

# THE COURTS

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

Rules of the Court of Common Pleas; Rules Doc.  
No. RD-2008-3-PJ

#### Order of Court

*And Now*, to-wit, this 14th day of October, 2008, pursuant to action of the Board of Judges, the within amended Local Rules 212.2 and 220.1, affecting the Civil Division of the Court of Common Pleas, are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH M. JAMES,  
*President Judge*

#### Local Rules 212.2 and 220.1

#### Local Rule 212.2 Pre-Trial Statement

(a) Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2, except as set forth in (b) below.

(b) For cases which will be tried by jury, each party or group of parties with joint representation by one counsel shall be entitled to make a voir dire statement and to propose no more than five additional voir dire questions which are not duplicative of the voir dire questions already covered in Local Rule 220.1 and the Juror Questionnaire. If the party or group of parties wishes to avail itself of this opportunity, the following shall be included in the pre-trial statement:

(i) verbatim text of the voir dire statement of 200 words or fewer, which will be given by counsel at the outset of voir dire; and

(ii) not more than five proposed additional voir dire questions, which shall be handled in accordance with Local Rule 220.1(c).

(c) Disputes as to the propriety of any party's proposed voir dire statement or proposed additional voir dire questions shall be raised with the Calendar Control Judge during the conciliation which is scheduled immediately after the Call of the List. Each party shall bring to the conciliation an extra set of copies of their proposed voir dire statement and proposed additional voir dire questions.

#### Local Rule 220.1 Voir Dire

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the "Juror Questionnaire" completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

#### (a) TO BE ADDRESSED TO THE GROUP:

1) The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.

[ *Attorneys proceed in turn with introductions.* ]

Have you had any social, business or professional contact with any of these attorneys or their law firms?

Do any of you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in \_\_\_\_\_ [ name of company(ies) ]?

2) The attorneys are now permitted to give you a brief statement about the case.

[ *Attorneys proceed in turn to deliver their approved voir dire statements.* ]

Does anyone know anything about this case?

[ *If no party elects to deliver a voir dire statement, then the Assignment Room Clerk proceeds as set forth below.* ]

This lawsuit concerns \_\_\_\_\_ .

(description which clues the jury panel to the type of case—products liability, medical, fall down, construction, contract, etc.—along with a time period or date and a place, if applicable).

Does anyone know anything about this case?

3) The attorneys will now identify for you all of their possible witnesses in this case.

[ *Attorneys proceed in turn to identify the names and addresses of all of their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pretrial statement, unless all parties agree otherwise.* ]

Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?

#### (b) TO BE ASKED INDIVIDUALLY:

We will begin interrogation. Juror #1, will you please step forward.

1) What have you read, seen or heard about civil damage lawsuits?

2) Based on anything you may have read, seen or heard, do you have any feelings or opinions about civil damage lawsuits?

a) If so, what are those feelings or opinions?

b) Would your feelings or opinions about civil damage lawsuits prevent you from being fair and impartial?

3) This case involves a claim for money damages and is the type commonly called a \_\_\_\_\_ (products liability; medical malpractice; auto accident; breach of contract; etc.) lawsuit.

a) Do you have any feelings about this kind of case, or parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?

b) If so, what are those feelings?

c) Will that influence your judgment in this case so that you may not be able to be fair and impartial?

4) Do you have any opinion as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?

5) The following additional questions shall be asked in medical malpractice cases unless all parties agree in advance to strike them:

a) Have you been exposed to any information from the internet, newspapers, radio, TV or through contact with physicians, relatives or friends that has given you any feelings or opinions that relate to the effects of medical malpractice lawsuits on the costs or availability of medical services?

b) If so, what are those feelings or opinions?

c) Do you feel it is wrong to sue a doctor, hospital or other healthcare provider under any circumstances?

d) Do you believe that simply because of a bad or sad outcome, a doctor or healthcare provider must have made a mistake and should be obligated to pay money?

6) The following additional questions shall be asked in asbestos cases unless all parties agree in advance to strike them:

a) Have you or any member of your immediate family ever suffered from:

- Any type of cancer?
- Asbestosis?
- Emphysema?
- Silicosis?
- Chronic bronchitis?
- Black lung?
- Any other lung or respiratory disease?

b) Have you or any member of your immediate family ever been employed by a business engaged in manufacturing, supplying or removing insulation products containing asbestos?

c) Have you or any member of your immediate family ever worked with or been exposed to products which you understood to contain asbestos or silica?

d) Have you been exposed to any information from the internet, newspapers, radio, television or from other people discussing alleged health problems with asbestos or silica?

e) Did you ever, during your lifetime thus far, smoke:

- Cigarettes?
- Cigars?
- Pipe?

