

LOCAL RULES OF COURT

COURT OF COMMON PLEAS

LAWRENCE COUNTY

PENNSYLVANIA

NOVEMBER, 2003

PREFACE

Pursuant to the rule making power of the trial courts as provided by the Pennsylvania State Rules of Court, the existing Local Rules of Court have been amended in certain areas and stricken and replaced in other areas. Also, other Local Rules of Court have been added. Every effort has been made to assure that the Local Rules of Court which have been promulgated and implemented by the Lawrence County Court of Common Pleas comply with the required numbering system and other requirements set forth in the various provisions of the Pennsylvania State Rules of Court authorizing the Lawrence County Court of Common Pleas to adopt its Local Rules of Court.

The purpose for the newly promulgated Local Rules of Court is twofold: first to clarify or supplement certain State Rules of Court where local judicial experience and practice have indicated such a need; secondly, to assist the trial court, the litigants, members of the Bar and the entire Court system in facilitating the timely disposition of cases in a fair, impartial, efficient and prompt manner.

The recently adopted Local Rules of Judicial Administration and Local Rules of Civil Procedure were the products of the Lawrence County Local Civil Rules Committee appointed by President Judge Ralph D. Pratt consisting of the following members of the Bar: Carmen F. Lamancusa, Esq., David T. Mojock, Esq., Charles W. Garbett, Esq., Lawrence M. Kelly, Esq., James W. Manolis, Esq., Richard R. Morelli, Esq., and Philip Sbrolla, Esq., as well as President Judge Ralph D. Pratt. Special acknowledgment and gratitude are extended to members of the Committee for their dedicated contribution to improving the Lawrence County judicial system and legal profession.

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CHAPTER I – LOCAL RULES OF JUDICIAL ADMINISTRATION

The Local Rules of Judicial Administration were published in the Pennsylvania Bulletin, Vol. 33, No. 43, pages 5295-5296, October 25, 2003, as authorized by Pa.R.C.P. 239 and Administrative Order of September 26, 2003, Administrative Doc. No. 90046 of 2003, A.D.

These Local Rules of Judicial Administration are new and were adopted to supplement the Pennsylvania Rules of Judicial Administration where necessary to meet the needs of local trial court administration.

The Local Rules of Judicial Administration become effective November 24, 2003, and may be cited as “Local Rule L .”

CHAPTER I

LOCAL RULES OF JUDICIAL ADMINISTRATION

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Rule L5000.5 REQUEST FOR TRANSCRIPTS

No transcript shall be commenced or completed unless it is requested in writing in strict compliance to Pa.R.J.A. 5000.5. The request shall specifically designate the notes of testimony to be transcribed. Where necessary, an order of court granting the request shall accompany the request in filing and service.

Rule L5000.6 DEPOSIT OF PARTIAL TRANSCRIPT FEE

Except where the Commonwealth or a sub-division is liable for the cost, the party ordering the transcript shall be required to deposit one-half of the estimated fee for the transcript with the responsible court reporter as a condition precedent to starting transcription.

Rule L5000.9 DEADLINE FOR DELIVERY OF TRANSCRIPT

In cases not involving a transcript required for a pretrial proceeding or for a trial, all ordered transcripts shall be completed within a reasonable amount of time as determined by the President Judge. The District Court Administrator shall be responsible for monitoring the activities of the court reporter to assure compliance with this Rule and Pa.R.J.A. 5000.9.

**Rule L5000.11 DELIVERY OF TRANSCRIPT;
PAYMENT OF BALANCE**

(a) Upon completion of the transcript, the court reporter shall notify the party requesting the transcript within two (2) days of its completion.

(b) Once the party ordering the transcript is notified of the transcript's completion, the party shall pay the balance due and owing within seven (7) days of the notice of completion, except where the Commonwealth or a sub-division thereof is liable for the fee.

(c) Failure of the party to pay the fee in full within seven (7) days of receiving notice shall result in a rule being issued to show cause why the party failing to timely pay should not be held in contempt of court for failing to comply with this Local Rule of Judicial Administration, which shall be incorporated by reference in all orders of court directing that a transcript be prepared under Rule L5000.5.

**Rule L5000.13 OWNERSHIP OF NOTES;
SAFEGUARDING; PROTECTION**

Transcripts prepared by a court reporter, after being filed of record, shall not be duplicated in any manner or for any purpose except in accordance with these Rules and Pa.R.J.A. 5000.1 through 5000.13 or upon special order of court. This Rule shall not apply to cases on appeal, where the record needs to be reproduced to comply with Chapter 21 of the Rules of Appellant Procedure.

CHAPTER II – LOCAL RULES OF CIVIL PROCEDURE

The newly adopted Local Rules of Civil Procedure were published in the Pennsylvania Bulletin, Vol. 33, No. 42, pages 4176-5189, October 18, 2003, as authorized by Pa.R.C.P. 239 and Administrative Order of September 26, 2003, Administrative Doc. No. 90046 of 2003, A.D.

These Local Rules of Civil Procedure replace all Local Rules of Civil Procedure and Operating Procedures authorized by Administrative Order of March 15, 1993, Miscellaneous Doc. No. 170 of 1992, M.D. and published in the Pennsylvania Bulletin, Vol. 23, No. 14, Pages 1551-1557, April 3, 1993.

The Local Rules of Civil Procedure become effective November 17, 2003, and may be cited as “Local Rule L .”

CHAPTER II
LOCAL RULES OF CIVIL PROCEDURE

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BUSINESS OF COURTS

Rule L205.1 FILING OF LEGAL PAPERS

The Prothonotary shall not accept for filing nor time-stamp any pleading or other legal paper unless the entire applicable filing fee, if any, is paid in full at the time the document is delivered or presented to the Prothonotary.

Rule L205.2 FILING REQUIREMENTS

(a) Identification Sheet.

- (1) The first page of any pleading or other filing shall be an identification sheet setting forth the items of information specified below and typed according to the format presented in Appendix A.
- (2) It shall be printed on the front side of good quality white paper, 8 1/2 inches x 11 inches in size.
- (3) The side margins shall be one inch in width.
- (4) The information required includes:
 - (i) Typed in capital letters from left to right "IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA."
 - (ii) Typed in capital letters on the left side of center the complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.
 - (iii) Typed in appropriate upper and lower case except where otherwise indicated, on the right side of center on separate lines
 - (A) The specific type of case, i.e., CIVIL, FAMILY, DOMESTIC RELATIONS, or ORPHAN'S COURT;
 - (B) The docket number, if assigned;

2.00

- (C) The code and case classification as adopted and provided by the Prothonotary;
- (D) The name of the pleading;
- (E) The completed statement "Filed on behalf of _____ (party's name, party's relationship to case)."; and
- (F) The completed statement, "Counsel of Record: _____ (attorney's name and Pa. identification number, firm name, firm number, address and telephone number)."

(b) The Pleadings and Other Documents.

- (1) Pleadings and other documents filed in any Court shall be prepared on one side of good quality white paper, 8 1/2 inches x 11 inches in size.
- (2) The lettering shall be printed in 12 point font and the typewritten lines shall be double-spaced except for quotations, which may be single-spaced.
- (3) The side margins shall be one inch in width.
- (4) All attachments, supporting documents and exhibits shall be on 8 1/2 inch x 11 inch paper at the time of filing with the Prothonotary.
 - (i) A smaller document shall be reproduced, if possible, on 8 1/2 inch x 11 paper.
 - (ii) A larger document shall be reduced and reproduced, if possible on 8 1/2 inch x 11 inch paper.

(c) Other Filing Requirements.

