

JOANNE C. LUDWIKOWSKI
ANN S. PEPPERMAN
BRIAN J. BLUTH
J. MICHAEL WILEY
AUSTIN WHITE
CHRISTOPHER H. KENYON
ELIZABETH A. WHITE
HON. MARC F. LOVECCHIO (RET.)
WILLIAM E. BANEY
STEPHEN C. HARTLEY



McCORMICK
LAW FIRM

835 West Fourth Street
Williamsport, PA 17701
(570) 326-5131 • (570) 326-5529 fax
www.mcclaw.com

OF COUNSEL:
J. DAVID SMITH
HON. E. EUGENE YAW
PA SENATE
C. EDWARD S. MITCHELL
GARY L. WEBER
N. RANDALL SEES
RICHARD F. SCHLUTER
RETIRED
EMILIE P. ERTEL
BUSINESS MANAGER

April 16, 2024

Honorable Nancy L. Butts
President Judge
Lycoming County Courthouse
48 W. Third Street
Williamsport PA 17701

RE: Local Rules Related to Custody of Exhibits

Dear Judge Butts:

The Lycoming County Customs and Rules Committee was asked to review proposed rules of judicial administration relating to the custody of exhibits. The Committee met and reviewed the proposed rules. The Committee agreed upon the language of three new proposed rules and submits herewith an order that would implement these new rules.

The rules would allow local implementation of new statewide rules relating to the custody of exhibits during and after trials and in domestic relations proceedings. These rules would standardize the procedures for holding exhibits during the proceeding, holding the exhibits after the proceeding and indexing the exhibits for purposes of maintaining a record of exhibits used during proceedings.

The local rules became necessary after the Pennsylvania Supreme Court issued similar rules, that provided for local options to implement the rules.


As there is no provision for state review of these rules, the rules will become effective after approval by the Lycoming County court and 30 days after publication in the Pennsylvania Bulletin.

Honorable Nancy L. Butts
Page 2
April 16, 2024

Please advise if I can be of further assistance in this matter.

Very truly yours,

MCCORMICK LAW FIRM


Gary L. Weber

GLW/svg

cc: Honorable William Carlucci
Honorable Ryan Gardner
Honorable Eric Linhardt
Honorable Ryan Tira
Adrienne Stahl

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming :

County Rules of Judicial Administration : Docket number:

ORDER

AND NOW, this _____ day of _____, 2024, it is hereby ORDERED

AND DIRECTED as follows:

1. Lycoming County Rules of Judicial Administration L5101, L5102 and L5103, as set forth on the attachment, are hereby promulgated.
2. The Prothonotary is directed to:
 - a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.
 - b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rules to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - c. Submit a copy of the newly promulgated rules for publication on the County website.
 - d. Forward a copy of this order to the chairman of the Lycoming County Customs and Rules Committee (Gary L. Weber), for publication on the Lycoming Law Association website and inclusion of the new rules in the complete compilation of Lycoming County local rules.
3. The revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

BY THE COURT,

Nancy L. Butts, P.J

Eric R. Linhardt, J

Ryan M. Tira, J.

.William C. Carlucci, J.

Ryan C. Gardner, J.

Custody of Exhibits

L 5101. Definitions.

A. **"Records office."** In Lycoming County, the responsible entities are the prothonotary, the clerk of courts, the clerk of the orphans' court, and the domestic relations office.

L 5102. Custody of Exhibits. General Provisions.

A. During Court Proceedings.

(1) The court reporter is designated as the custodian of documentary exhibits, photographs, and photographs of non-documentary exhibits during court proceedings.

(2) The court or the court reporter may direct the proponent to secure and maintain non-documentary exhibits that are bulky, oversized, or otherwise physically impractical for the court reporter to maintain during court proceedings.

(3) The proponent shall secure weapons, cash, other items of value, drugs, and other dangerous materials during court proceedings and all breaks and recesses.

B. After Court Proceedings.

(1) After court proceedings, the court reporter is designated as the custodian of documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(2) The court reporter shall file an index of exhibits with the appropriate records office within five business days of the conclusion of the court proceeding unless otherwise directed by the court. If multiple court reporters are involved with a proceeding, the first court reporter shall provide the subsequent court reporter (and so on, if more than two court reporters) with the submitted exhibits and index of exhibits. The court reporter at the conclusion of the proceeding shall file with the appropriate records office an index of exhibits within 5 business days of the conclusion of the proceeding.

(3) Unless otherwise directed by the court, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

C. Proceedings Before Family Court Hearing Officers.

(1) The hearing officer is designated as the custodian of documentary exhibits, photographs, and photographs of non-documentary exhibits during court proceedings.

(2) The hearing officer may direct the proponent to secure and maintain non-documentary exhibits that are bulky, oversized, or otherwise physically impractical for the custodian to maintain during court proceedings.

(3) The proponent shall secure weapons, cash, other items of value, drugs, and other dangerous materials during court proceedings and all breaks and recesses.

(4) After court proceedings, the hearing officer is designated as the custodian of documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(5) The hearing officer shall file an index of exhibits with the records office within five business days of the conclusion of the court proceeding.

(6) Unless otherwise directed by the court, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

L 5103. Custody of Exhibits. Special Provisions.

A. The copy of the document entered in to the record shall be an exact depiction.

B. If an original documentary exhibit exceeds 100 pages (single sided), the proponent shall enter the exhibit into the record on a disc or USB flash drive (or other portable media device if approved by the court). If a proponent has multiple digital exhibits, they may be submitted together on one portable media device. The proponent shall place the portable media device in an envelope no larger in size than 8.5 x 11 inches containing a label on the envelope and a separate document within the envelope describing the device's contents, including the case name, docket number, proponent name, and a textual description or identification of the contents.

C. The proponent of a non-documentary exhibit shall provide a photograph of the exhibit and a separate document including the case name, docket number, proponent name, date photograph was taken, and a textual description or identification of the photograph.

D. Any digital exhibit that cannot be printed, such as a video recording, shall be entered into the record on a disc or USB flash drive (or other portable media device if approved by the court). If a proponent has multiple digital exhibits, they may be submitted together on one portable media device. The proponent shall place the portable media device in an envelope no larger in size than 8.5 x 11 inches containing a label on the envelope and a separate document within the envelope describing the device's contents, including the case name, docket number, proponent name, and a textual description or identification of the contents.