

FILING AN APPEAL TO SUPERIOR OR COMMONWEALTH COURT

You will need a copy of the docket entries in your case (called a docket sheet). If it is a civil or family law case, you can get that from the Prothonotary's Office. If it is a criminal case, you can get it from the Clerk of Court's Office. Both are located in the Lycoming County Courthouse at 48 West Third Street, Williamsport, PA.

You must file a Notice of Appeal in the Court of Common Pleas (where the order from which you are appealing was entered). You must serve a copy of the Notice of Appeal on the other parties, the court reporter, the Court Administrator and the judge who entered the order. You must also file a Certificate of Service and include a copy of it with the copies of the Notice of Appeal you serve on those listed above.

If there was testimony presented at the hearing you must request a transcript by completing a Transcript Request form and paying any required deposit and/or costs.

If the case is a Children's Fast Track Appeal (that is, if it involves dependency, termination of parental rights, adoptions, custody or paternity), you must include a Statement of Matters Complained of on Appeal with the Notice of Appeal.

The Prothonotary or Clerk of Courts will transmit the Notice of Appeal and related documents to the appellate court.

Be sure to read the supplemental information on filing a Concise Statement of Matters Complained of on Appeal, at the end of these instructions.

NOTE – You may file a Petition to Proceed Without Payment of Fees and Costs if you cannot afford to pay the filing fee or the transcript costs (you can get a separate self-help kit for this petition in the Law Library or on the county website, [lyco.org/courts/law library/forms](http://lyco.org/courts/law%20library/forms)).

INSTRUCTIONS FOR COMPLETING THE NOTICE OF APPEAL FORM

1. Complete the caption identical to the caption of the Order you are appealing, including the names of the parties and the case number. If it is a criminal case, also include the OTN (offense tracking number).
2. Write your name on the blank line after the words “Notice is hereby given that” and then circle either Plaintiff or Defendant, depending on which you are.
3. Circle “Superior” or “Commonwealth” to show to which court you are appealing.
4. Write the date of the order on the blank line after the words “entered in this matter on”.
5. Write the date the order was entered on the docket on the blank line after the words “entered on the docket on”. (You can find this date on the docket sheet.)
6. Sign where indicated and provide your address, telephone number and email address.
7. Children’s Fast Track Appeal - check this if the order appealed from involves dependency, termination of parental rights, adoptions, custody or paternity.
8. Cross Appeal – check this if the other party has already appealed the same order and you are also appealing.
9. Request for Transcript – check this if there was testimony taken at the hearing which preceded the order you are appealing, and the transcript has not already been prepared. If there was no testimony, check the “No testimony was taken” choice. If there was testimony but the transcript has already been prepared, check the “All testimony has already been transcribed and filed” choice.
10. Sign where indicated.
11. After “cc”, write the parties’ names where indicated, and also write the name of the judge who issued the Order where indicated.

INSTRUCTIONS FOR COMPLETING THE CERTIFICATE OF SERVICE FORM

1. Complete the caption identical to the caption of the Order you are appealing, including the names of the parties and the case number. If it is a criminal case, also include the OTN (offense tracking number).
2. Write the name and address of the other party on the three blank lines after the words “by first class mail on the following”.
3. Write the name of the judge who entered the order being appealed from on the blank line after the word “Judge”.
4. Sign on the line at the bottom of the page and circle whether you are the Plaintiff or the Defendant. Put the date you are filing the Notice of Appeal and Certificate of Service where indicated.

INSTRUCTIONS FOR COMPLETING THE TRANSCRIPT REQUEST FORM

Part I: Case Information

1. “Case Caption” - write the parties’ names as Plaintiff vs. Defendant (For example “Mary Smith vs. David Jones”).
2. “Docket Number” - write the case number.
3. “Presiding Judge” - write the name of the judge who presided over the hearing you are asking to have transcribed.
4. “Date(s) of Proceeding”- write the date(s) of the hearing(s) you are asking to have transcribed.
5. “Court Reporter Name” – leave this blank unless you know the name of the court reporter who attended the hearing.
6. “Case Type” – check the box for the type of case it is.
7. “Type of Proceeding – check the box for the type of proceeding held or if not listed, check “other” and write in the type of proceeding. Check YES or NO to indicate whether the proceeding was held in connection with a PCRA (Post Conviction Relief Act) petition.
8. “Is the Transcript Associated with an Appeal?” – check YES. Also, check the box to indicate whether it is a Children’s Fast Track case (involves dependency, termination of parental rights, adoptions, custody or paternity).

