

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 100, 2120, 2150 AND 2170]

Amendment of Rules Governing Associations as Parties; No. 345 Civil Procedural Rules Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 29th day of December, 2000, Pennsylvania Rules of Civil Procedure 76, 2126, 2151, 2176 and 2179 are amended to read as follows hereto.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2001.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 100. RULES OF CONSTRUCTION

##### Rule 76. Definitions.

The following words and phrases when used in any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

\* \* \* \* \*

Political subdivision—Any county, city, borough, incorporated town, township, school district, vocational school district, [or] county institution district or municipal or other local authority;

**Official Note:** The definition of the term “political subdivision” in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters.

\* \* \* \* \*

#### CHAPTER 2120. PARTNERSHIPS AS PARTIES

##### Rule 2126. Definitions.

As used in this chapter:

\* \* \* \* \*

“Partnership—[Only] A general or limited partnership, whether it is also a registered limited liability partnership or electing partnership, and does not mean a [partnership association, registered partnership,] limited liability company, unincorporated association, joint stock company or similar association.

#### CHAPTER 2150. UNINCORPORATED ASSOCIATION AS PARTIES

##### Rule 2151. Definitions.

As used in this chapter

\* \* \* \* \*

“association” means an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name, but does not mean [an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association] a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176.

#### CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

##### Rule 2176. Definitions.

As used in this chapter

\* \* \* \* \*

“corporation or similar entity” includes any public, quasi-public or private corporation, insurance association or exchange, [registered partnership, partnership association limited,] joint stock company or association, [“Massachusetts trust”,] limited liability company, professional association, business trust, or any other association which is regarded as an entity distinct from the members composing the association, but does not include the Commonwealth of Pennsylvania, a [county, city, borough, town, township, school district or institution district] political subdivision as defined in Rule 76, [or] a partnership as defined in Rule 2126, or an unincorporated association as defined in Rule 2151;

“corporate name” means any name, real or fictitious, under which a corporation or similar entity was organized, or conducts business, whether or not such name has been filed or registered;

“executive officer” means a chairman, president, vice-president, treasurer, secretary, general manager, or any like officer of a corporation or similar entity;

“member” includes any shareholder in a corporation or similar entity[;];

“executive officer” means a chairman, president, vice-president, treasurer, secretary, general manager, or any like officer of a corporation or similar entity [;].

**Official Note:** [Adopted November 26, 1943, effective August 1, 1944.] The term “corporation or similar entity” as defined above includes all associations and business entities which are regarded as separate and distinct from their members. No attempt has been made to enumerate all the various classes of private corporations falling within the definition.

##### Rule 2179. Venue.

(a) Except as otherwise provided by an Act of Assembly or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

(1) the county where its registered office or principal place of business is located; [or]

(2) a county where it regularly conducts business;

**[ Official Note: See Rule 2198. ]**

(3) the county where the cause of action arose; or

(4) a county where a transaction or occurrence took place out of which the cause of action arose.

\* \* \* \* \*

*Explanatory Comment*

The Supreme Court of Pennsylvania has amended the following rules of civil procedure: Rule 76 which contains a definition of the term "political subdivision," Rules 2126, 2151 and 2176 which provide definitions governing associations as parties and Rule 2179(a)(2) which governs venue when a corporation or similar entity is a party to an action.

*Political Subdivision*

The rules of civil procedure have heretofore made no provision for a municipal authority as a party. The definition of the term "political subdivision" as set forth in Definition Rule 76 has now been amended to include the phrase "municipal or other local authority." The phrase "municipal or other local authority" is derived from Section 102 of the Judicial Code and Section 101 of Title 2 of the Consolidated Statutes relating to Administrative Law and Procedure.

The primary effect of the amendment is to bring a municipal or other local authority within the chapter of rules governing the Commonwealth and Political Subdivisions as Parties and subject an authority to three rules. Under Rule 2102(b) governing the style of action, an action will be brought by or against an authority "in its name." Rule 2103(b) will limit venue to the county in which the political subdivision is located unless the Commonwealth is the plaintiff or an Act of Assembly provides otherwise. Service upon an authority will be made pursuant to subdivision (b) of Rule 422 governing service upon a political subdivision.