If yes, what year did you stop smoking:

- Cigarettes?
- Cigars?
- Pipe?

7) This trial is expected to last \_\_\_\_ days. Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?

(c) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(d) At the conclusion of individual questions to each member of the panel as set forth in parts (b) and (c) above, counsel will be permitted to ask reasonable follow-up questions regarding each panel member's responses to prior questions and responses to the Juror Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION  
JUROR QUESTIONNAIRE**

1. Full Name: \_\_\_\_\_

Any other names by which you are known: \_\_\_\_\_

2. Year of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

3. Neighborhood or Municipality in which you live: \_\_\_\_\_

Length of time at current address \_\_\_\_\_ Rent or Own \_\_\_\_\_

List other locations where you lived in the past ten (10) years:  
\_\_\_\_\_  
\_\_\_\_\_

4. Marital Status: \_\_\_\_\_ Spouse's Name: \_\_\_\_\_

If other than single, how long have you been married, divorced, etc.?  
\_\_\_\_\_

5. Please provide the following information for your parents, spouse, children/stepchildren and any and all other adult members of your household:

<i>Name</i>	<i>Age</i>	<i>Level of Education</i>	<i>Current Occupation &amp; Employer</i>	<i>Reside w/you?</i>

For any of your children, list all prior occupations and employers they have had:

\_\_\_\_\_

\_\_\_\_\_

Do you have brothers and sisters? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, what occupations and employers has each of them had?

\_\_\_\_\_

\_\_\_\_\_

What occupations and employers has your spouse had?

\_\_\_\_\_

\_\_\_\_\_

What are the current and prior occupations and employers of your parents?

\_\_\_\_\_

\_\_\_\_\_

6. Please indicate your highest level of education:

Elementary \_\_\_\_\_ High School \_\_\_\_\_ GED \_\_\_\_\_ Technical/Vocational \_\_\_\_\_ College Graduate \_\_\_\_\_

For all education you have had after high school, please provide the name of the school, college or university attended, the certificate or degree attained, and the major course of study:

<i>School, College or University</i>	<i>Degree or Certificate Attained</i>	<i>Major Course of Study</i>

7. Your Employment/Occupation

Yourself _____ Present Job	_____ Employer	_____ Time at this job
If Retired _____ Last Employer	_____ Last Position Held	_____ Time at this job

8. Have you ever served in the military? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, in which branch? \_\_\_\_\_ Years: \_\_\_\_\_ to \_\_\_\_\_

What did you do? \_\_\_\_\_ Final rank: \_\_\_\_\_

Honorable Discharge? Yes \_\_\_\_\_ No \_\_\_\_\_

9. Have you or any members of your family been involved as plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes \_\_\_\_\_ No \_\_\_\_\_

Who was involved? \_\_\_\_\_

What was the nature of the lawsuit? \_\_\_\_\_

Were you or your family member the plaintiff, defendant, witness or juror? \_\_\_\_\_

What was the outcome? \_\_\_\_\_

10. Do either you, your spouse or your parents, children, brothers or sisters or any member of your immediate family, or anyone with whom you reside, have a business relationship, friendship or association with any person who is a law enforcement officer, a judge, a lawyer or a person who works or is affiliated with the Court system? Yes \_\_\_\_\_ No \_\_\_\_\_

11. Have either you, your spouse or your parents, children, brothers or sisters ever worked for or done business with the insurance industry or have any of you owned stock in an insurance company? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, please explain: \_\_\_\_\_

Will that influence your judgment in this case so that you may not be able to be fair and impartial? Yes \_\_\_\_\_ No \_\_\_\_\_

12. Have either you, your spouse or your parents, children, brothers or sisters ever worked for or done business with the medical or healthcare industry? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, please explain: \_\_\_\_\_

Will that influence your judgment in this case so that you may not be able to be fair and impartial? Yes \_\_\_ No \_\_\_

