

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

Lehigh County Rules of : No.: 2024 - J -0029
Judicial Administration 5102 – 5104 :

ADMINISTRATIVE ORDER


AND NOW, this 26^{*} day of February, 2024;

IT IS ORDERED that Lehigh County Rule of Civil Procedure 223.1 is rescinded and replaced with the attached Lehigh County Rules of Judicial Administration 5102 - 5104, effective thirty (30) days after publication in the Pennsylvania Bulletin.

IT IS FURTHER ORDERED that the Court Administrator of Lehigh County shall:

1. File one (1) copy of the Order and Lehigh County Rules of Judicial Administration 5102 – 5104 with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.
2. Mail one (1) copy to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and e-mail another copy in Microsoft Word format to bulletin@palrb.us.
3. Publish the local rules on the court's website.
4. Incorporate the local rules into the set of local rules on the court's website no later than thirty (30) days following publication in the Pennsylvania Bulletin.
5. File one (1) copy with the Lehigh County Clerk of Judicial Records for public inspection and copying.

BY THE COURT:


I Brian Johnson, E.J.

Rule 5102. Custody of Exhibits. General Provisions.

(a) During Court Proceedings Before Judge.

(1) The Court Reporter/Court Monitor shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(b) After Court Proceedings Before Judge. The Court Reporter/Monitor shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits after court proceedings have concluded.

(1) The Court Reporter/Monitor shall:

(ii) file all documentary exhibits, photographs, photographs of non-documentary exhibits, and corresponding Index of Exhibits with the Clerk of Judicial Records within five (5) business days of the conclusion of the court proceeding unless otherwise directed by the court. In accordance with Lehigh County Rules of Civil Procedure 205.4, the Court Reporter/Court Monitor may also electronically file all exhibits, if practical to do so, via File and Serve. Electronic filing of the exhibits is at the discretion of the Court Reporter/Court Monitor.

(2) The Index of Exhibits shall be prepared and maintained by the Court Reporter/Court Monitor and shall include all of the following information in conformity with the form attached as Appendix I:

- (i) the case number;
- (ii) the title of the court proceeding;
- (iii) initial start date of the court proceeding and of each successive session;
- (iv) the name of the presiding judge;
- (v) the exhibit number;
- (vi) a written description of each exhibit;
- (vii) the proponent of each exhibit;
- (viii) the date on which the exhibit was offered, admitted, or not admitted into evidence; and
- (ix) the name of the Court Reporter/Court Monitor.

Rule 5103. Custody of Exhibits. Special Provisions.

(a) Documentary Exhibits.

- (1) If a proponent offers into evidence an exhibit that is larger than 8-1/2 x 11 inches or a photograph, the proponent shall ensure that a copy of the document reduced to 8-1/2 x 11 inches is entered into the record. Items larger than 8-1/2 x 11 inches may be used for illustration during the court proceedings.
- (2) A proponent who provides a reduced copy of an oversized exhibit or a copy of a photograph shall ensure that the reproduced exhibit or photograph is clear and capable of further reproduction or transfer to digital media.
- (3) If a proponent offers into evidence a deposition of a witness via digital media, the digital media shall be marked as an exhibit. The submission of same must be accompanied by a transcript of the deposition, which shall also be marked as an exhibit and retained in the record of the proceedings.
 - (i) It shall not be necessary for the Court Reporter/Court Monitor to also transcribe the audio portion of the deposition, so long as the record clearly reflects which part of the audio portion of the deposition was offered into evidence and admitted.

(c) Non-documentary Exhibits: Generally.

- (3) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding.

(e) Use of Digital Media. Any digital exhibit that is not also presented via photograph, and any documentary exhibits of extraordinary size or bulk, defined as documents in excess of 100 pages, shall be entered into the record on a Universal Serial Bus (USB) flash drive. Multiple digital exhibits may be submitted by a party on one USB flash drive.

(g) Disposition of Exhibits After Trial.

- (1) Documentary exhibits, photographs, and photographs of non-documentary exhibits filed with the Clerk of Judicial Records are subject to existing record retention schedules.

Rule 5104. Exemption.

(b) Proceedings Before Hearing Officers. Record hearings before hearing officers in divorce, custody, support, delinquency, and dependency matters are excluded from Lehigh County Local Rules 5102 and 5103.

APPENDIX I

INDEX OF EXHIBITS

Case Name: _____ File No: _____

Title of Court Proceeding: _____ Judge: _____

Start Date of Proceeding: _____ Name of Initial OCR/Monitor Custodian: _____

Dates of Successive Sessions _____ Names of Successor OCR/Monitor Custodian

Conclusion Date of Proceeding _____ Final OCR/Monitor Custodian: _____

Exhibit #	Name of Proponent	Description/Identification of Exhibit + indicate whether: Reproduced Exhibit = RE Confidential Document = CD Confidential Information = CI	Date Offered For Admission	Admitted Include date	Not Admitted Include date

APPENDIX I

APPENDIX II

TRANSFER OF EXHIBITS DURING COURT PROCEEDING

Acknowledgement of Receipt by Successor Custodian

Leh.R.J.A. 5102 (a)(3)

Case Caption:

No.

Name of Delivering Custodian: _____

Name of Successor Custodian: _____

On this date I accepted from the Delivering Custodian:

- Index of Exhibits of Court Proceeding begun: _____
- Exhibits: (list all exhibits by Proponent and Number)

Date: _____

Signature of Successor Custodian

APPENDIX III

**TRANSFER OF EXHIBITS AT CONCLUSION OF COURT
PROCEEDING**

Acknowledgement of Receipt by Clerk of Judicial Records Staff

Leh. R.J.A. 5102 (b)(1)(i.)

Case Caption:

No.

Name of Delivering Custodian: _____

Name of Receiving Clerk of Judicial Records Staff: _____

On this date I accepted the following from Delivering Custodian for e-filing pursuant to
Leh. R.J.A. 5103 (b)(1)(i.):

- Index of Exhibits of Court Proceeding begun: _____ and completed on
_____; and
- Exhibits: (list all exhibits by Proponent and Number)

Date: _____

Signature of Receiving Clerk of Judicial Records staff