LOCAL RULES
of the
COURT OF COMMON PLEAS OF CLARION COUNTY

Supplementing the

Rules of Civil Procedure

Promulgated by the

Supreme Court of Pennsylvania

Effective July 1, 2005

Hon. James G. Arner

President Judge

PREFACE

The rules of the Court of Common Pleas of Clarion County are intended to supplement the Rules of Civil Procedure promulgated by the Supreme Court of Pennsylvania. The latter's system of numbering has been preserved. A local rule dealing with the same subject matter as that dealt with by a Pennsylvania Rule of Civil Procedure has been given the same number as the Pennsylvania Rule of Civil Procedure and is preceded by the letter "L" to indicate its local character. All local rules must be read in connection with the Pennsylvania Rules of Civil Procedure bearing the same numbers.

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COURT OF COMMON PLEAS
OF CLARION COUNTY

Supplementing the
Rules of Civil Procedure

of the
SUPREME COURT OF PENNSYLVANIA

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BUSINESS OF COURTS

Rule L205.2(a) Filing Legal Papers With The Prothonotary

All papers to be filed with the court must first be delivered to the prothonotary and clocked in by the prothonotary as to the date and time received.

Rule L205.2(b) Form of Cover Sheet

All papers filed with the prothonotary shall be prepared for flat filing. Every pleading shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA
CIVIL ACTION

No. _____

Type of Case: _____

_____
Plaintiff

Type of Pleading: _____

vs.

Filed on behalf of: _____

_____
Defendant

Counsel of Record for this Party:

_____
(Name of Attorney)

Supreme Court No: _____

_____
(Firm name, if any)

_____
(Address)

_____
(Phone and Fax)

_____
Counsel of Record For Adverse Party

Rule L206.4(c) Rule to Show Cause

The rule shall issue as a matter of course pursuant to Pa.R.C.P. 206.6. The moving party must attach to all petitions a proposed order in substantially the form that is set forth in Pa.R.C.P. 206.6.

Rule L208.2(c) Statement of Applicable Authority

All motions shall be supported by a statement of authority citing a statute, rule of court, or caselaw in support of the requested relief. The statement may be in the form of a brief 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) Uncontested Motions

A motion that is represented to be uncontested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties and that the requested relief is uncontested.

Rule L208.2(e) Contested Motions

A motion that is contested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties and that the requested relief is contested.

Rule L208.3(b) Motions Practice and Procedure. Alternative Procedures.

(1) **Motions to Compel Discovery** The Court shall consider motions to compel discovery without the necessity for briefs and argument. An order in substantially the following form shall be attached to the motion:

> And now**,** (insert date), upon consideration of (insert moving party) Motion To (insert title of motion), it is ordered that said Motion is granted. Plaintiffs are to provide (insert discovery item requested) within twenty (20) days of the date of this order or suffer sanctions. If (insert non-moving party) object(s), they may request argument on the Motion, in which event the parties shall comply with Clarion County Local Rule 208.3(b)(3)

(2) **Motions Involving Disputed Issues of Fact** Whenever a matter at issue involves disputed issues of fact, the matter shall be disposed of in accordance with Pa.R.C.P. 208.4. The moving party shall attach an order in the form prescribed by Pa.R.C.P. 208.4(b)(2).

(3)(a) **Motions Involving Questions of Law Only** Whenever a matter at issue involves a question of law only, any party or counsel desiring to submit such matter to the court may praecipe the same for argument. A praecipe for argument may be filed by any party at any time, but a party filing a motion for judgment on the pleadings or motion for summary judgment must file a praecipe for argument simultaneously with the filing of such motion.

A praecipe for argument shall be in substantially the following form:

[Caption of Case]

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY:

KINDLY SUBMIT THIS MATTER TO
THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for argument is _____
_____
(Title of Motion, Preliminary Objection, etc.)

which has been filed by the
_____.
(Name of moving party.)

2. Oral argument is/is not requested.

3. A transcript is/is not required for disposition of this argument. The transcript which is required is of the hearing of
_____
(Date of hearing if transcript required.)

