

THE COURTS

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Local Civil Rules 206.4(c), 206.5, 208.2(e), 208.3(a), 208.3(b), 216, 1012, 1028(c), 1034(A), 1035.2(a), 1301, 1301.1, 1302, 1303, 1312, 1915.15, 1919, 1920.12, 2039

Order

And Now, this 10th day of January, 2005, the Court hereby adopts the following Bradford County Rules of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall send seven (7) certified copies of these rules to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that these local rules shall be kept continuously available in the Prothonotary's Office for public inspection and copying.

By the Court

JEFFREY A. SMITH,
President Judge

Local Rule 206.4(c)

A. The procedure specified in Pa.R.C.P. 206.5 is adopted to govern petition practice in the Forty-second Judicial District. A petition shall be filed in the Prothonotary's Office. Upon filing, the Prothonotary's Office shall transmit a copy of the petition, along with the proposed rule to show cause order, to the Court Administrator for the scheduling of a rule returnable date.

B. Following the scheduling of the return date, the petition and order to show cause shall be submitted to the Prothonotary's Office for filing and docketing and for conforming a copy of the rule return order. A conformed copy of the order shall be transmitted by the Prothonotary to the petitioning party for service.

C. The petitioning party shall file an affidavit of service, noting the date, method of service and parties served.

D. If an answer is filed, the court, upon review, will determine whether a hearing or argument should be scheduled and will enter an order accordingly.

E. Any request for a stay of execution pending disposition of a petition to open a default judgment shall be included in the petition to open default judgment, to be considered and processed in accordance with this rule.

Local Rule 206.5

(d) The proposed order required by subparagraph (b) of Rule 206.5 of the Pennsylvania Rules of Civil Procedure shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, 20 __, upon consideration of the foregoing petition, it is ordered that

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition on or before _____, 20__, at 12:00 p.m.

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) depositions, if necessary, shall be directed in accordance with Pa.R.C.P. No. 206.7(c);

(5) argument or hearing, if necessary, shall be scheduled by the court upon review of any answer filed;

(6) the petitioner shall provide notice of the entry of this order to all parties.

BY THE COURT:

_____ J.

Local Rule 208.2(e)

A. All motions relating to discovery shall include a certification signed by counsel for the moving party attesting that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

Local Rule 208.3(a)

A. Except for motions made orally during a trial or hearing, all motions shall be written, shall contain a caption setting forth the name of the court, the number of the action, and the names of the parties, and shall have affixed upon the front page of the motion, the name, address and Supreme Court ID number of the filing attorney. All motions which are or may be contested shall include a proposed order scheduling argument. The proposed order shall include the name, address and Supreme Court ID number of the filing attorney. The proposed order shall not be physically attached to the motion.

B. All motions shall be filed in the Prothonotary's Office. Upon filing, the Prothonotary's Office shall transmit a copy of the motion, along with the proposed scheduling order, to the Court Administrator.

C. Following the scheduling of the motion, the motion and order to show cause shall be submitted to the Prothonotary's Office for filing and docketing and conforming of a copy of the scheduling order. A copy of said conformed order shall be transmitted by the Prothonotary to the moving party for service.

D. The moving party shall file an affidavit of service, noting the date, method of service, and parties served.

Local Rule 208.3(b)

A. Any party who files a motion which requires argument, shall file a brief containing appropriate authority at least fifteen days prior to the date set for argument. A copy of the brief shall be served promptly upon all other parties. All responding parties shall file a brief and serve the same on all other parties at least five days prior to the date set for argument.

[B.C.R.C.P. 216] Rescinded.

Local Rule 216

A. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

(1) Before filing a motion for continuance, the moving party shall make reasonable efforts to obtain the consent of any interested party.

(2) Continuances upon the consent of the parties shall not be effective unless and until ordered by the court.

B. Motions for continuances shall be presented no later than ten (10) calendar days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted unless:

- (1) the opportunity therefore did not previously exist;
- (2) the party making the motion was not aware and reasonably could not be aware of the grounds for the motion; or
- (3) required in the interests of justice.

C. Generally a request for a continuance based on proceedings scheduled in another trial court will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another trial court, the scheduling order or other written documentation from the other court shall be attached to the motion.

D. The motion for continuance shall be substantially in the following form:

VS. : IN THE COURT OF COMMON PLEAS
 : OF BRADFORD COUNTY,
 PENNSYLVANIA
 : NO.

MOTION FOR CONTINUANCE

NOW COMES _____, (by and through (his) (her) (its) attorney, _____) and moves for a continuance as follows:

1. The above-captioned matter is scheduled for _____ on the _____ day of _____, 20____, at _____ m., before _____.
2. The moving party for said proceeding is _____.
3. The other parties in the case are: _____ represented by: _____
 _____ represented by: _____
 _____ represented by: _____
4. The proceeding was scheduled by _____ dated _____.
5. The proceeding (has) (has not) been previously continued (_____ time(s)). (The moving party has obtained a continuance _____ time(s)).
6. A continuance is requested because _____.

(If a continuance is requested because of a conflicting court matter, the scheduling notice or order must be attached.)

- 7. No interested party objects to the continuance.
- Only the following objected to the continuance request:

_____ because _____
 _____ because _____
 _____ because _____

Consent to the continuance could not be obtained from _____ because _____.

(If a response has not been obtained from any interested party, specify the date, time and manner of all efforts to obtain consent of the continuance.)

8. I hereby certify that if a continuance is granted, I will notify all witnesses who would be appearing at my request and will provide a copy of this motion to opposing counsel and unrepresented parties.