It is recognized that a municipal or other local authority may perform a "sovereign or governmental" function, a "business or proprietary" function or a combination of both. It is useful, however, to have a unified practice which applies to all such entities. It is therefore appropriate that municipal or other local authorities be made subject to the rules governing political subdivisions in view of their performance of sovereign or governmental functions.

The characterization of a municipal or other local authority as a political subdivision is a procedural device only. As the note to the definition states, "[t]he definition of the term 'political subdivision' in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters."

*Partnerships as Parties*

The amendment to Rule 2176 defining the term "partnership" continues to provide that "partnership means a general or limited partnership" and adds new language: "whether it is also a registered limited liability partner-

ship or electing partnership." The reference to a registered limited liability partnership and an electing partnership is derived from Section 8311(b) of the Associations Code, "Partnership defined."

The amendment excludes from the definition "limited liability company, unincorporated association, joint stock company or similar association." The reference to a limited liability company is new and takes into account Act No. 126 of 1994 which amended Title 15 of the Consolidated Statutes, the Associations Code, by adding Chapter 89 relating to limited liability companies. Although excluded here from the definition of partnership, the limited liability company is included in the revised definition of "corporation or similar entity" found in Rule 2176.

As revised, the exclusionary language of the definition no longer contains the terms "partnership association and registered partnership" which are obsolete.

*Unincorporated Associations as Parties*

The term "association" as used in Rule 2151 et seq. is not the broad term found in the "Associations Code." Rather, it has the limited meaning set forth in Rule 2151. The basic definition continues unchanged: "an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name. . . ." However, the definition excludes certain types of "associations" as used in the broader sense of that term. Whereas the former rule excluded from the definition the catalog of "an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association," the amended definition simply states that "unincorporated association" does not include "a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176."

*Corporations or Similar Entities as Parties*

Rule 2176 is revised in two respects. First, the term "executive officer" is put in its rightful place alphabetically in the list of definitions but it is not otherwise changed. Second, the term "corporation or similar entity" is revised to include the terms "limited liability company, professional association and business trust" and to delete as obsolete the terms "registered partnership," "Massachusetts Trust" and "partnership association limited."

The addition of "business trust" includes within the definition of corporation or similar entity a "trust subject to Chapter 95 (relating to business trusts)." The addition of "professional association" includes a professional association as defined in Section 9302 of the Associations Code, i.e., "a professional association organized under the Act of August 7, 1961 (P. L. 941, No. 416), known as the Professional Association Act. . . ."

The addition of a "limited liability company to the definition is in accord with the Source Note to Section 8906 of the Associations Code which states:

Notwithstanding the policy of Chapter 89 that a limited liability company is a form of partnership entity, for purposes of the Pennsylvania Rules of Civil Procedure a limited liability company will probably be deemed a "corporation or similar entity" under Pa.R.C.P. 2176, rather than a "partnership" under Pa.R.C.P. 2126 or an "association" under Pa.R.C.P. 2151.

The amendment to Rule 2179(a)(2) governing venue when a corporation or similar entity is a party to an action simply deletes a note containing an obsolete cross-reference.

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 01-24. Filed for public inspection January 12, 2001, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

**Rules of Court; No. 98-8009 Prothonotary; No. 1-MD-2000 Clerk of Courts**

#### Order

*And Now*, this 7th day of December, 2000, it is hereby *Ordered* that the Berks County Rules of Civil Procedure 1301 through 1318, inclusive, the Certificate of Readiness for Arbitration and Request for Appointment of Arbitrators and the Application for Registration of Arbitrator and/or Arbitration Chairperson which follows hereto are hereby approved and adopted and made a part of the Berks County Rules of Civil Procedure for use in the Court of Common Pleas of Berks County, Pennsylvania, the 23rd Judicial District of Pennsylvania, effective February 1, 2001, with the fee schedule set forth in Berks County Rules of Civil Procedure 1315 to apply to arbitration hearings which are initially scheduled on or after February 1, 2001.

It is further *Ordered* that the versions of Berks County Rules of Civil Procedure 1301 through 1317, inclusive, and the above-referenced forms which existed prior to the date of this Order shall be repealed and made null and void as of February 1, 2001, but no rights acquired thereunder shall be disturbed.

