

BLAIR COUNTY LOCAL RULES – CIVIL
(Revised February 22, 2008)

FROM THE RECORD CERTIFIED

12th DAY OF March 2008
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PROTHONOTARY & CLERK OF COURTS

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RULE 76
DEFINITIONS

BLAIR COUNTY BAR ASSOCIATION MEDIATION PROGRAM

– An alternative dispute resolution tool which utilizes the time and skills of several experienced members of the Blair County Bar who act as neutral mediators. This program provides the parties with an opportunity to expand and develop areas of agreement which can resolve their dispute at considerable savings of financial and human resources to everyone involved. Submission of cases to the Blair County Bar Association Mediation Program is voluntary, unless ordered otherwise.

BLAIR COUNTY LOCAL RULES –

These rules apply to any civil matter of business coming before this Court, unless designated otherwise. They shall be cited as B.C.L.R.

NOTICE OF ARGUMENT/

HEARING – An Order of Court setting a date, time and location for hearing on a petition or motion requiring a decision of Court. See B.C.L.R. 301.

PRETRIAL CONFERENCE – A conference among counsel, the Court and such other persons as directed to be present or permitted to attend by the judge. The purpose shall be to discuss the posture of the case, including settlement, in an effort to prepare the case for trial. A formal narrative is required for this conference. See Pa. R. Civ. P. 212.2 - 212.3.

SETTLEMENT CONFERENCE/JUDICIAL

MEDIATION – A meeting among counsel, litigants, the Court and other such persons as directed by the judge to

be present in person for the purpose of resolving the action. This meeting shall be attended in person unless excused by the judge. All persons with settlement authority shall be required to attend unless specifically excused by the Court.

STATUS CONFERENCE – A conference among counsel and a court representative to take place early in the litigation or at any other point the Court deems necessary to move the case toward resolution. No pretrial narratives are necessary. Counsel should be prepared to discuss the present status of the lawsuit, appropriate time limits for discovery, and the possible use of alternative dispute resolution. The Court may set discovery deadlines at this time and may schedule a formal pretrial. See B.C.L.R. 300.

SUMMARY JURY TRIAL – A form of alternative dispute resolution to be scheduled upon request of the parties and/or at the discretion of the Court. The purpose of the summary jury trial is to provide an expedited proceeding which promotes settlement. The attendance of the parties with authority to settle, including insurance adjuster, is mandatory. See B.C.L.R. 302.

RULE 205.2(b)
COVER PAGE

- (1) For the initial pleading in any civil action, the pleading shall be accompanied by a completed Court of Common Pleas of Blair County Civil Cover Sheet to be attached to the first page of the pleading. The Court of Common Pleas of Blair County Civil Cover Sheet, as set forth below, shall be available to the parties at the Office of the Prothonotary of Blair County.
- (2) All other pleadings and entries of appearance filed in any matter shall be accompanied by an identification cover page which should be attached to the first page of pleading and which will be structured to indicate:
 - (a) Full case caption;
 - (b) Realm of the court to which the matter is to be sent, i.e. civil, criminal, family, orphans, juvenile, or miscellaneous;
 - (c) Title of the pleading or indication of entry of appearance;
 - (d) Name of the assigned or presiding judge, if applicable;
 - (e) Civil court code number, if applicable, as assigned on the Court of Common Pleas of Blair County Civil Cover Sheet in the initial pleading;
 - (f) Indication whether the matter is a subject for arbitration ("ARB");
 - (g) Indication of the party for whom the pleading is filed. If there is no attorney involved, the name, address, and telephone number of the party or parties is required;
 - (h) Name, Supreme Court identification number, law firm name, if applicable, address, and telephone number of filing attorney as well as the names of

counsel and law firms representing other parties with indication of the party represented;

- (i) Identification Cover Pages shall include the caption for the case, the type of court, the title of the pleading, the name of the presiding judge, an identification of the moving or pleading party and their attorney, and an identification of the opposing party and their attorney. Other than the information contained in the caption, the cover page should be justified to the right side of the page in substantially the following form:

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS	TOTAL NUMBER OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Petition Action <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Other Jurisdiction
AMOUNT IN CONTROVERSY	<input type="checkbox"/> \$50,000 or less <input type="checkbox"/> More than \$50,000 <input type="checkbox"/> Not Applicable	JURY TRIAL DEMANDED? ARBITRATION CASE (\$0 - \$50,000) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

NATURE OF THE CASE: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE. If you are making more than one type of claim, check the one that involves the largest amount of damages or the one you consider most important.

