

In the Court of Common Pleas
Butler County, Pennsylvania

MSD 08-40073

IN RE: Butler County Local Civil Court Rules

PROTHONOTARY'S
OFFICE - BUTLER CO.
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PROTHONOTARY

ADMINISTRATIVE ORDER OF COURT


And now, this 12th day of March, 2008 in order to comply with the Pennsylvania Rule of Civil Procedure, 239, it is hereby ordered and decreed that the attached Butler County Local Rules of Procedure are herewith adopted. It is further ordered that all prior Local Rules of Procedure that have been adopted and/or revised by this Court at various times and docketed to several different docket numbers are herewith rescinded.

This Order of Court shall be effective immediately after publication of the Rules in the Pennsylvania Bulletin.

The Butler County District Court Administrator is ordered and directed to:

1. File seven certified copies of this Administrative Order, including the newly adopted rules, with the Administrative Office of the Pennsylvania Courts.
2. File two certified copies and one diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Electronically submit to the Administrative Office of the Pennsylvania Courts a copy of the attached local rules for publication on the AOPC website.
5. Forward one copy for publication in the Butler County Legal Journal.
6. Forward one copy to the Butler County Law Library
7. Keep continuously available for public inspection copies of the Order of Court and Local Rules in the office of the Prothonotary of Butler County.

By the Court


Thomas J. Doert, President Judge

BUTLER COUNTY LOCAL RULES OF CIVIL PROCEDURE

Rule L51 TITLE OF RULES. PURPOSE.

These Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They shall be cited as "Butler County L.R.C.P."

Rule L76 DEFINITIONS.

Unless the context clearly indicates otherwise, the words and phrases used herein shall bear the same meaning as they bear in the Pennsylvania Rules of Civil Procedure.

Rule L101 PRINCIPLES OF INTERPRETATION.

In the construction of any of these rules, the principles of interpretation set forth in the Pennsylvania Rules of Civil Procedure shall be used.

Rule L205.2 (b) COVER SHEET.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following format:

**IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA
CIVIL ACTION**

PLAINTIFF
vs.
DEFENDANT

Case No.

Type of Document: _____

If this is a Complaint, designate whether the case is subject to Compulsory Arbitration (jurisdictional amount \$35,000) or not.

- _____ amount in controversy does not exceed \$35,000
- _____ amount in controversy exceeds \$35,000
- _____ issues in case are not subject to Compulsory Arbitration

Filed on behalf of _____ (Plaintiff / Defendant)

Counsel of record for this party _____ (Name of attorney primarily responsible)

Supreme Court I.D. No. _____

(Firm Name, if any)

(Address)

(Phone)

(Fax Number)

(E-Mail Address)

RULE L205.4 ELECTRONIC FILING.
(Reserved for future implementation.)

RULE L206.1(a)(2) PETITIONS.

“Petition” in Butler County shall include, in addition to matters defined in Pa.R.C.P. 206.1(a), a petition to open a confessed judgment. Each petition filed with the Court shall contain a proposed order for the Court’s consideration. Said proposed order shall follow the provision of Pa.R.C.P. 206.5, with alternative provisions in paragraph(d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

RULE L206.4(c) RULE TO SHOW CAUSE.

Upon the filing of a Petition with the Prothonotary, the Petition shall be forwarded by the Prothonotary to the assigned judge. The issuance of a Rule to show cause on a petition shall be discretionary with the Court as provided by Pa.R.C.P. 206.5.

RULE L208.2(d) UNCONTESTED MOTIONS.

Any motion, as defined by Pa.R.C.P. 208.1, bearing the written consent of the opposing party, or the opposing party’s attorney of record, may be submitted to the assigned judge without formal notice of presentation, in a manner set forth in Butler County L.R.C.P. L208.3(a).

RULE L208.3(a) MOTIONS PROCEDURE - MOTIONS COURT

(1) Motion Court Session. There shall be a session of the Court for presentation of motions, appropriate requests and applications, one day per week with each civil court judge. The days and times of Motion Court for each respective judge are posted with the Court’s calendar. The Court’s motion calendar is posted on the local website, www.co.butler.pa.us.

