

THE COURTS

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Electronic Processing Prior to Preliminary Arraignment; MD 1751-2010; Administrative Order No. 59

Order

And Now, this 15th day of July, 2010, it is hereby ordered and directed that all defendants to be preliminarily arraigned in any Bucks County Magisterial District Court be first processed using Livescan and CPIN technology. Prior to or at the time of the preliminary arraignment, the arresting officer shall provide a copy of the defendant's criminal history to the judge conducting the arraignment.

The foregoing requirement may be waived only in the event of an unusual circumstance, such as a serious medical condition, which would prevent prompt processing.

This Order shall become effective September 1, 2010.

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 10-1384. Filed for public inspection July 30, 2010, 9:00 a.m.]

BUCKS COUNTY

Public Access Policy of the United Judicial System Magisterial District Court Records—Fees for Copies; Administrative Order No. 58

Order

And Now, this 15th day of July, 2010, it is hereby Ordered and Directed pursuant to the Public Access Policy of the United Judicial System Magisterial District Court Records, the following fee schedule is hereby enacted effective July 1, 2010:

Fees:

\$0.25 per page copied

\$8.00 for each quarter (1/4) hour associated with the preparation, copying and re-filing of requested court dockets.

Pre-payment of estimated costs for services may be required at the discretion of the magisterial district court judge.

Fees paid for services are non-refundable.

Each magisterial district court is to establish a reasonable time when their court records are accessible.

All monies generated from the above are to be transferred monthly to the County of Bucks General Fund.

By the Court

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 10-1385. Filed for public inspection July 30, 2010, 9:00 a.m.]

CARBON COUNTY

Adoption of Local Rule of Juvenile Procedure 340(A) Pre-Adjudicatory Discovery and Inspection; No. CP-13-AD-0000004-2010

Administrative Order 15-2010

And Now, this 13th day of July, 2010, in order to comply with Pa.R.J.C.P. 121 and 1121 governing the procedure for local rules, it is hereby:

Ordered and Decreed that, effective 30 days after publication on the UJS Portal and in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Carbon County Local Rule of Juvenile Procedure 340(A) (Carb.R.J.C.P. 340(A)) governing the Pre-Adjudicatory Discovery and Inspection authorizing a Pre-Adjudicatory Status Conference in juvenile delinquency matters.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) CD and the written notification received from the Juvenile Court Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office and the Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 340(A). Pre-Adjudicatory Discovery and Inspection.

The District Attorney shall conduct a pre-adjudicatory status conference with Defense Counsel and the minor and his/her parents or guardian on all cases that have not resulted in consent decrees or informal adjustments and in which the child is not in detention or emergency shelter care.

At the pre-adjudicatory status conference, the Commonwealth and Defense Counsel shall discuss:

1. the terms and procedures for pre-trial discovery and inspection;

2. the simplification or stipulation of factual issues including the admissibility of evidence;

3. the qualifications of exhibits as evidence to avoid unnecessary delay;

4. the number of witnesses who are to give testimony of a cumulative nature; and

5. the defenses of alibi and insanity, and other matters that may aid in the disposition of the proceedings.

At the end of the status conference, a written stipulation for an admission or hearing or other disposition shall be completed and signed by the District Attorney/Assistant District Attorney, Defense Counsel and the Minor. The original stipulation shall be filed with the Juvenile Court Office.

[Pa.B. Doc. No. 10-1386. Filed for public inspection July 30, 2010, 9:00 a.m.]

CARBON COUNTY

Transfer of Juvenile Delinquency/Dependency Filing Functions and Duties of the Clerk of Courts; No. CP-13-AD-000005-2010; No. 10-1902

Administrative Order 16-2010

And Now, this 13th day of July, 2010, in order to comply with Pa.R.J.C.P. 121 and 1121 governing the procedure for local rules and upon consideration of the Petition filed by William C. McGinley, Carbon County Clerk of Courts, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication on the UJS Portal and in the *Pennsylvania Bulletin*, the Court *Reestablishes* that the *Clerk of Courts of Carbon County* be and is hereby relieved from the responsibility of maintaining dockets and original files relating to Juvenile Court delinquency/dependency matters in Carbon County.