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

1. Keep copies of this Order, Berks County Rules of Civil Procedure 1301 through 1318, inclusive, and the above-referenced forms continually available for public inspection and copying;

2. File ten (10) certified copies of this Order and Berks County Rules of Civil Procedure 1301 through 1318, inclusive, with the Administrative Office of Pennsylvania Courts for distribution in accordance with Pa.R.J.A. 103(c);

3. File two (2) certified copies of this Order and Berks County Rules of Civil Procedure 1301 through 1318, inclusive, with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

4. File one (1) certified copy of Berks County Rules of Civil Procedure 1301 through 1318, inclusive, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; and

5. Within three (3) weeks after the publication of these new Rules in the *Pennsylvania Bulletin*, ensure that one copy each of this Order and of Berks County Rules of

Civil Procedure 1301 through 1318, inclusive, as herein approved and adopted are published one time in the *Berks County Law Journal* in suitable form so that they may be incorporated into replacement pages for insertion into the current binder of the Berks County Rules of Court. The effective date of these Berks County Rules of Civil Procedure, February 1, 2001, shall be set forth in the lower right-hand corner of each replacement page.

*By the Court*

ALBERT A. STALLONE,  
*President Judge*

#### ARBITRATION

##### **Rule 1301. Cases Subject to Arbitration. Amount In Controversy. Agreement of Reference.**

(a) All civil actions (which heretofore had been designated assumpsit or trespass), actions in replevin and actions upon mechanics' liens where the amount in controversy shall be \$50,000 or less shall first be submitted to and heard by a panel of arbitrators pursuant to Pa.R.C.P. 1301 et seq. All cases that have not yet been certified for trial will be subject to this change in the arbitration limits.

(b) For purposes of determining the amount in controversy, every complaint or counterclaim in such civil action, in replevin or upon a mechanics' lien, shall set forth in the first paragraph thereof a statement that the total amount of damages claimed in such pleading, exclusive of interest and costs, is Fifty Thousand Dollars \$50,000.00 or less or is more than Fifty Thousand Dollars \$50,000.00 or in replevin that the value of the property claimed is Fifty Thousand Dollars \$50,000.00 or less or is more than Fifty Thousand Dollars \$50,000.00.

(c) The amount in controversy shall be determined from the complaint and/or counterclaim as required by Subsection (b) or by an agreement of reference filed by the attorneys. If an agreement of reference is filed, it shall define the issues involved for determination by the panel and, when agreeable, shall also contain stipulations with respect to facts submitted and agreed and defenses waived. In such cases, the agreement of reference shall take the place of pleadings and be filed with the Prothonotary before a certificate of readiness is filed. The amount in controversy when determined from the pleadings shall be the largest amount claimed by any one party.

(d) Actions in mandamus, actions in quo warranto, actions in quiet title, actions in ejectment, actions upon municipal claims, actions upon tax claims, actions of mortgage foreclosure, and actions upon ground rents shall not be submitted to arbitration.

##### **Rule 1301.1. Striking of Case From Arbitration or Trial List.**

The court may, on its own motion or upon the motion of any party, strike any case from the trial list which should have been arbitrated in the first instance or strike any case from the arbitration list which the court determines should be tried by a judge or jury or by a judge without a jury. If a case is stricken from the trial list by the court, counsel shall file a certificate of readiness for arbitration on the form approved by the court, together with the appropriate filing fee.

If a case is stricken from the arbitration list, counsel shall file a certificate of readiness for trial on the form approved by the court in accordance with B.R.C.P. 212.1.

**Rule 1302. Administration.**

(a) Proceedings under the arbitration rules of this Court shall be administered by the office of Court Administration.

(b) The Court Administrator shall have the power to prescribe forms, subject to review by the court.