(a) If no judicial assignment has been made in a civil case, moving counsel or party shall obtain a judge assignment for the case from the Office of the Prothonotary. Thereafter, civil motions shall be presented to the assigned judge during that judge’s Motion Court session.

(2) Filing. Uncontested motions and contested motions may be filed in the office of the Prothonotary or in Motions Court. Upon filing with the Prothonotary, the Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry and promptly forward the motion to the Court Administrator for presentation to a judge for the entry of an appropriate order. Except for emergency motions, motions will be considered by the judge assigned to the case during that judge's weekly Motions Court session. Motions presented during Motions Court shall be reflected in the court record and shall be logged in the Court Administration log book. The Motion shall thereafter be docketed by the Prothonotary upon its receipt from the Judge or Court Administration.

(3) Emergencies. In the case of a true emergency, a motion, appropriate request or application shall be presented to the Court Administrator who will immediately refer the matter to a judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency, and the reasons why any required notice could not be given, must be set forth in the motion, request or application being filed.

(4) Uncontested Motions. Uncontested motions are defined as those:

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented or attach written consent; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no such other further relief; or

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Required pre-filing notice. Before any motion is filed, the moving party shall serve a copy of the motion, request or application and any proposed order, and a statement of the date and time of the intended presentation, to counsel of record and any unrepresented party at least five days in advance of the presentation. Service may be accomplished personally, by first class mail, or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(6) Cover Sheet. A cover sheet, that may from time to time be adopted by Administrative Order shall be attached to each contested and uncontested motion and every copy of the same that is filed or served.

In the Court of Common Pleas of Butler County
Commonwealth of Pennsylvania

Versus _____

_____ } _____ Civil Division
_____ No _____

I. Notice

You are hereby notified that the attached matter will be: Filed on _____ 20 ____
 Presented to Assigned Judge _____
on _____ at 9:00 am

II. Certificate of Notice/Service

I gave reasonable prior notice of filing and a copy of this document to _____
at _____ on _____ 20 ____ by:
 Personal Service Fax Mail Other (explain) _____

III. Information for Court Administrator

Is this an original filing in this case? No Yes

Judge Assignment:

Thomas Doerr (courtroom 1) Michael Yeager (courtroom 3) Marilyn Horan (courtroom 4)
 Other _____

Adverse party position? Opposes **CONSENTS** **UNOPPOSED** Unknown

I certify all the above statements are true and correct.

Date _____ 20 ____

Signature

Counsel for: _____

(a) Any motion, request or application that is filed without the required certification of notice and service on the cover page may not be substantively acted upon by the court.

(8) Verification. A motion that sets forth facts not of record shall be properly verified.

(9) Suggested Order. Every motion, request and application shall have attached thereto a suggested order concerning the relief that is requested by the moving party.

RULE L212.1 CIVIL ACTIONS TO BE TRIED BY JURY AND BY NON-JURY. NOTICE OF EARLIEST TRIAL DATE. TIME FOR COMPLETING DISCOVERY AND FILING PRE-TRIAL STATEMENT.

(a) In all civil actions which indicate a jury trial demand or which seek a non-jury trial disposition, the Court Administrator shall schedule said cases for a Status Conference before the assigned judge. Status Conferences shall not be scheduled sooner than ninety (90) days following the filing of the complaint. At the Status Conference, counsel for the parties or pro se parties are required to appear. The Status Conference shall be conducted by the Court and shall focus upon determining a schedule for completion of pleadings, progress of discovery and anticipated date for filing a praecipe for trial or arbitration.

(1) Status Conferences may also be ordered upon written motion of a party, setting forth reasons in support of the request for status conference. The Court may enter appropriate orders at the conclusion of the Status Conference.

(b) Summary Trials. Upon request of all parties, the Court may consider scheduling a case for a summary trial pursuant to procedures agreed upon by the parties and the Court

(c) Scheduling. Jury and Non-Jury Trials in civil actions shall be scheduled in accordance with each civil court judge's calendar as published by the court and available on the Butler County website, www.co.butler.pa.us.