4. I certify that notice has been given to all counsel of record and to all unrepresented parties of record of the filing of this Praecipe.

_____
(Attorney's Name and Address)

Upon praecipe of a matter for argument the prothonotary shall enter the matter in the Prothonotary's Argument Docket and shall forthwith transmit the case to the court administrator who shall schedule the matter for oral argument before the court if oral argument has been requested or shall submit the matter to the court for determination if the case has been transmitted without a request for oral argument. The official court calendar shall set forth closing dates for argument lists and argument court dates, which are generally scheduled every other month commencing in January of each year.

All issues raised for disposition by argument shall be considered and disposed of by the court on briefs without oral argument, unless at the time of filing the praecipe above provided, party or counsel filing the same shall request oral argument. When a party or counsel requests oral argument, such party or counsel shall file with the praecipe for argument a proposed order of court scheduling oral argument, which proposed order of court shall be substantially in the following form.

(Caption of Case)

ORDER OF COURT

AND NOW THIS _____day of _____,20____, oral argument having been requested, oral argument is scheduled the _____ day of _____, 20____ at _____ a.m./p.m. in Court Room Number _____ before Judge _____..

(3)(b)**Filing and Service of Briefs**

i. **Moving Party's Brief** If the moving party files a praecipe for argument, it shall file a brief simultaneously with the filing of the praecipe. If the moving party has not filed a praecipe for argument, the brief of the moving party shall be due twenty (20) days after any of the responding parties have filed a praecipe for argument.

ii. **Responding Party's Briefs** A responding party's reply brief shall be due twenty (20) days after the filing of the moving party's brief.

iii. **Transcripts** If a transcript has been demanded in the praecipe for argument, the moving party's brief will not be due until twenty (20) days after the requested transcript has been filed. If the transcript has been requested by a responding party, the responding parties will have at least twenty (20) days after the filing of the transcript to file a reply brief even in the event that the moving party files its brief sooner than twenty days after the filing of the transcript.

(3)(c) **Failure to File Brief**

i. **Moving Party's Failure** If the moving party fails to file a brief in accordance with these rules, the responding party, after ten days notice by regular mail to the moving party's attorney or to the moving party if the moving party has no attorney, may file a motion requesting the court dismiss the pleading, motion or other paper which raises the issue before the court. The

court shall act on such motion, without briefing and without argument and the court may dispose of this motion by (1) dismissing the initial pleading, motion or other paper which raised the issue for disposition; (2) disposing of the issue raised in the initial pleading, motion or other paper without benefit of brief; or (3) directing that a brief be filed by the moving party.

ii. **Responding Party's Failure** If the responding party fails to file a brief in accordance with these rules, the court may dispose of the issue raised without the benefit of brief, or the court may direct that a brief may be filed.

(3)(d)**Place of Filing and Service** All original briefs shall be filed with the prothonotary and copies shall be served forthwith upon all parties of record or their counsel.

(3)(e) **Oral Argument**

i. The court may, in its discretion, hear oral argument on any matter 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.

ii. If either party fails to file a brief in accordance with the time schedule set forth above, that party may be denied oral argument. (This sanction shall be in addition to any other sanction which may be imposed upon the party failing to file a brief as described in paragraph (3)(c) above.) (Failure to File Brief)

iii. In the event that any counsel fails to appear for oral argument and no cause has been presented, at the discretion of the court the oral argument may be heard at the time scheduled or may be rescheduled for argument at the convenience of the court.

iv. In the event that a case is scheduled for argument and none of the attorneys appear upon the call of the case, the court will decide the matter on briefs only.

EXPLANATORY COMMENT

It is intended that Rule L208.3(b)(3)(a) permit either the moving party or a responding party to submit a matter for argument to the court. If the matter submitted, however, is a motion for judgment on the pleadings or a motion for summary judgment, the moving party must praecipe the matter for argument simultaneously with filing the motion.

In all other cases the moving party may praecipe the matter when it desires thereby triggering the briefing schedule. If, however, the

moving party does not praecipe the matter for argument, any responding party may then praecipe the matter and thereby force the moving party to file its brief within the time schedule.