(c) Every attorney admitted to practice before the Supreme Court of Pennsylvania with a primary office located in Berks County shall file with Court Administration appropriate information on a form designated by Court Administration for this purpose, indicating whether or not said attorney is practicing alone, is a member of a firm, or is associated in some way with one or more other lawyers (either in private practice or as an employee of some public office such as the district attorney's office, public defender's office, legal aid, etc.). Said attorney shall also notify Court Administration on said form whether said attorney is willing to serve as an arbitrator, the location of his/her primary office, whether he/she is admitted to practice law in the Commonwealth of Pennsylvania and any qualifications for chairperson as required in B.A.C.P. 1302.2. Any change in status in this regard shall immediately be reported to Court Administration.

(d) Court Administration shall maintain such records as are necessary for the proper administration of the arbitration system, and shall give the arbitrators such assistance as may be necessary to expedite the arbitration process.

(e) Court Administration shall within thirty (30) days of the filing of a certificate of readiness for arbitration designate the time and place for the arbitration hearing. The arbitration hearing shall be set not less than sixty (60) days after mailing the notice scheduling the arbitration hearing.

(f) The assigned arbitrators shall reserve the entire day for arbitration duty. It is the intention of these rules to require the scheduling of an arbitration at 9:30 a.m. and at 1:30 P.M. to be heard by each arbitration panel on the assigned arbitration date, i.e., both arbitrations to be heard by the same arbitration panel. In the event that the first scheduled hearing for 9:30 A.M. is listed to take an entire day for arbitration (i.e., more than 3 hours), no other hearing shall be scheduled for 1:30 P.M. on the date of the arbitration by Court Administration, and the assigned arbitrators shall be required only to hear the one case. In the event that the case listed for the 9:30 A.M. arbitration is scheduled to last for 3 hours or less, Court Administration shall schedule a second arbitration for 1:30 P.M. for the same date to be heard by the same arbitration panel.

**Rule 1302.1. Selection of Arbitrators and Substitutions.**

(a) Each board of arbitrators shall be composed of one attorney from the "Qualified List of Chairpersons" and two attorneys from the "Qualified List of Arbitrators." Not more than one member or associate of any firm or association of attorneys shall be appointed to the same arbitration panel.

(b) The minimum qualifications for service as an arbitrator are as follows:

(1) Membership in the Bar of the Supreme Court of Pennsylvania;

(2) The active practice of law for a minimum of one year following admission to the Bar of the Supreme Court of Pennsylvania;

(3) The maintenance of a principal office for the practice of law in Berks County;

(4) Participation in at least 1 trial or evidentiary hearing; and

(5) The completion of a training program sponsored by the Mandatory Continuing Legal Education Committee of the Berks County Bar Association, which is approved for Continuing Legal Education (CLE) credit.

(c) If a qualified arbitrator is unable to serve at the hearing at which he or she has been appointed to serve, that arbitrator shall notify Court Administration and counsel of record at least three working days prior to the scheduled date of the hearing. If that arbitrator notifies Court Administration of his or her inability to serve less than three working days prior to the scheduled hearing date, that arbitrator shall make all arrangements to ensure that a substitute arbitrator, who appears on the "Qualified List of Arbitrators" is present for the hearing and shall notify Court Administration and counsel of record accordingly. If any arbitrator simply fails to appear at the scheduled hearing, he or she shall not receive any further appointments until his or her name reappears for appointment in due course. If an arbitrator fails to appear a second time, his or her name shall be removed from the "Qualified List of Arbitrators" and he or she shall not thereafter be appointed as an arbitrator in any case unless he or she is reinstated upon application to the President Judge of the Court.

**Rule 1302.2. Chairperson of Arbitration Boards.**

(a) The board of arbitrators shall be chaired by an arbitrator who appears on the "Qualified List of Chairpersons."

(b) The minimum qualifications for service as a Chairperson are as follows:

(1) Membership in the Bar of the Supreme Court of Pennsylvania;

(2) The active practice of law for a minimum of seven years following admission to the Bar of the Supreme Court of Pennsylvania;

(3) The maintenance of a principal office for the practice of law within Berks County;

(4) Participation in at least 5 trials or evidentiary hearings;

(5) Being the principal attorney in at least 10 litigation cases which have been filed in a court of record;

(6) The completion of a training program sponsored by the Mandatory Continuing Legal Education Committee of the Berks County Bar Association, which is approved for Continuing Legal Education (CLE) credit; and

(7) Concentration of practice in the area of law which is involved in the case before the panel.

