

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA

IN RE:

ELECTRONIC FILING AND  
SERVICE OF LEGAL PAPERS

MD. No. 3-2023

**\*\*ADMINISTRATIVE ORDER\*\***

**ORDER OF COURT**

AND NOW, this 20<sup>TH</sup> day of JANUARY, 2023 pursuant to

Pennsylvania Rule of Criminal Procedure 576.1, it is HEREBY ORDERED and DECREED that the electronic filing of legal papers through the PACFile system with the Venango County Clerk of Court for cases in the Venango County Court of Common Pleas is authorized and shall be governed by V.C.R.Crim.P. 576.1, which is adopted. This rule shall be continuously available for public inspection and copying in the office of the prothonotary/clerk of courts. This rule is effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

BY THE COURT,

Marie T. Veon

MARIE T. VEON, President Judge

FILED  
COMMON PLEAS COURT  
VENANGO COUNTY  
2023 JAN 30 PM 3:14  
PROTHONOTARY  
CLERK OF COURTS

## V.C.R.Crim.P. 576.1 – Electronic Filing and Service of Legal Papers

(A) **Agreement.** The Administrative Office of Pennsylvania Courts and the 28th Judicial District of Venango County have agreed upon an implementation plan for electronic filing, as that term is defined Pa.R.Crim.P. 576.1(C), in the 28th Judicial District of Venango County through the statewide system known as PACFile, effective April 4, 2022.

(B) **Purpose.**

- 1) The electronic filing of legal papers and the electronic service of such papers through the PACFile system with the Venango County Clerk of Court for criminal cases in the Venango County Court of Common Pleas is permitted under the terms described in this Local Rule.
- 2) 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 at <https://ujportal.pacourts.us/PACFile.aspx>.
- 3) 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.

(C) **Definitions.** As used in this rule, the following words shall have the following meanings:

***“electronic filing,”*** the electronic transmission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

***“filing party,”*** an attorney, party, or other person who files a legal paper by means of electronic filing;

***“legal paper,”*** a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, **copies of** exhibits, and attachments, but excluding:

- (1) applications for search warrants,
- (2) applications for arrest warrants,
- (3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
- (4) submissions filed *ex parte* as authorized by law,
- (5) submissions filed or authorized to be filed under seal, and
- (6) exhibits offered into evidence, whether or not admitted, in a court proceeding;
- (7) confidential documents, including but not limited to: drug & alcohol assessments and reports, mental health evaluations and reports, and medical records

***“original document,”*** a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original exhibit for evidentiary purposes.

**(D) Participation.**

- 1) All attorneys and defendants proceeding without counsel shall be permitted to file legal papers electronically in accordance with this local rule.
- 2) In order to participate in the PACFile system, an attorney shall establish an account in the PACFile system by procedures established by the Administrative Office of Pennsylvania Courts.
- 3) A defendant who is proceeding without counsel shall be permitted to utilize the PACFile system through an authorization process established by the Administrative Office of Pennsylvania Courts.
- 4) Establishment of an account by an attorney or authorization of a defendant proceeding without counsel in the PACFile system, to the extent permitted under this local rule and authorized by the Administrative Office of Pennsylvania Courts, shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in the PACFile system.

- 5) Any attorney or defendant participating in the PACFile system is permitted to file a legal paper either in an electronic or in a physical paper format. Service upon an attorney or defendant participating in the PACFile system shall be done electronically.
- 6) Any party who declines to participate in the PACFile 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 ('hard-copy') 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.
- 7) The following offices must be served in accordance with Pa.R.Crim.P. 576: Sheriff, Adult Probation, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution list including the names and addresses of all parties required to be served with a paper copy.

**(E) Retention, Conversion, and Use of Legal Papers.**

- 1) All legal papers electronically filed 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 in a physical paper format any legal paper filed electronically as provided in this rule.
- 2) Any legal paper submitted for filing to the Clerk of Courts in a physical 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.

- 3) Once converted to .pdf, the .pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Venango County Court of Common Pleas.
- 4) Those legal papers that are not permitted to be electronically filed pursuant to this rule shall be maintained in a physical paper format only.

**(F) Filing.**

- 1) When a legal paper is to be electronically filed, it shall be submitted to the PACFile system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with Pa.R.Crim.P. 576.1, this rule, and any filing instructions as may be otherwise provided at the web portal site.
- 2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.
- 3) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.
- 4) No legal paper that complies with the Pennsylvania Rules of Criminal Procedure shall be refused for filing by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.
- 5) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document

electronically filed, except when caused by the failure of the system's website.

- 6) Legal papers shall be presented for filing in portable document format (".pdf").

**(G)Signature.**

- 1) Except as provided in paragraph (G)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: */s/ John L. Doe.*
- 2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has read the legal paper, that to the best of the filing party's or attorney's knowledge, information and belief there is good ground to support the motion or answer, and that it is not interposed for delay.
- 3) Any motion that, pursuant to Pa.R.Crim.P. 575(A)(2)(g), avers facts not of record and requiring a sworn affidavit must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.
- 4) The original of a sworn or verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

**(H)Confidential Information.** Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania 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.

- (I) **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.
- (J) **Record on Appeal.** Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsections (D) and (E), shall become the record on appeal.