Part II: Requester Information

1. Write your name on the line after “Name of Requestor”.
2. Check the box for “Unrepresented.”
3. Do not write anything after “Agency/Firm” or “Court Represented”.
4. Write your address, city, state, zip, email, phone, and fax (if you have one).
5. If you are also filing a Petition to Proceed Without Payment of Fees and Costs, check the YES box after “Does this request qualify for a reduced rate pursuant to Pa.R.J.A. 4007(E)?” Otherwise, check the NO box.

Part III: Transcript Items Requested

Check the box which describes your request.

Part IV: Private Party Transcript Delivery and Cost

1. "Delivery Time" - Check the box for Ordinary unless you want it faster and are willing to pay the extra cost.
2. "Copy for Requestor" – Check YES or NO to indicate whether you want a copy of the transcript. The original will be provided to the court and you will not get a copy unless you ask for one and pay the extra fee.
3. "Requesting Governmental Agency Rate" – check NO.
4. "Manner of Delivery" – check the box to indicate how you want to receive your copy, if you asked for one.
5. Do not complete the sections for "Other", "Special Requests" or "Are you Requesting a photocopy of an existing transcript?" unless they apply to your request.
6. Sign on the blank line after the words "Requestor's Signature" and then write the date where indicated.

Page which says "For Court Use Only"

1. Write the date of the request and the case number on the first line.
2. "Case Caption" - write the parties' names as Plaintiff vs. Defendant (For example "Mary Smith vs. David Jones").
3. "Name of Requestor" – write your name.
4. Write your email address, phone number and fax number (if you have one) where indicated.
5. Leave the rest of this part and the rest of the page blank, for the Court Reporter to fill out and return to you.

Make one copy of the first two pages for your records.

INSTRUCTIONS FOR FILING THE NOTICE OF APPEAL and
SUBMITTING THE TRANSCRIPT REQUEST FORM

1. Attach the Certificate of Service to the back of the Notice of Appeal.
2. Make 6 copies.
3. Make one copy of the Request for Transcript.
4. If you are also filing a Concise Statement of Matters Complained of on Appeal, make 6 copies of that.
5. Take the Notice of Appeal with attached Certificate of Service (and the Statement of Matters Complained of on Appeal if you have one) to the office of the Prothonotary (if it is a civil or family case) or the Office of the Clerk of Courts (if it is a criminal case) at 48 West Third Street, Williamsport, PA.
6. You will have to pay a filing fee of \$166.25 (as of March 2021) unless you also file a Petition to Proceed Without Payment of Fees and Costs.
7. The Prothonotary or Clerk of Courts will file-stamp the Notice of Appeal and the attached Certificate of Service (and the Statement of Matters Complained of on Appeal if you have one). The Prothonotary or Clerk of Courts will keep the original and the copy for Superior Court and will return the other 5 copies to you. One copy is for your records.
8. You must serve the other 4 copies as follows:
 - (a) mail one copy to the **other party** (regular mail).
 - (b) place copies in the mailboxes in the mailroom on the first floor of the courthouse (you passed it on your way to the Prothonotary's office) for "**Court Administrator**", for whichever **judge** is designated on your Notice of Appeal (each judge's office has a separate mailbox), and for "**Court Reporters**".
9. While you're in the mailroom, also place the original of your Transcript Request Form in the box for "**Court Reporters**".
10. The senior court reporter will fill out Part V of the form and return it to you. This will have the estimated cost of the transcript.
11. Take the form you receive from the court reporter to the Court Administration office on the 4th floor of the Courthouse, along with your payment of the full estimated cost of the transcript. You can pay by cashier's check or money order made payable to "Court Administration, Lycoming County."

SUPPLEMENTAL INFORMATION ABOUT CONCISE STATEMENTS OF MATTERS COMPLAINED OF ON APPEAL

You may be required to file a Concise Statement of Matters Complained of on Appeal, either with your Notice of Appeal (if it is a Children's Fast Track case) or after the judge issues an Order directing you to do so.

The following rule applies to this statement (pay special attention to subsection 4):

Pennsylvania Rule of Appellate Procedure 1925

...

(b) Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court. If the judge entering the order giving rise to the notice of appeal ("judge") desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal ("Statement").

(1) *Filing and service.* The appellant shall file of record the Statement and concurrently shall serve the judge. Filing of record shall be as provided in [Pa.R.A.P. 121\(a\)](#) and, if mail is used, shall be complete on mailing if the appellant obtains a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified in compliance with the requirements set forth in [Pa.R.A.P. 1112\(c\)](#). Service on the judge shall be at the location specified in the order, and shall be either in person, by mail, or by any other means specified in the order. Service on the parties shall be concurrent with filing and shall be by any means of service specified under [Pa.R.A.P. 121\(c\)](#).