- | | | |
|--|--|--|
| <p>WRIT/MISCELLANEOUS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Writ of Summons 100 <input type="checkbox"/> Complaint Miscellaneous 101 <input type="checkbox"/> Petition Miscellaneous 102 <input type="checkbox"/> Minor's Claim 103 <input type="checkbox"/> Protection from Abuse (PFA) 104 <input type="checkbox"/> Petition for Name Change 105 | <ul style="list-style-type: none"> <input type="checkbox"/> Breach of Contract - Insurance 301 <input type="checkbox"/> Breach of Contract - Employment 302 <input type="checkbox"/> Breach of Contract - Construction 303 <input type="checkbox"/> Breach of Contract - Sale of Goods 304 <input type="checkbox"/> Breach of Warranty 305 <input type="checkbox"/> Credit Card/Consumer Credit 306 <input type="checkbox"/> Complaint Replevin 307 | <ul style="list-style-type: none"> <input type="checkbox"/> District Justice (DJ) Appeal 503 <input type="checkbox"/> License/Registration Suspension Appeal 504 <input type="checkbox"/> Inspection Station Appeal 505 <input type="checkbox"/> Local Agency Appeal 506 <input type="checkbox"/> Board of Elections Appeal 507 <input type="checkbox"/> Tax Sale Appeal 508 |
| <p>TORT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Motor Vehicle Accident 200 <input type="checkbox"/> Other Personal Injury 201 <input type="checkbox"/> Assault/Battery 202 <input type="checkbox"/> Trespass 203 <input type="checkbox"/> Defamation (Libel/Slander) 204 <input type="checkbox"/> Medical Malpractice 205 <input type="checkbox"/> Legal Malpractice 206 <input type="checkbox"/> Other Professional Liability 207 <input type="checkbox"/> Products Liability 208 <input type="checkbox"/> Premises Liability (Slip-and-Fall) 209 <input type="checkbox"/> Wrongful Death/Survival 210 <input type="checkbox"/> Asbestos 211 | <p>REAL PROPERTY/EQUITY</p> <ul style="list-style-type: none"> <input type="checkbox"/> Complaint in Mortgage Foreclosure 400 <input type="checkbox"/> Complaint Ejectment 401 <input type="checkbox"/> Complaint Partition 402 <input type="checkbox"/> Complaint in Quiet Title 403 <input type="checkbox"/> Complaint Mandamus 404 <input type="checkbox"/> Eminent Domain/Declaration of Taking 405 <input type="checkbox"/> Lis Pendens 406 <input type="checkbox"/> Condemnation 407 <input type="checkbox"/> Complaint in Equity 408 <input type="checkbox"/> Quo Warranto 409 | <p>JUDGMENTS/LIENS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Judgment Complaint in Confession 600 <input type="checkbox"/> Judgment Exemplification 601 <input type="checkbox"/> Consent Judgment/Judgment Note 602 <input type="checkbox"/> Declaratory Judgment 603 <input type="checkbox"/> Judgment Transcript 604 <input type="checkbox"/> Mechanic's Lien/Claim 605 |
| <p>CONTRACT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Breach of Contract - Miscellaneous 300 | <p>APPEALS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Appeal of Arbitration Award 500 <input type="checkbox"/> Board of Assessment Appeal 501 <input type="checkbox"/> Zoning/and Use Appeal 502 | <p>CUSTODY</p> <ul style="list-style-type: none"> <input type="checkbox"/> Complaint Custody 700 <input type="checkbox"/> Foreign Custody 701 <p>DIVORCE</p> <ul style="list-style-type: none"> <input type="checkbox"/> Complaint Divorce 800 <input type="checkbox"/> Foreign Divorce 801 <input type="checkbox"/> Divorce/Custody 802 |

RELATED PENDING CASES (List by Case Caption and Case Number - Indicate Whether the Related Cases Have Been Consolidated)

TO THE PROTHONOTARY:
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: (or Pro Se Litigant)
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT)	SUPREME COURT IDENTIFICATION NO.	ADDRESS
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS
SIGNATURE		DATE

RULE 206.4(c)
RULE TO SHOW CAUSE

- (1) We hereby adopt Pa. R. Civ. P. 206.5 as local procedure for rules to show cause.
- (2) A petitioner seeking the issuance of a rule to show cause shall attach to the petition a proposed order in the form prescribed in subdivision (6) and give notice to all other parties of the intention to request the court to issue the rule.
- (3) If the petition is within the scope of Rule 206.1(a), is properly pleaded, and states prima facie grounds for relief, the court shall enter an order issuing a rule to show cause and may grant a stay of proceedings.
- (4) Argument/hearing shall be scheduled in front of the judge to whom the case is assigned for a date certain after the deadline for filing the answer. It is within the discretion of the presiding judge to determine whether the matter can be decided on briefs alone.
- (5) Briefs addressing whether a rule to show cause should issue shall be filed according to the briefing schedule ordered by the presiding judge at the conclusion of the evidentiary hearing. If the Court declines to hold an evidentiary hearing, the Court shall provide a briefing schedule in the order issuing the rule.
- (6) The form of order required by subdivision (2) shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the foregoing petition, it is hereby ordered that

- (1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within twenty (20) days of this date;
- (3) the petition shall be decided under Pa. R. Civ. P. No. 206.7.
- (4) an evidentiary hearing on disputed issues of material fact shall be held on the _____ day of _____, _____ in Courtroom _____ of the Blair County Courthouse.
- (5) notice of entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

_____J.

RULE 208.2(c)
CONTENT OF MOTIONS

Any motion or petition based upon a statute or rule of court shall cite the specific statute or rule which authorizes the requested relief. See Pa. R. Civ. P. 239.3(a).

