

G. Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming

:

County Rules of Civil Procedure

...

: Docket number:

15-00006

SUZANNE M. STEELE
PROthonotary &
CLERK OF COURTS

705 OCT 21 AM 10:50

FILED
LYCOMING COUNTY

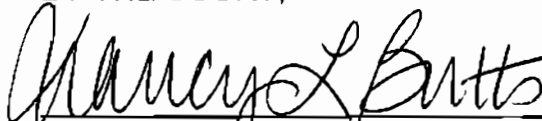
ORDER

AND NOW, this 15th day of October, 2015, it is hereby ORDERED AND

DIRECTED as follows:

1. Lycoming County Rules of Civil Procedure L212, L1007, L1302, L1302.1, L1303, L1304.1, L1308, L1311 and L1315 shall be amended as set forth on the attachment. (Underline is new language; strikeout is removed language.)
2. Lycoming County Rule of Civil Procedure L1301.1 is rescinded.
3. The Prothonotary is directed to:
 - a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.
 - b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.
 - ✓ d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.
4. The revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

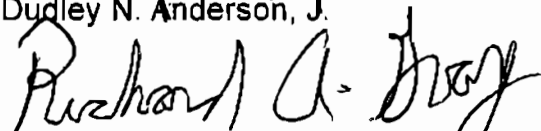
BY THE COURT,



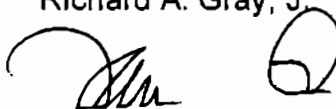
Nancy L. Butts, P.J.



Dudley N. Anderson, J.



Richard A. Gray, J.



Marc F. Lovecchio, J.



Joy Reynolds McCoy, J.

L212. Pretrial Conferences and Trial Scheduling.

A.

B.

~~C. Listing of cases. At least one week before the session of trial commences, the court administrator shall serve upon all counsel and pro se parties a final list of cases to be tried during the term. The listing will have prior approval from the trial judge.~~

D. Re-pretrials of continued cases. Where a continuance is allowed under rule L216 after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

~~E. Striking cases from trial list. Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.~~

~~F. Extensions. For settlement purposes the court in its discretion may extend the pretrial conference to a settlement conference date or for a summary jury trial.~~

L1007. Case Monitoring Notice. Scheduling Order. Trial/Hearing Scheduling.

A. . . .

B. A request for a revision of the scheduling order may be made by filing a motion that sets forth the reason for the request, along with a rule L205.2(b)B. motion cover sheet. ~~The motion shall be accompanied by a proposed amended scheduling order—The motion shall indicate whether or not all other parties concur with the request, and shall set forth the requested trial term and proposed deadlines.~~ If the motion is uncontested, the parties shall so indicate on the motion cover sheet. If the motion is contested, the court may schedule a conference which may, upon prior arrangement, be conducted by telephone. If the *only* relief requested is a continuance of trial, the procedure to be followed is that required by rule L216.

C [THE FORM IS DELETED]

~~Note. The current schedule of civil trial terms and standard deadlines are posted on the Lycoming Law Association website at www.lycolaw.org/court/scheduling/Trial_term_schedule.PDF~~

~~L1301.1 Agreement of Reference. Cases, whether or not in litigation, regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case—Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the deputy court administrator with a proposed rule L1007 scheduling order—Said agreement shall define the issues involved for determination by the board and shall also contain any stipulations with respect to facts—In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.~~

L1302. List of Arbitrators.

A. The court administrator shall keep a current list of all members of the bar qualified and willing to

act as arbitrators. Any new member of the bar will be automatically placed on the list, by the court administrator

B. Any attorney not wishing to serve as an arbitrator shall notify the court administrator in writing and his or her name will be removed from the list, except that -

C. -An attorney may remove his or her name from the arbitrator's list and such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has already been appointed by the court.

L1302.1. Selection of Arbitrators, Appointment of Arbitration Panels. Substitution.

A. Upon receipt of a scheduling order directing arbitration, the court administrator shall nominate from the list of attorneys a board of potential arbitrators. The nominations shall be made at random except where an attorney is excused by reason of incapacity, illness, or other disqualification. - Once every four months the court administrator shall select the names of sixty-four attorneys from the list of arbitrators, for appointment to one of sixteen panels of four attorneys each. No more than one member of the a particular family, firm, professional corporation, or association shall be nominated to serve on one potential board panel.