It Is Further Ordered and Decreed that the *Carbon County Juvenile Court Office* is designated as the *Clerk of Courts* for delinquency matters and the *Carbon County Children and Youth Office* is designated as the *Clerk of Courts* for dependency matters.

It Is Further Ordered that personnel, from time to time designated by the *Chief Juvenile Court Officer* of the Carbon County Juvenile Probation Office and the *Children and Youth Administrator II* of the Carbon County Children and Youth Office, be deputized by the *Clerk of Courts* for the performance of the duties enumerated above, including the taking of affidavits and the affixing of the seal of the Court of Common Pleas of Carbon County where the same may be required.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) CD and the written notification received from the Juvenile Court Procedural Rules Committee and Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Clerk of Courts Office, Juvenile Probation Office, Children and Youth Office and Prothonotary.

By the Court

ROGER N. NANOVIC,
President Judge

Petition to Transfer Juvenile Delinquency/Dependency Case Filing Functions and Duties to Carbon County Juvenile Court and Children and Youth Office

The Petition of WILLIAM C. MCGINLEY, Clerk of Courts of Carbon County, Pennsylvania, respectfully represents as follows:

1. The Judicial Code of Pennsylvania, Section 962, provides that each Court of Common Pleas shall have such other sections as may be provided or prescribed by law. See 42 Pa.C.S.A. § 962, effective June 27, 1978.

2. On March 21, 1985, former Clerk of Court Anne Cipko filed a Petition to Transfer Juvenile Case Filing Functions and Duties to Carbon County Youth Services. Former President Judge John P. Lavelle granted the Petition on March 21, 1985 effective January 1, 1985.

3. On May 30, 2002, former President Judge Richard W. Webb amended this Court's March 21, 1985 Order to identify the title of the proper offices and personnel to whom the responsibility of maintaining dockets and original files relating to Juvenile Court has been transferred.

4. The President Judge of Carbon County has charged the CARBON COUNTY JUVENILE COURT OFFICE and the CARBON COUNTY CHILDREN AND YOUTH OFFICE, *inter alia*, with the duty of keeping and maintaining all original pleadings, documents, transcripts and tapes of Court hearings filed in Juvenile Court delinquency/dependency matters, as well as keeping and maintaining a docket of all transactions in the Juvenile Court System in Carbon County.

5. In order to avoid the cost and expense of maintaining duplicate dockets and records in Juvenile Court delinquency/dependency matters, the CLERK OF COURTS hereby WAIVES any and all functions and duties ordinarily performed in the filing, docketing and handling of all original pleadings, transcripts, tapes, and documents in Juvenile Court delinquency/dependency matters in Carbon County, Pennsylvania, pursuant to the Judicial Code, 42 Pa.C.S.A. § 2756(b)(2).

WHEREFORE, your petitioner respectfully requests that an appropriate Order be issued by your Honorable Court confirming the transfer of said functions and duties to the CARBON COUNTY JUVENILE COURT OFFICE and the CARBON COUNTY CHILDREN AND YOUTH OFFICE.

WILLIAM C. MCGINLEY,
Clerk of Courts
Carbon County, Pennsylvania

[Pa.B. Doc. No. 10-1387. Filed for public inspection July 30, 2010, 9:00 a.m.]

MIFFLIN COUNTY

In the Matter of Local Rules 58th Judicial District (Mifflin County); No. 02-2010

Administrative Order

And Now, this 19th day of July, 2010, with respect to the Mifflin County Local Rules of Court, the Court hereby *Orders* the following:

The following new Mifflin County Local Rule of Court is hereby *Adopted* and shall become effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

Rule MC117. Magisterial Judicial District Coverage.