- 9. I specifically request a continuance
- of not less than _____
- of not more than _____ (or)
- to the next available date.

Respectfully submitted,

 _____ ADDRESS

 _____ PHONE NO.
 _____ ATTORNEY SUPREME COURT NO.

E. All written motions for continuance shall be accompanied by a proposed order which shall be substantially in the following form:

VS. : IN THE COURT OF COMMON PLEAS
 : OF BRADFORD COUNTY,
 PENNSYLVANIA
 : NO.

ORDER

AND NOW, this _____ day of _____, 200____, upon consideration of the attached motion of _____ (moving party)

requesting a continuance:
 the motion is denied.
 the motion is granted and the _____ scheduled for _____ at _____ m. before _____ is hereby continued until _____ at _____ m.

The moving party shall promptly notify all interested parties of this order.

BY THE COURT:

Local Rule 1012

(a) A pleading filed by an attorney shall be deemed to enter the attorney's appearance on that issue. An entry of appearance shall be deemed to be an entry of appearance for all issues unless the entry of appearance specifically provides otherwise.

(b)(1) Withdrawal of an attorney's appearance may be made without leave of court only for those issues for which another attorney has entered or simultaneously enters an appearance. Such withdrawal shall specifically identify the issues to which the withdrawal applies.

Local Rule 1028(c)

(3) All preliminary objections shall be written, shall contain a caption setting forth the name of the court, the number of the action, the names of the parties and shall have affixed upon each page of the motion, the name, address and Supreme Court ID number of the filing attorney. A motion for argument and a proposed scheduling order in substantially the following form shall be included:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

VS. : NO.

MOTION FOR ARGUMENT

AND NOW, _____, I move the court to set the ____ day of _____, 200__, at ____ m. in Courtroom No. ____ Towanda, Pennsylvania, as the time and place for argument on preliminary objections.

I hereby state to the court that service will be made of a copy of the completed motion for argument upon all other parties or their attorneys of record in this proceeding; that if not already served, service will be made on the aforesaid of a copy of the pleading which raise the issues in dispute; that all will be done in accordance with the applicable rules regarding service. I further state that my affidavit of service will be filed thereafter.

BY: _____

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the preliminary objections, shall file a brief at least fifteen days prior to said argument. Immediately thereafter a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

At least five days prior to the argument, the responding party shall file a brief and shall serve said brief upon all counsel of record and all unrepresented parties.

BY THE COURT:

_____ J.

(4) All preliminary objections shall be filed in the Prothonotary's Office. Upon receipt of the preliminary objections, the Prothonotary's Office shall transmit a copy of the same, along with the motion for argument thereon and the proposed scheduling order, to the Court Administrator.

(5) Following the scheduling of the preliminary objections, court administration shall return the copy of the preliminary objections to the Prothonotary's Office, along with the motion for argument thereon and the proposed scheduling order, for filing and docketing and for conforming a copy of the scheduling order. A conformed copy of the order shall be transmitted by the Prothonotary to the moving party for service. The moving party shall file an affidavit of service, noting the date of service, method of service, and parties served.

Local Rule 1034(a)

(1) All motions for judgment on the pleadings shall be written, shall contain a caption setting forth the name of the court, the number of the action, and the names of the parties and shall have affixed upon each page of the motion, the name, address and Supreme Court ID number of the filing attorney. A motion for argument and a proposed scheduling order in substantially the following form shall be included:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

VS. : NO.

MOTION FOR ARGUMENT

AND NOW, _____, I move the court to set the ____ day of _____, 200____, at ____ m. in Courtroom No. ____ Towanda, Pennsylvania, as the time and place for argument on my motion for judgment on the pleadings.

I hereby state to the court that service will be made of a copy of the completed motion for argument upon all other parties or their attorneys of record in this proceeding; that if not already served, service will be made on the aforesaid of a copy of the motion for judgment on the pleadings which raises the issues in dispute; that all will be done in accordance with the applicable rules regarding service. I further state that my affidavit of service will be filed thereafter.

BY: _____

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the motion for judgment on the pleadings, shall file a brief at least fifteen days prior to said argument. Immediately thereafter, a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

The responding party shall file a brief at least five days prior to the argument and shall serve said brief upon all counsel of record and all unrepresented parties.

BY THE COURT:

(2) All motions for judgment on the pleadings shall be filed in the Prothonotary's Office. Upon receipt of the motion, the Prothonotary's Office shall transmit a copy of the motion, along with the motion for argument and proposed scheduling order, to the Court Administrator.

(3) Following the scheduling of the motion for judgment on the pleadings, court administration shall return the copy of the motion, along with the motion for argument and the scheduling order, to the Prothonotary's Office for filing and docketing and for conforming a copy of the scheduling order. A conformed copy of the order shall be transmitted by the Prothonotary to the moving party for service. The moving party shall file an affidavit of service, noting the date, method of service and parties served.

Local Rule 1035.2(a)

(1) All motions for summary judgment shall be written, shall contain a caption setting forth the name of the court, the number of the action, the names of the parties and have affixed upon each page of the motion, the name, address and Supreme Court ID number of the filing attorney. A motion for argument and a proposed scheduling order in substantially the following form shall be included:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

VS. : NO.

MOTION FOR ARGUMENT

AND NOW, _____, I move the court to set the _____ day of _____, 200____, at _____ m. in Courtroom No. ____ Towanda, Pennsylvania, as the time and place for argument on my motion for summary judgment.