**Rule 1303. Certification for Arbitration.**

Arbitration cases shall be certified for arbitration in accordance with the procedure set forth in the rule pertaining to certification for civil trial. (See B.R.C.P. 212.1.) The party requesting that the case be listed for arbitration shall file a certificate of readiness for arbitration on a form approved by Court Administration. To the extent possible, an accurate estimate of the number of hours, or portion thereof, required to present the claim or defense shall be noted by each party to assist Court Administration in scheduling.

**Rule 1303.1. Notification of Hearing Date and Appointment of Arbitrators.**

The Prothonotary's Office, under the direction of Court Administration, shall mail a copy of the completed certificate of readiness for arbitration scheduling the hearing date; time and place to each arbitrator appointed, each attorney of record and, in the event a party is not represented of record by an attorney, to such party at his or her last known address by first-class mail and file of record proof of service in each case.

**Rule 1303.2. Continuances.**

(a) No later than seven (7) days prior to the hearing date, the case may be continued one (1) time by agreement of all counsel and unrepresented parties. The counsel or party requesting file continuance shall give written notice of such continuance to the arbitrators, Court Administration and the Prothonotary's Office. Court Administration shall reschedule the case to be heard within sixty (60) days, with notice of hearing to be provided by the Prothonotary's Office to all arbitrators, counsel and unrepresented parties in accordance with B.R.C.P. 1303.1.

(b) In the event that the parties cannot agree to a continuance more than seven (7) days prior to hearing under subparagraph (a) above, an application for a continuance of the case must be made to and ruled upon by the assigned judge. Counsel making such application shall comply with B.R.C.P. 207.1.

(c) If the case is continued upon application, Court Administration shall reschedule the hearing in accordance with Subsection 1303.2(a) above.

**Rule 1304. Pre-Arbitration Memorandum.**

(a) At least seven (7) days before the date of the arbitration hearing, all parties shall file with the Prothonotary a memorandum in the form hereinafter provided and shall immediately serve a copy on each party and each arbitrator. This memorandum shall set forth the following:

(1) A brief statement of the important facts of the claim or defense.

(2) A statement of the legal basis for the claim or defense.

(3) A list of all special damages claimed, such as lost earnings, loss of future earning capacity, medical expenses (itemized), property damage.

(4) A list of the names and addresses of all the witnesses whom that party intends to call at arbitration.

(5) A list of all exhibits to be offered by that party at arbitration. All exhibits shall be numbered prior to the arbitration.

(6) An estimate of the number of hours, or portion thereof, necessary to present your claim or defense.

(7) Special comments regarding legal issues.

(8) Any stipulations between the parties for purposes of the arbitration.

(b) Except in extraordinary circumstances, as determined by the arbitrators, a party will not be allowed to call a witness at the arbitration hearing who is not listed in a timely-filed pre-arbitration arbitration.

(c) Except in extraordinary circumstances, as determined by the arbitrators, a party will not be allowed to offer an exhibit at the arbitration hearing that is not listed in a timely-filed pre-arbitration memorandum.

(d) In the event that a party does not file a pre-arbitration memorandum as required by paragraph (a), the other party may file a written motion with the assigned judge to strike the case from the arbitration list.

**Rule 1304.1. Amendment to Pleadings.**

No amendments to the pleadings shall be allowed by the arbitrators except by stipulation of the parties.

**Rule 1305. Conduct of Hearing.**

On the date fixed for the hearing, the chairperson and the members of the panel shall pick up the file and take their oaths of office before the Prothonotary and shall organize for the hearing at least fifteen (15) minutes before the scheduled time. The panel shall conduct the hearing in accordance with Pa.R.C.P. 1304 and 1305, and in accordance with courtroom decorum, including but not limited to, appearing in proper attire and refraining from smoking during hearings. The chairperson of the panel shall preside and see to the proper conduct of the hearing. He/she shall announce all rulings of a majority of the panel pertaining to the law and/or the admissibility of evidence and be responsible for the proper filing of the award with the Prothonotary.

Comment: It is the intention of these rules that the arbitration proceed in an expeditious fashion and that all parties will take full advantage of submitting documentation and tangible evidence pursuant to Pa.R.C.P. 1305 without the need for expert testimony unless extraordinary circumstances warrant.