(1) Following the filing of the praecipe for trial with the Prothonotary, the Prothonotary shall forward the praecipe to the Court Administrator for scheduling of the case for pre-trial conference and trial. Unless the court's calendar is otherwise scheduled, a case shall be scheduled for pre-trial conference within sixty (60) days of the filing of the praecipe for trial. The trial term during which the case shall be scheduled shall occur within ninety (90) to one hundred and twenty (120) days from the filing of the praecipe. These times may be subject to variance to accommodate the court's calendar and scheduling availability.

(a) Cases will generally be scheduled on each trial list in chronological order according to the date of praecipe for trial or arbitration appeal, while giving preference to cases described in Pa. R.C.P. 214. The Court Administrator shall publish a copy of the trial list on the Butler County website, www.co.butler.pa.us, and furnish a copy to the Prothonotary, who in turn shall forward the trial list to each attorney of record and non-represented parties for cases scheduled on the trial list.

(2) Non-Jury Trials may be scheduled in a back-up category during jury trial weeks and during non-jury trial sessions of the Court as noted on the trial calendar.

(d) A pre-trial statement shall be filed by all plaintiffs within thirty (30) days after the praecipe for trial is filed. Pre-trial statements on behalf of all defendants and additional defendants shall be filed no later than five (5) days prior to the scheduled pre-trial conference date.

(e) In the event there is an appeal of a compulsory arbitration decision, the appeal date shall be regarded as a praecipe for trial for purposes of implementation of scheduling and timing for filing of pre-trial statements as set forth hereinabove.

(f) Butler County Mediation Program. Upon request of all parties, an agreement to submit a case to mediation may be filed to access the Butler County Mediation Program.

(1) The mediators shall be practicing attorneys from the Butler County Bar admitted at least ten (10) years with practice emphasis in civil litigation. The mediators will be selected by the assigned judge from a list maintained by the Prothonotary.

(2) Each party to a case submitted for mediation will pay a mediation fee as established by administrative order of court. The mediation fee will be utilized to compensate the mediator.

(3) The inclusion of cases in the Mediation Program of Butler County will be voluntary. The attendance of trial counsel and parties at the mediation conference shall be mandatory. A representative of any party's insurance company which may be involved in the case shall be available by telephone during the course of the mediation. If any party fails to appear, the mediation conference will not be held and the non-appearing party shall, within thirty (30) days, pay to the other party that party's attorney's fees and expenses in preparing for and attending the mediation conference, if said fees are assessed and recommended by the mediator.

(4) The parties to any civil case may voluntarily agree to submit a case for mediation through the Butler County Mediation Program by filing an agreement to submit and by paying the mediation fees. The form for said application is set as follows:

(6) Upon the Prothonotary's receipt of the returned proposed mediator assignment form from the parties, the Prothonotary shall docket the same and forward a copy thereof to Court Administration. The Court will then appoint the remaining proposed mediator to serve as mediator for the case. The Court Administrator shall schedule the mediation conference to be held within sixty days of the assignment of the case to a mediator. The conference may not be continued unless by Order of Court.

(a) Scheduling order format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

_____	:	CIVIL DIVISION
	:	
_____	:	
Plaintiff	:	
	:	
vs.	:	No. _____
	:	
_____	:	
	:	
_____	:	
Defendant	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 2007, the Court hereby appoints _____ mediator. The mediation conference is hereby scheduled for _____ at _____ o'clock __M. at _____.

_____ The conference may not be continued unless by Order of Court. The mediator shall file his or her report within twenty (20) days from the date of the mediation conference in accordance with Butler County L.R. C.P. L212.1(f)(9)

BY THE COURT,

J.

(7) Cases which proceed to voluntary mediation, but do not get resolved, may apply for and be given preference on the trial list pursuant to Pa.R.C.P. 214(b).