I hereby state to the court that service will be made of a copy of the completed motion for argument upon all other parties or their attorneys of record in this proceeding; that if not already served, service will be made on the aforesaid of a copy of the motion which raises the issues in dispute; that all will be done in accordance with the applicable rules regarding service. I further state that my affidavit of service will be filed thereafter.

BY: _____

ORDER

AND NOW, _____, the above motion for time and place for argument is granted. The party filing who filed the motion for summary judgment, shall file a brief at least fifteen days prior to said argument. Immediately thereafter, a copy of said brief shall be served upon all counsel of record and all unrepresented parties.

The responding party shall file a brief at least five days prior to the argument and serve said brief upon all counsel of record and all unrepresented parties.

BY THE COURT:

(2) All motions for summary judgment shall be filed in the Prothonotary's Office. Upon receipt of the motion, the Prothonotary's Office shall transmit a copy of the motion, along with the motion for argument and the proposed scheduling order, to the Court Administrator.

(3) Following the scheduling of the motion, court administration shall return the copy of the motion for summary judgment, motion for argument and the scheduling order to the Prothonotary's Office for filing and docketing and for conforming a copy of the scheduling order. A conformed copy of the order shall be transmitted by the Prothonotary to the moving party for service. The moving party shall file an affidavit of service, noting the date, method of service, and parties served.

CIVIL PROCEDURE 1301

1301. Cases for Submission

A. Compulsory arbitration as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S.A. Section 101, et seq, shall apply to all civil cases [**wherein**], **except actions in equity, where** the amount in controversy, exclusive of interest and costs, shall be twenty-five thousand dollars [**(\$20,000.00)**] **(\$25,000.00)** or less, including appeals from a civil judgment of a district justice [**except those involving title to real estate or actions in equity**]. Such actions shall be submitted to and heard by a board of arbitration consisting of three attorneys.

B. The amount in controversy generally will be determined by the pleadings or by an agreement of the attorneys, however, the court, on its own motion or on the motion of any party, may **determine**, based upon affidavits, depositions, stipulations of counsel or after hearing [**determine**] **or review of the record**, that the

amount actually in controversy does not exceed twenty-five thousand dollars [**(\$20,000.00)**] **(\$25,000.00)** and **may** enter an order certifying the case to a board of arbitration. In the event that a case within the arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation [**will**] **shall** remove the same from the jurisdiction of the board of arbitrators.

C. A civil action [**will**] **shall** be referred to arbitration by order of court or when [**either**] **any** party or its counsel (1) files a praecipe with the Prothonotary, certifying that the pleadings are closed and the matter is ready for arbitration **and** (2) **pays the appropriate listing fee**. A copy of the arbitration praecipe shall immediately be delivered to the Court Administrator and all other counsel.

D. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference. [**Such**], **however, all** cases will [**, however,**] come under the caseflow control of the court administrator.

1301.1 Agreement of Reference.

[**Cases, whether or not in litigation and regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case.**] Upon agreement of all parties a case may be heard by a board of arbitration, regardless of the amount in controversy and whether or not in litigation. Such agreement shall be evidenced by a writing signed by all parties or their counsel [**for all sides**] and shall be filed with the Prothonotary, [**who**] **accompanied by the appropriate listing fee. The Prothonotary** will forward a copy of the agreement to the Court Administrator. Said agreement shall define the issues involved for determination by the board of arbitrators and may contain stipulations with respect to facts.

1302. Selection of Arbitrators.

A. The Court Administrator shall maintain a [**Master List**] **master list** of [**Arbitrators**] **arbitrators** consisting of attorneys actively engaged in the practice of law primarily in Bradford County. The [**Master List**] **master list** shall be maintained in alphabetical order, except for those [**submitted**] **attorneys admitted or added** at a later date, in which case they shall be added chronologically based upon the date of [**application**] **their admission**. The [**Master List**] **master list** shall indicate the [**Attorney's**] **attorney's name**, [**Bar Admission Date**] **bar admission date**, and the name of the attorney's firm or association [**name**].

B. [**The Court Administrator shall assign each case for which a Praecipe has been received**] **Each case for which a praecipe has been received shall be assigned by the Court Administrator** to an Arbitration Board consisting of three (3) [**members**] **attorneys** chosen from the [**Master List**] **master list**. At least one [**Arbitrator**] **arbitrator** shall have practiced law for at least three (3) years. No two members shall be appointed from the same firm or association of attorneys, nor shall an attorney be appointed to a [**Board who shall be**] **board** if related by blood or marriage [**or**

who shall be a law partner or an associate of] to any arbitrator or attorney of record in the case. Any attorney who [shall be] is disqualified for appointment to a [Board] board for any of the foregoing reasons, shall be appointed to another [Board] board for which he [shall not be disqualified] is qualified.

(1) The [Praecept] praecipe for [Arbitration] arbitration shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

VS. * NO.
*
*

PRAECIPE FOR APPOINTMENT OF ARBITRATORS
TO THE PROTHONOTARY OF SAID COURT:

The undersigned requests you to refer this case to the Court Administrator to appoint a [Board] board of [Arbitrator] arbitrators and certifies that:

1. The amount in controversy is \$ ____ .
2. The pleadings are closed.
3. An agreement of reference has/has not been filed of record.
4. Estimate of hearing time required is: ____ .
Record appearances have been entered for:
Plaintiff by:
Defendant by:
Others (specify) by:

Attorney for _____
Supreme Court ID # _____

C. The court [of Common Pleas] will establish the amount and method of compensation for arbitrators. The members of the board shall not be entitled to receive their fees until after filing a report and award with the Prothonotary. A copy of said award shall be forwarded to the Court Administrator so that payment may be processed.

