

THE COURTS

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Implementation of Butler County Credit for Prison Work Programs; CP-10-AD-2-2018

Administrative Order of Court

And Now, this 12th day of June, 2018, the Court orders and directs that the Administrative Order of Court dated May 31, 2018 related to the Implementation of Credit for Butler County Prison Work Programs be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that the District Court Administrator shall:

(a) Deliver one copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Deliver a copy of the Administrative Order related to the implementation of credit for Butler County Prison Work Programs to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(e) Publish this Administrative Order on the Butler County Court website.

(f) File a copy of the Administrative Order in the Butler County office of the Clerk of Courts for inspection and copying.

By the Court

MARILYN J. HORAN,
Administrative Judge

Implementation of Credit for Butler County Prison Work Programs; CP-10-AD-2-2018

Administrative Order of Court

And Now, this 31st day of May, 2018, the Court adopts the Butler County Prison Work Program and authorizes the Clerk of Courts to honor and apply credit earned through said program, as verified by Butler County Prison staff, towards reducing County fees, fines and costs from participating inmates' respective criminal case balances. This Order of Court is effective upon publication in the *Pennsylvania Bulletin*.

By the Court

MARILYN J. HORAN,
Administrative Judge

Section: Work Programs

Effective Date: 7-1-2009

Title: Work Programs—Inmate

Chapter: 12

Document # 12.1

I. *Purpose:*

The Butler County Prison shall identify any authorized inmate work programs along with compensation for work performed by the inmates.

II. *Policy:*

It is the policy of the Butler County Prison to provide inmate work programs to include work assignment programs, industries programs, public works/community service programs or work release programs.

III. *Distribution:*

These policies and procedures will apply to all Prison employees, administrative staff and all entities that use inmate community service/work release inmates.

IV. *Reference:*

37 Pa. Code § 95.235

V. *General Information:*

1) The following work programs will be offered to the inmate population:

- 1) Inmate Laundry
- 2) Kitchen detail
- 3) Housing Pod cleaner
- 4) Night cleaner
- 5) Barber
- 6) Specialized Cleaning Projects
- 7) Work Release
- 8) Community Service
 - A) YWCA
 - B) Grapevine
 - C) Food cupboard
 - D) Butler County Community Service Program
 - E) Butler Township

F) Or other Community Service projects assigned by the Warden.

2) Butler County Prison staff is strictly prohibited from using their official position or capacity to secure privileges for themselves or others in association with an inmate program.

3) Inmate laundry and the night cleaners will receive a \$1.50; Kitchen workers will receive \$3.00 a day credited towards their fines, costs, and restitution. Inmate laundry and night cleaners without fines, costs and restitution will receive compensation in the form of commissary items to total no less \$7.50 per week. Kitchen inmate workers without fines, costs and restitution will receive compensation in the form of commissary items to total no less than \$15.00 per week.

4) Work programs will be offered to the inmate population regardless of inmate's race, religion, national origin, gender or disability.

VI. *Procedures:*

1) Inmates selected for work programs inside the institution will receive direction on the proper use of any equipment or tools to be used by the inmate during any work assignment program or industries program. Each inmate will receive the appropriate clothing, supplies and

tools for the work assignment. Industries public works, or community service assignments.

2) Inmates who participate in work release/community service programs must be court ordered to do so. These inmates will adhere to the program guidelines.

3) Sentenced inmates will be required to participate in a work program based upon the availability of work. Unsented inmates are not required to participate in a work program; however may request to participate in a work program. Depending on charges and bonds, unsentenced inmates may be considered for these programs.

Joe DeMore, Warden

[Pa.B. Doc. No. 18-1030. Filed for public inspection July 6, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 20th day of June, 2018, Dauphin County Local Rules 206.1(a), 206.4(c), 1301, 1302, 1303, 1307 and 1308 are amended and Rule 1306 is rescinded as follows:

Rule 206.1(a). Petitions.

(1) The only applications designated to proceed as petitions are:

- (a) Petitions to Open Judgment;
- (b) Non Pros Petitions;

(c) Applications filed to commence an action where it is not appropriate to file a writ of summons or a complaint; and

(d) Any other applications so designated by statute or rule of court. All other applications shall proceed as motions. If an application is designated by statute or rule of court to proceed as a petition, the statutory basis or specific rule must be specifically set forth in the petition.

(2) All issues relating to the administration, filing and processing of judicial assignments relating to petitions shall be under the direction and supervision of the Civil Calendar Judge.

(3) Except for Petitions in Forfeiture under 42 Pa.C.S.A. § 5805, all petitions and answers or responses thereto shall be accompanied by a proposed order (or alternative orders) as well as a proposed Rule to Show Cause pursuant to Pa.R.C.P. 206.5. The proposed order(s) and Rule to Show Cause shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and/or self-represented parties to be served.

Rule 206.4(c). Applications Designated to Proceed as Petitions—Rules to Show Cause.