**Rule 1305.1. Continuation of Hearing.**

If a hearing is held and cannot be concluded at the initially scheduled time as indicated on the certificate of readiness, a continued hearing shall be scheduled at an available and agreed upon site by the chairperson upon stipulation by the parties with written notice on the award form to Court Administration and the Prothonotary. If a stipulation cannot be reached as to the date, time and place of the next hearing, the chairperson shall notify Court Administration thereof and the hearing shall be rescheduled as provided in B.R.C.P. 1303.2(a).

**Rule 1306. Award, Damages for Delay.**

An award shall be entered promptly upon termination of the hearing pursuant to Pa.R.C.P. 1306. If delay damages are an issue, the parties shall submit to the arbitrators in a sealed envelope a stipulation containing the following:

(a) Whether an offer was made in writing;

(b) The amount of the offer, and

(c) The date of the offer.

It shall be the plaintiff's obligation to provide said stipulation to the arbitrators. If the parties are unable to stipulate to the above facts, a separate evidentiary hearing will be scheduled pursuant to B.R.C.P. 1305.1.

**Rule 1308. Appeal—Listing Case for Trial.**

(a) Any party may appeal from an award of arbitrators within such time after the entry of the award and upon compliance with the requirements of Pa.R.C.P. 1308 through 1311. The cost of appealing the arbitration award shall be the amount of compensation paid to the arbitrators, or 50% of the amount in controversy, whichever is less, unless otherwise provided by the Pennsylvania Rules of Civil Procedure.

(b) Any appeal duly taken from the award of arbitrators shall be filed with the Prothonotary, in duplicate.

One copy of the appeal shall be forwarded by the Prothonotary to Court Administration, which shall notify the judge assigned to the case for scheduling a pretrial conference.

**Rule 1315. Compensation.**

For arbitration cases which are initially scheduled for hearing on or after February 1, 2001, each arbitrator shall receive a fee of \$200.00 as compensation for each half day of hearing required and each Chairperson shall receive a fee of \$250.00 as compensation for each half day of hearing required. (A half-day shall be no more than three hours.) For arbitration cases which were initially scheduled for hearing prior to February 1, 2001, each arbitrator, including the Chairperson, shall receive a fee of \$150.00 as compensation for each half day of hearing required. In cases where an award is to be entered by the arbitrators pursuant to an agreed settlement before the hearing, each member of the arbitration panel shall receive as compensation Seventy-Five Dollars (\$75.00). When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation is concerned. The chairperson of the panel of arbitrators

shall certify to Court Administration the amount of time spent hearing the matter.

**Rule 1316. Witness Fees and Costs.**

Witness fees and costs shall conform to fees and costs pertaining to civil actions in the Court of Common Pleas of Berks County.

**Rule 1317. Arbitration Administrator.**

The arbitration administrator shall be the prothonotary of Berks County, or his designee, or the Berks County court administrator as the president judge shall from time to time designate.

**Rule 1318. Settlements.**

In the event that a case is settled prior to the date of the scheduled hearing, counsel of record shall notify each member of the board of arbitrators by telephone or in writing, whichever is most practical under the circumstances, as well as Court Administration, by telephone. Failure to comply with this rule may lead to the imposition of costs of the arbitration proceeding upon either one party or all parties, depending upon the facts and circumstances of each particular case.

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	:	IN THE COURT OF COMMON PLEAS
	:	OF BERKS COUNTY, PENNSYLVANIA
Plaintiff(s)	:	
	:	CIVIL ACTION—LAW
vs.	:	
	:	No. _____
Defendant(s)	:	

*CERTIFICATE OF READINESS FOR ARBITRATION AND REQUEST FOR APPOINTMENT OF ARBITRATORS*

I/We request the Court Administrator to appoint arbitrators and fix the date and time of hearing and hereby certify that (1) the pleadings are closed; (2) all discovery and medical examinations have been completed; (3) all depositions for use at the hearing have been taken or are scheduled to be taken no later than thirty (30) days from the date of this certification; (4) it is understood that no discovery, medical examinations or depositions for use at the arbitration hearing can be taken thereafter, except by leave of court for good cause shown; and (5) the case is ready for arbitration.

