

**WESTMORELAND COUNTY RULES OF JUDICIAL ADMINISTRATION**

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Adopted May 22, 2014, effective August 23, 2014.

**GENERAL PROVISIONS**

**RULE WJ103                    OFFICIAL PUBLISHER OF LOCAL RULES**

The Westmoreland County Court Administrator is the official publisher of the Westmoreland County Rules of Court.

Adopted December 16, 1993, effective April 1, 1994. Rule WJ103 rescinded September 23, 2015; new rule WJ103 adopted September 23, 2015, effective November 9 , 2015.

**RULE WJ110                    OATHS AND ACKNOWLEDGMENTS**

All court assistants, whether full-time, part-time or temporary, and all court reporters are authorized to administer oaths and affirmations and to take acknowledgments pursuant to 42 Pa.C.S.A. § 327.

Rescinded September 18, 2012; new Rule WJ110 adopted September 18, 2012, effective November 12, 2012.

Note: Rule WJ1901 was rescinded effective July 25, 2003.

**UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS**

**RULE WJ507                    RAW NOTES. TRANSCRIPTS. RETENTION OF RAW NOTES AND TRANSCRIPTS.**

A. Definition

**Raw Notes** include those produced on paper tapes or other media in the original state in which they were taken at the time of testimony.

B. Raw Notes of Testimony

1. In any case in which no transcript has been prepared, the raw notes shall be retained for seven years from the date of testimony.
2. Any party may petition the court for an order directing the retention of particular raw notes for a period of time beyond the seven years required in paragraph 1.

C. Automatic Transcripts

Court reporters will automatically transcribe raw notes and file the original transcript of all Termination of Parental Rights and Adoption proceedings.

D. Transcripts

1. The original of all transcripts will be filed with the appropriate record keeper. With the exception of paragraphs 2 and 3 of this section, transcripts filed with the official record keeper are subject to the retention periods for case files set forth in the *County Records Manual*.
2. Transcripts filed in juvenile matters may be destroyed when the subject reaches the age of 25, or 10 years after the last action in the case, whichever is later.
3. Transcripts for Divorce or Annulment cases may be destroyed 5 years after the Final Decree in Divorce or Annulment is entered.

E. Record Retention Disposal Log

Disposal of notes shall be accomplished as provided in Section 2.3 of the *Supreme Court's Record Retention and Disposition Schedule*. When completing Disposal Log Forms, the notes need not be listed on the Log by caption and case number, but may be listed only by date of hearing.

Comment: Pursuant to 23 Pa.C.S.A. 29905(a), raw notes of testimony of Adoption and Termination of Parental Rights proceedings must be filed of record. Paragraph C requires that all such proceedings be transcribed and that the transcripts be filed. This requirement exceeds the statutory requirement.

Repealed May 26, 2009; New Rule WJ507 adopted May 26, 2009, effective July 13, 2009.

**RULE WJ507A            RETENTION OF COURT EXHIBITS**

**CIVIL CASES**

- A. Subject to the provisions of subsection B, the Prothonotary shall have the authority to purge, dispose or destroy all civil court exhibits after a case has been finalized. In determining whether a case has been finalized, the Prothonotary shall consider:
1. whether the appeal period has run without an appeal being perfected,
  2. whether the appellate court has ruled on the appeal and no further appeal has been perfected, and
  3. whether the case is settled, discontinued, satisfied, and ended on the record.
- B. Prior to disposing of a civil court exhibit, the Prothonotary shall notify by first class mail any self represented party and all counsel of record of the following:
1. the exhibit will be disposed of if no claim is made within 30 days and
  2. the exhibit will be returned to the party claiming the exhibit at the expiration of the 30 days unless another party files an objection.

Adopted July 12, 1999, effective September 6, 1999.

**RULE WJ510            PUBLIC ACCESS OF OFFICIAL CASE RECORDS IN THE  
MAGISTERIAL DISTRICT COURTS**

- A. The following are the fees to be charged for accessing and copying case records in the Westmoreland County magisterial district courts:
  - 1. \$0.25 per page copied (No fee shall be charged to a party for copies of their own case records.)
  - 2. \$8.00 for each completed quarter (1/4) hour associated with the preparation, copying and re-filing of requested court records (This fee is only for bulk requests and shall not be charged if service time is less than 15 minutes).
- B. Fees paid for services are non-refundable.
- C. Pre-payment of estimated costs for services may be required at the discretion of the magisterial district court judge.

Adopted August 18, 2010, effective October 4, 2010.

**RULE WJ5000.4 EMPLOYMENT AND DUTIES OF REPORTERS**

A court reporter may not take depositions for private parties during regularly scheduled work hours unless the reporter is on approved vacation, personal day, or leave of absence without pay.

Adopted April 17, 2001, effective June 4, 2001.

**RULE WJ5000.5 REQUESTS AND ORDERS FOR TRANSCRIPTS**

No transcript shall be typed unless a request is made in writing and copies delivered to the appropriate offices as listed in Pa.R.J.P. 5000.5. The court reporter shall deliver a copy of the order, when the court orders a transcript for its sole use, to the court administrator.

Adopted December 16, 1993, effective April 1, 1994.