(8) Mediation Statement. If no pre-trial statement as per the Pa.R.C.P. 212.2 has been filed as of ten (10) days prior to the mediation conference, then, at least ten (10) days prior to the mediation conference, each party shall file a mediation statement which must include the following:

- (a) party's succinct statement of position regarding liability and damages
- (b) significant legal issues involved, with citation of legal authority
- (c) medical reports
- (d) expert reports
- (e) itemized list of damages
- (f) last settlement posture and rationale

In the event a pre-trial statement has been previously filed, said pre-trial statement shall serve to provide the information required for a mediation statement. In the event any prior pre-trial statement requires updating or additional information to provide all categories for a mediation statement, said supplementation to the pre-trial statement shall be filed at least (10) days prior to the mediation conference.

If a party fails to timely file the mediation conference statement, the mediation conference may not be held and party who fails to timely file the required statement may be required to pay the attorneys fees and expenses of those parties who have timely filed their statements.

(9) Mediation Conference Report. Within twenty (20) days from the date of mediation conference, the mediator shall file with the Prothonotary a sealed mediation conference report which shall set forth the following:

- (a) Plaintiff's final settlement demand
- (b) Defendant's final settlement offer
- (c) Mediator's assessment of liability
- (d) Mediator's assessment of damages
- (e) Mediator's opinion regarding potential range of verdict and settlement

All parties will be provided with a copy of the mediator's conference report by the mediator. Upon receipt and docketing of the report, the Prothonotary shall forward the file, including the sealed report, to the assigned Judge. If the case has not been settled, upon motion of either party or on the Court's own motion, a status conference may be scheduled before the Court.

(10) Mediation communications and mediation documents shall be subject to the limitations on scope of Discovery and Deposition as per Pa.R.C.P. 4011(d) and 42 Pa.C.S.A. § 5949.

RULE L212.3 PRE-TRIAL PROCEDURES.

(a) Pre-Trial Settlement Conferences. In addition to matters set forth in Pa.R.C.P. 212.3 for consideration at a pre-trial conference, the Court will consider, and attempt to resolve all motions in limine filed up to that time. It is encouraged that all known or anticipated pre-trial motions in limine be presented prior to or at the pre-trial conference.

(1) Each party, corporation and insurance carrier of a party who has an actual interest in the case, or can have an effect on the settlement of the case, shall be personally present at the pre-trial settlement conference. Said party or representative must be authorized to speak for such party, corporation or insurance carrier with respect to the trial and settlement of the case. The Court may, upon appropriate requests of counsel, for good cause, permit a party or representative to appear by telephone rather than in person.

(2) Attorneys present at the pre-trial conference must have complete authority to enter into stipulations concerning liability and other trial related and evidentiary issues.

(3) Settlement negotiations may be considered at the pre-trial conference.

(4) At least five (5) days prior to the pre-trial settlement conference all plaintiffs shall have made a bonafied written demand and proposal for settlement to all opposing counsel and non-represented parties. By the time of the pre-trial settlement conference, each defendant or additional defendant shall respond in writing to such written demand.

(b) Civil Trial Status Reports. Counsel for the parties shall file a civil trial status report in the form set forth herein. Said status report shall be filed no later than noon on the Wednesday preceding jury selection. The civil trial status form may be filed in person, or by facsimile transmission to the Office of Court Administration at 724-284-5185.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s)

vs.

Defendant(s)

_____ (case number)

CIVIL CASE STATUS REPORT

Plaintiff's Counsel Name: _____ Phone No. _____
Fax No. _____
Defendant's Counsel Name: _____ Phone No. _____
Fax No. _____

Number on Trial List: _____

Status of settlement negotiations: _____

Anticipated length of trial: _____

Motions, evidentiary rulings necessary prior to trial or scheduling issues-(identify issues generally): _____

Date: _____

(1) Following the filing of civil trial status report forms by counsel or unrepresented parties, the Court will publish the schedule for jury selection by posting the list on the Butler County website, www.co.butler.pa.us, and by fax transmission to counsel and any unrepresented parties. The jury selection list shall also be available in the Office of Court Administration and the Office of the Prothonotary. Jury selection dates are established pursuant to the court's calendar which is published on the Butler county website.