13. Have you ever been involved in an automobile accident? Yes \_\_\_ No \_\_\_

14. Are you a licensed driver of a motor vehicle? Yes \_\_\_ No \_\_\_

15. Please list your family doctor and/or any other doctors that have treated you in the last two years.

16. Do you have any physical or mental condition or other situation which will affect your ability to serve on a jury? Yes \_\_\_ No \_\_\_

**I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.**

**Dated** \_\_\_\_\_

\_\_\_\_\_  
Signature

[Pa.B. Doc. No. 08-1959. Filed for public inspection October 31, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Local Criminal Rule 117; Administrative Order No. 28 of 2008

##### Order of Court

*And Now*, this 14th day of October, 2008, the Court hereby enacts Local Criminal Rule No. 117(B) which shall provide as follows:

Rule 117(B). The assigned on-call magisterial district judge shall be in contact with the Adams County Central Booking facility via video-conferencing daily at 4:00 P.M., 10:00 P.M., and 8:30 A.M. for the conducting of business which shall include receiving criminal complaints, conducting preliminary arraignments, setting bail, and any other business permitted by the Rules of Criminal Procedure.

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further directed that:

a. Seven certified copies of this rule shall be filed with the Administrative Office of Pennsylvania Courts;

b. Two certified copies of the rule and computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One certified copy of the rule shall be filed with the Pennsylvania Criminal Procedural Rules Committee.

d. A copy of the rule shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying.

*By the Court*

\_\_\_\_\_  
JOHN D. KUHN,  
*President Judge*

[Pa.B. Doc. No. 08-1960. Filed for public inspection October 31, 2008, 9:00 a.m.]

### MONTGOMERY COUNTY

#### Rescission of Rule 205.4\* and Adoption of Rule 205.4\*—Electronic Filing and Service of Legal Papers; Doc. No. 08-00001

##### Amended Order

*And Now*, this 9th day of October, 2008, the Court hereby amends its Order of September 29, 2008, regarding the above, removing the language in the Order indicating that the new Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*. The above new Rule shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

\_\_\_\_\_  
RICHARD J. HODGSON,  
*President Judge*

[Pa.B. Doc. No. 08-1961. Filed for public inspection October 31, 2008, 9:00 a.m.]

## SCHUYLKILL COUNTY

**Adopted Civil Rule of Procedure No. 1001 and  
Amended Rule of Civil Procedure No. 1018.1;  
No. S-2976-2008**

**Order of Court**

*And Now*, this 14th day of October, 2008, at 12:30 p.m., the Court hereby adopts Schuylkill County Rule of Procedure No. 1001 and amends Civil Rule of Procedure No. 1018.1. These rules are adopted and amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is *Ordered and Directed* to do the following:

- 1) File ten (10) certified copies of this Order and the Rules with the Administrative Office of Pennsylvania Courts; and,
- 2) File two (2) certified copies of this Order and the Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a CD-ROM reflecting the text in the hard copy version; and,
- 3) File one (1) certified copy of this Order and Rules with the Pennsylvania Civil Procedural Rules Committee; and,
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*; and,
- 5) Keep continuously available for public inspection copies of this Order and the Rules.

It is further *Ordered* that said rules as they existed prior to the adoption are hereby repealed and annulled on the effective date of said rules as adopted, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

**SCHUYLKILL COUNTY LOCAL RULE 1001.0  
Mediation**

**a. General Applicability.** Every civil action, except protection from abuse matters, filed in the Schuylkill County Court of Common Pleas is eligible for mediation. Prior to filing suit and whenever practicable thereafter, parties and their counsel are encouraged to consider and to pursue mediation options. The pursuit of mediation does not toll the running of a Statute of Limitations unless all parties agree in writing to that effect.

**b. Procedure for Mediation in Non-Jury Civil Trials, Civil Jury Trial and Cases Subject to Arbitration.** Parties and their attorneys in all civil cases which will result in a non-jury civil trial, civil jury trial or arbitration may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration. All parties and their attorneys who mutually elect to pursue mediation shall prepare a stipulation in writing which shall immediately be filed with the Prothonotary's Office.

**c. Certifications in Non-Jury Civil Trials, Civil Jury Trials and Cases Subject to Arbitration.** All certificates of readiness filed with the Court Administrator in accordance with Schuylkill County Rule 212.1 listing a case for a Non-Jury Civil Trial, a Civil Jury Trial or Arbitration shall contain a certification that mediation

was pursued or, if not, was the subject of good faith consideration by counsel and all parties. All pre-trial conference memoranda filed in accordance with Schuylkill County Local Rule 212.2 shall include certification by the attorney submitting the same that mediation has been previously pursued or, if mediation has not been pursued, that the topic of mediation was discussed not only by counsel with their clients but also by all counsel and/or pro se parties and rejected only after good faith consideration.

