

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[ 207 PA. CODE CH. 5 ]

#### Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

##### Order

*Per Curiam:*

*And Now*, this 16th day of July, 2009, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted the amendment to Rule of Procedure No. 504(B), as more specifically hereinafter set forth, *It Is Hereby Ordered:*

*That* Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

*That* interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

JOHN L. MUSMANNO,  
*President Judge*

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 5. TRIAL PROCEDURES

#### Rule 504. Sanctions.

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(B) Following the sanction hearing, the Court shall enter [ a decision ] an order in writing [ containing the final findings of fact and conclusions of law and the sanction imposed ] on the issue of sanctions. This [ decision ] order shall constitute a final order of discipline pursuant to Article V, § 18 of the Pennsylvania Constitution.

[Pa.B. Doc. No. 09-1369. Filed for public inspection July 31, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LACKAWANNA COUNTY

#### In Re: Repeal and Adoption of Rules of Civil Procedure; No. 94-CV-102

##### Order

*And Now*, this 11th day of June, 2009, it is hereby *Ordered* and *Decreed* that the attached Lacka. Co. R.C.P. 212.5 is adopted to govern the court-annexed mediation program in civil cases in the Court of Common Pleas of Lackawanna County.

The adoption of Lacka. Co. R.C.P. 212.5 shall become effective thirty (30) days from the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa.R.Civ.P. 239. The Lackawanna County Court Administrator shall file seven (7) certified copies of the new local rule with the Administrative Office of the Pennsylvania Courts and shall forward two (2) certified copies of the same to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One certified copy of Lacka. Co. R.C.P. 212.5 shall be filed with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and new Local Rule 212.5 shall be available for public inspection and copying in the office of the Clerk of Judicial Records, Civil Division.

*By the Court*

CHESTER T. HARHUT,  
*President Judge*

#### Rule 212.5. Mediation.

(a) **Submission to mediation.** Except as otherwise provided by Pa.R.Civ.P. 1042.21, upon the filing of a Certificate of Readiness on or after January 1, 2009, the court administrator shall refer a civil case to mandatory mediation to be conducted by a Special Trial Master. This rule shall not apply to medical malpractice and/or mass tort cases, which cases may be referred to mandatory mediation before a Special Trial Master upon the consent of all parties.

(b) **Special Trial Master.** The President Judge shall certify as many Special Trial Masters as determined necessary under this Rule. An individual may be certified only if [s]he has been admitted to practice law in the Commonwealth of Pennsylvania for at least ten years and has been determined by the President Judge to have substantial trial experience. The Court Administrator shall maintain and manage a list of all persons appointed by the Court to act as a Special Trial Master.

(c) **Compensation of Special Trial Master.** The services of the Special Trial Master shall be provided *pro bono* and no mediator shall be called more than twice in a single calendar year to act as a Special Trial Master without prior approval of the Special Trial Master.

(d) **Assignment of Special Trial Master.** Upon the filing of a certificate of trial readiness, all civil cases will be assigned to a Trial Judge. The trial judge will conduct a status conference, schedule a pre-trial conference and establish a date for trial. At the same time, all civil cases will be assigned to a Special Trial Master for purposes of mandatory mediation. The Court Administrator will assign all Special Trial Masters in random order from the list referenced in subsection (b) above.

(e) **Time for Mandatory Mediation.** To the extent possible, a mandatory mediation shall be scheduled by the assigned Special Trial Master to take place within sixty (60) days of assignment to the Special Trial Master.

(f) **Mandatory Mediation Session.** Counsel who are primary responsible for the case and any unrepresented party shall attend the mediation. All parties, insurers and principals or parties with decision-making authority must attend the mediation session in person, unless their attendance is excused for good cause shown, in which event they must be available by telephone for the entire session. All parties, insurers, principals and counsel shall be prepared to discuss all issues of liability and damages and to participate in meaningful settlement discussions.

(g) Confidentiality. All mediation proceedings shall be kept confidential. No statements made during the mediation process shall be deemed admissions by any parties. Settlement positions of parties and negotiation techniques shall not be revealed to the Trial Judge, if applicable. No transcript or recording of the mediation session shall be allowed.