- (1) Every document must be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).
- (2) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.
- (3) "Bluebacks", Certification Strips or any other forms of backings are prohibited and shall not be used.
- (4) The Prothonotary shall not accept for filing any pleading or other document which does not comply with the above requirements.

APPENDIX A

IN THE COURT OF COMMON PLEAS OF
LAWRENCE COUNTY PENNSYLVANIA

JOHN SMITH, and
JANE SMITH, his wife

PLAINTIFFS

VS.

ABC CORPORATION

DEFENDANT

CIVIL

NO. 12345 OF 2003, C.A.

Code: 876

Motion for Summary Judgment

Filed on behalf of ABC Corporation

Counsel of record for this party:

Allen Jacobs, Esq.
Pa. I.D.#12345
Jacobs & Johnson, P.C.
400 Court Street
New Castle, PA 16101

**Rule L211 MOTION COURT AND ORAL ARGUMENT PRACTICE
AND PROCEDURE**

Motion court shall convene as set forth in the court's published annual calendar, unless the court's schedule does not permit. Counsel are encouraged to check with the Office of the District Court Administrator to ensure that motion court will convene on the date and time which counsel has selected to present any matter requiring court review and action. As used in this rule, the term "motion" includes any petition, application, objection, exception, or other title assigned to the matter by the moving party following commencement of the action.

(a) Motions

(1) Requirement of Written Motion

Unless otherwise authorized by the Pennsylvania Rules of Civil Procedure, all motions shall be in writing.

(2) Uncontested Motions

Uncontested motions, with a proposed order, shall be presented to the Office of the District Court Administrator during the court's normal business hours. The moving party or counsel shall certify by a certificate attached to the motion that timely written notice to all other parties of the motion, proposed order, and date and time of presentation, have been provided and includes the date and manner of notice, and that the motion is uncontested.

(3) Contested Motions

No contested motion shall be considered by the court unless notice to opposing counsel has been provided in conformity with subdivision (a)(7) of this Rule. The total time for argument of any contested motion shall be limited to 10 minutes, with any party not permitted

argument in excess of five (5) minutes. If any party requests the court to review written legal authority, such authority must be presented to the court at the time the motion is presented. If counsel believes that the complexity of the issues presented requires argument in excess of the time limits set forth in this Rule, then counsel shall request that argument of the motion be scheduled separately, in which case the motion shall be presented in accordance with Rule L211(a)(2).

Note: Contested motions requiring more than 10 minutes for argument shall be presented as an uncontested motion for argument and the certification shall include the estimated length of the time required for argument.

(4) Discovery Motions

Any motion relating to discovery must be accompanied by a certificate signed by counsel for the moving party certifying that counsel has conferred telephonically or in person with opposing counsel and any unrepresented party with respect to each matter set forth in the discovery motion and was unable to resolve the differences which exist. The certificate shall set forth the exact time and place of the conference or consultation. Merely attaching a copy of correspondence to opposing counsel requesting compliance to the discovery request or attempting to resolve the matter, or providing opposing counsel with a copy of the discovery motion or informing opposing counsel of the motion to be presented and opposing counsel not objecting to the motion does not comply with this Rule. Where counsel for the moving party cannot furnish the required certificate because opposing counsel has failed to respond or refused to cooperate, counsel shall furnish an alternate certificate

stating that opposing counsel has refused to so meet or confer and stating such other facts and circumstances supporting the absence of the required certificate and the moving party's counsel's efforts to obtain compliance by opposing counsel.

(5) Ex Parte and Emergency Motions

Ex parte and emergency motions shall not be considered unless the court is satisfied that immediate and substantial injury will be sustained by the moving party before notice can be effectuated. In such a case, the nature of the matter and a description of the immediate and substantial injury, which will be sustained if the notice required under these Rules would be provided, shall be set forth in the motion.

(6) Continuances

Except as otherwise provided in Rule L1304 regarding compulsory arbitration cases, any motion for continuance, whether contested or uncontested, shall be presented to the Office of the District Court Administrator during normal business hours following written notice to all parties.

(7) Notice and Certification

No contested motion or discovery motion may be presented unless counsel for the moving party has certified, by a certificate attached to the motion, that a copy of the motion and written notice of the date and time of presentation were provided to all opposing counsel and unrepresented parties at least two (2) business days before presentation of the motion unless consented to by opposing party or counsel in writing.

The certificate shall include the date and manner in which notice was provided. As used in this Rule, written notice shall include a facsimile transmission. The court shall not entertain any motion that does not include a certification, as required by this Rule, and a proposed order. The moving party shall be responsible for serving copies of the motion and any proposed order upon all counsel of record and unrepresented parties. All contested motions and discovery motions served upon opposing counsel and/or unrepresented parties shall include, either in the body of the motion or attached to the motion, all written legal authority upon which the moving party relies in support of the motion.

(8) Form of Certificate of Notice

- (i) The form of certificate for an uncontested motion shall be substantially in the form provided in Appendix A to this rule.
- (ii) The form of certificate for a contested motion shall be substantially in the form provided in Appendix B to this rule.
- (iii) The form of certificate for a discovery motion shall be substantially in the form provided in Appendix C to this rule.

(9) Proposed Court Orders

All motions shall include a proposed order, which shall contain the following language:

“The Prothonotary shall be responsible for properly serving a copy of this order upon all counsel of record and unrepresented parties to this action, in accordance with Pa.R.C.P. No. 236 and Rule L236.”

(10) Hearing, Argument, and Conference Dates

Motions requesting dates for a proceeding shall comply with the requirements of this Rule. The moving party shall also include in the motion the estimated time required for the proceeding. The estimated time shall be determined only after consultation with opposing counsel, and the moving party shall specify the date, time and manner of consultation in any motion requesting a date for a proceeding.

(11) Nonconforming Motions

The court shall not act upon any motion which does not conform with the provisions of this Rule.

(b) Oral Argument

(1) Pretrial and post-trial motions subject to this Rule include preliminary objections, motions for judgment on the pleadings, motions for summary judgment, motions for post-trial relief, and any other motion in which the disposition thereof may result in an appealable order.

(2) The court shall schedule oral argument only upon praecipe filed with the prothonotary, with a copy of the face sheet served on the District Court Administrator in accordance with the following schedule:

(i) If the moving party desires oral argument, the moving party shall file a Praecipe for argument concurrently with the filing of the motion, at which time the District Court Administrator shall forward the praecipe to the court, which shall schedule argument;

(ii) If the moving party fails to file a praecipe for argument, the non-moving party may file a

praecipe for argument within 10 days of being served with the motion, at which time the District Court Administrator shall forward the praecipe to the court, which shall schedule argument;

- (iii) Upon the court scheduling oral argument in accordance with Rule L211(b)(2)(i) or Rule L211 (b) (2) (ii), the court shall include a briefing schedule in its order.
 - (iv) If neither party timely files a praecipe for argument, the moving party shall file a praecipe for disposition on written briefs alone and notify the court by providing a copy of the praecipe to the District Court Administrator. The praecipe shall be forwarded to the court, which shall then enter an order setting forth a briefing schedule and dispose of the motion solely upon written briefs.
- (3) At any time prior to the scheduled argument, the parties, by stipulation, may file with the court a praecipe to submit resolution of the motion upon written briefs alone and provide a copy of the praecipe to the District Court Administrator. The praecipe shall state the date and time of the scheduled argument. The praecipe shall be forwarded to the court, which shall then cancel the scheduled argument and dispose of the motion solely upon written briefs.
- (4) When a case is called for argument, if the moving party is not ready to proceed or has not filed a brief, the relief requested by the moving party may be denied as of course. If the non-moving party is not ready to proceed or has not filed a brief, the moving party may proceed with the argument ex parte.

