

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P. 205.4, 205.5, 230.2, 236, and 440

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 205.4, 205.5, 230.2, 236, and 440 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **August 28, 2026**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Civil Procedural Rules Committee,

Casey Alan Coyle
Chair

Rule 205.4. Electronic Filing [and Service] of Legal Papers.

[(a)(1) A court by local rule may permit or require electronic filing of legal papers with the prothonotary and shall specify the actions and proceedings and the legal papers subject to the rule.

Note: This rule does not require the implementation of electronic filing by a local court.

If a court determines that legal papers may be filed electronically with the prothonotary, Rule 239.9(a) requires the court to promulgate Local Rule 205.4 which shall describe the electronic filing system program and set forth the practice and procedure for the matters required by this rule.

If a court provides that electronic filing is mandatory, it must also provide the necessary technical assistance to those parties who lack the capability to file legal papers electronically.

(2) 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,

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

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(b)(1) Legal papers shall be presented for filing in portable document format (“pdf”) or any other electronic format, if any, that the court by local rule designates. A paper presented for filing in a format other than portable document format shall be converted to portable document format and maintained by the prothonotary in that format.

Note: Rule 239.9(b)(2) requires that subdivision (b)(1) of Local Rule 205.4 specify the electronic format for presenting legal papers for filing.

(2) A legal paper filed electronically shall be deemed the original document.

(3) The electronic filing of a legal paper constitutes a certification

- (i) by the filing party that a hard copy of the legal paper was properly signed and, where applicable, verified, and
 - (ii) as provided by Rule 1023.1(c) governing the signature to a legal paper, the violation of which shall be subject to the sanction provision of Rule 1023.1(d).
- (4) The filing party shall maintain the signed hard copy of the document filed for two years after the later of
 - (i) the disposition of the case,
 - (ii) the entry of an order resolving the issue raised by the legal paper, or
 - (iii) the disposition by an appellate court of the issue raised by the legal paper.
- (5) Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.
- (c)(1) The prothonotary when authorized to accept filings by electronic transmission shall provide electronic access at all times.
- (2) The prothonotary may designate a website for the electronic filing of legal papers. Access to the website shall be available by the attorney identification number issued by the Court Administrator of Pennsylvania. The court by local rule shall designate the manner of access to the website for a filing party who is not an attorney.

Note: Rule 239.9(b)(3) requires that subdivision (c)(2) of Local Rule 205.4 specify the manner of access to the website by a filing party who is not an attorney.

- (3) The time and date of filing submission and receipt of the legal paper to be filed electronically shall be that registered by the electronic filing system. The prothonotary shall provide, through the electronic filing system's website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

- (d)(1) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit or debit card, or by advance deposit of sufficient funds with the prothonotary if the court by local rule so provides.**
- (2) A filing party who presents the legal paper for electronic filing in person at the office of the prothonotary shall pay the cost by a method prescribed by paragraph (1) or by check or cash.**
- (3) If a court has designated a third party to operate the electronic filing system, the filing party shall pay the cost of the electronic filing to the prothonotary or to the third party operator in the manner provided by local rule.**

Note: Rule 239.9(b)(4) requires that subdivision (d)(1) of Local Rule 205.4 list the credit and debit cards approved by the court or the prothonotary, and state whether the filing fee may be paid by depositing, in advance, sufficient funds with the prothonotary.

Rule 239.9(b)(5) provides for subdivision (d)(3) of Local Rule 205.4 to govern the payment of the filing fee to a third party operator, if applicable.

- (e)(1) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the electronic filing system's website.**

Note: The filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the prothonotary.

- (2) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the prothonotary 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.**

Note: See also Rule 205.2 governing filing legal papers with the prothonotary.

- (3) If a pleading or other legal paper is not accepted upon presentation for filing or is refused for filing by the electronic filing system, the prothonotary or the electronic filing system, as may be appropriate, shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.**

- (4)(i) The court upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.**
- (ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the electronic filing system, the court may order that the paper be accepted and filed *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the paper.**
- (f) When electronic filing is permitted as set forth in subdivision (a)(1), the court by local rule shall provide for**
 - (1) a filing status message to the filing party,**
 - (2) the maintenance by the prothonotary of an electronic file only, or of such electronic and such hard copy files as set forth in the rule,**

Note: A hard copy file is not required by this rule. If the local rule requires a hard copy file, the requirement may extend to all cases or only to certain specified cases. For example, the court may require hard copy files for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

- (3) additional procedures, if necessary, to ensure the security of the web site and the electronic files,**
- (4) procedures for the payment of prothonotary's fees and costs, and**
- (5) such other procedures and matters necessary to the operation of a system of electronic filing.**

Note: Rule 239.9(b)(6) provides that subdivision (f) of Local Rule 205.4 must set forth the practice and procedure with respect to the matters required by subdivision (f) of this rule.

- (g)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served**
 - (i) as provided by Rule 440 or**

- (ii) by electronic transmission, other than facsimile transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. A paper served electronically is subject to the certifications set forth in subdivision (b)(3).
- (2) Service by electronic transmission is complete when a legal paper is sent
 - (i) to the recipient's electronic mail address, or
 - (ii) to an electronic filing system website and an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website.

Note: Upon the electronic filing of a legal paper other than original process, the electronic filing system may automatically send notice of the filing to all parties who have agreed to service by electronic transmission or whose e-mail address is included on an appearance or prior legal paper filed in connection with the action. If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system.

An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

See Rule 236(d) providing for the prothonotary to give notice of orders and judgments, and also other matters, by facsimile transmission or other electronic means.

See Rule 440(d) governing service of legal papers other than original process by facsimile transmission.

- (h) A judicial district which implements an electronic filing system pursuant to this rule is exempt from the requirements of Rule 205.5 governing cover sheets, provided the electronic filing system has the capability of gathering and transmitting to the Administrative Office of Pennsylvania Courts all the information required by Rule 205.5(e).]

