

May 18, 2010

Honorable Nancy L. Butts
President Judge
Lycoming County Courthouse
48 W. Third Street
Williamsport PA 17701

RE: Proposed local rule revisions

Dear Judge Butts:

The Lycoming County Customs and Rules Committee met several weeks ago to discuss proposed changes to the Lycoming County Rules of Civil Procedure. The meeting resulted in the enclosed proposal.

The proposal addresses two concerns that were raised at the Bench Bar Committee meeting. First, the sentence of Rule L205.2 that allowed filed documents to be printed on both sides will be eliminated. Second, the number of copies to be filed will be delineated in the same rule. The rule will require the original and one copy of all documents that are filed with a motion cover sheet. All other documents (which will generally be briefs and pleadings) will require only an original.

The committee also recommended the rescission of a number of local rules in the domestic relations area. I have attached a schedule.

Judge McCoy is undertaking a comprehensive review of the local rules in the domestic relations area. However, both Judge McCoy and the Rules Committee agreed that it would make her job easier if certain rules were simply rescinded. There are a number of local rules that are obsolete, deal with issues that are already covered by

statewide rules or are unnecessary. In some cases the rule that is identified as obsolete, provides for a procedure that is also inappropriate in current practice. The continued existence of these rules creates confusion as practitioners are uncertain whether to follow the local rule or the state rule on the same issue.

Finally, Rule L1915.8 has been revised to conform with the elimination with Rule L1915.3-4. The mediation procedure is obsolete as the Lycoming Medication Project is no longer in existence.

I would be happy to address any questions the court may have or to discuss the need for changes to the proposed order.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHARD P.C.**

Gary L. Weber

GLW/svg
Enclosures

cc: Dudley N. Anderson, J.
Richard A. Gray, J.
Marc F. Lovecchio, J.
Joy Reynolds McCoy, J.
Kevin Way

**Lycoming County Domestic Relations Rules
Proposed to be Rescinded**

<u>Rule</u>	<u>Title</u>	<u>Rationale</u>
L1910.1	Scope	Unnecessary
L1910.4	Commencement Fee	Covered by 1912
L1910.5	Complaint, Order	Covered by 1910.5, 1910.6
L1910.8	Transfer	Obsolete
L1910.13	Disobedience	Obsolete, Now covered by 1910.13-1
L1910.22	Attachment of Wages	Obsolete
L1914	Parent education	Obsolete
L1915.3-4	Mediation	Obsolete
L1920.2	Venue	Covered by state rule
L1920.3	Processing form	Obsolete
L1920.15	Counterclaim - Processing form	Obsolete
L1920.73	Forms	Covered by state rule
L1920.74	Forms	Covered by state rule
L1920.75	Forms	Covered by state rule
L1920.76	Forms	Covered by state rule
L1920.77	Forms	Covered by state rule

4. The revision to Rule L205.2(a) shall become effective immediately after its posting on the Pennsylvania Judiciary's Web Application Portal.
5. The remainder of the revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

BY THE COURT,

Nancy L. Butts, P.J.

Dudley N. Anderson, J.

Richard A. Gray, J.

Marc F. Lovecchio, J.

Joy Reynolds McCoy, J.

L205.2. Filing Legal Papers with the Prothonotary.

(a) Size of paper. Number of copies. All pleadings, motions, petitions, briefs and other legal documents filed with the prothonotary shall be on paper size 8 ½ inches by 11 inches, unless otherwise required by rule or order of court. ~~Any document more than three pages in length may be printed on both sides of the paper.~~ ***The original and one copy of all documents to which rule L205.2(b)B applies shall be filed. Unless otherwise required by another applicable rule or order of court, only the original of a brief or any other document is required to be filed.***

(b) Required cover sheets. . . .

L1915.8. Physical/Mental/Psychological Examinations and Home Studies.

A. Upon agreement of the parties at the initial conference, the hearing officer may include in the recommended interim order a direction that the parties obtain physical, mental or psychological examinations and/or home studies, prior to the date of the pre-trial conference and may establish a date by which the parties must make the initial arrangements. ~~Where mediation is utilized, the order may provide that the evaluation be undertaken during the mediation process, deferred until mediation is complete or be left for consideration at the pre-trial conference.~~

B. Any request by the parties for evaluations made after the initial conference and not made at the pre-trial conference or entered into by stipulation must be made by motion in accordance with Pa.R.C.P. No. 1915.8, alleging specific facts and reasons for the request, with a hearing to be held after reasonable notice to the other party.

C. Unless otherwise directed by the court or hearing officer or agreed upon by the parties, the expense of any evaluation shall be borne initially by the party requesting the evaluation and shall be paid in accordance with Pa. R.C.P. No. 1915.8. A final allocation of the expense may be made by the court upon entry of an order or decision rendered on any issues raised in the proceeding.

D. Any evaluation filed with the court shall not be available for public inspection and shall be impounded by the prothonotary.