

Rule 576 Pilot Program: Electronic

Filing and Service of Motions and Other Legal Papers

(a)(1) General Scope and Purpose of this Rule. The electronic filing of motions and other legal papers in the criminal courts of Philadelphia County is hereby authorized as specifically provided in this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing. Electronic filing and service shall be governed by this rule.

(2) Legal papers. In the context of this rule, the “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:

- (i) applications for a search warrant;
- (ii) applications for an arrest warrant;
- (iii) criminal complaints;
- (iv) bills of information;
- (v) grand jury materials;
- (vi) legal papers filed ex parte as authorized by law; and
- (vii) legal papers filed or authorized to be filed under seal.

Comment: The primary intent of this rule is to facilitate the electronic filing of all legal papers other than as specifically excluded in this subsection. Until such time as necessary protocols are adopted to permit the electronic filing of these excluded legal papers, they shall be filed in paper format so as to limit potential harm to any party and to protect the confidentiality of information as provided by law.

(b) Participation and Fees.

(1) An attorney must establish an account, apply for a Username, Password and Personal Identification Number (“PIN”), and supply an email address in order to use the Criminal Electronic Filing System. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney’s account. Parties who are proceeding without counsel must also establish an account, apply for a Username, Password and Personal Identification Number (“PIN”), supply an email address and be authorized to access their cases through the Criminal Electronic Filing System. Service of electronic filings on attorneys who have established an account and on parties without counsel who have been authorized will be made automatically by the Criminal Electronic Filing System.

(2) The clerk of court shall not require the payment of a filing fee by any party found by the court to be indigent and is represented by an attorney appointed pursuant to Pa.R.Crim.P. 122 or Pa.R.Crim.P. 904, or who has been granted in forma pauperis status, or is represented by an attorney who is providing free legal service to the party and has filed the praecipe required by Pa.R.C.P. No. 240 (d).

(3) Applicable filing fees shall be paid electronically 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. The clerk of courts shall accept payment as follows:

- (i) electronically, at the time the legal paper is electronically filed through the Criminal Electronic Filing System, with the following credit or debit cards: American Express, Discover, MasterCard, and Visa;
- (ii) by mail, with certified or cashier check and money order; and
- (iii) in person, in cash, certified checks and with the following credit or debit cards: American Express, Discover, MasterCard, and Visa.

(c) Use of the Criminal Electronic Filing System.

(1) Electronic filings may be submitted through the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov> beginning on April 1, 2013 in accordance with the filing instructions contained in this rule and as may be otherwise provided at that site.

(2) Electronic filings may be submitted at any time (with the exception of periodic maintenance).

(3) The Criminal Electronic Filing System will attribute the filing of an electronic legal paper to the party whose Username, Password and PIN is used to log on and file the legal paper. The following additional provisions govern the signature and verification of legal papers:

(i) The signature of the filer on electronic filings shall be in the following form: /s/ Chris L. Smith.

(ii) The sworn affidavit or verification required by Pa.R.Crim.P. 575(A)(2)(g) and (B)(3)(d) shall be converted to a portable document format (hereinafter “pdf”) and shall be attached to the legal paper when it is electronically submitted.

(iii) Any exhibit or other legal paper that requires or contains multiple signatures shall be converted to a pdf and shall be attached to the legal paper when it is electronically submitted.

(iv) The electronic filer shall maintain the original of a sworn or verified document contained in an electronic filing (e.g., affidavit) or contained within an electronic filing (e.g., verification), and shall make it available upon direction of the court or reasonable request of the signatory or opposing party.

(4) All legal papers electronically filed must be filed in a pdf and shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain a hard copy of any legal paper filed electronically as provided in this rule.

(5) The electronic filing of a motion constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has read the motion, that to the best of the filing party’s or attorney’s knowledge, information and belief there is good ground to support the motion, and that it is not interposed for delay.

(6) The clerk of courts shall provide, through the Criminal Electronic Filing System’s website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(7) Unless the legal paper is rejected by the clerk of courts, and provided that the requisite payment has been received prior to or at the date and time of submission, the filing date and time of a legal paper shall be the date and time of submission. If the legal paper is not rejected by the clerk of courts, and the payment is received after the date and time of submission, the filing date and time of a legal paper shall be the date and time payment is received.

(8) Upon review of the legal paper, the clerk of courts shall provide, through the Criminal Electronic Filing System's website, an acknowledgement that:

(i) the legal paper has been accepted for filing, including the date and time of acceptance, and that the legal paper was served on the parties as provided in this rule, in a form which can be printed for retention by the filing party; or

(ii) the legal paper has been rejected as authorized by law. The clerk of courts shall immediately notify, by email, the filing party of the reason for the rejection and whether the legal paper may be modified or a new legal paper must be submitted.

(9) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the Criminal Electronic Filing System's website.

(d) Legal Papers Filed in a Paper Format. Any legal paper submitted for filing to the clerk of courts in a paper (or "hard-copy") format beginning on April 1, 2013 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, other than any legal paper filed under seal, to pdf. Once converted to pdf, the pdf version of the legal paper shall be deemed to be, and shall be treated as, the original legal paper and may be used by the parties and the court for all purposes, including court hearings and trials, in the Municipal Court and the Court of Common Pleas.

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

(f) Confidential information. Rescinded, effective January 6, 2018, *See* Administrative Docket No. 01 of 2018.

(g) Service of Legal Papers.

(1) Use of the Criminal Electronic Filing System shall constitute the filer's certification that the submission is authorized and that electronic notice and service of other documents through the Criminal Electronic Filing System will be accepted by the filer.

(2) The submission of an electronic filing shall satisfy the service requirements of Pa.R.Crim.P. 576 on any attorney or party who has established an account as provided in subsection (b)(1) of this rule.

(3) Service of electronic filings on any attorney or party who has not established an account as provided in subsection (b)(1) of this rule shall be made by the traditional methods required under Pa.R.Crim.P. 576.

(h) Miscellaneous provisions.

(1) Rescinded, effective January 6, 2018, *See* Administrative Docket No. 01 of 2018.

(2) Rescinded, effective January 6, 2018, *See* Administrative Docket No. 01 of 2018.

(3) Rescinded, effective January 6, 2018, *See* Administrative Docket No. 01 of 2018.

(4) The clerk of courts shall provide training and assistance to all parties as may be necessary to electronically file legal papers as provided in this rule.

(5) The clerk of courts shall provide sufficient computer terminals at such locations as may be determined from time to time to allow parties and the public to access legal papers as provided by this rule and as authorized by applicable Public Access policies.

(i) As provided in subsection (a), the procedures contained in this rule control in the event a provision herein conflicts with the Pennsylvania Rules of Criminal Procedure. In all other respects, the Pennsylvania Rules of Criminal Procedure apply.

(j) Duration of Pilot Program. Unless otherwise provided, the Pilot Program established by this rule shall end on April 1, 2014. The terms of the Pilot Program may be modified from time to time by the issuance of a local rule adopted pursuant to Pa.R.Crim.P. 105.