For example, if a defendant files a preliminary objection to a complaint there would be no need for him to file a praecipe for argument at the same time and therefore no need to file his brief. If the plaintiff should then voluntarily amend his complaint in compliance with the preliminary objection, the matter would never be submitted to the court. On the other hand, should the plaintiff, against whom a preliminary objection has been filed, wish to have the issue raised by the defendant's preliminary objection determined by the court as soon as possible, he may file a praecipe for argument immediately upon receiving notice that the defendant has filed a preliminary objection. In that case, the defendant, who is the moving party, would then be forced to file a brief within twenty days.

Rule L212.1 Placement of Civil Actions on the Trial List.

(a) Certificate of Readiness for Trial: To place a case on the trial list, both jury and non-jury, counsel for one or more of the parties in the case shall file a Certificate of Readiness in the form hereinafter provided. A party placing a case on the trial list shall forthwith serve a copy of the Certificate of Readiness upon all other counsel of record, who, if for any reason opposes such certification, shall within twenty (20) days thereafter file their reasons opposing the Certificate of Readiness for trial.

The certificate of readiness to be used in Clarion County shall be in the following form:

COURT OF COMMON PLEAS OF CLARION COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS (To be executed by Trial Counsel only)	TO THE PROTHONOTARY DATE PRESENTED

CASE NUMBER Date Complaint filed:	TYPE TRIAL REQUESTED ( ) Jury ( ) Non-jury ( ) Arbitration	ESTIMATED TRIAL TIME _____DAYS

PLAINTIFF(S)

_____ ( ) Check Block if a Minor is a party to the case

DEFENDANT(S)

_____ ( )

ADDITIONAL DEFENDANT(S)

_____ ( )

JURY DEMAND FILED BY:	DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
$	( ) Yes ( ) No	

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available, serious settlement negotiations have been conducted, the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel

_____
Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF TELEPHONE NUMBER

_____

FOR THE DEFENDANT TELEPHONE NUMBER

_____

FOR ADDITIONAL DEFENDANT TELEPHONE NUMBER

_____

(b) Prothonotary's Active Trial List: When a case has been certified as ready for trial, the prothonotary shall place the case upon the trial list. The trial list shall close approximately every two months on a date designated on the annual court calendar. Within three business days after each closing of the trial list, the prothonotary shall deliver to the court administrator a copy of the trial list which shall be current to and include the last date which was designated for closing, together with all record papers for each case on the said list. When the prothonotary delivers the trial list to the court administrator, the court administrator shall determine how much time shall be allotted to each pre-trial conference and shall determine the exact time of day each pre-trial conference shall begin.

Rule L212.2 Pre Trial Statement.

(a) Three days prior to the date scheduled for the pre-trial conference each party shall submit to the court and to other counsel of record a pre-trial statement containing those items set forth by PA.R.C.P. 212.2. In addition, the pre trial statement shall set forth an estimate of the length of time which will be required to present the party's case in chief.

(b) 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, plot or plan, he shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit, plot or plan as is required on the pre-trial statement set forth in PA.R.C.P. 212.2.

Failure to provide such information no less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, shall not be 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, plot or plan at trial.

Rule L212.3 Pre Trial Conference

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

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court administrator upon the call of each trial list. Pre-trial conferences are extended to all actions not subject to arbitration under Rule L 1301, both jury and non-jury.

(c) During the pre-trial conference a date certain will be established for the trial. In jury trials jury selection will begin at 9 a.m. on the first day scheduled for

the trial and the trial of the case will begin immediately thereafter. In non-jury trials the trial shall begin at 9 a.m. on the first day scheduled for the trial. All subsequent days of trials, jury and non-jury, will begin at 9 a.m. If at any time during a trial an attorney believes that a matter should be discussed in chambers with the court before that day's trial begins, he shall contact the other attorney and arrange to be in chambers with the opposing attorney at 8:30 a.m.

(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 party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who will handle the examination or cross-examination of witnesses must attend the pre-trial conference.

(f) The court will dictate a pre-trial order covering all matters resolved at pre-trial immediately following the pre-trial conference. The pre trial order will address any preliminary motions remaining to be determined and will set forth a schedule for the filing and disposition of those motions.

