

## L1920.55-1

Unless the court orders otherwise, all divorce proceeding shall be referred to a master in accordance with Pa.R.C.P. No. 1920.55-2 except that the stenographic record which is (still) to be filed along with the master's report shall not be transcribed, unless exceptions to the Master's Report and Recommendation are filed. In such event, the party filing the exceptions shall simultaneously direct the court reporter to transcribe all those portions of the record which the excepting party in good faith believes are required for the proper disposition of the exceptions. Such direction shall be in writing, with a copy filed with the exceptions and served on the opposing party. The non-excepting party shall within 10 days make designation to the court reporter of any additional parts of the record which he/she in good faith believes are necessary to the proper disposition of the issue, in writing, with copies to the Court and the opposing party. Each party shall make timely arrangements for payment of the court reporter's transcription fees for those portions of the record designated for transcription by him/her, subject to reallocation of transcription fees by the court.\*

In appropriate circumstances, either party or the master may request that the court order the case to proceed under Pa.R.C.P. No. 1920.55-3.<sup>1</sup>

**Comment:** The manifest purpose of the rule is to reduce the cost of master's proceeding by avoiding costly transcription fees when it is possible to do so. When cross-exceptions are filed, each party will be deemed to be the excepting party with respect to his/her exceptions, for purposes of this rule. The court will only consider the exhibits introduced at the master's hearing and the transcribed portions of the testimony in disposing of the exceptions. Therefore, it is incumbent on the parties to correctly specify those portions of the record which are pertinent to the disposition of the issues on exceptions. Parties contemplating an appeal to Superior Court may want to have the entire record transcribed, particularly when the exceptions involve general issues such as failure to properly assess or weigh the various equitable distribution criteria. However, even in those cases, arguments not asserted in the trial court are waived on appeal. Indeed, the Rules of Appellate Procedure only require the parties to reproduce those parts of the record applicable to the issues on appeal. We therefore conclude that the new procedure described in this rule, for partial transcription of the record, within the control of the parties, will adequately provide for proper appellate review. The possibility of reallocation of transcription fees, along with other available remedies, will enable the court to enforce the requirement that "good faith" accompany the designation of which portions of the record need to be transcribed for "the proper disposition of the issue."

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<sup>1</sup> The intent of this portion of the rule is to permit, by court approval, Pa.R.C.P. No. 1920.55-3 proceeding in cases with limited assets, *in forma pauperis* litigants, or other circumstances which merit consideration for streamlined proceedings without a record. In addition, the language of the rule does permit the court to hear those rare, novel or inordinately complex cases which the court should hear itself, in the interest of judicial economy.