APPENDIX A

CERTIFICATE OF NOTICE

I, Attorney _____, counsel for the _____, certify, pursuant to Rule L211(a)(2), that a true and correct copy of the attached _____, proposed order and notice of the date and time of presentation were forwarded to counsel for the _____ via _____ on _____ 20____. I further certify that this motion is uncontested.

The estimated length of time required for this _____ is _____. (Required only when the Note to Rule L211(a)(3) applies.)

Dated: _____

Attorney's Signature

Pa. Supreme Court No. _____

Address _____

Telephone _____

APPENDIX B

CERTIFICATE OF NOTICE

I, Attorney _____, counsel for
the _____, certify, pursuant to Rule L211(a)(7), that
a true and correct copy of the attached _____
and proposed Order were forwarded to counsel for the
_____ via _____ on
_____, 20____. I further certify, by this certificate,
that counsel for the _____ has been notified of
_____ intent to present this
_____ in Motion Court on
_____, 20____, at 9:00 a.m.

Dated _____

Attorney's Signature

Pa. Supreme Court No. _____

Address _____

Telephone _____

APPENDIX C

CERTIFICATE OF NOTICE

I, Attorney _____, counsel for the _____, certify, pursuant to Rule L211(a)(7), that counsel for the _____ was timely and properly provided a copy of the within motion and proposed order and written notice that _____ intends to present same in Motion Court on _____, 20____, at 9:00 a.m. Notice was effectuated by forwarding a copy of the motion and proposed order and written notice of presentation to opposing counsel, Attorney _____, by mail or fax, on _____, 20_____.

In accordance with Rule L211(a)(4), counsel for the moving party has conferred with opposing counsel with respect to the matters set forth in this discovery motion via _____, on _____, 20____, at _____ o'clock ____m., but was unable to resolve the differences which exist.

In accordance with Rule L211(a)(4), counsel for the moving party has attempted to confer with opposing counsel with respect to the matters set forth in the discovery motion via _____, on _____, 20____, at _____ o'clock, ____m., but opposing counsel refuses to respond or cooperate.

Dated: _____

Attorney's Signature

Pa. Supreme Court No. _____

Address _____

Telephone _____

Rule L212 CONCILIATION CONFERENCES

- (a) **Scheduling of Conciliation Conference.** Unless otherwise directed by the court, all civil actions not subject to compulsory arbitration shall be scheduled for a conciliation conference, but not earlier than 30 days after the case is placed at issue and placed on the general civil trial list. The purpose of the conciliation conference is to address the possibility of settlement prior to trial, and it shall be considered as a part of the pretrial conference.
- (b) **Attendance at Conciliation Conference.** Unless excused by the court upon good cause shown, trial counsel and all parties must attend and be present at the conciliation conference. In addition, a representative(s) of the Defendant's insurance carrier(s) and, if applicable, the M-Care Fund and/or excess liability carrier, must be present, in person, and have the complete and final authority to discuss and settle the case. The court expects that, prior to the time of the conciliation conference, all parties or representatives of their insurance carriers will have conferred and attempted to arrive at a settlement. At the conciliation conference, the attending parties and representatives of their insurance carriers shall have realistic settlement authority.

Note:

This Rule is mandatory and changes prior practice in Lawrence County which permitted, in special circumstances, a party or insurance carrier to appear by telephone. All requests to be excused shall be by formal motion or petition setting forth all reasons for the request.

- (c) **Conciliation Conference Statement.** At least ten (10) days prior to the conciliation conference, each party shall file and serve upon opposing counsel, and any unrepresented party, a conciliation conference statement.

The conciliation conference statement shall include the following:

- (1) A brief narrative setting forth the factual basis supporting the claim or defense.

- (2) An itemized statement of each component of the claim for damages, including medical, hospital, dental and other health care expenses, a calculation of lost earnings and impairment of earning power, together with the basis therefore. The statement shall also include a calculation of the portion of the expenses or damages that are recoverable.
 - (3) If applicable, whether the plaintiff has selected the limited or full tort liability option for an automobile insurance case. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included.
 - (4) A copy of any experts' written reports (See Pa.R.C.P. 4003.5) shall be attached to the conciliation conference statement. It is contemplated by this Rule that all defense medical examinations shall have been completed and a written report thereof made available to the court and opposing counsel with the defendant's conciliation conference statement.
 - (5) The plaintiff's settlement demand and the defendant's offer.
 - (6) Detailed statement describing negotiations that have taken place to date.
- (d) **Pretrial Conference.** If no settlement is reached at the conciliation conference, the court shall schedule a pretrial conference. After the conciliation conference, but prior to the pretrial conference, the parties shall schedule and complete all depositions required for use at trial so that all depositions will be timely completed and transcribed as not to delay the trial.
- (e) **Sanctions.** This court considers compliance with the provisions of this Rule fundamental to the orderly administration of justice and disposition of actions. Any unjustified failure to fully comply with the Rule shall constitute grounds for the imposition of sanctions as provided by rule of court and general law including, but not limited to, reasonable counsel fees under 42 Pa.C.S.A. B2503 and civil and criminal contempt proceedings.

Rule L212.1 NOTICE TO COMPLETE DISCOVERY/PLACING ON TRIAL LIST

- (a) **Notice of Jury Trial.** All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the pretrial conference or an order entered by the court placing the case on the trial list.

Note: This provision is intended to constitute the notice required by Pa.R.C.P. 212.1(a).

- (b) **Notice to Complete Discovery/Placing Case at Issue.**

- (1) Civil cases shall be placed on the list for trial by the filing of a Praeceptum to Place Case at Issue.
- (2) No Praeceptum to Place Case at Issue shall be filed unless the moving party also certifies that a Notice to Complete Discovery and Dispositive Motions has been filed and served upon all parties at least 90 days prior to the filing of a Praeceptum to Place Case at Issue.
- (3) The Praeceptum to Place Case at Issue shall be in substantially the same form as set forth in Appendix A.
- (4) The Notice to Complete Discovery and Dispositive Motions shall be in substantially the same form as set forth in Appendix B.
- (5) The Court may enlarge or reopen the time period within which to complete discovery and/or dispositive motions upon motion of any party for cause shown.
- (6) All discovery and dispositive motions must be filed within the 90-day period unless enlarged by the court.
- (7) Upon filing of a Praeceptum to Place Case at Issue, the moving party shall serve a copy thereof upon the District Court Administrator, at which time the case shall be placed on the general trial list.

APPENDIX A

Form of Praecepto to Place Case at Issue

(Caption)

PRAECIPE TO PLACE CASE AT ISSUE

To: Prothonotary, Lawrence County

Please place the above captioned case at issue. I hereby certify that I have served a copy of a Notice to Complete Discovery and Dispositive Motions upon all counsel of record and any unrepresented party by First Class, United States Mail on _____ (Date) _____ and a copy of this Praecepto upon the District Court Administrator.

Respectfully submitted:

Date: _____

Counsel for _____

Address: _____

Telephone No. _____

APPENDIX B

Form Notice to Complete Discovery and Dispositive Motions

(Caption)

NOTICE TO COMPLETE DISCOVERY AND DISPOSITIVE MOTIONS

(Local Rule L212.1(b)(2))

TAKE NOTICE:

The undersigned intends to file a Praeceptum to Place Case at Issue after 90 days from the date of this Notice. You are required to complete all outstanding discovery and file all dispositive motions within the 90-day period, or file a motion with the court for permission to enlarge the time period within which to complete discovery.

