

LOCAL RULES

OF THE

COURT OF COMMON PLEAS

OF ERIE COUNTY

6TH JUDICIAL DISTRICT

OF PENNSYLVANIA

Amended Effective August 31, 2011

(Includes Administration Orders and Guidelines
for the Conduct of Arbitration in
Uninsured and Underinsured Motorist Coverage)

IN THE MATTER OF THE REVISION : IN THE COURT OF COMMON PLEAS
AND RESTATEMENT OF THE ERIE :
COUNTY RULES OF CIVIL PROCEDURE : OF ERIE COUNTY, PENNSYLVANIA
: :
: CIVIL DIVISION
: NO. 90031 - 11

ORDER

AND NOW, this 11th day July, 2008, amended Rules 1915.1 to 1915.28 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

BY THE COURT:



Ernest J. DiSantis, Jr.
President Judge

**IN THE MATTER OF
THE REVISION AND
RESTATEMENT OF THE ERIE
COUNTY RULES OF CIVIL
PROCEDURE**

**: IN THE COURT OF COMMON
: PLEAS OF ERIE COUNTY
: PENNSYLVANIA
: CIVIL DIVISION
: NO. 90058 COURT ORDER 2008**

ORDER

AND NOW, this 19th day December, 2008, amended Rules 212.1, 212.4, 1301 and 1302 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

BY THE COURT

**ELIZABETH K. KELLY
PRESIDENT JUDGE**

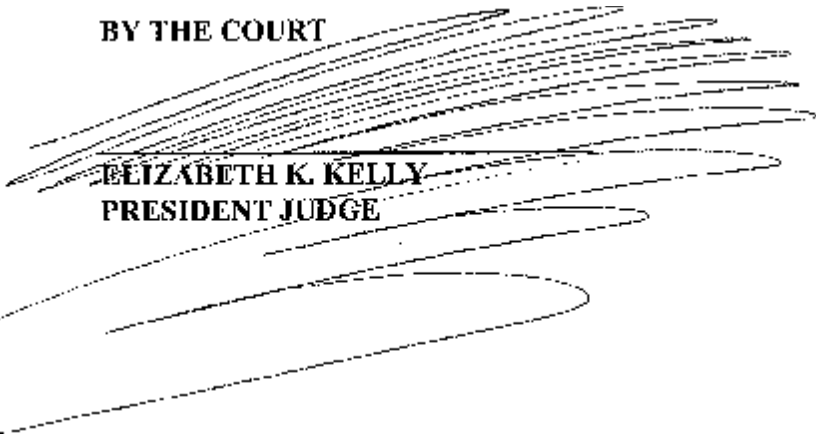
**IN THE MATTER OF
THE REVISION AND
RESTATEMENT OF THE ERIE
COUNTY RULES OF CIVIL
PROCEDURE**

**: IN THE COURT OF COMMON
: PLEAS OF ERIE COUNTY
: PENNSYLVANIA
: CIVIL DIVISION
: NO. 90059 COURT ORDER 2008**

ORDER

AND NOW, this 19th day December, 2008, Rules 308 and 2056 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are rescinded, effective 30 days after publication in the *Pennsylvania Bulletin*.

BY THE COURT



**ELIZABETH K. KELLY
PRESIDENT JUDGE**

2008 CIVIL RULES COMMITTEE

Hon. Ernest J. DiSantis, Jr.
Gary Eiben
Kenneth J. Gamble
Marcia H. Haller
James P. Lay, III
Craig A. Markham
John W. McCandless
Daniel J. Pastore
Thomas S. Talarico
Joseph A. Yochim

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RULES OF CONSTRUCTION

RULE 51.1. TITLE AND CITATION OF RULES

These Rules, when adopted by the Erie County Court of Common Pleas in accordance with Pa. R.C.P. 239, shall be known as the Erie County Local Rules of Civil Procedure and may be cited as "Erie L.R. ____".

RULE 106. COMPUTATION OF TIME

Whenever the last day of any such period shall fall on a County Holiday or on any other day when the County Court House is closed, such day shall be omitted from the computation.

BUSINESS OF COURTS

RULE 205.2(a). PLEADINGS AND LEGAL PAPERS. PHYSICAL CHARACTERISTICS

- (1) All papers filed in the Office of the Prothonotary shall be filed on letter-sized paper, 8-1/2" x 11".
- (2) The caption of all papers allowed or required to be filed shall contain the term and number at which the action is filed.

RULE 205.2(b). PLEADINGS AND LEGAL PAPERS. COVER SHEET

The document(s) filed to commence an action shall include a completed and signed civil cover sheet, in the form provided by the Court, as follows:

ERIE COUNTY COURT OF COMMON PLEAS
CIVIL COVER SHEET

Docket No. _____

Plaintiffs	Defendants
Plaintiffs' Attorney	Defendants' Attorney

TYPE OF CIVIL ACTION:

- | | | | |
|-----------------------------|-------------|---------------|--------------------------|
| <u>Contract</u> | <u>Tort</u> | <u>Appeal</u> | |
| _____ | _____ | _____ | _____ Zoning/Land Use |
| | _____ | _____ | _____ License Suspension |
| <u>Municipal/Government</u> | _____ | _____ | _____ Assessment |
| _____ | _____ | _____ | _____ Arbitration |
| | _____ | _____ | _____ Other |
| | _____ | | |

Date

Signature of Filing Party or Attorney

Print

RULE 206.1(a). PETITION. DEFINITION.

As used in these rules, “petition” means an application to open a default judgment or a judgment of non-pros.

RULE 206.4(c). PETITION. RULE TO SHOW CAUSE.

(1) A petition shall proceed upon a rule to show cause, the issuance of which shall be as of course in accordance with the procedure set forth in Pa. R.C.P. No. 206.6.

(2) Where the petitioner requests a stay of execution pending the disposition of a petition to open a default judgment, the Court shall promptly dispose of the request.

(3) The petitioner shall file the petition with the Prothonotary with a copy to the assigned judge, together with a proposed order in conformity with Pa. R.C.P. No. 206.6. The assigned judge shall issue the appropriate order, and the petitioner shall provide notice of entry of the order to all parties as contemplated by Pa. R.C.P. No. 206.6.

RULE 208.2(c). MOTIONS. NON-DISPOSITIVE. STATEMENT OF AUTHORITY

Unless a certification is filed that a motion is presented as uncontested, any motion shall include a brief statement of the applicable authority.

RULE 208.2(d). MOTIONS. NON-DISPOSITIVE. CERTIFICATION OF NO CONTEST

Except as set forth in Erie L.R. 208.3(b), a motion shall be treated as a contested motion unless it contains a certification by counsel or by an unrepresented party that the motion is uncontested. A motion may be presented as uncontested where counsel or an unrepresented party can certify that the opposing party has consented to the relief requested or where prior notice of intention to present the motion and proposed order has been served in accordance with Local Rule No. 440 and the opposing party has neither indicated an intention to object nor appeared at the time of presentation and expressed an objection.

RULE 208.2(e). MOTIONS. DISCOVERY

Any motion relating to discovery shall include a certification signed by counsel for the moving party or an unrepresented party certifying that counsel or the unrepresented party has conferred or attempted to confer with all interested parties to resolve the matter without Court action.

RULE 208.3(a). MOTIONS. NON-DISPOSITIVE. PROCEDURES

(1) This rule describes the procedures governing non-dispositive motions within the scope of Pa.R.C.P. No. 208.1.

(2) The original of any motion shall be filed with the Prothonotary and a copy thereof shall be provided to the assigned judge. If a judge has not yet been assigned, the party seeking to present a motion shall first submit a request for judicial assignment with the trial court administrator and obtain assignment to a judge to whom the motion shall be presented. (See Erie L.R. 302 with respect to the filing of requests for judicial assignment.) The judge to whom the case has been assigned will schedule argument and either notify all parties or advise the moving party to notify all other parties of the time, date and location of argument.

(3) After any order is issued by the Court relating to a motion, whether such order grants or denies the relief requested, schedules argument thereon or deals with any other related matter, and unless the order states otherwise, the moving party shall immediately file the original of said order with the Prothonotary and contemporaneously therewith shall serve a copy of said order on all other counsel and unrepresented parties.

(4) To supplement the procedure set forth in (a)(2) above, each judge shall establish a schedule when he/she will be available for presentation of non-dispositive motions in cases assigned to that judge, which schedule must be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) and the website of the Erie County Court of Common Pleas (www.eriecountygov.org).

(5) If counsel and/or unrepresented party notifies opposing counsel and/or parties that a motion will be presented to a judge at a specific time and then fails to appear, the Court, upon motion, will consider an appropriate sanction including, but not limited to, an award of attorney's fees.

RULE 208.3(b). MOTIONS. NON-DISPOSITIVE. RESPONSES

With respect to any motion which is contested, a response shall be filed within twenty (20) days after service of the motion. All motions which are contested shall be accompanied by a rule to show cause for the scheduling of a hearing or argument as appropriate. Where no response is filed, the moving party shall notify the court and the motion shall be deemed to be uncontested and the Court may proceed to issue a ruling upon the motion. Oral argument shall be scheduled by the Court unless the parties waive oral argument. Nothing set forth herein shall be deemed to limit the discretion of the Court to enter an order in accordance with Pa.R.C.P. 208.4 upon initial consideration of a motion.

RULE 210. FORM AND CONTENT OF BRIEFS.

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

RULE 212.1. PRETRIAL PROCEDURE

(a) Scope

This Rule shall encompass all civil actions, except actions where jurisdiction lies in the Family/Orphans Court Division.

(b) Case Management Orders (CMO)

1. Case Management Orders - General

- (A) At the time of judicial assignment, the Office of Court Administration shall issue a CMO designating dates for the close of discovery, the filing of pretrial statements, and a proposed trial term.
- (B) At any time prior to judicial assignment, the parties may agree to the entry of a CMO by filing a stipulation with the Office of Court Administration and the Prothonotary.
- (C) Following the entry of the CMO, any request for modification shall be done by motion filed with the Prothonotary and mailing or delivering a copy to the assigned judge.

2. Case Management Orders - Time Limitations

- (A) All CMOs, except those requested by stipulation, which are issued by the Office of Court Administration, shall provide the following time limitations:
 - (i) Close of discovery within two hundred forty (240) days of the issuance of the CMO.
 - (ii) Plaintiff's pretrial statement filed within thirty (30) days of the close of discovery.
 - (iii) Defendant's pretrial statement filed within sixty (60) days of the close of discovery.
 - (iv) The proposed trial term which will be the next available trial term for which the case can be certified.
- (B) If a case has been accepted by the Court as "complex," all CMOs shall designate dates consistent with the following time limitations:
 - (i) Close of discovery is five hundred forty (540) days from the issuance of the CMO.
 - (ii) Plaintiff's pre-trial statement filed within forty five (45) days of the close of discovery.
 - (iii) Defendant's pretrial statement filed within ninety (90) days of the close of discovery.
 - (iv) The proposed trial term which will be the next available trial term for which the case can be certified.
- (C) If a case has been accepted by the Court as "expedited," all CMOs shall designate dates consistent with the following time limitations:
 - (i) Close of discovery is ninety (90) days from the issuance of the CMO.
 - (ii) Plaintiff's pretrial statement filed within fifteen (15) days of the close of discovery.
 - (iii) Defendant's pretrial statement filed within thirty (30) days of the close of discovery.
 - (iv) The proposed trial term which will be the next available trial term for which the case can be certified.
- (D) A party may request that a case be designated as complex or expedited by the filing of a stipulation or motion.
- (E) All cases where the amount in controversy is within the limits for mandatory arbitration shall be designated as "expedited" cases and CMOs issued accordingly.

(c) Settlement Conference

A party may request that the assigned judge conduct a settlement conference at any time after the filing of the last responsive pleading.

(d) Mediation

Mediation is available upon agreement of all parties. The Prothonotary, upon request for appointment of a mediator, may appoint a mediator to conduct the process. Other alternatives for locating a trained mediator include the Erie County Bar Association's Mediation Service.

The following procedure shall guide the mediation process when requested by parties:

1. A mediator may be selected through the Prothonotary's Office from a list supplied by the Court, through the Erie County Bar Association's Mediation Program or by other means agreed upon by the parties.
2. The mediator shall designate the time for hearing with written notice to each party or their counsel. Hearings may be held at the mediator's office or elsewhere upon agreement of the parties.
3. All parties, including counsel, may attend the mediation.
4. The parties/counsel shall immediately notify the mediator if the matter has been resolved prior to the scheduled hearing.
5. Upon completion of the mediation, the mediator shall file a report with the Court, with copies to the parties or, if represented, to their counsel, stating only whether the case has settled. If the case has not settled, it shall proceed to arbitration or trial.

*(e) Certification For Trial

1. These certification procedures apply to all civil jury and non-jury cases.
2. In order to have a case assigned to a particular trial term, all counsel or parties must certify the case as ready for trial by filing with the Prothonotary and serving upon the Court Administrator a certification in substantially the form contained herein and designated "Certification I."
3. If a party has failed to comply with the timetables established in the CMO or has failed to sign a Certification I after being requested to do so in writing, a party wishing to place the case on the trial list must file a certification in substantially the same form contained herein and designated "Certification II."
4. A Certification I or II indicating readiness for trial shall be filed with the Office of Court Administration and the Prothonotary no later than the last Friday of the calendar month that precedes the month immediately before the beginning of the proposed trial term, unless a different deadline is established by notice published in the Erie County Legal Journal.
5. All "Certification II's" shall be forwarded to the assigned judge for disposition.

*Comment: To comply with this Rule, all counsel must certify that they have "met and discussed settlement of this matter." (See the Form for Certification I). One preferred method of alternative dispute resolution which would satisfy the requirements of this Rule is mediation. The Erie County Bar Association has established a Mediation Program; guidelines and forms can be obtained from the ECBA offices at (814) 459-3111, or on-line at www.eriebar.com.

RULE 212.2. PRETRIAL STATEMENTS

- (a) In addition to the requirements set forth at Pa. R.C.P. 212.2, all Pretrial Statements shall contain:
 - 1. A list of any unusual legal issues.
 - 2. Where appropriate, authorization to other parties to examine pertinent records unless earlier provided.
 - 3. For any party asserting a claim for damages, the method of calculation and how damages will be proven.
 - 4. For any party defending a claim for damages, any defenses to the damage claims.
 - 5. Filing Procedure. The original Pretrial Statements are to be filed in the Prothonotary's Office. No copy shall be forwarded to the assigned judge.

RULE 212.3. PRETRIAL CONFERENCE

- (a) Upon the completion of the trial list, the assigned judge shall schedule a pretrial conference. Attendance at the conference is mandatory for all counsel, and all persons needed to authorize or approve settlement shall be present or available by telephone.
- (b) In cases proceeding to trial without a jury, a pretrial conference shall be scheduled at the discretion of the assigned judge or upon request of a party.
- (c) At pretrial conference, in addition to the matters included in Pa. R.C.P. 212.3(b), the Judge:
 - 1. Shall explore, with counsel and the parties, the possibility of settlement.
 - 2. May decide all remaining motions and requests for relief.