(This is entirely new text.)

(a) **General Rule.**

(1) A court by local rule may permit or require electronic filing of legal papers with the prothonotary and shall specify the actions and proceedings and the legal papers subject to the rule.

(2) 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;

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

“legal paper,” a pleading or other paper filed in an action, including exhibits and attachments.

(b) **Legal Papers Presented for Electronic Filing.**

(1) Legal papers shall be presented for filing in portable document format (“pdf”) or any other electronic format, if any, that the court by local rule designates. A paper presented for filing in a format other than portable document format shall be converted to portable document format and maintained by the prothonotary in that format.

(2) A legal paper filed electronically shall be deemed the original document.

(3) The electronic filing of a legal paper constitutes a certification:

(i) by the filing party that a hard copy of the legal paper was properly signed and, where applicable, verified; and

(ii) as provided by Rule 1023.1(c) governing the signature to a legal paper, the violation of which shall be subject to the sanction provision of Rule 1023.1(d).

(4) The filing party shall maintain the signed hard copy of the document filed for two years after the later of:

- (i) the disposition of the case;
- (ii) the entry of an order resolving the issue raised by the legal paper; or
- (iii) the disposition by an appellate court of the issue raised by the legal paper.

(5) Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.

(c) **Prothonotary Duties.**

- (1) The prothonotary when authorized to accept filings by electronic transmission shall provide electronic access at all times.
- (2) The prothonotary may designate a website for the electronic filing of legal papers. Access to the website shall be available by the attorney identification number issued by the Court Administrator of Pennsylvania. The court by local rule shall designate the manner of access to the website for a filing party who is not an attorney.
- (3) The time and date of filing submission and receipt of the legal paper to be filed electronically shall be that registered by the electronic filing system. The prothonotary shall provide, through the electronic filing system's website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(d) **Payment of Filing Fees.**

- (1) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit or debit card, or by advance deposit of sufficient funds with the prothonotary if the court by local rule so provides.
- (2) A filing party who presents the legal paper for electronic filing in person at the office of the prothonotary shall pay the cost by a method prescribed by subdivision (d)(1) or by check or cash.

- (3) If a court has designated a third party to operate the electronic filing system, the filing party shall pay the cost of the electronic filing to the prothonotary or to the third-party operator in the manner provided by local rule.

(e) **Filing, Acceptance, and Rejection of Legal Paper.**

- (1) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the electronic filing system's website.
- (2) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the prothonotary 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.
- (3) If a pleading or other legal paper is not accepted upon presentation for filing or is refused for filing by the electronic filing system, the prothonotary or the electronic filing system, as may be appropriate, shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.
- (4) The court upon motion shall resolve any dispute arising under subdivisions (e)(1) and (2). If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the electronic filing system, the court may order that the paper be accepted and filed *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the paper.

(f) **Local Rule Requirements.** When electronic filing is permitted as set forth in subdivision (a)(1), the court by local rule shall provide for:

- (1) a filing status message to the filing party;
- (2) the maintenance by the prothonotary of an electronic file only, or of such electronic and such hard copy files as set forth in the rule;
- (3) additional procedures, if necessary, to ensure the security of the web site and the electronic files;

- (4) procedures for the payment of prothonotary's fees and costs; and
 - (5) such other procedures and matters necessary to the operation of a system of electronic filing.
- (g) **Cover Sheet Exemption.** A judicial district which implements an electronic filing system pursuant to this rule is exempt from the requirements of Rule 205.5 governing cover sheets, provided the electronic filing system has the capability of gathering and transmitting to the Administrative Office of Pennsylvania Courts all the information required by Rule 205.5(e).

Comment: This rule does not require the implementation of electronic filing by a local court.

Subdivision (a) – If a court determines that legal papers may be filed electronically with the prothonotary, Rule 239.9(a) requires the court to promulgate Local Rule 205.4 which shall describe the electronic filing system program and set forth the practice and procedure for the matters required by this rule.

If a court provides that electronic filing is mandatory, it must also provide the necessary technical assistance to those parties who lack the capability to file legal papers electronically.

Subdivision (b) – Rule 239.9(b)(2) requires that subdivision (b)(1) of Local Rule 205.4 specify the electronic format for presenting legal papers for filing.

Subdivision (c) – Rule 239.9(b)(3) requires that subdivision (c)(2) of Local Rule 205.4 specify the manner of access to the website by a filing party who is not an attorney.

Subdivision (d) – Rule 239.9(b)(4) requires that subdivision (d)(1) of Local Rule 205.4 list the credit and debit cards approved by the court or the prothonotary, and state whether the filing fee may be paid by depositing, in advance, sufficient funds with the prothonotary.

Rule 239.9(b)(5) provides for subdivision (d)(3) of Local Rule 205.4 to govern the payment of the filing fee to a third-party operator, if applicable.

Subdivision (e) – The filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the prothonotary.

See also Rule 205.2 governing filing legal papers with the prothonotary.

Subdivision (f) – A hard copy file is not required by this rule. If the local rule requires a hard copy file, the requirement may extend to all cases or only to certain specified cases. For example, the court may require hard copy files for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

Rule 239.9(b)(6) provides that subdivision (f) of Local Rule 205.4 must set forth the practice and procedure with respect to the matters required by subdivision (f) of this rule.

See Rule 440 governing service of legal papers other than original process.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1999

Rule 205.4 governing electronic filing and service of legal papers is a step in the process of introducing the concept of electronic documents into a system accustomed solely to paper documents. The purpose of the rule is not to provide a comprehensive manual but, rather, a framework upon which a local court can proceed with the electronic filing and service of legal documents while allowing the flexibility to adapt the process on the basis of actual experience.