RULE L216(c) GROUNDS FOR CONTINUANCE.

(1) The date for filing of civil trial status reports, as set forth in Butler County L.R.C.P. L212.3(b) shall constitute the date for call of the trial list for purposes of any applications for continuance pursuant to Pa. R.C.P. 216 (c).

(2) If the basis for a continuance is a required appearance of an attorney or party in a court of another County, the policy of this Court is to grant such a continuance only if the other matter was scheduled prior to the Butler County matter being scheduled. Any motion for a continuance on these grounds must include a true and correct copy of the scheduling order entered by the other court. This Court may communicate with the other court in order to resolve any conflicts to the benefit and satisfaction of both courts.

RULE L220.1 VOIR DIRE.

(a) Any proposed Voir Dire questions shall be submitted to the Court in advance of jury selection as directed by the Court in its pre-trial conference order. Unless otherwise directed, proposed Voir Dire questions are required to be submitted no later than one (1) week prior to jury selection.

(b) At the time of jury selection, counsel shall submit to the Court proposed jury instructions for cases to be tried by a jury.

RULE L223 CONDUCT OF TRIAL. GENERALLY.

(a) At the time of commencement of a non-jury trial, counsel for all parties shall present to the Court proposed findings of fact and conclusions of law.

(b) Oversized exhibits must be submitted to the court reporter in 8" x 10" form to be included with the transcript.

RULE L230.2 TERMINATION OF INACTIVE CASES.

(a) On April 1 of each year, the Prothonotary shall begin to prepare a list of all cases in which there has been no activity of record for two (2) years as of said April 1st date. The Prothonotary shall then initiate the process of terminating inactive cases in the manner provided for in Pa. R.C.P. 230.2.

(b) On the date for termination of inactive cases, as identified in L230.2(a) above, the Prothonotary shall deliver to the assigned judge the listing of cases wherein a statement of intention to proceed was filed on behalf of the party and also a list of cases administratively terminated upon the failure of any party to file a statement

of intention to proceed in accordance with Pa. R.C.P.230.2(f). For those cases wherein a statement of intention to proceed has been filed, a status conference may be scheduled for that case before the assigned judge.

**RULE L430 SERVICE PURSUANT TO SPECIAL ORDER OF COURT.
PUBLICATION.**

(a) Designated publication. Whenever service by publication is authorized by law or rule/order of court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one (1) time in a newspaper of general circulation in Butler County, and one (1) time in the Butler County Legal Journal. Affidavit of publications shall be filed with the Office of the Prothonotary.

(b) The Butler County Legal Journal. The Butler County Legal Journal, owned and operated by the Butler County Bar Association, is hereby designated the official legal publication of Butler County.

RULE L1018.1 NOTICE TO DEFEND. FORM.

(a) The organization to be named in the Notice to Defend to find out where legal help may be obtained:

Office of Prothonotary, Butler County
1st Floor Courthouse
124 West Diamond Street
P.O. Box 1208
Butler, PA 16003
(724) 284-5214

Butler County Bar Association
201 Main Street
Butler, PA 16001
(724) 841-0130

RULE L1028(c) PRELIMINARY OBJECTIONS.

(1) Preliminary objections shall be filed with the Prothonotary. A brief in support of preliminary objections shall be filed at the same time as the filing of the preliminary objections. Briefs for the non-moving parties shall be filed and served no later one (1) week prior to the scheduled submission/argument date.

(2) If an amended pleading is filed in response to the preliminary objections, the amending party shall contemporaneously file a motion to cancel any submission/argument date scheduled to address the preliminary objections.

(3) Upon the filing of preliminary objections, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their preliminary objections. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

RULE L1034(a) MOTION FOR JUDGMENT ON THE PLEADINGS.

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for judgment on the pleadings is filed. Briefs for the non-moving parties shall be filed and served one (1) week prior to the scheduled submission or argument date.

(2) Upon the filing of motion for judgment on the pleadings, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for judgment on the pleadings. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

RULE L1035.2(a) MOTION FOR SUMMARY JUDGMENT.

