

THE COURTS

Title 249—PHILADELPHIA COUNTY

PHILADELPHIA RULES

Commerce Case Management Program; Trial Division Administrative Doc. 02 of 2003

And Now, this 25th day of June, 2008, it is hereby Ordered and Decreed that:

(1) Effective July 1, 2008, Section E.1. of Trial Division Administrative Docket No. 02 of 2003 is amended to read as follows:

E. Commerce Program Judges Pro Tempore and Alternative Dispute Resolution

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program *Judges Pro Tempore*.

1. Panel of Commerce Program Judges Pro Tempore. The Administrative Judge or designee shall designate a panel of Commerce Program *Judges Pro Tempore* from among volunteers nominated by the Philadelphia Bar Association Business Law Section, Business Litigation Committee ("Committee") and/or the Court, and recommended by the Committee. In order to qualify as a Commerce Program *Judge Pro Tempore*, one must be a licensed Pennsylvania attorney with no less than 15 years of experience in litigation or alternate dispute resolution (ADR), including a practice focused on the types of disputes described in section B.1. previously (Cases Subject to Commerce Program), and shall have participated in a minimum of 10 hours of ADR training by a court-sponsored provider or certified CLE provider, or shall have participated as a neutral, *Judge Pro Tempore*, or mediator in a minimum of 3 ADR proceedings, including but not limited to mediations, settlement conferences and private arbitrations, involving the types of disputes described in section B.1. previously, prior to approval as a *Judge Pro Tempore*. Any Commerce Program *Judge Pro Tempore* as of June 30, 2008, shall have 18 months to meet these qualification standards.

Commerce Program *Judges Pro Tempore* shall serve without charge for up to 3 hours for each case, exclusive of preparation time before a settlement conference or initial mediation session. The preparation time likewise will not be compensable. After the *Judge Pro Tempore* has devoted 3 hours of service free of charge to the assigned case, and upon agreement of the participating parties to continue the mediation or settlement conference beyond those 3 hours, the *Judge Pro Tempore* shall be compensated at the rate of \$300 per hour (or at such higher rate

as the Administrative Judge or designee shall set hereafter) for further work on the case. Unless otherwise agreed to by the participating parties, or upon further order of the Court, the obligation to compensate the *Judge Pro Tempore* shall be borne equally among the parties. *Judges Pro Tempore* shall promptly invoice the parties for services and reasonable expenses for which they are entitled to be compensated.

Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications previously. The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program *Judge Pro Tempore* who shall, on a date certain, hold a Settlement Conference which must be attended by appropriate counsel representing the parties, as well as any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program *Judge Pro Tempore* prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The Commerce Program *Judge Pro Tempore* on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

(2) All other provisions of Trial Division Administrative Docket No. 02 of 2003 remain in full force and effect.

This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Philadelphia Civil Rule * 51 and Pa.R.Civ.P. No. 239 and shall become effective on July 1, 2008. As required by Pa.R.Civ.P. No. 239, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to *American Lawyer Media*, *The Legal Inteligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the web site of the First Judicial District at: courts.phila.gov.

By the Court

HONORABLE D. WEBSTER KEOGH,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 08-1317. Filed for public inspection July 18, 2008, 9:00 a.m.]