

E.C.L.R.Crim.P. 576.1

Rule 576.1. Electronic Filing in Criminal Dockets

(A) Pursuant to Pa.R.Crim.P. 576.1, the Erie County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon an implementation plan for PACFile in Erie County for certain criminal filings. Electronic filing is permissive and not mandatory.

(B) As used in this rule, the following words shall have the following meanings:

(1) “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

(2) “filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;

(3). “legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following documents are excluded from the definition of “legal paper” and are therefore prohibited from being filed electronically:

- (a) applications for search warrants,
- (b) applications for arrest warrants,
- (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
- (d) submissions filed *ex parte* as authorized by law,
- (e) submissions filed or authorized to be filed under seal,
- (f) exhibits offered into evidence, whether or not admitted, in a court proceedings, and

(4) “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

(5) “the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

(C) Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pa.R.Crim.P. 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

(D) Applicable filing fees for electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

(E) A party who was granted *in forma pauperis* status shall not pay filing fees to the Clerk of Courts.

(F) All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

(G) Service of Legal Papers.

(1) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(2) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 114(B) and 576(b).

(3) Notification by the system to an attorney or defendant participating in the system shall satisfy the service requirements of Pa.R.Crim.P. 114(B) and 576(b).