.

(D) A final decision on the appeal shall be mailed to all interested parties within twenty (20) business days from the receipt of the appeal or as otherwise provided by law.

#### **509.1. Appeals from Determinations Concerning Open Records**

(A) Appeals from determinations of an Open Records Appeals Officer, or the Office of Open Records shall be filed in the Office of the Prothonotary within the time limits set forth in 65 P.S. Sec. 67.1302.

(B) An appeal shall be in writing and shall contain the following information:

(1) The Appellant's full name, address, telephone and facsimile number; and

(2) A concise statement of relevant facts including, but not limited to:

(a) The name, title, address, telephone and facsimile numbers, if known, of the agency and any agency official alleged to have acted on a request under the Right to Know Law;

(b) A description of the records requested;

(c) The date of the Right to Know request;

(d) The date of any response or the date the response was deemed denied;

(e) A statement of the grounds upon which the requester asserts that the record is a public record;

(f) A statement addressing any grounds stated by the agency for delaying or denying the request, including any unusual circumstances or emergency situations that may have contributed to the delay;

(g) A copy of any pertinent correspondence, hearing transcripts, or other documents; and

(h) A statement that all material provided by the agency has been submitted with the appeal.

(3) A copy of the appeal and attached documents shall be sent to all parties to the proceedings, to the open records officer and to the open records appeals officer of the agency whose action is being appealed. A statement setting forth the date and method of service shall be filed with the appeal documents.

(C) The petition for review shall be presented to the Court pursuant to YCCiv. 205.1 *et seq.*, during a session of motions court, upon proper notice to all parties to the proceedings.

(D) The respondent / appellee shall file a response as directed by the Court, which response shall include a statement of the legal basis for the agency's position.

(E) A final decision on the appeal shall be mailed to all interested parties within 30 days of the receipt of the appeal.

### **513. Fees for Access to Magisterial District Court Records**

(A) A Magisterial District Court may charge reasonable fees for providing public access to official case records of the Court pursuant to 204 Pa.Code Sec. 213.1 *et seq.* The fees to be charged are set forth below. Changes to the fee structure may be made, from time to time, by the President Judge by administrative order.

(1) For copying records or transmitting records by facsimile or other electronic means: \$0.25 per page

(2) For processing complex or voluminous requests, in addition to the costs of copying set forth in (1) above: \$8.00 per quarter hour of staff time spent, in excess of the first quarter hour. What constitutes a complex or voluminous request may vary from court to court depending on factors such as court resources and caseload.

(B) Fees may be waived in full or in part in the discretion of the Magisterial District Judge if the Judge determines that the requester is indigent.

(C) Prepayment of fees incurred in processing a request is at the discretion of the Magisterial District Judge.

(D) Fees paid for services provided pursuant to this Rule are not refundable.

(E) Fees collected pursuant to this Rule shall be identified as revenue to the magisterial district court, but shall be timely remitted to the County of York.

(F) Any appeal from the application of this Rule or pursuant to 204 Pa.Code Section 213 *et seq.*, or the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts shall be made to the District Court Administrator.

## **JUDGES and MAGISTERIAL DISTRICT JUDGES**

### **702. Assignments of Judges of the Court of Common Pleas**

(A) Assignment of judicial duties:

(1) Judicial assignments shall become effective each year on January 2, or at such time preceding that date as is necessary to ensure a smooth transition of judicial duties.

(2) The President Judge or the President Judge's designee shall assign judicial duties annually prior to July 1 of the year preceding the year that judicial assignments shall become effective.

(3) Judicial assignments shall be made with due regard for the following:

(a) The need for proper allocation of judicial resources to cover all necessary judicial duties;

(b) The experience of a judge with a particular judicial assignment. A judge shall serve a minimum of two (2) years in a particular judicial assignment;

(c) Due deference to a judge's seniority;

(d) The desirability of having periodic changes of judicial assignments;

(e) The desirability of maintaining continuity of judicial experience within various areas of judicial duties; and

(f) The desires of individual judges.

(B) Procedure for periodic rotation of judicial assignments:

(1) Prior to July 1 of the year preceding the year that judicial assignments become effective, rotation of various judicial duties and assignments among the judges shall take place as follows:

(a) Each judge shall have the ability to designate whether he or she wishes to keep that judge's current assignments or switch assignments to another judicial position.

(b) The designation shall be made first by the most senior judge, and then by each judge in succession, according to seniority.