B. Each panel will consist of three arbitrators and a substitute. Notice of the appointment shall be sent to the members of the panel by the court administrator's office. The court administrator shall nominate to the potential board four attorneys plus three attorneys for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney. Each party in the case or counsel for each party may strike off up to three attorneys so named and return the list to the court administrator within five days of receipt. If any or all parties strike the same name or fail to exercise their right to strike off three names from the potential board, the first three remaining names will make up the board of arbitrators. The fourth listed attorney shall become an alternate arbitrator, who shall serve only if one of the first three is unable to serve or is disqualified from serving.

C. In the event an arbitrator is unable to serve as appointed, he or she must notify the substitute of the conflict and then notify the court administrator, as well as the other members of the panel and the parties or counsel of record of the substitution. In the event the substitute has already been called into service by another arbitrator on that panel or is otherwise unable to serve, the arbitrator shall contact the court administrator for the selection of an alternate arbitrator.

D. Each panel will be appointed to sit for one full day during the four-month period and hear up to two cases on that day, which will be scheduled for one-half day each.

L1303. Scheduling of Hearings and Notice of Appointment.

A. The court calendar shall reflect that two rooms will be reserved for two days out of each month, for the purpose of holding simultaneous arbitration hearings, to the extent that there are cases to be heard

calendar shall set aside four days per month for arbitration hearings, providing for the scheduling of eight half-day hearings each month.

~~B. Upon receipt of an order directing the scheduling of an arbitration hearing, the completed strike lists (or after five days if a list is not returned), the court administrator shall schedule the case to be arbitrated for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m., in one of the two rooms reserved. Notice of the date and time of the hearing and of the arbitrator appointments shall be sent by the court administrator's office to the parties or their attorneys and to the members of the panel designated to sit that day, at least sixty days prior to the date of the hearing, arbitrators appointed.~~

~~C. After having been identified as a member of an arbitration panel and after having been scheduled to serve on an arbitration panel on a date certain, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, it shall be that panel member's responsibility to notify the court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the court administrator shall select an arbitrator.~~

~~D. Arbitrators who fail to appear for service without having followed the procedures set forth above, shall not be paid, and may be removed from the court administrator's list of eligible arbitrators.~~

L1304.1. –Continuances.

~~A. Continuances shall be granted only by court order for good cause shown. A Requests for continuances request shall be submitted in writing to the court scheduling technician on forms provided by the court administrator as required by rule L216C. An application for continuance should be filed not later than three days one week prior to the scheduled date for the arbitration hearing, and served on all arbitration panel members and all parties or counsel of record. If the request is granted less than one week prior to the hearing, the requesting party or counsel shall contact the panel members and all parties or counsel of record by telephone, fax or email to inform them of the continuance.~~

~~B. When an arbitration has been continued, the court administrator shall reschedule the arbitration for an available arbitration day, at least sixty days from the date of the continuance.~~

~~C. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed *ex parte* and render an award on the merits.~~

L1308. Compensation for Arbitrators.

A. Each of the three members of an arbitration panel shall receive compensation in the amount of \$200.00 per case for which the member actually serves as an arbitrator, or \$100.00 if the arbitrator appears at the date and time of the hearing but no hearing is held because either (1) the matter is settled, withdrawn or otherwise terminated at that time, or (2) was previously settled, withdrawn or otherwise terminated but the arbitrator was not so notified. If the case is settled, withdrawn or otherwise terminated and the arbitrators are so notified prior to the date scheduled for hearing, they shall not be entitled to any fee.

B. A substitute arbitrator who does not serve shall receive \$50.00, unless notified prior to the date of the hearing that his or her services will not be needed.

C. Each arbitrator shall be entitled to receive additional compensation at the rate of \$50.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours.

D. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the arbitrators and substitute arbitrator to be paid and the amounts to be paid to each. The county shall then pay fees as noted on the prothonotary's certification. If an arbitrator has previously submitted a properly executed authorization form directing the donation of his or her fee to the Lycoming Law Association Foundation, the prothonotary shall so note on the certification and the county shall submit payment of that attorney's fee to the Foundation.

L1311. Appeals. The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled for pre-trial conference and trial by the court administrator at the earliest practical date, for the next available trial term.

L1315. Settlements. In all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, the attorney for the plaintiff (or the plaintiff if acting pro se) shall so notify the court administrator and the arbitrators (including any substitute). ~~In the event of settlement, withdrawal or termination on the date of hearing, or s~~Should the arbitrators appear for the hearing due to lack of notice that the matter had been previously settled, withdrawn or otherwise terminated, the disposition and the fact of their appearance shall be noted by the arbitrators on the award form and delivered to the prothonotary.