The rule addresses several aspects of electronic filing. It provides definitions of key terms, contains a description of the form, content and handling of documents, and an enumeration of the responsibilities of the prothonotary and the parties. The rule concludes with the procedure for electronic service of legal papers.

Subdivision (a)(2) is the definitional provision. The subject of the rule, “electronic filing”, is defined as the electronic transmission of legal papers but the term excludes facsimile transmission which is governed by Rule 205.3.

Most importantly, the term “legal paper” is defined as excluding original process unless the court by local rule provides otherwise. For the purposes of this temporary rule, the local court is in a better position to make the determination of whether to include original process based upon a knowledge of the court's technological capabilities.

Subdivision (b) is concerned with the form and content of the legal papers themselves. Three computer formats are explicitly designated for legal papers which are filed electronically. Adobe PDF was chosen because it is becoming a nationally recognized standard format and has a great deal of flexibility in terms of its ability to

include other media beside the printed word. WordPerfect for Windows and Microsoft Word for Windows are included as they are the two most commonly used word-processor software packages.

Regarding legal papers themselves, Rule 205.4(b)(1) provides that the electronic filing of a legal paper constitutes the same certification as a signature on a traditionally filed legal paper under Rule 1023.1.

Paragraph (2) completes subdivision (b) by requiring that the filing party maintain the original hard copy of the legal paper and also by providing a procedure by which any other party to the action may require the filing of the original hard copy. This is a means of ensuring the integrity of the filing system and the genuineness of the legal papers filed by the parties.

The burden of establishing the physical elements of the system is placed upon the prothonotary. Subdivision (c) requires the prothonotary to provide electronic access at all times and a means for recording the time and date of the filing. The subdivision also permits the prothonotary to designate a website for the electronic filing of legal papers. Under Rule 205.4(f), the prothonotary is required to make available to the filing party a filing status message which would confirm that the legal paper was filed successfully. The same subdivision also permits the prothonotary to maintain either an electronic file only or both electronic and hard copy files.

In order to take advantage of the convenience which the rule will provide, a filing party will also bear important responsibilities. Subdivision (d) requires that the filing party pay the costs of electronic filing by the advance deposit of sufficient funds with the prothonotary or by the use of a credit or debit card.

Most importantly, subdivision (e) expressly provides that a “filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the prothonotary.” This latter provision is based upon the concern that the immediacy of the electronic transfer of legal papers may foster increased dependency upon last-minute preparation and filing, leaving insufficient time in which to remedy either a deficiency in the legal paper being filed or the inability to effectuate the filing.

Subdivision (g) of the rule provides for electronic service of legal papers. Paragraph (2) provides that service of such papers shall be deemed complete when sent. This provision is designed to be the electronic equivalent of the rule for service by mail as set forth in Rule 440(b) which provides that service is complete upon mailing.

Service of legal papers electronically requires the consent of the person to be served either by written agreement or an electronic mail address on a prior legal paper

filed with the court. A note to the proposed rule is explicit in stating that such an electronic mail address on an attorney's letterhead is an insufficient basis for electronic service.

Additionally, Rule 440 governing service of legal papers other than original process has been amended by adding a paragraph to the note following subdivision (a)(1)(i) cross-referring to the service provisions contained in new Rule 205.4(g).

Explanatory Comment—2006

Rule 205.4(b)(1)(ii) contained obsolete references to Rule 1023 rescinded in 2002. The rule has been amended to cross-refer to the successor rule, Rule 1023.1. The 1999 Explanatory Comment to the rule is amended to reflect this change and also to delete the obsolete description of the rule as “temporary.”

Explanatory Comment—2007

Subdivision (a): Subdivision (a) has been amended by adding new subdivision (a)(1) authorizing local courts to institute a program of electronic filing and by designating the definitions found in former subdivision (a) as subdivision (a)(2).

New subdivision (a)(1) is derived from the introductory paragraph to former subdivision (b) and provides that a court by local rule “may permit or require electronic filing of legal papers with the prothonotary ...”. The note advises that the rule does not require that the court implement electronic filing; this is left to the discretion of the court.

The court must determine whether electronic filing shall be permissive or mandatory and the scope of electronic filing “with respect to the actions and proceedings and the legal papers subject to the rule.” These matters must be set forth in Local Rule 205.4(a)(1) to be promulgated by the court.

Subdivision (a) prior to its amendment defined the term “legal papers.” The definition excluded (1) original process and (2) notices of appeal from both awards in compulsory arbitration and judgments of magisterial district courts.

Former subdivision (a) has been redesignated subdivision (a)(2) and has been revised in two respects. First, the term “legal papers” now specifically includes “exhibits and attachments.” Second, the two exceptions noted above have been deleted so that “legal paper” encompasses all documents to be filed in an action or proceeding. However, the local court is given discretion under new subdivision (a)(1) to determine the scope of the rule with respect to legal papers that may be filed electronically.

Subdivision (b): Subdivision (b) has been revised as to both substance and structure. The introductory paragraph to former subdivision (b) has been transferred to

subdivision (a) as paragraph (1). The remaining text of present subdivision (b) has been deleted and replaced although the subject matter of the rule remains unchanged.

New subdivision (b)(1) names only one format for electronic filing, “pdf” or portable document format, but it allows the court by local rule to specify other formats, whether as alternatives to or in place of “pdf.” However, the rule recognizes portable document format as the standard by providing that legal papers presented for filing in other electronic formats must be “converted to portable document format and maintained by the prothonotary in that format.”

New subdivision (b)(2) is derived from the last sentence of former subdivision (b)(1). Whereas the former rule provided that a paper filed electronically is deemed to be “the equivalent of the original document,” new subdivision (b)(2) states that a paper filed electronically “shall be deemed the original document.”