(1) *Bail, Search and Arrest Warrants*

(a) The on-call magisterial district judge shall be available without unreasonable delay at all times at his or her established office for the purpose of accepting the posting of a defendant's bail. Monetary bail may also be posed outside of regularly scheduled hours at the Mifflin County Correctional Facility. The warden of the correctional facility, or his designee, is authorized to accept bail bonds and deposits as provided in Pa.R.Crim.P. 117, 520, 525 and 535 by having the defendant sign the bail bond, releasing the defendant, and delivering the bail deposit and/or bail bond and the surety information page to the issuing authority or the Mifflin County Clerk of Courts by the close of the next business day.

(b) The on-call magisterial district judge shall be available without unreasonable delay at his or her established office for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. Advanced communication technology may be utilized to submit the warrant application and affidavits and to issue the warrant in accordance with the requirements of the Criminal Rules.

(2) *Preliminary Arraignments on Weekdays*

(a) When an individual is placed under arrest and requires preliminary arraignment or processing under Pa.R.Crim.P. 441, 516, 519 and 540:

(i) The individual shall be taken to the Mifflin County Correctional Facility for booking.

(ii) Between the hours of 8:00 a.m. and 11:00 p.m., the on-call magisterial district judge shall be available without unreasonable delay at his or her established office or at the discretion of the magisterial district judge, advanced communication technology may be utilized for the preliminary arraignment.

(iii) Between the hours of 11:00 p.m. and 8:00 a.m. the following day, any individual placed under arrest and requiring preliminary arraignment shall be temporarily detained at the Mifflin County Correctional Facility. The magisterial district judge shall be advised at 8:00 a.m. that the individual has been detained and requires preliminary arraignment. If so directed by the magisterial district judge, personnel of the Mifflin County Correctional Facility shall make such individual available at the video conferencing site by 8:30 a.m., at which time the magisterial district judge shall conduct the preliminary arraignment through the use of advance communication technology or in person if so directed by the magisterial district judge. In the event of technological failure or if directed by the magisterial district judge, the individual shall be transported by officials of the Mifflin County

Correctional Facility, the sheriff, or a Pennsylvania state constable to the office of the magisterial district judge for the preliminary arraignment.

(3) Preliminary Arraignments on Saturdays, Sundays and Holidays

(a) When an individual is placed under arrest and requires preliminary arraignment or processing under Pa.R.Crim.P. 441, 516, 519 and 540:

(i) The individual shall be taken to the Mifflin County Correctional Facility for booking and shall thereafter be temporarily detained pending preliminary arraignment.

(ii) Between the hours of 8:00 a.m. and 11:00 p.m., the on-call magisterial district judge shall be available without reasonable delay at his or her established office or at the discretion of the magisterial district judge, advanced communication technology may be utilized for the preliminary arraignment. The on-call magisterial district judge shall be contacted by personnel of the Mifflin County Correctional Facility at 8:00 a.m., 2:30 p.m. and 10:30 p.m. each day and advised if any individual has been temporarily detained. Any individual so detained shall be promptly preliminarily arraigned through the use of advanced communication technology or in person if so direct by the magisterial district judge.

(iii) Between the hours of 11:00 p.m. and 8:00 a.m. the following day, any individual placed under arrest and requiring preliminary arraignment shall be temporarily detained at the Mifflin County Correctional Facility. Individuals so detained shall be made available at the video conferencing site by 8:30 a.m. the following morning or in person at the discretion of the magisterial district judge. In the event of technological failure or at the direction of the on-call magisterial district judge, the individual shall be transported by officials of the Mifflin County Correctional Facility, the sheriff, or a Pennsylvania state constable to the office of the magisterial district judge for the preliminary arraignment.

(4) Summary Offense Arrest Warrants and Bench Warrants

(a) An individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Pa.R.Crim.P. 430 and 431 except as set forth hereafter.

(b) In the event the warrant is executed between 8:00 a.m. and 11:00 p.m. Saturdays, Sundays, and holidays, the individual executing the warrant shall proceed in accordance with paragraph 3.b. above except that any trial must be held in the presence of the defendant unless the defendant consents to the use of advanced communication technology.