RULE 208.3(a)
**PRESENTATION OF MOTIONS
AND PETITIONS**

- (1) All motions and petitions requesting an Order of Court shall be filed with the Prothonotary's Office, which shall forward the motion or petition to the Court Administrator's Office for further processing.
 - (a) Exceptions: The following motions or petitions shall be filed directly with the Court Administrator's Office, which will forward them to the appropriate judge:
 - (i) Motions for Continuance, except with respect to juvenile and domestic matters. B.L.C.R. 216.1.
 - (ii) Petitions for Court approval of stipulations or agreements.
 - (iii) Notice of Argument/Hearing, or agreed upon Order, may be presented to the Court Administrator's designee immediately prior to the beginning of Motions Court. The Court Administrator's designee will then assign a date and time and will submit the Notice of Argument/ Hearing or Order for the judge to execute said Order without counsel being present. B.C.L.R. 301.
 - (b) Counsel shall always prepare and submit with any motion or petition a proposed order granting the requested relief.
 - (c) The movant and respondent shall serve copies of their respective filings upon the opposing party at the time such filings are promptly time-stamped with the Prothonotary's Office in order to afford opposing party immediate notice of the filing. After

receiving a date for hearing, the movant shall inform the opposing party of the date and time of the hearing. The movant shall likewise serve the opposing party with a copy of signed orders for scheduling hearings. (Failure to do so may result in dismissal and/or sanctions).

- (2) The Court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the Court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the parties to the proceeding are given an opportunity for argument.
 - (a) This rule does not prevent the Court from denying the moving party's request for relief without the opportunity for an argument where the motion is procedurally defective, untimely filed, or fails to set forth adequate grounds for relief.
 - (b) Parties may choose to submit responses and briefs at the time of presentation, provided that copies have been served on every other party. However, parties are not required to file responses and briefs in these instances.
 - (c) When filing a motion, the procedure as set forth in B.C.L.R. 206.4(c) is likewise applicable under this section.

RULE 208.3(b)
**ALTERNATIVE PROCEDURES
FOR THE PRESENTATION OF
MOTIONS**

- (1) It is the preference of the Court to decide specified motions on briefs. Counsel may request oral argument in situations where a brief is insufficient to properly set forth the argument. The request for oral argument must be made in writing within ten (10) days of filing the motion, and submitted to Court Administration, with a statement setting forth the reasons for the necessity of oral argument. Court Administration shall refer the matter to the assigned judge.
- (a) It shall be at the discretion of that judge whether argument will be scheduled.
- (b) The Court may *sua sponte* schedule oral argument as it deems necessary.
- (c) If the request for oral argument is approved, the moving party shall file a brief within twenty (20) days.
- (d) All response briefs must be filed no later than twenty (20) days of receipt of the moving party's brief. Reply briefs shall then be filed within ten (10) days of receipt of the moving party's brief.
- (e) Service shall be made in conformity with Pa. R. Civ. P. 440.
- (f) If response briefs are not timely filed the Court may dispose of the motion without such response brief and/or a monetary sanction may be imposed by the Court.
- (g) All requests for extension of the twenty (20) days to file responsive briefs shall be submitted in writing to Court Administration and will be referred to the assigned judge.
- (h) If a motion is settled or withdrawn prior to disposition, the moving

party shall so inform Court Administration in writing.

RULE 216
CONTINUANCES

- (a) The Court disfavors continuances due to the difficulty in promptly rescheduling matters. All applications for continuance shall be made by written motion. The motion shall specify the factual basis for the request of the proposed continuance. The request for continuance shall be filed with the Court Administration and will be forwarded to the assigned judge.
- (b) Any request must specify the position of the opposing party/parties. Failure to specify the position of the opposing party/parties results in automatic denial of the request.
- (c) Requests for continuances shall be filed at least ten (10) days in advance of the hearing date. Where the continuance is not timely filed, the reasons for the delay shall be specifically set forth in the motion. Faxed continuances will only be accepted in emergency situations.
- (d) Any continuance request shall contain certification that the client has been notified and does not oppose the request.
- (e) Court Administration shall notify the requesting party of the Court's decision on the motion and it shall be the requesting party's obligation to notify all parties of record.
- (f) Continuance pro formas shall be prescribed by the Court and

obtained from Court Administration.

- (g) Continuances for Domestic Relations, Juvenile Probation and custody proceedings shall be filed with the respective departments.