(c) In the event there is more than one judicial position with substantially similar judicial assignments, positions with judges occupying a judicial position the longest shall be filled first, and thereafter, in inverse order of seniority.

(2) Should a judge elect to stay in his or her current assignment area, that judge will be subject to being displaced from those assignments by a judge making a subsequent designation of assignments.

(a) Once a judge has made a designation of assignments different than those currently held by that judge, that judge is not subject to being displaced from those assignments so designated.

(b) A judge who has been displaced from his or her assignments by a judge making a subsequent designation of assignments shall take over the assignments of the judge who displaced him or her, and shall be subject to further displacement by a judge making a subsequent designation of assignments.

(3) A judge may not designate a judicial assignment substantially similar to an assignment which that judge previously held unless no other judge has designated that judicial assignment.

(4) No more than 50% of the judges in the following assignments shall be displaced in any one year: criminal court; juvenile dependencies; juvenile delinquencies; and child support.

(5) Judges with assignments which include juvenile delinquencies or juvenile dependencies shall maintain those duties for a minimum of three (3) years, but may elect to designate other judicial assignments not inconsistent with those duties, nor disruptive of another judge's assignments.

(6) Regardless of the assignments noted above, a judge who has been assigned to a complex matter, including PCRA matters, appeals of complex civil matters, and complex juvenile matters, shall retain assignment to that matter until the conclusion of all proceedings associated with that matter.

(C) The above scheme for rotation of assignments is subject to modification or change by the President Judge or the President Judge's designee in order to provide appropriate judicial resources for judicial assignments, to fill vacancies in the event of the disability of a judge to perform judicial functions, or for other necessary reasons.

#### **706. Procedure for Succession of Judicial Authority**

(A) In the event of the inability of the President Judge to perform the functions of that office because of absence, death, extended illness, or other disability, or in the event of a vacancy in the office of President Judge for any reason, the duties of President Judge shall devolve to the judge who last served as President Judge, and if such previous President Judge is no longer an active commissioned judge, or is otherwise unable to serve, then, in the following order: to the Supervising Judge of the Criminal Division, the Supervising Judge of the Family Division, the Orphans Court Administrative Judge, then to each judge in order of seniority, until such time as the President Judge is able to resume those duties, or until such time as a new President Judge is selected pursuant to Pa. Rule of Judicial Administration 706(f).

(B) Pursuant to Pa. Rule of Judicial Administration 706(e)(2)(ii), should the disability of the President Judge or vacancy of that position extend longer than thirty (30) consecutive calendar days, then the Court shall select a new President Judge pursuant to the procedures set forth in Pa. Rule of Judicial Administration 706(f).

(C) The President Judge may, from time to time, designate in writing, a judge to temporarily act as president judge during brief absences, with due regard to the succession of authority set forth in section (A) above.

#### **710. Duty Judges, Bench Warrants**

(A) A judge shall be available twenty-four hours a day, each day of the year, for the purpose of considering judicial matters pursuant to law, court order or rule of procedure.

(B) The District Court Administrator shall maintain a list of "duty" judges which shall be updated from time to time and circulated among the Judges of the Court of Common Pleas of York County. The District Court Administrator shall assign such hearings and matters to the appropriate judge from that list if the judge assigned to a matter is not available.

(C) Judges who are “on duty” for the designated time period shall insure their availability or the availability of another common pleas judge, during normal Court business hours, for the purpose of conducting hearings and for addressing other matters which may need the attention of the Court and for which the judge who would ordinarily be assigned to a matter may not be available.

(D) Individuals arrested on bench warrants of any kind issued by a Judge of the Court of Common Pleas shall promptly, and in any event, within 72 hours of their apprehension or by the close of the next business day, if the 72 hours expires on a non-business day, be brought before the Judge who issued the bench warrant, who shall conduct such hearing and take such action with regard to the bench warrant as the law requires.

(1) In the event that an individual has been arrested on more than one bench warrant issued by different judges of the court of common pleas, the individual may be taken before any judge who issued a warrant, who shall conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

(2) In the event that the judge or judges who issued a bench warrant are unavailable to conduct a hearing within the time limits set forth in applicable rules and law, then the hearing shall be conducted by the designated “duty” judge.

(3) At the conclusion of the bench warrant hearing following the disposition of the matter, the judge immediately shall dispose of the status of the bench warrant, using an appropriate order.

## **800. Magisterial District Judges, Offices; Bench Warrants**

### **(A) Regular Business Hours of Magisterial District Judges:**

(1) The offices of a Magisterial District Judge shall be open throughout the year, excluding any court holidays, for at least a total of 35 hours per week and on at least four weekdays, shall be open between the hours of 8:30 a.m. and 4:00 p.m., unless a different schedule is specifically approved by the President Judge.

