

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

IN RE: LOCAL RULE OF CRIMINAL
PROCEDURE 576.1

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Crim. No. CP-11-MD- 300 -2022

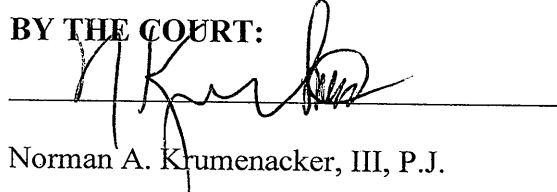
ADMINISTRATIVE ORDER

AND NOW, this 1st day of June 2022, **IT IS HEREBY ORDERED, DIRECTED AND DECREED** that pursuant to Pennsylvania Rule of Criminal Procedure 576.1 the Cambria County Court of Common Pleas adopts the following Local Rule of Criminal Procedure 576.1 – Electronic Filing and Service of Legal Papers. This Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

The Cambria County District Court Administrator **IS HEREBY ORDERED AND DIRECTED** to:

- 1) File one (1) copy of this Rule with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us;
- 2) File two (2) paper copies of this Rule and one (1) computer disk containing the text of this Rule, in both Microsoft Word and PDF formats, with the Legislative Bureau for publication in the Pennsylvania Bulletin. In addition, a Microsoft Word and PDF copy of the Rule shall be e-mailed to the Bureau at bulletin@palrb.us;
- 3) Publish this Rule on the Cambria County website www.cambriacountypa.gov on the Court Administration page under the Local Rules of Procedure and within thirty (30) days of publication in the Pennsylvania Bulletin compile this Rule within the complete set of local rules.
- 4) File a copy of this Rule in the Cambria County Clerk of Courts' Office, where it shall be continuously available for inspection.
- 5) Send a copy to the Cambria County Bar Association for publication in the bar journal and with a request that it be transmitted via e-mail to all members.

BY THE COURT:


Norman A. Krumenacker, III, P.J.

CAMBRIA COUNTY, PA
CLERK OF COURTS
2022 JUN -1 P 2:16
FILED FOR RECORD

Cambria County Local Rule of Criminal Procedure 576.1 – Electronic Filing and Service of Legal Papers

(A) General Scope and Purpose of the Rule.

- (1) Pursuant to Pennsylvania Rule of Criminal Procedure 576.1 electronic filing of legal papers through the PACFile electronic filing system is authorized in the Cambria County Court of Common Pleas, Forty-Seventh Judicial District.
- (2) The Administrative Office of Pennsylvania Courts and the Cambria County Court of Common Pleas have agreed upon an implementation plan for PACFile in Cambria County.
- (3) Electronic filing is permissive and not mandatory.
- (4) All electronic filings shall be made in accordance with Pennsylvania Rule of Criminal Procedure 576.1 and this Rule.
- (5) 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) Definitions. As used in this rule, these words and phrases shall have the following meanings:

Electronic filing – the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the Clerk of Courts;

Filing party – an attorney, defendant, or other person who files a legal paper by means of electronic filing;

Legal paper – a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following are excluded from the definition of “legal papers” and are **prohibited** from being filed electronically:

1. Any filing prohibited by Pennsylvania Rule of Criminal Procedure 576.1;
2. Applications for search warrants;
3. Applications for arrest warrants;
4. Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
5. Submissions filed *ex parte*;
6. Submissions filed or authorized to be filed under seal;
7. Exhibits offered into evidence, whether or not admitted, in a court proceeding; and
8. Continuance requests.

Original document – a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

The system – the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

(C) PACFile.

- (1) The exclusive system for electronic filing in the Criminal Division of the Cambria County Court of Common Pleas 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>.
- (2) Attorneys and self-represented parties who want to make use of electronic filing must establish a PACFile account via the Unified Judicial System Web Portal at: <https://ujportal.pacourts.us/PACFile.aspx>.
- (3) Pursuant to Pennsylvania Rule of Criminal Procedure 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.
- (4) Any filing 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, whether electronically filed or otherwise, as required by Pennsylvania Rule of Criminal Procedure 576.

(D) Legal papers in physical paper format. Any legal paper submitted for filing to the Clerk of Courts in a physical paper 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 physical paper, except those excluded from electronic filing pursuant to Pennsylvania Rule of Criminal Procedure 576.1(C) or this Rule, to a portable document format (.pdf) file, or other appropriate file format, and add it to the system. Legal papers excluded from electronic filing shall not be added to the system.

(E) Filing fees. Applicable filing fees shall be paid through procedures established by the Clerk of Courts at the same time and in the same amount as required by statute, Court rule, Court order, or published fee schedule. A party who has been granted *in forma pauperis* status shall not pay filing fees to the Clerk of Courts.

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

(G) Confidential information. Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and Cambria County Local Rule of Judicial Administration 213 and refrain from including confidential information in legal papers filed with the Clerk of Courts whether filed electronically or in a paper format.