RULE 212.4. TRIAL LISTS AND CONTINUANCES

- (a) After the deadline for certification has passed, the Office of Court Administration, in coordination with the assigned judge, shall list all certified cases for trial.
- (b) When a case is listed for trial, it shall not be continued except for just cause. Except in the case of exigent circumstances, all motions for continuance must be made at least ten (10) days before the start of the trial in non-jury cases. All motions for continuance must include the reasons for the request and must be presented to the assigned judge.
- (c) Motions for continuance which are being made with the agreement of all counsel must be signed by all counsel or parties.

FORMS

CERTIFICATION I

We the undersigned, counsel for the parties in the above case, hereby certify that:

1. The above action is ready for trial;
2. All outstanding motions have been resolved;
3. All pretrial narratives are filed;
4. Counsel have met and discussed settlement of this matter.
5. This case is to be tried ____ jury, ____ non-jury.

Plaintiff's attorney (date)

Defendant's attorney (date)

Additional Defendant's attorney (date)

CERTIFICATION II

1. The undersigned requests that the case be placed on the Trial List for the (month) term.
2. A case management order was entered providing for a proposed trial term of (month) .
3. A request to file a Certification I has been made of all parties.
4. This Certification II has been filed because:

5. The case is otherwise ready for trial.

Signature (Counsel or Party)

Date

RULE 216. RE-CERTIFICATION AFTER CONTINUANCE

If a second consecutive continuance request is granted by the Court at the request of either counsel or an unrepresented party, the Court, in its discretion, may strike the case from the trial list. Re-certification will then be required to have the case placed on a future trial list.

RULE 220.1. VOIR DIRE.

(a) The court may present a written questionnaire to the prospective jurors, in the form attached hereto as Exhibit A. Exhibit A may be found on Page 22 of the Appendix.

(b) Supplemental voir dire may be submitted to the court for approval.

RULE 221. CHALLENGES

Neither peremptory challenges nor challenges for cause need be exercised until all prospective jurors have been questioned.

RULE 225. ADDRESSING THE JURY

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order of their appearing in the pleadings.

(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 group of parties not having the burden of proof shall address the jury first and the party or group of parties having the burden of proof shall have the right of final address in the order of their appearing in the pleadings. In cases of groups or parties not having identical interest, except interest arising from one injury, the Court, when requested, shall allow separate addresses for each interest.

(c) The opening and closing addresses of counsel shall be recorded by the Court stenographer.

RULE 226. POINTS FOR CHARGE. MOTION FOR DIRECTED VERDICT

(a) The trial Judge may rule upon the parties' points for charge out of the hearing of the jury and, as to any points for charge read to the jury, not ascribe such points to any party or attorney.

(b) Points for charge shall be submitted prior to selection of the jury with the right to supplement them prior to closing arguments.

RULE 227.3. TRANSCRIPT OF TESTIMONY

Any party filing objections to the moving party's request for transcription shall present such objections to the trial Judge for prompt scheduling of argument on the objection.

See Appendix, Court Order No. 6003-1995.

RULE 236. NOTICE BY PROTHONOTARY OF ENTRY OF JUDGMENT

When filing a request for entry of judgment, a party shall provide the Prothonotary with the original and sufficient copies of judgments and notices thereof, together with postage prepaid envelopes addressed to all parties entitled to notice thereof.

RULE 251. ALTERNATE DISPUTE RESOLUTION/SUMMARY JURY TRIAL

(a) General - By stipulation of the parties with approval of the court, a case may be selected for a summary jury trial.

(b) Summary jury trial - The summary jury trial is an abbreviated proceeding during which the parties' attorneys summarize their cases before a jury, which will consist of six persons unless the parties with concurrence of the court agree otherwise. Selection of jurors and voir dire shall be conducted in the usual manner as for trials not governed by this local rule. Witnesses will not be allowed to testify, unless otherwise stipulated by the parties. Documentary, physical and demonstrative evidence shall be admitted as stipulated by the parties and approved by the court. Unless the parties stipulate otherwise, the verdict is advisory only. Counsel are to submit proposed voir dire questions and proposed jury instruction as ordinarily required.

RULE 252. APPEALS IN LICENSE SUSPENSION CASES

(a) Upon filing a license suspension appeal, the petition shall be presented to the Office of Court Administration for a judge assignment and hearing date.

(b) The Office of Court Administration shall review the petition and upon determination that the appeal is timely, shall issue a "per curiam" order of court designating the assigned judge and setting the date and time of the hearing and where appropriate providing for supersedeas.

(c) No provision for supersedeas shall be included in an appeal, pursuant to 75 Pa.C.S.A. §§1503, 1504, 1509, 1514, 1519 and 1572. Requests for supersedeas in cases involving those sections shall be directed to the assigned judge.

(d) Notice of the time and date of the hearing shall be provided by the petitioner to the Commonwealth as provided by the Motor Vehicle Code.

RULE 253. PETITIONS FOR CHANGE OF NAME

(a) Upon filing, all petitions for name change shall be presented to the Office of Court Administration for judge assignment.

(b) Petitions for name change shall be presented to the assigned judge for designation of the date and time of hearing.

(c) At the time of the hearing, the petitioner shall provide the Court with the following:

- (1) A copy of the proposed decree;
- (2) A certified copy of the lien search completed by the Clerk of Records;
- (3) A verification from the Pennsylvania State Police of compliance with any applicable fingerprint requirements; and
- (4) A verification of compliance with all notice and publication requirements.

COURT MATTERS

RULE 302. TRIAL DIVISION JUDICIAL ASSIGNMENT

(a) Judicial assignment to a case will be made 60 days after the filing of the complaint. Counsel and unrepresented parties will receive notice of the assignment on the returned copy of the civil cover sheet. If no cover sheet is filed, notice will be given based upon information available to the Prothonotary. All judicial assignments will be noted in the Prothonotary computer file.

(b) If judicial attention is required prior to judicial assignment pursuant to section (a) above, counsel shall submit a request for judicial assignment with the Court Administrator on a form substantially as contained herein.

(c) To obtain judicial attention in a case wherein a complaint was filed before April 1, 1996, counsel shall submit a request for judicial assignment with the Court Administrator on a form substantially as contained herein.

ERIE COUNTY COURT OF COMMON PLEAS REQUEST FOR CIVIL JUDGE ASSIGNMENT

DATE COMPLAINT FILED	DOCKET NUMBER
PLAINTIFF(S)	PLAINTIFF'S ATTORNEYS (Address)
DEFENDANT(S)	DEFENDANT'S ATTORNEYS (Address)

HAS THIS CASE RECEIVED ANY PREVIOUS JUDICIAL ATTENTION?

NO _____ YES _____

If yes, name of Judge _____

ARE THERE ANY COMPANION CASES ALREADY ASSIGNED TO A JUDGE?

NO _____ YES _____

If yes, name of Judge _____ Docket Number _____

FOR COURT USE ONLY:

_____ has been assigned this case. This matter, and all future matters, should be taken directly to assigned judge per local rules of court.

DATE: _____ ASSIGNED BY: _____

RULE 303. MOTION COURT AND OTHER MOTIONS AND PETITIONS-CIVIL

(a) Civil Motion Court shall be held two (2) times per week (Tuesday and Thursday) at 9:00 A.M. The only motions presented shall pertain to cases where a complaint has not yet been filed. (See Erie L.R. 302 for procedure in matters where complaint has been filed.) Effective July 1, 1997.

(b) All motions presented at civil motion court shall include a completed motion court cover sheet, in the form required by the court.

(c) (1) Motions and petitions that can be summarily heard by the Court and determined by brief order shall be heard immediately following Motion Court on Thursday of each week.

(2) The moving counsel desiring to have such summary determination of a motion or petition must notify opposing counsel and any opposing unrepresented party of his intention to argue the motion or petitions before the Court at such time. The Court may refuse to hear argument on such motions or petitions unless counsel for each side is present.

(3) The moving party shall attach to the motion or petition the proposed order.

RULE 304. FAMILY LAW/ORPHANS' DIVISION MOTION COURT

(a) Motion Court, for the purpose of obtaining a Final Order or an order for Emergency Relief, shall be held Monday, Tuesday, Wednesday and Thursday at 9:00 a.m.

(b) All other Petitions and Motions seeking a Rule to Show Cause, Argument, or hearing date shall be presented only by counsel or pro se litigant, in duplicate, to the Family/Orphans' Court Administrator between the hours of 9:00 a.m. to 11:00 a.m. and 1:30 to 3:00 p.m., Monday through Friday.

(c) A Motion Court Cover Sheet in the form which follows this rule shall be completed and attached to all Motions or Petitions filed.

(d) The Family/Orphans' Court Administrator shall be responsible for scheduling with the Judges all Arguments, Hearings and Rules To Show Cause on the Motions or Petitions presented to the Family/Orphans' Court Administrator.

(e) The attorneys or pro se litigants presenting a Motion or Petition to the Family/Orphans' Court Administrator shall be responsible for filing original Petitions or Motions and Orders with the Prothonotary or Clerk of the Orphans' Court and serving copies of the Order and Petition or Motion on opposing counsel or pro se litigants.

(f) The Family/Orphans' Court Administrator shall collect one copy of the Petition or Motion and Order for the hearing Judge.

(g) The Motions or Petitions and Order shall be filed on the date the Order is signed.

(h) For Motions or Petitions seeking Emergency Relief or a final Order, notice shall be given to opposing counsel or pro se litigants pursuant to Rule 440 of the Erie County Local Rules.

(i) Insofar as this Rule is inconsistent with Erie County Local Rule 303, Rule 304 shall apply.

DATE: _____, _____ HEARING REQUIRED:
 MOTIONS JUDGE: _____ YES
 HEARING JUDGE: _____ NO
 CAPTION: _____ VS. _____
 DOCKET NO: _____

**FAMILY / ORPHANS' DIVISION
 MOTION COVER SHEET AND NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on:

_____, _____:

- to the Court Administrator as a contested matter
 9:00 a.m. - 11:00 a.m. and 1:30 p.m. - 3:00 p.m.
 Monday through Friday:
- to Motion Court at 9:00 a.m.

**CERTIFICATION OF NOTICE AND SERVICE
 (To be completed for Motion Court presentation)**

The undersigned represents that a copy of this motion and proposed order have been served up all parties or their counsel of record on _____, _____ in accordance with:

- A. Local Rule No. 440, hereby providing:
 - Two full business days prior notice by hand delivery, fax,
 - Five full business days prior notice by mail; or
- B. Local Orphans' Court Rule 12 for Special Petitions, thereby providing:
 - Ten full business days written notice.

UNCONTESTED MOTION CERTIFICATE

The undersigned represents that:

- All parties or counsel have consented and consents are attached.
- The Order seeks only a return hearing or argument date and no other relief.

INFORMATION FOR COURT ADMINISTRATOR

- A. If a Judge has heard previously, please identify:

Kelly	Connelly	Dunlavey
Trucilla	Domitrovich	
Cunningham	DiSantis	
Bozza	Garhart	
- B. Estimated court time required _____ minutes _____ hours _____ days
- C. Is this motion/position opposed? yes no unknown

(OVER)

FAMILY COURT MOTIONS

CUSTODY: Petition/Motion relating:

- | | |
|--|--|
| <input type="checkbox"/> Temporary custody
<input type="checkbox"/> Approval of custody agreement
<input type="checkbox"/> Waive attendance at sem
<input type="checkbox"/> Custody Order: _____
_____ | <input type="checkbox"/> Special relief (Custody)
<input type="checkbox"/> Custody Contempt
<input type="checkbox"/> Continuance (Custody)
<input type="checkbox"/> Counsel fees & expenses (Custody) |
|--|--|

DIVORCE: Petition/Motion relating to:

- | | |
|---|---|
| <input type="checkbox"/> Exclusive possession of property
<input type="checkbox"/> Bifurcation
<input type="checkbox"/> Filing Inven/Pre-Trial Stmt
<input type="checkbox"/> Waive Attendance at sem
<input type="checkbox"/> Alimony Pendente Lite
<input type="checkbox"/> Divorce Other: _____
_____ | <input type="checkbox"/> Approve QDRO
<input type="checkbox"/> Divorce Contempt
<input type="checkbox"/> Divorce, Special Relief
<input type="checkbox"/> Amend pleadings divorce
<input type="checkbox"/> Counsel fees & expenses (Divo) |
|---|---|

SUPPORT: Petition/Motion relating to:

- | | |
|--|---|
| <input type="checkbox"/> Cont conf/de novo hearing (support)
<input type="checkbox"/> Support Other: _____
_____ | <input type="checkbox"/> Paternity/Blood tests
<input type="checkbox"/> Support Contempt |
|--|---|

ORPHANS' COURT MOTIONS

DECEDENTS' ESTATES: Petition/Motion relating to:

-
- Inheritance Tax Return
-
-
- Family Exemption
-
-
- Settlement of Small Estate
-
-
- Approval of sale of property
-
-
- App settlement/Wrongful Death, et
-
-
- Decedents' Estates Other: _____
-
- _____

ADOPTIONS: Petition for:

-
- Adoption
-
-
- Voluntary Relinquishment
-
-
- Involuntary Termination
-
-
- Confirm Consent
-
-
- Adoption Other: _____
-
- _____

MINOR'S ESTATES: Petition for:

-
- Appr Set of Minor's Claim
-
-
- Auth to Release
-
-
- Funds from Minor's Account
-
-
- Minor's Estates
-
-
- Other: _____
-
- _____

GUARDIANSHIPS: Petition for:

-
- Minor guardianship
-
-
- Alleged Incapacitated
-
-
- Emergency Intervention
-
-
- Discharge/Sub/Guardian
-
-
- Guardianship
-
-
- Other: _____
-
- _____

I hereby certify all of the above statements are true and correct.

Name(s) of opposing counsel or pro se litigants

By _____
 Attorney for Plaintiff Defendant

RULE 305. DUTIES OF THE PROTHONOTARY

(a) The Prothonotary shall immediately stamp all papers filed with the date and time of such filings and make an appropriate entry for each filing in the docket pursuant to applicable rules of procedure, statute or Court Order. No entries shall be made in the docket except at the direction of the Prothonotary.

(b) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging to that office. The Prothonotary shall permit no papers to be taken from the office without order of Court except for temporary removal by an attorney for the purpose of conducting an arbitration, for copying within the Court House or other recognized Court purpose. Those removing papers from the files of the Court shall sign them out on a form used for that purpose and shall be responsible for damages arising from any loss.

(c) The Prothonotary shall not accept for filing any paper filed by a person which shall not have endorsed thereon the address and telephone number of the person filing the paper. The Prothonotary shall consecutively number the cases each year.

(d) All attorneys who take a paper from the files of the Court shall give their receipt in a book to be kept for that purpose and shall be responsible for the same and for damages arising from any loss.

