

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:

NO.

**ADOPTION OF MONTGOMERY COUNTY LOCAL RULE OF JUDICIAL
ADMINISTRATION 4009* – COURT REPORTING AND TRANSCRIPTS –
FEES AND PROCEDURES.**

ORDER

AND NOW, this 21 day of November, 2016, the Court hereby adopts Montgomery County Local Rule of Judicial Administration 4009* – Court Reporting and Transcripts – Fees and Procedures. This Local Rule shall become effective on January 1, 2017.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in The Legal Intelligencer. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

BY THE COURT:

William J. Furber, Jr., P.J.

Rule 4009. Court Reporting and Transcripts - Fees and Procedures.

(A) Fees – original transcript – requesting party

- (1) The fees payable by the initial requesting party, other than the Commonwealth or a subdivision thereof, to the Court for a transcript in an electronic format shall be as follows:
 - (a) for an ordinary transcript, \$2.50 per page;
 - (b) for an expedited transcript, \$3.50 per page;
 - (c) for a daily transcript, \$4.50 per page; and
 - (d) for same day delivery, \$6.50 per page.

The above fee includes the original transcript, filed of record with the Court, 1 copy of the transcript for the presiding Judge (if requested) and 1 copy of the transcript to be provided to the initial requesting party.

- (2) The fees payable by the Commonwealth or a subdivision thereof to the Court Reporter for a transcript in an electronic format shall be as follows:
 - (a) for an ordinary transcript, \$2.00 per page;
 - (b) for an expedited transcript, \$3.00 per page;
 - (c) for a daily transcript, \$4.00 per page; and
 - (d) for same day delivery, \$6.00 per page.

The above fee includes the original transcript, filed of record with the Court, 1 copy of the transcript for the presiding Judge (if requested) and 2 copies of the transcript, to be distributed pursuant to Court policy.

- (3) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraphs (1) and (2) relating to electronic format plus a surcharge of \$0.25 per page.
- (4) The fees received by the Court, in accordance with this section, shall, in turn, be paid to the Court Reporter.
- (5) In economic hardship cases, in accordance with the provisions of section (G) of this Rule, the Court will compensate the Court Reporter for any such waived or reduced fee not to exceed the Commonwealth rate noted in section (A)(2) herein.

(B) *Fees - copies of transcript – requesting party*

A request for a copy of any transcript, made contemporaneous with the creation of the transcript and prior to filing the transcript of record, in excess of any copies provided for in section (A) of this Rule, shall be provided according to the following schedule:

- (1) \$0.75 per page paper format; and
- (2) \$0.50 per page electronic copy.

The above fee shall be paid to the Court. The fee received by the Court, in accordance with this section, shall, in turn, be paid to the Court Reporter. For such contemporaneous requests, the fee herein, along with the initial requesting fee identified in Section (A) of this Rule, shall be divided equally among all requesting parties.

(C) *Fees – copies of transcript - previously ordered, transcribed and filed of record*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (3) \$0.75 per page paper format; and
- (4) \$0.50 per page electronic copy.

The above fee shall be paid to and collected by the respective filing office. No portion of this fee is payable to the Court or the Court Reporter.

(D) *Fees - additional costs*

The trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge, in accordance with Court policy.

(E) *Fees – secure electronic feed*

The trial judge may impose a reasonable surcharge in cases involving a secure electronic feed during the proceeding. Such surcharge is at the discretion of the trial judge, in accordance with Court policy.

(F) *Procedure for requesting a transcript*

- (1) All requests for transcripts shall be set forth on the standardized form available at www.montcopa.org/court.
- (2) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Court Services Office. The requesting party shall also serve copies of the formal request to:
 - (a) the judge presiding over the matter;
 - (b) the court reporter; and
 - (c) opposing counsel or the opposing party, if not represented.
- (3) If a party is requesting daily, expedited or same day transcripts, or provisions for secure electronic feed, the request for such transcripts or service shall be filed with Court Services at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered as required by subsection (2). In the event of an emergency, a party may request by oral motion a daily, expedited or same day transcript.
- (4) When a litigant (a requesting party or Commonwealth agency or subdivision thereof other than the Court) requests a transcript:
 - (a) The litigant shall make a deposit in the amount of 90% of the estimated cost of the transcript as provided by Court Services. This amount shall be paid by money order, certified check or check from an attorney made payable to the “County of Montgomery” and delivered to Court Services;
 - (b) The court reporter shall prepare the transcript upon direction of Court Services;
 - (c) The court reporter shall notify the ordering party and Court Services of the completion of the transcript and deliver a copy of the transcript to the presiding judge;
 - (d) Upon payment of the final balance owed, the court reporter shall deliver the original transcript to the appropriate filing office and copies to the requesting parties. The final amount shall be paid by money order, certified check or check from an attorney made payable to the County of Montgomery and delivered to Court Services.

(G) *Economic hardship*

- (1) Pursuant to the guidelines identified in Pa.R.J.A. 4008(B), a request to waive or reduce transcript fees shall be noted on the transcript request form filed with Court Services. Litigants claiming economic hardship must attach to their transcript request form a fully completed *In Forma Pauperis* Petition pursuant to Pennsylvania Rule of Civil Procedure 240, even if *IFP* status was previously granted on the case. All such requests will be forwarded to the Court for filing and determination.
- (2) Litigants who have been approved for representation by Legal Aid Services are not required to further prove economic hardship pursuant to section (G)(1) above, however, they must provide Court Services with a letter of certification from Legal Aid Services that the litigant meets financial eligibility and that the matters is under appeal or that the transcript being requested is necessary to advance the current litigation.