Rule L216 Motions For Continuance

(a) All motions for continuances shall be in writing, shall be signed by counsel, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel either objects or does not object to the proposed continuance.

(b) In addition to the requirements of paragraph (a) above, the first motion for continuance filed by an attorney in any case shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and the reason it is being presented.

(c) In addition to the requirements of paragraph (a) above, any motion for continuance made by an attorney subsequent to that attorney's first motion for continuance shall contain a certification by that attorney that their client has consented to the requested continuance.

Rule L220.1 Voir Dire

(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 and will include, in addition to the court's general questions on voir dire, such additional questions appropriate to the case at hand as counsel shall submit in writing and as are approved by the court. The court may permit counsel to supplement the court's voir dire examination by such further inquiry as it deems proper.

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 that they appear in the pleadings. Any party may reserve his opening address until immediately before presenting his evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument. The party or parties having the burden of proof shall have the right of final address or argument to the jury.

Rule L227.1 Post Trial Conferences

In every case in which a Motion for Post-Trial Relief has been filed, the court administrator shall 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 will be before the court on said motion and the extent of the trial record which will need to be transcribed.

(a) Absent a request for transcription of a portion of the record the court will dispose of the motion without transcript.

(b) A party filing post-trial motions who desires a transcript shall cause the transcript or portion thereof to be transcribed before the motion is argued.

(c) In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.

(d) The court reporter shall, upon the request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one half of the estimated cost of transcribing. Upon completion of the transcript the court reporter shall invoice the party requesting the transcript and the transcript shall not be filed nor a copy delivered to any party until the invoice has been paid in full. In the discretion of the court and upon order specially made, the invoice may be taxed as costs.

Rule L230.2 Termination of Inactive Cases

(a) On or before April 1st of each year the prothonotary shall prepare a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The prothonotary shall serve notice of proposed dismissal for each case on the list to counsel of record and on the parties if not represented, at least sixty days prior to the date of proposed termination. The notice shall contain the date of proposed termination and the procedure to avoid termination.

(c) All procedures that will be followed are set forth in PA R.C.P. 230.2.

ACTIONS AT LAW

Rule L1018.1 Notice To Defendant

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

Laurel Legal Services
231 West Main Street
Clarion, PA 16214
Telephone: (814) 226-4340

Rule L1028(c) Preliminary Objections

For the procedure to be followed with respect to the filing of Preliminary Objections see Local Rule L208.3(b)(3)

Rule L1033 Amended Pleading

Whenever a pleading is filed amending more than one paragraph of the original pleading, 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 and the paragraphs shall be renumbered.

Rule L1034(a) Motion For Judgment on the Pleadings

For the procedure to be followed with respect to the filing of Motions For Judgment on the Pleadings see Local Rule L208.3(b)(3)

Rule L1035.2(a) Motion For Summary Judgment.

For the procedure to be followed with respect to the filing of Motions for Summary Judgment see Local Rule L208.3(b)(3). However, in accordance with Pa.R.C.P.1035.3, the adverse party must file a response within thirty days of the filing of the Motion For Summary Judgment, thus any brief to be filed by the adverse party shall not be due before thirty days following the filing of the Motion For Summary Judgment so that the response and brief may be filed simultaneously.

ARBITRATION

Rule L1301 Scope

(a) All cases which are at issue where the amount in controversy is $25,000.00 or less, except those involving title to real estate, shall first be submitted to and heard by a board of three members of the Clarion County Bar.

(b) Any case in which the amount in controversy exceeds $25,000.00 may be submitted to and heard by a board of three members of the Clarion County Bar upon a written stipulation being filed by all parties.

(c) Either party in such civil suit or action, his agent or attorney may place a case on the list of cases for trial by arbitration by filing a Certificate of Readiness in the form provided by local rule L212.1(a)

(d) Any such case which has been placed upon the Prothonotary's Trial List shall be removed from such list by the prothonotary and placed on the Arbitration List.

Rule L1302 List of Arbitrators.
Appointment to Board. Oath. Compensation.

(a) The Arbitration List herein referred to shall be kept and maintained by the prothonotary.

