

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

Lehigh County Rules of : No.: 2024 - J -  
Judicial Administration 5101 – 5104 : 2024-J-0081

ADMINISTRATIVE ORDER


AND NOW, this 19<sup>th</sup> day of July, 2024;

IT IS ORDERED that Lehigh County Rules of Judicial Administration 5102 – 5104 are rescinded, and the attached Lehigh County Rules of Judicial Administration 5101 - 5104 are adopted, effective thirty (30) days after publication in the Pennsylvania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](mailto: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](mailto: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:

  
J. Brian Johnson, P.J.

**RULES OF JUDICIAL ADMINISTRATION  
Court Of Common Pleas Of Lehigh County**

**CUSTODY OF EXHIBITS IN COURT PROCEEDINGS**

**Rule 5101. Definitions.**

- (a) When used in these rules, the following words and phrases shall have the meanings set forth below:
- (2) “Custodian” – The Court Reporter/Monitor during each Court Proceeding and shall include a Successor Custodian.
  - (8) “Court Reporter/Monitor” - A Court Reporter or Court Recorder as defined at Pa. R.J.A. 4002.
  - (9) “Index of Exhibits” – A list prepared and maintained by a Custodian during a Court Proceeding, which includes all of the following information and is in the form attached to these rules as Appendix I:
    - (i) The case caption;
    - (ii) The case number;
    - (iii) The type of Court Proceeding;
    - (iv) The name of the presiding judge;
    - (v) The dates of the Court Proceeding;
    - (vi) The name of the Court Reporter/Monitor acting as Custodian.
    - (vii) The Exhibit number;
    - (viii) The Proponent of each Exhibit;
    - (ix) A description or identification of each Exhibit; and
    - (x) The dates on which each Exhibit admitted or not admitted into evidence.
  - (10) “Reproduced Exhibit” – A true and correct copy of an over-sized documentary exhibit or photographic exhibit, or a photograph of a non-documentary exhibit, that is no larger than 8½ x 11 inches and is legible, clear, and capable of further reproduction or transfer to digital media, supplied to the Custodian by a Proponent pursuant to Pa.R.J.A. 5103(a)-(e).

- (11) “Successor Custodian” – Any member of Court staff who accepts exhibits from the Custodian.

**Rule 5102. Custody of Exhibits. General Provisions.**

**(a) During Court Proceedings.**

- (1) The Court Reporter/Monitor during each Court Proceeding is designated as the Custodian who shall maintain and secure all Exhibits offered during that Court Proceeding.
- (2) The Custodian shall:
  - (i) Mark each Exhibit by affixing a sticker to the first page that provides the Exhibit number, the date of the Court Proceeding, and the initials of the Custodian; and
  - (ii) Prepare and/or maintain the Index of Exhibits; and
- (3) In the event a Court Proceeding requires additional days, the Custodian shall retain, or deliver to a Successor Custodian, custody of the Index of Exhibits and the documentary, photographic, and/or digital media exhibits until the next date of the Court Proceeding.

**(b) After Court Proceedings.**

**(3) Confirmation**

- (i) In the event the exhibits are transferred from a Custodian to a Successor Custodian, the Successor Custodian shall also complete and file the form attached as Appendix II.

**(5) Method of Filing**

- (i) For Civil Cases, Orphans’ Court, Family Court, and Mental Health cases, the Index of Exhibits and Exhibits shall be filed directly through the Court’s e-filing platform. After the Index of Exhibits and Exhibits have been filed, the Exhibits shall be returned to the Proponent, and Appendix II shall be filed where applicable.
- (ii) For Criminal Cases, Juvenile Delinquency, and Juvenile Dependency, and Protection From Abuse cases, the Custodian shall deliver the original Index of Exhibits and Exhibits in person to the Clerk of Judicial Records – Criminal Division for filing. The form attached as Appendix III shall also be completed and filed upon transfer of the documents to the Clerk of Judicial Records – Criminal Division.

**Rule 5103. Custody of Exhibits. Special Provisions.**

**(c) Non-documentary Exhibits: Generally.**

- (4) 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.

**(g) Reproduced Exhibits.**

- (1) A witness deposition offered by a Proponent shall be submitted as a written transcript, rather than in digital media form.

**Rule 5104. Local Rule. Prohibition.**

- (b) Optional Provision.** Record hearings before hearing officers in divorce, custody, support, delinquency, and dependency matters are exempt from these local rules of judicial administration regarding Custody Of Exhibits In Court Proceedings.





APPENDIX II  
Leh.R.J.A. 5102(b)(3)(i)

**Court Of Common Pleas Of Lehigh County**

**TRANSFER, FILING, AND RETURN OF EXHIBITS**

Case Caption: \_\_\_\_\_  
Case No(s): \_\_\_\_\_ Judge: \_\_\_\_\_  
Type of Court Proceeding: \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, I filed the Index of Exhibits and all documentary exhibits, photographs, photographs of non-documentary exhibits maintained by me as Custodian/Successor Custodian during the above Court Proceeding with:

- \_\_\_\_\_ the Clerk of Judicial Records – Civil Division
- \_\_\_\_\_ the Clerk of Judicial Records – Criminal Division
- \_\_\_\_\_ the Clerk of the Orphans’ Court

On \_\_\_\_\_, 20\_\_\_\_, I accepted from the Custodian the attached copy of the Index of Exhibits, and all of the Exhibits listed therein, from the above Court Proceeding.

On \_\_\_\_\_, 20\_\_\_\_, I returned the paper copies of all filed Exhibits to the Proponent/Counsel for Proponent as follows:

<b>Exhibit No.</b>	<b>Proponent/Counsel for Proponent</b>	<b>Delivery Method</b>
Eg. P1 - 6	Plaintiff, John Smith/Atty. Joe Jones	U.S. Mail

Custodian/Successor Custodian:

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

APPENDIX III  
Leh. R.J.A. 5102(b)(5)(ii)

**Court Of Common Pleas Of Lehigh County**

**TRANSFER OF PAPER-FORMAT EXHIBITS  
AT CONCLUSION OF COURT PROCEEDING**

**Acknowledgement of Receipt by Clerk of Judicial Records**

Case Caption: \_\_\_\_\_

Case No(s): \_\_\_\_\_

Name of delivering Custodian: \_\_\_\_\_

Name of receiving Clerk of Judicial Records staff: \_\_\_\_\_

Date of Court Proceeding: \_\_\_\_\_

On this date, I accepted from the delivering Custodian the attached Index of Exhibits and all of the Exhibits listed therein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of receiving Clerk of Judicial Records staff