

Orphans' Court Procedural Rules Committee Report

Adoption of New Rule 1.99 and Amendment of the Notes to Rules 2.1, 2.4, 2.7, 2.8, 2.10, 3.3-3.6, 3.9-3.11, 3.14, 7.2-7.4, and 8.2 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee ("Committee") recommended the adoption of New Rule 1.99 and amendment of the Notes to Rules 2.1, 2.4, 2.7, 2.8, 2.10, 3.3-3.6, 3.9-3.11, 3.14, 7.2-7.4, and 8.2 of the Pennsylvania Orphans' Court Rules ("Rules"). These rule changes will facilitate the implementation of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* ("Policy").

The Supreme Court adopted the Policy on January 6, 2017, and it takes effect on January 6, 2018. The Policy generally provides that "[a]ll case records shall be open to the public in accordance with this policy", subject to certain exceptions for information and documents designated confidential. In response to the Court's adoption of the policy, the Committee undertook a review of the Rules to determine what new rules and/or amendments would be needed to implement the Policy. The Committee proposed a new rule, Rule 1.99, which provides that, absent any applicable authority that constrains public access, an attorney or unrepresented party filing a legal paper with the clerk must comply with Sections 7.0 and 8.0 of the Policy. The Note to proposed Rule 1.99 cites the authority for the treatment of confidential information and confidential documents, provides information regarding the certification of compliance, and states that redaction of confidential information may be permitted by local rule.

The Committee also recommended the amendment of the Notes to Rules 2.1, 2.4, 2.7, 2.8, 2.10, 3.3-3.6, 3.9-3.11, 3.14, 7.2-7.4 and 8.2 to add a cross-reference to Rule 1.99. The cross-reference to Rule 1.99 in the Note to these rules will serve as a reminder to practitioners and unrepresented parties to comply with the Policy. Rules 2.1, 2.4, 2.7, 2.8, 3.3-3.6, 3.9-3.11 and 3.14 identify the required content of a filing. Filings made pursuant to Rules 7.2-7.4 and 8.2 could contain information or exhibits that are subject to the Policy.