(b) Within ten days after a case is placed on the Arbitration List, the prothonotary shall forthwith nominate three names in alphabetical order, from the list of attorneys qualified to act as arbitrators in Clarion County. These three attorneys shall comprise the Board of Arbitration and they shall be so appointed by the prothonotary.

(c) The prothonotary shall make his nominations of arbitrators from an alphabetical list of members of the Bar of Clarion County. Nominations shall be made in alphabetical order from such list, except where a particular attorney is excused by the court. Not more than one member of a firm or association of attorneys shall be appointed to the same board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or part, with any counsel of record. The senior member appointed shall be chairman of the board. Immediately after appointment of the Board of Arbitrators the prothonotary shall notify them in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary, on praecipe of counsel, shall appoint the next attorney on the list to fill such vacancy. Any attorney disqualified or stricken off in a case shall be put at the head of the list of attorneys.

(d) The arbitrators shall be sworn or affirmed to justly and equitably try all matters submitted to them. The oath may be administered by any person authorized to administer oaths.

(e) (1) Each member of the Board of Arbitrators who has signed a report or files a minority report shall receive as compensation for services a fee that is set forth from time to time by court order for all cases involving three hours or less, plus an additional sum to be set forth by court order for each hour served over three hours of hearing time. Companion cases heard together count as one for purposes of this rule.

(2) The chairman shall receive as compensation for the duties as chairman an additional sum to be set by court order from time to time notwithstanding that a case be settled or discontinued after a time for hearing has been fixed but before the hearing is held.

(3) If after a time for a hearing has been fixed but before the hearing is held the case is settled or discontinued and the chairman of the Board of Arbitrators has not been notified of that settlement or discontinuance prior to 3:30 p.m. on the last day that the Court House is open for business before the day on which the hearing is to be held, each member of the Board of Arbitrators shall receive

as compensation for services a fee of Seventy-Five Dollars ($75.00). The chairman shall receive this fee in addition to his compensation for the duties of chairman as described in paragraph (2) above. If the members of the Board of Arbitrators receive a fee pursuant to this paragraph, the court may, in its discretion, assess to either party or both parties, as costs, the Two Hundred Twenty-Five Dollars ($225.00) to which the members of the Board of Arbitrators were entitled because of the late settlement or late discontinuance.

(4) Compensation shall be paid by the County of Clarion upon a voucher approved for payment by the prothonotary.

Rule L1303 Hearing. Notice.

(a) The chairman of the board of arbitrators shall within ten (10) days after the board has been appointed, set a date and time for the arbitrators' hearing and shall notify the parties or their counsel, in writing, not less than thirty (30) days before the hearing, of the time and place of the hearing. Hearings shall be held in Court Room Number Two in the Clarion County Courthouse unless the parties by agreement shall designate another place and the arbitrators concur in such designation.

(b) The arbitrators, for cause shown, may continue a hearing to a definite date fixed by them.

(c) The Arbitration Court List will set forth all of those cases for which boards of arbitrators have been appointed but no hearings have yet been held. Cases listed on said Arbitration Court List shall be heard and disposed of within sixty (60) days, from the date of appointment of the board, except by leave of court upon good cause shown.

Rule L1304 Conduct of Hearing. Generally.

The arbitrators shall not be required to make a record of the proceedings before them. If any party shall, by writing filed with the chairman fifteen days before the hearing, request a record, the arbitrators shall provide a reporter and cause a record to be made. The party requesting the same shall pay the cost thereof and shall deposit with the arbitrators the sum of One Hundred Fifty Dollars ($150.00) to secure payment. The arbitrators may, at any time that they deem the circumstances demand it, require an additional deposit. Any surplus shall be returned by the arbitrators to the party depositing it. The cost of the record shall not be considered costs in the case.

Rule L1305 Conduct of Hearing. Evidence.

(a) At the hearing, the arbitrators shall have the power to rule on the questions of evidence, to determine the number of witnesses who shall be heard and the extent to which they will be examined and cross-examined, to decide both the law and the facts of the case, and generally to control the proceedings in such a way that the case will be disposed of promptly.