(2) Magisterial District Judges shall submit their proposed yearly schedule of office hours to the President Judge for approval prior to December 1 of the preceding year, unless there are no changes from the preceding year, and shall post the schedule at least annually in a conspicuous place at the office, pursuant to Rule 103 of the Pennsylvania Rules of Conduct for Magisterial District Justices. Schedules of office hours of all Magisterial District Judges shall also be maintained in the office of the District Court Administrator.

(3) Applications for a change in office hours from those previously approved shall be made to the President Judge, through the District Court Administrator, prior to any change being instituted. Any changes in office hours, whether temporary or permanent, shall be maintained in the District Court Administrator's office and shall be conspicuously posted at the Magisterial District Court so as to be visible from the outside.

(B) Availability of Magisterial District Judges During Regular Business Hours:

(1) Magisterial District Judges shall be available to conduct judicial business during regular business hours, without unnecessary delay.

(2) Should a Magisterial District Judge for a particular district not be available during regular business hours, any matter requiring immediate judicial attention shall be referred to the nearest available Magisterial District Judge.

(3) A Magisterial District Judge may designate the personnel in that office to make a referral and designate the manner of referring matters to the nearest available Magisterial District Judge.

(4) A Magisterial District Judge shall inform the District Court Administrator, and York County E-911, as soon as reasonably practical, of that Magisterial District Judge's scheduled or unscheduled unavailability during regular business hours.

(C) Availability of Magisterial District Judges After Regular Business Hours:

(1) A Magisterial District Judge, known as the "Duty MDJ" shall be on continuous duty after regular business hours for the purpose of conducting judicial business requiring immediate attention, without unnecessary delay.

(a) The District Court Administrator shall designate and publish the annual schedule of Duty MDJs prior to November 1 of the preceding year.

(b) A Duty MDJ who is scheduled for a particular time may exchange duty times with another Magisterial District Judge, and shall make such change known to the District Court Administrator and York County E-911 as soon as is reasonably practical.

(2) An office, known as a "Duty Office" shall be maintained for the Duty MDJ to conduct judicial business after regular business hours.

(a) Such office may be at a "central booking" facility, or another office suitable for the conduct of judicial business after hours.

(b) Such office shall be equipped with suitable electronic communications to enable simultaneous visual and audio communication with the York County Prison and a Duty MDJ.

(3) The Duty MDJ shall be available at all times when assigned after regular business hours to conduct judicial business without unnecessary delay.

(a) Such judicial business, including preliminary arraignments, setting of bail, and processing individuals arrested or otherwise detained, may be conducted by suitable electronic communications which provides simultaneous audio and visual contact between the Duty MDJ and the Duty Office or central booking facility.

(b) In the event such business is conducted remotely by electronic communications, suitable electronic methods of transmitting required paperwork without unnecessary delay may be utilized, including computer or facsimile transmittal.

(D) Bench Warrants Issued by Magisterial District Judges:

(1) Hearings for individuals arrested on bench warrants issued by a Magisterial District Judge shall be heard by the Magisterial District Judge who issued the bench warrant.

(2) In the event that an individual has been arrested on more than one bench warrant issued by different Magisterial District Judges, the individual may be taken before any Magisterial District Judge who issued a warrant, who may conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

(3) Individuals arrested on bench warrants for "failure to pay" issued by one or more Magisterial District Judges after normal business hours may be released at any time upon full payment.

## **ASSESSMENT OF FEES, PAYMENTS OF MONEY TO COURT**

### **1100. Countywide Booking Center**

(A) The County of York shall maintain the countywide Booking Center established pursuant to 42 Pa.C.S. Sec. 1725.6.

(B) The President Judge shall, from time to time, establish by administrative order the amount of fees to be charged to individuals processed through the Booking Center who meet the requirements set forth in 42 Pa.C.S. Sec. 1725.5.

(C) Fees collected pursuant to section (B) above shall be maintained and used pursuant to 42 Pa.C.S. Sec. 1725.5(b) and other applicable laws or rules of court.

**1200. Disposition of Fines, Costs, Restitution, and Other Fees Collected**

(A) The Clerk of Courts and the York County Department of Probation shall be the designated entities responsible for the collection and allocation of all costs, fines, reparation, restitution, penalties and other remittances imposed and collected as a result of criminal cases in the Court of Common Pleas of York County.