A.	_____	Presentation by Plaintiff(s) _____ hours
	Signature of Plaintiff(s) Counsel	
	_____	Presentation by Defendant(s) _____ hours
	Name of Plaintiff(s) Counsel	
	_____	Presentation by Defendant(s) _____ hours
	Mailing Address	

B.	_____	_____ Automobile Negligence
	Signature of Defendant(s) Counsel	_____ Breach of Contract
	_____	_____ Medical Malpractice
	Name of Defendant(s) Counsel	_____ Products Liability
	_____	_____ Replevin Actions
	Mailing Address	_____ Slip and Fall
		_____ Defamation
		_____ Mechanic's Liens
		_____ Negligence (Other than noted above)

*COURT ORDER WHERE ALL PARTIES HAVE NOT JOINED IN REQUEST*

AND NOW, \_\_\_\_\_ 20\_\_\_\_\_, all unrepresented parties or counsel not having joined in the above request, and having been given at least ten (10) days notice of this application to the Court, on motion of \_\_\_\_\_ Esquire, Attorney for \_\_\_\_\_, it is Ordered that Court Administration

appoint qualified arbitrators and set the date, time and place for the hearing and that all non-joining unrepresented parties or counsel are bound by the certification contained in paragraphs (1) through (5) above.

BY THE COURT:

\_\_\_\_\_ J.

APPOINTMENT OF ARBITRATORS

AND NOW, \_\_\_\_\_, 20 \_\_\_\_\_, a hearing in the above case is scheduled for \_\_\_\_\_ 20 \_\_\_\_\_, at \_\_\_\_\_ A.M./P.M., pursuant to Berks County Rule of Civil Procedure 1303.1.

Chairperson: \_\_\_\_\_

Arbitrator: \_\_\_\_\_

Arbitrator: \_\_\_\_\_

Cherstin M. Hamel, Court Administrator By: \_\_\_\_\_ Court Information Management

PLEASE REVIEW LOCAL ARBITRATION RULES, INCLUDING, BUT NOT LIMITED TO, B.R.C.P. 1304, WHICH REQUIRES THAT PRE-ARBITRATION MEMORANDA BE FILED NO LATER THAN 7 DAYS PRIOR TO THE ARBITRATION HEARING.

CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_ a copy of the Certificate of Readiness for Arbitration and the appointment of Arbitrators was mailed by First Class Mail to the following:

_____	Atty. for Pltff.	_____ . Arb.
_____		_____
(address)		(address)
_____	Atty. For Deft.	_____ , Arb.
_____		_____
(address)		(address)
_____		_____ , Arb.
_____		_____
(address)		(address)

_____	By:	_____
Prothonotary		Deputy Prothonotary

APPLICATION FOR REGISTRATION OF ARBITRATOR AND/OR ARBITRATION CHAIRPERSON

Attorney Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Law Firm: \_\_\_\_\_

THE COURTS

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
In Association with: \_\_\_\_\_  
\_\_\_\_\_

In what areas do you concentrate your practice (you may choose more than one):

- |                             |                           |                        |
|-----------------------------|---------------------------|------------------------|
| _____ Automobile Negligence | _____ Medical Malpractice | _____ Slip and Fall    |
| _____ Negligence (Other)    | _____ Products Liability  | _____ Defamation       |
| _____ Breach of Contract    | _____ Replevin Actions    | _____ Mechanic's Leins |

Have you been admitted to practice before the Supreme Court of Pennsylvania?  Yes  No

Have you participated in at least one trial or evidentiary hearing?  Yes  No

Have you completed the Berks County Bar Association CLE course on Common Pleas Arbitration?  Yes  No

Are you willing to serve as a chairperson?  Yes  No

If so, have you been admitted to practice law for at least seven (7) years?  Yes  No

If so, have you been principal attorney in at least ten (10) litigation cases filed in a court of record?  Yes  No

If so, have you participated in at least five (5) trials or evidentiary hearings?  Yes  No

Signature: \_\_\_\_\_ ,  
Attorney

Dated: \_\_\_\_\_

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