(1) Except for Petitions in Forfeiture under 42 Pa.C.S.A. § [6801 and § 6802] 5805, an original and one copy of a Petition shall be filed with the Prothonotary and a copy shall be served on all other parties.

(a) The Prothonotary shall forward the original petition to the Court Administrator's Office and shall retain the

copy in the file. The petition shall be assigned to a judge for disposition by the Court Administrator's Office.

(b) The assigned judge may issue a rule to show cause pursuant to Pa.R.C.P. 206.5 (Discretionary Issuance). The judge may also issue a scheduling order, which may include any discovery deadlines, briefing schedule, argument or hearing dates and a stay of proceedings as the judge deems necessary upon review of the petition.

(c) Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the petition to the Court Administrator's Office for distribution to the assigned judge. No cover letter is necessary.

(2) Petitions in Forfeiture filed pursuant to 42 Pa.C.S.A. § [6801 and § 6802] 5805 shall be filed with the Prothonotary.

(a) Petitions in Forfeiture shall contain a notice as set forth in 42 Pa.C.S.A. § [6802] 5805(b). No rule to show cause should be attached. The Caption shall include a cross-reference by defendant name and docket number to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in 42 Pa.C.S.A. § [6802] 5805.

(b) If a response is not filed within thirty (30) days **from service**, the moving party shall file a Motion for Default Judgment with the Prothonotary. The Motion for Default Judgment will be assigned by the Court Administrator's Office to the Motions Judge for review.

(c) If a response is filed within thirty (30) days, either party may thereafter file a Certificate of Readiness listing the case for [**arbitration**] **a non-jury trial** pursuant to Dauphin County Local Rule [1301 et seq] 1038. [**Arbitration shall be applicable to all actions in forfeiture.**]

Rule 1301. Arbitration.

[(1)] All actions at issue in which the amount in controversy is \$50,000 or less, except those involving title to real estate, shall be submitted to and be heard by a Board of Arbitration pursuant to applicable law. The term "amount in controversy" shall mean the aggregate amount, exclusive of interest and costs, claimed by any one party in the complaint, counterclaim, or agreement of reference.

[(2) **When a Certificate of Readiness is filed, it shall contain a statement of any other actions pending in this Court involving a common question of law or fact, together with the amount involved therein. If all such cases are subject to arbitration, the Prothonotary shall consolidate them for arbitration. If any such case is not subject to arbitration, all such cases shall be consolidated for trial before the Court.**]

Rule 1302. List of Arbitrators—Appointment of Board. Compensation.

The Board of Directors of the Dauphin County Bar Association shall determine the names of those attorneys in the county who are willing to serve as arbitrators. The Board shall [**thereafter**] provide the Court with the names of thirty persons who are believed by the Board to be competent to serve as arbitrators. [**From the names suggested**] **The** Court shall select [**eighteen**] arbitrators to serve for [**one year and thereafter until their successors have been duly appointed and qualified**

by the Court] **two years**. Insofar as possible, one week out of each month shall be designated by the Court for the hearing of arbitration cases and one panel (three attorneys) will sit for the entire week, with each arbitrator to sit for two weeks each year.

The compensation of each arbitrator shall be set by order of court.

Rule 1303. Listing of a Case. Notice. Location. Continuances.

(a)(1) When a case is READY IN ALL RESPECTS for arbitration, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary in accordance with the timelines established in the Annual Court Calendar. The Prothonotary shall forward all original Certificate of Readiness forms to the Court Administrator's Office. The Chair of the arbitration panel shall prepare the list of cases and send the list of cases to all attorneys [**and pro se**], **self-represented** parties involved in the cases, **as well as to Court Administration**. The Certificate of Readiness shall contain the following statement:

"This matter will be heard by a Board of Arbitrators at the time, date, and place specified by the Chair of the panel 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.

A hearing under the provisions of this notice shall be heard by the Arbitration Judge if his/her schedule so permits."

(2) At least thirty days prior to filing a Certificate of Readiness, a party or attorney must notify all other parties or attorneys of the intention to list, **as well as inquire as to any conflicts the other parties or attorneys may have with the arbitration panel scheduled for the term. The listing party or attorney must certify on the Certificate of Readiness that no conflicts exist with the arbitration panel. Failure to certify shall result in the rejection of the Certificate of Readiness.**

(3) All hearings shall be in the Dauphin County Courthouse unless otherwise agreed to in writing by the parties or attorneys and the Court Administrator.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

(b) *Continuances*

(1) The original and one copy of a pleading designated as an Application for Continuance shall be filed with the Prothonotary. The Prothonotary shall immediately forward the original to the Court Administrator's Office and retain the copy in the file. The Court Administrator's Office shall forward the Application to the Arbitration Chair if the case is less than two years old. If the case is more than two years old, the Court Administrator's Office shall forward the Application to the Arbitration Judge. Applications for Continuance shall be served concurrently upon all other parties. No continuance shall be granted if filed less than ten days prior to the beginning of the

arbitration term except in the most extraordinary circumstances. A courtesy copy of the Application shall be sent to the Arbitration Chair.