RULE 229
DISCONTINUANCES

- (a) Any discontinuance of an action shall be in accordance with Pa. R. Civ. P. 229. A discontinuance may also be entered by a written direction (praecipe) to the Prothonotary if it is signed by the plaintiff's attorney or by a pro se plaintiff and the same shall be accepted by the Prothonotary if all costs due the Prothonotary have been paid.
- (b) Counsel shall provide a copy of the discontinuance to the Court Administration simultaneous with providing the original to the Prothonotary. Any written direction to the Prothonotary complying with this rule may be sent to the Prothonotary by mail and shall be accepted for filing.
- (c) Failure of plaintiff's counsel or a pro se plaintiff to file a discontinuance upon settlement or withdrawal of such action may result in a fine of up to one hundred dollars (\$100) within the discretion of the Court and/or a hearing will be set for the attorney or pro se plaintiff to explain the reasons for their failure to discontinue the action. Client(s) must attend such hearing with counsel.

RULE 230.2
TERMINATION OF INACTIVE CASES

We hereby adopt Pa. R. Civ. P. 230.2 and Pa. R. of Judicial Administration 1901.

RULE 300
STATUS CONFERENCES

- (a) In any complex case or other action which the Court deems applicable, a status conference may be scheduled by the Court for purposes of discussing the following, including, but not limited to:
- (1) The facts of the case;
 - (2) The status of discovery and what discovery is anticipated in the case;
 - (3) Any novel legal questions which are or may be at issue in the case;
 - (4) The status of the settlement demand and any responsive offers; and
 - (5) Setting and/or modifying of discovery deadlines. The Court reserves the right to establish discovery deadline dates prior to a status conference pursuant to 42 Pa.C.S.A. §323.
- (b) Status conferences shall be scheduled upon request of the parties or at the discretion of the Court.
- c (d) Subsequent to the status conference, the court may issue any Order deemed necessary providing counsel with dates and times for any future proceedings that may be required.
- d (e) No written narratives need be filed for status conferences.

RULE 301
NOTICE OF
HEARING/ARGUMENT

- (a) A motion or petition, requesting an Order of Court, with the exception of cases falling within B.C.L.R. 206.4(c), shall include a Notice of Hearing/Argument, (substantially in the format in subsection (5)), the granting of which shall be discretionary with the Court, and a Proposed Order granting the requested relief citing the specific statute or rule which authorizes the requested relief.
- (1) All such motions/petitions shall be filed in the Prothonotary's Office, who will forward same to Court Administration.
- (2) If a hearing or argument is requested, a date, time and location will be assigned by Court Administration.
- (3) Once a Notice of Hearing/Argument or Order has been signed by the Court, Court Administration shall mail a copy to the moving party.
- (4) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the hearing/argument.
- (5) The format of the Notice of Argument/Hearing shall be as follows:

(CAPTION)

NOTICE OF HEARING/ARGUMENT

AND NOW, this _____ day of _____, 20____, a hearing/argument is set for the _____ day of _____, 20____, at _____ a.m./p.m. in Courtroom No. _____ in the Blair County Courthouse, Hollidaysburg, Pennsylvania.

BY THE COURT:

_____J.

Estimated length of time requested for hearing/argument: _____

RULE 302
BLAIR COUNTY SUMMARY JURY
TRIAL RULES

- (a) Preliminary Considerations. The following shall be considered, but shall not be controlling, in determining if civil cases are appropriate for a summary jury trial:
- (1) Time Necessary for Regular Trial, Damages and Issues Involved. The Court will determine if the regular trial time would be one or several days, including time for jury selection and closings and charge. The Court will also consider the amount of damages and whether complex legal issues are involved.
- (2) Consent of Attorneys. The Court will attempt to obtain the consent of the attorneys to conduct a summary jury trial, but the Court shall have the authority to direct a summary jury trial as an extension of the settlement conference.
- (3) Offer and Demand. The Court will

consider the existing offer and demand, if any, in assessing the suitability of a case for jury trial.

- (4) Credibility. The Court will determine whether the major issues of the case will be resolved on the basis of credibility.
- (b) Summary Jury Trials. The following procedures shall apply to all summary jury trials:
- (1) Attendance of Parties. Individual parties shall attend the summary jury trial. Additionally, an officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the summary jury trial.
 - (2) Non-Binding Effect. Summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties or shall constitute a waiver. However, a summary jury trial may be made binding or damages can be floored and capped with a high/low by agreement of counsel and parties.
 - (3) Special Verdict Questions. The cases will be submitted to the summary jury trial by way of special verdict questions. Each counsel shall submit a statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary jury trial need not be the same as those for the formal jury trial. In the Court's discretion, the jury may be requested to determine the amount of damages in any given case regardless of whether a defendant is found to be liable or

not liable. The Court will determine the verdict slip format to be used and rule on disputed special verdict questions.