(e) Only the Prothonotary, office clerks and attorneys shall be permitted access to the files. No entries shall be made in the dockets except at the direction of the Prothonotary.

(f) The Prothonotary shall not accept for filing any paper filed by person which shall not have endorsed thereon the address and telephone number of the person filing the paper.

(g) The Prothonotary shall provide segregated docket numbers for the law and equity sides of the Court and shall consecutively number the cases each year.

(h) In the litigation involving the validity of a municipal lien, upon motion of either party, the matter shall be transferred, from the municipal liens docket to the appearance docket and given a term and number by the Prothonotary.

(i) In all appeals to the Court from a municipal zoning board or municipalities, when said appeal has been returned to said board or municipality by the Court, should the matter then be returned to Court, it will retain the same docket number as it had on the original appeal.

RULE 306. TERMS OF COURT

(a) Regular terms of Court for the trial of civil jury cases will be held in February, April, June, August and October.

(b) The Court may schedule special sessions and/or special civil jury terms of Court at other times and dates than those set forth in sub-paragraph (a) above.

(c) Requests for trials outside the regular civil trial terms are discouraged. However, if there are compelling reasons to make such a request, the proper procedure to be followed is to file a Motion with the assigned judge, giving due notice of the date and time of presentation to opposing counsel, in accordance with established motion practice.

RULE 311. PROCEDURE IN STATUTORY APPEALS

(a) Unless a contrary procedure is provided for otherwise in Statute or general Rule of Court, this Rule shall apply to all statutory appeals where this Court has jurisdiction to review adjudications of School Districts, municipalities or State Administrative Agencies or offices. This Rule shall have no applicability to state Administrative Agencies or officers or proceedings under the Uniform Arbitration Act.

(b) In cases where the Court does not have the prerogative of receiving evidence in lieu of or in supplement to the record made in the administrative proceedings, or in cases where no motion for additional evidence was filed or granted pursuant to paragraph (d) herein, the disposition of appeals shall be by requesting a judge assignment after twenty days of the docketing of the record from the administrative proceeding or after the denial of the motion for additional evidence, whichever is later. In such cases, all procedures otherwise applicable to the listing of cases for argument, assignment to a Judge, briefs, etc., shall apply to appeals governed by this Rule.

(c) In cases where a party is entitled, as a matter of right, to have either a de novo evidentiary hearing in this Court, or to supplement the record made in the administrative proceedings, any party so entitled shall request for judicial assignment with the trial court administration and submit an appropriate motion to the assigned judge for hearing. Such a motion shall set forth with particularity the basis on which the movant claims a right to submit further evidence and shall contain a certificate that the motion has been served on all other parties.

(d) In cases where the Court may receive evidence for cause shown, or at the discretion of the Court, any party wishing to request that the Court receive evidence, shall file a request for judicial assignment with the trial court administrator and present an appropriate motion to the assigned judge within twenty (20) days after the docketing of the record of the administration proceeding being reviewed. The motion shall state with particularity the authority upon which movant relies and the particular factors which he believes indicate that the receipt of further evidence is justified. Where indicated by the circumstances, the following factors may be considered by the Court in acting upon such motions in addition to any otherwise applicable standard governing the exercise of the Court's discretion:

- (1) Whether movant was represented by counsel before the administrative tribunal.
- (2) Whether previously undisclosed or newly discovered evidence exists which was not made available to the administrative tribunal prior to its decision.
- (3) The overall adequacy for the purpose of appellate review of the record made before the administrative tribunal.
- (4) The apparent regularity and fundamental fairness of the administrative proceedings, as disclosed by the record.
- (5) Such other factors as may be considered in the interest of justice.

No motion contemplated by this section shall be acted upon until all interested parties have been given an opportunity to respond to the motion through argument. If, after argument, the Court denies, in whole, a motion under this section, the case shall proceed as provided in section (a) above.

In granting the relief requested in motions contemplated by this section, the Court may, unless otherwise indicated by applicable statutes, limit the evidence it will receive to matters which are not cumulative of material already included in the record made before the administrative tribunal, or impose other reasonable restrictions upon the scope or nature of the evidence to be received. The Court may, in its discretion, at the request of any party or on its own motion, require that any party intending to offer evidence pursuant to this Rule file a pre-hearing narrative statement fairly setting forth the nature of the evidence to be offered such that all parties may have adequate notice of the facts at issue prior to hearing and the scope and nature of the evidentiary proceeding.

(e) In cases in which evidence is received by the Court pursuant to this Rule, after the close of the evidentiary proceedings, all parties shall submit proposed findings of fact to the Court along with their

respective briefs on the merits of the appeal in accordance with a schedule fixed by the hearing Judge. The hearing Judge shall retain the case and make the final disposition of the appeal, including the adoption of findings of fact, where appropriate.

(f) No case shall be listed for argument and no motion shall be filed requesting that a hearing be set until the record of the administrative tribunal is docketed with the Prothonotary. It shall be the duty of the administrative agency involved to promptly notify all parties of the filing of the record.

(g) Unless otherwise required by statute, the order of a single Judge of this Court which is dispositive of the merits of the appeal shall constitute a final order of this Court in all matters subject to this Rule. Neither the filing of exceptions nor en banc proceedings shall be required or permitted.

(h) Unless a different time is specified by statute, it shall be the duty of the administrative agency involved to docket the record of the proceedings before it with the Prothonotary no later than thirty (30) days from service of the notice of appeal upon the tribunal or agency. The record shall, in all cases, contain at least a brief adjudication setting forth the findings and conclusions of the administrative tribunal.

(i) In the event that any administrative tribunal fails to comply with the provisions of this Rule, or of any statute, relating to the time within which to transmit its record to this Court, any party may, by motion, apply for an order compelling the transmittal of a complete record.

RULE 312. FAIR TRIAL. FREE PRESS.

A lawyer or law firm associated with a civil action shall not during its investigation or litigation make or participate in making an extra judicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will interfere with a fair trial and which relates to:

- (a) Evidence regarding the occurrence or transaction involved.
- (b) The character, credibility or criminal record of a party, witness or prospective witness.
- (c) The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.
- (d) An opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.
- (e) Any other matter reasonably likely to interfere with a fair trial of the action.

See Appendix, Court Order 84-1992.

SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

RULE 430. DESIGNATION OF LEGAL PUBLICATION

The Erie County Legal Journal is hereby designated as the legal publication for the publication of all notices and matters that are required to be published by the Pennsylvania Rules of Civil Procedure or Order of Court.

RULE 440. SERVICE OF LEGAL PAPERS OTHER THAN ORIGINAL PROCESS

(a) Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule To Show Cause which grants no relief, opposing counsel and unrepresented parties must be given two (2) full business days' notice by personal delivery or facsimile transmission to each party or their counsel's office, or five (5) full business days' notice if by mail. The notice must give the date and time when the motion or petition will be presented to the Court and must accompany a copy of the proposed motion and order. The motion or petition must contain a certificate signed by counsel verifying that proper notice was given under this Rule.

(b) The Certificate of Notice shall be in the following form:

CERTIFICATE OF NOTICE

I certify that on (Date of Notice) I gave notice to all counsel of record and unrepresented parties, by first class mail or hand delivery, of my intention to present the within Petition/Motion to the Court on (Date of Presentation).

(Name of Counsel)

(c) The Court will not enter an order on a petition or motion without the Certificate of Notice being attached unless special cause be shown to the Court.

OFFICIAL RULES COMMITTEE COMMENT:

The intention of this Rule is to provide opposing counsel or parties with two (2) full business days' notice from the date of fax or personal delivery, and five (5) full business days' notice from the date of deposit in the U.S. mail. For example, if a motion is to be presented on Thursday at 9:00 a.m., the notice of intent to present the motion must be delivered or faxed before 9:00 a.m. on the preceding Tuesday. If notice is given by mail, it must be postmarked no later than the Wednesday of the preceding week.

RULE 442. SERVICE IN MAGISTERIAL DISTRICT JUDGE APPEALS

In appeals from judgments of Magisterial District Judges in Civil Matters as governed by Rules 1001 et seq. of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, the appellant in a Magisterial District Judge proceeding, in lieu of service and proof of service pursuant to Rule 1005A and 1005B, may at appellant's option file with the notice of appeal a stamped envelope pre-addressed to the appellee at appellee's address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appearing in the records of that office, or the attorney of record, if any, of the appellee, and a stamped envelope pre-addressed to the Magisterial District Judge in whose office the judgment was rendered. Copies of the notice of appeal and, if any, Rule pursuant to Rule 1004B of the Magisterial District Judge Rules shall thereupon be mailed by the Prothonotary or Clerk by first class mail with such service and any return being noted on the Court's docket.

NOTE: Erie L.R. 442 implements the option authorized by Rule 1005C of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges as added March 27, 1992, effective June 25, 1992.

MISCELLANEOUS MATTERS

RULE 506. MONEY PAID INTO COURT

(a) A party to an action, may upon motion and upon such notice to the adverse party as the Court may direct, pay into Court the amount admitted to be due, together with costs, if any. The party entitled to the money may accept the money and settle and discontinue the action or may refuse the money and proceed with the action. If the adverse party shall not recover more than the amount paid into Court, all additional costs shall be deducted from the money. This tender into Court shall in no way alter the rights of the parties as to legal tender made before suit.

(b) Parties wishing to extinguish liens upon real estate in which they have an interest, may upon motion and such notice to the creditor as the Court may direct, pay into Court the amount due and have satisfaction entered upon the lien.

(c) Upon payment of money into Court, to abide its order, the same shall be deposited by the Prothonotary in an account in the name of the Prothonotary kept for such purposes, and shall be payable only by a check signed by the Prothonotary pursuant to order of the Court. A book shall be kept in the office of the Prothonotary, in which shall be entered all monies paid into Court, with the name of the case in which it shall have been paid.

(d) Under the provisions of the bulk transfers section of the Uniform Commercial Code, 13 Pa. C.S.A. 6106(4) the petition of the transferee, in addition to other necessary allegations, shall give the name, address and amount of claims of creditors of the transferor insofar as the same are known to him and may request the appointment of an auditor. If the petition is approved by the Court, an auditor may be appointed forthwith to determine what creditors of the transferor are entitled to recommend distribution to the Court. The auditor shall give notice of his appointment and perform all his duties in accordance with the provisions of Rule 500*. He shall give notice of the time of filing claims to the transferors and transferees, or their attorneys, by registered or certified mail to each known creditor whose name and address is set forth in the petition.

**[Erie L.R. 500 was deleted by the changes which were made pursuant to the order of July 8, 2004. Any continued reference to Erie L.R. 500 is an oversight which the Rules Committee will bring to the court's attention.]*

(e) The Prothonotary, upon receipt of any payment or deposit of funds or damages due or estimated to be due in eminent domain proceedings, pursuant to any statute, rule or order of Court, shall, within five (5) days of receipt of such funds or damages, deposit the same in a federally insured depository in Erie County, Pennsylvania, subject to withdrawal on a daily basis without notice, such deposit to bear interest at a rate not less than the current rate at any time advertised by said institutions to be paid to its customers for depository accounts with similar withdrawal provisions as above.

(1) If the amount of such funds so paid or deposited with the Prothonotary exceed the maximum amount that deposits with such institutions are insurable by an agency of the United States of America, the Prothonotary shall open as many accounts as may be necessary to provide that all such funds so paid or deposited are fully insured by an agency of the United States of America.

(2) Any funds deposited by the Prothonotary under this Rule shall be deposited in the name of the Court for use of the parties who may be entitled thereto, and shall not be withdrawn except by Order of Court authorizing the Prothonotary to withdraw all or a part of any such funds so deposited and to make distribution of the same in accord with the terms of such Order. A record of all funds received and paid out hereunder, including the source of such funds, the number and term of the proceedings under which the same were deposited, and to whom payments of funds withdrawn are made, shall be kept by the Prothonotary.

(3) Interest earned on funds deposited shall belong to and, upon Court Order authorizing withdrawal, be paid to the party or parties entitled thereto less the appropriate deduction for poundage which the

Prothonotary shall receive for the handling of monies paid into Court in accordance with the statutory fee schedule established by the General Assembly of the Commonwealth of Pennsylvania.

(4) The Prothonotary shall after deposit of funds, as above described, mail a copy of said depository agreement to all parties of record and file a copy of same with the papers in the case.

RULE 507. DEFICIENCY JUDGMENT ACT

(a) Petitions pursuant to 42 Pa. C.S.A. §8103, as amended, to fix the fair market value of real property bought by a plaintiff at a sheriff sale shall disclose in addition to the requisites of the section, the following:

(1) The date of the sheriff's sale.

(2) The date of entry and the amount of judgment entered in the proceeding and the amount of the interest due thereon to the date of the sheriff's sale and the costs of the proceedings upon which the said judgment was obtained.

(3) An itemized statement of all prior liens, costs, taxes, municipal claims not discharged by the sale, and the amount of any such items paid at distribution on the sale.

(b) The service of the petition shall be in accordance with Pa. R.C.P. Nos. 440 and 441.

RULE 508. ACCOUNTING

When in any action a judgment has been entered directing the defendant to account to the plaintiff, the defendant shall, within thirty (30) days (unless the Court shall for cause shown allow a longer time), state the account and file the statement thereof in the Office of the Prothonotary giving notice and copy of account forthwith to the plaintiff, or his attorney, that this has been done. Within thirty (30) days after such notification the plaintiff, if dissatisfied with the statement of account filed by the defendant, shall file exceptions thereto and move for the appointment of an auditor to hear and report upon questions of fact and law raised by the exceptions. The auditor and all parties shall thereafter follow Erie L.R. 500*.

**[Erie L.R. 500 was deleted by the changes which were made pursuant to the order of July 8, 2004. Any continued reference to Erie L.R. 500 is an oversight which the Rules Committee will bring to the court's attention.]*

ACTIONS AT LAW

CIVIL ACTION

RULE 1018.1. NOTICE TO DEFEND. FORM

With respect to the notice to defend form required by Pa.R.C.P. 1018 the Erie County organization shall be:

Lawyer Referral & Information Service
P.O. Box 1792
Erie, PA 16507

814/459-4411
Mon - Fri
8:30 a.m. - Noon; 1:15 p.m. - 3:00 p.m.

RULE 1028(c). PRELIMINARY OBJECTIONS

1. Preliminary objections shall be filed with the Prothonotary's office and a copy shall be served by the objecting party upon all counsel of record and unrepresented parties. Within thirty (30) days after the filing of preliminary objections, the objecting party shall file a brief and serve a copy of the brief upon all counsel of record and unrepresented parties. At that time, the objecting party shall also serve a copy of the preliminary objections and brief upon the assigned judge.

2. The non-moving party shall file with the Prothonotary's office a responding brief within thirty (30) days of receipt of the objecting party's brief. The non-moving party shall forward a copy of the brief to the assigned judge. This deadline does not affect the filing deadlines otherwise imposed upon the non-moving party by the Pennsylvania Rules of Civil Procedure.