Respectfully submitted:

Date: _____

Counsel for _____

Address: _____

Telephone _____

Rule L212.2**PRETRIAL STATEMENT**

- (a) At least 10 days prior to the pretrial conference, every party shall file and serve upon opposing counsel and any unrepresented party a pretrial statement. The pretrial statement shall contain all items described in Pa.R.C.P. 212.2 and the following:
- (1) A list of all exhibits which a party intends to use at trial. The party listing an exhibit shall be under no obligation to produce or offer that exhibit at the time of trial. The pretrial statement shall indicate the parties' agreement or disagreement as to the authenticity and admissibility of each exhibit. As far as practicable, copies of the exhibits should be attached to the pretrial statement. Copies of all such exhibits shall be served on opposing counsel or unrepresented parties with the pretrial statement.
 - (2) A detailed statement of any unusual questions of law or evidentiary issues, motions in limine or motions for sanctions, together with a legal memorandum in support of that party's position. As part of the conference, the court may hear arguments regarding such issues.
 - (3) A list of all objections appearing in depositions of expert witnesses, if depositions have been taken.
 - (4) A list of all proposed voir dire questions. A party's proposed voir dire questions may be amended or supplemented provided it does not delay the trial.
 - (5) All proposed points for charge together with a citation to authority if the proposed points are not the same as those set forth in the PA Suggested Standard Civil Jury Instructions. A party's proposed points for charge may be amended or supplemented provided it does not delay the trial.
 - (6) Each party remains under a continuing obligation to supplement their pretrial statement up to the time of trial.

Rule L212.3

**PRETRIAL CONFERENCE AND SCHEDULE
FOR TRIAL**

- (a) If no settlement is reached at the conciliation conference held pursuant to Local Rule L212, the court shall schedule a pretrial conference not earlier than 90 days following the conciliation conference. After the conciliation conference, but prior to the pretrial conference, the parties shall schedule and complete all depositions required for use at trial so that all depositions will be timely completed and transcribed as not to delay the trial.
- (b) Unless excused by the court upon good cause shown, all trial counsel must attend and be present at the pretrial conference.

Note: This Rule is mandatory and changes prior practice in Lawrence County which informally permitted, in special circumstances, substitute counsel for trial counsel. By this Rule, all requests to be excused shall be by formal motion or petition setting forth all reasons for the request.

- (c) At the conclusion of the pretrial conference, the court shall schedule the case for trial, unless the parties otherwise resolve the case.
- (d) **Sanctions.** The court considers compliance with the provisions of this rule fundamental to the orderly administration of justice and disposition of actions. Any unjustified failure to fully comply with this Rule shall constitute grounds for the imposition of sanctions as provided by rule of court and general law including, but not limited to, reasonable counsel fees under 42 Pa.C.S.A. §2503 and civil and criminal contempt proceedings.

Rule L220 SIX-MEMBER JURY IN CIVIL CASES

- (a) Except as provided in subdivision (b) below, juries in civil cases shall consist of eight members, six regular jurors and two alternate jurors. If during the trial, the number of regular jurors falls below six, the court shall declare a mistrial unless all parties agree on the record to proceed with less than six regular jurors.
- (b) In cases to be tried by jury, trial shall be by a 12-member jury, if written demand is filed with the court by any party as part of that party's original pretrial statement filed in accordance with Pa.R.C.P. 212.2 and Rule L212 prior to the scheduled trial.

Rule 227.1 POST-TRIAL RELIEF

- (a) Motions for post-trial relief shall be filed with the Prothonotary together with an order for transcript directing that designated portions of the record be transcribed as provided by Pa.R.C.P. 227.3 and identifying the responsible court stenographer(s).
- (b) The moving party shall attach to the order for transcript a completed request for transcript form prescribed and provided by the court.
- (c) The moving party shall serve a copy of the face sheet of the motion for post-trial relief, order for transcript, and request for transcript form upon the District Court Administrator and responsible court stenographer(s).
- (d) Within the 10-day prescribed time period under Pa.R.C.P. 227.3, opposing counsel may present an objection, in accordance with Rule L211(a), requesting that an additional, lesser, or different portion of the record be transcribed. The court shall promptly enter an order disposing of the objection or schedule oral argument of the objection.

- (e) Oral argument and a briefing schedule of the motion for post-trial relief shall be in accordance with Rule L211(b).
- (f) All transcripts requested shall be subject to Pa.R.J.A. 5000.1 through 5000.13.
- (g) The responsible court stenographer(s) shall complete all transcripts requested within 30 days, unless exigent circumstances justify any delay.

Rule L230.2 TERMINATION OF INACTIVE CASES

- (a) **General Policy.** It is the policy of the Court of Common Pleas of Lawrence County to bring each pending civil matter to an expeditious conclusion as promptly as possible consistent with the administration of justice, fairness, the character of the matter and the resources of the system. Consistent with this policy, the court shall proceed under Pa.R.C.P. 230.2.
- (b) If terminated, the Prothonotary shall mark the docket indicating that the case has been terminated.
- (c) The Prothonotary shall notify the District Court Administrator of all cases where a statement of intent to proceed has been filed or where the court has granted a petition to reinstate under Pa.R.C.P. 230.2.
- (d) If a petition to reinstate is filed more than 30 days after the termination of the case, the court shall schedule a hearing of the petition. Opposing counsel is not required to, but may, file a response to such a petition.
- (e) Any case not terminated shall be subject to the following schedule:
 - (1) In cases in which the pleadings are closed, the following schedule shall be observed:

- (i) All discovery shall be completed within 60 days from either the date of filing the statement of intent to proceed or the court's order reinstating the case as an active case, unless extended by the court for cause shown.
 - (ii) All dispositive motions shall be filed within 30 days after the deadline for completion of discovery.
 - (iii) A praecipe to place the case at issue shall be filed within 30 days after discovery is closed or following the court's disposition of all dispositive motions, if any dispositive motions are timely filed.
- (2) In cases in which the pleadings are not closed, the following schedule shall be observed:
- (i) If only a writ of summons has been filed, a complaint must be filed within 20 days of either the date of filing the statement of intent to proceed or the court's order reinstating the case as an active case.
 - (ii) If a complaint has been filed, then preliminary objections or an answer to the complaint must be filed within 20 days of either the date of filing the statement of intent to proceed or the court's order reinstating the case as an active case.
 - (iii) All discovery shall be completed within 30 days following the close of the pleadings.
 - (iv) All dispositive motions shall be filed within 30 days of the deadline for completion of discovery.

- (v) A praecipe to place the case at issue shall be filed within 30 days after discovery is closed or following the court's disposition of all dispositive motions, if any dispositive motions are timely filed.

Note: The notice to complete discovery and dispositive motions normally required under Rule L212.1 (b) (2) is not required in cases which are subject to this Rule L230.2.

Rule L236 NOTICE BY PROTHONOTARY OF ENTRY OF ORDER, DECREE OR JUDGMENT

- (a) The Prothonotary, in accordance with Pa.R.C.P. 236, shall be responsible for serving all orders, decrees, and judgments.
- (b) After original service of process, all orders, decrees and judgments served by the Prothonotary shall be served by ordinary first class mail or via facsimile transmission in accordance with Pa.R.C.P. 236(d).
- (c) Any copy of an order, decree or judgment served by the Prothonotary shall not be required to be a certified copy of the order, decree or judgment.

Rule L237.4 **FORM OF NOTICE OF PRAECIPE TO ENTER
JUDGMENT OF NON PROS**

The notice of every praecipe to enter judgment of non pros for failure to file a complaint shall include the following name and address of the office from which the plaintiff can receive information about obtaining the services of a lawyer and getting legal help:

Office of Lawyer Referral
Third Floor
Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-1921

Rule L237.5 **FORM OF NOTICE OF PRAECIPE TO ENTER
JUDGMENT BY DEFAULT**

The notice of every praecipe to enter judgment by default for failure to plead shall include the following name and address of the office from which the defendant can receive information about obtaining the services of a lawyer and getting legal help:

Office of Lawyer Referral
Third Floor
Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-1921

APPEALS TO TRIAL COURT

Rule L300 STATUTORY APPEALS

Unless a contrary procedure is required by statute or general rule of court, this Rule shall apply to all statutory appeals from a municipal hearing board, local agency or equivalent body and where the court has jurisdiction to review such adjudications.