(1) A motion for summary judgment shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for summary judgment is filed. Briefs for the non-moving parties shall be filed and served no later than one (1) week prior to the scheduled submission or argument date.

(2) Upon the filing of motion for summary judgment, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for summary judgment. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

RULE L1301 ARBITRATION.

(a) These rules apply to all civil actions or issues that shall be submitted to compulsory arbitration pursuant to §7361 of the Judicial Code, 42 Pa.C.S.A. § 7361, and Pa.R.C.P. No. 1301, et. seq.

(b) A board of arbitrators, consisting of three (3) members of the bar actively engaged in the practice of law primarily in Butler County and selected as hereinafter provided, shall decide the following matters:

(1) All civil actions, as defined by Pa.R.C.P No. 1001(b)(1), for money damages where the amount at issue is within the statutory arbitration limits, as provided by law and/or order of Court. See 42 Pa.C.S.A. § 7361. The court has established the arbitration limits for Butler County for compulsory arbitration at Thirty-Five Thousand (\$35,000.00) Dollars. The amount at issue shall be determined from the pleadings, by agreement of the parties, or by the Court;

(2) All civil actions, where no appearance has been entered and the plaintiff desires to have damages assessed in an amount not to exceed the arbitration limits;

(3) All appeals from a civil judgment of the magisterial district court, except judgments for possession of real property;

(4) By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions, waivers of defenses, or proofs as are agreed upon. The parties may agree to extend the Arbitration jurisdictional limits for a case up to \$50,000. Such agreement must be by all parties and approved by the court.

(c) These Rules shall not apply to the following actions:

- (1) Action in ejectment;
- (2) Action in quiet title;
- (3) Action in replevin – except by Order of Court;
- (4) Action in mandamus;
- (5) Action in quo warranto;
- (6) Action in mortgage foreclosure;
- (7) Action upon ground rent;
- (8) Action in foreign attachment; or
- (9) Action for fraudulent debtors attachment

RULE L1302 LIST OF ARBITRATORS. APPOINTMENT TO BOARD.

(a) The Prothonotary of Butler County shall compile and maintain a list of persons eligible and willing to serve as arbitrators. This list shall be comprised of members of the bar actively engaged in the practice of law primarily in Butler County. "Actively engaged in the practice of law primarily in Butler County" is defined as attorneys who regularly maintain an office in Butler County for the practice of law, including public defenders, assistant and deputy district attorneys, and judicial law clerks of the Court of Common Pleas of Butler County.

Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator with the Prothonotary. Arbitrators shall be selected by the Prothonotary from those persons who have filed their consents to serve.

(b) If an arbitrator is not able to serve on his or her appointed date, said arbitrator shall secure a replacement arbitrator from the list of attorneys who have consented to serve. Said arbitrator shall notify the Prothonotary of the replacement and the Prothonotary shall appoint said substitute attorney to replace arbitrator. Should a vacancy on the board of arbitrators occur prior to the hearing for any reason, or should a member of the board fail to attend the hearing, a member of the board shall notify the Prothonotary who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the board of arbitrators occur after the hearing takes place, but before an award is signed by all arbitrators, or should a member of the board fail to or refuse to perform his or her duties, the award shall be signed and filed by the remaining members of the board. If the remaining members of the board are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter the Prothonotary shall schedule a re-hearing for the new board, which shall thereafter file an award.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least three (3) years.

(d) Each member of the board of arbitrators who have been duly sworn to hear a case shall receive as compensation a fee in the amount set by the court from time to time by administrative order. In cases requiring hearings that exceed one half (½) day, the arbitrators may petition the court for additional compensation, which the court may grant for cause shown. The arbitrators shall be entitled to receive their compensation fees as follows:

(1) Following hearing, after filing the award with the Prothonotary as per Butler County L.R.C.P. L1306; or

(2) If a continuance is requested after the date of posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), the arbitrators shall be paid from the funds paid by the continuing party as per Butler County L.R.C.P. L1304; or

(3) If a case settles after the posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), but before the scheduled arbitration hearing, the arbitrators shall be paid by the county as per administrative order under Local Rule L1302(d) upon Order of Court that directs payment in the case.

