

Rule 239. Local Rules

(a) For the purpose of this rule, the term “local rule” shall include every rule, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, which is adopted and enforced by a court of common pleas to govern civil practice and procedure.

Note: The caption or other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in subdivision (a) of this rule is satisfied the matter is a local rule regardless of what it may be called. The provisions of this rule are also intended to apply to any amendments to a “local rule.”

(b)(1) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

Note: The policy of the Supreme Court as declared in the Order promulgating this rule is “to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court’s general rules, and to promote the further policy that a general rule of civil procedure normally preempts the subject covered.” In accordance with the Court’s policy, it is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

(2) Except as otherwise provided by Rule 239.8, local rules which implement general rules shall be given numbers that are keyed to the numbers of the general rules to which the local rules correspond.

(c) Except as otherwise provided by Rule 239.8, to be effective and enforceable:

(1) A local rule shall be in writing.

(2) **[Seven certified copies]** One certified copy of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

(3) Two certified copies of the local rule and a computer diskette containing the text of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Note: The diskette must (1) be formatted in one of the following formats: MS-DOS, ASCII, Microsoft Word, or WordPerfect, (2) contain the local rule text as reflected in the “hard copy” version of the rule, and (3) be labeled with court’s name and address and computer file name. See 1 Pa. Code § 13.11(b).

(4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Civil Procedural Rules Committee, unless the rule relates to domestic relations matters, in which case it shall be filed with the Domestic Relations Procedural Rules Committee.

(5) The local rule shall be kept continuously available for public inspection and copying in the office of the prothonotary or clerk of court. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.

Note: It is contemplated under subdivision (c)(5) that a separate consolidated set of local rules shall be maintained in the prothonotary’s or clerk’s office.

The Administrative Office of the Pennsylvania Courts maintains a webpage containing the texts of local rules. That webpage is located at: [<http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.]
<http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

(6) A local rule promulgated before the effective date of this rule shall be filed on or before that effective date with the prothonotary or clerk of court and shall be kept by the prothonotary or clerk for inspection, copying, and furnishing as provided in subdivision (c)(5).

(d) Except as otherwise provided by Rule 239.8, a local rule shall become effective not less than thirty days after the date of publication of the rule in the Pennsylvania Bulletin.

Note: Although under subdivision (d) a local rule shall not be effective until at least thirty days after the date of publication in the Pennsylvania Bulletin, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

(e) The Civil Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.

(f) No civil action or proceeding shall be dismissed for failure to comply with a local rule.

Note: See Rule of Judicial Administration 1952 governing the duties and authorities of the trial court in emergency actions. Rule 1952(B)(5) suspends the provisions of this rule during an emergency.

Rule 239.8. Local Rules. Promulgation. Publication. Effective Date

(a) Local rules required by Rules 239.2, 239.3, 239.5, 239.6 and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating this rule.

Note: The date of the Order promulgating Rule 239.8 was October 24, 2003.

Local requirements under Rules 239.1 through 239.7 are not effective and enforceable unless local rules are published on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>). See subdivision (c) of this rule.

(b) The court promulgating a local rule or an amendment to a local rule pursuant to Rules 239.1 through 239.7 shall transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

Note: The preferable method of transmission to the Civil Procedural Rules Committee is by attachment to e-mail addressed to civil.rules@pacourts.us.

The Committee may, of necessity arising from judicial automation, direct the court promulgating a local rule or amendment to transmit it to the AOPC or take other action to effect publication on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

(c) To be effective and enforceable, a local rule or an amendment to a local rule promulgated pursuant to Rules 239.1 through 239.7 shall be

- (1) numbered in accordance with the requirements of those rules,
- (2) published on the Pennsylvania Judiciary's Web Application Portal, and

Note: The Pennsylvania Judiciary maintains a web page at <http://ujportal.pacourts.us> containing the texts of local rules promulgated pursuant to Rules 239.1 through 239.7.

(3) kept continuously available for public inspection and copying in the office of the prothonotary or clerk of the court promulgating the rule or amendment. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.

Note: It is contemplated under subdivision (c)(3) that a separate consolidated set of local rules shall be maintained in the prothonotary or clerk's office. The set of local rules may be in book or electronic form.

(d) A local rule or amendment promulgated pursuant to Rules 239.1 through 239.7 shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Note: See Rule of Judicial Administration 1952 governing the duties and authorities of the trial court in emergency actions. Rule 1952(B)(5) suspends local rule-making procedures during an emergency.