(a) Transmitting the record

(1) When an appeal from a decision of a municipal hearing board, local agency, or equivalent body is filed, the appellant shall serve a copy of the appeal upon the District Court Administrator.

(2) Upon the filing of the appeal, the Prothonotary shall immediately issue a writ of certiorari and properly serve it on the municipal hearing board or local agency equivalent body from which the appeal was taken directing the board, agency or body to transmit a copy of the record required to be established by the board, agency or body in hearing the matter and issuing a decision, within 20 days of notice of the writ.

(3) When the record is transmitted, the municipal hearing board, local agency or equivalent body shall accompany the record with a certificate certifying that the record transmitted is complete, including a full transcript, and in accord with the statutory provision regarding the creation of a record before the board, agency or body. A copy of the certificate shall be served by the board, agency or body upon the District Court Administrator.

- (4) Upon receipt of the certificate by the District Court Administrator, the court shall schedule oral argument of the appeal and set a briefing schedule.
- (b) Evidentiary Hearing
- (1) If the court determines that the transmitted record is incomplete, it shall order the municipal hearing board, local agency or equivalent body to transmit a complete record within 20 days of the order, with the order enforceable by contempt of court, remand the case to the board, agency or body with directions to complete the record or schedule a de novo evidentiary hearing.
 - (2) In the event that a party desires to present additional evidence, a motion indicating the reasons therefor shall be presented to the court, during motion court in accordance with Rule L211(a), within 10 days after the court schedules argument and sets a briefing schedule. The motion shall state with particularity the authority upon which movant relies and the particular factors which the moving party believes indicate that the receipt of further evidence is warranted.
 - (3) In cases in which evidence is received by the court pursuant to subsection (a)(2)(i) of this Rule, after the close of the evidentiary proceedings, all parties shall submit proposed findings of fact to the court along with their respective briefs on the merits of the appeal in accordance with a schedule fixed by the court.

Rule L310.1 REAL ESTATE ASSESSMENT AND TAX EXEMPTION APPEALS

- (a) All appeals from a real estate assessment or tax exemption by the Board of Assessment Appeals shall be presented or filed in the form of a petition for allowance of appeal.

- (b) The petition for allowance of appeal shall be filed with the Prothonotary. The appellant shall serve a copy of the petition for allowance of appeal upon the District Court Administrator.
- (c) The petition shall have attached a proposed preliminary order, which shall provide:
 - (1) That the appeal is allowed;
 - (2) That the taxing authorities within whose jurisdiction the real estate is situate and the property owner, if the appellant is not the property owner, shall be notified that leave to intervene in the appeal, if desired, must be pursued in accordance with Pa.R.C.P. 2328-2330;
 - (3) The scheduling of a pre-hearing conference to be held no earlier than 45 days from the date of filing the petition; and
 - (4) That within five (5) days from the date of the preliminary order, appellant shall serve a copy of the petition and the Prothonotary shall serve a copy of the preliminary order upon the Board of Assessment Appeals, the Board of Commissioners of Lawrence County, the governing bodies of the school district and each municipality in which the real estate is situate, and upon the property owner, if the appellant is not the property owner.
- (d) Appellant shall file of record a certificate of service stating to whom service of the petition was made and the method and date of service.
- (e) The Prothonotary shall file of record a certificate or affidavit of service of the preliminary order stating to whom service was made and the method and date of service.

**Rule L310.2 REAL ESTATE ASSESSMENT AND TAX
EXEMPTION APPEALS - PRE-HEARING
STATEMENT AND CONFERENCE**

- (a) All parties of record shall file a pre-hearing statement no later than 10 days prior to the pre-hearing conference.
- (b) The pre-hearing statements shall include:
 - (1) A summary of the evidence which will be offered at the hearing;
 - (2) A list of exhibits to be offered;
 - (3) A list of the names and addresses of all witnesses to be called;
 - (4) In an assessment appeal, copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
 - (5) In an assessment appeal, a statement of the current valuation which is the basis for the appeal;
 - (6) In an assessment appeal, a statement setting forth the appellant's position as to the correct valuation, which shall include appellant's position as to the correct market value, assessment ratio, and assessment;
 - (7) In a tax exempt appeal, copies of any expert report, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
 - (8) In a tax exemption appeal, a statement setting forth the appellant's basis for claiming a tax exemption of the property, including, but not all inclusively, citations of precedent or controlling case and statutory law;
 - (9) A statement that there have been negotiations between the parties and a good faith attempt to settle the case; and

- (10) The pre-hearing statements shall be signed by the parties or their counsel.
- (c) At the pre-hearing conference each party of record shall be personally present.
- (d) At the pre-hearing conference, the parties of record shall consider:
 - (1) Possible stipulations as to evidence and facts;
 - (2) Simplification of the issues; and
 - (3) Settlement.
- (e) If the appeal is not settled after a pre-hearing conference, the court shall enter an appropriate order, which may include the scheduling of a hearing.

SUMMARY JURY TRIALS

Rule L320.1 SUMMARY JURY TRIALS - PRELIMINARY CONSIDERATIONS

- (a) Preliminary Considerations - The matters set forth in this Rule shall be considered but shall not be controlling in determining if civil cases are amenable for a summary jury trial.
- (b) Time Necessary for Regular Trial. The court shall determine if the regular trial time would be three days or more, including time for jury selection and closings and charge. The court shall also consider the amount of damages involved and whether complex legal issues are involved.

- (c) Consent of Attorneys. The court shall attempt to obtain the consent of counsel and the parties to a summary jury trial, but the court shall have the authority to direct a summary jury trial as an extension of the settlement conference.
- (d) Existing Offer and Demand. The court shall also attempt to obtain the agreement of counsel and the parties to leave any current settlement offer and demand on the table for 48 hours after the summary jury trial verdict.
- (e) Credibility. The court shall determine if the major issues must be resolved on the basis of credibility.

Rule L320.2 SUMMARY JURY TRIALS - PROCEDURE

- (a) Attendance of Parties. Individual parties shall attend the summary jury trial. An officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall also attend the summary jury trial.
- (b) Non-binding Effect. Generally, summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties or shall constitute a waiver of a full jury trial. However, counsel are free to negotiate whether the summary jury trial shall be binding or non-binding and, if binding, whether a high-low agreement can be reached.
- (c) Special Verdict Questions. All cases subject to a summary jury trial shall be submitted to the jury by way of special verdict questions. Counsel shall submit a joint statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary jury trial need not be the same as those for the full jury trial. The jury shall determine the amount of damages in all cases regardless of whether a defendant is found to be liable or not liable. The court shall determine the format of the verdict slip to be used and rule on disputed questions.