(c) In the event the warrant is executed between the hours of 11:00 p.m. and 8:00 a.m. the following day, the individual executing the warrant shall proceed in accordance with paragraph 3.c. above except that any trial must be held in the presence of the defendant unless the defendant consents to the use of advanced communication technology.

(d) If the defendant is under 18 years of age and is unable to pay under Pa.R.Crim.P. 431(B)(1)(c) or Pa.R.Crim.P. 431(C)(1)(d), the defendant shall NOT be temporarily detained in the Mifflin County Correctional Facility, but shall be taken without unnecessary delay before the on-call magisterial district judge to plead on the case. If the defendant pleads guilty, the magisterial district judge shall impose sentence and release the defendant. If the defendant pleads no guilty, the magiste-

rial district judge shall hold an immediate trial. If an immediate trial cannot be given, the Defendant shall be released.

By the Court

TIMOTHY S. SEARER,
President Judge

[Pa.B. Doc. No. 10-1388. Filed for public inspection July 30, 2010, 9:00 a.m.]

WASHINGTON COUNTY

Local Court Rule Fee Schedule for Public Access of Official Case Records in the Washington County Magisterial District Courts; No. 2010-1

Order

And Now, this 8th day of July, in accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, adopted by the Pennsylvania Supreme Court, *It Is Hereby Ordered* that the attached local rule be effective 30 days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,
President Judge

Washington County Local Rule 510. Public Access of Official Case Records in the Washington County Magisterial District Courts.

1. Public Request

a. Verbal request for records that are not complex or voluminous are to be completed within 48 hours.

b. Complex or voluminous requests are to be submitted in writing on a form provided by the magisterial district court. These requests are to be completed within ten (10) days.

c. If a court denies a request for access, the denial shall be in writing on a form designed and published by the Administrative Office of Pennsylvania courts. A denial may be appealed in writing to the president judge of the judicial district or president judge's designee within 15 business days of service of the written notification by the magisterial district court. Within 20 business days of receipt of the appeal, the president judge or designee shall make a determination and forward it in writing to the requestor.

2. Fee Schedule

a. The price per page of copy is \$.25.

b. Preparing, copying, and re-filing complex or voluminous requests will be paid at a rate of \$4.25 per 1/4 hour. *(The definition of complex or voluminous requests may vary from court to court depending on factors such as court resources and case load.)*

c. Fees paid for services rendered are nonrefundable.

d. Fees may be waived if the magisterial district judge determines that the requestor is indigent.

e. Fees received pursuant to this Rule shall be remitted to the County of Washington.

[Pa.B. Doc. No. 10-1389. Filed for public inspection July 30, 2010, 9:00 a.m.]

WASHINGTON COUNTY

Local Rules Amendment to L-3129(c)—Notice of Sale—Real Property; No. 2010-1

Order

And Now, this 8th day of July, 2010; *It Is Hereby Ordered* that the above-stated Washington County Local Civil Rule be amended 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-3129. Notice of Sale—Real Property.

(c) Execution sales of real property shall be held only in the Sheriff's Office or the meeting room of the Washington County Office Building on the first Friday of each month except August provided, however, that if the first Friday be a holiday, the sale shall be held the following Friday.

[Pa.B. Doc. No. 10-1390. Filed for public inspection July 30, 2010, 9:00 a.m.]

WASHINGTON COUNTY

Local Rules L-810(m)—Washington County Civil Litigation Mediation Program, L-1041.1—Asbestos Litigation, L-1042.1—Professional Liability Mediation; No. 2010-1

Order

And Now, this 16th day of July, 2010; *It Is Hereby Ordered* that the above-stated Washington County Local Civil Rules be adopted as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

Addition to L-810.