**RULE WJ5000.7 FEES FOR TRANSCRIPTS**

- (a)(1) All copies of court transcripts will be made at the county's expense. The county will pay no fee for copies.
- (a)(2) The county will not pay in excess of \$2.00 per original typescript.
- (b)(1) If the court orders a transcript for its sole use (this means that none of the parties needs to use the transcript), the county shall pay \$1.25 per page.
- (b)(2) In criminal cases wherein the defendant is indigent and is represented by either a public defender or court-appointed counsel or is entitled to proceed in forma pauperis, the county shall pay a total of \$1.85 per page. The original is the record

copy. One copy will be made for the district attorney and one for each defense counsel.

- (b)(3) In criminal cases wherein the defendant is represented by private counsel, the party required to file a copy or the party who uses the transcript to further the appeal shall be obliged to order the transcript from the reporter and pay the reporter a fee. The fee will cover the cost of the original which will be filed with the clerk of courts by the reporter upon receipt of payment in full. The ordering party may also ask for one copy which will be provided at no additional cost. Such copy may be duplicated by the ordering party for the sole purposes of either filing with the appellate court or private use by the party. Any other private parties using the transcript shall pay a fee representing their proportionate share of the filed transcript and their personal copy. The reporter shall inform the parties of their proportionate costs. All copies used by the court, the district attorney, the public defender, or courtappointed counsel shall be at no cost to the county.
- (b)(4) In all criminal cases in which a party is represented by private counsel and the appeal is brought by the district attorney, the county will pay \$1.55 per page. The private attorney who asks for a copy will be required to pay the reporter a reasonable fee for the copy.
- (b)(5) In all civil cases, the party required to file a copy or the party who uses the transcript to further the appeal shall be obliged to order the transcript from the reporter and pay the reporter a fee. The fee will cover the cost of the original which will be filed by the reporter upon receipt of payment in full. The ordering party may also ask for one copy which will be provided at no additional cost. Such copy may be duplicated by the ordering party for the sole purposes of either filing with the appellate court or private use by the party. Any other parties using the transcript shall pay a fee representing their proportionate share of the filed transcript and their personal copy. The reporter shall inform the parties of their proportionate costs.

NOTE: Typing of the transcript and payment under the provisions of this rule are not automatic. The transcript must be ordered pursuant to Westmoreland County Rule of Judicial Administration WJ5000.5.

Adopted December 16, 1993, effective April 1, 1994.

**RULE WJ5000.13 OWNERSHIP OF NOTES**

- (a) In all cases, the court shall have the original transcript available for its own use. Except as otherwise provided by law, no person shall reproduce the original or a copy of the transcript by any method other than as provided in Westmoreland County Rule of Judicial Administration WJ5000.7. Any person making such an unauthorized reproduction is liable to the reporter for the cost.
- (b) The prothonotary, register of wills, and clerk of courts shall not permit the original transcript or a copy thereof to leave its custody except either for use by a trial or appellate court, by order of court, or as otherwise provided by law.

- (c) The court reporter that takes the notes of a particular proceeding is responsible for transcribing those notes upon Order of Court or request and payment of an appropriate fee. The obligation of the court reporter to transcribe proceedings remains, subject to payment of transcription fees, after the employment relationship with the Court of Common Pleas of Westmoreland County has ended.

Rescinded March 5, 1999: New Rule WJ5000.13 adopted March 5, 1999, effective April 19, 1999. Section (c) adopted April 17, 2001, effective June 4, 2001.

**RULE WJ6000.1 COURT APPOINTED COUNSEL**

- (a) All attorneys wishing to be appointed by the Court must annually certify to the Court Administrator that the attorney has adequate liability insurance coverage.
- (b) Attorneys representing parents or serving as guardian ad litem (GAL) in juvenile and orphans' court for dependency/termination proceedings must, annually receive three (3) hours of CLE credits devoted to dependency/termination proceedings. All attorneys wishing to be added to the court-appointed list to represent parents or serve as a GAL in juvenile and orphans' court for dependency/termination proceedings must first attend a 6 hour training program presented by the Court and County Solicitors Office. Proof of these CLE credits must be submitted to the Court Administrator.
- (c) Payment of Fees
  - (1) Criminal Appointments
    - a. Pre-Adjudication and Adjudication - Counsel must present the Petition for Attorney's Fees for pre-adjudication and adjudication **after completion of the preliminary hearing and, unless otherwise ordered, monthly thereafter for all capital cases and quarterly thereafter for all other cases until representation is concluded.** The attorney will indicate the case number, criminal charges and charge disposition on the petition. **Invoices submitted more than 120 days after case adjudication will not be paid.**
    - b. Direct Appeal and PCRA - Invoices for work done in furtherance of direct appeal or for post-conviction review (PCRA) must be submitted within 120 days of the work completed. **Invoices submitted for work done in furtherance of appeal or for assignment of a PCRA beyond the 120 days will not be paid.**
    - c. Conflict Counsel - Invoices shall be submitted monthly pursuant to contract.
  - (2) Family Court Appointments - Counsel or GAL in any family court matter must present a Petition for Attorney's Fees **within 120 days after each hearing, review hearing, adjudication, or disposition.** Please indicate the file number and who (i.e., mother, grandmother, guardian ad litem for the children) you represent. **Invoices submitted beyond the 120 day deadline will not be paid.**

(d) Rate of Compensation

The hourly rate of compensation shall be fixed from time to time by Order of Court. Compensation for Conflict Counsel shall be established by contract.

(e) Procedures

The Court Administrator of Westmoreland County may establish procedures regarding the form of Petitions, copies, subpoenas, postage and telephone, professional services, mileage and travel, witness fees, and other costs and services.

Adopted May 22, 2014, effective August 23, 2014.