(b) Witnesses before the arbitrators shall be sworn or affirmed by them, and witness fees and mileage shall be allowed and taxed at the legal rate for a court of record. The successful party may file his witness bill with the prothonotary.

Rule L1306 Award

The board of arbitrators shall make its report and render its award promptly upon conclusion of the hearing. The report shall state when the hearing was held, what counsel were present, the names of the witnesses heard, shall contain an award, either for the plaintiff or for the defendant, in a form similar to the verdict of a jury, shall be signed by the board of arbitrators, or a majority of them, and shall be transmitted to the prothonotary. The decision of the majority shall be the decision of the board of arbitrators. The prothonotary shall notify all parties of the decision of the arbitrators within ten (10) days of their filing their report with the prothonotary.

ACTIONS FOR SUPPORT

Rule L1910. 10 Alternate Hearing Procedure In Actions For Support

The hearing procedure described in Rule 1910.12 of the Pennsylvania Rules of Civil Procedure are hereby adopted and shall be utilized in lieu of the procedure prescribed by Rule 1910.11.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule L1915.3. Commencement of Action. Complaint. Order for Conciliation Conference. Conciliation Conference.

(a) Upon commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an existing order or seeking relocation, the plaintiff/petitioner shall attach an order to the original complaint or petition, directing the defendant/respondent to attend a conciliation conference. The court will schedule the conciliation conference at a court facility and the Prothonotary will provide a copy of a scheduling order to the plaintiff/petitioner for service on the defendant/respondent.

(b) The parties and their attorneys shall attend the conciliation conference.

(c) At the conference, the parties and their attorneys shall meet and discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the child/children.

(d) Upon reaching a settlement, the attorneys and parties shall immediately dictate a consent order. The court will make a member of its staff available to prepare the order. The parties shall sign the order and present it to the court staff before leaving the court facility.

(e) If the parties are unable to reach a settlement of the issues, they shall notify the court before leaving the court facility.

(f) In the event Pa.R.C.P. 1940.3(b) or another rule or law prevents the court from ordering a mediation orientation session, the parties and their attorneys shall so notify the court at the conclusion of the conciliation conference and the court will proceed to schedule a pre-hearing conference. Otherwise, the court will order a mediation orientation session and mediation pursuant to Rule L1940.3.

In those cases which proceed to a pre-hearing conference, a pre-hearing statement shall be filed with the court by each party at least seven (7) days before the pre-hearing conference. If no agreement is reached at the pre-hearing conference the court will schedule a hearing.

ACTION OF DIVORCE

RULE L1920.51 APPOINTMENT OF MASTER

(a) In all divorce or annulment actions where there are unresolved issues properly referable to a master under the applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by the Pennsylvania Rules of Civil Procedure. The court may also appoint a master upon its own motion. The order of appointment shall specify the matters which are referred to the master. Masters shall be appointed by the court from its list of practicing members of the bar of the county. An attorney may be excused from performing such service at the discretion of the court.

(b) At the time of filing a motion for appointment of a master the moving party shall deposit Five Hundred Dollars ($500.00) with the Prothonotary as security for payment of master's fees and costs. No master will be appointed until the Five Hundred Dollars ($500.00) has been deposited.

Should the court appoint a master on its own motion, the court shall direct in its order of appointment the party responsible for deposit of funds with the Prothonotary. No action will be taken by the master until such sums have been deposited.

(c) The master shall schedule a preliminary conference immediately after the issuance of the order of appointment. The preliminary conference shall be held at the earliest possible convenience, but no later than sixty (60) days following the appointment of the master. The preliminary conference shall be attended by the master, the parties and their counsel. Those present shall explore the possibility of resolving the issues without further litigation.

Should no resolution be reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order the moving party to deposit an additional One Thousand Five Hundred Dollars ($1500.00) with the Prothonotary, to be applied to master's and stenographer's fees. As soon as the additional One Thousand Five Hundred Dollars ($1500.00) has been deposited with the Prothonotary, the master shall schedule an evidentiary hearing and shall provide notice of the hearing as set forth in the Pennsylvania Rules of Civil Procedure. The master shall schedule an evidentiary hearing only after the master has ascertained that the additional funds have been deposited with the Prothonotary.