Usually, the original instrument is filed with the prothonotary when seeking a judgment by confession under Rules 2951 and 2952. The note to both rules is revised to accommodate electronic filing since the “original instrument,” i.e. the signed hard copy, probably will not be filed.

New subdivision (b)(3) contains the text of former subdivision (b)(1) without change. It provides that the electronic filing of a legal paper constitutes a certification that the paper was properly signed and verified and also a certification as prescribed by Rule 1023.1 et seq. governing the signing of legal papers.

New subdivision (b)(4) continues the requirement of former subdivision (b)(5) that the filing party retain possession of the “original hard copy of the document filed.” Only the terminology has changed from “original” hard copy to “signed” hard copy. The new subdivision is modeled on Supreme Court Orphans' Court Rule 3.7(c)(3) but adopts a two-year period following specified events for maintaining the legal document rather than the five-year period of the Orphans' Court rule.

New subdivision (b)(5) replaces former Rule 205.4(b)(2)(ii) and is concerned with those occasions when it is necessary to see the signed hard copy of a document. The prior rule provided for service upon the filing party of a notice to file the original hard copy with the prothonotary. The new subdivision provides for service upon the filing party of a motion to produce the signed hard copy for inspection. The signed hard copy will not be filed.

Subdivision (c): Subdivision (c)(1) has been revised by deleting the second sentence relating to the date and time of filing and receipt by the prothonotary's computer system. That subject is governed by new subdivision (c)(3).

Revised subdivision (c)(2) provides that access to a website by an attorney shall be by the attorney's identification number issued by the Court Administrator of Pennsylvania. However, the local court shall "designate the manner of access to the website for a filing party who is not an attorney."

New subdivision (c)(3) requires the prothonotary to provide an acknowledgement that a legal paper presented for filing has been received. This notice is in addition to the filing status notice under subdivision (f)(1).

Subdivision (d): Subdivision (d) governing the payment of the cost of electronic filing has been substantially revised.

Subparagraph (1) is directed to the party who files electronically from a remote location, i.e., a location other than the prothonotary's office. It lists two methods of payment: an approved credit or debit card and the advance deposit of funds with the prothonotary if the court has approved that method of payment. The court must promulgate Local Rule 205.4(d)(1) specifying the approved card(s) or authorizing the advance deposit of funds.

Subdivision (d)(2) recognizes that a filing party may appear in person at the prothonotary's office to electronically file a legal paper. That party may pay by a method provided by subdivision (d)(1) and also by cash or check.

If the court has designated an entity other than the prothonotary to operate the electronic filing system, new subdivision (d)(3) provides for the court to promulgate a local rule, Local Rule 205.4(d)(3), authorizing payment of the filing fee to either the prothonotary or to the entity operating the system.

Subdivision (e): Subdivision (e) relating to problems encountered with the electronic transmission of a legal paper being presented for filing has been substantially revised:

Former subparagraph (1)(i) has been designated subparagraph (1) and continues to provide that a filing party is responsible for delay, disruption and legibility of a document electronically filed. However, an exception has been added when the problem is "caused by the failure of the electronic filing system's website."

Former subparagraph (1)(ii) relating to the responsibility of maintaining a debit or credit card account or depositing sufficient funds with the prothonotary has been deleted as unnecessary. If a filing party is to pay the cost of filing by credit or debit card, or the advance deposit of sufficient funds, then it is presupposed that the party will maintain a credit or debit account or sufficient funds on deposit. The presupposition need not be stated.

Former subdivision (e)(2) provided that the filing party accepts the risk that a legal paper filed electronically may not be properly or timely filed. This is a restatement of revised subparagraph (1). Consequently, former subparagraph (2) has been deleted and the text of the rule has been set forth in a note to subparagraph (1).

New subdivision (e)(2) is derived from Rule 205.2 and ensures that a legal paper that complies with the Pennsylvania Rules of Civil Procedure will be accepted for filing by the electronic filing system.

New subdivision (e)(3) provides for the prothonotary to give immediate notice and reason when the electronic filing system rejects a paper for filing.

New subdivision (e)(4) contains two paragraphs. Paragraph (i) provides that the court “upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.”

Subdivision (e)(4)(ii) provides relief where a legal paper is not received, accepted or filed by the electronic filing system despite a good faith effort to file the paper. The “court may order that a legal paper be accepted and filed *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the paper.”

Subdivision (f): Subdivision (f) is unchanged except for an updated cross-reference and the addition of a new note referring to the requirement of Rule 239.9(b)(6) that the court promulgate a local rule governing the matters specified in subdivision (f).

Subdivision (g): Subdivision (g) continues to provide that if a legal paper is sent electronically directly to another party, service is complete when the paper is sent. However, if the electronic filing system provides notice of the filing to the other party and the document is available for review on the website, service is complete when such notice is given by the system. The note to the rule states that if the notice provided by the system advises the other party that the legal paper is available on the website, there is no need for the filing party to send a separate electronic copy to such other party.

Rule 205.5. Cover Sheet.

(a) **General Rule.**

- (1) This rule shall apply to all actions governed by the rules of civil procedure except the following:
 - (i) actions pursuant to the Protection from Abuse Act, Rules 1901 **[et seq] et seq.**
 - (ii) actions for support, Rules 1910.1 **[et seq] et seq.**
 - (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 **[et seq] et seq.**
 - (iv) actions for divorce or annulment of marriage, Rules 1920.1 **[et seq] et seq.**
 - (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 **[et seq] et seq.**
 - (vi) voluntary mediation in custody actions, Rules 1940.1 **[et seq] et seq.**
- (2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

[Note: When a defendant in an action before a magisterial district court appeals the decision to the court of common pleas, the plaintiff in the action before the magisterial district court shall complete the cover sheet when filing the complaint with the prothonotary.]