3. After the passage of the filing date for the non-moving party's brief, the assigned judge shall schedule the matter for an argument on the preliminary objections, unless all parties waive argument. Notice of argument shall be given by the court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission or personal delivery.

4. If the brief of either the objecting party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

- (A) Overrule the objections where the objecting party has failed to comply.
- (B) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or
- (C) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or
- (D) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

RULE 1034(a). MOTION FOR JUDGMENT ON THE PLEADINGS.

1. The moving party shall file a motion for judgment on the pleadings, together with a supporting brief, with the Prothonotary and a copy of the motion and brief shall be contemporaneously served by the moving party upon all counsel of record and unrepresented parties and upon the assigned judge.

2. The non-moving party shall file a brief in opposition to the motion for judgment on the pleadings within thirty (30) days after receipt of the motion and brief. At that time, the failure of the non-moving party to file a brief within the time required shall result in the disposition of the motion based solely upon the information received from the moving party.

3. After the passage of the filing date for the non-moving party's brief, the assigned judge shall schedule the matter for argument, unless all parties waive argument. Notice of argument shall be given by the court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission or personal delivery.

4. If the brief of either the moving party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

- (A) Dismiss the motion where the moving party has failed to comply.
- (B) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or
- (C) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(D) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

RULE 1035.2(a). MOTION FOR SUMMARY JUDGMENT

1. Procedure for Filing Summary Judgment Motions.

(A) The moving party shall file a motion for summary judgment, together with a supporting brief, with the Prothonotary and a copy of the motion and brief shall be contemporaneously served by the moving party upon all counsel of record and unrepresented parties and upon the assigned judge. Within thirty (30) days of receipt of the moving party's brief, the non-moving party shall file a brief and, at that time, shall deliver a copy to the assigned judge. Any depositions, answers to interrogatories or affidavits in support of or in opposition to the motion shall be filed with the Prothonotary not later than the due date of the respective party's brief.

(B) If the brief of either the moving party or non-moving party is not filed within the time periods above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

- (i) Dismiss the motion where the moving party has failed to comply.
- (ii) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or
- (iii) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or
- (iv) Impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

2. Scheduling of Argument.

(A) There shall be oral argument in accordance with Pa.R.C.P. No. 211, unless all parties waive argument. Notice of argument shall be given by the Court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission, or personal delivery.

(B) After the passage of the filing date of the brief of the non-moving party, the Court shall schedule argument on the motion with notice to all parties. After argument, the Court shall notify the parties of its decision.

RULE 1042.21 PRETRIAL PROCEDURE IN MEDICAL PROFESSION LIABILITY ACTIONS. SETTLEMENT CONFERENCE; MEDIATION

(a) Any motion by a healthcare provider requesting a court ordered mediation, shall set forth the following minimum information:

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

- (b) If the motion has been consented to, such consent shall be noted in the motion and, where possible, written consents from the parties shall be attached.
- (c) Any party opposing a Motion for mediation shall file their objections within ten (10) days of service of the Motion.

ACTION TO QUIET TITLE

RULE 1066. FORM OF JUDGMENT OR ORDER

- (a) Unless otherwise ordered by the Court, notice is not required.
- (b) Any order entered under Pa. R.C.P. 1066 (b)(1) shall include a description of the property.

COMPULSORY ARBITRATION

RULE 1301. SCOPE

- (a) Compulsory arbitration of matters as authorized by the Judicial Code, 42 Pa. C.S. Section 7361 as amended, shall apply to all cases at issue where the aggregate amount in controversy shall be Fifty Thousand Dollars (\$50,000.00), or less, regardless of the number of parties, except those cases involving title to real estate or which seek equitable or declaratory relief.
- (b) In all cases where a party has obtained a judgment by default under Pa. R.C.P. No. 1037, the party obtaining said judgment by default may elect to have unliquidated damages assessed at a trial by arbitration with the issues limited to the amount of damages which shall not exceed \$50,000.00. The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of \$50,000.00.
- (c) Discovery shall be allowed in all cases.

Explanatory Comment – 2008:

The monetary limits for arbitration are being increased from \$30,000.00 to \$50,000.00 and this change shall apply to those civil actions which are filed after the effective date of this rule change. This change is being made on a trial basis and shall be subject to a three year sunset provision. By the end of the three year period which begins on the effective date of this rule change, the court, with the assistance of the Erie County Bar Association, shall analyze the results and the effect of the increase in the arbitration limits to make a determination as to whether to maintain the limits at that level.

RULE 1302. LIST OF ARBITRATORS. APPOINTMENT TO BOARD.

- (a) (1) The Board of Arbitrators in any case shall be selected in accordance with one of the procedures set forth below, from a list of attorneys admitted to practice in Erie County, who have filed their consent to act with the Prothonotary.

Those attorneys having practiced for three (3) years or more who wish to be Chairman of Boards of Arbitration shall so inform the Prothonotary of their eligibility.

(i) Selection by Praecipe: Upon the filing of a Praecipe for Arbitration, the Prothonotary shall nominate a Board of potential Arbitrators consisting of three (3) attorneys plus one (1) attorney for each attorney of record and unrepresented party. Not more than two (2) of the potential Arbitrators shall have been admitted to the practice of law for less than three (3) years. The list of attorneys so nominated shall be sent by the Prothonotary to each attorney of record and the unrepresented party. Each attorney of record and unrepresented party may strike off one (1) nominated attorney and return the list to the Prothonotary within five (5) days. A failure to respond within five (5) days constitutes a waiver of the right to strike one (1) name from the list. The three remaining names will make up the Board. If no name of the same name is stricken from the list, the first three (3) remaining names will make up the Board.

Upon the expiration of five (5) days, the Prothonotary shall notify all parties of the names of the Arbitration Panel and designate as Chair the first Arbitration Panel and designate as Chair the first Arbitrator, so selected, who has been admitted to the practice of law for at least three (3) years.

(ii) Selection by agreement: By agreement of counsel, the Prothonotary shall nominate a list of nine (9) attorneys selected at random from the entire list of potential arbitrators with an additional three (3) attorneys for each additional party with an adverse interest. Each party shall have the right to strike off attorneys so named, one at a time and alternately. If, after the striking of Arbitrators, the selection will result in a panel of members none of whom are eligible to be Chairman, the Prothonotary at the request of either counsel, shall select three (3) additional attorneys for consideration. The selection shall continue until a panel is agreed upon. If none of the three (3) chosen Arbitrators have been practicing for more than three (3) years, the counsel shall be deemed to waive this requirement. The Chairman shall be selected by counsel.

(iii) Selection of sole arbitrator: In any case within the limits of compulsory arbitration, a sole Arbitrator may be selected to adjudicate the case by agreement of counsel. The award shall have the same effect as that of a three (3) person panel. The Prothonotary shall nominate a list of five (5) attorneys selected at random from the entire list with an additional two (2) attorneys for each additional party with an adverse interest. Each party shall then have the right to strike off two so named, one at a time and alternately. The remaining attorney shall comprise the Board of Arbitration and shall be considered the Chairman.

(2) In the event an arbitrator selected pursuant to the above procedures is unavailable to attend the hearing for any reason, that arbitrator shall give the parties written notice of his or her unavailability five (5) days before the hearing date, so as to allow the parties time to agree on selection of a replacement arbitrator and have said replacement available to attend the hearing so as not to cause the need for rescheduling of the same. If the arbitrator fails to comply with the five (5) day notice requirement, at the time of the regularly scheduled arbitration hearing the parties shall notify the Prothonotary of the arbitrator's failure. Thereafter, the arbitrator shall automatically be stricken from the list of arbitrators maintained by the Prothonotary with leave to reapply for inclusion on the list upon petition to the Court and cause shown.

RULE 1303. HEARING. NOTICE

(a) (1) The Chairman of the Board of Arbitrators shall designate the time for hearing with written notice to each of the members of the Arbitration panel and to each party or their counsel in compliance with Pa. R.C.P. 1303.

(2) All hearings of the Board of Arbitrators shall be held in the Erie County Court House in a hearing room designated for that purpose or in a courtroom by leave of Court.

(3) All hearings shall promptly commence at 9:30 a.m. or 1:30 p.m., unless a different time shall specifically be established by the Board of Arbitrators. In the event an Arbitrator shall not be present at the time for the swearing-in, then counsel for represented parties and any unrepresented party who does in fact appear at the scheduled hearing time, may, only if they agree unanimously

(a) have the remaining Arbitrators immediately select a replacement from the list of Arbitrators; or

- (b) themselves appoint any other eligible person to act as a replacement Arbitrator; or
- (c) use any other method of selection of an eligible person to act as a replacement Arbitrator.

In the event that counsel for represented parties and any unrepresented party, who does in fact appear at the scheduled hearing time, are unable to unanimously agree upon any of the foregoing options, then the replacement Arbitrator shall be selected in accordance with Erie R.C.P. 1302(a)(1)(iii), governing selection of a sole Arbitrator.

RULE 1304. CONDUCT. HEARING. GENERALLY

- (a) The hearings shall be conducted by the chairman with decorum in full compliance with judicial proceedings as conducted by the Court of Common Pleas. Witnesses shall be sworn in the customary manner.
 - (1) Smoking shall not be allowed, either by Arbitrators, attorneys, parties or witnesses.
 - (2) Once the witnesses are sworn and the proceedings have commenced Arbitrators and attorneys shall, throughout the hearing, use the same procedure and decorum as used before a Common Pleas Court.

RULE 1305. PRETRIAL EXCHANGE OF INFORMATION

- (a) In cases subject to compulsory arbitration where the amount in controversy exceeds \$10,000.00, the parties shall exchange the following information at least twenty (20) days prior to the arbitration.
 - (i) A copy of all reports containing the substance of the facts, findings or opinions and a summary of the grounds or reasons for each opinion of any expert, including physicians, whom that party expects to call as a witness at the arbitration. The report must be signed by the expert.
 - (ii) Names and addresses of all witnesses the party expects to call.
 - (iii) Copies of all exhibits the party intends to use at the arbitration, with a designation of those documents to be produced pursuant to Pa. R.C.P. 1305.
- (b) If timely production is not made of any of the information required above, the testimony of that expert, that witness, or use of that exhibit, shall be excluded by the arbitrator(s), except upon consent of the adverse party or parties, or upon a showing of good cause made to the arbitrator(s).

RULE 1306. AWARD

- (a) In each case, at the time of the entry of the Arbitrator's award or upon a determination that a scheduled hearing would not take place, the chairman shall file a Certificate of Arbitrator's fees to indicate the time expended and Arbitrator's fees to be paid. Fees of the panel shall be assessed as follows:
 - (1) An arbitration was scheduled, but no hearing was convened or award entered. The chairman, only, shall receive \$25.00.
 - (2) In all other cases, the Arbitrators shall be paid at the rate of \$60.00 per hour, or a portion thereof, with the chairman receiving an additional \$25.00.

RULE 1307. AWARD DOCKETING. NOTICE. LIEN. JUDGMENT. MOLDING THE AWARD.

When the Certificate, report and award, if any, are filed with the Prothonotary, the Prothonotary or his deputy shall certify the Arbitrator's fees for payment under the procedure followed as to other debts of the County.

ACTIONS IN EQUITY

RULE 1531. PRELIMINARY INJUNCTION.

(a) Upon filing a motion for preliminary injunction, a request for a judge assignment shall be made to the Office of Court Administration.

(b) The motion for preliminary injunction shall be presented to the assigned judge to obtain a date and time for a hearing and/or consideration of a request for immediate or ex parte relief.

CLASS ACTIONS

RULE 1703. COMMENCEMENT OF ACTION. ASSIGNMENT TO A JUDGE

Upon filing the complaint, the plaintiff shall also file with the Prothonotary a Praecipe for Assignment and shall serve a copy thereof upon the Court Administrator, who shall promptly assign the action to a judge who shall be responsible for all further proceedings. In the event plaintiff does not file a Praecipe for Assignment, any other party may do so.

ACTIONS FOR SUPPORT

RULE 1910.4. COMMENCEMENT OF ACTION. FEE

(a) The Support Intake Officer may aid any person requesting help in the preparation and filing with the Court of a complaint for support.

(b) All support pleadings must be filed with the Support docketing Office and copies provided to the Support Counseling Office.

(c) In all actions in which spousal support, alimony pendente lite and temporary counsel fees are pending, upon motion and order, hearing on all matters may be heard concurrently by the Court.

RULE 1910.5. COMPLAINT. ORDER OF COURT

The order directing the parties to appear shall include the following language: "*Failure of either party to appear at the support counseling conference, or to appear without the required financial information, may subject that party to sanctions which may include attorney's fees and any other relief the Court so directs.*"

RULE 1910.7. NO PLEADING BY DEFENDANT REQUIRED. QUESTION OF JURISDICTION OR VENUE OR STATUTE OF LIMITATIONS IN PATERNITY.

If defendant raises a question of jurisdiction or venue, or in paternity cases the defense of statute of limitations, those issues shall be raised by filing a motion to dismiss. Said motion shall be presented in Motion Court to the Judge of the Family Division, at which time a date and time for argument on the motion shall be scheduled.

RULE 1910.10. ALTERNATIVE HEARING PROCEDURES

The Erie County Court of Common Pleas hereby adopts Pennsylvania Rule of Civil Procedure 1910.11.

RULE 1910.11. OFFICE CONFERENCE. SUBSEQUENT PROCEEDINGS. ORDER

- (a) No temporary order regarding spousal support shall be entered if one party raises the issue of spousal entitlement.
- (b) The support office shall issue the conference summary and recommendation within forty-eight (48) hours of the support conference.
- (c) If no agreement is reached at the support conference, the hearing de novo shall be scheduled at that time. The hearing de novo shall be held no later than thirty (30) days from the date of the support office conference.
- (d) If a temporary order is entered pursuant to Pa. R.C.P. 1910.11(f), that temporary order shall automatically expire on the thirtieth (30th) day after the support conference.
- (e) A demand for a hearing de novo pursuant to Pa. R.C.P. 1910.11(h) shall set forth with specificity the issues to be raised before the Court at the de novo hearing. However, such demand shall not impair the right to a de novo hearing on all issues.
- (f) If no demand for a de novo hearing is filed within ten (10) days from the date of the summary and recommendation, the temporary order and support office summary and recommendation shall be made a final order of Court and the trial de novo canceled.
- (g) Any party may file a responsive pleading within five (5) days from receipt of the demand for the de novo hearing.

RULE 1910.16-1. ALIMONY PENDENTE LITE

- (a) All Motions and Petitions for alimony pendente lite, modification or termination thereof including counsel fees, shall be filed with the Domestic Relations Office.
- (b) The Domestic Relations Office shall make a recommendation as to alimony pendente lite pursuant to the procedures of Erie County Local rules and Pennsylvania Rules of Civil Procedure 1910.11 and 1910.12 which shall be determined in accordance with support guidelines, Pennsylvania Rule of Civil Procedure 1910.16-2 and as a formula in Rule 1910.16-5.

