

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	:	No. 450
	:	
ELECTRONIC FILING,	:	JUDICIAL ADMINISTRATION
TRANSMISSION AND REMAND	:	DOCKET
OF RECORDS ON APPEAL	:	

ORDER

PER CURIAM

AND NOW, this 13th day of November, 2015, the electronic filing, transmission and remand of records on appeal through the PACFile appellate court electronic filing system is hereby authorized, effective immediately. The applicable general rules of court and court policies that implement the rules shall continue to apply to the filing, transmission and remand of records on appeal regardless of whether a record is filed, transmitted or remanded electronically through the PACFile system. After experience is gained with electronic filing, transmission and remand of records on appeal, the Pennsylvania Rules of Appellate Procedure shall be amended to incorporate, where needed and as appropriate, procedures relating specifically to electronic filing, transmission and remand of records on appeal. In the interim, electronic filing, transmission and remand of records on appeal shall be governed by this Order and, to the extent there are differences between the procedures described in this Order and those prescribed by the Pennsylvania Rules of Appellate Procedure, the procedures described in this Order shall apply.

Electronic Filing, Transmission and Remand of Records

(A) The electronic filing, transmission or remand of a record through the PACFile system by a court or other government unit shall constitute the filing, transmission or remand of the record under the Pennsylvania Rules of Appellate Procedure.

(B) The filing, transmission or remand of a record through the PACFile system is effected when a court or other government unit utilizes the PACFile system to electronically file, transmit or give notice of the remand or remittal of the record to a court or other government unit.

(C) The date of the electronic filing, transmission or remand of a record through the PACFile system by a court or other government unit shall be noted on the docket of the filing, transmitting or remanding court or other government unit and on the docket of the receiving court or other government unit.

(D) Any documents or filings sealed in a court or other government unit may be electronically filed, transmitted or remanded through the PACFile system only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of the PACFile system who are authorized to view the sealed documents or filings. Documents filed *in camera* in a court or other government unit may not be electronically filed or transmitted through the PACFile system.

(E) The appellate courts shall retain control over electronic access to records electronically filed or transmitted through the PACFile system, and may exclude such electronic access in whole or in part.

(F) For the purposes of Pa.R.A.P. 1921, in any appeal in which the record is electronically filed or transmitted through the PACFile system, the documents and filings electronically filed or transmitted thereby shall constitute original papers and exhibits.

(G) Upon the electronic filing, transmission or remand of a record through the PACFile system, the record shall be considered to be in the possession of the receiving court or other government unit until the record is electronically filed in, or transmitted to another court or government unit, or notice of remand or remittal to another court or other government unit is given.

(H) If a Rule of Appellate Procedure or court policy requires that a court file, transmit, remand or remit a record to another court or other government unit, the filing, transmission or notice of remand or remittal to the receiving court or other government unit may also be effected through the PACFile system.

(I) If a Rule of Appellate Procedure or court policy requires that a court provide notice by mail of the filing, transmission, remand or remittal of a record (as, for example, in Pa.R.A.P. 1934), that court may instead provide electronic notice by means of the PACFile system to a registered user of the system.

(J) The procedures described in this Order apply in lieu of those prescribed by the Pennsylvania Rules of Appellate Procedure to the extent there are differences between the procedures; otherwise, the Rules of Appellate Procedure continue to apply with full force and effect.