**d. Mediation Programs.** Parties and their attorneys are encouraged to use mediation to resolve disputes either through the Alternative Dispute Resolution Program administered by the Schuylkill County Bar Association or any other mediation program acceptable to the parties.

*Comment:* Parties and their attorneys are encouraged to use mediation as a means to bring disputes to conclusion economically and expeditiously. While mediation is voluntary, the Court may feel strongly that the use of mediation will conclude pending litigation. Parties and their attorneys are urged to accept the advice of the Court when mediation is suggested as a means to resolve the case. The Court may recommend that the parties in any civil case, except protection from abuse matters, utilize mediation or other alternative dispute resolution processes, including, but not necessarily limited to, services offered by the Alternative Dispute Resolution Program as administered through the Schuylkill County Bar Association whenever it appears to the judge presiding in such case that mediation or other alternative dispute resolution processes are likely to resolve the case. An issue may arise regarding insurance policies, and particularly professional negligence policies, wherein ultimate approval of a settlement rests with the insured. The use of mediation may lead parties to evaluate their positions and achieve a mutually acceptable resolution. This rule cannot rewrite an insurance contract, but participation in mediation may educate all interests with respect to the merits of resolving a pending dispute without protracted litigation. All parties should come to the mediation process with appropriate motivations. The process should be used in good faith; for example, it should not be used as an alternative means for discovery. It is anticipated that the Pennsylvania Supreme Court may enact rules directing certain types of cases to use alternative dispute resolution processes, including mediation, as a prerequisite step for certification prior to trial. This rule is adopted in anticipation of such and will be amended to comply with the mandates of any future rules adopted by the Pennsylvania Supreme Court.

**Rule 1018.1. Notice to Defend. Form.**

(a) Every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall begin with a Notice to Defend, followed by a Notice Concerning Mediation.

(b)—(c) Reserved.

(c)(1) Pennsylvania Bar Association Lawyer Referral Service, 100 South Street, P. O. Box 186, Harrisburg, PA 17108, Telephone 1-800-692-7375, is designated as the organization or agency to be named in the notice to defend from which legal help can be obtained.

(d) The required Notice to Defend and the Notice Concerning Mediation shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF  
SCHUYLKILL COUNTY CIVIL ACTION—LAW**

Plaintiff : No.  
:  
:  
v. :  
:  
:  
Defendant :

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**PENNSYLVANIA BAR ASSOCIATION LAWYER  
REFERRAL SERVICE  
100 South Street, P. O. Box 186  
Harrisburg, PA 17108  
Telephone: 1-800-692-7375**

**NOTICE CONCERNING MEDIATION OF ACTIONS  
PENDING BEFORE THE COURT OF COMMON  
PLEAS OF SCHUYLKILL COUNTY**

The Judges of the Court of Common Pleas of Schuylkill County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Schuylkill County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Schuylkill County Bar Association provides mediation services and can be reached at (570) 628-1235. **Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the Schuylkill County Bar Association.**

[Pa.B. Doc. No. 08-1962. Filed for public inspection October 31, 2008, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Continued Suspension**

Notice is hereby given that Victor Mba-Jonas having had an Order of indefinite suspension from the practice of law in the State of Maryland continued by Opinion and Order of the Court of Appeals of Maryland filed December 4, 2007; the Supreme Court of Pennsylvania issued an Order dated October 16, 2008, continuing the suspension imposed by that Court on February 4, 2008, consistent with the Opinion and Order of the Court of Appeals of Maryland. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1963. Filed for public inspection October 31, 2008, 9:00 a.m.]

**Notice of Disbarment**

Notice is hereby given that Steven Jeffrey Riggs, having been disbarred from the practice of law before the United States Court of Appeals for the Seventh Circuit decided February 16, 2001; and having been disbarred from the practice of law in the State of California by Order of the Supreme Court of California filed April 13, 2007, the Supreme Court of Pennsylvania issued an Order on October 16, 2008, disbaring Steven Jeffrey Riggs, from the Bar of this Commonwealth, effective November 15, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1964. Filed for public inspection October 31, 2008, 9:00 a.m.]