- (d) Jury Selection. Summary juries shall consist of six jurors. Counsel may be present at jury selection conducted by the court, and submit proposed voir dire questions for the court's use in accordance with Rule L320.3.
- (e) Presentation of the Case by Counsel. Each side shall be entitled to one hour for presentation of its case, unless counsel presents a compelling reason at the pre-trial conference justifying more time for each side. Presentation of the case by counsel will involve a combination or argument, summarization of the evidence to be presented at the regular trial and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. No live testimony will be presented except in cases where credibility will determine the major issues. If any witness is permitted to be called by any party, the time used to examine the witness shall be assessed against the one-hour time limit of the party calling the witness. The court shall determine the number of witnesses to be presented. Counsel may quote from depositions and may use exhibits and video tapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first and shall have a rebuttal of no longer than 15 minutes.
- (f) Applicable Law. The court shall charge the jury on the applicable law to the extent it is appropriate and required by the jury in answering the special verdict questions. Counsel may submit requested points for charge for consideration by the court prior to the selection of the summary jury. The court shall rule on any disputes of points for charge, as well as any pre-trial motions before the summary jury trial.
- (g) Jury Verdict. Agreement by at least five of the six jurors shall constitute a verdict.
- (h) Length of Deliberations. If the jury does not reach a verdict within a reasonable time, the court may consider polling the jurors individually.

- (i) Oral Questions to Summary Jury. After the verdict, counsel and the court may address questions in open court to the jury. No juror is required to answer. Any juror may address any comment or question to the court and counsel. Participation by the jurors is strictly voluntary.
- (j) Scheduling Regular Trial. Should the summary jury trial not result in a settlement, a full jury trial shall be immediately scheduled but not for the same calendar week.

Rule L320.3 SUMMARY JURY TRIALS - JURY SELECTION

The court shall select the jury and may use the following voir dire, in addition to any proposed voir dire suggested by counsel or determined by the court:

- (a) The jurors' availability for the specific date and time of the summary jury trial. If the case starts in the morning, the court will determine prospective jurors availability all day. If it begins in the afternoon, the court will determine their availability through the dinner hour into the early evening.
- (b) Whether any of the prospective jurors, for any health reason, are physically unable to perform their task as jurors, which would require them to sit for a period of as long as one hour without a recess and whether any prospective juror has any hearing difficulties, recent surgeries, nervous conditions, etc.
- (c) A brief factual summary of the case shall be provided to determine if any of the jurors have any knowledge of the allegations in the case.
- (d) The specific identification of the plaintiff and defendant by name and address to further determine if any of the prospective jurors know any party.

- (e) Whether any of the prospective jurors have or had any social or business dealings, past or present, with either counsel or their law firms.
- (f) If there are any particular witnesses who are going to be unusually significant to the argument, lay or medical, the court will identify them to the jury and determine the prospective jurors' knowledge or contact with them.
- (g) Whether any of the prospective jurors have had a similar injury to that claimed by the plaintiff or if a close friend or family member has had such an injury so it can be determined whether any prospective juror has any bias regarding the injury itself.
- (h) When any of the parties is other than an individual, the court will emphasize and explore the prospective juror's ability to give a corporation, for example, the same consideration that any other party is entitled to receive.
- (j) Whether any prospective juror has any fixed opinions which would prevent the juror from awarding money damages in cases where fault is determined to exist and an actual injury has resulted from the defendant's conduct.
- (j) Whether any prospective juror has any fixed opinions that would prevent the juror from deciding that a defendant is not liable if the evidence shows either that the defendant was not at fault or that the defendant's fault caused no actual injury to the plaintiff.
- (k) Whether any prospective juror has been involved either as a plaintiff or a defendant in the particular type of case before the court or whether a family member or close personal friend has been involved in a case such that it would have any bearing on their ability to sit fairly and impartially.
- (l) Whether any prospective juror has any other reason, not stated by the court, why they would be unable to sit fairly and impartially in the particular case.
- (m) If counsel desire any additional voir dire, it should be submitted to the court at least 10 days prior to jury selection.

Rule L320.4 POST SUMMARY JURY TRIAL CONFERENCE

If the summary jury trial is not binding, then a post-trial settlement conference shall be conducted. Generally, the settlement conference shall be conducted immediately following the summary jury trial or, if not possible, as close to the summary jury trial date as can be reasonably scheduled. In no event should it be conducted longer than 30 days from the trial. At the settlement conference, the court shall be an active player in resolving the case. The court may function as a "seventh" juror, supporting the jury's verdict generally where indicated and interposing the court's own view as to likely results before a full jury where the same is appropriate. This may move the case toward resolution. If the settlement conference does not settle the case, then the court shall schedule the case for a full jury trial.

PLEADINGS

Rule L1018.1 NOTICE TO DEFEND FORM

The notice to defend of every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall include the following name and address of the office from which a party can receive information about obtaining the services of a lawyer:

Office of Lawyer Referral
Third Floor
Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-1921

Rule L1028 PRELIMINARY OBJECTIONS

- (a) Preliminary objections shall be filed with the Prothonotary, and the moving party shall serve a copy of the face sheet of the preliminary objections on the District Court Administrator.
- (b) Unless an amended pleading is filed as of course under Pa.R.C.P. 1028(c)(1), oral argument and a briefing schedule shall be scheduled in accordance with Rule L211(b).
- (c) In response to preliminary objections to an amended pleading, a second or subsequent amended pleading shall be subject to Pa.R.C.P. 1033.
- (d) All preliminary objections shall be accompanied by a certificate certifying that a true and correct copy of the preliminary objections has been properly served upon all opposing counsel and unrepresented parties. The certificate shall include the date and manner of service.

Rule L1034 MOTION FOR JUDGMENT ON THE PLEADINGS

- (a) Motions for judgment on the pleadings shall be filed with the Prothonotary, and the moving party shall serve a copy of the face sheet of the motion on the District Court Administrator.
- (b) Oral argument of the motion and a briefing schedule shall be scheduled in accordance with Rule L211(b).
- (c) All motions for judgment on the pleadings shall be accompanied by a certificate certifying that a true and correct copy of the motion has been properly served upon all opposing counsel and unrepresented parties. The certificate shall include the date and manner of service.

MOTION FOR SUMMARY JUDGMENT

Rule L1035.1 MOTION FOR SUMMARY JUDGMENT

- (a) Motions for summary judgment shall be filed with the Prothonotary, and the moving party shall serve a copy of the face sheet of the motion on the District Court Administrator.
- (b) Oral argument of the motion and a briefing schedule shall be scheduled in accordance with the provisions of Rule L211(b).
- (c) Except as provided in Pa.R.C.P. 1035.3(e)(1), a brief or answer to the motion for summary judgment filed by any party in opposition to a motion for summary judgment shall not be considered a response as required by Pa.R.C.P. 1035.3.
- (d) All motions for summary judgment shall be accompanied by a certificate, certifying that a true and correct copy of the motion for summary judgment has been properly served upon all opposing counsel and unrepresented parties. The certificate shall include the date and manner of service.

COMPULSORY ARBITRATION

Rule L1301 ARBITRATION - SCOPE

All cases where the amount in controversy does not exceed Twenty-five Thousand (\$25,000.00) Dollars, excluding interest and costs, except those involving title to real estate, shall be submitted to compulsory arbitration under this Rule.

Rule L1302 LIST OF ARBITRATORS APPOINTED; ARBITRATORS' COMPENSATION

- (a) The Prothonotary shall act as Arbitration Administrator, maintain a current roster of the members of the Bar qualified to act as arbitrators, and maintain proper legal forms necessary for the operation of these rules, which forms shall be printed at the expense of Lawrence County.
- (b) To be an eligible arbitrator, each attorney shall be a member of the Bar, actively engaged in the practice of law, primarily in Lawrence County and shall file with the Prothonotary information showing whether the attorney is practicing alone, is a member of a firm, or is associated with one or more other attorneys. Upon any change in practice status or association with any other attorney or attorneys, the attorney shall immediately report such change to the Prothonotary, who will not the change on the roster of eligible arbitrators in accordance with the information submitted. Any attorney who declines to serve as an arbitrator shall so notify the Prothonotary in writing. Failure by an attorney appointed as an arbitrator to appear for three (3) consecutive arbitration hearings shall result in the attorney's name being stricken from the roster of eligible arbitrators.