1303. Hearing. Notice.

A. The Court Administrator shall fix a time, date and place of hearing, and shall notify the [Arbitrators] arbitrators, all counsel of record, and any unrepresented parties. The [Hearing] hearing notice shall contain 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."

B. All requests for continuances shall be in writing in the form set forth by local rule and shall be submitted to the Court Administrator. No continuances which have been submitted less than seven (7) days prior to the date of hearing shall be granted, except for extenuating circumstances and, in those instances, [consideration will be given to requiring] the party requesting the continuance may be required by the court to pay the [Board] board of [Arbitrator] arbitrator fees.

C. In the event that a case settles after an arbitration hearing has been scheduled, the plaintiff shall serve a copy of the discontinuance on the court administrator prior to the date of arbitration. Failure to do so, may result in the arbitrator costs being assessed upon the plaintiff.

D. At least seven (7) days before the date of the arbitration hearing, all parties shall file a trial memorandum with the Prothonotary and shall serve a copy on each party.

The trial memorandum shall include the following information:

- (1) A brief statement of the facts of the claim or defense.
- (2) A statement of the legal basis of the claim or defense.
- (3) A list of all special damages claimed, including but not limited to lost earnings, loss of future earnings capacity, itemized medical expenses, and property damages.
- (4) A list of the names and addresses of all witnesses whom that party intends to call at arbitration.
- (5) A list of all exhibits to be offered by that party at arbitration. All exhibits shall be numbered prior to the arbitration.
- (6) Special comments regarding legal issues.
- (7) A certification that the attorney or party has made a reasonable effort to stipulate or agree to all undisputed issues of fact or law which would expedite the arbitration of the matter.

E. It is expected that the memorandum will not exceed two pages, except in unusual cases.

F. Except in extraordinary circumstances as determined by the arbitrators, a party will not be allowed to call a witness who is not listed in a timely-filed arbitration memorandum.

G. Except in extraordinary circumstances as determined by the arbitrators, a party will not be allowed to offer an exhibit that is not listed in a timely-filed arbitration memorandum.

1308. Arbitration Appeal.

An appeal from an award of arbitrators shall be filed in duplicate in the Office of the Prothonotary [in duplicate]. [The] A copy of [said] the appeal shall be transmitted immediately by the Prothonotary to the Court Administrator. [The] Immediately following the receipt of said copy, the Court Administrator [will] shall schedule a pre-trial conference [on the case immediately following receipt of said copy] and shall send notice thereof to counsel of record and any unrepresented parties.

1312. Award.

- A. The oath or affirmation shall be administered by the Prothonotary.
- B. The Arbitration Report and Award shall be in the form set forth in Pa.R.C.P. 1312.

Rule 1915. Custody**Rule 1915.15 Form of Complaint. Order.**

(1) In addition to the information required by Pa.R.C.P. 1915.15, every [**Complaint**] **complaint** for [**Custody**] **custody**, [**Partial Custody**] **partial custody**, or [**Visitation**] **visitation** shall contain one of the following averments:

A. "Plaintiff has been advised of the requirement to attend the seminar titled ["**Children Cope With Divorce**"] **Education Program for Separated Parents.**"

or

B. "The parties have previously attended the ["**Children Cope With Divorce**"] **Education Program for Separated Parents** as evidenced by certificates of attendance (**attached hereto**) (contained in the official court file **case number** _____)."

(2) The [**Order**] **order** and [**Notice**] **notice** shall also include the following:

"The parties are directed to pre-register with the Court Administrator and attend the ["**Children Cope With Divorce**" seminar] **Education Program for Separated Parents** on one of the two dates listed below:

Tuesday, _____, 6:00 p.m. to 10:00 p.m.

Saturday, _____, 8:30 a.m. to 12:30 p.m."

or

"The parties have previously attended the ["**Children Cope With Divorce**" program] **Education Program for Separated Parents** as evidenced by certificates of attendance (**attached hereto**) (contained in the official court file **case number** _____)."

Rule 1919. Mandatory Seminar for [**Separating] **Separated Families****

1. In all divorce and custody proceedings filed on or after December 1, 1994, and in such other cases as the [**Court**] **court** shall direct, where the interests of children under the age of 18 years are involved, [**the parties shall,**] within thirty (30) days of the date a custody, visitation or divorce claim is filed, **the parties shall** attend a four-hour seminar [**entitled "Children Cope With Divorce"**] **titled "Education Program for Separated Parents."** If service of the complaint is not made within ten (10) days of filing, the [**Plaintiff**] **plaintiff** shall immediately notify the Court Administrator and shall thereafter provide the Court Administrator with proof of service within five (5) days of service.

*NOTE: See the ["**Children Cope With Divorce**" program] "**Education Program for Separated Parents**" description following this [**Rule**] **rule.***

2. In all custody/visitation proceedings filed on or after December 1, 1994, each [**Notice Order**] **notice order** and complaint shall include the additional information in accordance with Bradford County Civil Rule 1915.15

3. In all divorce proceedings filed on or after December 1, 1994, where the parties have a child or children under the age of eighteen years, every complaint shall contain the additional information required by Bradford County Civil Rule 1920.12. It shall also have attached thereto an

[**Order**] **order** directing attendance at the [**Seminar**] **seminar** in the form set forth in Rule 1920.12(3).

