



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

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Copying Fees Reduced **New Policy Improves Access to District Court Records**

HARRISBURG, January 25, 2010 - The Administrative Office of Pennsylvania Courts (AOPC) has created a new public access policy to improve the process of obtaining records in 546 magisterial district courts throughout Pennsylvania.

The access policy on paper records establishes uniform standards for all magisterial district courts in responding to requests from the public for court files and documents. The policy takes effect July 1, 2010.

"The new access policy involving paper records adheres to the judiciary's general practice of making court files and information on court operations open and accessible to the public," said Chief Justice of Pennsylvania Ronald D. Castille. "We are setting down a written framework for a practice that our courts have routinely followed for many years."

Zygmunt A. Pines, Court Administrator of Pennsylvania, said the process of obtaining a court record at a magisterial district court can be summarized in two words: "Just ask." Forms are not required to view records except in instances in which requests are "complex or voluminous."

"Most requests received by the courts are very straightforward and for a small number of records," the written policy states. "Therefore, artificial administrative barriers should not be erected to inhibit the courts from fulfilling these requests in an efficient manner."

When a request is denied, a magisterial district judge must provide a reason in writing for the denial. An individual denied access to a record can appeal within 15 days to the president judge of the judicial district.

"This new public access policy has been carefully developed over 2 1/2 years," said Pines. "We have made adjustments and improvements to a first-draft proposal we circulated in 2008. In this final policy, we believe we have established clear and straightforward rules that will benefit both the public and the courts."

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Pines said the creation of the paper records policy follows the Pennsylvania Supreme Court's adoption in 2007 of an *Electronic Case Record Public Access Policy* that governs electronic records in the automated statewide systems of the appellate courts, the Common Pleas criminal courts and the magisterial district courts.

Magisterial district courts are at the first level of the Pennsylvania court system. Small claims, landlord-tenant disputes, traffic cases and minor criminal cases are among the matters litigated in these courts.

While the vast majority of court records are open to the public, the access policy identifies certain records that are not open. Inaccessible or closed records include records under court seal, information restricted by statute or court rule, and drafts, notes and work product of the magisterial district courts.

Additional information in case records may be withheld from public view if the court administrator determines that it presents a risk to personal security, personal privacy, or the orderly administration of the courts. All such determinations must be approved by the Chief Justice. Notice must be published in the Pennsylvania Bulletin and posted on the Web site of the Unified Judicial System.

The policy also defines certain information sometimes contained in public court records that is confidential and thus not available to the public. Confidential information includes Social Security numbers and personal financial information of litigants. Litigants and lawyers are to refrain from including such information in court pleadings unless required by the nature of the legal action.

The AOPC, through its statewide automated computer system, has removed Social Security fields from as many forms as possible. If a Social Security number or financial information is required of a litigant by the court or by law, the information is to be filed on a separate confidential form which is not made public.

An additional feature of the new public access policy is a reduction in copying fees in all magisterial district courts. Copying fees will be reduced from a maximum of 50 cents per page to a cap of 25 cents per page.

The access policy on paper records was developed by a working group established in 2007 whose task was to revise a 1994 policy on magisterial district court records. The working group was comprised of magisterial district judges, district court administrators, representatives of clerks of courts and prothonotaries' offices and staff of the AOPC and Supreme Court rules committees.

A draft proposal for the policy was made public in March 2008 with a request for public comment. After comments were received, the proposed policy was reexamined, further revised and submitted to the Supreme Court for approval.

A copy of the policy can be found on the Web site of Pennsylvania's Unified Judicial System at the following link: <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>

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