

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming

13 03015

County Rules of Civil Procedure

: Docket number:

ORDER

AND NOW, this 5th day of December, 2013, it is hereby

ORDERED AND DIRECTED as follows:

1. Lycoming County Rules of Civil Procedure L1301, L1302.1, L1303, L1304.1, L1306, L1308, L1311 shall be amended as set forth on the attachment. (*Italics is new language; strikeout is removed language.*)
2. New Lycoming County Rule of Civil Procedure L1315 is hereby promulgated, as set forth on the attachment.
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

CERTIFIED FROM THE RECORD

Date 12/5/2013

Suzanne M. Fedele

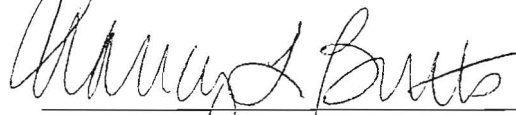
PROTHONOTARY & CLERK OF COURTS

Suzanne M. Fedele

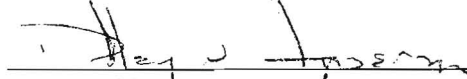
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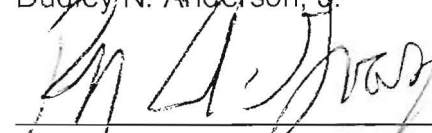
BY THE COURT,



Nancy L. Butts, P.J.



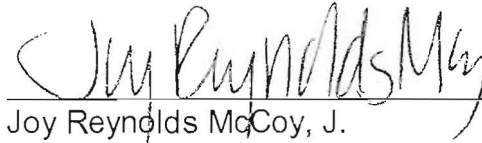
Dudley N. Anderson, J.



Richard A. Gray, J.



Marc F. Lovecchio, J.



Joy Reynolds McCoy, J.

L1301. Cases for Submission to Arbitration.

A. All civil cases that fall within the jurisdictional limits set by Section 7361 of the Judicial Code, 42 Pa. C.S. §7361, shall be submitted to compulsory arbitration, in accordance with the provisions of Section 7361. The amount in controversy generally will be determined from the pleadings. The court on its own motion, or on the motion of any party may, based upon affidavits, depositions, stipulation of counsel or after hearing, determine that the amount actually in controversy does not exceed the jurisdictional amount for arbitration and may enter an order submitting the case to compulsory arbitration.

~~B. A civil action will be referred to arbitration by the scheduling order issued under rule L1007. Prior to the case scheduling conference being held, a case may be referred to arbitration upon the filing with the prothonotary and the deputy court administrator of a praecipe signed by all parties or their counsel.~~

~~C. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference. Such cases will, however, come under the case flow control of the court administrator.~~

B. If a case is subject to compulsory arbitration, the case monitoring notice required by rule L205.2(b)A shall be marked accordingly (with the time required for discovery indicated) and filed in accordance with rules L205 and L1007.

L1302.1. Selection of Arbitrators.

A. Upon receipt of a praecipe ***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. No more than one member of the family, firm, professional corporation, or association shall be nominated to serve on one potential board.

B. The court administrator shall nominate to the potential board four ~~(4)~~ attorneys plus three ~~(3)~~ 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 ~~(3)~~ attorneys so named and return the list to the court administrator within five ~~(5)~~ 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 ~~(3)~~ 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. As soon as the court administrator receives that returned list from the parties (or after five~~

~~(5) days if a list is not returned) each arbitrator and the alternate shall be notified of his or her selection. A final board list shall be sent to the parties or their attorneys.~~

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.

B. ~~Upon the receipt of a praecipe, pursuant to L1301~~ **Upon receipt of 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 hearing and of the appointments shall be sent to the parties or their attorneys and to the arbitrators appointed.**

C. After having been identified as a member of an arbitration panel ~~under the methods set forth previously in L1302.1, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to B above,~~ 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 ~~district~~ court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the ~~district~~ 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 ~~on notice sent by the court administrator to the parties and the court.~~ Requests for continuances shall be submitted in writing on forms provided by the court administrator. An application for continuance should be filed not later than three ~~(3)~~ days prior to the scheduled date for the arbitration hearing.

B. 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.

L1306. Awards. After the case has been heard, the arbitrators shall make their award within ten ~~(10)~~ days after the day of the hearing or the last adjournment thereof. ***Such award shall be noted on the award form contained in the court file, signed by all arbitrators and delivered to the prothonotary.***

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 the matter is settled, withdrawn or otherwise terminated at that time, or 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.

~~—————~~ **B. 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.

~~—————~~ **G. 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 members of the board serving in the case **arbitrators and substitute arbitrator to be paid and the amounts to be paid to each.** The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with subsection A of this rule **fees as noted on the prothonotary's certification.**

~~—————~~ **D.** In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to the aforesaid fee. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half (1/2) of the base fee as set forth in subsection A of this rule. The attorney for the plaintiff in all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, shall notify the court administrator who will then in turn file with the prothonotary the appropriate award form indicating disposition of the case and the amount of compensation due members of the arbitration board.

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.~~ **placed on the next available trial list.**

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 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.