(B) All criminal cases requiring payment of costs, fines, reparation, restitution, penalties and other remittances by a single defendant shall be placed into a single individualized payment plan within the Common Pleas Criminal Court Case Management System (CPCMS), unless directed otherwise by court order.

(1) Such payment plans shall be created by the Office of the Clerk of Courts or the Department of Adult Probation.

(2) Any criminal cases requiring payment of costs, fines, reparation, restitution, penalties and other remittances by a defendant who has a pre-existing payment plan, shall be incorporated into the defendant's pre-existing payment plan, whereby one payment plan may include multiple cases, unless otherwise ordered by the Court.

(3) Each payment of costs, fines, reparation, restitution, penalties and other remittances made by a defendant or by the PA Department of Corrections or the York County Prison as per Act 84 of 1998 on behalf of the defendant to the Office of the Clerk of Courts or the Department of Probation shall be distributed according to the defendant's individualized payment plan within CPCMS, whereby each payment shall be applied to the defendant's individual payment plan and shall then be divided and applied equally among each of the cases within the payment plan.

(4) In accordance with the CPCMS Uniform Disbursement Schedule (UDS) for the Criminal Division of the Courts of Common Pleas Using the Common Pleas Criminal Court Case Management System (CPCMS) found in 204 Pa. Code § 29.405, the Clerk of Courts and the Department of Probation shall distribute all fines costs, reparations, restitution, penalties and other remittances imposed and collected in the prioritized order as set forth in the above mentioned schedule.

(5) Each payment of costs, fines, reparation, restitution, penalties and other remittances made by a defendant that is equally distributed among all of the defendant's cases within that defendant's individualized CPCMS payment plan, shall be allocated in the order proscribed by the CPCMS UDS.

**1300. Taxation of Costs in Civil Matters**

(A) Bill of Costs. Form:

(1) A bill of costs as to attendance of witnesses shall include the names of the witnesses, the date of their attendance in court, the number of miles actually traveled by them and the place from which mileage is claimed.

(2) The bill shall be verified by the party filing it or his attorney. The verification shall state that the bill of costs is correct, that the witnesses named were actually present in court and that in the opinion of the affiant they were material witnesses.

(B) A bill of costs shall be filed with the Prothonotary within five (5) days after the action has been tried or an appeal has been taken from an award of arbitrators or a report of viewers.

(C) Upon presentation of the bill of costs by the party entitled thereto, the Prothonotary shall tax the costs in accordance with the bill, unless manifest error of law or fact is apparent on the face of the bill.

(D) Within five (5) days after the taxation of costs, any party may file exceptions thereto with the Prothonotary, with copies to all other parties. The Prothonotary shall then re-tax the costs within five (5) days of the receipt of exceptions.

(1) Within three (3) days after the re-taxation of costs, any party may file an appeal therefrom, by filing a motion which specifies the items objected to. The motion shall be filed and served on all parties pursuant to YCCiv. 205.1 and shall be resolved pursuant to YCCiv. 208.3(b).

(2) The taking of an appeal shall not stay execution on the judgment, but any sum collected on execution which represents the items of costs which are the subject of the appeal shall be paid to the Prothonotary to be held by the Prothonotary pending the determination of the appeal.

**1400. Other Money Paid Into Court**

(A) When appropriate, the court, on its own motion or on the petition of any party, may direct the payment of money into court.

(1) The Prothonotary, Clerk of Court, or Clerk of the Orphans' Court shall have custody of all money paid into court until withdrawn.

(2) The Prothonotary, Clerk of Court, or Clerk of the Orphans' Court shall deposit the funds specially to the credit of the court in a bank or banks in which deposits are insured by the Federal Deposit Insurance Corporation, in such accounts as may earn interest at prevailing rates.

(a) The party or parties to benefit shall provide the Prothonotary with a fully completed IRS W-9 form or other similar form required by the bank where the money is to be deposited.

(b) The Prothonotary shall not deposit such moneys into an account which earns interest until the parties have complied with this provision.

(3) Upon the petition of a person who appears from the record to be prima facie entitled to money paid into court, the court may direct the Prothonotary, Clerk of Court, or Clerk of the Orphans' Court to invest the fund in such manner and upon such terms as the court may specify.

(B) Money paid into court may be withdrawn only on order of the court or by written stipulation signed by all parties to a matter and filed with the Prothonotary, Clerk of Courts, or Clerk of the Orphans' Court, as the case may be.

