

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: Lehigh County Rule 205.4 : No. 2019-J-
Authorizing an E-Filing :
Program for Civil and Family Cases :

ADMINISTRATIVE ORDER

AND NOW, this 15th day of November 2019;

IT IS HEREBY ORDERED that Lehigh County Rule 205.4, Electronic Filing of Legal Documents Filed in the Clerk of Judicial Records – Civil Division be and is hereby amended effective January 1, 2020 and that the attached Lehigh County Local Rule authorizing a mandatory E-Filing Program to include Family Court Cases, with the exception of Protection From Abuse and Domestic Relations cases, be and the same is hereby ADOPTED, effective January 1, 2020;

IT IS FURTHER ORDERED THAT the Court Administrator of Lehigh County shall file: one (1) certified copy of this Order and Lehigh County Local Rule of Civil Procedure 205.4 with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau to be published in the Pennsylvania Bulletin at least 30 days prior to the effective date of the local rule. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Lehigh County Local Rules.

BY THE COURT:

Edward D. Reibman, P.J.

Rule 205.4. Electronic Filing of Legal Documents Filed in the
Clerk of Judicial Records – Civil Division

- (a)(1) Authorization for Electronic Filing of Civil and Family Legal Papers
- (i) In accordance with Pa. R. C. P. No.239.9, the Lehigh County Court of Common Pleas mandates the electronic filing of legal papers in Civil cases and the electronic service of such papers effective March 19, 2018, and mandates the electronic filing of legal papers in Family cases (i.e. custody and divorce matters), with the exception of Protection From Abuse and Domestic Relations cases, and the electronic service of such papers effective January 1, 2020 as specifically defined within this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing. Electronic filing and service shall be governed by this rule.
 - (ii) In the context of this rule, **“legal papers”**, which shall be filed electronically shall be in all civil, custody and divorce cases, but not including Domestic Relations, Protection from Abuse cases **or Orphans’ Court matters**.
 - (iii) All registered participants are eligible to file the legal papers as indicated in paragraph (a)(1)(ii) above.

Comment

The primary intent of this rule is to facilitate the filing of all legal papers that are expressly permitted under this subsection.

- (b)(1) Authorized Electronic Format of Legal Papers Electronically Filed. All legal papers shall be filed electronically in-Portable Document Format (PDF). Any legal paper or exhibit submitted in hard copy/paper format shall incur an administrative fee of \$1.00 per page for the Clerk of Judicial Records-Civil Division to convert the legal paper or exhibit to a Portable Document Format (PDF) and the Clerk of Judicial Records-Civil Division shall return the hard copy legal paper or exhibit to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4).
- (c)(1) A legal paper filed electronically shall be deemed the original document.
- (c)(2) Website - Access to the Website
- (i) Website. All legal papers shall be filed electronically through the Clerk of Judicial Records – Civil Division’s Electronic Filing System ***“Odyssey File and Serve” (OFS)*** which shall be accessible through the Lehigh County Website, www.lehighcounty.org

- (ii) Access to the Website. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name and Password.
- (d)(1) Payment of Filing Fees
 - (i) The Clerk of Judicial Records – Civil Division will accept electronic payment of all filing fees with the following credit and debit cards: Discover, MasterCard, American Express, Visa and eCheck.
 - (ii) The credit or debit card will be charged with a convenience fee dictated by the credit card vendor.
 - (iii) The Clerk of Judicial Records-Civil Division will accept payment of electronic filing fees in cash, checks, credit or debit card when filing in person at the counter in the Clerk of Judicial Records-Civil Division.
- (e) Reserved
- (f) Local Procedures

As authorized by Pa.R.C.P. No. 205.4(f), the following local administrative procedures are adopted:

 - (i) As provided by Pa.R.C.P No. 1023.1, the required signature on an electronic filing of legal papers is established by submission of a filing and the application of a digitized signature or the name of the filer proceeded by /s/ **accompanied by the attorney's printed name** or a scanned document with an original signature. Verification will be achieved through the use of an email address and a password obtained from the OFS System. The OFS system will verify the user ID against the state ID number. Verification for parties other than attorneys will be verified through the user ID.
 - (ii) The legal paper must include a signature block, and the name of the filer under whose user name and password the legal filing is submitted.
 - (iii) The Electronic Filing Application (OFS) shall provide to the filer, using the email address registered by the filer, a Courtesy Email acknowledging that the filing was received. An Official Notification will be displayed in the Electronic Filing System, which includes the time and date, as a pending filing awaiting approval by the Clerk of Judicial Records-Civil Division. Within six (6) business hours of the receipt of the legal paper, the Clerk of Judicial Records-Civil Division shall provide the filer with notification through the Electronic Filing System that the legal paper has been either accepted or rejected.
 - (iv) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Electronic Filing System; however, if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment is received **pursuant to 42 P.S Section 21073(b),**"The Clerk of Judicial Records-

Civil Division shall not be required to enter on the docket any suit or action or order of court or to enter any judgment thereon and perform any services whatsoever for any person, political subdivision or the Commonwealth until **the requisite fee is paid.**”

Note: As required by Pa.R.C.P. No. 205.4(c) (1) access to the Electronic Filing System shall be available at all times, except for routine maintenance; however, legal documents can only be reviewed by the staff of the Clerk of Judicial Records-Civil Division during normal office hours. Therefore, filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.

- (v) Pa.R.C.P. No. 204.1(3) requires that the first sheet of all pleadings, motions and other legal filings shall contain a 3-inch space from the top of the paper. This space shall be reserved solely for the use of the Clerk of Judicial Records – Civil Division for the electronic date and time stamp, and other official use.
- (vi) As required by Pa.R.C.P 205.5, the filer shall include the statewide cover sheet with the initial filing.
- (vii) If a legal document is refused for filing, the Clerk of Judicial Records-Civil Division shall specify a reason. Subject to the Rule 205.4 (e)(3), a legal paper refused for filing shall be deemed as not having been filed.
- (viii) Neither the Court nor the Clerk of Judicial Records-Civil Division shall be required to maintain a hard copy of any legal paper, notice, or order filed or maintained under this rule.

(g) Service of Legal Papers

- (i) Once an electronic filing has been accepted by the Clerk of Judicial Records-Civil Division, it shall be the responsibility of the filing party to provide to the Sheriff of Lehigh County, the proper service fee and the documents for Original Service and Writs.