

**MINUTES**  
**BENCH BAR COMMITTEE**  
Monday, August 7, 2023  
By C. Edward S. Mitchell, Chairman

**Attendance**

Participants were: Judge Butts, Judge Linhardt, Judge Tira, Judge Carlucci, Ed Mitchell, Prothonotary Thomas Heap, Court Administrator Adrienne Stahl and April McDonald and Michele Frey

Method: the meeting was conducted in person at the LLA Office.

Judge Butts provided to all participants a Resolution by the Pennsylvania Conference of State Trial Judges endorsing and supporting the efforts of Project LITIGATE and encouraging law firms to Take the Pledge. A copy of the Resolution with enclosures is attached. Project LITIGATE (Lawyer's Initiate To Improve next-Gen Attorneys' Trial Experience) is a committee of representatives of the Pennsylvania Bar Association and several organizations of plaintiff's and defense litigators which has been organized by Supreme Court Justice Christine Donohoe for the purpose of encouraging litigators to encourage, train and give opportunities to young lawyers in the skills of trial practice and the participation in, preparation for and conduct of trials.

The four active Lycoming County Judges, who were all present, participated in the discussion of the need for more young trial attorneys and the need for training in the presentation of witnesses and evidence.

The Judges encourage all law firms to read the Resolution and enclosures and consider participating in Project LITIGATE. The Judges also encourage the association to present seminars on litigation skills and expressed their willingness to participate in the seminars.

Prothonotary Heap gave an update of the availability for electronic filings in civil cases. The new local rule L205.4 pertaining to electronic filing has been adopted and posted in the Pennsylvania Bulletin. A copy is enclosed. The testing of the procedure has been completed. It is anticipated that electronic filing in civil cases will become available early in September. There will be training sessions for lawyers and paralegals on September 20, 2023.

A new fee schedule of filing fees in the Prothonotary's office is being prepared. It will include elimination of some of the nuisance fees.

Kirsten Gardner has been appointed to fill the Magistrate Judge vacancy in the Muncy area. She will be sworn in August 28.

There were no agenda items from the Chairpersons of the substantive law committees.

The meeting began at 12:00 p.m. and was adjourned at 12:50 p.m.

The next meeting will be October 30, 2023. The Notice will include the method and location.

Respectfully submitted,

C. Edward S. Mitchell  
Chairman

## RESOLUTION



**WHEREAS**, the precipitous decline in the number of cases going to jury trials has resulted in a significant delay for aspiring trial attorney to develop skills in courtroom advocacy.

**WHEREAS**, Supreme Court Justice Christine Donohue has initiated an effort to shed light on the issue of new lawyers lacking trial and courtroom experience;

**WHEREAS**, as part of that effort Justice Donohue requested a well-known and accomplished trial attorney, John Gismondi, to Chair a statewide committee to develop a program to raise awareness of the issue and to enlist lawyers and law firms to commit to solving the problem. The assembled committee included representatives of the Pennsylvania Bar Association, the Pennsylvania Defense Institute, The Pennsylvania Association for Justice, the Pennsylvania Association of Defense Counsel, the Philadelphia Trial Lawyers Association, the Academy of Trial Lawyers of Allegheny County and the American College of Trial Lawyers. Mr. Gismondi emphasized to his committee the bar's obligation to provide the public with enough adequately trained courtroom attorneys to serve their needs.

**WHEREAS**, the committee developed Project LITIGATE – Lawyers Initiative to Improve Next Gen Attorneys Trial Experience – which encourages law firms to give newer attorneys an opportunity to participate in every stage of the trial preparation process and in the court proceedings.

**WHEREAS**, the Project LITIGATE committee developed a background narrative explaining their work and a list of recommendations embodied in the LITIGATE Pledge (both of which are attached hereto). The committee is encouraging firms to sign on and Take the PLEDGE.

**WHEREAS**, the PCSTJ also recognizes the need to improve training and experience of aspiring trial lawyers and the role the bench can play in this effort. The PSCTJ convened an ad hoc task force of judges from across the state to develop best practices which encourage and

increase opportunities for newer lawyers to participate in court proceedings in general and jury trials in particular (those best practices are attached hereto).