(a) When counsel agree upon terms for settlement, they shall notify the Court, in writing, as soon as possible such that the case can be removed from the Arbitration hearing list. Any case that is removed from the list

after posting of the time for arbitration under Local Rule L1303(d) which does not settle of record, shall not be re-listed for Arbitration unless the arbitrators fees paid to the original Arbitration panel as per Local Rule L1303(e) are reimbursed to the County by counsel for the parties.

Compensation fees paid to arbitrators shall not be taxed as costs or follow the award as other costs.

(e) Upon the filing of the arbitrators' award, discontinuance by the parties after the swearing of the arbitrators, Order of Court continuing the case after posting of a hearing time as per Butler County L.R.C.P. 1303(d)(2), Order of Court removing the case from Arbitration based upon settlement of the case of record as per Butler County L.R.C.P. L1302(d)(3), or an award by the Court in accordance with Pa.R.C.P. No. 1303(b), the Prothonotary shall certify such filing to the Court and submit a statement for payment to the Office of the Court Administrator. The County shall thereupon pay the applicable fee to each member of the board of arbitrators.

(f) If an arbitrator fails in his or her duties, or the board of arbitrators fails to file an award promptly, as required by Pa.R.C.P. No. 1306, the result will be the forfeiture of the arbitrator's fee.

RULE L1303 HEARING. NOTICE.

(a) Upon the filing of a praecipe for arbitration or a referral of a case for arbitration by the Court, a hearing date shall be assigned by Court Administration. The praecipe for Arbitration shall be in the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff	:	CASE # AD
	:	
vs.	:	
	:	
	:	
Defendant	:	

PRAECIPE FOR ARBITRATION

The _____ (Plaintiff / Defendant) hereby requests that the above case be scheduled for Compulsory Arbitration.

Note: Either party may request that a Pre-Arbitration conference be scheduled before the assigned Judge by filing a written motion or by checking the box below.

A pre-hearing conference before the assigned Judge is requested.

Preliminary estimate of time required for arbitration hearing _____.

Date

Counsel for Plaintiff / Defendant

Counsel/party fax contact information:

Plaintiff/Counsel fax # _____

Defendant /Counsel fax # _____

Respectfully submitted,

(b) The Court Administrator's Office shall fix the date for the arbitration hearing at the Butler County Courthouse. There shall be at least two (2) arbitration panels scheduled for single arbitration date each month. The scheduled dates will be noted in the court calendar as posted on the Butler County website, www.co.butler.pa.us. The scheduling order will be in the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff	:	CASE # AD
	:	
vs.	:	
	:	
Defendant	:	

ORDER OF COURT

The above-captioned matter is scheduled for Arbitration on _____.

A Pre-Arbitration conference:

_____ has not been requested

_____ is scheduled _____ @ _____ m in Courtroom # ____.

An Arbitration status report, in the form set forth in Butler County L.R.C.P. 1303(a)(4), shall be filed with Court Administration on or before _____. A copy of the Arbitration status report form is available on the Butler County Website, www.co.butler.pa.us.

The time for the Arbitration shall be posted on the Butler County Website and faxed to counsel on or before _____.

Any continuance of the Arbitration hearing must be obtained upon motion presented to the assigned Judge. Continuances requested after the posting of the time for the Arbitration shall only be granted upon the payment of the Arbitrators' fees.

BY THE COURT,

(1) For each monthly arbitration date, the Prothonotary shall appoint two (2) panels of three (3) arbitrators each. Said lists shall be forwarded to Court Administration by the Prothonotary.