(m) Notwithstanding the preceding subsections and L-1042.1—1042.20, the Court may in its discretion set a civil case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered private mediation; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

Note: When selecting a case for ADR before a private mediator, the Court should consider various criteria, including the nature of the claims involved and their

complexity, whether any of the litigants is *pro se*, the potential for a successful resolution, and the interests of justice.

(1) The method of ADR shall be addressed to the discretion of the private mediator.

(2) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator on their own initiative.

Explanatory Comment

This local rule reflects the strong judicial policy in favor of parties voluntarily settling lawsuits expressed by the Supreme Court of Pennsylvania in *Rothman v. Fillette*, 469 A.2d 543 (Pa. 1983). The use of Court-directed ADR processes reduce the expense of litigation and often times leads to a quicker and more satisfying alternative when compared to continuing on a more traditional path of litigation. An ancillary benefit to ADR is the potential of reducing the burden on the finite resources of the Court.

Rule L-1041.1. Asbestos Litigation.

(1) Upon filing of a case in asbestos, the Prothonotary shall assign the case to the judge designated by Administrative Order, who shall preside over all proceedings relating to the case. The Prothonotary shall immediately notify the Court Administrator of the filing of an action in asbestos.

(2) All pleadings and proposed orders shall include a caption as follows:

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

(3) In all asbestos cases, the course of litigation shall be governed by the terms set forth in a case management order (“CMO”).

(a) Any party may present a CMO to the Court for approval within sixty (60) days of the filing of the complaint pursuant to L-200.5. The proposed CMO shall set forth the actual dates on which each stage of the litigation must be completed.

(4) In the absence of a CMO approved by the Court within sixty (60) days from the filing of the complaint, the Court shall enter the following CMO:

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION—ASBESTOS

Plaintiff(s))	
)	
vs.)	No.
)	
Defendants.)	

CASE MANAGEMENT ORDER

AND NOW, this ___ day of _____, 2___, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. This Case Management Order (“CMO”) shall govern the litigation in the above-captioned matter.

2. Plaintiff’s Answers to Standard Short Form Interrogatories shall be served on all defense counsel within six (6) months of the date of the filing of the complaint.

3. The parties shall disclose all known fact witnesses within (8) months of the date of the filing of the complaint.

4. Discovery shall be completed within fourteen (14) months of the date of the filing of the complaint.

5. All Motions for Summary Judgment shall be filed within (16) months of the filing of the complaint.

6. Responses to the Motions for Summary Judgment shall be filed within seventeen (17) months of the filing of the complaint.

7. After the responses to the Motions for Summary Judgment have been filed, any party may present a motion for argument date. Arguments for all Motions for Summary Judgment shall be heard on the same day.

8. Plaintiff shall file a pre-trial statement within twenty-one (21) months of the date of the filing of the complaint.

9. Defendant(s) shall file a pre-trial statement within thirty (30) days of the filing of Plaintiff’s pre-trial statement.

10. The pre-trial statements shall contain a narrative statement, a list of any expert witnesses intended to be called at trial, all expert reports, and an assessment of damages. The pre-trial statement shall also include any presently known motions in limine and any legal research, memorandum, or brief in support thereof. Failure to file a motion in limine shall bar a future filing, unless said motion could not be anticipated prior to the filing of the pre-trial statement.

11. This CMO may be modified by agreement of all parties, subject to Court approval, or upon motion of any party for good cause shown.

BY THE COURT:

ASSIGNED JUDGE

(4) Upon the filing of pre-trial statements by all active parties, the Court Administrator shall place the case on the trial list of the assigned judge.

Note: This rule abolishes the Certificate of Readiness procedure embodied in L-212.1 for asbestos cases unless otherwise specified in a joint proposed CMO which is approved by the Court.

(5) Within sixty (60) days of the filing of the complaint, defendants shall select an attorney from one of their number to act as lead defense counsel. Lead defense counsel shall promptly file a notice of his or her selection with the Prothonotary.

(a) In the event lead defense counsel ceases to act in that capacity, the defendants shall select a replacement within thirty (30) days. Replacement lead counsel shall promptly file a notice of his or her selection with the Prothonotary.

