

Rule 576.1. Electronic Filing and Service of Legal Papers

(A) General Scope and Purpose of the Rule

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, *Electronic Filing and Service of Legal Papers*, electronic filing of legal papers through the PACFile electronic filing system is permissive in Montgomery County, the 38th Judicial District, as of January 1, 2017. The Administrative Office of Pennsylvania Courts and the judicial district of Montgomery County have agreed upon an implementation plan for PACFile in Montgomery County.

(B) 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.
- (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.

(C) Legal Papers

- (1) "Legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, but excluding:
 - (a) applications for search warrants;
 - (b) applications for arrest warrants;
 - (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
 - (d) submissions filed *ex parte* as authorized by law, and
 - (e) submissions filed or authorized to be filed under seal.
- (2) Third party filing of *amicus briefs* or other third party filings shall not be permitted to be filed electronically.

- (3) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.
- (4) 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) and this rule.

(D) 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.

(E) Record on Appeal

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(4), shall become the record on appeal.

(F) Confidential information

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and Montgomery County R.Crim.P. 113.1 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