(c) Arbitration Status Report. All orders of court scheduling the arbitration hearing shall provide for notification that an arbitration status report shall be filed with Court Administration fourteen (14) days prior to the scheduled arbitration date. The arbitration status report shall be in the format set forth below:

Caption

ARBITRATION STATUS REPORT

Plaintiff's Counsel Name & Phone No. _____

FAX No. _____

Defendant's Counsel Name & Phone No. _____

FAX No. _____

Status of Settlement negotiations: _____

Anticipated total length of Arbitration Hearing – (counsel should consult with all sides to provide a reliable estimate of time because other arbitration hearings may be scheduled to follow the time allotted for your case) _____.

Other considerations that the court needs to be aware of concerning scheduling of a hearing time:

NOTICE: Any continuance requested after the scheduling of a hearing time for your arbitration hearing as per Butler County L.R.C.P. 1303(d) will require the payment of the arbitrators' fees.

Date: _____

Plaintiff / Defendant
(legal counsel or party, if unrepresented)

This form may be filed individually or jointly by all counsel and any unrepresented parties.

This form may be filed in person or by FAX to the office of the Court Administrator. FAX # 724-284-5185

(d) Upon receipt of the arbitration status report forms, the arbitration cases will be scheduled for a specific time for hearing before a panel of arbitrators on the scheduled arbitration date. Notification of the scheduled arbitration time shall be forwarded to all counsel and unrepresented parties by mail and/or facsimile transmission. The scheduled arbitration times will also be posted on the Butler County website, www.co.butler.pa.us, and in the offices of Court Administration and the Prothonotary.

(e) The Order of Court scheduling the arbitration time shall also contain a notice that will include the following statement:

This matter will be heard by a board of arbitrators at the time, date and place specified. But if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to trial de novo on appeal from a decision entered by a judge in such circumstance.

(f) Arbitration Time Scheduling Order. The scheduling order for the arbitration time shall be in the following format:

Caption

ARBITRATION TIME SCHEDULING ORDER

And now, _____, the Arbitration hearing for the above case is scheduled for _____ at _o'clock _ M in Room _____ of the Butler County Courthouse. _____ hour(s) or _____ day(s) has/have been allotted for this case to be presented and concluded.

This matter will be heard by a board of arbitrators at the time, date and place specified. But if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to trial de novo on appeal from a decision entered by a judge in such circumstance.

Any continuance requested after this date WILL require the payment of the arbitrators' fees.

BY THE COURT,

RULE L1304 CONTINUANCES.

Continuances of hearings before board of arbitrators may only be obtained by leave of court. Parties seeking a continuance shall file their requests for continuance before the assigned judge for the case. Continuances will be granted by the Court only for good and sufficient reasons as presented by the parties. Any continuance requested and granted after the posting of the arbitration times as set forth in Rule L1303(d) shall include a requirement that the party requesting a continuance shall be responsible for payment of the arbitrators' fees as established pursuant to special order of court. The party upon whom such fees have been imposed may not, so long as such fees remain unpaid, take any further step in such arbitration without prior leave of court. The party upon whom such fees have been imposed may not recover such fees if that party is ultimately successful in the arbitration.

RULE L1305 AUTHORITY OF THE BOARD CHAIRPERSON.

(a) The chairperson of the board of arbitrators shall have the powers conferred upon him or her by law, including but not limited to the following:

(1) The chair of the board of arbitrators shall have initial authority to make all rulings on objections to evidence or on other issues that arise during the hearing. Such rulings shall be final unless objected to by one of the other arbitrators. In the later instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(2) Following the hearing and entry of award, the chair of the board of arbitrators shall release the exhibits to the party who offered them.

RULE L1306 AWARD.

Arbitrators shall file their award within seven (7) days after the completion of the arbitration hearing. Arbitrators who fail to file the award as required by this Rule may forfeit their fees. The arbitrators may consider the subject of damages for delay after an award has been made in accordance with Pa.R.C.P. 238. Any such delay damages shall be added to the principal amount awarded, but shall be separately stated on the report and award.

RULE L4008 LOCATION OF DEPOSITION FOR CASES FILED IN BUTLER COUNTY.

Unless parties otherwise agree, or unless by court order otherwise for good cause shown under Pa.R.C.P. 4012, depositions for Butler County cases shall occur in Butler County.