- (b) **Cover Sheet Required.** The prothonotary shall not accept a filing commencing an action without a completed cover sheet.
- (c) **Self-Represented Parties.** The prothonotary shall assist a **self-represented** party **[appearing pro se]** in the completion of the form.
- (d) **Exemption.** A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

[Note: Pa. R.C.P. No. 205.4 provides for electronic filing and service of legal papers. Rule 205.4(h) permits a judicial district which has implemented an electronic filing system to be exempt from the requirements of this rule provided that the information to be gathered by the cover sheet can be captured and transmitted to the Administrative Office of Pennsylvania Courts by the electronic filing system.]

Pa. R.C.P. No. 239.9 provides for the promulgation of a local rule, numbered Local Rule 205.4, governing procedures for electronic filing specific to a judicial district.]

- (e) **Form.** The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

[Note: Cover sheets developed by a judicial district may be used in addition to the cover sheet required by this rule. See Rule 239.1, which requires a court that uses local cover sheets to promulgate a local rule, numbered Local Rule 205.2(b), setting forth the form of cover sheet.]

Comment:

When a defendant in an action before a magisterial district court appeals the decision to the court of common pleas, the plaintiff in the action before the magisterial district court shall complete the cover sheet when filing the complaint with the prothonotary.

Rule 205.4 provides for electronic filing and service of legal papers. Rule 205.4(g) permits a judicial district which has implemented an electronic filing system to be exempt from the requirements of this rule provided that the information to be gathered by the cover sheet can be captured and transmitted to the Administrative Office of Pennsylvania Courts by the electronic filing system.

Rule 239.9 provides for the promulgation of a local rule, numbered Local Rule 205.4, governing procedures for electronic filing specific to a judicial district.

Cover sheets developed by a judicial district may be used in addition to the cover sheet required by this rule. See Rule 239.1, which requires a court that uses local cover sheets to promulgate a local rule, numbered Local Rule 205.2(b), setting forth the form of cover sheet.

Rule 230.2. Termination of Inactive Cases.

* * *

(b) **Notice of Proposed Termination.**

- (1) For each case identified pursuant to subdivision (a), the court shall serve a notice of proposed termination on counsel of record, and on the parties if not represented, 30 days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.
- (2) The notice shall be served electronically pursuant to **[Rule 205.4(g)(1), or pursuant to]** Rule 440 on counsel of record and on the parties, if not represented, at the last address of record.

* * *

Rule 236. Notice by Prothonotary of Entry of Order or Judgment.

- (a) The prothonotary shall immediately give written notice of the entry of:
 - (1) a judgment entered by confession to the defendant by ordinary mail together with a copy of all documents filed with the prothonotary in support of the confession of judgment. The plaintiff shall provide the prothonotary with the required notice and documents for mailing and a properly stamped and addressed envelope; and
 - (2) any other order or judgment to each party's attorney of record or, if unrepresented, to each party. The notice shall include a copy of the order or judgment.

[Note: See Rules 1012 and 1025 as to the requirement of an address on an appearance and a pleading.]

- (b) The prothonotary shall note in the docket the giving of the notice and, when a judgment by confession is entered, the mailing of the required notice and documents.
- (c) Failure to give the notice or when a judgment by confession is entered to mail the required documents, or both, shall not affect the lien of the judgment.
- (d) The prothonotary may give the notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom the notice is to be given or the party's attorney has filed a written request for such method of notification or has included a facsimile or other electronic address on a prior legal paper filed in the action.

[Note] Comment:

See Rules 1012 and 1025 as to the requirement of an address on an appearance and a pleading.

Except as provided by subdivision (a)(1) relating to the entry of a judgment by confession, Rule 236 does not prescribe a particular method of giving notice. Methods of notice properly used by the prothonotary include, but are not limited to, service via United States mail and courthouse mail. Subdivision (d) governs facsimile transmission and other electronic means if the prothonotary chooses to use such a method.

A facsimile or other electronic address set forth on letterhead is not a sufficient basis under this rule to authorize the prothonotary to give notice electronically.

Notice by facsimile transmission or other electronic means is applicable not only to orders and judgments under subdivision (a) but also to “other matters” such as the scheduling of a conference, hearing or trial or other administrative matters. **[Where] If** the technology involved provides an acknowledgment for the mailing or the receipt of the notice, the prothonotary should retain that acknowledgment as part of **[his or her] the** file.

See Rule 205.4 governing filing **[and service]** of legal papers by electronic means **[other than facsimile transmission]**.

See Rule 440**[(d)]** governing service of legal papers other than original process **[by facsimile transmission]**.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1977

The proposed amendment promulgated March 10, 1977 and effective thirty (30) days after publication in the Pennsylvania Bulletin expands the notice to be given by the prothonotary under Rule 236 where the judgment is a judgment by confession.

As stated in the original Explanatory Note accompanying Recommendation 42, 6 Pa. Bulletin 2508, the bare notice of entry under the present language of Rule 236 gives no real information about the background of a confessed judgment, since there has been no prior service of legal papers and no prior contact between the defendant and the judicial system. The defendant may in some cases be unaware or unfamiliar with the subject matter of the confessed judgment. Even if aware, the defendant or his attorney must travel to the courthouse to examine the original file in order to prepare to strike or open the judgment, an inconvenience not imposed in ordinary actions.

Accordingly, the amendment requires the prothonotary to include in his notice under Rule 236 a copy of all documents filed by him in connection with the confession of judgment.

The amendment specifically provides that the plaintiff must provide the prothonotary with the required notice of entry of judgment and the copies of all documents filed with the prothonotary in connection with the confession of judgment for mailing and a properly stamped and addressed envelope.

This provision was recommended by the prothonotaries as a mandatory statewide requirement rather than be left to the discretion of the local prothonotaries or local rules. The costs of compliance will be minimal in the light of modern methods of duplication and should impose no substantial expense or unreasonable burden. As in the case of ordinary actions these costs should be borne by the party seeking judgment.

