

RULES OF JUDICIAL ADMINISTRATION

Rule 4007. Requests for Transcripts.

- (A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator or a form prepared by the judicial district and approved by the Court Administrator. The form shall indicate the current rates authorized to be charged for transcripts under these rules.
- (B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator or other appropriate **court** filing office **[of the court]**. The requesting party shall also serve copies of the formal request to:
- (1) the judge presiding over the matter;
 - (2) the court reporter, court recorder, or transcriptionist;
 - (3) the district court administrator or his or her designee (if not filed with the district court administrator); and
 - (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) In courts where daily, expedited, or same-day transcripts are available, requests for these transcripts shall be made as provided for in local rule. In the event of an emergency, a party may request **[by oral motion]** a daily, expedited, or same-day transcript **by oral motion**.
- (D) When a party requests a transcript,
- (1) the party ordering a transcript shall make partial payment in an amount established by local rule. Deposit checks are to be made payable to the judicial district or county, as set by local rule, and shall be delivered to the district court administrator or other court designee.
 - (2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee.
 - (3) the court reporter, court recorder, or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter.

- (4) upon payment of any balance owed, the court reporter, court recorder, or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to the judicial district or county, as set by local rule, 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.]**

If a party requests a transcript but cannot pay for the transcript because of alleged inability to pay, the court shall approve the request if:

(1) the request is for an ordinary transcript and the matter is under appeal, or a transcript is necessary to advance the litigation; and

(2) the party has obtained a waiver pursuant to Pa.R.J.A. 1990.

- (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.

Comment

Nothing in this rule prevents a local court from adopting an electronic filing request procedure, provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for costs shall be left to the discretion of the president judge and district court administration. Note, however, that deposit checks and final payment checks are to be made payable to the judicial district or county, not to the individual court reporter or transcriptionist preparing the transcript.

It is anticipated that court reporters shall continue to be compensated for the preparation of transcripts pursuant to local rule or practice. It is not contemplated that this rule shall interfere with or otherwise limit the income of court reporters. In this regard, in certain jurisdictions, court reporters earn a substantial portion of their income through the preparation of transcripts. It shall

remain the duty of the president judge and district court administrator to **[assure]** **ensure** that the implementation of these rules does not unfairly limit the ability of court reporters to be properly compensated for their professional services.

The rule also recognizes that unreasonable demands for free **[or reduced-cost]** transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish **between** necessary and nonessential requests.

Requests for transcripts of sentencing hearings required by law under 42 Pa.C.S.[A.]§ 9764(b)(5)(ii) are not subject to the transcript request provisions of this Rule.

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 not exceed:
 - (a) for a transcript for which an accelerated delivery is not requested, \$2.50 per page;
 - (b) for an expedited transcript, \$3.50 per page;
 - (c) for a daily transcript, \$4.50 per page; and
 - (d) for same-day delivery, \$6.50 per page.
- (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.

[Comment

The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate if the requestor desires a personal copy (subject to any cost sharing with additional parties.)

Many attorneys/parties prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Rule 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcript on the sheet.

There is no entitlement to expedited, daily, or same-day delivery of transcripts. Those services are only available where provided by the judicial district and when the court reporter has that capability.]

(B) **[*Economic hardship—minimum standards*] Waiver of Costs.**

- [(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)1] Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, or same-day transcripts may be waived at the court’s discretion for parties who qualify for **[economic hardship under subdivision (B)(1) or (B)(2)] a waiver of fees and costs pursuant to Pennsylvania Rule of Judicial Administration 1990 under subdivision (B)** 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.]**
- (2) Transcript costs shall be waived if a transcript request is approved pursuant to Pa.R.J.A. 4007(E).**

[Comment

Transcript costs can be quite expensive. By establishing minimum standards, subdivision (B) is intended to ensure that costs do not effectively deny access to the court system to impoverished persons and persons of limited financial means when further proceedings necessitate a transcript. The rule also recognizes that unreasonable demands for free or reduced-cost transcripts can result in a significant economic burden on the court system; for this reason, the rule attempts to distinguish necessary and nonessential requests. Procedures for waiving or reducing transcripts costs must be published by the court and clearly communicated to parties.

Parties who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost.]

(C) *Assignment and allocation of transcript 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.

[Comment

It is the intent of this provision that all parties who receive a transcript should share equitably in the costs. If two parties receive the transcript, they would each pay their share of the cost of the original transcript that is filed with the court, with each party paying for their copy. In cases where a party qualifies for a free or reduced-price transcript, any other party paying full price pays only their proportionate share of the full price, with the judicial district absorbing the cost of the free or reduced-price transcript.]

(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.