**NOW THEREFORE BE IT RESOLVED**, that the PCSTJ hereby endorses and supports the efforts of Project LITIGATE and encourages law firms to Take the Pledge. Be it also resolved that the PCSTJ encourages our members to adopt the best practices recommended by our task force.

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Christine A. Ward  
President, PCSTJ

# Project LITIGATE:

## Lawyers Initiative To Improve next Gen Attorneys' Trial Experience

Here is the genesis of Project LITIGATE.

In recent years there has been much discussion among lawyers and judges about a serious problem facing the trial bar: The difficulty young lawyers have in getting trial and litigation experience. Simply stated, the precipitous decline in the number of cases going to trial means that it is taking longer and longer for aspiring trial attorneys to develop litigation skills, particularly in the area of courtroom advocacy. This circumstance affects not only the career development of our next generation of prospective litigators, but it also impacts the bar's obligation to provide the public with a sufficient number of adequately trained courtroom attorneys to serve their needs.

This issue has been of particular concern to Pennsylvania Supreme Court Justice Christine Donohue who, over the past year, convened several meetings of a special ad hoc committee of the Pennsylvania Conference of State Trial Judges to discuss the matter. Allegheny County Judge Christine Ward is currently President of the Conference. Following those meetings, one of the strong recommendations from Justice Donohue was the need for a grassroots effort among lawyers and law firms to raise awareness of, and propose solutions to, this problem. To that end, Justice Donohue asked Pittsburgh attorney John P. Gismondi to assemble and chair a statewide committee that would be tasked with developing a program or initiative to meet that goal. After accepting the role, Mr. Gismondi contacted the Presidents of a wide spectrum of bar groups in Pennsylvania and asked them to appoint two individuals to serve on the committee. Each of those Presidents expressed immediate and unqualified support for the mission of the committee and promptly appointed the following representatives to join the effort:

Pennsylvania Bar Association: Lydia Caparosa, Eric Prock

Pennsylvania Defense Institute: Stuart Sostmann, Daniel Stofko

American College of Trial Attorneys: Veronica Richards, Heather Hansen

Pennsylvania Association of Justice: Joseph Froetschel, Jamie Anzalone

Philadelphia Association of Defense Counsel: Harriet Anderson, Jerry Valentini

Philadelphia Trial Lawyers Association: Kristin Buddle, Megan Kwak, Ken Fulginiti, Andrew Duffy

Academy of Trial Lawyers of Allegheny County: Stanley Parker, Elizabeth Chiappetta

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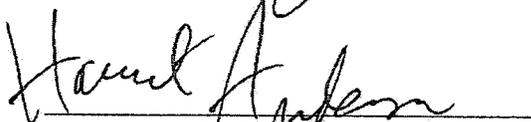
The committee met several times during the Winter of 2022-2023. The first order of business was to adopt a name that would enhance recognition and visibility of our campaign. The name chosen was Project LITIGATE (Lawyers Initiative To Improve next Gen Attorneys' Trial Experience). This catchy acronym precisely captures the essence of what the committee is attempting to accomplish.

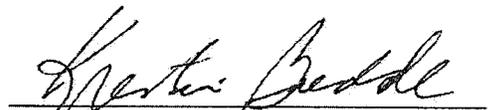
Next, the committee spent considerable time talking about specific policies or practices that firms might adopt to provide earlier exposure for young lawyers to a wide range of litigation tasks such as case planning, preparation for, and taking of depositions, oral arguments, and, of course, actual trial of a case. Those recommendations were ultimately tweaked and refined and put into the form of something called "The LITIGATE Pledge." The committee settled on the use of the "pledge" device not only because it provides a clear identity to our program, but also because the word itself conveys a sense of commitment while not mandating that firms do anything. Thus, the Pledge represents an aspirational statement, a shared commitment within the firm and the broader bar community to be more aware of the needs of aspiring litigators and to make a sustained effort to address those needs.