(d) The standard hourly fee to be charged by court appointed masters shall be determined from time to time by order of court. In a matter involving complex issues of law or fact the court, in its discretion, may adjust the hourly fee paid to the master.

(e) Should the master at any time determine that the sum deposited with the Prothonotary is insufficient to provide for the services of the master and any stenographer required, the master shall move the court to order additional deposits unless the parties agree to such additional deposits. The master shall not be required to proceed further until such sum of additional deposits as ordered or agreed upon are made to the Prothonotary.

MEDIATION IN CUSTODY ACTIONS

Rule L1940.3. Order for Orientation Session and Mediation. Selection of Mediator

(a) In those cases where the parties have participated in a conciliation conference pursuant to Rule L1915.3 and have been unable to reach a settlement, except when mediation is prohibited by Pa.R.C.P. 1940.3(b) or another rule or law, the court will order an orientation session and a mediation conference ("the mediation") and the parties and their counsel shall attend and participate as ordered.

(b) The court shall set a date and time for the mediation as soon as practical after the pleading asserting the child custody issue is brought to the attention of the court.

(c) The cost of the mediation shall be paid equally by the parties and each party shall deposit his/her share with the court administrator not later than seven (7) days prior to date of the mediation.

(d) All applications for continuance shall be made in writing to the court and shall follow Clarion County Rule L216. No requests for continuance shall be made less than seven (7) days prior to the scheduled mediation.

Rule L1940.5. Duties of Mediator

(a) The child custody mediator shall ascertain the issues in the action through discussion with the attorneys and/or the parties. He/she shall not take testimony and the mediation shall not be of record. Rather, the mediator shall attempt to determine the relevant facts through discussion and shall suggest or recommend a proposed settlement.

(b) The mediation procedure shall at all times be in the sole discretion of the child custody mediator, in accordance with applicable rules of court.

(c) When the child custody mediator determines that the parties have reached full agreement concerning the matter, he/she shall immediately have the

parties and their attorneys report to the court administrator. The court administrator shall make a member of the court staff available to prepare a consent order, which shall be dictated either by the attorneys or by the mediator. Upon preparation and execution thereof the same shall be submitted to the court for approval and signature.

(d) If the parties can reach only partial agreement concerning the action, the child custody mediator in his/her discretion may dictate a consent order covering the partial agreement and refer the disputed areas to the court for decision, or may refer the entire action to the court for decision. The child custody mediator may further, in his/her discretion, dictate a consent order based upon the submission of a written stipulation executed by the attorneys and/or the parties.

(e) If, when the mediation is called, one party does not appear either personally or by counsel, the mediator shall ascertain whether service and notice of the mediation have been made upon the non-appearing party. If service and notice have been made, the mediator may, in his/her discretion, dictate an order granting the relief requested by the appearing party. If no party appears either personally or through an attorney, the mediator shall submit a report to the court, together with a proposed order to dismiss the action, in which event costs shall be assessed and collected.

(f) If it appears to the mediator that psychological evaluations and/or home studies are needed for ultimate resolution of the matter, he/she shall report that decision to the court. The court will then decide whether to issue an order of court directing such psychological evaluations and/or home studies. The costs of such evaluations and/or home studies shall be paid equally by the parties unless for cause shown the court directs otherwise.

(g) In those actions where the parties cannot reach agreement, the mediator shall prepare and file a report pursuant to Pa.R.C.P. 1940.6.

(h) With the consent of the parties, the mediator shall state in the report a concise summary of the mediation, including the background of the action, the allegations of the parties concerning the areas of dispute, and the recommendations, if any, of the mediator concerning disposition. The mediator shall attach any evaluation reports and home studies to such report. The report shall also include pre-trial information, which the attorneys shall be prepared to provide to the child custody mediator, such as lists of witnesses, exhibits, and stipulations, and an estimate of trial time.

(i) A proposed order setting the matter for a pre-hearing conference before the court and requiring the filing of pre-hearing statements at least seven (7) days before the pre-hearing conference shall be attached to any report submitted by the mediator.