- (4) Selection of Juries. Summary juries shall consist of eight (8) jurors. Counsel shall not be present at jury selection except by leave of Court. The Court will select summary juries using the standard summary jury trial voir dire questions contained under Section 3 of this rule. Should counsel wish the Court to ask additional voir dire questions, they should submit proposed voir dire for the Court's use no later than ten (10) days prior to the jury selection date.
- (5) Narrative Statements. In the discretion of the Court, counsel may be required to file narrative statements which will be read to the jury at the start of the summary jury trial. Such narrative statements shall consist of a brief (1-2 pages) description of each party's position on the facts and the law. The purpose of reading the narrative statements is to provide the jury with a short overview of each party's case prior to presentation by counsel.
- (6) Presentation of the Case by Counsel. Each side shall be entitled to one (1) hour for presentation of its case unless counsel presents a compelling reason at a pre-trial or status conference why more time for each side should be allowed. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence which would be presented at the standard trial and a statement of the applicable law, but only to the extent it is needed

to be known by the jury in answering the special verdict questions. Counsel may argue the reasonable inferences that may be drawn from the discovery. Counsel may choose to present live testimony. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross examination. Time spent by counsel in direct examination and cross examination of witnesses counts against their respective one (1) hour allotted times. Counsel may quote from depositions and may use exhibits and video tapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first and shall have a short rebuttal (10-15 minutes as determined by the Court).

(7) Points for Charge & Pre-trial

Motions. The Court will charge the jury on the applicable law to the extent it is appropriate and necessary for the jury in answering the special verdict questions. The attorneys shall each submit proposed points for charge to the Court no later than ten (10) days prior to the selection of the summary jury. The Court shall rule on any disputes regarding points for charge and/or proposed verdict slips. Any pre-trial motions shall be submitted to the Court no later than ten (10) days prior to the summary jury trial date.

(8) Jury Verdict. The jury will be asked to determine a verdict if seven (7) out of eight (8) or six (6) out of eight (8) of them, within the discretion of the Court, agree to it.

(9) Length of Deliberations. If the jury does not reach a verdict within a

reasonable time, the Court will consider polling the jurors individually.

(10) Oral Questions to the Summary Jury. After the verdict, counsel and the Court may address questions in open court to the jury. No one is required to answer. Participation by jurors is strictly voluntary.

(11) Settlement Conference. Within sixty (60) days of the non-binding summary jury trial, the Court will schedule a settlement conference at which an amicable resolution of the action will be attempted. Parties, representatives of corporate parties, and claims adjusters with authority to settle the case are required to personally attend the settlement conference.

(12) Regular Trial Date Unaffected. Submission of a case to the summary jury trial process will in no way affect the scheduling of that case for standard trial.

(13) Existing Offer and Demand. Should counsel agree to conduct a summary jury trial, the existing offer and demand shall remain unaltered through the summary jury trial until the settlement conference.

(14) Non-release of Summary Verdict to Media. The summary trial is an extension of the settlement conference, and as such, the verdict shall not be released to the media.

(b) Standard Summary Jury Trial Voir Dire Questions. The Court will select your jury. In addition to the written juror questionnaire completed by each juror, the Court will give the following voir dire:

(1) The Court will determine the

juror's availability for the specific date and time of the summary jury trial. If the case starts in the morning, the Court will determine prospective jurors availability all day. If it begins in the afternoon, the Court will determine their availability through the dinner hour into the early evening.

- (2) The Court will ask if any of the prospective jurors for any health reason are unable to perform their task as jurors, which would require them to sit for a period of as long as one (1) hour without a recess, e.g., any hearing difficulties, recent surgeries, nervous conditions.
- (3) The Court will give the parties a brief factual summary of the case to determine if any of the jurors have knowledge of the allegations in the case.
- (4) The Court will specifically identify the plaintiff and defendant by name and address to further determine if any of the prospective jurors know them.
- (5) The Court will determine if any of the prospective jurors have had any social or business dealings, past or present, with either of the attorneys or their law firms.
- (6) If there are any particular witnesses who are significant to the case, lay or medical, the Court will identify them to the jury and determine the prospective jurors knowledge or contact with them.
- (7) The Court will explore whether any of the prospective jurors have had a similar injury to that claimed by the plaintiff or if a close friend or family member has had such an injury so it can be determined whether there might be some bias regarding the injury itself.
- (8) When any of the parties is other

than an individual, the Court will emphasize and explore the prospective juror's ability to give a corporation, for example, the same fair consideration to which any other party is entitled.