[Comment

With respect to a non-party (i.e., general public) request for a copy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D)(1) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored. The copy rates in Rule 4008(D)(2), (3), and (4) reflect the additional work necessary to deliver a transcript on an expedited schedule, but once the original transcript is filed with the appropriate filing office, the copy rate in (D)(1) is to apply.]

(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.

[Comment

Pursuant to local rule, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device via cable, wifi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the court for such a connection.]

(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 Court Administrator. Prior to submission, a notice of the proposed increase shall be published for public comment for at least thirty days. Any comments received must be forwarded to the Court Administrator with the request. 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 Court Administrator determines that the increase is necessary, the request shall be forwarded to the Supreme Court.

[Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these rules take precedence.]

Comment

The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate if the requestor desires a personal copy (subject to any cost-sharing with additional parties.)

Many attorneys and parties prefer to read paper transcripts, including condensed transcripts, and these rules do not inhibit the practice. However, when a condensed paper transcript is ordered by a party, the surcharge of \$0.25 per page in Rule 4008(A)(2) shall refer to \$0.25 per sheet of paper, regardless of the number of pages of transcripts on the sheet.

There is no entitlement to expedited, daily, or same-day delivery of transcripts. Those services are only available when provided by the judicial district and when the court reporter has that capability.

Transcript costs can be quite expensive. Subdivision (B) is intended to ensure that costs do not effectively deny access to the court system to impoverished persons and persons of limited financial means when further proceedings necessitate a transcript. Procedures for waiving transcript costs must be published by the court and clearly communicated to parties.

It is the intent of this provision that all parties who receive a transcript should share equitably in the costs. If two parties receive the transcript, they will each pay their share of the cost of the original transcript that is filed with the court, with each party paying for their copy. In cases where a party qualifies for a free transcript, any other party paying full price pays only their proportionate share of the full price, with the judicial district absorbing the cost of the free transcript.

With respect to a non-party (i.e., general public) request for a copy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D)(1) provides that the cost charged to the public for a transcript copy that has been filed of record shall not exceed \$0.75 per page, regardless of the form or location in which the transcript is filed or stored. The copy rates in Rule 4008(D)(2), (3), and (4) reflect the additional work necessary to deliver a transcript on an expedited schedule, but once the original transcript is filed with the appropriate filing office, the copy rate in (D)(1) is to apply.

Pursuant to local rule, a reasonable fee may be charged for a secure electronic feed that instantaneously delivers the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device via cable, Wi-Fi, router, or Bluetooth to parties, the media, or other interested individuals. There shall be no fee charged to the court for such a connection.

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these rules take precedence.

Rule 4009. Fees and Procedures. Local Rule.

Each judicial district shall promulgate and publish a local rule **of judicial administration** establishing the fees to be paid for all court reporting products[,] **and** the procedure for requesting a transcript[, **and the procedure for requesting a full or partial fee waiver pursuant to Rule 4008(B)**].

[Official Note] Comment

For rules governing the promulgation of local rules, *see* Pa.R.J.A. [No.] 103.

Rule 4011. Deadline for Delivery of Transcript.

- (A) Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the district court administrator or the court's designee, as required by Pa.R.A.P. 1922(a).
- (B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the district court administrator or the court's designee, as provided by Rule 4007, unless an accelerated time frame is mandated by court order, law, or local rule.
- (C) For requests made by a party required to post a deposit under Rule 4007, the 30-day period for delivery of the transcript shall not commence until the Rule 4007 deposit is received by the court. In those cases involving **[economic hardship] waiver of costs** under Rule **[4008] 4007(E)**, the 30-day period for delivery of the transcript shall not commence until disposition of the application. **[for waiver or reduction of costs. In cases where a reduction of costs is granted, the time frame commences once the reduced deposit is received by the court.]**

- (D) The court reporter or transcriptionist, upon a showing of good cause to the president judge, may request an extension of the deadline for a period of time not to exceed an additional 30 days. In no case shall more than one extension be granted.
- (E) Transcripts prepared pursuant to the Children’s Fast-Track Appeal program shall be given priority.

[Official Note

For rules governing children’s fast-track appeals, see Pa.R.A.P. 102 *et seq.*

- (F) Requests for transcripts unrelated to cases under appeal or in cases where no court order has been entered directing transcription shall not be given priority. However, in any event, such transcripts shall be filed and delivered within 45 days, absent an extension for good cause approved by the President Judge.

Comment

These rules do not supersede any existing Pennsylvania Rule of Court regarding the delivery of court transcripts. If there appears to be a conflict with an existing Pennsylvania Rule of Court, such Rule remains in full force and effect. However, if there appears to be a conflict with any local rule of court for the delivery of transcripts, these Rules take precedence.

For rules governing children’s fast-track appeals, see Pa.R.A.P. 102 *et seq.*