## **COURT REPORTERS AND STENOGRAPHIC TRANSCRIPTS**

### **4000. Supervision of Court Reporters**

(A) The Court Administrator shall employ a sufficient number of full-time or part-time qualified court reporters so as to insure the timely recording and, if necessary, transcription, of all judicial proceedings. Proceedings may be recorded electronically, without the presence of a court reporter, at the discretion of the Court Administrator and the presiding judge.

(B) Court reporters shall receive reasonable compensation for their services pursuant to law and applicable rules of court.

(1) Requests by court reporters for compensation, in addition to any salary, for services performed and for which compensation is due and owing by statute or rule of court shall be made to the Court Administrator monthly, and in any event, within thirty (30) days after the service was rendered.

(2) Requests for compensation shall be submitted on such forms as the Court Administrator shall require, and shall be specific as to the case number, day and date the service was performed, a description of the service rendered, and at whose request the service was rendered.

**4009. Fees Payable to the Court Reporter or Transcriptionist**

The Court shall, by separate administrative order, periodically establish a schedule of fees to be paid to court reporters and transcriptionists as required by Pa. R.J.A. No. 4009

**COURT INTERPRETERS**

**4800. Court Interpreters:**

(A) The Court Administrator shall employ interpreters, or shall have interpreters readily available, upon reasonable notice, for parties and witnesses with limited English proficiency in judicial proceedings, pursuant to 42 Pa.C.S. Sec. 4401, *et seq.*

(1) If the person with limited English proficiency is a principal party in interest in a judicial proceeding for a criminal matter, juvenile proceeding, or other matter in which the right to counsel applies to the individual needing an interpreter, then the payment of the cost of providing the interpreter shall be the responsibility of the County of York.

(2) If the person with limited English proficiency is compelled to appear as a witness in a judicial proceeding for a criminal matter, or a juvenile proceeding, then the payment of the cost of providing the interpreter shall be the responsibility of the County of York.

(3) In any other civil case or other proceeding, responsibility for payment of interpreter services is upon the party requesting the services. Final allocation of all or part of the cost of providing interpreter services shall be in the discretion of the presiding judicial officer unless the principal party in interest requesting the services is indigent. If the principal party in interest requesting the services is indigent, then some or all of the cost of providing interpreter services shall be the responsibility of the County of York. The presiding judicial officer may order reimbursement to the County for its responsibilities under this section.

(B) The Court Administrator shall employ interpreters, or shall have interpreters readily available, upon reasonable notice, for parties and witnesses who may be deaf or hard of hearing, pursuant to 42 Pa.C.S. Sec. 4431, *et seq.*

(1) Disposition of all or part of the cost of providing an interpreter appointed shall be in the discretion of the court that has jurisdiction over the judicial proceeding. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.

(2) If the principal party in interest is indigent, then the cost of providing interpreter services shall be the responsibility of the County of York. The presiding judicial officer may order reimbursement to the County for its responsibilities under this section.

(C) The party requesting interpreter services shall provide reasonable notice to the Court Administrator of the need for such services. Any party or witness may use an interpreter secured by that individual so long as the interpreter is on the approved list maintained by the Administrative Office of Pennsylvania Courts or otherwise meets the requirements of 42 Pa.C.S. Sec. 4401 *et seq.*

## **MISCELLANEOUS PROVISIONS**

### **7010.           Restriction on Removal of Files and Documents**

(A) No file containing original documents, nor any original document contained therein, may be removed from the Offices of the Prothonotary, Clerk of Courts, or Clerk of the Orphans' Court, except by special written permission of the Court, by anyone other than the following:

- (1) A judge of the court or a judge's authorized representative;
- (2) The District Court Administrator;
- (3) The Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court and regularly employed and duly authorized employees of that office;
- (4) A master in divorce or conciliator in child custody cases for use in connection with official duties;
- (5) A chairperson of a board of arbitrators for use in connection with official duties;
- (6) A chairman of a Board of View appointed by the Court in connection with official duties;

(B) Every person authorized to remove a file or document shall at the time of removal give to the Prothonotary, Clerk of Courts, or Clerk of the Orphans' Court, a written receipt for the same identifying the person by whom, or on whose behalf, the item is removed, and such person shall be personally responsible for the custody and return of the item.

### **7020.           Designation of Legal Newspaper**

The York Legal Record is designated as the legal newspaper for the publication of court and legal notices.

**7030. Date and Time of Filing**

The Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court shall endorse the date and time of filing upon all papers filed in their respective offices and shall note the date and fact of filing on the case docket.