

SUPREME COURT OF PENNSYLVANIA

In Re: Order Amending Rule 576.1 of the Pa Rules of Criminal Procedure

In re Order Amending Rule 576.1 · Decided August 3, 2020

SUMMARY

This document amends Pennsylvania Rule of Criminal Procedure 576.1, governing electronic filing and service of legal papers through the PACFile system. The amendments clarify exclusions from the definition of legal papers, address electronic filing of exhibits, and make related technical and commentary changes.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	August 3, 2020
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania promulgated amendments to Pennsylvania Rule of Criminal Procedure 576.1 governing electronic filing and service of legal papers in criminal cases.
PRECEDENTIAL VALUE	published rule-amendment order

TOPICS

criminal procedure

PRACTICE AREAS

criminal procedure

court administration

electronic filing and service

QUESTIONS PRESENTED

1. What procedures govern electronic filing and service of legal papers in Pennsylvania criminal proceedings?
2. Which legal papers are excluded from electronic filing?
3. When is an electronically filed legal paper considered filed, and what service obligations apply to electronic and non-electronic participants?

HOLDINGS

1. A president judge may authorize electronic filing of legal papers in the courts of common pleas and the Philadelphia Municipal Court through the statewide PACFile system by local rule adopted under Pennsylvania Rule of Criminal Procedure 105 and Rule of Judicial Administration 103.
2. Electronic filing must initially be permissive in a judicial district, but after two years of authorized electronic filing the district may amend its local rule to make participation mandatory, subject to applicable rulemaking requirements and accommodations for persons unable to participate electronically.
3. An electronic legal paper is considered filed when it is submitted to the PACFile system and accepted by the clerk of courts; if filing requirements are met, the filing date and time are the date and time of submission.
4. Electronic notification generated upon submission satisfies service requirements for participating attorneys and parties with system accounts, while service on persons without accounts or unable to access electronic filing must be made under Pennsylvania Rules of Criminal Procedure 114(B) and 576(B).

KEY QUOTATIONS

“Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 105 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory.” (Rule 576.1(B)(2))

“A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts.” (Rule 576.1(E)(5))

“This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.” (Rule 576.1(H)(1))

FACTUAL BACKGROUND

The rule addresses implementation of electronic filing through the statewide PACFile system in courts of common pleas and the Philadelphia Municipal Court. It establishes procedures for local judicial districts to authorize electronic filing, protects access for participants unable or unwilling to use electronic filing, and clarifies which legal papers may or may not be filed electronically.

PROCEDURAL HISTORY

Rule 576.1 was originally adopted on January 25, 2018, effective May 1, 2018. The court amended the rule on August 3, 2020, with the amendments effective October 1, 2020.

DISPOSITION

other