(h) Mediation Memorandum. A confidential mediation memorandum substantially in the form prescribed shall be submitted to the Special Trial Master at least seven (7) days in advance of the mediation session. See Appendix, Form 6. The memorandum may be exchange between the parties, at the discretion of each party. The memorandum shall not be filed with the Court.

(i) Trial by Special Trial Master. In the event that a case does not settle as a result of the mediation session, a trial may be held before the Special Trial Master upon agreement of all parties in writing. If all parties cannot agree to a trial before the Special Trial Master, the case will proceed to trial before the assigned Trial Judge as scheduled in accordance with subsection (d) above. In the event that all parties agree to a trial before a Special Trial Master, the trial will be scheduled expeditiously and conducted in accordance with the Pennsylvania Rules of Civil Procedure.

(j) Post-trial Motions. In the event that a trial is conducted before a Special Trial Master, any and all post-trial motions timely filed following such a proceeding shall be ruled upon by the Special Trial Master in the form of a Report and Recommendation to the assigned Trial Judge. The assigned Trial Judge will approve or reject the Report and Recommendation. Rulings on Post-trial Motions shall not be deemed final until acted upon by the assigned Trial Judge.

FORM NO. 6

PLAINTIFF : IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
:
vs. :
: CIVIL ACTION-LAW
: JURY TRIAL DEMANDED
:
DEFENDANT : NO.: -CV-

CONFIDENTIAL MEDIATION MEMORANDUM

- 1. Identification of Counsel:
a. Attorney for Plaintiff:
b. Attorney for Defendant:
2. Lacka. Co. R.C.P. 238 Confirmation of Settlement Offer and Response:
a. Date and amount of settlement offer(s):
b. Date and substance of response to settlement offer(s):
3. Insurance information:
a. Identity of insurance carrier:
b. Identity of insurance adjuster:
c. Policy limits:
d. Coverage issues (if any):
4. Statement of Facts and Legal Issues:

- 5. Injuries:
6. Calculation of Special Damages:
a. Wage loss (if any):
b. Medical bills (if any):
c. Other (explain):
7. Liens (if a lien has been asserted against all or part of any potential settlement, indicate the amount and entity making the claim, i.e. Worker's Compensation carrier; Department of Public Welfare, Health Insurance carrier, etc.):
8. Identification of Expert Witnesses:
a. For Plaintiff:
b. For Defendant:
9. Estimated Number of Trial Days:
10. Any additional issues which should be considered to facilitate the settlement of this matter:
[Pa.B. Doc. No. 09-1370. Filed for public inspection July 31, 2009, 9:00 a.m.]

WASHINGTON COUNTY

Local Rule L-709. Adult Probation Office Fees; No. 2009-1

Order

And Now, this 27th day of May, 2009; It is Hereby Ordered that the above-stated Washington County Local Rule be adopted as follows.

This rule will become effective thirty days after publication in the Pennsylvania Bulletin.

By the Court

DEBBIE O'DELL SENECA,
President Judge

L-709. Adult Probation Office Fees.

(A) All offenders subject to supervision by the Washington County Adult Probation Office shall be assessed a supervision fee of \$50.00 per month for the length of their probation or parole term.

(B) In addition to the supervision fee found in paragraph (A) above, offenders are subject to the following monitoring fees:

(1) A daily monitoring fee of \$10.00 flat rate per day for any monitoring service which shall include, but not be limited to: Electronic Home Monitoring, Electronic Home Monitoring with cellular service, and Global Positioning Monitoring.

(2) A one-time administrative installation fee of \$50.00 shall be assessed for any monitoring service at the inception of monitoring supervision.

(3) Offenders placed on a monitoring service that claim indigence will be required to complete community service work at a rate of \$6.00 per hour for all fines, fees, and costs associated with their respective cases, including monitoring fees owed. The community work service shall begin within five (5) business days of when the offender was placed on a monitoring service.

(a) Offenders who have a verified and reasonable physical or mental handicap shall be exempt from the payment of the monitoring fee. However, if the offender is

receiving disability benefits, the offender shall be responsible for the minimum cost of the monitoring service.

(C) In addition, offenders subject to monitoring via the Secure Continuous Remote Alcohol Monitoring (SCRAM) or similar device are responsible for the costs of such monitoring. These costs are payable directly to the vendor.

[Pa.B. Doc. No. 09-1371. Filed for public inspection July 31, 2009, 9:00 a.m.]

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