4. The moving party shall serve the responding party with a copy of the [**Court Order**] **court order** directing attendance at the [**Seminar**] **seminar** at the time a divorce complaint is served. A program brochure/registration form [**and a copy of the Instruction Sheet**] shall also be provided by the moving party to the responding party at the time of service of the complaint.

5. The affidavit of service shall include a statement that the opposing party was advised of the requirement to attend the ["**Children Cope With Divorce**" program] **Education Program for Separated Parents** and was served with the registration form [**and Instruction Sheet**].

6. Within seven (7) days after service, both parties are required to register for the program by mailing or personally presenting the pre-printed ["**Children Cope With Divorce**"] **Education Program for Separated Parents** registration form, along with a registration fee of \$35.00 (**check or money order**) to the Court Administrator, Bradford County Courthouse, 301 Main Street, Towanda, PA 18848. [**Any**] **A** waiver or reduction of the attendance fee can [**only**] be granted **only** by the Court Administrator in consultation with the [**Court**] **court.**

7. Court approval is required for an extension of time to complete the seminar.

8. Parents living outside of Bradford County [**shall**] **may** contact the Court Administrator for possible alternative program attendance.

9. Upon completion of the seminar, each participant will receive a copy of a certificate verifying that they have attended the program. The original certificate will be placed in the official court file. [**No custody trial shall be held or final order entered until both parties have completed the program unless the Court has waived this requirement for good cause shown.**]

10. Failure to register for and complete the program may result in a finding of contempt and the imposition of sanctions.

[**BRADFORD COUNTY COURT OF COMMON
PLEAS
CHILDREN COPE WITH DIVORCE**]
**EDUCATION PROGRAM FOR SEPARATED
PARENTS**
PROGRAM GOALS

["**Children Cope With Divorce**"] "**Education Program for Separated Parents**" will provide parents with information, support and direction that will facilitate a healthy adjustment for their children. Bitterness often ensnares children caught between divorcing parents. In an effort to reduce the emotional toll on children and to limit acrimony, attendance at this four-hour educational seminar is required by the court of all parties in all divorce, custody and visitation actions, and such other family court actions as the [**Court**] **court** may deem appropriate. This program will also be open to educators and [**other persons**] **others** involved in caring for children. Administration of the program will be through the Court of Common Pleas of Bradford County.

PROGRAM CONTENT

The **three-and-one-half** to four-hour program provides parents with information about the developmental stages and needs of children, with emphasis on fostering the child's emotional health during periods of stress. The program is informative, **and** supportive, and will **[give] provide** parents a list of community resources. **[Topics will also]** Also included as topics are: typical reactions of families **to separation**, stress indicators in children, pitfalls to avoid, and skills to help children work through stress.

WHEN

The program is presented **[twice each month] eighteen times per year**, alternating between Tuesday evenings, from 6:00 p.m. until 10:00 p.m., and Saturday mornings from 8:30 a.m. to 12:30 p.m. **in accordance with a schedule distributed along with the annual court calendar.**

WHERE

The program is presented at **[The Children's House, near the Towanda Memorial Hospital] the Bradford County Courthouse, Towanda, Pennsylvania, in court room no. 2.**

ATTENDANCE

Attendance at the program is required of all parties involved in divorce and custody/visitation cases where the interests of children under the age of 18 years are at issue. The **[Court] court** may also order attendance in certain instances in other family court cases.

A waiver of attendance will be provided for individuals who have attended **[a] an equivalent program [of equal value. They will need to document for the Court]**, however, **documentation of participation in a similar program or counseling experience [where the educational information was covered] must be provided to the court. [Any] Allowance of any waiver [must be determined by] is at the discretion of the [Court] court.**

FEES

A fee of \$35.00 per party is required and is used to cover all costs of the program, including the presenter's fees, handouts, applications, and program administration. The Court Administrator, in consultation with the **[Court] court**, will determine whether any fee will be reduced or waived. **PRE-PAYMENT IS REQUIRED. ALL fees must be in the form of check or money order.**

PRESENTERS

The presenters have **[received training from Families First, Atlanta, GA] been approved by the court** and will present the programs pursuant to an agreement with the **[Court] court.**

APPLICATION PROCESS

Upon initiation of a divorce/custody/visitation filing, both parties will receive a brochure about the program. The brochure will include a registration form **[and an instruction sheet]** describing registration and payment methods. **[These documents] This document** will be served along with the pleading. Registration **[will] may be made** by mail or in person at the Office of the Court

Administrator **and must be completed** at least three days prior to the scheduled seminar. **[The registration process is designed to maximize safety to the participants. For safety purposes, participants are asked to indicate if they prefer not to attend the same seminar as the other parent.]** There are NO WALK-IN ADMISSIONS.

VERIFICATION

An alphabetical list of all parties participating in the program will be provided to the presenters prior to each session. This list will be used by the presenters, the facilitator, **the security officer**, and the **[Court] court**. Upon completion of the seminar, each parent will receive a copy of a certificate verifying that they have attended the course. The original certificate will be placed in the official court file.

SECURITY

A **[peace] deputy sheriff or other security officer** will be present throughout the seminar to ensure safety for all participants. The material that is presented is emotionally charged. Although every effort is made to maintain a light, open atmosphere in the presentation of the material, the orientation the participants bring to the seminar can produce very powerful reactions.

MONITORING AND EVALUATION

Each participant will complete a written evaluation of the seminar at its conclusion, indicating their individual assessment of the value of the program and any suggestions for future programs.