- (9) The prospective jurors will be asked whether they have any fixed opinions which would prevent them from awarding money damages in cases where fault is determined to exist and an actual injury has resulted from the defendant.
- (10) The prospective jurors will be asked whether they have any fixed opinion that would prevent them from deciding that a defendant is not liable if the evidence shows either that the defendant was not at fault or that the defendant's fault caused no actual injury to the plaintiff.
- (11) The prospective jurors will be asked whether any of them have been involved either as a plaintiff or a defendant in the particular type of case before the court or whether a family member or close personal friend has been involved in a case such that it would have any bearing on their ability to sit fairly and impartially (e.g., medical malpractice, slip and fall, automobile collision).
- (12) The prospective jurors will be asked if there is any other reason not stated by the Court why they would be unable to sit fairly and impartially in this particular matter.
- (13) If counsel desire any additional voir dire, it should be submitted to the Court at least ten (10) days prior to jury selection. We note that any positive responses will result in the prospective juror being stricken. We make no concerted attempt to rehabilitate summary trial jurors since

we have so many from which to pick. In terms of an equal mix of ages, gender, and other background information, we try to assure a diverse selection.

RULE 303
MOTIONS FOR DECISION

Any motion not specified in B.C.L.R. 1028(c), 1034(a), or 1035.2(a) shall be governed by a twenty (20) day briefing schedule unless otherwise specified by the Court. See B.C.L.R. 208.3(B).

RULE 365
Pa. R. Civ. P. 212.1 – 212.3
PRETRIAL PROCEDURE

- (a) Pretrial conferences shall be scheduled at the direction of the trial judge.
- (b) The pretrial judge shall generally be the trial judge.
- (c) Notice of the pretrial conference shall be contained within an order issued by the trial judge. Notice shall be provided in most cases at least thirty (30) days in advance of the pretrial.
- (d) Narratives shall be required for the first pretrial and shall be filed ten (10) days prior to the date of the conference.
- (e) The narrative shall contain the following:
 - (1) A brief summary of the facts;
 - (2) All items of economic damages which the Plaintiff intends to prove, including medical bills, property damages bills and loss of earnings;
 - (3) The names and addresses of all persons who may be called as

witnesses, classifying them as liability and/or damage witnesses;

- (4) Copies of all reports of any expert who treated, examined, or was consulted in connection with the injuries complained of, and who may be called as an expert witness.
- (5) Copies of all reports of any expert whose opinion will be offered in evidence at the time of trial. Such reports shall include the findings and conclusions of the expert;
- (6) Any special legal or evidentiary issues;
- (7) The estimated length of trial;
- (8) Any scheduling problems;
- (9) The settlement demand and any responsive offers; and
- (10) A list of anticipated exhibits to be used at the time of trial.
- (f) At least one week prior to the pretrial conference, all parties shall confer and consult with each other as often as may be necessary for the following purposes:
 - (1) To explore in every respect the possibility of settlement; including exchange of good faith demand and offer, and
 - (2) To consider the factual and legal issues involved.
- (g) Supplements to a written pretrial memorandum may be filed by any party after their original pretrial memorandum has been filed. However, no supplemental pretrial memorandum may be filed later than thirty (30) days prior to the scheduled jury selection. Should any party need additional time for preparation, or discovery as a result of a supplemental pretrial memorandum being filed, a petition must be promptly filed

with the Court seeking such an extension of time prior to the scheduled trial date.

- (h) Any narrative and/or supplement not timely filed may result in a fine and a copy of the sanctioning order shall be sent to the litigants by the Court.
- (i) Counsel attending the pretrial conference must have complete authority to stipulate regarding items of evidence and admissions, and must have full settlement authority. Counsel shall have the client and those with settlement authority available either in person or by phone for consultations regarding settlement.
- (j) At the pretrial conference, counsel shall be prepared to discuss fully with the Court the possibility of settlement of the case. At the conclusion of the conference, the judge shall make an order reciting the actions taken at the conference, including the agreements made by the parties as to any of the matters considered, the issues of trial and the admissions of fact obtained at the conference. The pretrial conference Order shall include a date for the filing of any pretrial motions and supporting briefs, voir dire questions, and a scheduled date for argument if appropriate.
- (k) Motions for Summary Judgment, consolidation, bifurcation and severance must be made at least thirty (30) days before the date of the pretrial conference. Such motions generally require a decision before meaningful progress can be made in preparing a case for trial or negotiating a resolution to the

lawsuit. It is the preference of the Court to resolve these matters prior to the pretrial conference if possible.

RULE 1028(c)

PRELIMINARY OBJECTIONS

- (1) Preliminary Objections must be filed with the Prothonotary, who will forward them to the assigned judge.
- (2) The moving party must file a supporting brief with the Prothonotary, no later than twenty (20) days after filing the Preliminary Objections.
- (3) All response briefs shall be filed no later than twenty (20) days of receipt of the moving party's brief.
- (4) Service shall be made in conformity with Pa. R. Civ. P. 440.
- (5) All requests for extension of the twenty (20) day period to file responsive briefs shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.
- (6) If a brief in support of preliminary objections is not filed within the twenty (20) days after the preliminary objections have been filed, they shall be dismissed by Order of Court.