The present Committee Note to Pa.R.C.P. 2956, Entry of Judgment, has been amended to call attention to the new notice requirements of Pa.R.C.P. 236.

Explanatory Comment—1994

Rule 236 governing notice by the prothonotary of the entry of an order, decree or judgment has been amended by the Supreme Court of Pennsylvania. The principal change relates to the nature of the notice to be given. Prior to the amendment the rule provided that the prothonotary give “written notice by ordinary mail of any order, decree or judgment entered”. The rule required notice of an order but not the mailing of a copy of the order itself and it was not a uniform practice throughout the Commonwealth for a copy of the order to be mailed. When a copy of the order was not mailed, it may have been necessary for the attorney or party to obtain a copy to determine what step was to be taken next. If there was a time limitation, the time in which to act might have expired before the copy of the order was obtained and the determination made. Subdivision (a)(2) of the amended rule avoids this problem by requiring that the notice sent include a copy of the order, decree or judgment entered.

The rule prior to amendment required the notice to be given “by ordinary mail.” This reference to the manner of giving notice has been deleted. The omission from the rule of one required manner of giving written notice allows the prothonotary to choose an appropriate method which may include hand delivery, mail, facsimile or other electronic transmission.

Subdivision (a)(2) of the rule formerly provided for notice to be given to “each party who has appeared in the action or to the party’s attorney of record.” Although ten days notice must be given under Rule 237.1 before a default judgment can be entered against a party, Rule 236 contained no requirement that notice of the actual default judgment subsequently entered be given to an unrepresented party who had not appeared in the action. Consequently, the rule has been amended so that an unrepresented party irrespective of an appearance of record receives a copy of all orders, decrees and judgments entered.

The revisions discussed above do not affect the notice required by subdivision (a)(1) of a judgment entered by confession. The rule requires the notice to include documents filed in support of the judgment and as amended continues to require the notice to be mailed.

Explanatory Comment—2000

Rule 236(a)(2) provides for the prothonotary to give written notice of the entry of an order, decree or judgment but does not prescribe the manner of giving notice. Without limiting the prothonotary in the manner of giving notice, the amendment to Rule 236 adding new subdivision (d) authorizes the prothonotary to give notice by means of facsimile or other electronic transmission and describes the requirements therefor.

Subdivision (d) is drafted in permissive rather than mandatory language. This permits the prothonotaries of individual counties to use facsimile or other electronic transmission as the method of notice if it is feasible in the particular county. However, the prothonotary may serve by such means only if the person to be served has either requested such service in writing or included a facsimile or other electronic address on a prior legal paper filed in the action. The provision for an agreement to be served by facsimile or other electronic transmission is in accord with Rule 440(d) governing service by facsimile transmission and Rule 205.4(g) governing service by other electronic transmission.

New Rule 236(d) extends service by facsimile or other electronic transmission to “other matters”. Other matters are in addition to orders, judgments and decrees and may include court notices, scheduling notices and other matters of an administrative nature.

Appropriate cross-references have been included in the rules by adding a note to Rule 205.4(g) and by amending the note to Rule 440(d).

Explanatory Comment—2003

I. Address within the Commonwealth

Three rules previously required pleadings and other legal papers to include an address within the Commonwealth where papers may be served upon a party or the party's attorney: Rule 205.1 governing the filing of legal papers by mail, Rule 1012(a) governing the entry of appearance and Rule 1025 governing the endorsement of pleadings and other legal papers. In addition, the note to Rule 236(a)(2) contained a cross-reference to this requirement in Rules 1012 and 1025. The requirement of “an address within the Commonwealth” which dates from the promulgation of Rules 1012 and 1025 in 1946 has become obsolete in view of modern transportation and communication. The former requirement is replaced by “an address where papers may be served in the manner provided by Rule 440(a)”. This language establishes the requisites for the address where papers may be served upon the attorney or party entering his or her appearance or filing another legal paper. By cross-referencing Rule 440(a), the address must be one where legal papers may be handed to or mailed to the attorney or party. The new language achieves a consistency between the rules governing the filing and service

of legal papers. The amended rules require the inclusion of a telephone number; however, a facsimile transmission number is optional.

II. Entry of Appearance

Rule 1012 governs entry and withdrawal of appearance. The revisions to subdivision (a) were described above.

New subdivision (b) consisting of two paragraphs has been substituted in place of the former provision. The new subdivision represents a change in the format of the rule rather than a change in procedure. Subdivision (b)(1) states the general rule that, except as provided by subdivision (b)(2), an attorney may not withdraw his or her appearance without leave of court. New subdivision (b)(2) sets forth the two instances when leave of court is not required for an attorney to withdraw an appearance: (1) another attorney has previously entered an appearance for the party or (2) another attorney simultaneously enters an appearance for the party. The change of attorneys without leave of court in both of these instances is conditioned on the requirement that the change not delay the litigation.

New subdivisions (c), (d) and (e) contain the procedural requirements for withdrawal of appearance when leave of court must be obtained. Subdivision (c) requires that leave of court be sought by petition. The proceedings will then follow subdivision (d) if the whereabouts of the party are known and subdivision (e) if the whereabouts of the party are not known. These provisions emphasize the need to notify the represented party of the proposed withdrawal of appearance by the attorney. When leave has been granted an attorney to withdraw his or her appearance, subdivisions (d)(2) and (e)(2) authorize other parties to use the address of the party set forth in the petition or the last known address, as may be appropriate, for further proceedings in the action.

New subdivision (f) provides three forms. The first form set forth in Subdivision (f)(1) is an entry of appearance. The other two forms are withdrawals of appearance to be used when leave of court is not required. Subdivision (f)(2) contains the form for withdrawal of appearance when the new attorney has already entered an appearance on behalf of the party. Subdivision (f)(3) contains the form for substitution of counsel when appearances are being simultaneously withdrawn and entered.