Rule 1920. Actions of Divorce or Annulment.**Rule 1920.12 Complaint**

(1) In addition to the information required by Pa.R.C.P. 1920.12, every **[Complaint] complaint** in **[Divorce] divorce** shall contain one of the following averments:

A. Plaintiff avers that there are no children under the age of eighteen (18) years born of the marriage; or

B. Plaintiff avers that there are children under the age of eighteen (18) years born of the marriage, namely **[to wit]**: (list names and dates of birth).

(2) If there are children under the age of eighteen (18) years born of the marriage, the complaint shall include one of the following averments:

A. "Plaintiff has been advised of the requirement to attend the **[seminar "Children Cope With Divorce] Education Program for Separated Parents,**"

or

B. "The parties have previously attended the **["Children Cope With Divorce" program] Education Program for Separated Parents** as evidenced by certificates of attendance **attached hereto** (contained in the official court file **case number _____**.)"

(3) In the event there are children under the age of eighteen (18) years of age born of the marriage, and there is no averment that the parties previously attended the **["Children Cope With Divorce" program,] Education Program for Separated Parents**, the divorce complaint shall have attached thereto, an order in substantially the following form:

: IN THE COURT OF COMMON PLEAS
 VS. : OF BRADFORD COUNTY,
 PENNSYLVANIA
 : NO.

ORDER OF COURT

AND NOW, _____, 20__ , a [**Complaint**]
complaint in [**Divorce**] **divorce** being filed herewith
 which avers that there are children of the marriage under
 the age of eighteen (18) years of age, and that the parties
 have not yet attended the [**“Children Cope With
 Divorce” program**] **“Education Program for Sepa-
 rated Parents,”** the [**Court**] **court** directs that the
 parties shall pre-register with the Court Administrator
 and shall attend the [**“Children Cope With Divorce”
 seminar**] **“Education Program for Separated Par-
 ents”** on one of the two dates listed below:

Tuesday, _____, 6:00 p.m. to 10:00 p.m.

Saturday, _____, 8:30 a.m. to 12:30 p.m.

BY THE COURT:

_____ J.

**Local Rule 2039. Compromise, Settlement, Discon-
 tinuance and Distribution**

(a)(1) **Petitions for approval of settlement or com-
 promise in matters in which a minor has an inter-
 est shall be filed in the Orphans’ Court Division
 where the minor resides if no suit has been previ-
 ously filed in the Prothonotary’s Office under the
 docket number of a previously filed suit.**

(2) **The petition shall set forth:**

(a) **the factual background of the claim;**

(b) **the identification of the parties including the
 age of the minor and the addresses of the biological
 parents of the minor;**

(c) **counsel’s analysis of the liability and damages
 issues relevant to the determination of the reason-
 ableness of the proposed settlement;**

(d) **counsel’s certification that the settlement is
 reasonable and in the best interest of the minor;**

(e) **the types and amounts of insurance coverage
 applicable to the claim and representation as to the
 efforts made to identify other collateral sources;**

(f) **whether there are any unpaid Medicare or
 Department of Public Welfare liens, claims or debts.
 Where such claims or debts have been waived, the
 Petitioner shall attach as an exhibit written proof
 of waiver of such lien, claim or debt;**

(g) **a request for authorization of parent or natu-
 ral guardian to sign the proposed release;**

(h) **a description of the type of account into
 which the settlement proceeds will be deposited;**

(i) **a statement of the proposed distribution of the
 settlement funds which includes the proposed per-
 centage of counsel fees and an itemization of costs.**

(3) **The petition shall contain the following exhib-
 its:**

(a) **copies of medical reports or records evidenc-
 ing the diagnosis and prognosis of the minor’s
 injuries;**

(b) **investigative or police accident reports which
 provide background information regarding the in-
 cident which caused the minor’s injuries;**

(c) **the counsel fee agreement with the parents or
 natural guardians of the minor executed by any
 attorney seeking recovery of counsel fees;**

(4) **Any amendments or supplements to the peti-
 tion required by the court shall be filed of record.**

(5) **The court may approve a petition without a
 hearing. If the court schedules a hearing, the court
 may require evidence which the court deems neces-
 sary to determine whether the proposed settlement
 adequately protects the minors interests, including
 the testimony of the guardian, the treating physi-
 cian, or the representative of the financial institu-
 tion responsible for the investment of settlement
 funds.**

(6) **The court may require a hearing on the issue
 of counsel fees if the court believes the fees may be
 excessive.**

(7) **Except as otherwise required by the court, the
 appearance of the minor shall not be required.**

(8) **The petitioner shall attach a proposed order
 which sets forth:**

(a) **the court’s authorization for the petitioner to
 enter into a settlement and release on behalf of the
 minor;**

(b) **reference to the total amount of the settle-
 ment;**

(c) **a complete statement of the distribution of the
 settlement amount as set forth in the petition;**

(d) **identification of the type of account to be
 utilized, which account shall comply with P.A.R.C.P.
 2039, including a provision that no withdrawal
 shall be made from any such account except by a
 prior order of court or until the minor attains
 majority;**

(e) **a provision that counsel shall provide the
 court with an affidavit of deposit of minor’s funds
 within ten days from the date of the order.**

(9) **In appropriate cases, the court will authorize
 the parent or natural guardian to deposit cash to
 be paid for the benefit of the minor into an interest
 bearing, restricted account, insured by the Federal
 government.**

[Pa.B. Doc. No. 05-188. Filed for public inspection January 28, 2005, 9:00 a.m.]

