

IN RE: : IN THE COURT OF COMMON PLEAS OF
: CUMBERLAND COUNTY, PENNSYLVANIA
:
LOCAL RULE : 1996-1335
(576.1) :
:
:

ORDER OF COURT

AND NOW, this 21st day of April, 2021, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the Pennsylvania Bulletin, the Cumberland County Court of Common Pleas **adopts local rule 576.1:**

C.C.R.P. No. 576.1

Rule 576.1. Electronic Filing in Criminal Dockets

A. The Cumberland County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Cumberland County for certain criminal filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

B. As used in this rule, the following words shall have the following meanings:

- i. “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;
- ii. “filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;
- iii. “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 documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:
 - (1) applications for search warrants,
 - (2) applications for arrest warrants,
 - (3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
 - (4) submissions filed *ex parte* as authorized by law,

(5) submissions filed or authorized to be filed under seal, and

(6) exhibits offered into evidence, whether or not admitted, in a court proceeding;

- iv. “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
- v. “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. Attorneys or self-represented parties 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.

D. Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

E. A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.

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

H. Service of Legal Papers.

(a) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(b) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) 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, Probation Services, 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 legend listing the names and addresses of all parties required to be served with a paper copy.

(c) Service upon an attorney or defendant participating in the system shall be done electronically.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the Pennsylvania Bulletin.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the Cumberland Law Journal.

By the Court,



Edward E. Guido, P.J.