Explanatory Comment—2006

Rule 236 governs the notice to be given by the prothonotary of the entry of an order or judgment. The amendment to the first paragraph of the note to subdivision (d) of the rule arises from a suggestion that Rule 236 specifically provide for notice by courthouse mail, i.e., placing a copy of the order in the attorney's courthouse mailbox.

Except with respect to subdivision (a)(1) which provides for notice by “ordinary mail” of the entry of a judgment by confession, the rule “does not prescribe a particular method of giving notice.” Subdivision (d) relating to notice by facsimile transmission is applicable only if the prothonotary chooses that method of notice.

Since the rule does not prescribe a particular means of notice except as to judgments entered by confession, the rule already accommodates notice by courthouse mail. The proposed revision to the first paragraph of the note to subdivision (d) expressly states the existing availability of courthouse mail as a method of giving notice. The revision effects no change in practice or procedure.

Rule 440. Service of Legal Papers other than Original Process.

(a)[1] **General Rule.** Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action.

(1) [Service] If there is an attorney of record, service shall be made by:

(i) **[by]** handing or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, or at such other address as a party may agree[, **or**];

[Note: Such other address as a party may agree might include a mailbox in the prothonotary's office or an e-mail address.

For electronic service by means other than facsimile transmission, see Rule 205.4(g).]

(ii) **[by]** transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d); **or**

(iii) transmitting a copy electronically to the party's attorney of record as provided by subdivision (e).

(2)[(i)] If there is no attorney of record, service shall be made by:

(i) handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party[, **or**];

(ii) **[by]** transmitting a copy by facsimile as provided by subdivision (d); **or**

(iii) transmitting a copy electronically to the party's attorney of record as provided by subdivision (e).

[(ii)][(3)] If **[such]** service cannot be made **pursuant to subdivision (a)(2)**, service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.

[Note: This rule applies to the service upon a party of all legal papers other than original process and includes, but is not limited to, all other pleadings as well as motions, petitions, answers thereto, rules, notices, interrogatories and answers thereto.

Original process is served under Rule 400 et seq.]

(b) **Service by Mail.**

(1) Service by mail of legal papers other than original process is complete upon mailing.

(2) **When a party is required or permitted to act within a specified time after being served and service of a legal paper other than a court order is made under this subdivision, three days shall be added to the prescribed period.**

(c) **Service by Sheriff.** If service of legal papers other than original process is to be made by the sheriff, **[he] the sheriff** shall notify by ordinary mail the party requesting service **[to be made]** that service has or has not been made upon a named party or person.

(d) **Service by Facsimile.**

(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

(2) The copy served shall begin with a facsimile cover sheet containing:

(i) the name, firm, address, telephone number, of both the party making service and the party served_;

(ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted_;

(iii) the title of the legal paper served_; and

(iv) the number of pages transmitted.

(3) Service is complete when transmission is confirmed as complete.

(e) Service by Electronic Transmission.

- (1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served by electronic transmission if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. A paper served electronically is subject to the certifications set forth in Rule 205.4(b)(3).**
- (2) Service by electronic transmission is complete when a legal paper is sent:**
 - (i) to the recipient's electronic mail address; or**
 - (ii) to an electronic filing system website and an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website.**
- (3) A party who is served via electronic mail or as a result of the submission of an electronic filing and who is required or permitted to act within a prescribed period after service shall have three days added to the prescribed period.**

[Note] Comment:

This rule applies to the service upon a party of all legal papers other than original process and includes, but is not limited to, all other pleadings as well as motions, petitions, answers thereto, rules, notices, interrogatories, and answers thereto.

Original process is served under Rules 400 et seq.

Pursuant to subdivision (a)(1)(i), "such other address as a party may agree" might include a mailbox in the prothonotary's office or an e-mail address.

See Rule 236(d) providing for the prothonotary to give notice of orders, **[and]** judgments, and **[also]** other matters, by facsimile or other electronic means.

See Rule 205.4 governing filing **[and service]** of legal papers by electronic means other than facsimile transmission.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1985

See Explanatory Comment preceding Rule 400.

Explanatory Comment—1988

It had been noted that there was an omission in the rules of civil procedure governing service of original process by not requiring the sheriff to notify a party requesting service that service has or has not been made. While it has been the practice of sheriffs' offices in most instances to give such notice, there was no specific requirement stated in the rules. That requirement is now specifically set forth as Rule 405(g) as the result of the 1988 amendment to the rule.

A similar provision, new subdivision (c), has been added to Rule 440 governing service of legal papers other than original process. Thus, whenever a party requests service by the sheriff, the sheriff is obligated to notify the party whether service has or has not been made.

Explanatory Comment—1998

The rules of civil procedure have been amended to allow the filing of a copy of a document, including a “faxed” document, and service by “fax” of a document other than original process.

The term “facsimile” is defined by Black's Law Dictionary, (Sixth Edition 1990) as “an exact copy, preserving all the marks of the original.” Narrowing this definition, a proposed amendment to Rule 76 limits the term to copies transmitted and received by facsimile equipment, i.e., copies which are faxed.

New Rule 205.3(a) provides that an original document or a copy of the document, including a faxed document, may be filed with the prothonotary. A copy of a document will be treated as an original “provided that the copy shows that the pleading or other legal paper was properly signed and, where applicable, verified.”

A note emphasizes that new Rule 205.3 does not provide for the filing of a document by means of facsimile transmission. The new rule addresses the issue of what documents may be filed with the prothonotary, i.e., an original and a copy. The rule is not concerned with the manner of filing the document with the prothonotary; that is the

function of Rule 205.1 which speaks of delivery and mail but does not authorize facsimile transmission.