(2) *Time for filing and service.*

(i) The judge shall allow the appellant at least 21 days from the date of the order's entry on the docket for the filing and service of the Statement. Upon application of the appellant and for good cause shown, the judge may enlarge the time period initially specified or permit an amended or supplemental Statement to be filed. Good cause includes, but is not limited to, delay in the production of a transcript necessary to develop the Statement so long as the delay is not attributable to a lack of diligence in ordering or paying for such transcript by the party or counsel on appeal. In extraordinary circumstances, the judge may allow for the filing of a Statement or amended or supplemental Statement *nunc pro tunc*.

(ii) If a party has ordered but not received a transcript necessary to develop the Statement, that party may request an extension of the deadline to file the Statement until 21 days following the date of entry on the docket of the transcript in

accordance with [Pa.R.A.P. 1922\(b\)](#). The party must attach the transcript purchase order to the motion for the extension. If the motion is filed at least five days before the Statement is due but the trial court does not rule on the motion prior to the original due date, the motion will be deemed to have been granted.

(3) *Contents of order.* The judge's order directing the filing and service of a Statement shall specify:

(i) the number of days after the date of entry of the judge's order within which the appellant must file and serve the Statement;

(ii) that the Statement shall be filed of record;

(iii) that the Statement shall be served on the judge pursuant to paragraph (b)(1) and both the place the appellant can serve the Statement in person and the address to which the appellant can mail the Statement. In addition, the judge may provide an email, facsimile, or other alternative means for the appellant to serve the Statement on the judge; and

(iv) that any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived.

(4) *Requirements; waiver.*

(i) The Statement shall set forth only those errors that the appellant intends to assert.

(ii) The Statement shall concisely identify each error that the appellant intends to assert with sufficient detail to identify the issue to be raised for the judge. The judge shall not require the citation to authorities or the record; however, appellant may choose to include pertinent authorities and record citations in the Statement.

(iii) The judge shall not require any party to file a brief, memorandum of law, or response as part of or in conjunction with the Statement.

(iv) The Statement should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver.

(v) Each error identified in the Statement will be deemed to include every subsidiary issue that was raised in the trial court; this provision does not in any way limit the obligation of a criminal appellant to delineate clearly the scope of claimed constitutional errors on appeal.

(vi) If the appellant in a civil case cannot readily discern the basis for the judge's decision, the appellant shall preface the Statement with an explanation as to why the Statement has identified the errors in only general terms. In such a case, the generality of the Statement will not be grounds for finding waiver.

(vii) Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

Plaintiff	:	NO. _____
vs.	:	OTN _____
	:	
	:	CIVIL ACTION - LAW
	:	
Defendant	:	

NOTICE OF APPEAL

Notice is hereby given that _____ (Plaintiff)(Defendant) hereby appeals to the (Superior)(Commonwealth) Court of Pennsylvania from the order entered in this matter on _____ (date). This order has been entered on the docket on _____ (date), as evidenced by the attached copy of the docket entry.

Signature: _____

Address: _____

Telephone no. _____

Email: _____

- _____ This is a Children’s Fast Track Appeal.
- _____ This is a Cross-Appeal.
- _____ Request for Transcript - A Notice of Appeal having been filed in this matter, the official court reporter is hereby requested to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.
- _____ No testimony was taken.
- _____ All testimony has already been transcribed and filed.

Signature: _____

cc: Plaintiff _____

Defendant _____

Court Reporter _____

Superior Court _____

Court Administrator _____

Judge _____

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

Plaintiff	:	NO. _____
vs.	:	OTN _____
	:	
	:	CIVIL ACTION - LAW
	:	
Defendant	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the Notice of Appeal has been served by first class mail on the following:

and by placement in the Courthouse mail on the following:

Court Reporter

Court Administrator

Judge _____

Date: _____

(Plaintiff) (Defendant)

Request for Transcript or Copy



_____ County
Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any court proceeding. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the appropriate link at: <http://www.pacourts.us/courts/courts-of-common-pleas/>

If the cost of the transcript presents an economic hardship, there are reduced rates available to those who qualify. See Pa.R.J.A. 4007(E). Copies of this request must be served in accordance with Pa.R.J.A. 4007(B). A deposit determined by local rule may be required.