NORTHAMPTON COUNTY

Rule of Civil Procedure N1042.21; Misc. No. C-48-
 CV-2005-259

Order of Court

And Now, this 13th day of January, 2005, Northampton
 County Rule of Civil Procedure N1042.21 (Mediation of
 Medical Professional Liability Actions) is hereby adopted
 as follows. The rule is effective immediately.

By the Court

ROBERT A. FREEDBERG,
President Judge

N1042.21. Mediation of Medical Professional Liability Actions.

a. Upon the entrance of an order for mediation of a medical professional liability action, after conference with counsel, the court shall appoint a mediator.

b. The mediation shall be conducted in the manner designated by the mediator.

c. Counsel fully familiar with the action shall appear at the mediation. All parties shall be present. Counsel shall have available either in person or by telephone individuals empowered to enter into settlement agreements in the action. Upon failure to comply with this provision, the court may, upon motion of the mediator or any party, impose appropriate sanctions.

d. Compensation for the mediator shall be at the rate of \$150.00 per hour. A deposit of \$500.00 shall be paid to the mediator upon entrance of the order for mediation.

e. The mediation shall occur within such time as not to unreasonably delay trial, and not more than 60 days from entrance of the order for mediation. The mediator shall report the results to the court.

Comments: An order for mediation may result on a motion pursuant to PA.R.C.P. 1042.21, or upon joint motion of plaintiff and a healthcare provider defendant at any time. The costs of the mediation process shall be paid by the moving party or parties. Mediation communications and documents are confidential. 42 PA.C.S.A. § 5949.

[Pa.B. Doc. No. 05-189. Filed for public inspection January 28, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 13, 2004, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 12, 2005.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abdur-Razzaq, Jacqueline Ola
Sicklerville, NJ

