

PHILADELPHIA CIVIL RULE * 205.4. ELECTRONIC FILING OF LEGAL PAPERS FILED IN THE CIVIL TRIAL DIVISION.

(a) Authorization for Electronic Filing. Commencing at 9:00 AM on January 5, 2009, parties shall electronically file all “legal papers,” as defined in Pa.R.C.P. No. 205.4 (a)(2), with the Prothonotary through the Civil Trial Division’s Electronic Filing System as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Philadelphia Civil Rule *205.4.

Explanatory Note: The term “legal paper” as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and other papers filed with the Prothonotary – even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond (such as Notices of Tax Liens).

(b) (1) Authorized Electronic Format of Legal Papers Electronically Filed. All legal papers shall be filed in a *portable document format* (“pdf”). As authorized by Pa.R.C.P. No. 205.4 (b)(1), in the event any legal paper or exhibit is submitted to the Prothonotary in a hard-copy format, the Prothonotary shall convert, receive and maintain such legal paper or exhibit to a *portable document format*, and the Prothonotary shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(5).

(c) (2) Website. Access to the Website.

(i) Website. All legal papers shall be filed electronically through the Civil Trial Division’s Electronic Filing System (“Electronic Filing System”) which shall be accessible through the website of the First Judicial District of Pennsylvania, <http://courts.phila.gov>, or at such other website as may be designated from time to time.

(ii) Access to the Website. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name, Password, and Personal Identification Number (“PIN”).

(d) Payment of Filing Fees.

(1) The Prothonotary will accept for payment of all filing fees cash, checks and the following credit and debit cards: American Express, Discover, MasterCard, and Visa.

(2) The Prothonotary will not accept advance deposit on account of future filing fees due to the difficulty in monitoring and accounting for such advance deposits.

(3) **Electronic Filing Fees and Costs.** As authorized by Act 81 of 2006, the Prothonotary shall collect an electronic filing fee for each legal paper or exhibit filed as established by the Prothonotary with the approval of the President Judge of the Court of Common Pleas. In addition to such electronic filing fee, commencing on January 5, 2009, the Prothonotary is authorized to charge the sum of \$1.00 per page for each page of a legal paper or exhibit which is filed in a hard copy format and which must be converted by the Prothonotary to a *portable document format*. All fees collected pursuant to this rule shall be set aside by the

Prothonotary and remitted monthly to the First Judicial District's Procurement Unit. All such fees and costs collected will be used for the implementation and maintenance of the electronic filing system and additional development, enhancements and training.

(f) Local Procedures. As authorized by Pa.R.C.P. No. 205.4 (f), the following administrative procedures are adopted:

(1) Signatures on Pleadings, Verifications, Documents and Other Legal Papers. The electronic filing of legal papers utilizing the User Name, Password and PIN issued as provided by this rule and Pa.R.C.P. No. 205.4 constitutes the party's signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1. Additionally, the following provisions apply:

(i) Filing Party. The legal paper must include a signature block, and the name of the filer under whose User Name, Password and PIN the legal paper is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.

(ii) Client Verifications and Documents executed by Clients or other persons. The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by any party other than the filing party must be scanned and attached to the electronic filing in a *portable document format* at the time the legal paper is submitted.

(iii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a *portable document format* at the time the legal paper is submitted.

Note: This subsection is designed to address issues which may arise regarding signatures on legal papers and documents. A filer's use of the User Name, Password and PIN issued through the EFS is the filer's "electronic signature." However, often, legal papers require that verifications be executed by non-filers and deficiencies in content and execution could be subject to preliminary objections. Moreover, many legal papers or documents require multiple signatures. In order to avoid prejudicial delay, this section requires that the filing party scan such legal papers, documents or signature pages and attach them to the electronic filing at the time of submission.

(2) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System.

(3) After review of the legal paper, the Prothonotary shall provide the filing party with email notification, or notification on the Electronic Filing System, that the legal paper has been accepted for filing ("filed") or not accepted or refused for filing.

(4) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Electronic Filing System; provided, however, that if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. The Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If the pleading or legal paper is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Prothonotary may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Prothonotary's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Prothonotary may refuse the legal paper for filing if payment is not received.

(5) If a legal paper is refused for filing, the Prothonotary shall specify the reason. Subject to the provisions of subsection Rule 205.4 (e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.

(6) Neither the Court nor the Prothonotary are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.

(7) If a legal paper is electronically filed, the Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule *205.4 and Pa.R.C.P. No. 205.4 (g), but the filing party must serve all others as required by rules of court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.

Adopted on November 15, 2007, effective January 7, 2008. Amended on November 20, 2008; effective on January 5, 2009.