- (c) When a Praeipce to Appoint Arbitrators is filed under Local Rule L1303, a Board of Arbitrators, consisting of three (3) members of the Bar of Lawrence County, shall be appointed by the Prothonotary from the attorneys qualified to act. The names of the arbitrators shall be taken from the roster of the eligible members of the Bar, in alphabetical order, except where attorneys are excused due to incapacity or illness or upon express written direction by an attorney. Not more than one (1) member of a firm or association of attorneys shall be appointed to the same Board, and no members of a firm or association of attorneys shall be appointed to a Board to hear a case where another member of the firm or association of attorneys is counsel for any party.

- (d) The chair of the Board of Arbitrators shall be paid the sum of One Hundred Thirty Dollars (\$130.00). The other members of the Board of Arbitrators shall each be paid the sum of One Hundred Five Dollars (\$105.00) by Lawrence County in accordance with Rule L1306 for each case heard. Where a hearing is scheduled but not conducted and no award entered but the case is otherwise resolved and the Board of Arbitrators is not otherwise entitled to compensation under this sub section, the chair shall be compensated Twenty-Five Dollars (\$25.00) for the scheduling of the hearing.

Rule L1303 ARBITRATION - NOTICE

- (a) After the pleadings are closed, any party may place the case on the Arbitration List by filing a Praeipce to Appoint Arbitrators with the Prothonotary. The Praeipce shall be in the form as prescribed by this Rule and include a certification that counsel for the moving party has provided reasonable advanced notice to all opposing counsel and unrepresented parties that the case is being scheduled for an arbitration. Discovery may continue as long as it does not delay the hearing.

- (b) Within 30 days after appointment, the Chairperson of the Board of Arbitrators shall schedule an arbitration hearing. Failure to so schedule an arbitration hearing shall result in the Prothonotary removing the Chairperson and appointing a new Chairperson.
- (c) The Chairperson shall fix the date, time and place of the arbitration hearing. The parties shall be provided not less than 30 days written notice of the hearing.
- (d) The notice of the hearing shall include the following statement:

“This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”
- (e) When the Board is convened for hearing, if one or more of the parties is not ready to proceed, the hearing shall be conducted, and the arbitrators shall make an award, unless the court:
 - (1) orders a continuance; or
 - (2) hears the matter if the notice of hearing contains the statement set forth in subdivision (d) of this Rule and all parties present consent.

Rule L1304**ARBITRATION - WITNESSES**

- (a) In all hearings before a Board of Arbitrators, all witnesses shall be sworn or make an affirmation before offering any testimony. Witness fees shall be taxed as costs as in other actions.
- (b) At the hearing before the Board of Arbitrators, each party shall be subject to a time limit of one (1) hour in presenting their case. This time limit may be extended by a majority of the arbitrators for cause shown, such as in cases involving extensive cross-examination of witnesses.
- (c) Continuances
 - (1) The Chair for cause shown without leave of court may grant one (1) continuance. Such a request to the Chair of the Board of Arbitrators must be unopposed and must be made at least two (2) business days before the scheduled arbitration date.
 - (2) Any motion for continuance which is contested or made within two (2) business days of the scheduled arbitration hearing must be presented to the court for approval.
 - (3) All motions for continuance not subject to being granted by the Chair or being made within two (2) business days of the scheduled arbitration shall be granted only upon cause shown **and** only upon payment of the arbitrators' compensation by the moving party.
- (d) Any moving party receiving a continuance of an arbitration hearing is responsible for notifying all other parties and arbitrators of the continuance and, further, responsible for rescheduling the arbitration hearing within 30 days of receiving the continuance. The moving party shall notify all parties and the arbitrators of the continuance and the rescheduled arbitration date. Failure of the moving party to comply with this Rule may result in the imposition of sanctions.

Rule L1306**ARBITRATION - AWARD**

- (a) The Board of Arbitrators shall make an award, including costs, interest, and attorney fees if authorized by law and are warranted, promptly upon termination of the hearing. The award shall dispose of all claims for relief and be substantially in the form provided by the Prothonotary. If the Plaintiff is seeking damages for delay under Pa.R.C.P. 238, Plaintiff shall comply with Pa.R.C.P. 238(d)(1). The award shall be signed by at least two (2) of the three (3) arbitrators. A dissenting vote without further comment may be noted on the award. The award shall be filed with the Prothonotary by the Chair of the Board of Arbitrators immediately after it is signed.

- (b) If damages for delay are awarded under Pa.R.C.P. 238, the amount shall be separately stated. Prior to the award of delay damages, the parties shall submit to the Board of Arbitrators a sealed envelope setting forth the last settlement offer and its date. This envelope shall not be opened by the arbitrators until they have agreed upon an award, separate from any delay damages.

- (c) Upon filing the Board of Arbitrators' award, the Prothonotary shall certify to the County Commissioners and to the County Controller that the award has been filed, together with the names of the members of the Board of Arbitrators serving in the case. Thereupon, the County shall pay the required compensation to each member of the Board of Arbitrators serving in the case.
 - (1) If a case is settled, withdrawn, or otherwise terminated by or between the parties, the parties must, more than two (2) business days before the scheduled arbitration hearing date, so notify all arbitrators appointed for the case and file a Praecipe to Discontinue the action of record. In such an event, the arbitrators shall not be entitled to receive compensation. If the arbitrators have

not been notified and/or if the case has not been discontinued of record more than two (2) business days before the date and time of the scheduled arbitration hearing, then the arbitration hearing shall be conducted as scheduled, and the arbitrators shall, in accordance with law, make an award. In such a case the arbitrators shall be entitled to compensation.

- (2) The compensation payable or paid to the members of the Board of Arbitrators under these rules shall not be taxed as costs, except as otherwise provided in this Rule.

BINDING ARBITRATION

Rule L1315 OPTIONAL BINDING ARBITRATION

- (a) In all cases, including those subject to compulsory arbitration pursuant to 42 Pa. C.S.A. B7361 and Rule L1301, the parties, by consent and agreement, may submit the case to binding arbitration.
- (b) Those parties agreeing to binding arbitration and consenting to be bound by this Rule shall file a consent with the court in the form prescribed by subdivision (c).
- (c) Form of Consent

1) The consent shall be substantially in the following form:

I, _____ (Name of Party) _____, acknowledge that I have been fully informed of the procedures and consequences of binding arbitration and consent to binding arbitration under Rule L1315. I agree that there shall be no appeal from the decision of the arbitrators under binding arbitration absent a clear showing of fraud, misconduct, corruption, or other irregularity, which caused an unjust, inequitable, or unconscionable award by the arbitrators, or that I was denied a hearing before the arbitrators.

I further acknowledge that I have voluntarily and without undue influence or coercion executed and filed this consent.

_____	_____	_____
Date	Plaintiff	Defendant
_____	_____	_____
Date	Plaintiff	Defendant
_____	_____	_____
Date	Plaintiff	Defendant

2) The consent shall be signed by the party submitting and filing it and the attorney for the party, who shall witness the party's signature.

MINORS AS PARTIES

Rule L2039

COMPROMISE, SETTLEMENT, DISCONTINUANCE AND DISTRIBUTION

(a) **Contents of Petition.**

A petition presented pursuant to Pa.R.C.P. 2039 seeking to compromise a minor's claim shall be verified by the guardian of the minor, and shall contain a statement describing the nature of the evidence relied upon to establish liability, the elements of damages, the injuries sustained, and a list of expenses incurred or reasonably anticipated. The petition shall also include the following:

- (1) A statement by counsel concerning his or her professional opinion regarding the desirability of the settlement and the reasons therefore;
- (2) A description of the services rendered;
- (3) A description of the amount of reimbursable expenses requested;
- (4) The amount of fees requested;

Note: The court will approve a contingent fee of 33 1/3%. All fees in excess of 33 1/3% shall be considered on a case by case basis.