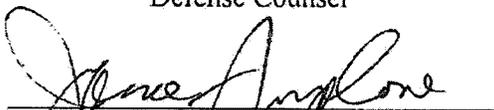
Once having developed "The LITIGATE Pledge," each member of the committee was assigned the task of referring it back to their individual bar group for discussion and vetting through the appropriate channels, all with the aim that each of them would eventually adopt a resolution encouraging their individual members to "Take the Pledge." We, the undersigned members of the Project LITIGATE committee, fully endorse the Pledge, and encourage every litigation firm statewide to "Take the Pledge."

We thank Justice Donohue for her efforts in mobilizing this initiative.

  
John P. Gismondi, Chair of Project LITIGATE

  
Harriet Anderson  
Philadelphia Association of  
Defense Counsel

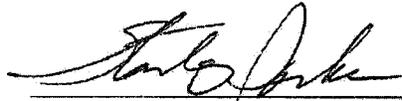
  
Kristin Buddle  
Philadelphia Trial Lawyers Association

  
Jamie Anzalone  
Pennsylvania Association of Justice

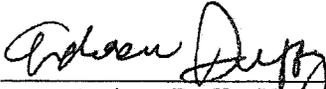
  
Lydia Caparosa  
Pennsylvania Bar Association



Elizabeth Chiappetta  
Academy of Trial Lawyers of  
Allegheny County



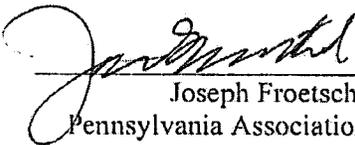
Stanley Parker, President  
Academy of Trial Lawyers of  
Allegheny County



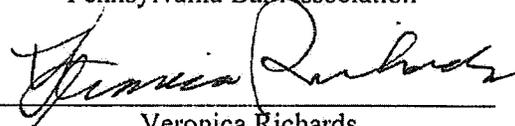
Andrew Duffy, Vice President  
Philadelphia Trial Lawyers Association



Eric Prock  
Pennsylvania Bar Association



Joseph Froetschel  
Pennsylvania Association of Justice



Veronica Richards  
American College of Trial Attorneys,  
PA State Committee



Ken Fulginiti, President  
Philadelphia Trial Lawyers Association



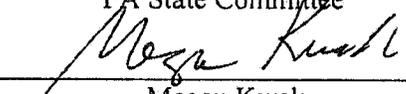
Stuart Sostmann, President  
Pennsylvania Defense Institute



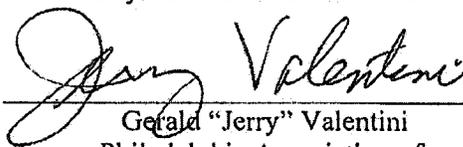
Heather Hansen  
American College of Trial Attorneys,  
PA State Committee



Daniel Stofko  
Pennsylvania Defense Institute



Megan Kwak  
Philadelphia Trial Lawyers Association



Gerald "Jerry" Valentini  
Philadelphia Association of  
Defense Counsel

# Project LITIGATE

Lawyers Initiative To Improve next Gen Attorneys' Trial Experience

## The LITIGATE Pledge

WE, the attorneys of \_\_\_\_\_ (firm), recognize that it is becoming increasingly difficult for aspiring trial attorneys to acquire litigation skills, and we further recognize that it is our obligation to encourage, promote and facilitate young attorneys' development of litigation and trial advocacy skills.

**AND, THEREFORE, WE HEREBY PLEDGE** to adopt, as far as feasible, the following practices to help prepare and train the next generation of trial attorneys:

- Provide a series of in-house educational/training sessions in which senior trial attorneys make presentations and/or lead discussion on all aspects of litigation skills;
- Regularly include less experienced associate attorneys in pre-trial activities such as drafting of pleadings, discovery planning, case strategy sessions, client and witness interviews, drafting of deposition questions, and witness preparation;
- Encourage associate attorneys to observe depositions, and then gradually over time allow them to assume an increasing degree of responsibility to conduct part or all of depositions;
- Encourage associate attorneys to observe oral arguments, and then gradually over time allow them to assume an increasing degree of responsibility to make oral argument to trial and appellate courts;
- Include associate attorneys as participants in the final stages of trial preparation;
- Include associate attorneys as members of the trial team and allow them gradually over time to assume responsibility for examining individual witnesses and eventually trying an entire case to a jury;
- Encourage associate attorneys to seek pro bono or other similar assignments which provide opportunities to acquire litigation experience; and,
- Institute a program, procedure or custom whereby associate attorneys receive regular feedback and critique as they perform each of the above tasks.
- Request trial judges to adopt practices which encourage the participation of young associates in motions and trial presentations.

