

## **Appellate Court Procedural Rules Committee**

The Appellate Court Procedural Rules Committee proposes to recommend adoption of new Pennsylvania Rule of Appellate Procedure 125 authorizing and enabling a pilot electronic filing program for certain legal papers in the Pennsylvania Supreme Court. This proposed new rule is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is underlined while deleted material is bracketed.

All communications in reference to the proposed amendment should be sent no later than December 5, 2011 to:

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An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court Procedural Rules Committee*

Honorable Renée Cohn Jubelirer  
Chair

## Explanatory Comment

The Supreme Court and the Administrative Office of Pennsylvania Courts (“AOPC”) plan to implement a voluntary pilot electronic filing (“e-filing”) program for the filing of **certain** legal papers in the Supreme Court. The pilot program will permit electronic filing of a petition for allowance of appeal and any legal papers filed after a docket number is issued such as briefs, reproduced records and applications for relief. The petition for allowance of appeal is the **only initiating legal paper** included in the pilot program and it does not include any other legal paper that begins a matter in the Supreme Court such as a petition for extraordinary relief and a notice of appeal. Users will be permitted to file legal papers electronically in direct appeal and original jurisdiction matters **after** filing the initiating legal paper with the Supreme Court in the conventional manner as provided in the Rules of Appellate Procedure. The Supreme Court and AOPC anticipate that the pilot program will be expanded later to include legal papers in the Superior and Commonwealth Courts.

The attached proposed general rule authorizes the implementation of an e-filing program. The Committee expects the Supreme Court to implement the program by adopting an Administrative Order to be posted on the Unified Judicial System (“UJS”) website with two manuals: the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User’s Manual.

The Administrative Order will cover topics including: (a) authorization for AOPC to prepare and post the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User’s Manual on the UJS website; (b) identification of the legal papers which may be filed; (c) a description of the electronic format for electronically filed legal papers; (d) details regarding filing, such as the deadline for filing legal papers and acknowledgment of receipt of filing; (d) service of legal papers; and (e) the consequences of a technical failure of the Court’s electronic filing system.

The Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User’s Manual will include the details of registration, payment of filing fees, and access to the system. The Committee reiterates that the pilot program for the electronic filing system will be **voluntary**. The Committee expects that, before it is expanded or made mandatory, the Rules of Appellate Procedure would codify the policies and procedures in more detail following publication and an opportunity for comment based on experience with the pilot program.

**Rule 125. Electronic Filing.**

The appellate courts may establish and maintain a system for electronic filing of legal papers in the appellate courts.  
Electronic filing procedures shall be governed by an Administrative Order of the Supreme Court of Pennsylvania and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts.

Note: This is an interim rule authorizing electronic filing of legal papers in the Pennsylvania appellate courts through the internet. It is anticipated that the appellate courts will implement an electronic filing system in pilot phases governed by an Administrative Order of the Supreme Court and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts. The initial pilot phase will include certain legal papers filed in the Supreme Court only. Prior to implementation of the initial pilot phase, the Supreme Court's Administrative Order and an Electronic Filing Policies and Procedures Manual, will be posted on the Unified Judicial System's website at [www.pacourts.us](http://www.pacourts.us). The Administrative Order and an Electronic Filing Policies and Procedures Manual may be subject to frequent amendment, especially during the pilot phases as the system and related procedures evolve and the program is expanded to include filings in the intermediate appellate courts. Following the pilot phase or phases, it is anticipated that the Supreme Court will amend or replace this interim rule based on experience.