- (5) A statement by the attending physician concerning the injuries sustained by the minor, the treatment administered and the prognosis; and
- (6) In cases involving property damage claims, a statement by the party who made the repairs or who appraised the loss.

(b) **Order of Court Directing Deposit of Funds.**

All petitions presented pursuant to Pa.R.C.P. 2039 where the proceeds of the settlement are to be deposited in a savings account or in a certificate of deposit shall have attached to the petition an order including the following language:

“It is hereby ordered and decreed that the amount of \$ _____ shall be deposited in the name of _____ (name of minor), a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall contain the following notation: NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF THIS COURT.”

(c) **Proof of Deposit.** Plaintiff’s counsel shall be responsible for filing a Proof of Deposit with the Prothonotary or Clerk of the Orphans’ Court within 30 days of the entry of an order directing the deposit of funds.

(d) **Annuity Contracts.**

(1) Where the terms of settlement of a minor’s claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company within the prior written approval of this court.

(2) Plaintiff’s counsel shall serve a copy of this Rule upon the company issuing the annuity contract, and file proof of such service with the Prothonotary within 30 days following the court’s approval of any such annuity contract.

(e) Unless excused for cause shown, any petition to compromise a minor’s claim shall be presented in motion court. The guardian and the minor shall appear unless excused by the court for cause shown.

ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule L3103 COMMENCEMENT. ISSUANCE

- (a) Attachment of personal earnings to satisfy a judgment for damages awarded to a judgment creditor-landlord for a residential lease permitted under 42 Pa.C.S.A. §8127 shall be initiated with the Prothonotary by filing a praecipe for writ of execution naming the judgment debtor's employer as garnishee in substantially the form provided in Rule L3251 and Pa.R.C.P. 3251.
- (b) To execute on a judgment by means of attachment of personal earnings of a judgment debtor-tenant to recover damages awarded to a landlord for a residential lease, the judgment creditor-landlord shall file with the Prothonotary a writ of execution in substantially the form provided in Rule L3252 and Pa.R.C.P. 3252.
- (c) A writ of execution naming a judgment debtor's employer as garnishee filed with the Prothonotary shall be accompanied by a certified copy of the transcript of the judgment entered by the District Justice or a certified copy of the judgment entered by the Court of Common Pleas or equivalent court of another jurisdiction. No praecipe for writ of execution shall be presented to or be accepted by the Prothonotary until the judgment is final by operation of law or otherwise.
- (d) Service of a writ of execution naming a judgment debtor's employer as garnishee shall be made by the Sheriff in accordance with Pa.R.C.P. 3108 or any Rules or Rules of Civil Procedure promulgated to replace Pa.R.C.P. 3108.

FORMS

Rule L3251 PRAECIPE FOR WRIT OF EXECUTION - **MONEY JUDGMENT**

The praecipe for a writ of execution for the attachment of personal earnings to satisfy a judgment for damages awarded to a judgment creditor-landlord for a residential lease permitted under 42 Pa.C.S.A. §8127 shall be in substantially the following form:

(Caption)

PRAECIPE FOR WRIT OF EXECUTION

To The Prothonotary of Lawrence County:

Issue writ of execution in the above matter directed to the Sheriff of Lawrence County naming the judgment debtor's employer as garnishee to attach the personal earnings of the defendant, _____, who resides at _____ in the total amount of \$ _____. This claimed amount arises out of physical damages and/or rent due for a residential lease between the plaintiff and the defendant for the leasehold premises at _____.

I certify that the judgment in this case upon which this praecipe is based is final and has not been appealed. Documentary proof of the final judgment is attached to this praecipe. I further certify that the requested personal earnings attachment is only to recover damages for physical injuries to a residential leasehold and/or rent due in the residential lease.

Respectfully submitted,

(Date)

(Attorney for Plaintiff/Plaintiff)

Address

Telephone Number

2.26

Rule L3252**WRIT OF EXECUTION – MONEY JUDGMENT**

The writ of execution for the attachment of personal earnings to satisfy a judgment for damages awarded to a judgment creditor-landlord for a residential lease permitted under 42 Pa.C.S.A. §8127 shall be in substantially the following form:

(Caption)

**WRIT OF EXECUTION
NOTICE**

This paper is a writ of execution-naming the judgment debtor's employer as garnishee to attach the personal earnings of the defendant. It has been issued because there is a judgment against you. It may cause your personal earnings, including wages, to be taken to pay the judgment. You may have legal rights to prevent your earnings from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that earnings, including wages, cannot be taken under certain circumstances. There are exemptions which may be applicable to you.

If you believe your earnings should be exempt, you should do the following promptly: (1) Fill out the attached claim form for exemption and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff of Lawrence County, Lawrence County Government Center, 430 Court Street, New Castle, Pennsylvania, 16101.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, a portion of your earnings will be attached, deducted and paid toward satisfaction of the judgment.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN OBTAIN THE SERVICES OF A LAWYER AND GET LEGAL HELP.

**Office of Lawyer Referral
Third Floor
Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-1921**

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF LAWRENCE : SS:
:

TO THE SHERIFF OF LAWRENCE COUNTY:

To satisfy the judgment, interest, and costs against _____, defendant, you are directed to attach the personal earnings, including wages, of the defendant due or to become due from the defendant's employer, _____ (Name of Employer-garnishee) as garnishee, and to notify the employer-garnishee that the employer-garnishee is required to deduct from the defendant's personal earnings, including wages, and pay over to the Prothonotary, a sum which shall be no more than ten (10%) percent of the net personal earnings or wages per pay period of the defendant or a sum not to place the defendant's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less, as provided for, and subject to the restrictions contained in 42 Pa.C.S.A. §8127, a copy of which is attached. Deduction shall continue until the amount of the judgment is satisfied.

AMOUNT DUE \$ _____

(Name of Prothonotary or Clerk)

Seal of the Court:

By _____
(Prothonotary or Deputy)

(Caption)

CLAIM FOR EXEMPTION

TO THE SHERIFF OF LAWRENCE COUNTY:

I, the above named defendant, claim exemption of personal earnings, including wages, from attachment for the following reasons (specify amount and basis of claim of exemption):

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at:

Address

Telephone Number

I verify that the statements made in this claim for exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. B 4904, relating to unsworn falsification to authorities.

(Date)

(Defendant)

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF THE SHERIFF OF LAWRENCE COUNTY:

Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-2190

DEPOSITIONS AND DISCOVERY

Rule L4002.1 FILING DISCOVERY MATERIAL

Any counsel who files of record any discovery material in violation of Pa.R.C.P. 4002.1 (filing of discovery material), is subject to sanctions upon the court's own motion.

Note: The filing of unnecessary discovery material by counsel has become a burden of the Prothonotary and the court as the volume of unnecessary documents clutters the record and creates storage problems.

Rule L4008 ORAL DEPOSITIONS, LIMITATION

Any deposition of a non-medical deponent by any party shall be taken in the law offices of the Lawrence County counsel unless all parties agree to another location. If all counsel are from outside Lawrence County and counsel wish to take any deposition in the Lawrence County Government Center, the date, place and time of the deposition shall be coordinated with the District Court Administrator. Any notice issued contrary to this Rule shall be void.

Note: This Rule will permit the scheduling and taking of depositions of medical witnesses at the physicians' office. For non-medical witnesses, however, the rule is designed to prevent the abuse of scheduling depositions without regard to the convenience of other parties to the action.