Addanki, Vasudev N.
Chicago, IL

Agiliga, Alexander Nnanna
Takoma Park, MD

Ahmad, Sarah
Washington, DC

Altieri, Anne Marie
Manaqua Nicaragua

Barbin, Bradley Davis
Glastonbury, CT

Behunin, Michael Nielson
Sandy, UT

Bergstrom, Luke James
Palo Alto, CA

Berk, Elon
Encino, CA

Berman, Andrew B.
Washington, DC

Bohra, Neena
West New York, NJ

Bradley, David Paul
Boynton Beach, FL

Brennan, Mary C.
Cherry Hill, NJ

Brown, Paul Damon
Hockessin, DE

Brown, Leonetta Evelyn
Plano, TX

Browning, Douglas Moore
Washington, DC

Burke, Brian J.
Irvine, CA

Burton, Jr. William Thomas
Lansing, MI

Butera, Stephen F.
Toms River, NJ

Campbell, Jamie Eve
Titusville, FL

Carpenter, Megan Margaret
Fairmont, WV

Carr, Jay David
Olean, NY

Carter, Jocelyn Chisholm
South Plainfield, NJ

Carter, Erik Henry
Fairview Heights, IL

Casey, Cynthia Ford
Alexandria, VA

Cattie, David J.
Colts Neck, NJ

Chan, Tom Y.
Tokyo, Japan

Chandler, Renee Gherity
Washington Grove, MD

Chase, Christine D.
Ormond Beach, FL

Chay, Eugene F.
Washington, DC 20005

Chociej, Edwin F.
Morristown, NJ

Ciko, Christopher N.
Redondo Beach, CA

Clark, David J.
Charlotte, NC

Conover, Scott R.
Toms River, NJ

Cooper II, Charles David
Dayton, OH

Cooper, Meigan Flood
Oyster Bay, NY

Coveney, Pamela Joy
Randolph, MA

Curley, Brian Francis
Morristown, NJ

Currier, Romin N.
West Palm Beach, FL

Daidone, Salvatore B.
Haddonfield, NJ

Davidson, Jeffery S.
Silver Spring, MD

Davis, Robin
Livingston, NJ

DeMetro, Nicholas M.
Kearny, NJ

Dicker, Herbert
New York, NY

Dickinson, Q. Todd
Fairfield, CT

Dohanick, Rhonda Kimberly
Marlton, NJ

Eaton, Edward F.
Wilmington, DE

Elsetinow, Anthony L.
Brea, CA

Fedigan, Cristy Jo
Alexandria, VA

Feeney, Joseph Michael
Woodbury, NJ

Floyd, Jr. Israel John
Wilmington, DE

Friedman, Jeffrey Scott
Wilmington, DE

Fuiman, Jason Sean
New York, NY

Gamble, Bruce
Washington, DC

Gardner, Donnetta Moss
Swedesboro, NJ

Gardon, Paul Augustine
Hainesport, NJ

Gellman, Susan Kay
Florence, AL

George, Brett Frederick
Jersey City, NJ

Gordon, John Edward
Trappe, MD

Greble, Deena Marie
Mount Ephraim, NJ

Green, Angela T'nia
Alexandria, VA

Grundy, Jenifer
St. Simons Island, GA

Haase, Jr. Frederick T.
Wilmington, DE

Haefele, Robert Turner
Woodbridge, NJ

Hall, Kenneth J.
Newark, NJ

Han, Yvonne Wanchen
Ft. Myers, FL

Hanifan, Michael J.
Newton, NJ

Hara, Meredith A.
Cherry Hill, NJ

Harmon, David Eric
Camden, NJ

Harris, William E.
Guilderland, NY

Henley, Angela Cecile
McLean, VA

Herman, Adam
Westmont, NJ

Herrold, Jeffrey William
Houston, TX

Hines, Barbara Annette
Laurel, MD

Hollingsworth, Doris Leslie
Scottsdale, AZ

Holzman, Melissa H.
Margate City, NJ

Hutchison, Shawn D.
Woodbury, NJ 08096

Issadore, Murray S.
West Collingswood, NJ

Jagadesan, Dev
Washington, DC

Johnson III, Woodie
Washington, DC

Keefe, Kirsten Ellen
Troy, NY

Kelleher, Christopher J.
Maple Shade, NJ

Kelsey, Matthew Kevin
New York, NY

King, Donald A.
Mitchellville, MD

Klotz, John R.
Nutley, NJ

Korber, Jeff Edmund
Encinitas, CA

Krupski, David Paul
Scottsdale, AZ

Labrada, Michele
New Brunswick, NJ

Lambert, Christine Ann
Baltimore, MD

Lemmer, William Clarence
Houston, TX

Littlefield, Braun Dewheil
Camden, NJ

Loh, Paul Au
New York, NY

Long, Helene Clare
Houston, TX

Madden, Patrick Joseph
Haddonfield, NJ

Madigan, Brian C.
Binghamton, NY

Maguigan, Holly
New York, NY

Martin, Thomas Howard
Hartville, OH

Martin, Quin Harry
Newark, NJ

Massinger, Douglas William
Ocala, FL

Mastroianni, James J.
New York, NY

Maxwell, Joanne M.
Newark, NJ

McCarthy, Shawn P.
East Brunswick, NJ

McCutcheon, Dulcie Rubalcava
Toronto, OH

McIntyre, John Dinshaw
Norfolk, VA

Mena-Brown, Maria
Silver Spring, MD

Mercer, III Henry Marvin
Chocowinity, NC

Messinger, Judith C.
Braintree, MA

Meyer, Cynthia Leigh
Aruada, CO

Mills, James D.
Venice, FL

Olcese, Jr. Lawrence R.
Clayton, NJ

Oliver, Yolanda R.
Washington, DC

Padovani, Anthony
Hammonton, NJ

Pakis, Andrew
Hollywood, FL

Papandrea, Joseph J.
Port Charlotte, FL

Payne II, Carl Vincent
Silver Spring, MD

Payne, Alanson E.
Vincentown, NJ

Perry Jr., John Edward
Singapore

Pillion, Kevin
Washington, DC

Pinder, Herb J.
New York, NY

Raffle, Beth Ann
Morgantown, WV

Rinninsland, Rachel Marie
Hoboken, NJ

Rolfe, Jennifer Elizabeth
New York, NY

Rosato, Jennifer L.
Brooklyn, NJ

Rosen, Jordan Michael
Tarzana, CA

Saglimben, Michael J.
Olean, NY

Sauers, William Jonathan
Alexandria, VA

Sawyer, Kenneth
Spring Valley, NY

Schroder, Michael T.
Mineola, NY

Schwartz, Joel L.
Atlantic City, NJ

Seelagy, Scott K.
Sparta, NJ

Sharinn, Todd S.
New York, NY

Shaw, Sharyn
Tallmadge, OH

Shea, Edmund J.
Kearny, NJ

Sheridan, John Robert
Wilmington, DE

Shreter, Stephanie
Delran, NJ

Silverman, Ian Robert
Moorestown, NJ

Solomon, Daniel Harry
Livingston, NJ

Stafford, Jr. Charles Ronald
Rocky Hill, NJ

Stamets, Russell Allen
Singapore

Stanton, Richard Patrick
Washington, DC

Steinberg, Steven Philip
Washington, DC

Stone, Joseph Robert
Westminster, MD

Sullivan, Hope Leigh
Phoenix, AZ

Taub, Elissa Jill
Miami, FL

Tedjeske, Jennifer Lynn
Chicago, IL

Thoman, Todd H.
Great Meadows, NJ

Tole, Gregory G.
Cedar Grove, NJ

Tucker, Shelley Lane
Anchorage, AK

Turner, Wayne Thomas
Brooklyn, NY

Uwah, Eduok Efiog
New Castle, DE

Vessal, Elissa Susan
Boynton Beach, FL

Villarnovo, Lourdes M.
Batavia, IL

Wallerstein, Thomas Edward
Redwood Shores, CA

Washington, Kathryn Ann
New Orleans, LA

Whittle, Elizabeth Anne
Trenton, NJ

Williams, Austin Oscar
Missouri City, TX

Wolfson, Jennifer Sheidy
Bloomfield, NJ

Yampell, Sandra Ellen
New York, NY

Zalewski, Becky S.
New York, NY

Zolfaghari Monfared, A. B.
New York, NY

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-190. Filed for public inspection January 28, 2005, 9:00 a.m.]

Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Patric A. Jones of Wilmington, DE has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated December 15, 2004, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 14, 2005.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-191. Filed for public inspection January 28, 2005, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts Within the Seventh Judicial District; No. 199 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 10th day of January, 2005, upon consideration of the Petition to Reestablish the Magisterial Districts of the Seventh Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Order dated August 20, 2003 that provides for the addition of Magisterial Districts 07-1-12 and 07-3-02 and the realignment of Magisterial Districts 07-1-01, 07-1-06, 07-1-07, 07-1-08, 07-2-01, 07-2-02, 07-3-01 and 07-3-03 within Bucks County is *Stayed*. The effective date of the addition of the new districts and the realignment of the existing districts shall be January 7, 2008. The newly created vacancies in said new districts shall be filled in the 2007 municipal election.

[Pa.B. Doc. No. 05-192. Filed for public inspection January 28, 2005, 9:00 a.m.]