(c) All Motions and Petitions for alimony pendente lite, modification, termination, or exceptions therefrom shall be subject to fees as established by the Domestic Relations Office.

COMMENT

A count for Alimony Pendente Lite in a Divorce Complaint does not activate the processing of that claim. The filing of a Petition for Alimony Pendente Lite in the Domestic Relations Office pursuant to Rule 1910.16-1 activates that claim and establishes the effective date of the claim.

RULE 1910.19. SUPPORT ORDER. MODIFICATION. TERMINATION

A petition seeking to modify or terminate a support order may be prepared by the Support Intake Office. A petition under this Rule shall be filed in the Support Docketing Office and a copy shall be filed with the Support Counseling Office.

See Appendix, Court Order No. 90508-1998.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

RULE 1915.1 SCOPE

(a) These rules govern the practice and procedure in all actions for custody, partial custody and grandparent custody initiated in Erie County, Pennsylvania. If not provided for in these local rules, procedure in Erie County will follow the state rules as set forth in Pa. R.C.P. 1915.1 – 1915.25. In the event of any conflict between these rules and the state rules, the Pennsylvania Rules shall control.

(b) All filing fees related to custody actions shall be as determined by the court, and shall be available at the Office of Prothonotary, Erie County Courthouse, Erie, Pennsylvania.

(c) Erie County Civil Rules for Motion Court practice shall apply in custody cases. See Rules 304 and 440.

RULE 1915.3 COMMENCEMENT OF ACTION. COMPLAINT. ORDER.

(a) Except as provided by (c) of the state rule, an action shall be commenced by filing a verified complaint substantially in the form provided by Pa. R.C.P. 1915.15(a). The original complaint for each party shall be filed with the Office of the Prothonotary and a photo copy shall be filed with the Custody Conciliation Office.

(b) Prior to its filing at the Prothonotary's Office, the original and two copies of the verified complaint for each party shall be presented to the custody conciliation office for scheduling of a conciliation conference. The verified complaint shall include Form 1, and the Children Coping With Divorce brochure/registration form,

(c) The custody conciliation office will assign a time and date for the intake or conciliation conference, and attach the Order provided in Form 2 to the original and all copies. The moving party shall then file the original pleading with the Prothonotary, and serve the responding party or parties as further provided in these Rules.

(d) The Custody Office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time. It is the responsibility of a party objecting to jurisdiction, venue, process, standing or any other legal defect, to file and serve the proper responsive pleading, and to request stay by the court, if appropriate.

RULE 1915.4-3 NON-RECORD PROCEEDINGS. TRIAL.

Erie County adopts non record custody proceedings under Pa. R.C.P. 1915.4.3. All matters shall be initially heard by custody conciliation officers who have been previously appointed by the Court of Common Pleas of Erie County, Pennsylvania, and who have satisfied the qualification requirements of Pa. R.C.P. 1940.4. The procedures of the custody conciliation office are more fully set forth in Rule 1915.19, infra.

RULE 1915.7 CONSENT ORDER

(a) If the parties reach an agreement for any type of custody, partial custody, or grandparent custody, and the parties request that a consent order be entered, the parties may submit a Petition for Entry of Custody Consent Order, consistent with Form 3, and a Proposed Custody Order, consistent with Form 4, at Motion Court, or directly to the presiding administrative judge of the Family/Orphan's Court division of the Court of Common Pleas of Erie County, Pennsylvania.

(b) Upon its execution of a Consent Order, the Court will notify the moving party or attorney to pick up the signed Order for filing and distribution.

(c) No Consent Order will be executed by the court without the written signature of the parties, and counsel if an appearance has been made.

RULE 1915.8 PHYSICAL AND MENTAL EXAMINATION OF PARTIES

If an evaluation or examination has been made under Pa. R.C.P. 1915.8, a copy of any report produced shall be provided to counsel for the parties, and in appropriate cases, counsel for the child, prior to any custody proceedings including conciliation conferences. If a party is un-represented by counsel, a copy of that report shall be provided to that party prior to any proceeding. The report shall be provided as soon as it is available, and in no event, less than 24 hours before a scheduled custody proceeding.

RULE 1915.10 DECISION

(a) The court may make the decision before the testimony has been transcribed. The decision may be announced by the court immediately at the conclusion of the trial, in which event it shall be properly transcribed and filed in the Office of the Prothonotary. In the alternative, the decision may be set forth in writing and filed promptly. In all actions involving a determination of custody, partial custody and visitation, the Court shall enter an order that includes:

(1) A concise statement, in narrative form or in separate findings, of all factual findings supporting a determination on the issues of custody, partial custody and visitation;

(2) A discussion of the issues of law involved and the Court's conclusions of law; and

(3) An order of custody, partial custody or visitation.

(b) No motion for post-trial relief may be filed to an order of custody, partial custody or visitation.

RULE 1915.11 **APPOINTMENT OF ATTORNEY FOR CHILD. APPOINTMENT OF GUARDIAN AD LITEM FOR CHILD. INTERROGATION OF A CHILD. ATTENDANCE OF CHILD AT HEARING OR CONFERENCE.**

Erie County practice shall follow Rule 1915.11 as it provides for the appointment of counsel for the child. The Court, on its own motion, or the motion of a party, may also appoint a guardian ad litem for the child under the provisions of 23 Pa. C.S. Section 5334.

RULE 1915.12 **CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER. PETITION. SERVICE. ORDER.**

(a) The Petition for Contempt shall follow the form set forth in Pa. R.C.P. 1915.12, and shall set out, with specificity, the alleged violations of the Custody Order then in effect. The Petition shall begin with the Notice and Order as more fully set forth in Pa. R.C.P. 1915.12.

(b) The original Petition with Notice and Order, and a photo copy, shall then be presented to the Office of the Court Administrator for the Family/Civil Division, for assignment of a date and time for the contempt hearing, during regularly scheduled Motion Court hours.

(c) Upon the assignment of a date and time for the contempt hearing, the moving party shall file the original pleading with the Prothonotary, and provide for service pursuant to Pa. R.C.P. 1915.12.

RULE 1915.13 **SPECIAL RELIEF**

(a) At any time after commencement of a custody action, the court may on application or its own motion, grant appropriate interim or special relief. The relief may include but is not limited to the award of temporary custody, partial custody or visitation; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

(b) If a Motion for Special Relief is presented during Motion Court, the Motion must allege, with specificity, the need for the court to enter interim or special relief. Notice to all responding parties must be provided pursuant to Erie County Rule 440, and proof of notice must be submitted to court at the time of presentation of the Motion. Absent exigent circumstances, the court will not enter ex parte special relief orders in custody proceedings.

RULE 1915.19 **CUSTODY CONCILIATION PROCESS.**

(a) All new actions for custody, partial custody and grandparent custody of minor children, and all requests for modification of outstanding orders, shall be initially referred to the Office of Custody Conciliation of Erie County, Pennsylvania, for a custody conciliation conference before an Erie County custody conciliation officer.

(b) The Conciliation Conference is not a hearing but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the Conciliation Conference are:

(1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for formal conciliation;

(2) To identify those cases not appropriate for resolution within the context of the conciliation process; and

(3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

(c) All agreements reached at a Conciliation Conference shall be reduced to a Consent Agreement consistent with Form 4, and shall be signed by the parties immediately upon conclusion of the proceeding. The parties shall receive a handwritten copy of the agreement when leaving the conference, and the agreement shall be effective as of that date. The Custody Conciliation Office shall then prepare a final copy of the Consent Order to be signed by the Court, filed, and distributed by the Custody Conciliation Office to all parties and counsel of record by regular mail.

(d) If the parties fail to reach an agreement at the Conciliation Conference, the custody conciliation officer shall prepare and forward to the Court a Recommended Custody Order in the same format as Form 4, and shall also include a brief summary of the conciliation, including the areas of agreement and disagreement between the parties. The court shall then review the summary and proposed order, and if it considers the Recommended Order appropriate, shall execute the Order and return to the Custody Conciliation Office for filing and distribution. The Custody Conciliation Office will then send copies of the Order entered by Court to all parties and counsel of record by regular mail.

(e) The Recommended Order entered by the Court is effective on the parties when filed. The Order shall continue to be in effect until superseded by a subsequent Order of Court.

(f) In appropriate cases, a Temporary Order can be entered, by agreement, by recommendation, or by the court, with a provision for subsequent custody conciliation proceedings. A subsequent date and time for conciliation shall be clearly set forth in the Temporary Order.

(g) The Custody Conciliation Officer may refer custody matters directly to the Court if appropriate.

(h) Participation in Conciliation Conciliation Process:

(1) Children and Third Parties: Children and third parties, other than attorneys, shall not be present for or participate in custody conferences. Exceptions may be made at the discretion of the Court or the conciliator.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conciliator.

(i) An attorney who attends a Conciliation Conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conciliator;

(2) Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of a temporary or recommended order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(j) Termination of Conciliation Process: At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to court.

(k) As set forth in Rule 1915.3(d), the custody office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time.

RULE 1915.20 REQUEST FOR ADVERSARIAL HEARING

(a) Upon entry of a Recommended Custody Order if agreement is not reached, either party may request an Adversarial Hearing before the Court by filing the Request for Adversarial Hearing set forth in Form 5 within twenty days of the date of mailing of the Recommended Order.

(b) The original and one copy of the Request for Adversarial Hearing, and a copy of the Order appealed from, must first be presented to the Court Administrator of the Family/Orphan's Court Division, during regular Motion Court hours, for assignment to a trial judge, and for the date and time for hearing. The presentation of the Request for Adversarial Hearing may be made ex parte, but must be submitted in person by the attorney for the moving party, or by the pro se party. The Office of Court Administrator of the Family/Orphan's Court Division shall, immediately upon submission of the Request for Adversarial Hearing, assign a judge, time and date for the Adversarial Hearing, and prepare the Pretrial Order, Form 6. At the time of scheduling, the court administrator will attempt to coordinate the time and date of the hearing with opposing counsel, if any. The original Pretrial Order shall be filed by moving party with the Prothonotary, and certified copies served by the moving party upon counsel of record for all other parties, or parties directly if unrepresented.

(c) The Pretrial Order shall include the date and time for the custody trial, and shall also include the date for filing of Pretrial Statements, which shall include full parenting plans under 23 Pa. C.S. Section 5331, Form 7.

(d) Pretrial Statements shall be served on counsel, the parties, if unrepresented, and the trial court, as set forth in the Pretrial Order. Regular mail shall constitute adequate service.

(e) Hearings requested from custody conciliation shall be de novo.

RULE 1915.21 PRETRIAL CONFERENCE

(a) Upon request of either party, or sua sponte, the court may schedule a brief status conference. The purpose of the status conference is to define matters to be raised before the court at the de novo trial including any legal or factual issues, and to address any unique evidentiary issues. The status conference is not a settlement conference, and the parties shall not appear, unless a party is unrepresented, or unless ordered to appear by the trial judge. If the court deems appropriate, it may enter a Revised Pretrial Order following the status conference.

(b) Exhibits, other than expert reports, need not be filed with the Pretrial Statement, nor delivered to other parties. However, either party may request in writing or by email, copies of all exhibits identified by each party, and said party shall provide copies of proposed exhibits no later than 72 hours after request.

RULE 1915.22 CRIMINAL CONVICTIONS

(a) At any time during custody proceedings, if a party raises consideration of criminal convictions under 23 Pa. C.S. Section 5329, the court, before entry of any Custody Order, shall, as expeditiously as possible, conduct a hearing to determine that the party, or household member, does not pose a threat to a child.

(b) The party raising a Section 5329 objection shall present a Motion to the court requesting an expedited hearing. The court shall then determine if the custody proceeding will continue.

(c) Upon receipt of a section 5329 motion, the court shall order an evaluation as required under that section. The court shall assess the cost for the evaluation, and any counseling required by the court.

RULE 1915.23 RELOCATION

(a) All relocation cases shall follow the custody procedures set forth in these rules.

(b) The party seeking relocation must comply with the requirements of 23 Pa. C.S. §5337 by first serving the non relocating parent the Relocation Notice, Form 8, and must include the Counter Affidavit, Form 9. The Relocation Notice shall not be filed with the Prothonotary's Office, until an objection to relocation is received pursuant to 23 Pa. C.S. Section 5337(d), or confirmation of relocation is required under 23 Pa. C.S. Section 5337(e), (f). The Relocation Notice may be filed and served with a custody complaint or petition for modification of an outstanding custody order.

(c) A Relocation Notice and a Relocation Counter Affidavit shall be filed as pleadings at Prothonotary Office. The party proposing relocation shall be captioned as Plaintiff, and all other parties as Defendants, if there is no pre-existing custody or divorce action between the parties.

(d) Upon receipt of a counter-affidavit by which a party objects to relocation, the party seeking relocation must first request a conciliation conference to determine if agreement can be reached. In proper cases, the court will consider a motion by any party to waive conciliation, and schedule the relocation trial immediately before the court. See Pa. R.C.P. 1915.4-1.

(e) If a counter affidavit is filed which indicates the non relocating party has no objection to the relocation and no objection to an initial custody order or modification of an existing custody order, the relocating party may submit to the court for approval a custody order which provides the relocation and other significant custody terms. If the case has not yet been assigned to a judge, the motion for approval of relocation may be presented at motion court, with proper notice as set forth in these rules. If the case has been previously assigned to a judge, the motion shall be forwarded to the judge assigned to the case, who may approve the order directly, or determine if a hearing is necessary.

(f) Upon motion filed by any party, or sua sponte, the court may hold an expedited hearing to consider if relocation should be approved pending a full hearing.

RULE 1915.26 COUNSEL FEES, COSTS AND EXPENSES

(a) If properly raised during custody litigation, the court may consider an award of counsel fees, costs and expenses as part of a Custody Order.

(b) Upon proper motion, the court may also consider assignment of counsel fees, costs and expenses during a separate proceeding.

RULE 1915.27 CHILDREN COPE WITH DIVORCE

All parties participating in custody proceeding must attend the Children Cope With Divorce program, pursuant to Erie County Administrative Order C.O. 9-1993. A copy of the brochure providing information on the program and must be included on all complaints involving parties that have not previously attended the program.

RULE 1915.28 CANCELLATION OF SCHEDULED CUSTODY PROCEEDINGS

(a) A scheduled custody conciliation conference may not be cancelled without the written consent of both parties, or leave of court. If a responding party does not consent to cancel a conciliation conference, a motion to cancel may be presented in motion court by the party scheduling the conciliation, with proper notice as set forth in these rules.

(b) A scheduled adversarial hearing may not be cancelled without leave of court. A motion to cancel an adversarial hearing shall be presented to the judge assigned to the custody trial. If a party does not consent to cancellation of the custody trial, the court may approve the cancellation, or determine if a hearing on the motion is necessary.

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INFORMATION SHEET

CHILDREN COPE WITH DIVORCE SEMINAR

THIS FORM MUST BE FILLED OUT IF YOU ARE FILING A DIVORCE OR CUSTODY ACTION IN THE PROTHONOTARY'S OFFICE:

TODAY'S DATE: _____

CASE NUMBER _____

PLEASE CHECK ONE:

DIVORCE FILING – NO CHILDREN _____

DIVORCE FILING – WITH CHILDREN UNDER 18 _____

CUSTODY FILING – WITH CHILDREN UNDER 18 _____

PARTICIPATION BY CONSENT AGREEMENT _____

PLAINTIFF/PETITIONER NAME AND ADDRESS:

DEFENDANT/RESPONDENT NAME AND ADDRESS:

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
: NO.

ORDER OF COURT

You, _____ are ORDERED to appear in person in the CUSTODY CONCILIATION OFFICE, Room 02, Ground Floor, Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania on _____, 20 _____ at _____ o'clock a.m./pm. for an Intake Conference.

Both parents are further ORDERED to attend a custody seminar entitled "CHILDREN COPE WITH DIVORCE" prior to the Intake Conference.

_____ must attend the seminar on _____.

_____ must attend the seminar on _____.

THE DATES OF ATTENDANCE WILL NOT BE CHANGED EXCEPT FOR AN EMERGENCY.

FAILURE TO APPEAR AT THE INTAKE CONFERENCE OR FAILURE TO ATTEND THE SEMINAR WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF A FINE, IMPRISONMENT OR BOTH.

If you fail to appear as provided by this Order, an Order for custody may be entered against you or the Court may issue a warrant for your arrest.

BY THE COURT:

J.

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

Lawyer Referral & Information Service
P.O. Box 1792
Erie, Pennsylvania 16507
(814) 459-4411
Hours: 8:30 a.m. – 3:00 p.m.

If you are eligible for accommodation under the Americans With Disabilities Act, please contact us immediately so arrangements may be made.

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
: NO.

PETITION FOR ENTRY OF A CUSTODY CONSENT ORDER

AND NOW, to-wit, this ____ day of _____, 20____, comes _____, the mother and _____, the father, and petitions this Court for the entry of a “Consent Order” concerning the custody of our child(ren), and in support thereof state as follows:

1.	We are the parents of:			
	Name	Date of Birth		Age
<hr/>				
2.	Our addresses are as follows:			
	Name	Street Address	City/State/Zip	County
<hr/>				
<hr/>				
3.	The child(ren) is/are presently in the custody of:			
	Name	Street Address	City/State/Zip	County
<hr/>				

4. The parties have no knowledge of a custody proceeding concerning the child(ren) pending in any other court.

5. There is/is not an order presently in effect concerning the custody of our child(ren).

6. The parties know/do not know of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

7. We presently live separate and apart and wish to have a custody order confirming our agreement concerning the custody of our child(ren).

8. We believe that the arrangement set forth in the Consent Order is the best interest of the child(ren) and we recognize our continuing obligation to act in our child’s(ren’s) best interest.

9. We agree, as a condition of our agreement, to attend the “Children Cope With Divorce” seminar.

WHEREFORE, we request that the Court grant our Petition and enter the Consent Order.

Mother

Father

Witness

Date

(CAPTION)

CONSENT AGREEMENT

We have agreed to the following appropriate arrangement for the custody of our children:

1. The parents shall share the legal and physical custody of their child(ren). The names of the child(ren) are as follows:_____.

2. The child(ren) shall reside with his/her/their mother/father at _____, except that the mother/father shall have partial custody/visitation with the child(ren) as follows:

a. Weekdays - _____

b. Weekends - _____

c. Summer/Vacation periods - _____

d. Holidays of Thanksgiving - _____

Easter - _____

Christmas - _____

The non-festive holidays of July Fourth, Memorial Day, and Labor Day shall be - _____

OTHER - _____

3. The children shall be with the mother on Mother's Day and with the father on Father's Day. The hours shall be from 10:00 a.m. until 6:00 p.m. unless mutually agreed otherwise.

4. All holiday schedules shall supersede any other partial custody or visitation schedule unless the parties mutually agree to do otherwise.

5. Each parent shall keep the other informed of the child(ren)'s health, progress in school, and general welfare and shall consult the other parent concerning major decisions affecting the child(ren).

6. Each parent is entitled to receive directly from schools, health care providers, or other relevant sources, information concerning their child(ren).

7. Neither parent shall engage in any conduct which presents to the child(ren) a negative or hostile view of the other.

8. Each parent shall encourage the child(ren) to comply with the custody arrangement and foster in the child(ren) a positive view of the other.

9. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren).

10. Each parent shall plan a birthday celebration for the child(ren) on his or her regularly scheduled partial custody day near the child(ren)'s birthday.

11. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren). The term “mutual agreement” contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provisions.

12. The parents agree, as a condition of this consent order, to attend the “Children Coping With Divorce” Seminar.

13. VIOLATIONS OF THIS ORDER BY ANY PERSON MAY REUSLT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

14. Relocation Notice. No party with custody rights to a child may relocate with the child prior to agreement of all parties with custody rights to the child or prior approval of court. Relocation is defined as changing residence of the child which significantly impairs the ability of the non relocating party to exercise custodial rights. A party proposing relocation must comply with all provisions of 23 Pa. C.S. Section 5337 before relocating with the child. A sample relocation notice and counter-affidavit are available at www.eriecountygov.org/courts/custodyconciliation.aspx

15. Jurisdiction of the aforementioned child and this matter shall remain in the Court of Common Pleas of Erie County, Pennsylvania unless and until jurisdiction would change under the Child Custody Jurisdiction and Enforcement Act.

We agree to abide by the agreement developed this ___ day of _____, 20____, and submit to the Court of Common Pleas to be formalized into an order of court.

Mother

Father

Attorney

Attorney

Witnessed by: _____
Custody Conciliator

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
: NO.

REQUEST FOR ADVERSARIAL HEARING

At a recent Custody Conciliation conference, an acceptable custody/visitation agreement could not be reached. I have reviewed the Recommended Order and request an Adversarial Hearing before the Family Court Judge.

The issues to be considered at the hearing are as follows: (Place a check mark before the issues to be considered)

_____ Relocation
_____ Time/Length/Number of Visits
_____ Primary Residence
_____ Other: _____

_____ Estimated Length of Time for Trial

I verify that the statements made in this demand for Court hearings are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: _____

(Petitioner or Petitioner's Attorney)

This form must be brought to Court Administration (Room 204) between the hours of 9:00 a.m. and 12:00 p.m. and 1:30 p.m. and 4:00 p.m., Monday through Friday, within twenty (20) days from the date the Order was mailed or within twenty (20) days from the date the Order was received by you, whichever occurs first. Please attach a copy of the Order of Court that you are appealing.

NOTE: Upon notification of the date and time of your Custody Trial by the Family Court Administrator, a Pre-Trial Status Conference may be requested by either party by contacting the assigned Judge.

PLAINTIFF : IN THE COURT OF COMMON PLEAS
 : OF ERIE COUNTY, PENNSYLVANIA
VS. : FAMILY DIVISION – CUSTODY
 :
DEFENDANT : NO.

ORDER

AND NOW, to-wit, this ____ day of _____, 20____, it is hereby ORDERED, ADJUDGED and DECREED as follows: All parties shall file an original Pre-Trial Narrative Statement with the Prothonotary’ s Office and **must submit a copy** of the Pre-Trial Narrative Statement to Judge _____ office and serve a copy to the other party by _____, 20____. Failure to file Pre-Trial Narratives may result in sanctions. (Judge _____, Erie County Courthouse, 140 West 6th St., Room _____, Erie, Pa 16501)

The Pre-Trial Narrative Statement SHALL include as an attachment a fully completed Parenting Plan.

The Parenting Plan shall include a proposed custody schedule, address the child(ren)’s needs, (i.e. education, health care, religion, third-party childcare), address how decisions will be made regarding the child(ren)’s needs and propose a procedure to make changes to, and resolve disputes regarding, the custody order. The Parenting Plan shall be substantially in the form provided with the Domestic Relations Code at 232 Pa. C.S. §5331(c). A sample Pre-Trial Narrative Statement and Parenting Plan form are available at www.eriecountygov.org/courts/custodyconciliation.aspx.

It is further ordered that the Custody Trial has been scheduled before Judge _____ in Courtroom _____ for _____, 20____ at _____m. and concludes at _____m. at the Erie County Courthouse.

Finally, on your scheduled Court date, you are expected to follow proper courtroom attire and etiquette. This includes proper dress, i.e. no shorts, tee shirts, flip flops; no gum chewing, no food or drink; ALL cell phones or pagers MUST BE TURNED OFF while in the courtroom.

BY THE COURT:

J.

CC: Judge John J. Trucilla
Custody Conciliation Office

******Please notify Court Administration if case is settled/dismissed prior to trial: Family Court Administration,**

PLAINTIFF : IN THE COURT OF COMMON PLEAS
 : OF ERIE COUNTY, PENNSYLVANIA
 VS. : FAMILY DIVISION – CUSTODY
 :
 DEFENDANT : NO.

PARENTING PLAN OF MOTHER/FATHER/PARTY WITH STANDING

This parenting plan involves the following child(ren):

CHILD'S NAME	DATE OF BIRTH

LEGAL CUSTODY

(who makes major decisions on behalf of the child):

Circle One

- a.) Diet – both parties decide together/Plaintiff/Defendant
- b.) Religion – both parties decide together/Plaintiff/Defendant
- c.) Medical care – both parties decide together/Plaintiff/Defendant
- d.) Mental Health care - both parties decide together/Plaintiff/Defendant
- e.) Discipline - both parties decide together/Plaintiff/Defendant
- f.) Choice of School - both parties decide together/Plaintiff/Defendant
- g.) Choice of Study - both parties decide together/Plaintiff/Defendant
- h.) School Activities - both parties decide together/Plaintiff/Defendant
- i.) Sports Activities - both parties decide together/Plaintiff/Defendant
- j.) Additional items - both parties decide together/Plaintiff/Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)_____

PHYSICAL CUSTODY
(where the child(ren) live)

The child(ren)'s residence is with _____

Describe which days and which times of the day the child(ren) will be with each person:

Week 1

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Week 2

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Describe where and when you will exchange custody of the child(ren) (day and time of day)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Place							
Time							

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs? _____

HOLIDAYS

(where will the child(ren) stay)

HOLIDAY	ODD-NUMBERED YEARS	EVEN-NUMBERED YEARS
Thanksgiving Day		
Thanksgiving Vacation		
Christmas Eve		
Christmas Day		
Christmas Vacation		
New Year's Eve		
New Year's Day		
Easter Sunday		
Spring Break		
Fall Break		

Mother's Day		
Father's Day		
Child's Birthday		
Memorial Day		
Fourth of July		
Labor Day		
Other		
Other		
Other		

Summer Vacation Plans _____

SPECIAL ACTIVITIES OR SCHOOL ACTIVITIES

(will both of you attend)

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

TEMPORARY CHANGES TO THIS PARENTING SCHEDULE

From time to time, one of you might want or need to rearrange the custody schedule due to work, family or other events. You should attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

1. The parent asking for the change will ask (circle as many as apply):
 in person by letter by phone by e-mail
2. The parent asking for the change will ask no later than (circle one):
 12 hours 24 hours 1 week 1 month
3. The parent being asked for a change will reply (circle as many as apply):
 in person by letter by phone by e-mail
4. The parent being asked for a change will reply no later than (circle one):
 12 hours 24 hours 1 week 1 month

May parents contact one another? _____

When the child(ren) is/are with one of you, how may they contact the other parent? _____

When and how may mother/father contact the child(ren)? _____

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.)_____

OTHER

The following matter(s) shall be as specified by the court:_____

Other (anything else you want to agree on)_____

Date:_____

Signature of Mother

Date:_____

Signature of Father

Date:_____

Signature of Witness

RELOCATION NOTICE

TO:

This notice of my intention to relocate with child is given pursuant to 23 Pa. C.S. Section 5337 by registered U.S. Mail, Return Requested, on _____.

1. The child's new residence will be _____

2. The child's new mailing address will be _____

3. The following persons will reside with the child/children at the new residence _____

4. The phone number of the new residence is _____

5. The child's new school district and school are _____

6. The date of relocation is _____

7. Relocation is necessary because _____

8. I propose the following custody schedule upon relocation _____

9. Other appropriate information _____

10. Enclosed with this notice is a counter-affidavit that must be filed within 30 days if you intend to object to the relocation. Failure to file an objection to the proposed relocation with the court within 30 days of the receipt of this notice will result in your objection to relocations being foreclosed.

Parent

COUNTER AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name _____ Age _____ Currently residing at: _____

I have received a notice of proposed relocation and:

1. _____ I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to the notice.
2. _____ I do not object to the relocation, but I do object to modification of the custody order, and I request that a hearing be scheduled:
 - a. _____ Prior to allowing (name of child/children) to relocate.
 - b. _____ After the child/children relocate.
3. _____ I do object to the relocation and I do object to the modification of the custody order, and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objection to the relocation.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities).

Parent

Dated: _____

RULE 1920.16(1). CLAIMS FOR CHILD AND/OR SPOUSAL SUPPORT.

(a) A claim for child and/or spousal support raised in an action for divorce by complaint, counterclaim or petition shall be substantially in the form set forth in Pa. R.C.P. 1910.26.

(b) Where a claim for child and/or spousal support is raised in an action for divorce, a true and correct copy of the complaint, counterclaim, or petition by which the claim for child and/or spousal support is raised shall be filed with the Non-Support Intake Office. The claim for child support shall be docketed in the Non-Support Intake Office and shall thereafter proceed in accordance with Pa. R.C.P. 1910.1 et seq. and local rules governing proceedings for child support. The docket entry in the Non-Support Intake Office shall include a reference to the appearance docket number of the divorce action.

See Appendix, Court Order No. 90613-97.

RULE 1920.51. HEARING BY THE COURT. APPOINTMENT OF MASTER. NOTICE OF HEARING

(a) Upon Motion of either party or upon its own Motion, the Court may appoint a Master to hear testimony and return the record together with the Report and Recommendation to Court. The moving party shall certify that all the parties have complied with the requirement of Pa.R.C.P. 1920.22, Pa.R.C.P.1920.31, Pa.R.C.P. 1920.33 and Pa.R.C.P. 1920.46. The Motion and proposed Order requesting the appointment of a Master shall be in conformity with Pa.R.C.P. 1920.74 (see forms).

(1) Masters shall be appointed in rotation from the list of permanent part-time Masters appointed as such by the Court to determine issues of divorce, equitable distribution of property, permanent alimony and all other issues relevant thereto.

(2) Master shall be appointed to hear a claim of child and/or spousal support only upon presentation of an Affidavit of the party supplementing the Motion for appointment of a Master showing special circumstances which justify a departure from the procedure of Erie L.R. 1920.16. Should it later appear that special circumstances justifying referral of a claim for child and/or spousal support do not exist, either party or the Master may petition the Court to refer the claim to the Non-Support Intake Office.

(3) Upon appointment of a Master to hear issues which require expedited disposition (including, but not limited to, alimony pendente lite, child and/or spousal support when referred to a Master, occupancy of the marital residence, maintenance of insurance policies, and Counsel fees and expenses), a preliminary hearing will be held before the Master within thirty (30) days of the entry of the Order appointing a Master. Where discovery has not been completed or where all documents required to be filed by Pa. R.C.P. 1920.31 have not been filed prior to the preliminary hearing, the Master may, in his or her discretion, proceed with the hearing and filing of a report and recommendations (which may include recommended sanctions for failure to comply with Pa. R.C.P. 1920.31) or continue the hearing until said documents have been filed.

(b) **PREHEARING STATUS CONFERENCE**

In actions where expedited disposition is not required,

(1) The Master shall within fifteen days after receiving notice of the Master's appointment schedule a date for a pre-hearing conference to be held prior to the date of the Master's hearing and shall give notice of the time and place of the prehearing status conference by First class Mail to counsel for represented parties and directly to any unrepresented party. Said notice shall be mailed at least five business days prior the scheduled date of the conference.

(2) At the prehearing status conference, the Master shall review:

(A) The positions of the parties on each Claim, including those issues on which settlement has been reached;

(B) Discovery which has been completed, including the inventory and pretrial statements pursuant to Pa. R.C.P. 1920.33;

(C) Any documentary evidence to be presented at the hearing;

(D) The names and addresses of each witness any party proposes to call at the hearing;

(E) All matters which may be stipulated by the parties at the hearing;

(F) Establish a schedule for filing of Pretrial Narrative Statements, completion of discovery and any other relevant matters; and

(G) Such other relevant matters as should be raised by either of the parties or the Master.

(c) POST-STATUS CONFERENCE

(1) After the prehearing status conference the Master shall:

(A) Prepare a summary of the discussions and action taken at the prehearing status conference, including a statement of any stipulations, and of any matters which have been settled between the parties and which will not be raised at the hearing before the Master;

(B) Establish a schedule for the filing or service of any additional pleadings or discovery which may be deemed necessary and set hearing date(s);

(C) Serve a copy of the summary and filing schedule on counsel for the parties, or on any unrepresented party; and

(D) Indicate the amount of additional Master's fees to be paid by the litigants prior to hearing.

(d) MASTER'S HEARING

The Master shall establish a hearing date or dates at the prehearing status conference. These dates shall be included in the summary prepared pursuant to Section c (post status conference), as well as in the formal notice of Master's hearing as required by Pa. R.C.P. 1920.51(b). At least ten (10) days written notice of the time and place of any Master's hearing shall be given to the attorneys of record (or the parties where no attorney has appeared in the case) by the Master by ordinary mail.

(e) CONTINUANCES

(1) A request shall be granted by the master if both parties consent in writing at least fourteen (14) days prior to the scheduled hearing date.

(2) All other requests for continuance shall be at the discretion of the Master.

(f) SETTLEMENT

(1) In the event that all issues raised by the pleadings and referred to the Master are brought to a negotiated settlement, the parties shall, as a condition of postponement or cancellation of the Master's hearing, sign an all encompassing Marital Property Settlement Agreement prior to the time set for the Master' hearing.

(2) In the event that both parties have not signed such an Agreement, the parties, together with their respective counsel of record, shall attend the Master's hearing at the time scheduled for the purpose of entering the substance of their agreement on the record and stipulating to the entry thereof as a decree.

(g) FEES AND COSTS

(1) The initial fees, costs and compensation of the Master shall be in accordance with Administrative Order In Re Divorce Masters Miscellaneous Docket #87 and any amendments thereto.

(2) The Master shall determine additional fees due in accordance with the rate set by the Court and shall require an advance deposit of said amount prior to scheduling any further hearing.

(3) The Master shall receive compensation for a minimum of four hours for each day of a scheduled hearing that is not either:

(A) Continued in accordance with Erie L.R. 1920.51(e); or

(B) Cancelled with notice to the Master in writing at least fourteen days prior to the scheduled hearing date for the reason either that the case has been resolved or withdrawn.

(4) In the event the Master fails to grant the continuance, the parties may petition the Court for a continuance. The Court may grant a continuance and will determine the amount of additional Master's fees, if appropriate.

(5) At the conclusion of the case, the Master shall prepare a certification indicating the amount of Master's fees paid and the disposition thereof.

RULE 1920.53. HEARING BY MASTER. REPORT

(a) Where the Master concludes that a recommendation to grant the divorce or annulment should be filed, the Master shall notify the parties of this conclusion either on the record at the termination of the hearing(s) or in writing (a copy of which shall be attached to the Master's report) subsequent to the termination of the hearing(s). The Master shall forthwith proceed to hear testimony and take evidence on all other matters at issue in the action prior to the filing of a report and recommendation.

(b) Where the Master concludes that a recommendation to deny the divorce or annulment should be filed, the Master shall file a report and recommendation in accordance with the terms of Pa.R.C.P. 1920.53(a). No evidence or testimony shall be taken on any other matter at issue unless and until the Court determines that a divorce or annulment should be granted.

RULE 1920.55. MASTER'S REPORT. NOTICE. EXCEPTIONS. FINAL DECREE

(a) In the event exceptions are not timely filed by either party, the party who sought the appointment of a master shall praecipe the Court for the entry of a final order.

(b) Where the parties stipulate on the record that additional documentary evidence shall be submitted subsequent to the hearing(s), the Master shall file the report and recommendation within thirty (30) days of receipt of that evidence or in accordance with Pa.R.C.P. 1920.53(a)(1), whichever date is later.

(c) Exceptions shall be served on the opposing party or their counsel of record.

(1) Within ten (10) days of filing the exceptions, the moving party shall file their request for argument before the family division motions judge. Both parties shall file their briefs no later than ten (10) days

prior to the scheduled argument. Copies of exceptions and briefs shall be provided to all counsel of record (or to a party directly if unrepresented by counsel) the Master and to the Judge.

See Appendix, Court Order No. 53-1993.

RULE 1920.73. PRAECIPE TO TRANSMIT RECORD

a. The Praecipe to Transmit Record shall follow the form set forth in Pennsylvania Rules of Civil Procedure 1720.73(b).

b. If the parties have dependent children 18 years or under, a copy of the parties' completion certification form or waiver or the "**Children Cope With Divorce**" program shall be attached to the Praecipe to Transmit Divorce.

RULE 1920.74. MOTION FOR APPOINTMENT OF MASTER

MOTION AND PROPOSED ORDER FOR APPOINTMENT OF MASTER

_____ (Plaintiff) (Defendant), moves the court to appoint a master with respect to the following claims:

- | | |
|--|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Distribution of Property |
| <input type="checkbox"/> Annulment | <input type="checkbox"/> Counsel Fees |
| <input type="checkbox"/> Alimony | <input type="checkbox"/> Costs & Expenses |
| <input type="checkbox"/> Alimony Pendente Lite | <input type="checkbox"/> Support (attach a copy of affidavit required by Local Rule 1920.51(h)) |

Name, address, and telephone number of opposing counsel or party is:

1. Discovery is complete as to the claim(s) for which the appointment of a master is requested.
 - (a) Plaintiff's Inventory Filed: _____
 - (b) Defendant's Inventory Filed: _____
 - (c) Plaintiff's Income & Expense Statement Filed: _____
 - (d) Defendant's Income & Expense Statement Filed: _____

If no Income and Expense Statement has been filed, a copy of the Court Order allowing appointment of a Master must accompany this Motion.

2. The Statutory ground(s) for divorce (is) (are) _____
-

3. Delete the inapplicable paragraph(s):
 - (a) The action is not contested.
 - (b) An agreement has been reached with respect to the following claims: _____
 - (c) The action is contested with respect to the following claims: _____

4. The action (involves) (does not involve) complex issues of law or fact.

5. The hearing is expected to take _____ (hours) (days).

6. Additional information, if any, relevant to the motion:

As the moving party or attorney for the moving party, I certify that all parties have complied with the requirements of Pa.R.C.P. 1920.22 (Discovery), 1920.31 (Filing of Income & Expense Statement), 1920.33 (Filing of Inventory), and 1920.46 (Vital Statistics Information).

DATE: _____

Signature of moving counsel or party

Typed Name, Address and Phone

_() _____

RULE 1920.75. FORM OF INVENTORY.

The Inventory required by Pa.R.C.P. 1920.33(a) shall be substantially in the following form:

(CAPTION)

INVENTORY OF

(Plaintiff)(Defendant) files the following inventory of all property owned or possessed by either party at the time this action was commenced and all property transferred within the preceding three years.

(Plaintiff)(Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff)(Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

(Plaintiff)(Defendant)

ASSETS OF PARTIES

(Plaintiff)(Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

- () 1. Real Property
- () 2. Motor Vehicles
- () 3. Stocks, bonds, securities, and options.
- () 4. Certificates of deposit
- () 5. Checking accounts, cash
- () 6. Savings accounts, money market and savings certificates
- () 7. Contents of safe deposit boxes
- () 8. Trusts
- () 9. Life insurance policies (indicate face value, cash surrender value and current beneficiaries)
- () 10. Annuities
- () 11. Gifts
- () 12. Inheritances
- () 13. Patents, copyrights, inventions, royalties
- () 14. Personal property outside the home
- () 15. Business (list all owners, including percentage of ownership, and office/director positions held by a party with company)
- () 16. Employment termination benefits - severance pay, workers compensation claim/award
- () 17. Profit share plans
- () 18. Pension plans (indicate employee contribution and date plan vests)
- () 19. Retirement plans, Individual Retirement Accounts
- () 20. Disability payments
- () 21. Litigation claims (matured and unmatured)
- () 22. Military/V.A. benefits
- () 23. Education benefits
- () 24. Debts due, including loans, mortgages held
- () 25. Household furnishings and personalty (including as a total category and attach itemized list if distribution of such assets is in dispute)
- () 26. Other

MARITAL PROPERTY

(Plaintiff)(Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date this action was commenced:

<u>Item Number</u>	<u>Description of Property</u>	<u>Names of All Owners</u>
--------------------	--------------------------------	----------------------------

NON-MARITAL PROPERTY

(Plaintiff)(Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<u>Item Number</u>	<u>Description of Property</u>	<u>Reasons for Exclusion</u>
--------------------	--------------------------------	------------------------------

PROPERTY TRANSFERRED

<u>Item Number</u>	<u>Description of Property</u>	<u>Names of All Creditors</u>	<u>Names of All Debtors</u>
--------------------	--------------------------------	-------------------------------	-----------------------------

LIABILITIES

<u>Item Number</u>	<u>Description of Property</u>	<u>Names of All Creditors</u>	<u>Names of All Debtors</u>
--------------------	--------------------------------	-------------------------------	-----------------------------

RULE 1940.10 APPOINTMENT OF PARENT COORDINATOR

- (a) In appropriate custody cases, the Court of Common Pleas of Erie County Court may appoint a Parent Coordinator.
- (b) A Parent Coordinator shall only be appointed upon written agreement of all parties to the custody action.
- (c) The role and authority of the Parent Coordinator shall be specifically defined in the Order appointing the Parent Coordinator.
- (d) The order appointing a Parent Coordinator shall be filed at the Office of Prothonotary of the Court of Common Pleas of Erie County, Pennsylvania, with copies distributed to the parties, each counsel, and the Erie County custody conciliation office.
- (e) It is the intention of the court that when a Parent Coordinator is appointed, a judge shall be assigned to the family involved, and that judge shall continue to hear all custody matters for the family, regardless of later judicial assignments.
- (f) The Erie County Court of Common Pleas adopts the guidelines for parenting coordination developed by the Association of Family and Conciliation Courts, May 2005 edition, as the model for the role of Parent Coordinators appointed by the court. However, in the event of any conflict between Erie County Rules and the AFCC guidelines, Erie County Rules shall control.
- (g) For purposes of these rules, the terms “Parent” and “parties” shall apply to all parties involved in the custody order, regardless of biological or familial relationship.

RULE 1940.11 QUALIFICATIONS AND SCOPE OF AUTHORITY

- (a) A Parent Coordinator shall either be an attorney licensed to practice law in Pennsylvania with significant family law experience, or a Master’s level family therapist, counselor, or licensed social worker, with substantial experience in family conflict cases.
- (b) Communications to the Parent Coordinator by the parties, or among parties, counsel and the Parent Coordinator, are not protected by confidentiality, attorney/client privilege, or counselor/patient privilege. A Parent Coordinator shall have unlimited access to all persons involved with the family including but not limited to counselors, therapists, custody evaluators, school officials, and healthcare and mental healthcare providers. The Parent Coordinator may engage in ex parte communication, but will report to all parties concerning the nature of such communication.
- (c) The scope of authority to the Parent Coordinator shall be specifically delineated in the Order appointing the Parent Coordinator, a sample of which is attached as Appendix A.
- (d) The authority granted to the Parent Coordinator may include, but is not limited to, the following:
 - (i.) minor changes for clarifications of scheduled custody, partial custody or visitation including vacation, holidays, and temporary variations from existing court orders.
 - (ii.) Times, dates, places of exchange, and means of transportation and persons authorized to transport
 - (iii.) Minor healthcare management including appointment of medical, dental, orthodontic and vision care providers.

- (iv.) Education or daycare choice including selection of school and school curriculum and testing.
 - (v.) Extra-curricular activities including sports, camps, jobs, and enrichment programs.
 - (vi.) Exchange of clothing, equipment and personal possessions of the children.
 - (vii.) Communications between parents and children including phone, email, and text messaging.
 - (viii.) Physical appearance of the children including haircuts, and body art.
- (e) The Parent Coordinator shall not have authority to make decisions regarding physical, legal or primary residential custody of the children.
- (f) The parties shall execute authorizations and releases permitting the Parent Coordinator to have unlimited access to all persons and entities with information relevant to the parties and the children including but not limited to health care professionals, mental health care professionals, schools, therapists, and substance abuse counselors.
- (g) The Parent Coordinator shall be considered an officer of the court, with quasi-judicial immunity. The parties agree that the Parent Coordinator cannot be sued for his or her actions performed under the terms of this court appointment and the Stipulation and Order. The Parent Coordinator cannot be compelled to testify in any proceeding. However, the Parent Coordinator may elect to testify in proceedings regarding compliance with the enforcement of this Order; proceedings regarding the termination of the Parent Coordinator's services; or concerning the payment of a Parent Coordinator's fees. All testimony by the Parent Coordinator in conjunction with any such proceeding shall be deemed expert testimony, and paid accordingly.