(2) The Application for Continuance shall certify that all other parties do or do not concur in the request.

(3) If all parties concur, and the case is less than two years old, the panel Chair shall approve the Application for Continuance and file an order continuing the matter and directing the parties to file a Certificate of Readiness for a subsequent term.

(4) If a party does not concur, and the case is less than two years old, the panel Chair shall convene a telephone conference among all parties, and shall make a decision on the Application for Continuance. The Chair shall then inquire if any aggrieved party wishes to appeal the matter to the Arbitration Judge.

(a) If a party indicates an intention to contest the decision of the panel Chair, an Application for Continuance shall thereafter be presented to the Arbitration Judge, reciting the date the Application for Continuance was presented to the panel Chair, the date of the conference call, the names of the attorneys and parties who participated in the call, and the panel Chair's decision.

(b) If no party indicates an intention to contest the decision of the panel Chair, the panel Chair shall file an order with the Prothonotary indicating the decision.

(5) Only one request for continuance will be granted for cases less than two years old, and none shall be granted for those over two years old, except with leave of court for cause shown.

[Rule 1306. Report & Award. Delay Damages.

(1) **The Chairman of the Board of Arbitrators shall prepare and file the report of the Board's action, which report shall show the time and place of meeting, shall indicate that the parties were heard or that an opportunity to hear the parties was afforded, and shall include the findings of the Board and any award.**

(2)(a) **In all cases subject to the provisions of this Rule where damages for delay are claimed, the Plaintiff shall, no later than the commencement of the hearing, present to the Chairman of the Board of Arbitrators in a sealed envelope a statement containing the required information, which shall be substantially in the form contained in subsection (c) below. Each question on the form shall be answered and the form shall be executed by all parties to the action or their counsel.**

Those parties not concurring in the information contained on the form to be submitted by Plaintiff shall state thereon a brief explanation as to the reasons for their nonconcurrence. Parties failing to state the reasons for nonconcurrence shall be deemed to be in concurrence.

Plaintiff shall serve a copy of the executed form upon all other parties or their counsel at or before the time the same is presented to the arbitrators. Failure of Plaintiff to comply with this rule shall be deemed to be a waiver of any delay damages.

(b) **No arbitrator shall open the aforesaid envelope or in any other manner attempt to ascertain the contents thereof until the Board of Arbitrators shall have reached a decision on the merits in the case and then only if delay damages are applicable.**

If, after deciding the merits of the case, delay damages are not applicable, the Chairman of the Board of Arbitrators shall return the envelope to the Prothonotary, together with the report of the Board.

(c) The form referred to in sub-section (a) shall be as follows:

Plaintiff : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION—
Defendant : NO.

DELAY DAMAGES

- (1) On what date did the cause of action accrue?
(2) On what date was the Complaint filed?
(3) Was this action pending on April 15, 1979?
(4) Was a written offer of settlement made by any Defendant, or additional Defendant? If so state:
(a) The date of the written offer;
(b) Whether it was in effect at the time of commencement of the hearing;
(c) The amount of the offer of settlement; and
Attach a copy of the written offer of settlement.

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Attorney for Additional Defendant(s)

I do not concur for the following reasons:

Attorney for Defendant(s)

Attorney for Additional Defendant(s)

Where opposing counsel refuses to execute the document, the following shall be attached:

ATTORNEY'S CERTIFICATE

I hereby certify that I served a copy of the foregoing document on opposing counsel on the day of , 19 , and seek his concurrence.

Attorney for Plaintiff]

[Rule 1307. Docketing. Notice.

The Prothonotary shall enter the award upon the docket and judgment index and shall certify that he has given a copy of the report to the parties.]

Rule 1308. Appeal. [Notice.] Compensation.

[(a)(1) When an appeal is taken from the decision of the Board, the appellant shall give written notice thereof to the appellee within five (5) days after the filing of the appeal.

(2)] When an appeal is filed to a decision of the Board of Arbitrators, any party appealing shall repay to the County the fees of the members of the Board of Arbitration, which shall not thereafter be refundable to or recoverable by the said party under any circumstances, under the following schedule:

- (a) If the amount in controversy is less than \$5,000.00 - \$400.00.
(b) If the amount in controversy is \$5,000 or more, but less than \$10,000.00 - \$500.00.
(c) If the amount in controversy is \$10,000.00 or more, but less than \$20,000.00 - \$600.00.
(d) If the amount in controversy is \$20,000.00 or more, but less than \$35,000.00 - \$700.00.
(e) If the amount in controversy is \$35,000.00— \$50,000.00 - \$800.00

For purposes of determining the appeal fee, "amount in controversy" shall be defined as the amount of the award rendered by the Board of Arbitration.

These amendments shall be effective thirty (30) days from date of publication.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 18-1031. Filed for public inspection July 6, 2018, 9:00 a.m.]