RULE 1034(a)

JUDGMENT ON THE PLEADINGS

- (1) Motions for Judgment on the Pleadings, accompanied by a supporting brief, shall be filed with the Prothonotary and forwarded to the assigned judge.
- (2) Response briefs shall be filed no later than twenty (20) days after receipt of the moving party's brief.

- (3) Service shall be made in conformity with Pa. R. Civ. P. 440.
- (4) All requests for extension of the twenty (20) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.
- (5) If a Motion for Judgment on the Pleadings is filed without a supporting brief, the motion will be dismissed by Order of Court.
- (6) An Order for Argument shall be attached to the motion.
- (7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and the Order signed by the judge.

RULE 1035.2(a)
**MOTIONS FOR SUMMARY
 JUDGMENT**

- (1) Motions for Summary Judgment, accompanied by a supporting brief, shall be filed with the Prothonotary, who will forward the motion and brief to the assigned judge.
- (2) Response briefs shall be filed no later than thirty (30) days after receipt of the moving party's brief.
- (3) Service shall be made in conformity with Pa. R. Civ. P. 440.
- (4) All requests for extension of the thirty (30) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.
- (5) If a motion for summary judgment is filed without a supporting brief, the motion will be dismissed by Order of Court.
- (6) An Order for Argument shall be attached to the motion.

- (7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and an Order signed by the judge.
- (8) Once the Order for Argument is signed by the judge, Court Administration shall mail a copy to the moving party.
- (9) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the argument.

RULE 1301
ARBITRATION

(a) Cases for Submission:

(1) **By Court Administration** –

Court Administration, through Civil Case Management, will schedule all Civil Cases which are at issue wherein the amount in controversy (exclusive of interest and costs) shall be fifty thousand dollars (\$50,000.00) or less, per the pleadings. This includes all appeals from a civil judgment of magisterial district judges, except those involving title to real estate or actions in equity. The above cases identified shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) members of the Blair County Bar to be selected as hereinafter provided.

- (2) **By the Parties** – Cases, regardless of amount or subject in controversy, may be referred to a Board of Arbitrators by **Agreement of Reference** signed by all parties or their counsel, and may contain stipulations with respect to facts submitted or agreed upon or defense in such cases, the Agreement of Reference

shall take the place of the pleadings in the case and shall be filed of record.

- (3) **By the Court** -- Cases may be referred to arbitration where the Court is satisfied that the matter involves fifty thousand dollars (\$50,000.00) or less, in accordance with Pa. R. Civ. P. 1301.

RULE 1301-1 **ARBITRATORS**

Arbitrators will be selected from a Court-approved list after consultation with the Blair County Bar Association. No attorneys from the same law firm or office will serve on the same panel. One attorney will serve as the Case Manager, as designated by the court.

- (a) Three (3) attorneys will serve on each panel. There will be weekly panels selected each year. Panels will meet weekly in the designated location. The Case Manager will be responsible for:
- (1) Assuring readiness for arbitration-discovery completion, outstanding motions status.
 - (2) Reviewing estimated trial time.
 - (3) Discussing and encouraging resolution through pro bono mediation or other forms of alternative dispute resolution prior to hearing.
- (b) Following receipt of assigned case list, the Case Manager will contact the attorneys and/or parties in each case within ten (10) days after receiving the assignment.
- (c) The Case Manager shall obtain files and award forms from Court Administration who files the awards with the Prothonotary.
- (d) The Case Manager will swear in the panel and take the oath.

- (e) Substitutions for panel members will be processed by Court Administration, who will secure a Court Order naming any substitute panel member

RULE 1303 **ARBITRATION PROCESS**

- (a) **Administrative Fee** -- Arbitration, under B.C.L.R. 1301(a)(1) and (3), shall require the Plaintiff to pay to the Prothonotary an Administrative Fee of one hundred fifty dollars (\$150) within thirty (30) days of the date of the Court's Order designating the matter to be scheduled for arbitration. The Plaintiff or the Plaintiff's attorney of record shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment. The arbitration hearing shall be scheduled by Court Administration only upon Plaintiff's payment of the Administrative Fee.
- (b) **Notice** -- Pursuant to Pa.R.Civ.P. 1303, Court Administration, or its designee, shall give to the parties or their attorneys of record and the assigned judge at least thirty (30) days notice in writing of the date, time and place of the arbitration hearing.
- (1) The written notice required under subsection (b) of this provision shall 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 A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.”