(6) It is the responsibility of the moving party to file all original Orders with the Prothonotary. Further, the moving party shall serve copies of all Orders upon all counsel of record and any *pro se* litigant. If the Court serves copies of any Order, such service shall be made to counsel for the plaintiff and lead counsel for the defendants, who shall be responsible for providing service upon all counsel of record and any *pro se* litigant.

PROFESSIONAL LIABILITY MEDIATION

1042.1 Scope.

These rules shall govern mediation in all professional liability cases before the Court.

1042.12 Selection of cases for mediation.

a. Upon placement on trial list pursuant to Local Rule 212 either party may petition the court to refer a case to mediation.

(1) The Court may also at its discretion refer a case to mediation once it is placed on the trial list.

(2) The Court shall consider the objection from any party that has not consented to settlement. The Court shall consider the objection of any party that has not consented to settlement provided that such lack of consent shall not prevent the referral of the case to mediation.

b. This rule shall not pertain to any case involving a *pro se* litigant.

1042.13 Selection of mediator.

a. The Court Administrator shall maintain a list of no less than three (3) mediators to be selected by the President Judge.

b. The Court shall select the mediator.

c. Unless otherwise agreed, the mediator shall be disqualified if:

(1) The mediator has personal knowledge of disputed evidentiary facts related to the mediation;

(2) The mediator or any attorney with whom the mediator practiced law served as an attorney for the matter in controversy;

(3) The mediator, or anyone with whom the mediator has a close business or familial relationship, has an economic interest in the matter in controversy.

d. The mediator shall disclose any past or present affiliations with any and all parties, including the insurance carriers and/or the M-Care Fund.

1042.14 Compensation.

The fee of mediator shall be affixed by the Court. The parties shall bear the costs evenly, unless agreed otherwise by the parties. Mediator shall submit a bill to the parties for time and expenses. Failure to remit payment within twenty (20) days after receipt may result in a rule to show cause why sanctions shall not be imposed.

1042.15 Submissions to mediator.

Before the first mediation session, the mediator may require the parties to provide to the mediator confidential and/or pertinent information including, but not limited to, pleadings, discovery responses/production, transcripts, expert reports, and/or any other litigation related documents.

1042.16 Time frame for conduct of the mediation.

Unless otherwise agreed to by the parties and the mediator or ordered by the Court, the first mediation

session shall be conducted not later than sixty (60) days from the agreement to mediate or order to mediate.

1042.17 Attendance and Authority; Sanctions.

The parties and a representative with authority to enter into a full and complete compromise and settlement of the case on behalf of the parties shall attend the mediation, including trial counsel. A representative of the M(Care) Fund, with full decision making authority, shall attend in person during all mediation sessions. If any of the above individuals or representatives fails to appear at the mediation session without good cause, or appears without full authority, the Court, *sua sponte*, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against the responsible party.

1042.18 Settlement Agreement; Enforcement.

Each settlement is to be confirmed in a written settlement agreement, signed by a party or a party representative with authority to sign. A party representative who signs is presumed to have full authority to bind the party. The settlement agreement is enforceable in the same manner as any other written contract and/or by a motion to enforce the settlement agreement.

1042.19 Confidentiality and Immunity.

a. Mediation shall be confidential and no record shall be made, except as provided by LR 1042.20 or as ordered by the Court.

b. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

1042.20 Report.

If the case is not settled the mediator shall provide the Court with a detailed report outlining: (1) Plaintiff's final settlement demand; (2) Defendant(s) final settlement offer; (3) The mediator's assessment of liability; (4) The mediator's assessment of damages; (5) The mediator's opinion regarding the potential range of a verdict and settlement value of a case; and (6) The mediator's recommendation regarding settlement of the case.

A copy of the report shall be provided and maintained by the Court Administrator until the case is closed.

[Pa.B. Doc. No. 10-1391. Filed for public inspection July 30, 2010, 9:00 a.m.]