I. Case Information	
Case Caption:	Docket Number:
Presiding Judge:	
Date(s) of Proceeding:	
Court Reporter Name (if available):	
Case Type (check the appropriate box): <input type="checkbox"/> Criminal <input type="checkbox"/> Civil <input type="checkbox"/> Family <input type="checkbox"/> Orphans' Court <input type="checkbox"/> Juvenile	
Type of Proceeding: <input type="checkbox"/> Suppression <input type="checkbox"/> Argument <input type="checkbox"/> Trial <input type="checkbox"/> Plea <input type="checkbox"/> Sentence or "Other" (please specify): _____	
PCRA <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the Transcript Associated with an Appeal? <input type="checkbox"/> Yes <input type="checkbox"/> No	Children's Fast Track: <input type="checkbox"/> Yes <input type="checkbox"/> No
II. Requestor Information	
Name of Requestor/Attorney ID Number (if applicable): _____	
I am: <input type="checkbox"/> Counsel for _____ <input type="checkbox"/> Unrepresented <input type="checkbox"/> Not a party to this action	
Agency/Firm: _____ Court Represented: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Street Address: _____ City: _____ State: _____ Zip: _____	
Email: _____ Phone: _____ Fax: _____	
<i>Does this request qualify for a reduced rate pursuant to Pa.R.J.A. 4007(E)? <input type="checkbox"/> Yes <input type="checkbox"/> No</i> <i>If Yes, please provide proof of authorization for a reduced rate or an affidavit required by Pa.R.J.A. 4008(B)(4) requesting a waiver of all or a portion of the costs.</i>	
III. Transcript Items Requested	
<input type="checkbox"/> Entire proceeding <input type="checkbox"/> Jury Voir Dire <input type="checkbox"/> Opening statements <input type="checkbox"/> Closing arguments <input type="checkbox"/> Jury Instructions	
<input type="checkbox"/> Testimony (specify each witness):	
<input type="checkbox"/> Pre/Post trial hearing (specify):	
<input type="checkbox"/> Other (specify):	

IV. Transcript Delivery and Cost				
For the original transcript request, please select from the following:				
Delivery Time:	<input type="checkbox"/> Ordinary	<input type="checkbox"/> Expedited	<input type="checkbox"/> Daily	<input type="checkbox"/> Same Day
Original Transcript:	+\$2.50	+\$3.50	+\$4.50	+\$6.50 (cost per page)
Copy for Requestor: <input type="checkbox"/> Yes <input type="checkbox"/> No	+\$0.50	+\$0.75	+\$1.00	+\$1.25 (cost per page)
Note: Expedited, Daily, and Same Day Requests are only available where provided by the judicial district or court reporter. Costs payable by requestor shall not exceed the rates prescribed in Pa.R.J.A. 4008(A)(1) and (D)(1).				
Requesting Governmental Agency Rate (if applicable): <input type="checkbox"/> Yes <input type="checkbox"/> No				
Manner of Delivery: <input type="checkbox"/> Electronic (PDF) Format <input type="checkbox"/> Hard copy (add \$0.25 per page to page rates)				
Other (if offered, extra charges may apply): <input type="checkbox"/> Complex Litigation <input type="checkbox"/> Real Time Feed				
Special Requests (if offered): <input type="checkbox"/> Minuscript/Condensed <input type="checkbox"/> ASCII <input type="checkbox"/> Include Word Index <input type="checkbox"/> Other				
If Other, please specify: _____				
Are you requesting a photocopy of an existing transcript? <input type="checkbox"/> Yes <input type="checkbox"/> No (For photocopy rates, please see Pa.R.J.A 4008(D))				

Requestor's Signature: _____

Date: _____

Note: The first requestor of a transcript is obligated to pay for the original transcript, which is filed with the court, plus the copy rate if the requestor desires a personal copy (subject to any cost sharing with additional parties).



For Court Use Only

Date of Request:	Docket Number:
Case Caption:	
Name of Requestor:	
Email: _____ Phone: _____ Fax: _____	
Are the costs waived or reduced? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Date Deposit Received: _____	Deposit Check/M.O. Number: _____
Date Transcript Assigned: _____	Transcript to be Prepared By: _____
Transcript Due Date: _____	Date Transcript Completed: _____
Date Balance Received: _____	Balance Check/M.O. Number: _____
Date Transcript Sent to Requesting Parties: _____	

Ordinary, County Paid	\$	X	pages	=\$	Estimated Cost	\$
Ordinary, Private Paid	\$	X	pages	=\$	Less Deposit	-\$
Expedited	\$	X	pages	=\$	Balance Due	\$
Daily	\$	X	pages	=\$	Adjusted Cost (+/-)	=\$
Same Day	\$	X	pages	=\$	Final Page Total	
+Hard Copy	\$0.25	X	pages	=\$	Final Balance	\$
+Requestor Copy	\$	X	pages	=\$		
+Additional Charges	\$	X	pages	=\$		
Is the cost of the transcript being shared between parties? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Photocopy of Existing Transcript: <input type="checkbox"/> Yes <input type="checkbox"/> No						

Notes: