

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Order Revising the Comment to Rule 578 of the Rules of Criminal Procedure; No. 494 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 21st day of September, 2017, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 306 (January 21, 2017), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 578 is approved, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2018.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART G(1). Motion Procedures

Rule 578. Omnibus Pretrial Motion for Relief.

Unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.

Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

- (1) for continuance;
 - (2) for severance and joinder or consolidation;
 - (3) for suppression of evidence;
 - (4) for psychiatric examination;
 - (5) to quash or dismiss an information;
 - (6) for change of venue or venire;
 - (7) to disqualify a judge;
 - (8) for appointment of investigator;
 - (9) for pretrial conference;
 - (10) challenging the array of an indicting grand jury;
- [and
- (10)] (11) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322[.] ;
- and

(12) proposing or opposing the admissibility of scientific or expert evidence.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

See Pa.R.E. 702 and 703 regarding the admissibility of scientific or expert testimony. Pa.R.E. 702 codifies Pennsylvania's adherence to the test to determine the admissibility of expert evidence first established in *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Topa*, 369 A.2d 1277 (Pa. 1977). Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the omnibus pretrial motion if possible. However, nothing in this rule precludes such challenges from being raised in a motion *in limine* when circumstances necessitate it.

See Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; **Comment revised September 21, 2017, effective January 1, 2018.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017).

FINAL REPORT¹

Revisions to the Comment to Pa.R.Crim.P. 578

Pretrial Resolution of Admissibility of Expert Testimony

On September 21, 2017, effective January 1, 2018, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule 578 (Omnibus Pretrial Motion for Relief) to encourage the pre-trial resolution of the admissibility of scientific or expert evidence. In particular, the revision

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

adds to the list of types of relief that may be sought in an omnibus pretrial motion proposing or opposing the admissibility of scientific or expert evidence.

The Committee recently examined the question of the pretrial determination of the admissibility of expert testimony. This was prompted by Justice Dougherty's dissenting opinion in *Commonwealth v. Safka*, 141 A.3d 1239 (Pa. 2016). At issue in *Safka* was the trial court's *sua sponte* allowance of the Commonwealth to establish the reliability of the scientific evidence after the Commonwealth had rested. In his dissent from the majority's upholding of the trial court's action, Justice Dougherty noted that this issue could have been avoided had the particular scientific evidence's reliability been challenged earlier than at trial as it had been. Acknowledging that the defense did nothing improper under the current rules, he recommended that the Committee examine rule changes that would encourage the pretrial resolution of these types of challenges.

In undertaking this examination, the Committee first reviewed the law regarding admissibility of scientific evidence and the procedural mechanisms to address the question. *Frye v. United States*, 293 F. 1013 (App. D.C. 1923) is the seminal case establishing the test for the admissibility of scientific evidence. The *Frye* test requires the proponent of scientific evidence to establish that the theory and method used by the expert witness were generally accepted within the relevant scientific community. Although modified in a number of jurisdictions by acceptance of the holding in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), Pennsylvania still adheres generally to the *Frye* test and this standard is recognized in Rule of Evidence 702. Rule of Evidence 703 also enumerates the basis for expert opinion testimony.

Neither of these rules of evidence addresses procedures for raising such challenges. Pennsylvania Rule of Civil Procedure 207.1 provides specific procedures for raising challenges to scientific evidence. However, as Justice Dougherty notes in the *Safka* dissent, the civil rule does not provide for specific timing but is primarily a content rule. In fact, paragraph (b) of Pa.R.C.P. 207.1 states that a party is not required to raise the admissibility of expert testimony pre-trial unless the court so orders. There is language in the Official Note to Pa.R.C.P. 207.1 providing some guidance as to the pretrial determination of such issues:

In deciding whether to address prior to trial the admissibility of the testimony of an expert witness, the following factors are among those which the court should consider: the dispositive nature or significance of the issue to the case, the complexity of the issue involved in the testimony of the expert witness, the degree of novelty of the proposed evidence, the complexity of the case, the anticipated length of trial, the potential for delay of trial, and the feasibility of the court evaluating the expert witness' testimony when offered at trial.

However, this guidance is directed toward the judge in deciding the issue and not toward the parties regarding the time for raising such issues.

The Rules of Criminal Procedure do not provide specific procedures for raising *Frye* issues. *Frye* challenges generally are raised as motions *in limine* but the rules do not

provide for any specific timing for raising these motions. Rules 578 and 579 require an omnibus pretrial motion to be served within 30 days of arraignment and a court to determine all pretrial motions before trial. However, motions *in limine* are distinguished from the omnibus pre-trial motion (and its timing provisions) in the Rule 578 Comment.

The Committee noted that the federal system encourages the pretrial determination of challenges to expert testimony. For example, the Third Circuit has emphasized the importance of conducting *in limine* hearings under Fed. R. Evid. 104 (resolution of preliminary questions) when making reliability determinations required by Fed. R. Evid. 702 and *Daubert. Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3d Cir. 1999). However, this is based heavily on the gatekeeping function that is placed on the trial court by *Daubert* and such motions may still be brought during trial. See, e.g., *Smoot v. Mazda Motors of America, Inc.*, 469 F.3d 675, 676 (7th Cir. 2006).

Based on a review of the foregoing, the Committee concluded that the rules should encourage the pre-trial determination of the admissibility of expert testimony. However, the Committee did not believe that it would be effective to create a specific deadline by which time the motion must be filed, given the wide variations of the types of evidence involved and the circumstances under which the evidence is discovered. The Committee decided that the question would be best addressed by adding a general provision to encourage pre-trial determination of these issues. Therefore, the Comment to Rule 578, which contains a list of suggested types of pretrial motions to be included in the omnibus pretrial motion, has been revised by adding to that list those motions that would "establish a challenge to the admissibility of scientific or expert evidence."²

One of the issues that the Committee discussed was the question of whether or not adding these types of motions to the Rule 578 Comment list of suggested motions would now tie them to the time limitations for omnibus pretrial motions. The Committee first noted that the time limitations for filing omnibus motions often are treated more flexibly by most courts, given the wide variations of issues raised. More specifically, the Committee believes that if there is a legitimate question concerning the reliability of scientific evidence, a trial judge would permit it to be raised even if it was after the Rule 578 time limit. The Committee discussed removing the Rule 578 Comment language referring to motions *in limine* but decided that there are motions *in limine* unrelated to *Frye* issues that should continue to be exempt and did not want to confuse the issue.

The Committee ultimately agreed to add language to the Comment that would state that the pre-trial determination of *Frye* issues should be encouraged but that raising these issues in a later motion *in limine* is permissible as well. Additionally, a cross-reference in the Rule 578 Comment to Rules of Evidence 702 and 703, which address more substantive aspects of the admissibility of expert testimony, has been added. Finally, the revision adds a cross-reference to *Frye* and the chief Pennsylvania cases applying it.

[Pa.B. Doc. No. 17-1661. Filed for public inspection October 6, 2017, 9:00 a.m.]

² Additionally, a typographical error in the numbering of the list would be corrected.

Title 25—LOCAL COURT RULES

CLEARFIELD COUNTY Civil Rules of Court; 2017-24-MD

Order

Now This 27th day of April, 2017, upon written certification from the Local Rules Committee that the foregoing proposed rules are not inconsistent with any general rule of the Supreme Court, the rules following are hereby adopted as the Rules of Civil Procedure for the Court of Common Pleas of Clearfield County.

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(5)(II) two paper copies of these rules be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and that a copy of said rules be distributed to the Legislative Reference Bureau on computer disc (CD-ROM).

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(5)(III) said rules shall become effective thirty (30) days after publication of the rules in the *Pennsylvania Bulletin*.

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(6) one (1) copy of the local rules be filed with the administrative office and that a copy of the rules be published on the website of the Court of Common Pleas for Clearfield County.

It is the further *Order* of this Court that these rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary for Clearfield County and on the website for the Court of Common Pleas for Clearfield County, and that the Prothonotary, upon request and payment of reasonable cost for reproduction and mailing, shall furnish to any person a written copy of these rules.

Finally, it is the *Order* of this Court that all prior Local Rules of Civil Procedure are hereby *Rescinded*.

By the Court

FREDRIC J. AMMERMAN,
President Judge

Rule 51. Title and Citation Rules.

These Rules shall be known as “Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure” and may be cited as “46 J.D.R.C.P. _____”

Rule 52. Effective Date of Rules.

Each Rule adopted by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, shall become effective upon the date specified by the Court in promulgating such Rule.

Rule 53. Definition.

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Clearfield County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure with the exception of the following words or phrases:

(a) “Clerk” shall signify the Clerk of the Orphan’s Court Division of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(b) “Court” shall signify the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(c) “Rule” shall signify any Rule promulgated by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(d) “Party” or “Parties” shall signify the party or parties appearing in an action or the attorney or attorneys of record for such party or parties, whichever the context requires.

(e) “Prothonotary” shall signify the Prothonotary of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

Rule 101. Principles of Interpretation and Construction of Rules.

When interpreting any Rule, the Principles of Interpretation, Rules of Construction, and Presumptions in Ascertaining Intent, set forth in the Pennsylvania Rules of Civil Procedure, “Pa.R.C.P.,” shall be applied.

Rule 181. Admission to the Bar of this Court.

(a) During the month of January of each year, the Court Administrator shall certify to the Prothonotary and the Clerk a list of the active members of the Bar of the 46th Judicial District, which certified list shall be conclusive as to the seniority of the members of this Bar.

(b) Admission to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show: (1) that the applicant has been admitted to the Bar of the Supreme Court of Pennsylvania; (2) that he is a person of good moral character; and (3) either that he is a bona fide resident of Clearfield County or that he maintains his principal office for the practice of law in Clearfield County.

(c) Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this court.

(d) Fifteen (15%) percent of the fee paid each attorney who serves as a Court appointed arbitrator or who serves as a Court appointed master or auditor shall be paid over by Clearfield County to the Clearfield County Bar Association to further the general purposes of that association.

(e) No attorney shall be admitted as surety in any action pending before that Court and the Prothonotary shall not accept any such bond or surety unless by leave of Court for special cause shown.

Rule 182. Appearances and Withdrawals.

(a) The signing of a pleading or motion by an attorney shall be deemed to constitute that attorney’s entry of appearance, whether or not the signature is made on behalf of a professional corporation, partnership, or similar entity. Appearance by attorneys or parties not signing pleadings or motions shall be made by a written praecipe filed with the Prothonotary.

(b) Any appearance or pleading filed by an attorney must state an address at which pleadings and other legal papers can be served in the manner provided in Pa.R.C.P. 440 A.1. Said endorsement shall include a telephone number and the attorney’s email address.

(c) Appearances of counsel may not be withdrawn, except by:

(i) Substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney.

(ii) Leave of Court, in which case, a Rule to Show Cause shall be issued to the client represented by the movant and all other parties to the litigation or proceedings.

(iii) Leave of Court without a Rule to Show Cause where the Petition to Withdraw attaches thereto a consent to withdrawal signed by the client(s). The Petition shall be served upon all other parties to the litigation or proceedings and must state if any hearings or proceedings are scheduled in the case. It will be strictly up to the discretion of the Court whether to allow a withdrawal under this subsection without a hearing.

(iv) No PRAECIPE FOR SELF-REPRESENTATION—Pro Se will be accepted for filing or acknowledged as a withdrawal of appearance.

(d) All changes in counsel shall be evidenced by an appropriate praecipe filed in the office of the Prothonotary. Change of counsel will not be a basis for a continuance of any proceeding unless specifically allowed by the Court.

Rule 206.1. Petition Practice.

(a) As used in this chapter, “petition” means

(1) an application to strike and/or open a default judgment or a judgment of non pros, and

(2) any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the Court for disposition.

(b) Rules to Show Cause shall be made returnable by the Court at a specified time, on a specified day, which Return Day shall not be less than twenty (20) days from the date of issuance of the Rule to Show Cause, unless the Court for good cause makes the Rule returnable at a different time.

(c) Motions and petitions shall be presented to the Court through the Court Administrator.

(d) Except for emergency matters and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the Court unless the motion or petition contains a certification by counsel for the moving party that prior notice of its presentation has been given to the other party or parties and all counsel of record.

(e) No rule shall be entered by the Court in which a matter is stayed unless said rule contains a certification by counsel for the moving party that prior notice of the presentation of the motion or petition has been given to the other party or parties or their counsel and all counsel of record, and the party or parties are given an opportunity to be heard consistent with exigencies of the case.

(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see Pa.R.C.P. 440) and upon the Court Administrator.

(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

(h) The respondent to whom the Rule to Show Cause is directed shall file and serve in the same manner as service is authorized by the Pennsylvania Rules of Civil Procedure (See Pa.R.C.P. 440) a verified Answer to the Petition or Motion at or before the time on the Return Day fixed in the Rule to Show Cause. Any objection shall be expressed in the Answer, and not by Preliminary Objections or New Matter.

(i) The Order for the issuance of a Rule to Show Cause shall be in the following form:

Now this ____ day of _____, 20____, upon consideration of the attached petition, a Rule is hereby issued upon _____ to Show Cause why the Petition should not be granted with written response to be filed within no more than twenty (20) days from the date of this Order.

1. Pre-trial conference with the Court is hereby scheduled on the ____ day of _____, 20____ at the Clearfield County Courthouse, in Judge’s Chambers.

2. Hearing shall be held on the merits of the Petition on the ____ day of _____, 20____ at the Clearfield County Courthouse, Courtroom No. ____ .

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING _____ BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5010

BY THE COURT,

JUDGE

Hearing on the merits shall be scheduled in the Order issuing the Rule to Show Cause, or at the discretion of the Court at time of the pre-trial conference.

(l) Upon the rule being issued, petitions and motions may be filed at any time.

Comment: This rule clarification is to make clear that the rule to show cause in petition/motion practice is a “notice to plead” by which time an answer to the petition or motion must be filed. A hearing date will be set contemporaneously with the issuance of the rule, unless the Court orders a pre-trial conference. The Court will resolve all factual issues relevant to the petition/motion at the hearing.

(j) All facts alleged in the Petition or Motion which has the notice set forth in Rule 206.0(i) attached and which are not sufficiently denied by an Answer shall be deemed admitted. Where a Petition or Motion contains a rule to show cause with a notice set forth in Rule 206.1(i) and the Respondent does not file an Answer to the Petition or Motion, then the Court, upon motion of any party, may make the Rule absolute.

(k) No petition or motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

Rule 208.3. Motions.

(i) All Petitions and Motions, except those made in the course of trial or hearing, shall be in writing. The signing of a Petition or Motion by the attorney of record shall constitute a certification that he or she has read the Petition or Motion and that to the best of his or her knowledge, information and belief, there are good grounds to support it and that it is not interposed merely for delay.

(ii) All Petitions and Motions shall state with particularity the grounds on which they are based and, where written shall be in paragraph form, in conformity with Pa.R.C.P. 206.2. Further, all Petitions and Motions in writing shall precisely state the relief which is being sought and shall cite any statute or procedural rule authorizing the grant of such relief.

(iii) Petitions and Motions authorized by Pa.R.C.P. 1017(b) (Preliminary Objections), 1034 (Summary Judgment) and 1509 (Preliminary Objections) shall be filed with the Prothonotary. All other motions shall also be filed with the Prothonotary.

(iv) Any motion which does not require argument or hearing may in the sound discretion of the Court be signed granting the relief requested in the motion. All other motions shall proceed in the manner prescribed in Rule 206.1 et. seq.

(v) No motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

Rule 210. Briefs.

(a) No brief shall be lodged or filed with the Court unless the Court expressly directs the parties to do so.

(b) All briefs shall be lodged with the Court Administrator and a copy thereof served upon every other party.

(c) Briefs shall be typewritten or printed on one side of the paper and double-spaced (except for quotations) on paper approximately 8-1/2 inches by 11 inches in size, and shall contain:

- (1) A history of the case.
- (2) A statement of the question or questions involved.
- (3) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (4) An argument with citations of the authority relied upon.
- (5) A conclusion.
- (6) Opinions of Court or Agency involved.

Rule 212.1. Status Conference.

In any civil action, a party shall have the right to request a status conference after sixty (60) days from the filing of the Complaint. Status conference shall be requested by filing a Praeceptum for the same and providing a copy to the Court Administrator and opposing counsel (or party). Upon the conclusion of the Status Conference, the Court may enter a case management order:

(a) directing that discovery shall be completed within a certain time, after which discovery may not be sought without agreement of the parties or special leave of court;

(b) directing the parties take such other actions as the Court deems will aid in the disposition of the action;

(c) directing that a further status conference be held within ninety (90) days; or

(d) setting forth any other such direction(s) as the Court deems to be appropriate.

Rule 212.2. Praeceptum for Trial.

(a) Either party may file a praecipe to list the case for trial upon filing the following certificate:

(1) that no motions are outstanding and that discovery has been completed and the case is ready for trial; or

(2) that no motions are outstanding and that an order of the Court has been entered limiting the discovery to a period ending more than thirty (30) days prior to the filing of the praecipe; and

(3) whether the case is to be heard jury or non-jury; and

(4) that notice of the praecipe has been given to the attorney or attorneys representing the other parties.

(b) Any party objecting to the case being listed for trial shall file his motion to strike the case from the trial list within fifteen (15) days after receiving notice of the praecipe from the other party. Such motion shall:

(1) set forth whether the other party has complied with subsection (a) of this rule;

(2) set forth whether the action has been listed for trial previously; and

(3) set forth the reason why the case should be stricken from the trial list;

(c) In the event the Court strikes the action from the trial list for failure to comply with subsection (a)(1) or (2) of this rule, the case will not be listed unless one of the parties files a praecipe for trial, or the Court orders that the case be listed for trial.

Rule 212.2A. Pre-Trial Conference Upon Praeceptum for Trial.

(a) Upon a praecipe for trial, whether the trial is to be by jury or non-jury, the Court will schedule a pre-trial conference within sixty (60) days of the filing of the praecipe in order to establish a schedule for the filing of pretrial memoranda, exchange of expert reports, and to schedule trial dates and jury selection if necessary.

Rule 212.3. Call of the List.

There shall be no formal Call of the Trial List. Pre-trial conferences shall be scheduled following the Court's receipt of a Praeceptum for Trial pursuant to the Clearfield County Local Rule 212.4.

Rule 212.4. Pre-Trial Conference.

(a) For purposes of this rule, "pre-trial" shall mean a type of conference described in Pa.R.C.P. No. 212.3.

(b) Pre-Trial conferences are extended to all actions, whether jury or non-jury, not subject to arbitration under Rule 1301.

(c) Any application for continuance of the conference shall be addressed to the Court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on all items of evidence and admissions and shall, if possible, have full settlement authority.

(e) One week before the date set for the pre-trial conference each party shall file a pre-trial statement with the Prothonotary containing the following:

(1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.

(2) A statement of any unusual question of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.

(3) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses.

(4) Medical reports of any doctor who treated, examined or was consulted in connection with the injuries complained of, and who may be called as a witness.

(5) The reports of any expert whose opinion will be offered in evidence at the time of trial. Such report shall include the findings and conclusions of the expert.

(6) A list of all items of special damages which the party intends to prove, including medical bills, property damage bills (or estimates if there are no bills) and loss of earnings. Claims for loss of earnings shall set forth the names of employers, dates of absences and rates of pay. If the party is self-employed, information which forms the basis for the loss of income attributable to the injuries shall be supplied.

(7) A list of exhibits which the party may use at trial.

(8) A copy of any photographs, plan or plot proposed to be introduced into evidence.

(9) An estimate of the length of time which will be required to try the case.

(10) A list of proposed stipulations or special arguments which would simplify the trial of the case.

(f) Once a pre-trial conference has been held, a party shall not have the right to call any witness where the witness was not listed in the pre-trial statement, to call an expert witness where the report was not appended to the pre-trial statement, or to present any exhibit, photograph, plot or plan not listed or appended in the pre-trial statement unless application is made to the Court setting forth the reasons the witness, the report, the exhibit, photograph, plot or plan was not listed or appended to the pre-trial statement and after argument, the Court, in the exercise of its discretion, permits the use of said witness, report, exhibit, photograph, plot or plan at trial. Once the trial commences, no witness, exhibit, photograph, plot or plan shall be used by either party, except as rebuttal,

unless they were listed in the pre-trial statement or their use has been authorized by special leave of court.

(g) The Court shall enter an order at the conclusion of the pre-trial conference setting forth the time of the selection of the jury, the days certain for the commencement of the trial, and any stipulations or any special agreements as to the case agreed upon by the parties.

Rule 212.5. Settlement Conference.

(a) In any action, the Court, on written application of any party, may list the case for a settlement conference if the following requirements are met:

(1) Praecipes for trial have been filed with the Prothonotary.

(2) All preliminary motions have been resolved.

(3) All counsel involved in the case agree to the submission of the case.

(4) All counsel agrees there is a reasonable chance of settlement.

(5) All discovery has been completed.

(b) The name of the insurance carrier must be disclosed and a representative of the insurance carrier must be present at the settlement conference with unlimited authority.

(c) The Plaintiffs and Defendants, if there is no insurance, in all cases listed must be present at the settlement conference.

(d) In order to expedite the preparation of the settlement conference list, counsel are required to submit the following information:

(1) Caption of case and number.

(2) Companion case, if any; and number.

(3) Date praecipe for trial was filed.

(4) Names of all counsel involved in case.

(5) Names of insurance carriers.

(6) Names of insurance company representatives who attend conference.

(7) Policy limits of applicable insurance, if any.

(e) Counsel shall submit a memorandum to the judge before whom the case is scheduled at least ten (10) days prior to the scheduled conference.

(f)

(1) Counsel shall be notified at least thirty (30) days in advance of settlement conference of the scheduling thereof.

(2) Settlement conference memoranda shall include, but not be limited to a statement of facts, damages, stipulations desired, witnesses, negotiations, strength and weaknesses of each side of the case and any unusual law. The parties' memoranda shall be for the eyes of the settlement conference judge only. There is to be no exchange by the parties of the memoranda.

(3) Failure to submit a memorandum in accordance with these rules and/or failure to promptly attend the settlement conference may be deemed to be contempt of Court and subject to such sanctions as the Court may impose.

(g)

(1) The settlement conference Judge may request part of the time alone with each attorney in order to discuss strengths and weaknesses of each side of the case.

(2) In the event no settlement is reached, further attempts to settle the case as the settlement conference Judge deems appropriate shall be instituted by said Judge, with the approval of the President Judge if the settlement conference Judge is a Senior Judge.

(i) Where the case has been assigned to one Judge for trial, the other Judge or a Judge specifically assigned shall be assigned as the settlement conference Judge.

Rule 216. Jury Selection and Continuances.

(a) *Jury Selection*: Jury selection shall be held three times each year at such dates as determined by the President Judge.

(b) *Continuances*:

(1) A case that has been properly certified as ready for jury selection and is in all other respects ready for trial may, nevertheless, be continued one time by agreement of counsel without Court approval, unless a jury has been selected.

(2) No continuance by agreement of counsel will be permitted after a jury has been selected without the written consent of the attorneys and approval of the Court.

(3) A continuance may be granted by the Court in the exercise of its discretion due to the death, illness, or incapacity of a party or witness only after argument and the presentation of evidence of such death, illness or incapacity.

Rule 221. Examination of Jurors.

(a) After the jury panel for a particular case is drawn, a list of the persons on such panel shall be handed to each attorney involved in the case, and the Court shall inform the jurors of the names and residences of each of the parties, the nature of the suit, and the names of the attorneys and their associates.

(b) Initial voir dire examination shall be conducted by the Court. The Court shall permit counsel to supplement the Court's voir dire examination by such further inquiry as it deems proper.

Rule 225. Openings and Closings.

(a) The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principles:

(1) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.

(2) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the evidence intended to be introduced in support of same.

(3) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.

(4) Counsel for defendant or any third party defendant may elect to make the opening address prior to the taking of any testimony or immediately prior to the presentation

of evidence by the defense, unless the trial Judge in a particular case requires such opening address by the defense counsel to be made at a particular time.

(5) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

Rule 226. Points for Charge.

Points for charge shall be provided to the Court prior to closing arguments of counsel. For each requested point for charge, Counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings on the points submitted may be requested.

Rule 227.1. Post-Trial Conferences.

In every case in which a Motion for Post-Trial Relief has been filed, the Court may schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that have been raised in said post trial motion and the extent of the trial record which will need to be transcribed. Additional reasons in support of the motion for post trial relief shall be filed within ten (10) days of the receipt of the trial transcript but only if leave is requested at the time of the filing of the motion for post trial relief and leave is granted by the Court at the post trial conference.

Rule 227.2. Motions: Post-Trial and Post-Hearing.

The moving party in all post-trial motions and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion.

Rule 223. Service of Petitions, Rules, Complaints, Orders and Notices.

Whenever service by publication is authorized by law or rule of Court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Clearfield County and in the *Clearfield County Legal Journal*. Affidavits of publication shall be filed in the Office of the Prothonotary or Clerk. Newspaper publication shall be in the *Clearfield Progress*. However, if the Defendant(s)/Respondent(s) last known address was in the City of DuBois, Troutville Borough or the Townships of Brady, Houston, Sandy or Union publications shall be in the *DuBois Courier Express*. Newspaper publication shall also be in the *DuBois Courier Express* if the action involves real property located in any of the above listed municipalities.

Rule 251. Court Records.

(a) *Filing*.

(1) All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(2) All pleadings shall be endorsed with the name of the party filing the pleading, the party's complete address, telephone number, fax number and email address. In the case of a pleading filed by an attorney said pleading shall be endorsed with the full name of the

attorney, the name of the firm, the complete address of the firm, telephone number, fax number and email address.

(3) No pleadings, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8-1/2" x 11" in size.

(4) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than pica, and double spaced; and contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address and I.D. number of the attorney filing it or the name and address of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(b) *Removal of Court Records.*

(1) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk without a written order signed by the Court requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force or effect. In cases where the Court authorizes the removal of records or documents, the Prothonotary or Clerk, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(2) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or Clerk may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

(3) The provisions of this Rule do not apply to the delivery of records to Judge's chambers or courtrooms.

Rule 252. Costs.

(a) Costs shall follow the verdict or decree, unless the Court orders otherwise.

(b) *Taxation of costs.* A party entitled to costs shall file a bill of cost, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. A certificate of service will be filed within five (5) days of the filing of the bill of cost. If no objections to the bill of costs are filed by any party within twenty (20) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.

(c) Bill of costs shall be filed within thirty (30) days of the entry of the verdict or decree, or within sixty (60) days of the entry of an order of the appellate Court where a matter is reversed.

Rule 261. Court Administrator.

The President Judge shall appoint a Court Administrator, who shall serve at the discretion of the Court (and the Administrative Office of Pennsylvania Courts) and under the supervision and jurisdiction of the Court. The duties of the Court Administrator shall be:

(a) List all cases at law for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(b) List all cases in equity for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(c) List all motions, exceptions or reports of masters in divorce, and preliminary objections for argument or decision in conformity with Local Rules 206 and 211.

(d) Schedule the trial of equity cases and other civil nonjury trials.

(e) Perform such other duties at the Court may from time to time assign to him or her.

Rule 307. Prothonotary.

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing, and shall enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case before the pleadings, rules, orders of Court and other papers leave the Prothonotary's office.

(b) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk, except in accordance with Rule 251(b).

(c) Only the Prothonotary, his clerk, attorneys registered in Clearfield County and Attorneys of record in a particular case and such other persons as the Prothonotary or the Court shall specially authorize shall be permitted to have direct access to the Court's files in the Prothonotary's Office.

(d) No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of Court.

(e) All papers filed with the Prothonotary shall be designated numerically starting with the number one for each calendar year and with appropriate alphabetical symbols to differentiate between the various proceedings filed.

Rule 319. Termination of Inactive Civil Cases.

(a) From time to time the Court shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The Court shall give at least thirty (30) days notice to counsel of record, and to the parties for whom no appearance has been entered and that an order will be entered at that time terminating the case on grounds of unreasonable inactivity pursuant to Rule of Judicial Administration 1901 unless some action is taken before the General Call, or good cause is shown as to why the case should not be terminated.

(c) The notice herein required shall be in person or by mail to the last address of record of counsel or the parties setting forth a brief identity of the matter to be terminated.

(d) When the Prothonotary is unable to give notice in person or by mail, notice of service shall be made in such form and manner as are in accordance with P.A.R.J.A. 1901(c) or as the Court, by order, may direct.

(e) The Prothonotary shall file an affidavit of service or other effective proof of service of the herein prescribed notice of intention to terminate inactive cases.

(f) If no good cause for continuing any case is shown at the General Call, an order shall be issued forthwith by the Court for dismissal of said case.

Rule 1018.1. Notice to Defend.

The person, to be named in the Notice to Defend, from whom legal help can be obtained is:

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5010

Rule 1028C. Preliminary Objections.

(a) Preliminary Objections shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) The Court shall schedule argument upon the preliminary objections.

(c) The moving party shall notify all other parties to the proceeding of the date, time and location of the argument.

(d) No briefs shall be required from any party unless the Court directs the filing of briefs which shall be lodged with the Court Administrator on or before the due date specified by the Court. Copies of each parties' brief shall be served upon every other party to the proceeding.

(e) This rule shall not apply to family law matters or actions pursuant to the eminent domain code of 1960.

Rule 1034.A. Motion for Judgment on the Pleadings.

(a) All motions for judgment on the pleadings shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) A motion for judgment on the pleadings shall proceed as set forth in Local Rule 206.1 et. seq.

Rule 1035.2A. Motion for Summary Judgment.

(a) all motions for summary judgment shall be filed with the Clearfield County Prothonotary along with a scheduling order for the Court's use. The scheduling order shall also provide that the responding party(s) shall have no more than twenty (20) days to file a written response from the date of the Court's order.

(b) a motion for summary judgment shall proceed as set forth in Local Rule 206.1 et. seq.

Rule 1301. Compulsory Arbitration.

(a) All civil cases, wherein the amount in controversy (exclusive of interest and costs) shall be Twenty Thousand (\$20,000.00) Dollars or less shall be submitted to and be heard and decided by a Board of Arbitration consisting of three (3) members of the Clearfield County Bar Association upon the filing of a Certificate of Readiness on the form prescribed by these rules.

(b) Any civil case, regardless of the amount in controversy, upon approval of the Court, may be referred to a Board of Arbitration, by written agreement signed by all parties or their counsel.

(c) The Court, on its own motion, or on motion of either party, may direct that any case may be submitted, heard and decided by a Board of Arbitration. The Court may also determine the amount in controversy as to any case and may enter an Order directing that the case proceed to a Board of Arbitration in conformity to P.A.R.C.P. 1021(d).

(d) In all such instances set forth in subparagraphs (b) and (c) above the award of the Board of Arbitration shall be limited to an amount no greater than Twenty Thousand (\$20,000.00) Dollars.

Rule 1302. Selection of Date for Arbitration and Selection of Board of Arbitration.

(a) Upon receipt of a Certificate of Readiness, certifying there are no motions outstanding, discovery is completed and the case is ready for trial, the Office of the Court Administrator of Clearfield County shall select a date for arbitration which shall be sixty (60) to seventy-five (75) days from the date of filing of the Certificate of Readiness. The Certificate of Readiness shall also include the estimated time needed for the arbitration hearing.

(b) The Office of the Court Administrator of Clearfield County shall send notification to all counsel and/or pro se parties in the case, to verify they have no conflict with the arbitration date. Contact shall be made via regular USPS mail, and, in the case of pro se participants, also by USPS Certified mail with return receipt. Additionally, an e-mail can be sent to all parties that have provided their e-mail addresses. A deadline for reply as to acknowledgment of the arbitration date shall be included in the notice.

(c) When the arbitration date is set, the Office of the Court Administrator of Clearfield County shall contact members of the Clearfield County Bar Association with the date of the arbitration and case captions in order to obtain the services of four (4) to six (6) potential members for a Board of Arbitration. This contact can be made via regular mail or via an e-mail.

(d) The Office of the Court Administrator of Clearfield County shall send the list of potential members of the Board of Arbitrators to counsel and/or pro se participants, via regular mail or e-mail, if e-mail addresses are available, requesting a reply in writing by a date certain as to name of one potential arbitrator that counsel and/or the pro se participant wishes to strike from the Board.

(e) Once the date certain for response has passed, the Office of the Court Administrator shall eliminate from the potential Board of Arbitration those individuals who have been stricken and then shall select for appointment by the Court the three Bar Association members, in order of seniority within the Bar Association, with the most senior member being designated as Chairperson.

(f) In the event of extraordinary circumstances, the President Judge, in the exercise of the Court's discretion, may directly select and appoint a Board of Arbitration without the input of the parties or their counsel.

(g) The Office of the Court Administrator shall mail or e-mail a certified copy of the Court Order setting the date of Arbitration and appointing the individual Board members to all counsel, pro se participants and members of the Board.

Rule 1303. Continuance of Arbitration Cases.

Once the case has been scheduled for an arbitration, no continuance shall be granted without Court approval. The requestor must file a Motion for Continuance with the Prothonotary in order for the Court to consider the request.

Rule 1304. Pre-Trial Statement.

(a) At least seven (7) days prior to the day of the scheduled arbitration, each party shall file a Pre-Trial Statement with the Clearfield County Court Administrators Office, with a copy thereof being served on each of the three members of the Board of Arbitration and all other named parties in the case.

(b) The Pre-Trial Statement shall consist of the following:

- (1) a brief statement of the facts of the case and/or the defense being asserted;
- (2) citation to any applicable statutes or cases;
- (3) a list of the witness to be called; and
- (4) a statement of damages and copies of those bills which each party intends to offer.

(c) In the event no Pre-Trial Statement is filed for a party within at least seven (7) days prior to the date of arbitration, that party shall not have the right to call any witness or present any exhibit, photograph, plot or plan not listed or appended in the Complaint or in the parties pleadings or Pre-Trial Statement, unless application is made to the Court setting forth the reasons a Pre-Trial Statement was not filed and, after consideration by the Court, the Court in the exercise of its discretion permits the late filing of the Pre-Trial Statement.

Rule 1305. Arbitration Hearings.

(a) When a panel of Arbitrators shall be assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue and submitted to them by any person having authority to administrator oaths.

(b) The Board of Arbitration shall conduct the hearing before them with due regard to the law and according to the established rules of evidence and they shall have the powers of a Court to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

(c) The President Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings as well as in regard to the application of these rules.

(d) Witness fees in any cases referred to the Board of Arbitration shall be in the same amount as is currently in effect for witnesses in trials before the Court of Common Pleas of Clearfield County. The cost thereof, in any case, shall be paid by the same party or parties by whom they would have been paid had the case been tried before the Court of Common Pleas of Clearfield County.

Rule 1306. Report and Award of Board of Arbitration.

(a) Immediately following the hearing, unless a question of law arises which requires briefing in which case the award shall be filed no later than ten (10) days after the hearing, the Board of Arbitration shall file a report and award with the Prothonotary on the same day. The report and award shall be signed by all or a majority of the members of the Board. The Prothonotary shall mail or otherwise forward copies thereof to all parties or their counsel. The Prothonotary shall file the report and award on the docket of the case.

(b) The report and award, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a verdict. If no appeal is taken within the time allotted therefore, the successful party or counsel may enter a judgment on the award upon praecipe after which execution process may be issued upon such judgment as in the case of other judgements.

Rule 1307. Bills as Evidence in Arbitration Hearings.

(a) In actions before the Board of Arbitration involving personal injury, the following bills may be offered and received in evidence, without further proof, for the purpose of proving the value and reasonableness of the charges for services, labor and materials, or items contained therein and where applicable, the necessity for furnishing the same, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties, or their attorneys, accompanied by a copy of the bills to be offered in evidence, unless counsel for the adverse party or the adverse party shall notify counsel for the claimant in writing no later than Two (2) weeks prior to the day set for hearing that the value and reasonableness of the charges are disputed:

(1) Hospital bills on the official letterhead or billhead of the hospital when dated and itemized;

(2) Bills of doctors, eye doctors, mental health professionals and dentists, when dated and containing a statement showing the date of each visit and the charge therefore, and accompanied by a statement of the correctness and reasonableness of the charges and that the service rendered was, in his or her opinion, necessary and casually connected with the incident involved;

(3) Bills of registered nurses, licensed practical nurses or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefore, and accompanied by a statement of the nurse or physical therapist of the correctness and reasonableness of the charge and that the services rendered were in his or her opinion necessary;

(4) Bills for medicine, eye glasses, prosthetic devices or similar items, when accompanied by a letter from the supplier stating that the charge is correct, reasonable and represents the market value of the item or items referred to therein;

(b) In actions before the Board of Arbitration involving damage to property, repair bills and estimates, when identified and itemized setting forth the charges for labor and materials, may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charge, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties or their counsel and no indication has been received indicating the bills, estimates or amounts are disputed.

Rule 1308. Appeals.

(a) Any party may appeal from the award of the Board of Arbitration to the Court of Common Pleas of Clearfield County. The right to appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) day after the award is filed with the Prothonotary:

(1) The Appellant shall pay an appeal fee as required by law and shall file with the Prothonotary a Notice of Appeal and shall serve a copy thereof upon the adverse party or opposing counsel;

(2) The Appellant shall file an affidavit with the Prothonotary certifying that the appeal is not taken for delay, but because it is believed that an injustice has been done;

(3) The Appellant shall file a recognizance bond with sufficient surety in double the amount of the costs likely to accrue, conditioned for the payment of all costs that may be legally recovered in such case against the Appellant;

(4) The Appellant shall pay all record costs accrued to the time of the taking of the appeal; and

(5) The Appellant shall pay to the Prothonotary for the use of the Court the total sum of the amount of the Arbitrators fees paid in the case or an amount equal to fifty (50%) percent of the amount in controversy, whichever is the lesser. The sum so paid shall not be taxed as costs in the case and shall not be recoverable by the Appellant in any proceedings.

(b) All appeals taken from the Board of Arbitration award to the Court of Common Pleas of Clearfield County shall be de novo.

(c) In the event of an appeal from the award or decision of the Board of Arbitration, the Arbitrators shall not be called as witnesses as to what took place before them in their official capacity as Arbitrators upon any hearing de novo.

Rule 1309. Compensation of Arbitrators.

(a) Each member of the Board of Arbitration shall receive the following sums as a fee for their appearance as an arbitrator on the Board of Arbitration:

(1) Each attorney shall receive an appearance fee of One Hundred Fifty (\$150.00) Dollars for appearing as a member of the Board of Arbitration;

(2) An additional fee of Fifty (\$50.00) Dollars in the event that the attorney is required to hear cases until 10:00 A.M.

(3) An additional fee of Seventy-Five (\$75.00) Dollars if the attorney is required to be present and hear cases between the hours of 10:00 A.M. and 12:00 Noon;

(4) An additional fee of One Hundred Fifty (\$150.00) Dollars if an attorney, after a normal lunch break, is required to return for arbitration after 1:00 P.M.

(5) If an attorney is only scheduled for afternoon arbitration, an additional fee of Fifty (\$50.00) Dollars if the attorney is required to hear cases until 2:00 P.M. and an additional fee of Seventy-Five (\$75.00) Dollars if the attorney is required to remain after 2:00 P.M.

(b) In cases requiring hearing of undue length or of unusual complexity, the President Judge, on petition of the members of the Board of Arbitration and for cause shown, may allow additional compensation. The members of the Board of Arbitration shall not be entitled to receive their fees until all reports and awards shall be filed with the Prothonotary. Fees paid to Arbitrators shall not be taxed as costs nor following the awards as other costs.

Rule 1511. Judgment upon Default or Admission.

In all equity cases in which a judgment is entered upon default or admission, the plaintiff shall submit to the Court a proposed decree for the Court's consideration when entering the appropriate decree.

Rule 1910. Application for Alimony Pendente Lite, Counsel Fees, Costs and Expenses.

(a) Any party may file a count in the complaint, a counterclaim or petition for alimony pendente lite, counsel fees, costs and expenses.

(b) The moving party must file with the application for relief an income and expense statement, a copy of his or

her most recent tax return and pay receipts for six (6) months prior to the date of his or her application.

(c) If the application is filed by complaint or counterclaim, the complaint or counterclaim must be endorsed with a Rule to Show Cause as provided in Rule 206.1(h)(i). If the application for relief is filed by petition, the moving party shall follow the practice set forth in Rule 206.1 et. seq.

(d) The responding party must file an income and expense statement, a copy of his/her most recent tax return and pay receipts for six (6) months preceding the date of his/her response by the return date set by the Court.

(e) The failure of a party to file an income and expense statement, tax return or pay receipts shall not be cause for a continuance of the hearing date set by the Court. The Court shall have the option to proceed to a hearing without the required filings.

Rule 1920. Divorce Master.

(a) Either party may request the appointment of a Master in Divorce by filing a Praecipe with the record.

(b) Upon the receipt of a praecipe requesting appointment of a Master, the Court will appoint a Master and schedule a pre-hearing conference among the Master, counsel and the parties.

(c) At such time as designated by the Court or the Master, the parties shall file and exchange Inventory and Appraisal, Pre-Trial Statement and Budget Information documents, as well as providing copies of the same to the Master.

(d) In order to defray the costs of the Master's hearing, the Court will issue an order setting the amount payable by each party and setting a deadline for payment. Master's fees are payable at Judge Cherry's Chambers or mailed to J. Shirey, Judge Cherry's Chambers, 230 E. Market Street, Clearfield, Pa 16830 and any check or money order shall be made payable to the Treasurer of Clearfield County. The amount paid is non-refundable. In the event that any party fails to submit the payment for the Master by the due date, an additional Administrative fee of \$100.00 will be added to the delinquent party's fee for the Master's hearing.

(e) It shall be the responsibility of the Plaintiff to obtain the services of an independent court reporter to be present for the Master's Hearing for the purposes of producing the appropriate record. The court reporter hired must have the ability to prepare any order(s) and/or settlement documents required on the day of the hearing. No less than ten (10) days prior to the Master's Hearing, counsel for the Plaintiff (or the Plaintiff) shall, by letter, confirm to the Master that the Plaintiff has obtained an independent court reporter for the Master's Hearing. The Master in Divorce shall be at liberty to assign costs related to the court reporter to either or both parties in such manner as the Master deems to be appropriate when issuing the Master's Report. Following the hearing, any party which desires a transcript of the same shall be responsible for the costs of the same, pursuant to Local Rule and the Rules of Judicial Administration.

(f) In the event that either or both parties shall fail to comply with any of the provisions as set forth above, the Court will schedule a contempt hearing in order that the appropriate sanction(s) may be imposed.

Rule 4005. Written Interrogatories to a Party.

Without leave of Court or written consent, any party may serve upon any other party written Interrogatories not exceeding 50 in number, including all discreet subparts. Leave to serve additional Interrogatories may be granted by Order of Court upon cause shown and consistent with the provisions of Pa.R.C.P. Rule 4005(c).

Rule 4008. Oral Depositions—Limitation.

If the parties do not agree otherwise, the place of taking of any deposition of a non-expert shall be within the boundaries of Clearfield County, Pennsylvania. If counsel wish to take any deposition in the Clearfield County Courthouse, the date, place and time of deposition shall be coordinated with the Clearfield County Court Administrator.

[Pa.B. Doc. No. 17-1662. Filed for public inspection October 6, 2017, 9:00 a.m.]

DAUPHIN COUNTY**Promulgation of Local Rules; No. 1793 S 1989, 2217-0001; 1372 MD 2017****Order**

And Now, this 22nd day of September 2017, Dauphin County Local Rules of Judicial Administration 101 and 102, Local Rule of Civil Procedure 1930.1, and Local Rule of Criminal Procedure 113 are promulgated and Local Rule of Civil Procedure 205.2(a) and Local Orphans' Court Rule 1.8(c) are amended as follows:

Rule of Judicial Administration 101. Public Access—Confidential Information.

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall not include the following confidential information in any document filed with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), except on the Confidential Information Form designed and published by the Administrative Office of Pennsylvania Courts.

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver's License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. 1931(a), except for victim's name.

B. Attorneys and self-represented parties shall file the Confidential Information Form in the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), contemporaneously with the document.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to appli-

cable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

Rule of Judicial Administration 102. Public Access—Confidential Documents.

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall file the following confidential documents with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court) under a cover sheet titled "Confidential Document Form" designed and published by the Administrative Office of Pennsylvania Courts.

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. 1910.27(c); and
7. Agreements between parties as used in 23 Pa.C.S. § 3105.

B. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by the court. The Confidential Document Form shall be accessible to the public.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

Rule of Civil Procedure 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.

(1) All documents filed in the Office of Prothonotary shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.

(d) The lettering shall be clear, legible and no smaller than Arial 12 point.

(e) The lettering shall be on only one side of a page.

(f) All exhibit tabs shall appear at the bottom of the pleading.

(g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.

(h) Exhibits or attachments smaller than 8 1/2 inches by 11 inches shall be attached to a regular size paper by using adhesive tape.

(i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.

(j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left hand corner of the first page of all papers filed in the Office of the Prothonotary.

(k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "Civil Action—Medical Professional Liability Action" shall appear on all captions directly underneath the docket number.

(l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.

(m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

(n) **[Unless required by an applicable law or rule of court or unless so directed by the court, parties or their attorneys may include only:**

(1) the last four digits of the social security number or the taxpayer identification number;

(2) the year of the individual's birth;

(3) the last four digits of the financial account information

in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with the rule. This rule applies to exhibits to pleadings and to exhibits entered into evidence in Court.]

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.

(2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.

(3)(a) All civil motions, petitions, administrative applications and answers or responses thereto shall be accompanied by a proposed order (or alternative orders).

(b) The proposed order(s) 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 pro se] self-represented parties** to be served.

(4) The judge(s) chambers shall:

(a) file the original order with the Prothonotary;

(b) prepare copies of the order for mailing;

(c) have the Prothonotary's Office certify the copies for mailing;

(d) mail copies of the certified order to all parties listed in the distribution legend;

(e) note the date of mailing and the initials of the person who accomplished the mailing on the filed original order.

Comment

Paragraph (3) of this rule is intended to formalize a practice of long standing in Dauphin County as well as the majority of other counties. The proposed order should identify the relief sought, e.g. continuance, rule to show cause, request status or discovery conference, amend a complaint, etc.

An accurate distribution legend naming all attorneys and **[/or pro se] self-represented parties** and their addresses, telephone numbers, facsimile numbers and e-mail addresses, if any, is essential since the court is now assuming the responsibility for service of its orders. Inclusion of facsimile numbers and e-mail addresses is not intended to authorize service by these methods.

Paragraph (4) of this rule is intended to formalize what is now a hybrid process which has left some doubt as to the responsibility for service of orders.

[Pursuant to 23 Pa.C.S.A. § 4304.1(a)(3), the complete Social Security Number is required when the divorce file is submitted to the court for entry of a divorce decree. Dauphin County uses a form entitled 'Divorce Information Sheet' for the collection of this information. This sheet is pulled from the Prothonotary's file after the entry of the divorce decree and is never available to the public.]

Rule of Civil Procedure 1930.1. Public Access.

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.

Rule of Criminal Procedure 113. Public Access.

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.

Orphans' Court Rule 1.8(c). Docketing of Cases and Request for Assignment.

(1) All matters shall be filed with the Clerk of the Orphans' Court before they are entertained by this Court. **Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.**

(2) When the issuance of a citation is requested, or when any petition, account, objection, preliminary objection, exception to an auditor's or master's report, or motion is ready to be scheduled for a hearing, argument, or disposition by the Court, or when a conference with the Court is requested, a party must file a "Request for Assignment" using the latest format, together with a proposed citation, rule, or order which contain a distribution legend. The Request for Assignment must state:

- (a) the name and docket number of the case;
- (b) the title and date of the matter(s) ready for assignment;
- (c) whether all responsive pleadings have been filed or the time for responsive pleadings has elapsed;
- (d) if a hearing or argument is requested, the anticipated length of the hearing or argument;
- (e) a list of any related cases; and
- (f) the names, addresses, telephone numbers, and email addresses of all counsel and self-represented parties.

Request for Assignment forms shall be available from the Clerk of the Orphans' Court or online at www.dauphincounty.org.

These amendments shall be published in the *Pennsylvania Bulletin* and are effective January 6, 2018.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 17-1663. Filed for public inspection October 6, 2017, 9:00 a.m.]

FAYETTE COUNTY**Public Access Policy: Case Records of the Trial Courts; F.C.R.J.A. 102; No. 2062 of 2017GD****Order**

And Now, this 18th day of September, 2017, it is hereby Ordered that a Public Access Policy: Case Records of the Trial Courts, is adopted as a local rule of judicial administration as follows.

The Prothonotary is directed as follows:

(1) A copy of the order and rule shall be filed with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(2) Two copies and CD-ROM of the order and rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy of the order and rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this rule on the website of Administrative Office of Fayette County Courts at www.co.fayette.pa.us.

(2) Compile the rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

The Public Access Policy: Case Records of the Trial Courts shall become effective on January 6, 2018.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 102. Public Access Policy: Case Records of the Trial Courts.

All filings in the Court of Common Pleas of Fayette County shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania. Information that is confidential as defined by the Public Access Policy shall not be included in any document filed in the Court of Common Pleas of Fayette County, except on a Confidential Information Form filed contemporaneously with the document.

Confidential information filed in accordance with the Public Access Policy shall be on a standardized Confidential Information Form provided by the Administrative Office of Pennsylvania Courts. The form shall be available in each filing office as well as on the Court's website at www.co.fayette.pa.us. Failure to comply with the requirements may result in the matter being before the court for hearing or sanctions.

A copy of this policy shall be continuously available for public inspection in the custodian's office, in the Administrative Office of Fayette County Courts and on the Court's website at www.co.fayette.pa.us.

[Pa.B. Doc. No. 17-1664. Filed for public inspection October 6, 2017, 9:00 a.m.]

HUNTINGDON COUNTY

Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records; No. CP-31-MD-198-2017; AO No. 1-2017

Administrative Order of Court

And Now, this 20th day of September, 2017, the Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records, as follows, is hereby *Adopted* and shall be referenced as Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records. It is *Ordered* that in compliance with Pa.R.C.P. 239:

1. The Huntingdon County District Court Administrator shall file one certified copy of the Rule with the Administrative Office of Pennsylvania Courts;

2. The Huntingdon County District Court Administrator shall distribute two certified copies and a computer diskette containing the text of the Rule to the Legislative Reference for publication in the *Pennsylvania Bulletin*.

3. The Huntingdon County District Court Administrator shall file one certified copy of the Rule with the Civil Procedural Rules Committee.

4. The Huntingdon County Prothonotary shall ensure that the Rule is continuously available for public inspection in the office of Prothonotary.

5. This rule shall become effective January 8, 2018.

By the Court

GEORGE N. ZANIC,
President Judge

PUBLIC ACCESS POLICY OF THE HUNTINGDON COUNTY COURT OF COMMON PLEAS: CASE RECORDS

Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq.

B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.

D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.

E. "Court Facility" is the location or locations where case records are filed or maintained.

F. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

G. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include

identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

H. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

I. "Financial Source Documents" are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

J. "Medical/psychological records" are records relating to the past, present, or future physical or mental health or condition of an individual.

K. "Minor" is a person under the age of eighteen.

L. "Party" is one who commences an action or against whom relief is sought in a matter.

M. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

N. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

Commentary

Regarding Subsection B, "documents for any case filed with, accepted and maintained by a court or custodian" are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection F, the definition of "custodian" does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court.

Regarding Subsection J, this definition is derived from the definition of "health information" provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection L, amici curiae are not parties. See Pa.R.A.P. 531.

Regarding Subsection M, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central

staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

Section 2.0 Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

Commentary

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts that provides for access to case records of the magisterial district courts maintained in a paper format.

Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral or written request to the applicable custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.

B. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of "remote access" in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System's Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania

and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts.

Subsection B does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P.

123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. A custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. See also 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, www.pacourts.us.

Section 7.0. Confidential Information.

A. Unless required by applicable authority or as provided in Subsection C, the following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Pursuant to Section 7, subsection C of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential

information as defined by the Public Access Policy shall use and file a Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as on the Court Administration website at www.huntingdoncountycourt.com.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

Commentary

There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

Section 8.0. Confidential Documents.

A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable au-

thority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include marital settlement agreements, post-nuptial, pre-nuptial, ante-nuptial, marital settlement, and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

Commentary

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in existing statewide public access policies adopted by the Supreme Court: Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

Section 10.0. Limits on Remote Access to Case Records.

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;
2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;
4. In Forma Pauperis petitions;
5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;
6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and
7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. Counsel of record's name and address;
4. Docket number;
5. Docket entries indicating generally what actions have been taken or are scheduled in a case;
6. Court orders and opinions;
7. Filing date of the case; and
8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

Commentary

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

Section 11.0. Correcting Clerical Errors in Case Records.

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including

supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case.

Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. E.g., *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

[Pa.B. Doc. No. 17-1665. Filed for public inspection October 6, 2017, 9:00 a.m.]

POTTER COUNTY

Local Rules; No. 113 of 2017 Misc. Division

Order

And Now, this 13th day of September, 2017, the Court adopts the following Local Rules, which shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

STEPHEN P.B. MINOR,
President Judge

COURT OF COMMON PLEAS

LOCAL RULES

Rule L126. Liberal Construction and Application of Local Rules.

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The Court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Rule L205.2(a). Filing Legal Papers with the Prothonotary.

(a) All papers filed with the Prothonotary in an action at law or in equity and in other matters designated shall be prepared for flat filing and shall be on letter-sized paper, 8 1/2" x 11".

(b) All papers described in (a) above shall be bound at the top, not the side, so that they may be assembled with other papers in the case in a top bound file cover.

(c) Motions and petitions shall be filed with the Prothonotary or clerk of the Orphans Court for presentation to the court.

(d) Except for matters of extreme emergency and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the court unless prior notice of its presentation has been given to opposing counsel of record.

(e) Proposed Orders shall be filed with all motions, petitions, and rules as a matter of course.

(f) All motions, petitions, and rules shall contain a certificate of concurrence or non-concurrence from the opposing party counsel or an explanation of why the same cannot be obtained.

(g) Pleadings filed with the Prothonotary by facsimile will generally not be accepted and shall not be effective

unless followed by the filing of an original pleading. There may be rare instances where a fax is acceptable due to any emergency situation; however, even in those cases, the original is to be properly filed with the Prothonotary as soon as is possible. Filing by facsimile must be pre-approved by the Court, the Prothonotary/Clerk of Courts, or a Deputy of the Prothonotary/Clerk of Courts. If this emergency procedure is followed the date the facsimile is received shall be the effective filing date.

Rule L205.2(b). Cover Sheet.

Every initial pleading and every first pleading after new counsel begins representation shall have a cover sheet which discloses the identity and addresses of the parties along with the name, address and phone number of counsel representing each party if known in substantially the following form:

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF POTTER COUNTY, PA
	:	
vs.	:	No. _____ of _____
	:	
	:	CIVIL DIVISION
Defendant		

Type of Document: _____
 (Filed on Behalf of) _____

Attorney for Plaintiff: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____

Attorney for Defendant: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____

Rule L206.4(c). Rule to Show Cause.

Rules to show cause will issue as a matter of course in accordance with Pa.R.Civ.P. 206.6. Rule to show cause orders shall contain the information required in Pa.R.Civ.P. 206.6(c)(1), (2), (3) and (6).

Rule L208.2(c). Statement of Authority.

All motions, except motions for continuances, shall be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

Rule L208.2(d). Certification of Position: Motions/Petitions.

Prior to submitting any motion/petition, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the motion. The movant or his/her counsel shall include in or attach to his/her motion a certification that the movant or his/her counsel has conferred, or attempted to confer, with all interested parties to ascer-

tain their position on the motion (contested, uncontested or no position). The ascertained position shall be indicated in the certification.

Rule L208.3(a). Motion Procedures.

(a) Upon the filing of any motion, petition, exceptions, or the like, requiring legal argument, the matter will be scheduled by the court in an order which will also establish the advance briefing schedule. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c). Briefs may also be submitted after a matter is heard in the court's discretion. If the brief is not presented to the court when ordered, the court, in its discretion, may refuse to consider a late brief or to hear oral argument. If evidence is to be received in support of the filing, the proponent shall express the same and advise how much time should be allocated for the matter.

(b) The court may with prior approval allow oral argument on any motion by speaker telephone conference provided that the conversations of all parties are audible

to all persons present, or upon stipulation of all parties, by regular telephone conference call. The Court reserves the right to limit the length of telephone argument or testimony. Upon request of any party, such oral argument may be recorded by a court reporter or otherwise under such conditions as the court shall deem practicable. Counsel shall schedule such telephone calls at a time mutually agreeable to all parties and the court. The expense of the call will be the responsibility of the party requesting the call, unless the court directs otherwise.

(c) Emergency Motions will be scheduled either by a proposed order or by notice. All parties should be present for a hearing to take place. The absence of a properly notified party will be deemed a consent to the relief sought.

(d) Briefs shall be required as a matter of course in support of all Preliminary Objections as outlined in Local Rule L208.2(c). If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c).

(e) All motions must contain a proposed scheduling order and information for the Court Administrator. The information for the Court Administrator must contain an estimate of the total amount of time needed to complete the hearing as stipulated in Local Rule L307.

(f) Unless otherwise noted, it is the sole responsibility of the party seeking relief to serve signed orders submitted by the party seeking relief.

Rule L210. Form and Content of Briefs.

Except by prior permission of the Court, briefs (exclusive of pages containing the table of contents, table of citations and any addendum containing opinions, etc., or other similar supplementary matter) shall not exceed twenty-five (25) pages of double-spaced conventional typographical printing. This Rule shall not apply to briefs on post-trial motions. Non-conforming briefs will not be considered unless an exemption was granted by the Court prior to submission.

Rule L212.1. Time for Completing Discovery—Civil.

(a) The parties shall complete discovery within 210 days from the filing of the complaint. Discovery will not be permitted after the 210 day period except by order of court upon good cause shown.

(b) In those cases where it is apparent that extensive discovery will be required or when the pleadings have not closed within 80 days from the filing of the complaint, the court—upon Praecipe of any party—will hold a status conference to establish an alternative discovery timetable.

(c) If matters arise at any time during the discovery period or thereafter which counsel reasonably believes has or will prejudice their case or has or will cause counsel to fall out of compliance with this rule, counsel shall request a status conference.

(d) At any time, the court may, in its discretion, direct the parties to attend a status conference, modify the above timetable, refer the case to mediation, list a case for arbitration, direct a case be listed for trial, or otherwise intervene to expedite the litigation.

(e) If at any time the case is referred to mediation the above timetable shall be stayed pending the conclusion of the mediation.

Comment

It is the intention of this rule to have a case trial ready and listed for pre-trial conference within 12 months from the filing of the complaint. The time standards for general civil matters is: all nonjury cases should be tried or otherwise disposed of within 12 months/360 days after initial filing and all jury cases should be tried or otherwise disposed of within 18 months/540 days after initial filing. It is contemplated that there will be instances when a shorter or longer timetable will be indicated.

Rule L212.3. Pre-Trial Conference.

(a) For purpose of this rule, “pre-trial” shall mean a type of conference described in Pa.R.Civ.P. 212.3.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court. Pre-trial conferences are extended to all actions not subject to arbitration under Local Rule L1302, and arbitration comes by special order. Counsel shall be trial ready and fully prepared as of the time of the pre-trial conference, otherwise, said matter shall be stricken from the trial list.

(c) Any application for continuance of the conference shall be by motion addressed to the court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions and must have full settlement authority. If counsel does not have such authority then the person or corporation having the actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) At least seven (7) days before the date set for the pre-trial conference, each party shall submit to the court and opposing counsel a pre-trial statement in accordance with Pa.R.Civ.P. 212.2, to include:

(1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.

(2) A statement of any unusual questions of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.

(3) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses. The listing of a witness by a party shall impose no liability on the party to call the witness or to procure his attendance at trial.

(4) Medical reports of any doctor who treated, examined or was consulted in connection with the injuries complained of, and who may be called as a witness.

(5) The reports of any expert whose opinion will be offered in evidence at the time of trial. Such report shall include the findings and conclusions of the expert.

(6) A list of all items of special damages which the party intends to prove, including medical bills, property damage bills (or estimates if there are not bills) and loss of earnings. Claims for loss of earnings shall set forth the names of employers, dates of absences and rates of pay. If the party is self-employed, information which forms the basis for the loss of income attributable to the injuries shall be supplied.

(7) Each party's pre-trial statement shall include an exhibit list and a copy of all exhibits, which shall be pre-marked, that the party may use at trial. At the time of trial, a copy of the pre-marked exhibits must be provided to the Court and a copy of the exhibits list must be provided to the Court, court reporter, and opposing counsel.

(8) A copy of any hypothetical questions to be used with regard to the subject except the physical or mental condition of the party, or the cause thereof, together with the name and address of the witness to whom it is to be propounded.

(9) A copy of any plan or plot proposed to be introduced into evidence.

(10) An estimate of the length of time which will be required to present the party's case in chief.

(f) Counsel shall meet before trial and review their respective exhibits to determine whether a stipulation can be reached regarding the admissibility of any exhibits, thereby alleviating the need of calling a sponsoring witness.

(g) For each exhibit which shall be made part of the record the party offering the exhibit shall provide a copy of the exhibit to the Court and opposing counsel.

(h) If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference of the necessity or desirability of using a witness, an exhibit, a hypothetical question, plot or plan, they shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit hypothetical question, plot or plan as is required on the pre-trial statement set forth in (e) above.

Failure to provide such information shall not be in compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plan or plot at trial.

Rule L216. Continuances.

Any party seeking a continuance, must do so by written motion and notify opposing counsel or pro se parties and state in the Motion whether the parties and/or counsel agree to the continuance. In the absence of the same, the motion will be summarily denied. A party seeking a continuance must also prepare and submit a proposed order and appropriately circulate the signed order. No continuances of hearings or trials scheduled will be granted except for good cause shown. All filing fees for a continuance must be paid before the Court will consider the motion.

Rule L225. Addresses and Summing Up.

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order of their appearing in the pleadings. Any party may reserve their opening address until immediately before presenting their evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument in inverse order to the order of opening addresses, unless otherwise ordered by the court.

(c) The Court reserves the right to regulate the number and length of addresses to the jury or to the court pursuant to Pa.R.Civ.P. 223(a)(3).

Rule L226. Proposed Jury Instructions.

1. In all trials the attorneys of record trying the case and any unrepresented parties, if they deem advisable, may submit in writing to the Court proposed points for charge or jury instructions, if any, not later than the beginning of opening statements. The Court may also direct the submission of proposed points for charge at any time prior to charging the jury.

2. Once the trial commences, points for charge or jury instructions shall be accepted only by leave of Court as justice shall require.

Rule L227.1. Motion: Post-Trial and Post-Hearing.

The moving party in all post-trial and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion in compliance with Local Rule R.J.A. 4001, et seq.

Rule L230.2. Termination of Inactive Cases—Civil.

The Court hereby grants authority to the Prothonotary to terminate civil cases through the procedure outlined in Pa.R.Civ.P. 230.2.

Within thirty (30) days after the date of proposed termination the Prothonotary shall generate a list of all civil cases, excluding divorce cases filed under 23 Pa.C.S. § 3301(c) and (d) where neither party resides in Potter County, and shall provide the list to the Court Administrator. The Court Administrator shall promptly schedule each listed matter for a status conference, at which the Court may establish appropriate timelines to ensure a timely and efficient disposition of the case.

Rule L302. Affidavits.

All affidavits filed or on documents of Record or on documents presented to the Court for any reason will contain a jurat.

Rule L306. Notice.

(a) All notices shall be in writing.

(b) Except as otherwise provided by Act of Assembly, rule or special order of court, whenever any process, paper or notice is required to be served upon a party, such service shall be made in accordance with the procedure set forth in Pa.R.Civ.P. 440, unless service is to be made by publication, in which event service shall be made as provided by Local Rule L440.

(c) All notices shall carry the same weight and effect as a court order.

Rule L307. Contested Matters.

In all contested matters, including those requiring hearings and arguments, counsel for the moving party shall give a written, good faith estimate as to the length of each such proceeding to the Court Administrator at the time of listing and shall indicate whether testimony is to be taken and/or whether argument shall be heard.

Rule L309. Trial Sessions and Trial List.

(a) Except as specially scheduled by the Court Administrator, Jury trial sessions will be held at such times as shall be established in the annual court calendar.

(b) All civil cases to be tried by either Jury or Judge shall be listed by filing with the Prothonotary a Praeceptum

to List. The Praeceptum shall contain the date on which it is submitted to the Prothonotary and whether Jury or Non-Jury Trial is requested.

(c) To place a case on the trial list, counsel for one or more of the parties in the case shall file a Praeceptum to List for Trial. Listing a case for trial constitutes a certification by the listing attorney that the case is in fact trial ready. The Praeceptum shall include a statement of concurrence or non-concurrence of the trial listing from all other parties. The party placing a case on the trial list shall forthwith serve a copy of the Praeceptum upon all other counsel of record, who, if for any reason oppose such certification, shall within ten (10) days thereafter file their reasons opposing listing.

(d) Upon receipt of the Trial List, the court shall schedule a pre-trial conference to be held on each case on the Trial List. Said conference shall be held in the manner provided by Local Rule L212.3.

(e) No continuance will be granted because of any litigant being "not ready for trial" unless notice that the litigant is not ready is presented to the Court within ten (10) days from the date of said listing. Lawyers involved in said civil litigation shall present themselves, clients and other parties, if directed, before the Court and at the Court's direction for a status update at any time.

(f) Upon completion of the pre-trial conferences, if a jury trial or non-jury trial is required, the Court will direct the Court Administrator to schedule the matter for trial and notice of the trial shall be provided to counsel.

Rule L410. Service—Real Property Actions.

(a) If a defendant is deceased or his identity or whereabouts are unknown and the plaintiff motions the Court for an order authorizing service of publication upon such a defendant, the plaintiff shall attach an affidavit to such motion setting forth the following averments:

(1) The plaintiff has caused the records in the offices of the Register and Recorder to be examined to ascertain the date of death of the defendant, whether he died testate or intestate, the names and addresses of all the defendant's heirs, legatees or devisees, and whether or not there has been any adverse conveyance of the real estate that is subject of the suit.

(2) The plaintiff has made a good faith effort to locate the whereabouts of the defendant, defendants, or defendant's heirs, stating in detail the efforts made. An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search. Note to Pa.R.Civ.P. 430.

(2) In the case of a corporation that has been dissolved, the plaintiff has caused the records in the offices of the Register and Recorder to be examined to ascertain whether or not there has been adverse conveyance or distribution of the real estate that is the subject of the suit.

(b) Unless otherwise directed by the court or required by law or rule of court, service by publication shall be made for one (1) week in a newspaper of general circulation in the county.

Rule L430. Service, Petition, Rules Orders and Notices.

Whenever service by publication is authorized by law or rule of court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Potter County, unless otherwise required by law or Rule of Court. Affidavits of publication shall be filed in the Prothonotary's office. Unless otherwise provided by an Act of Assembly or rule of the court, a copy of each paper filed in any case, other than the writ, complaint, or other process by which an action is commenced, shall be served by the party filing it promptly upon all other parties to the litigation or their attorneys of record. The manner of service shall be in conformity with Pa.R.Civ.P. 440. No matter shall be considered by the court unless there has been filed either a proof of service, acceptance of service or certificate of service.

It is the responsibility of the moving party to serve all scheduling orders upon opposing counsel and pro se litigants. Unless otherwise directed, Orders and Opinions originating from the Court, will generally be sent to all counsel of record and pro se parties by the Prothonotary with a notation that the Order has been circulated by that office. If the Court or Prothonotary does not have the address of the opposing party the moving party shall be responsible for service upon the opposing party. When in doubt the moving party should be vigilant to serve opposing counsel and pro se litigants. Proposed orders submitted by counsel which are executed by the Court shall be returned to counsel for service on all interested parties and proof of service shall be filed with the Court.

Rule L506. Bonds—Civil.

In all bonds for purposes other than bail filed with the Prothonotary or Clerk of Courts of Potter County, including but not limited to a counterbond in replevin, the following rules shall apply:

(a) For all personal property posted as bond, an affidavit of some knowledgeable person acceptable to the Prothonotary shall be presented, duly executed, and setting for the net value of the item or items posted.

(b) The Prothonotary may charge a reasonable storage fee for the storage and or detention of personal property as posted.

(c) If real estate is sought to be presented as bond, the person presenting the same therefore shall cause an appropriate entry to be made in the Prothonotary's Office, for which he shall pay the Prothonotary customary fees, produce proof of such entry to the Prothonotary together with an affidavit from a good and reliable source to be approved by the Prothonotary setting forth the net value of said property (net value being market value less existing liens of Record) and an affidavit from the purported owners of the real interest owned by them in the subject property. Such an entry shall cause and create a lien on the subject property to the extent of the face amount of the bond.

Rule L512. Board of Assessment Appeals.

The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in Potter County before the Court of Common Pleas.

In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have attached to it a

photocopy of the appealed-from order of said board and shall have attached to it a proposed preliminary decree which shall provide:

1. that the appeal to court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure.

2. that within five (5) days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the board, upon the Board of County Commissioners, the governing body of the municipality and the Board of the School Directors of the school district in which the real estate is situate, and upon the property owner, if he/she is not the appellant.

3. that the taxing authorities aforesaid and the property owner, if he/she is not the appellant, be and are hereby entitled to intervene as parties appellee.

The appeal shall be scheduled by the Court Administrators for a nonjury trial upon the filing of a Praeceptum to List for Trial. Listing a case for trial constitutes a certification by the listing attorney that the case is in fact trial ready. The Praeceptum shall include a statement of concurrence or non-concurrence of the trial listing from all other parties. The party placing a case on the trial list shall forthwith serve a copy of the Praeceptum upon all other counsel of record, who, if for any reason oppose such certification, shall within ten (10) days thereafter file their reasons opposing listing.

Rule L1012. Appearances—Civil.

If more than one counsel enters their appearance for a party, one such counsel shall be designated as Chief Counsel. Except as herein set forth, when counsel ceases to be actively involved in a case, a motion to withdraw shall be filed with a proposed order. Counsel shall note in the Motion whether the client and opposing counsel consent to the request. Notice of the filing of the Motion and Order scheduling hearing or argument on same, shall be provided to the client and opposing counsel and an appropriate certificate of service shall be attached to the Motion. Generally a hearing will not be necessary if the client and opposing counsel do not object to the Motion. In the alternative, counsel may withdraw without leave of court if new counsel files an appearance and the change of counsel does not delay the litigation. Absent new counsel entering an appearance or Order of the Court granting withdrawal, an attorney has an affirmative and ethical obligation to appear for all proceedings and work diligently and zealously to represent their client. Should the Court grant leave to withdraw, counsel shall then file a Praeceptum to withdraw with the Prothonotary.

Rule L1018.1. Notice to Defend.

The entity, to be named in the notice to defend, from whom information can be obtained, is:

Office of the Prothonotary
Potter County Courthouse
One East 2nd Street, Room 23
Coudersport, PA 16915
Telephone: 814-274-9740

Rule L1028(c). Preliminary Objections.

Upon receipt of the Preliminary Objection the Court Administrator will schedule oral argument by Order. The Order will state the date and time set for argument, along with ordering briefs due at least four (4) days before argument. This briefing deadline is in addition to the requirement detailed in Local Rule L208.2(c).

Rule L1033. Amended Pleading.

Whenever an amended pleading is filed, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that it is an amended pleading, the paragraphs shall be renumbered, and the new portion shall be underlined.

Rule L1034(a). Motions for Judgment on the Pleadings.

Upon receipt of a motion for judgment on the pleadings, the Court Administrator will schedule the date and time of hearing and oral argument. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c).

Rule L1035.2(a). Summary Judgment.

Upon receipt of a motion for summary judgment, the Court Administrator will schedule the date and time of hearing and oral argument. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c). All affidavits and supporting documentation must be filed at or before the time of argument.

Rule L1042.21. Pre-Trial Procedure in Medical Professional Liability Actions Settlement Conference; Mediation.

A. The county/region will maintain a list of mediators in the area who are willing to take part in medical professional liability mediation, together with appropriate contact information. The list will be furnished upon request. Parties may propose other mediators in addition to those listed.

B. Any motion by a healthcare provider requesting a court ordered mediation shall set forth the following minimum information.

1. The date of the proposed mediation or the time frame during which the mediation will take place.
2. The identity of the proposed mediator
3. The location of the proposed mediation; and
4. Any other terms that have been consented to by the parties or which are being proposed by the moving health care provider.

C. If the motion has been consented to, such consent shall be noted in the motion and, where possible, written consents from the parties shall be attached.

D. Any party opposing a Motion for mediation shall file their objections within ten (10) days of service of the Motion.

Rule L1066. Form of Judgment or Order.

Any order entered under Pa.R.Civ.P. 1066(b)(1) shall include a description of the property. If notice of the entry of such an order is given by publication, it shall be given as provided by Local Rule L410.

Rule L1301. Arbitration.

(a) All cases which are at issue, where the amount in controversy (exclusive of interest and costs) shall be twenty-five thousand dollars (\$25,000.00) or less, except

those involving title to real estate, equity actions upon bail bonds and recognizances, actions upon penal statutes, and other actions which do not involve the recovery of money damages, including divorce, mandamus and quo warranto, shall be presided over and decided by a Board of Arbitration which shall be composed of three (3) attorneys who are member of the Bar of Potter County. If there are an insufficient number of Potter County attorneys available for a given case, the Board may include attorneys from adjacent counties who regularly practice in Potter County. The Court may also assign to arbitration any case in which the Court makes a preliminary determination that the defacto amount in controversy is twenty-five thousand dollars (\$25,000.00) or less, regardless of the pleadings.

(b) Cases shall be placed on the arbitration list in the same manner cases are placed on the trial list under Local Rule L511. Ten days after a case has been praeciped onto the list, if no objections thereto have been filed, the Prothonotary shall then promptly appoint a panel of three arbitrators, who shall be members of the Potter County Bar, except as provided herein, to hear and decide the case. The chairman so appointed shall forthwith establish the time, date, and place of trial and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least thirty (30) days in advance unless a shorter time is stipulated to. All trials shall be held within forty-five (45) days of the date the chairman is appointed.

(c) Each member of the Board of Arbitration who has signed the report or files a minority report shall receive as compensation for his services in each case a fee of one hundred fifty dollars (\$150.00). The chairman of the board shall receive one hundred seventy-five dollars (\$175.00). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from County funds as in the case of all other County debts. Fees paid to Arbitrators shall not be taxed as costs or follow the award as other costs.

(d) Once Arbiters have been appointed hereunder, the Prothonotary shall not mark the case discontinued, settled or ended or terminate the case in any other way until the Chairman of the Board of Arbitration has received the sum of seventy-five dollars (\$75.00) settlement costs and the other two members of the Board the sum of fifty dollars (\$50.00) each as Arbitrator's settlement costs, the above sum to be paid through the office of the Prothonotary of Potter County.

The party initially requesting that a Board of Arbitration be appointed shall remain liable for settlement fees above indicated. Settlement fees shall be due and payable any time after appointment of the Board and before the settlement of any case prior to trial or hearing, but in no event more than forty-five (45) days after the date of the appointment, unless said time is extended by the Chairman of the Board.

(e) Before entering upon their duties, the members of the Board of Arbitrators shall subscribe to an oath to perform their duties and decide the case submitted to

them justly and equitably, and with due diligence, which oath shall be filed with their report. In all cases, a decision by a majority of the members of the Board of Arbitrators shall be conclusive.

(f) The Board of Arbitrators, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence, which, however, shall be liberally construed to promote justice, and shall have the general powers of a court including, but not limited to, the power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition and to decide the law and facts of the case submitted to them.

(g) If, after the appointment of the Board of Arbitrators, but before hearings, one of the members thereof shall die or become incapable of acting, or shall refuse to attend the hearing, or shall remove or depart from the county, upon the agreement of all parties the remaining members of the Board shall proceed to hear the matter at issue. Otherwise, the Prothonotary shall fill the vacancy as provided herein.

(h) If a member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before a report shall be made, upon the agreement of all parties, the case shall be decided and the report signed by the remaining members of the Board. If the remaining Arbitrators cannot agree, the matters shall be heard de novo by a new Board, to consist of the remaining members plus a third to be appointed by the Prothonotary.

(i) The Board shall have the right to proceed ex parte in a proper case if, after due notice, one of the parties fails to appear at the hearing and does not request a continuance for good cause.

(j) The Board of Arbitrators shall file a report with the Prothonotary, which shall contain an award in appropriate cases, within twenty (20) days after hearing. The Report shall be signed by all or a majority of the members of the Board. The Prothonotary shall record any award in the judgment index as verdicts are now recorded.

(k) The award, if any, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a judgment entered by a court of competent jurisdiction. If no appeal is taken within the time allotted for such appeal, execution process may be issued on the award as in the case of other judgments.

(l) An appeal from an award by the Board of Arbitration may be taken pursuant to procedure established in Pa.R.Civ.P. 1308.

(m) All appeals shall be de novo. Despite any costs which a successful appellant may recover from the adverse party, he shall nevertheless not be entitled to recover the Arbitrators' fees paid by him as a condition of taking his appeal.

(n) Any party may file exceptions with the Court from the decision of the Board of Arbitration within twenty (20) days from the filing of the report for either or both of the following reasons and for no other:

(1) That the arbitrators engaged in misconduct in the conduct of the case;

(2) That the action of the Board was procured by corruption or other undue means.

If such exceptions shall be sustained, the report of the Board shall be vacated by the Court.

(o) This Rule shall apply to cases involving more than one claim, including counter claims, if none of such claims exceed \$25,000.00.

(p) This Rule shall govern cases pending in the Court of Common Pleas of Potter County on the effective date hereof, and all such cases to which the rule shall be applicable which are listed for trial shall be stricken from the trial list and referred to arbitration under the provisions hereof.

Rule L1341. Mediation.

(a) Appropriate civil cases, excluding medical professional liability actions*, that have progressed beyond the exchange of expert reports and family law cases that involve a claim for equitable distribution of property may be referred to mediation by order of the Court (mediation of custody disputes is addressed by Local Rule L1940.1), on the motion of any party which shall include a certification that there is the belief there is a realistic possibility of settlement, following a stipulation by all parties or on the Court's initiative.

(b)(1) The parties shall, within 30 days after the date of the court order referring a case to mediation, choose a mediator who is available during the appropriate period and has no apparent conflict of interest. If the parties are unable to choose a mutually acceptable mediator the Court will appoint a mediator.

(b)(2) Except by agreement of all parties or as otherwise ordered by the Court, the cost of the mediator's services shall be divided evenly amongst the parties. Compensation shall be paid directly to the mediator upon the conclusion of mediation or as otherwise agreed by the parties and the mediator. Failure to pay the mediator shall be brought to the attention of the Court.

(c) Promptly after being chosen to mediate a case, the mediator shall, after consulting with all parties, fix a time, place and date for mediation. All mediations shall occur within 90 days of the Court's order referring the case to mediation.

(d) At least 10 days before the date of mediation, the mediation may be continued one time by agreement of all parties. The party requesting the continuance shall give written notice of the continuance to the mediator. The mediator shall reschedule mediation within 60 days from the date the mediation was to originally occur with notice provided to all parties. In the event that the parties fail to agree to a continuance more than 10 days prior to the date of the scheduled mediation, a continuance shall be filed with and decided by the Court. If the case is continued by the Court, the mediator shall reschedule the mediation in accordance with the Court's order granting the continuance.

(e)(1) All named parties and their counsel are required to attend mediation unless excused under subparagraph (e)(4) below. A party other than a natural person (e.g. a corporation or an association) satisfies the attendance requirement if represented by one authorized to reach a settlement (other than outside counsel) and is knowledgeable about the facts of the case. A unit or agency of government satisfies the attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority and is knowledgeable about the facts of the case, the agency's legal position and

the procedures and policies under which the government agency decides whether or not to accept a proposed settlement. If the action is brought by the government on behalf of one or more individuals, at least one such individual must also attend. Any party who fails to attend mediation will be subject to sanctions.

(e)(2) Each represented party must be accompanied at the mediation by the lawyer who would be primarily responsible for trying the disputed matter. If a party is proceeding pro se and the opposing party is represented by counsel, the Court may appoint counsel to assist the pro se party at mediation. The appointed attorney shall receive as compensation for his/her services a fee of \$250.00 that shall be paid by the pro se party. In cases where mediation is extended beyond one day the Court, upon petition of the attorney and for cause shown, may grant additional compensation. The Court may waive all or part of the attorney's fee if the pro se party demonstrates a financial inability to pay.

(e)(3) Insurer representatives are required to attend in person unless excused under subparagraph (e)(4) below, if their assent would be necessary to achieve a settlement.

(e)(4) A person who is required to attend mediation may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the Court no fewer than 10 days prior to the date set for mediation and must further serve a copy of the motion on all parties and the mediator.

(e)(5) A person excused from appearing in person must be available to participate by telephone.

(f) Within 5 days following the conclusion of mediation, the mediator shall file a written report with the Court that includes the caption and case docket number, the date of the mediation, whether any follow-up mediation was scheduled, whether the case was settled in whole or in part and any stipulations reached by the parties.

Explanatory Comment

Mediation is a flexible, generally non-binding, confidential process (See 42 Pa.C.S.A. § 5949) in which a neutral person (the mediator), selected by the parties, facilitates settlement of their case through negotiations. The parties may agree that mediation will be binding. The purpose of the mediator is to improve communication across party lines, help parties articulate their interests and to understand the interests of their opponent, and identify issues to help generate a mutually agreeable resolution to the dispute. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options by often exploring litigant needs and interests that may be independent of the legal issues in controversy.

Comment

All named parties and their counsel are required to attend mediation. This requirement reflects the Court's view that the principle values of mediation include affording litigants the opportunity to articulate directly to opposing parties their positions and interests and to hear, first hand, their opponent's version of the matter in dispute. Mediation also enables parties to seek mutually agreeable solutions with their party-opponents.

Rule L1915.4. Divorce/Custody Education.

The Court in its discretion may require all parties in a contested custody proceeding arising out of a divorce or a separate custody case to attend a parent education class as the Court selects, and shall be responsible for reason-

* See Pa.R.Civ.P. 1042.21 for Medical Professional Liability Actions—Motion for Settlement Conference or Mediation

able fees for the program. The goal of the program being to facilitate communication between the custodial parties and reduce the stress on the children, parents and caregiver litigants will attend the programs as directed. Attendance will be excused only with Court permission after written application. Litigants who claim they are indigent may apply to the Court for a waiver or reduction of fees, with all such applications to be in writing and complete with appropriate income and financial information.

Rule L1920.33. Marital Settlement Agreement Post-Decree Approval.

Pursuant to 42 Pa.C.S.A. § 5505 the Court shall not incorporate a marital settlement agreement more than thirty (30) days after the entry of a divorce decree. If the parties file a marital settlement agreement signed by both parties and a petition requesting that the court approve the agreement as an order of court, the Court shall consider such approval.

Rule L1940.1. Contested Child Custody Cases-Mediation Referral Procedure.

1. Generally, contested child custody cases, including those raised in divorce matters, shall be referred to mediation orientation unless waived by leave of Court or removed from mediation orientation, in accordance with Pa.R.Civ.P. 1940.1, et seq.

2. Custody mediation shall be promptly conducted in accordance with procedures established by the court from time to time at the shared expense of the parties, and in accordance with Pa.R.Civ.P. 1940.1, et seq.

3. If agreement is reached before or after mediation, the agreement shall be reduced to a stipulation which shall provide the basis of a Consent Order of Court.

4. If mediation does not result in agreement between the parties, the Mediator shall refer the matter to the court for hearing and disposition.

5. The parties will be responsible for the costs of mediation in accordance with an appropriate order. Remediation will not be permitted until payment is made to Potter County. Payment of mediation costs is enforceable through the court.

ORPHAN'S COURT RULES

Rule O15. Finding of Fact and Transcripts in Adoption and Termination Cases.

(a) Persons filing an adoption or termination of parental rights petition shall, at the time of hearing, submit proposed findings of fact and a proposed decree.

(b) Persons filing an adoption or termination of parental rights petition shall be responsible for the cost of any transcripts thereof required by law or rule of Court.

Rule O15.5(c). Adoption—Request for Investigation.

Any person, party or attorney, who will hereafter file a Report of Intention to Adopt pursuant to 23 Pa.C.S.A. § 2531 shall also file a request for Court-Ordered investigation or submit a statement that an investigation was made by the agency which placed the child and that the appropriate information is contained or will promptly thereafter be contained in a Report of Intermediary filed under 23 Pa.C.S.A. § 2533.

CRIMINAL RULES

Rule CR120. Appearances.

(a) An attorney representing a defendant at a preliminary hearing or in a court case shall sign an entry of

appearance and provide the same to the Magisterial District Judge or file the same with the Clerk of Courts before the beginning of the pending proceeding.

(b) If provided to the Magisterial District Judge, they will not file the entry of appearance, but shall transmit the same with the docket transcript and the same shall be filed of record with the docket transcript with the Clerk of Courts.

(c) An attorney who has been retained or appointed by the court shall continue such representation through direct appeal or until granted leave to withdraw by the court pursuant to Pa.R.Crim.P. 120(A)(4).

Rule CR528. Bail.

Any criminal defendant or any person posting bail for said criminal defendant under a bail order set by a judicial officer, when offering up property for bail, shall submit forthwith an affidavit of value by some good and reputable person acceptable to the Magistrate, Judge or Clerk of Court receiving said bail. Said affidavit shall state that the persons offering said bail are the true and lawful owners and have a net equity in said property equal to a given dollar amount.

The Clerk of Court shall cross-index a Record of such offer of property for bail in the General Index of the Prothonotary's Office under the names of record property owners and the defendant. Such Record shall, additionally, include the following information:

(a) a brief reference to the property, the acreage, township or borough, and Deed Book reference;

(b) the amount of bail to be posted as against the property; and

(c) all encumbrances relating to the property such as liens, judgments, mortgages, and delinquent taxes.

Fees will be in accordance with the Clerk of Courts/Prothonotary fee schedule. No criminal defendant shall be released on property bail unless proof of making such entry as herein described is submitted to the appropriate authority.

The entry herein described shall become a lien on the subject property as of the date and time it is entered to the extent of the amount of bail.

The appropriate authority, whether it be the Magisterial District Judge or the Judge of the Court of Common Pleas, Criminal Division, shall, upon request at the appropriate time, issue a directive to the Prothonotary of Potter County and the bail shall be terminated as of a particular date and Prothonotary shall immediately upon the receipt of said Order mark the appropriate entry in the Record "discontinued".

When monetary bail is posted poundage will be retained by Potter County.

Rule CR542. Scheduling of Criminal Court Jury Selection and Related Proceedings.

1. At the time of Preliminary Hearing or at the time of waiver of such Preliminary Hearing, the Magisterial District Judge having jurisdiction over the criminal case shall furnish each criminal defendant with a written form setting forth mandatory dates and times for the following:

- a. Criminal Court Arraignment
- b. Criminal Conferences (2)
- c. Jury Selection

Defendant shall appear as directed for all these proceedings, unless appropriate waivers are executed and filed or his attendance is excused due to a resolution of his case, by means such as a plea, ARD, or nolle prosequere.

2. Any failure of the defendant to appear as directed in this Rule may constitute grounds for the issuance of a bench warrant and, where appropriate, revocation or modification of bail.

3. All scheduling done pursuant to this Rule shall be under the supervision of the District Court Administrator, and shall be accomplished on a case by case basis by the various Magisterial District Judges in accordance with a master calendar and guidelines established by the District Court Administrator. All such scheduling dates shall be deemed mandatory.

4. Criminal conferences shall be held in accordance with the foregoing on the dates set by the District Court Administrator, after consultation with the Office of the District Attorney.

Criminal conferences shall be conducted on an informal basis with the goal of prompt and expeditious resolution of criminal cases. A representative of the District Attorney's Office will meet informally with the defendant and counsel to discuss possible resolution of the case. Defendants and all counsel are required to attend. The District Attorney Representative in charge of the conferences shall promptly report on the status of each criminal case to the District Court Administrator as soon as the conferences are completed. The District Court Administrator shall reserve necessary schedule time for the prompt implementation of the results of the criminal conferences. Failure of the Defendant to appear at the criminal conference may result in the issuance of a bench warrant.

5. Counsel shall not be permitted to represent the Defendant at the proceedings described in this Rule without first filing an appropriate Entry of Appearance as provided in Local Rule CR120.

6. Various mandatory forms implementing this Rule shall be available at the Office of the District Attorney and all Magisterial District Judge office locations, and shall be available to counsel upon request.

7. The Court from time to time may implement a Call of the Criminal List requiring counsel and parties to be present for case status reports, updates, and for the purpose of facilitating a disposition of the case by plea or otherwise.

Rule CR625. Criminal Trial List.

The Commonwealth shall provide the Court Administrator with a list of cases which are trial ready at least thirty days prior to jury selection. The Commonwealth shall structure the list of cases in order of priority with the most pressing cases listed first. The Court Administrator will endeavor to schedule trials accordingly based upon the Commonwealth's list and the Court Calendar.

JUVENILE RULES

Rule J210. Arrest Procedures in Delinquency Cases.

The following are designated as issuing authorities for arrest warrants for juveniles in delinquency cases:

1. Any Judge of the Court of Common Pleas of Potter County—55th Judicial District.

2. Any Magisterial District Judge of Potter County—55th Judicial District.

3. When the Potter County Courthouse is closed, applications under Pennsylvania Rule of Juvenile Court Procedure 210 shall be submitted to the "on-duty" Magisterial District Judge.

RULES OF JUDICIAL ADMINISTRATION

Rule R.J.A.10. Dress Code.

1. All officers of the Court shall dress appropriate for court sessions; appropriate dress entails attire suitable for formal professional or business engagements—including dress shoes unless other shoes are required for documented medical purposes.

2. Jurors, witnesses, parties, and members of the public should dress appropriately for a judicial proceeding. No persons shall wear hats or other headwear in the courtroom unless for a genuine religious or medical purpose.

Rule R.J.A.20. Electronic Device Usage.

1. No cellular telephones shall be permitted in the courtroom except for those in possession of law enforcement officers and officers of the Court, and only then if set to make no noise. No one may openly use a cellphone in the courtroom. If a law enforcement officer or an officer of the Court needs to utilize their phone they must exit the courtroom.

2. Computers, tablets, and other electronic devices may be used in the courtroom by officers of the Court and their assistants only by permission of the Court. Such devices shall be powered down when brought into the courtroom and may be turned on only when the officer's case is before the Court. Such devices may only be used for professional purposes. No other person shall be allowed to bring such electronic devices into the courtroom unless given permission in advance by the Court.

3. Any electronic devices used in violation of this Rule shall be removed from the courtroom and may be retrieved upon departure of the courthouse.

4. Only the Judge and other courtroom staff shall utilize the courtroom telephone without the permission of the Court.

Rule R.J.A.30. Food and Drink.

1. No food or drink shall be permitted in the courtroom.

2. This rule shall not apply to the Judge, jurors, counsel, and other participants given water during a trial or extended hearing, or those given special permission by the Court.

Rule R.J.A.303. Admission to Potter County Bar.

Any lawyer wishing to become admitted to the Potter County Bar, upon proof that said lawyer is licensed to practice before the Supreme Court of Pennsylvania and who intends to maintain a primary or secondary law office within Potter County, is eligible.

Upon submission of the sum of Fifty (\$50.00) Dollars to the Prothonotary of Potter County, which shall be transferred to the Treasurer of the Potter County Bar, and an affidavit containing a statement that he or she is a duly licensed lawyer to practice in the Commonwealth of Pennsylvania and is a member of the Pennsylvania Bar "in good standing", as well as the address of his or her Potter County Office, the lawyer shall become a member of the Potter County Bar. Although not required for admission to the local bar, any applicant may request a formal admission ceremony with the Court.

All members of the Potter County Bar shall receive Court appointments from time to time, as necessary. The Court shall endeavor to not assign cases to attorneys who may not be competent within a practice area relating to the case.

Rule R.J.A.308. Prothonotary.

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing, and shall promptly enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case. When scheduling or judicial response is necessary, the papers shall be promptly forwarded to the court administrator.

(b) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging in his or her office. No paper may be taken from the files of the Prothonotary without the consent of the Prothonotary or one authorized by the Prothonotary to give such consent. A record shall be made of any paper removed from the Prothonotary's office and the person who receipts for such paper shall be responsible for return of the same and for any financial loss occasioned by failure to return the paper.

(c) Only the Prothonotary, his or her clerks, attorneys registered in Potter County and such other persons as the Prothonotary shall specially authorize shall be permitted direct access to the Prothonotary's files, other than as permitted by law.

(d) No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of court.

Rule R.J.A.504. Limitations on Bail and Security.

Neither the Prothonotary, nor his or her deputy, nor the Sheriff or Sheriff's Deputy or clerk, nor any attorney at law, shall be admitted as bail or surety in any action, civil or criminal, unless by leave of the court for special reasons shown.

Rule R.J.A.1901. Prompt Disposition of Matters; Termination of Inactive Cases—Criminal.

The clerk of courts shall list at the first criminal argument court held after March 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

Rule R.J.A.4001. Scope of Rules and Policy (Transcripts).

The President Judge and the District Court Administrator appoint the Senior Court Reporter as designee for purposes of the administration of Local Rules R.J.A.4007, R.J.A.4008, and R.J.A.4011.

Rule R.J.A.4007. Request for Transcripts.

(A) All requests for transcripts shall be set forth on a standardized form provided by the Senior Court Reporter.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office—the Potter County Prothonotary's Office for civil

matters and the Potter County Clerk of Courts' Office from orphans court or criminal court matters. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the Senior Court Reporter;
- (4) the District Court Administrator; and
- (5) opposing counsel, but if not represented, the opposing party.

(C) Requests for expedited or rough draft transcripts shall be filed in writing to the Senior Court Reporter at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make a non-refundable partial payment in the amount of 50% of the total anticipated cost of the transcript, as established by the court reporter, court recorder or transcriptionist. The payment shall be by cash, money order, certified check, or law firm check made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(2) the court reporter, court recorder or transcriptionist shall prepare the transcript upon direction of the Senior Court Reporter.

(3) the court reporter, court recorder or transcriptionist shall notify the ordering party and the Senior Court Reporter of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter. Checks for the final balance are to be made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the Potter County Prothonotary's Office or Clerk of Courts' Office and copies to the parties. Checks for the final balance are to be made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Local Rule R.J.A. 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter, court recorder or transcriptionist shall prepare the transcript without the necessity of a deposit.

Rule R.J.A.4008. Transcript Costs.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.25 per page;
- (b) for an expedited transcript*, \$3.00 per page;
- (c) for a daily transcript*, \$4.00 per page; and
- (d) for same day delivery*, \$6.00 per page.

(2) When the requesting party is the Commonwealth or a subdivision thereof, the cost for a transcript in an electronic format shall be \$1.25 per page.

(3) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraphs (1) and (2) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic Hardship Standards*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by 50 percent for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of the costs for a transcript shall be in the form of a Petition to Waive All or a Portion of the Transcript Costs and shall be filed in the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office. Any application for waiver or reduction of transcript costs shall be filed contemporaneously with the request for transcript and a copy served to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the Senior Court Reporter; and
- (4) opposing counsel, but if not represented, the opposing party.

* The availability of expedited, daily, and same day delivery transcripts shall be at the discretion of the Court and the court reporter based upon the court reporter's schedule and obligations.

(5) The Petition to Waive All or a Portion of the Transcript Costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. A blank Petition to Waive All or a Portion of the Transcript Costs and affidavit in this form may be obtained from the Potter County Prothonotary/Clerk of Courts' Office.

(6) Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost. Legal aid services must provide a letter of certification verifying that the client meets financial eligibility for legal aid services and that the matter is under appeal or that the transcript being requested is necessary to advance the litigation and the letter must be filed with the Transcript Request Form.

(C) *Assignment and Allocation of Transcript Costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Request for Transcript Copies*

A request for copies of a transcript previously ordered, transcribed, and filed of record shall be made to the appropriate filing office and the cost shall be at that Office's standard rate, not to exceed \$0.75 per page.

(E) *Additional Costs*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

Rule R.J.A.4011. Deadline for Delivery of Transcript.

(A) Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the appropriate filing office, as required by Pa.R.A.P. 1922(a).

(B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the appropriate filing office, as provided by Rule R.J.A. 4007, unless an accelerated time frame is mandated by court order, law or local rule.

[Pa.B. Doc. No. 17-1666. Filed for public inspection October 6, 2017, 9:00 a.m.]

SOMERSET COUNTY

**Consolidated Rules of Court; Administrative Order
No. 4 of 2017; No. 4 Misc. 2017**

Adopting Order

Now, this 19th day of September, 2017, it is hereby Ordered:

1. Somerset County Rule Of Judicial Administration 1901.7 governing case management conference is

Adopted, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rule of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;

B. File two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania Bulletin*, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

F. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

D. GREGORY GEARY,
President Judge

**Local Rule of Judicial Administration 1901.7;
Administrative Order 4 of 2017; No. 4 Misc. 2017**

Administrative Order

And Now, this 19th day of September, 2017, *It Is Hereby Ordered* that the Court of Common Pleas of Somerset County, Pennsylvania adopts the following Local Rule of Judicial Administration 1901.7 governing case management conference.

By the Court

D. GREGORY GEARY,
President Judge

S.R.J.A. 1901.7. Case Management Conference.

(a) The Court shall cause a Case Management Conference to be held before a judge approximately 365 days after a civil action, as defined below in subsection (c), has been commenced, unless a Trial Scheduling Praeceptum has been filed with the Prothonotary in accordance with Som.R.C.P. 214.

(b) At the Case Management Conference the Court may do any or all of the following:

(i) establish deadlines for discovery;

(ii) establish deadlines for the filing of amended pleadings or the joinder of additional parties;

(iii) order a severance or consolidation pursuant to Pa.R.C.P. 213;

(iv) schedule a pre-trial conference;

(v) establish a designated Civil Trial Term or date-certain scheduling for disposition of the matter;

(vi) take any other action to expedite the scheduling and resolution of the issues.

(c) For purposes of this Rule, "civil action" includes any proceedings set forth in Section B of the Court of Common Pleas Civil Cover Sheet as promulgated by the Supreme Court of Pennsylvania and shall specifically exclude all Family Law Matters as subject of Pa.R.C.P. 1901 through 1940.9 including Protection From Abuse, Support, Custody, and Divorce.

[Pa.B. Doc. No. 17-1667. Filed for public inspection October 6, 2017, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated September 22, 2017, Caleb Clinton Bissett is disbarred from the practice of law in this Commonwealth to be effective October 22, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania in Pflugerville, Texas, this notice is published in the *Pennsylvania Bulletin*.

JULIA FRANKSTON-MORRIS, Esq.,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-1668. Filed for public inspection October 6, 2017, 9:00 a.m.]
