

I. Amendments to Rule 239.8

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

(a) * * *

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 [web site of the Administrative Office of Pennsylvania Courts] 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 [AOPC web site] 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 [AOPC web site] 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 [web site of the Administrative Office of Pennsylvania Courts] Pennsylvania Judiciary's Web Application Portal.

NOTE: The [Administrative Office of Pennsylvania Courts (AOPC)] 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) * * *

(d) A local rule or amendment promulgated pursuant to Rules 239.1 through 239.7 shall become effective upon publication on the [web site of the Administrative Office Pennsylvania Courts] Pennsylvania Judiciary's Web Application Portal.

II. Amendments to Notes of Rules of Civil Procedure

Rule 205.2. Filing Legal Papers with the Prothonotary

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NOTE: * * *

Any local rule which has been promulgated must be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

Rule 206.1. Petition. Definition. Content. Form

(a) * * *

(1) * * *

(2) * * *

NOTE: * * *

Rule 206.1(a)(2) authorizes each court of common pleas to designate applications which are to proceed in the manner of a petition under Rule 206.1 et seq. Rule 239.2(a) requires each court which has made that designation to promulgate a local rule, numbered Local Rule 206.1(a), listing the applications to be determined pursuant to Rule 206.1 et seq. Any local rule which has been promulgated must be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

(b) * * *

(c) * * *

Rule 206.4. Rule to Show Cause. Alternative Procedures

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NOTE: Subdivisions (b) through (e) of Rule 239.2 require every court to promulgate Local Rule 206.4(c) describing the court's procedures for the issuance of a rule to show cause. Local Rule 206.4(c) shall be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)]

Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

Rule 208.2. Motion. Form. Content

(a) * * *

(b) * * *

NOTE: * * *

Any local rule which has been promulgated must be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

Rule 208.3. Alternative Procedures

(a) * * *

NOTE: * * *

Rule 239.3(d) requires every court to promulgate Local Rule 208.3(a) describing the local court procedure governing motions under this rule. Local Rule 208.3(a) shall be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

(b) * * *

NOTE: * * *

Any local rule promulgated must be published on the [web site of the

Administrative Office of Pennsylvania
Courts (www.aopc.org)] Pennsylvania
Judiciary's Web Application Portal
(<http://ujportal.pacourts.us>).

Rule 210. Form of Briefs

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NOTE: Rule 239.4 authorizes each court of common pleas to impose additional requirements governing the form and content of a brief. Rule 239.4 requires each court which has imposed such requirements to promulgate a local rule, numbered Local Rule 210, listing the requirements. Any local rule which has been promulgated must be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

Rule 1028. Preliminary Objections

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(c)(1) * * *

(2) * * *

NOTE: * * *

Rule 239.5 requires every court to promulgate Local Rule 1028(c) describing the local court procedure governing preliminary objections. Local [r]Rule 1028(c) shall be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)]

Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

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Rule 1034. Motion for Judgment on the Pleadings

(a) * * *

NOTE: * * *

Rule 239.6 requires every court to promulgate Local Rule 1034(a) describing the local court procedure governing motions for judgment on the pleadings. Local Rule 1034(a) shall be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

(b) * * *

Rule 1035.2. Motion

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NOTE: * * *

Rule 239.7 requires every court to promulgate Local Rule 1035.2(a) describing the local court procedure governing motions for summary judgment. Local Rule 1035.2(a) shall be published on the [web site of the Administrative Office of Pennsylvania Courts (www.aopc.org)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

III. Amendment of the Explanatory Comment -- 2003 to Rule 239

The first two paragraphs of Explanatory Comment -- 2003 are amended to read as follows:

Explanatory Comment -- 2003

I. Statewide Practice of Law

The primary obstacle to the statewide practice of law has been the inability of lawyers to learn how each court of common pleas actually operates, particularly with respect to pre-trial applications. New Rules 239.1 through 239.8 [and the amendment to Rule 239 adding new subdivision (c)(7)] will eliminate this obstacle through three requirements: (1) the promulgation of local rules which describe the steps that litigants must take to have pre-trial matters decided, (2) the use of a standardized numbering system for the local rules, and (3) the publication of the local rules on the [web site of the Administrative Office of Pennsylvania Courts (AOPC)] Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

The new rules enable a litigant to obtain the details of a local practice from the [AOPC web site] Web Application Portal by referring to the particular county and the number of the local rule for a specific procedure. For example, new Rule 239.3(c) provides that a court may require any motion relating to discovery to include a certification that counsel has conferred with all interested parties in order to resolve the matter without court action. A common pleas court, which requires such certification, must promulgate a local rule, numbered Local Rule 208.2(e), describing its requirement. Consequently, a litigant can learn from the [AOPC web site] Web Application Portal whether a particular court has promulgated Local Rule 208.2(e) and, if so, the requirements of that rule.