## Best Practices to Foster the Development of the Next Generation of Civil Jury Trial Lawyers

Trial judges have the ability to create opportunities for less experienced lawyers to participate in civil jury trials, and in the process, to ensure that the public will have continued access to properly trained trial attorneys. The following practices are recognized as ways to create those opportunities.

Express support for the active participation of less experienced lawyers whose appearances have been entered in a pending matter.

During pre-trial conferences, inquire about the intended role of second and third chair attorneys and invite lead counsel to assign them responsibility for defined roles in the trial of the case including questioning of witnesses.

Where appropriate and within reasonable parameters, provide lead counsel with assurance that if a junior attorney is assigned responsibility for questioning a witness, the lead counsel will be given the opportunity to finish the examination by asking additional, noncumulative questions.

For motions practice where oral argument is typically scheduled, encourage lead counsel to permit a junior attorney to present the argument, and for motions typically decided without argument, consider allowing oral argument on condition that such argument will be presented by a junior attorney.

Help identify unique opportunities for the participation of less experienced attorneys that may arise during the course of litigation. For example, raise the possibility of a less experienced attorney serving as lead counsel for an indemnified settling defendant when the plaintiff's case proceeds to trial against the other nonsettled defendants.

Work collaboratively with local bar associations and other legal organizations to continue to develop and refine these best practices to foster the development of new trial lawyers.

Gary Weber

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY**

**IN RE: Amendment to the Lycoming**

:

**County Rules of Civil Procedure**

:

**Docket number: CV-2023-00001**

**ORDER**

AND NOW, this 22<sup>nd</sup> day of May, 2023, it is hereby ORDERED AND

DIRECTED as follows:

- 1) New Lycoming County Rule of Civil Procedure L205.4 is promulgated, as set forth on the attachment.
- 2) The Prothonotary is directed to do the following:
  - a) File one (1) copy of this order with the Administrative Office of Pennsylvania Courts;
  - b) Distribute two (2) copies and a computer disk of this order to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and
  - c) Forward one (1) copy of this order to the chairperson of the Lycoming County Customs and Rules Committee.
- 3) The chairperson of the Lycoming County Custom and Rules Committee is directed to do the following:
  - a) Publish the revised rules on the Lycoming Law Association website at <https://www.lycolaw.org/rules-contents>; and
  - b) Compile the rule revisions within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.
- 4) The new rule shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

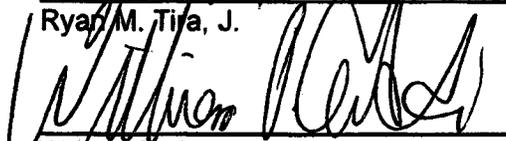
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2023 MAY 23 AM 10:19  
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BY THE COURT,

  
\_\_\_\_\_  
Nancy L. Butts, P.J.

  
\_\_\_\_\_  
Eric R. Linhardt, J.

  
\_\_\_\_\_  
Ryan M. Tifa, J.

  
\_\_\_\_\_  
William P. Carlucci, J.