Rule 205.3(a) also expressly states that a copy of a document is deemed to be the equivalent of an original except as otherwise provided by law. An example of that exception is Rule 2951(c)(2) which requires that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing. A note to the rule states that the rule is not intended to alter this requirement.

Subdivision (b) of Rule 205.3 also provides that, if a copy of a document is filed of record, another party may require that the original document be filed. However, unless the genuineness of a document or signature is in question, it is not anticipated that this provision would be much used.

The amendment to Rule 440 provides for service of documents upon parties by facsimile transmission. Under new subdivision (d)(1), documents may be served by fax if the parties agree among themselves to such service or if a party simply includes the fax telephone number on an appearance or prior legal paper. A note has been added to Rule 1025 governing endorsement alerting the bench and bar to the consequences of including the “fax” number of a document.

New Rule 440(d)(2) requires a cover sheet when making service by facsimile transmission. Subdivision (d)(3) provides that “service is complete when transmission is confirmed as complete.”

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 205.4, 205.5, 230.2, 236, and 440

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rules of Civil Procedure 205.4 and 440 to add three days to any prescribed time period if the manner of service is e-mail, local electronic filing system, or mail, and to consolidate the procedures for electronic service into Pa.R.Civ.P. 440. Additionally, the Committee is considering recommending the corollary amendment of Pennsylvania Rules of Civil Procedure 205.5, 230.2, and 236.

The Committee received a rulemaking request to amend Pa.R.Civ.P. 440(b) to either provide that service by mail should be deemed complete three days after mailing or extend the deadline for service by mail by three days. Without reference to authority, the requester contended there have been significant changes in the United States Postal System's delivery standards resulting in increased delivery times for first-class mail.¹ Consequently, as the requester alleged, the increase in delivery times has had the unintended consequence of reducing the time parties have to respond within established procedural deadlines.

Currently, Pa.R.Civ.P. 440(b) provides that service by mail is complete upon mailing. In support of an amendment to Pa.R.Civ.P. 440(b), the requester cites Pa.R.A.P. 121(e), which adds three additional days to any prescribed time period for the party to respond when service is made by mail or commercial carrier in appellate matters. It provides:

Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party, (other than an order of court or other government unit) and the paper is served by United States mail or commercial carrier, three days shall be added to the prescribed period.

Pa.R.A.P. 121(e).

¹ The USPS website indicates that first-class is delivered within 1-5 business days. See <https://www.usps.com/ship/first-class-mail.htm> (last visited May 20, 2026). The Committee is aware of available USPS metrics for performance standards on delivery times. See <https://about.usps.com/what/performance/service-performance/external-service-measurement.htm> (last visited May 20, 2026). Those metrics indicate that much first-class mail is delivered "on-time," yet not all.

The Committee further considered the practice in other jurisdictions. Federal Rule of Civil Procedure 6(d) provides the same addition of three days as Pa.R.A.P. 121(e) if service is made under Fed.R.Civ.P. 5(b)(2)(C), (D), and (F):

When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a).

Fed.R.Civ.P. 6(d). Moreover, a number of other states (including Indiana, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Montana, Nevada, Ohio, Oklahoma, South Dakota, and Tennessee) also add three days to the time period for a variety of types of service, including by mail or commercial carrier, facsimile transmission, and electronic transmission if consented to by the party. In contrast two states (Colorado and Vermont) have repealed provisions in their rules for additional time after service by mail.

Consistent with other jurisdictions' practice, the Committee proposes an additional three days when service of legal papers other than original process is by mail pursuant to Pa.R.Civ.P. 440(b). The Committee seeks to inform itself whether the concern expressed by the requestor is being experienced by practitioners within Pennsylvania and, if so, the necessity and sufficiency of three additional days if service by mail is used.

The Committee also considered Pa.R.Civ.P. 205.4(g), which provides for service of papers other than original process by email and electronic service via an electronic filing system established by local rule. Subdivision (g)(1)(ii) permits service by email if the parties agree to such service or an email address is included on an appearance or prior legal paper filed with the court in the action.

Given the context in which subdivision (g)(1)(ii) is located, it is possible that a reader may conclude that service by email is available only when a judicial district has implemented an electronic filing system. The Committee believes that the rules should explicitly permit the service by email regardless of e-filing. Further, all the procedures governing service of legal papers other than original process should be centrally located. Accordingly, the Committee proposes removing current Pa.R.Civ.P. 205.4(g) and placing it within Pa.R.Civ.P. 440 as new subdivision (e).

The Explanatory Comment accompanying Pa.R.Civ.P. 205.4 when adopted indicated that subdivision (g)(2) "is designed to be the electronic equivalent of the rule for service by mail as set forth in Rule 440(b) which provides that service is complete upon mailing." 29 Pa.B. 3189 (June 26, 1999). With the proposed addition of three days if serving by mail, the Committee considered whether service by e-mail and service by a local electronic filing system should likewise receive three additional days given the previously intended equivalency among the modes of service.

Obviously, transmission of the document itself or notice of the document being e-filed is faster relative to mail. Yet, the Committee observes that the three days are added if served via PACFile in the appellate courts. See *In re: Electronic Filing System in the Appellate Courts*, No. 418 Judicial Administration Docket, amended January 6, 2014. No such provision exists in the criminal and juvenile courts when using PACFile. See Pa.R.Crim.P. 576.1(H); Pa.R.J.C.P. 205(H); Pa.R.J.C.P. 1205(H).

The Committee proposes Pa.R.Civ.P. 440(e)(3) to add three days to any prescribed time period if the manner of service is via e-mail or a local electronic filing system. Through this proposal, the Committee wishes to inform itself whether additional time is warranted for this mode of service or whether the rapidity of transmission renders any additional time unnecessary.

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.