

**IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA**

In Re: Local Rule 4007 and : CP-44-CV-2-2018  
Local Rule 4008 of :  
Judicial Administration :

**AMENDED ORDER OF COURT**

And now, this 31<sup>st</sup> day of August, 2018, the Court hereby adopts the following new Local Rules of Judicial Administration hereby amending this Court's Order dated December 19, 2016.

**Rule 4007 Requests for Transcripts**

(A) All requests for transcripts shall be submitted on a form provided by the District Court Administrator or a form prepared by the judicial district and approved by the District Court Administrator. The form shall include the current rates authorized to be charged for transcripts under these rules.

(B) The request for transcript form may be downloaded from the Mifflin County Court website at [www.co.mifflin.pa.us/dept/courts](http://www.co.mifflin.pa.us/dept/courts). A copy may also be obtained from the Office of Court Administration. For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with Court Administration. The requesting party shall also serve copies of the formal request upon the:

- (1) Judge presiding over the matter;
- (2) District Court Administrator;
- (3) Court Reporter or transcriptionist;
- (4) Opposing counsel, but if not represented, the opposing party.

The provisions of subsection (B) do not apply to requests by the Judicial Conduct Board.

(C) Daily, expedited, or same day transcripts are not available except in extreme circumstances approved by the presiding Judge.

(D) When a party requests a transcript,

(1) the party ordering a transcript shall make payment of the estimated transcript cost. Payments are to be made payable to County Of Mifflin and shall be delivered to the Office of Court Administration. Court Administration staff will forward same to the Prothonotary/Clerk of Court. Payment by private parties shall be made by money order or cashier's check. Personal checks and cash shall NOT be accepted by the Office of Court Administration.

(2) the Court Reporter, Court Recorder or transcriptionist shall prepare the transcript upon direction of the District Court Administrator after approval by the presiding Judge.

(3) the Court Reporter, Court Recorder or transcriptionist shall notify the ordering party and the Office of Court Administration of the completion of the transcript and deliver the original to the presiding Judge for approval of the transcript.

(4) upon payment of any balance owed, the Court Reporter, the Court Recorder or transcriptionist shall deliver the original transcript to the appropriate filing office for filing with copies for distribution to the requesting party and any other parties who may have requested copies. Copies of the transcript and filing of the original will be made upon payment in full. Checks for the final balance are to be made payable to the County of Mifflin and shall be delivered to the district court administrator or other court designee.

(E) When a party requests a transcript but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the Court or County is responsible for the cost, the Court Reporter, Court Recorder or transcriptionist shall prepare the transcript, without the necessity of a deposit, at the direction of the District Court Administrator after approval by the presiding Judge who will determine the priority of the request.

**Rule 4008 Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof**

**(A) Costs:**

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for an original transcript in an electronic format shall be:

(a) for a transcript for which an accelerated delivery is not requested, \$2.50 per page;

(b) expedited transcript, \$3.50 per page, if the court reporter is able to accommodate;

(c) daily transcript, \$4.50 per page, if the court reporter is able to accommodate;

(d) same day delivery, \$6.50 per page, if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

**(B) Economic hardship – minimum standards:**

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a party who has been permitted by the Court to proceed *in forma pauperis* or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a party whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of an In Forma Pauperis Petition to Waive Transcript Fee and submitted with the request for transcript.

**(C) Assignment and allocation of transcripts costs:**

(1) *Assignment of costs.* The requesting party, or the party required by general rule to file a transcript, shall be responsible for the cost of the original transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party is to receive the transcript, or is required by general rule to file the transcript, the cost of the original transcript shall be divided equitably among the parties, taking into account any reduced fee or free transcripts.

**(D) Copies of transcript:**

(1) A request for a copy of any transcript previously ordered, transcribed and filed of record shall not exceed:

(a) \$0.75 per page bound, paper format; and,

(b) \$0.50 per page electronic copy.

(2) A request for a copy of an expedited transcript shall not exceed:

(a) \$1.00 per page bound, paper format; and,

(b) \$0.75 per page electronic copy.

(3) A request for a copy of a daily transcript shall not exceed:

- (a) \$1.25 per page bound, paper format; and,
- (b) \$1.00 per page electronic copy

(4) A request for a copy of a same day transcript shall not exceed:

- (a) \$1.50 per page bound, paper format; and,
- (b) \$1.25 per page electronic copy.

**(E) Additional Costs:**

No transcript or related costs may be charged to the parties or the public other than those listed in subdivisions (A), (B) and (D) without the written approval of the Court Administrator, except that a judicial district may enact a local rule that permits a trial judge to impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for a Court Reporter to significantly expand his/her dictionary.

**(F) Requests for Rate Increases**

The president judge of a judicial district may request an increase in the rates prescribed in subdivision (A) or (D) by submitting a written request to the Committee on Court Reporting and Transcripts. The request shall only be approved where it is established that the judicial district faces an economic hardship caused by the current rates and that the requested rates are reasonable. If the Committee approves the request by majority vote, it shall be forwarded to the Court Administrator for review. If the Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

Said Local Rules of Judicial Administration shall be effective in the 58<sup>th</sup> Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the Pennsylvania Bulletin and upon publication on the Mifflin County website.

BY THE COURT:



DAVID W. BARRON  
PRESIDENT JUDGE

DISTRIBUTION: SEE NEXT PAGE

**c: Administrative Office of Pennsylvania Courts,  
Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 1500  
P.O. Box 61260, Harrisburg, PA 17106-1260**

**Legislative Reference Bureau, (Two certified copies and one electronic copy)  
641 Main Capital Building, Harrisburg, 17120-0001**

**Mifflin County Prothonotary**

**File**