- (2) A party is “present” if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.
- (c) **Preparation** – When the board of arbitrators is convened for the hearing, if one or more of the parties is not ready, the case shall proceed and the arbitrators shall make an award unless the Court:
 - (1) orders a continuance, or;
 - (2) hears the matter if the notice of arbitration contains the statement required by subsection (b)(1) of this provision and all parties present consent.
- (d) **Continuance Request** – A party moving for a continuance shall notify in writing all parties, the assigned Judge and Court Administration, or its designee, of the continuance request.
 - (1) The Administrative Fee, under subsection (a) of this provision, shall include the costs of the initial scheduling.
 - (2) At the Court’s discretion, each party may be granted one (1) continuance without imposition of any additional fee.
 - (3) A party requesting an additional continuance shall pay to the Prothonotary a Continuance Fee of fifty dollars (\$50.00) at the time of the continuance request. The moving party shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment.
- (4) A party requesting any continuance within seventy-two (72) hours of the scheduled arbitration time shall pay to the Prothonotary the Arbitration Costs at the time of the continuance request. Such Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel. Such payment shall not impact the applicability of any other Arbitration costs.
- (5) If a continuance request is granted, Court Administration, or its designee, shall give to the parties, or the attorneys of record, and the assigned Judge notice in writing of the new date, time and place of the arbitration hearing. Such notice shall meet the requirements set forth under subsection (b) of this provision. The arbitration hearing shall be rescheduled by Court Administration only upon the moving party’s payment of any applicable Continuance Fees or Arbitration Costs.
- (e) **Arbitration Costs** – Arbitration Costs shall follow the verdict, and shall be paid to the Prothonotary by the unsuccessful party within thirty (30) days of the Arbitration Award, or if an Appeal of the Arbitration Award is filed, then within thirty (30) days of the final judgment.
 - (1) For each Civil Case eligible for arbitration under B.C.I.R. 1301(a)(1) and (3), Arbitration Costs shall be set at one hundred fifty dollars (\$150.00) for the Case Manager of the arbitration panel, and one hundred twenty-five dollars (\$125.00) for each

additional Arbitrator of the arbitration panel.

- (2) For each Civil Case in which the arbitration hearing lasts four and a half (4½) hours or more, Arbitration Costs shall be set at two hundred twenty-five dollars (\$225.00) for the Case Manager of the arbitration panel, and two hundred dollars (\$200.00) for each additional Arbitrator of the arbitration panel.

(f) **Settlements** – Counsel shall work diligently to assure settlements will be reached prior to the arbitration hearing.

- (1) If a settlement occurs prior to the scheduled arbitration hearing, the parties shall notify in writing the assigned Judge and Court Administration, or its designee, of the settlement no later than seventy-two (72) hours prior to the scheduled arbitration hearing.
- (2) If a Settlement occurs within seventy-two (72) hours of the scheduled arbitration hearing, or if the parties fail to timely notify the assigned Judge and Court Administration, or its designee, under subsection (f)(1) of this provision, the parties shall pay the Arbitration Costs.

A. The Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel.

B. Such Arbitration Costs are to be paid to the Prothonotary by the parties, with fifty per cent (50%) contribution from the plaintiff(s), jointly and severally, and fifty per cent (50%) contribution from the

defendant(s), jointly and severally, unless otherwise agreed upon by the parties.

C. Such payment shall be made within ten (10) days of the scheduled arbitration hearing.

(g) **Arbitration Appeal Fee** – A party appealing an Arbitration Award, under B.C.L.R. 1308, shall pay to the Prothonotary an Arbitration Appeal Fee of one hundred dollars (\$100.00) at the time of filing the appeal. An appeal from the Arbitration Award does not, in any way, relieve any party of any duty to pay any applicable Administrative Fees or Continuance Fees.

(h) **Willful Absence** – A party who willfully fails to appear at any appropriately scheduled arbitration hearing under B.C.L.R. 1301(a)(1) and (3) may be held in Contempt of Court. Such finding and any appropriate sanction shall be in the discretion of the assigned judge.

(i) **Order of Court** – Any applicable Administrative Fees, Continuance Fees, Arbitration Costs, or other payment obligations designated under this provision shall be enforced by Order of Court.

RULE 1304
**CONDUCT OF ARBITRATION
HEARINGS**

- (a) The Board of Arbitrators shall conduct the hearing in accordance with Pa. R. Civ. P. 1304 and 1305.
- (b) Generally every document submitted pursuant to Pa. R. Civ. P. 1305(b) shall state the name and present address of the individual or entity who provided the information contained in the document.
- (c) The Arbitration Case Manager does not have the duty or power to grant any continuance. Continuances are filed through Court Administration and may only be granted by the Court.

RULE 1308
ARBITRATION APPEALS

Appeal. Arbitrator's Compensation.
Notice.

- (a) Appeals from an award of a Board of Arbitrators shall be in conformity with Pa. R. Civ. P. 1308.
- (b) The Blair County Court of Common Pleas will establish the amount of compensation for arbitrators by Court Order. The members of the panel shall not be entitled to receive their fees until after filing the award with Court Administration.
- (c) Attorneys of record or parties who have no attorney shall be notified of the award of the Board of Arbitrators by the Prothonotary, in conformity with Pa.R.Civ.P. 1307.
- (d) In all other respects not clarified or established herein, the Pennsylvania Rules of Civil Procedure for Compulsory Arbitration (Rule 1301 et seq.) shall be applicable.