cc: Gary Weber, Customs and Rules Committee Chair

Court Administration

**L205.4. Electronic Filing and Service of Legal Papers**

**A. Electronic Filing**

1. All legal papers as defined by Pa.R.C.P. 205.4(a)(2) associated with the civil case types listed in A.2. below may be filed electronically.
2. **Case Types.** Electronic filing is allowed in the following case types:
  - (a). Tort (intentional, malicious prosecution, motor vehicle, nuisance, premises liability, product liability, slander/libel, defamation, and other);
  - (b). Mass tort (asbestos, tobacco, toxic tort, toxic waste, and other);
  - (c). Professional liability (dental, legal, medical, and other);
  - (d). Contract (buyer protection, debt collection - credit card; employment dispute, employment dispute - discrimination, and other);
  - (e). Real property (buyer protection, ejectment, eminent domain/condemnation, ground rent, landlord/tenant dispute (excluding MDJ appeals), mortgage foreclosure, partition, quiet title, and other);
  - (f). Statutory appeals (board of assessment, board of elections, zoning appeal, and other);
  - (g). Miscellaneous (common law/statutory arbitration, declaratory judgment, mandamus, quo warranto, replevin, and other).
  - (h). Municipal and tax claims/liens;
  - (i). Liens (Commonwealth, broker's, federal, mechanics, municipal);
  - (j). Judgments (amended, by transcript (Magisterial District Judge), confession, default, deficiency, enforcement, revival, satisfaction, and transfer);
  - (k). Arbitration appeals;
  - (l). Writ of scire facias;
  - (m). Writ of revival;
  - (n). Civil subpoenas; and
  - (o). Civil appeals to Supreme, Commonwealth and Superior Courts.
3. **Registration.** Electronic filers must register with the prothonotary's designated electronic filing management system in accordance with the user manual. All registered users shall be individuals, not law firms, agencies, corporations, or other groups.
4. **Original document.** A legal paper filed electronically shall be deemed to be the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes.

**B. Form of Documents Electronically Filed.**

1. **Format.** To the extent practicable, documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. All electronic filings shall be in Portable Document Format ("PDF").
2. **Document Title.** The title of each electronically filed document shall match the title of the docket entry.
3. **Signature.** Each electronically filed document shall be deemed to have been signed by the attorney, or party not represented by an attorney, authorizing such filing and shall bear a facsimile or typographical signature of such person, *e.g.* "I s / Adam Attorney". Each document electronically filed shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document.

**C. Public Access to the Docket.**

1. Public access to the prothonotary's civil case dockets shall be available on the Internet at [www.lyco.org/Elected-Officials/Prothonotary-Clerk-of-Courts](http://www.lyco.org/Elected-Officials/Prothonotary-Clerk-of-Courts).
2. The prothonotary shall make a public access terminal available to the general public, to allow access to the electronic case records.

**D. Filing Fees.**

1. All filing fees and payments shall be made at the time of filing with an authorized credit card through the prothonotary's designated electronic filing management system. Authorized cards shall include Visa, MasterCard or Discover. Filing fees and payments may not be deposited in advance with the prothonotary. Any document for which a fee would otherwise be charged, that is accompanied by a praecipe or petition to proceed *in forma pauperis*, will be accepted for filing and time-stamped in accordance with Pa.R.C.P. no. 240(c) and (d).
2. The prothonotary may charge a convenience fee for the conversion of a legal paper or exhibit to PDF format for electronic filing.

**E. Sealed Documents.**

1. Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the prothonotary's designated electronic filing management system. The filing party must submit a proper request for sealing documents in addition to making the designation.
2. The prothonotary will include the filing details and document title in the electronic filing system. The documents can be viewed only by the court, prothonotary office staff, and case participants, as applicable.

**F. Time of electronic filing.**

1. The prothonotary's designated electronic filing management system shall provide to the filer, using the email address registered by the filer, an email acknowledging that the filing was received. An official notification will also be displayed in the prothonotary's designated electronic filing management system, which includes the time and date, as a pending filing awaiting approval by the prothonotary. The prothonotary shall provide the filer with notification when the legal paper has been

either accepted or rejected.

2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the prothonotary's designated electronic filing management system.

**Note:** Access to the prothonotary's designated electronic filing management system shall be always available, except during routine maintenance; however, legal documents can only be reviewed by prothonotary staff during normal office hours. Filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.

3. The prothonotary will maintain one hard copy of documents that are filed electronically.

**G. Service of Legal Papers.**

1. Once electronically filed original process has been accepted by the prothonotary, it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for service.

2. Service of all other documents shall be by the filing party, in accordance with the rules of civil procedure.

**H. Obligation of Registered Electronic Filing Users to Maintain Proper Contact Information.** Parties or attorneys who register to use prothonotary's designated electronic filing management system shall provide notification within ten days of any change in firm name, address, fax number, or email address.