RULE 1940.12 FEES

- (a) Upon the appointment by the court of a Parent Coordinator, each party shall deposit the sum of \$500.00 with the appointed Parent Coordinator, to be held for Parent Coordinator fees.
- (b) Parent Coordinators shall bill the parties for services rendered at a rate of \$125.00 per hour, with minimum billing unit of .10 hour.
- (c) The Parent Coordinator shall submit monthly statements to the parties, and, unless otherwise approved by court, the parties will be equally charged for the services of the Parent Coordinator. (The Court of Common Pleas reserves the right to assess or apportion cost for parent coordinating based on cooperation shown by the parents in the process, financial considerations, or other relevant factors. The Court of Common Pleas may review fees upon motion of either party, or the Parent Coordinator.)
- (d) The Parent Coordinator may charge for in-office or out-of-office time, client interviews, review of documents, court preparation, telephone and electronic communication including emails, travel time, and all other time actually spent in satisfaction of the Parent Coordinator role.
- (e) The Parent Coordinator may request additional deposits by the parties without prior approval of court.
- (f) The court may adjust the fees and retainer without amendment to these rules, either for a specific case or as a general policy.
- (g) The court may adjust the fees and retainer without amendment to these rules, either for a specific case or as a general policy.

RULE 1940.13 DECISIONS BY PARENT COORDINATOR AND REPORT TO COURT

(a) The Parent Coordinator may make an oral decision, which will be given the effect of a written decision and Order. The Parent Coordinator will issue a written explanation of his or her decision, and disseminate it to the parties as quickly as possible. All agreements of the parties facilitated by the Parent Coordinator, shall be reduced to writing and entered as an amendment to the court custody order. All other decisions by the Parent Coordinator which are not agreed to by the parties, shall be in writing and shall also be entered as amendments to the custody order.

(b) On a regular basis, and as requested by court, the Parent Coordinator will file a report with the Administrative Judge of the Family Division of the Court of Common Pleas of Erie County, Pennsylvania indicating the status of the Custody Order, and the parents' cooperation in the parent coordination process. These reports shall be disseminated to the parties and counsel for the parties. Under no circumstances shall the Parent Coordinator be called as a witness by either party in legal proceedings. The Parent Coordinator shall not have ex parte communication with any judge regarding a case for which he or she is appointed.

(c) Reports and informal memoranda of the Parent Coordinator shall not be filed of record with the Prothonotary, but shall be placed into the parties' files at the Erie County Custody Office.

RULE 1940.14 TERM OF APPOINTMENT

(a) The court shall appoint a Parent Coordinator for a specific term of service, not to exceed twelve (12) months. The parents may request that the Parent Coordinator continue for additional terms of service. The Parent Coordinator may resign his or her assignment in a particular case prior to the end of the term of service with fourteen (14) days notice to the parties, respective counsel, and the court. The parties may not terminate the services of the Parent Coordinator except by written agreement, and with leave of court.

RULE 1940.15 JUDICIAL REVIEW

(a) Absent egregious abuse of discretion or substantial and unexpected change in circumstances, no party may request a judicial review of the appointment of the Parent Coordinator, nor of any decision of the Parent Coordinator, within the first six months of the date of the appointment of the Parent Coordinator. Thereafter, judicial review shall be consistent with the terms set forth herein.

(b) In the event of a dispute arising from the decision of the Parent Coordinator, the parties shall first attempt to resolve the issue directly with the Parent Coordinator. Any agreement arising from the informal resolution process shall be reduced to writing and filed as an Order by the Parent Coordinator.

(c) If a party continues to object to a decision by the Parent Coordinator, that party may file a motion for review with the court and schedule a hearing pursuant to Erie County Rule to Show Cause procedures. The court will make an independent determination, following an evidentiary hearing, if necessary, only as to the Parent Coordinator's decision at issue. The court shall award attorney fees and costs to the non-moving party if it determines that a review sought within the first six months is inappropriate.

RULE 1940.16 GRIEVANCES

(a) A party may file a grievance with the Parent Coordinator concerning only the performance of the Parent Coordinator and his or her participation with the family. Said grievance must be in writing and, immediately after receipt of a grievance, the Parent Coordinator will schedule a formal meeting with all parties and counsel.

(b) If a grievance or complaint is not resolved at this meeting, the complaining party may file a formal request with the court by motion and rule to show cause, requesting that the court consider the removal of the Parent Coordinator. An answer may be filed by the non-complaining party.

(c) The court shall then determine if a hearing is necessary, or such other action as may be appropriate, to determine the future of the parent coordinating process for the particular family.

(d) A Parent Coordinator will only be removed for cause. A Parent Coordinator may only be removed upon good cause shown, such as the Parent Coordinator has acted outside the scope of his or her authority, as an irreconcilable conflict of interest, is unable to be impartial, or has acted contrary to the child(ren)'s best interest. Disappointment with the Parent Coordinator's decision is not grounds for removal.

MINORS AS PARTIES

RULE 2039. COMPROMISE, SETTLEMENT, DISCONTINUANCE AND DISTRIBUTION IN MINORS' ACTIONS

(a) All petitions presented for the compromise, settlement, discontinuance and distribution in minors' actions shall be submitted to:

- (1) The assigned judge, where there is a civil action pending; or
- (2) A judge in the Orphans' Court Division where there is no civil action pending.

(b) All approved petitions shall be filed in the Office of the Prothonotary. The guardian of the minor shall file a certified copy of the petition and approving order in the Office of the Register of Wills under the name of the minor.

(c) In cases where no action has been filed, all petitions and orders approving settlement shall be filed in the Office of the Register of Wills under the name of the minor.

INCAPACITATED PERSONS AS PARTIES

RULE 2064. COMPROMISE, SETTLEMENT, DISCONTINUANCE AND DISTRIBUTION IN ACTIONS FILED BY OR ON BEHALF OF INCAPACITATED INDIVIDUALS

(a) All petitions presented for compromise, settlement, discontinuance and/or distribution in actions filed by or on behalf of incapacitated individuals shall be submitted to:

- (1) The assigned judge, where there is a civil action pending; or
- (2) A judge in the Orphans' Court Division where there is no civil action pending.

(b) All approved petitions shall be filed in the Office of the Prothonotary. The guardian of the incapacitated individual shall file a certified copy of the petition and approving order in the Office of the Register of Wills under the name of the incapacitated individual.

(c) In cases where no action has been filed, all petitions and orders approving compromise, settlement, discontinuance or distribution shall be filed in the Office of the Register of Wills under the name of the incapacitated individual.

ACTIONS FOR WRONGFUL DEATH

RULE 2205. NOTICE TO PERSONS ENTITLED TO DAMAGES

The notice shall in all cases be served personally or by registered mail upon each person entitled by law to recover damages in the action, unless the plaintiff shall file an affidavit that the identity or whereabouts of any such person is unknown to him, after diligent search, in which case the plaintiff shall cause the notice to be advertised once in the newspaper of general circulation published in Erie County, and once in the Erie County Legal Journal. Affidavit of service of notice shall be filed.

RULE 2206. SETTLEMENT, COMPROMISE, DISCONTINUANCE AND JUDGMENT

(a) All petitions for the compromise, discontinuance or settlement of wrongful death claims in which a minor or incapacitated person has an interest shall be submitted for approval to:

- (1) The assigned judge, where there is a civil action pending; or
- (2) A judge of the Orphans' Court Division where there is no civil action pending.

(b) The petition and Order approving the petition in pending actions shall be filed with the Prothonotary and certified copies of the same shall be filed with the Register of Wills in the name of the minor or incapacitated person.

(c) The petition and Order approving the petition where there is no pending action shall be filed with the Register of Wills in the name of the minor or incapacitated person.

CONFESSION OF JUDGMENT FOR MONEY

RULE 2951. METHODS OF PROCEEDING

(a) Where a judgment is confessed in accordance with Pa. R.C.P. 2951(a), the party confessing the judgment shall file the following documents with the Prothonotary:

- (1) One copy of the original Note for each defendant against whom judgment is to be confessed;
- (2) A Notification of the Entry of Judgment form, with the caption completed and a stamped envelope which is addressed to each defendant against whom judgment is to be confessed. The Prothonotary's office will complete the Notification form and send out the Notification to each defendant after the entry of judgment;
- (3) A certified or other acceptable check in the amount required for the entry of judgment in accordance with the fee schedule for the Prothonotary's office; and

(4) A self-addressed stamped envelope addressed to the party confessing judgment for the return of the original Note, receipt and transcript.

ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

RULE 3136. DISTRIBUTION OF PROCEEDS

(a) Upon filing the proposed schedule of distribution, the Sheriff shall immediately mail a copy of the proposed schedule of distribution including a copy of the list of liens, clearly indicating thereon the date on which the proposed schedule of distribution was filed, to all parties and lien creditors, as well as to any other persons in interest as set forth in the Pa. R.C.P. No. 3129.1(b) Affidavit.

(b) The Sheriff shall include with the copy of the proposed schedule of distribution transmitted to the Prothonotary a copy of the list of liens and a copy of the certificate or guaranty required by Pa.R.C.P. 3136(c).

FORMS

RULE 3252. WRIT OF EXECUTION - MONEY JUDGMENTS

A writ of execution shall contain the following designation as the organization available to receive requests for free legal help:

Lawyer Referral & Information Service
P.O. Box 1792
Erie, PA 16507

814/459-4411
Mon - Fri
8:30 a.m. - Noon; 1:15 p.m. - 3:00 p.m.

RULE 3304. WRIT FOR THE ATTACHMENT OF WAGES

(c) Paragraph 4.b of the writ of attachment of wages provided in Pa.R.C.P. 3313 shall provide as follows: The check must be made payable to the above named Judgment Creditor-Landlord Plaintiff.

DEPOSITIONS AND DISCOVERY

RULE 4002. AGREEMENT REGARDING DISCOVERY OR DEPOSITION PROCEDURE

(a) Unless otherwise provided in writing or in the transcript, all objections except as to the form of the questions are reserved until the trial of the matter.

(b) Unless otherwise provided in writing or in the transcript, the parties shall be deemed to have waived their right to require inspection, reading and signature to the transcript by the person whose oral deposition is being taken.

RULE 4007.1 PROCEDURE IN DEPOSITION BY ORAL EXAMINATION

Prior to scheduling any discovery deposition, counsel should first attempt to arrange a date and time satisfactory to all counsel. Only if a mutually convenient date and time cannot be arranged after a good faith effort to do so may the counsel scheduling the deposition select a date and time without the consent of the other parties. Unless ordered by the court, or as otherwise permitted by the Pennsylvania Rules of Civil Procedure, any discovery deposition not scheduled upon consent of the parties may be scheduled only after written notice has been given by the party scheduling the deposition to opposing counsel and any unrepresented party. The written notice must be served upon opposing counsel and on any unrepresented party by hand delivery, fax transmission or first class United States mail at least 14 days prior to the date scheduled for the deposition.

RULE 4007.4. SUPPLEMENTING RESPONSES

No special prior order of Court shall be necessary for the Court to enforce those duties set forth in Pa. R.C.P. 4007.4 (1) or (2) by appropriate relief at time of or during the trial.

RULE 4009. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY FOR INSPECTION AND OTHER PURPOSES

(a) Requests shall be prepared in such fashion that sufficient space is provided immediately after each request or subsection thereof for insertion of the response or objection.

(b) The responses and objections, if any, shall be inserted in the spaced provided in the requests. If there is insufficient space to respond or object to a request, the remainder of the response or objection shall follow on a supplemental sheet.

(c) In lieu of permitting the inspection and the related acts at the time, place and in the manner set forth in the request, the party upon whom the request is served may, where feasible, serve copies of the material requested to the requesting party within the time specified in Pa. R.C.P. 4009(b)(2).

RULE 4014. REQUEST FOR ADMISSION

(a) Requests shall be prepared in such fashion that sufficient space is provided immediately after each request or subsection thereof for the insertion of the answer or objection.

(b) The answers and objections, if any, shall be inserted in the space provided in the requests. If there is insufficient space to answer or object to a request, the remainder of the answer or objection shall follow on a supplemental sheet.

RULE 4017.1. VIDEOTAPE DEPOSITIONS

(a) If a videotape deposition is to be offered by any party at trial and such videotape deposition has been completed prior to the settlement conference, the party offering same shall inform the Court at the settlement conference, or before, of any unresolved objections in order that the Court may schedule an editing session prior to trial.

(b) If any such videotape deposition is taken after the settlement conference, the party desiring to offer said deposition shall immediately notify the Court of the deposition and the evidentiary issue in order that the Court may schedule an editing session.

APPENDIX

IN RE: : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
MISCELLANEOUS DOCKET : No. 84-1992

ORDER

AND NOW, this 10th day of April, 1992, upon consideration of the security, safety and related requirements of the Court of Common Pleas, the Court finds that:

WHEREAS, inasmuch as the hallways on the second floor of the Erie County Courthouse are less than eight feet wide, and very limited space is provided for access to and from courtrooms, offices and other facilities; and

WHEREAS, the addition of the new courtroom at the west end of the second floor requiring the narrowing of the west-end hallway shall further diminish available space; and

WHEREAS, congestion in the second floor corridors and hallways continues to cause serious inconvenience to court employees, participants and spectators; and

WHEREAS, continuing congestion in the hallways and corridors continues to pose increased risk to the safety of court employees, participants and spectators; and

WHEREAS, use of camera lights when videotaping makes it impossible for individuals approaching those lights to see beyond them, making the security implications obvious and enormous; and

WHEREAS, continuing congestion significantly interferes with the maintaining of appropriate security for court employees, participants and spectators, as well as for the movement of prisoners between the Erie County Prison and the second floor courtrooms; and

WHEREAS, the presence of television and other cameras and the conducting of interviews in the hallways and corridors of the second floor significantly contributes to the conditions described above; and

WHEREAS, the presence of television and other cameras and the conducting of interviews in the confined space of the hallways and corridors of the second floor before, during and following trials and other judicial proceedings significantly contributes to the likelihood of verbal and physical confrontation; and

WHEREAS, the narrowness of the hallways makes the intermixture of opposing parties, witnesses, relatives and friends unavoidable. Jurors must frequently pass through that congestion. Interviews

conducted under such circumstances result not only in the total blockage of the hallways, but also result in exacerbation of unavoidable tensions. And,

WHEREAS, unwelcome videotaping and unwelcome attempts to interview detract from the dignity of the judicial environs; and

WHEREAS, adequate space to videotape and to interview exist on the ground floor and first floor lobbies; and

WHEREAS, more appropriate space is available on other floors of the courthouse for the purpose of conducting interviews; and

WHEREAS, exclusion from the entire federal courthouse has been in effect in the western district of Pennsylvania since 1968.

THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. There shall be no loitering or congregating in the hallways and corridors on the second floor, except as required by participation in court proceedings, or the taking of photographs or radio or television broadcasting of ceremonial proceedings such as the swearing in of public officials which may be conducted in the courtroom.

2. There shall be no television or other cameras or recording equipment, either visual or audio, present in the second floor hallways and corridors.

3. The Sheriff of Erie County is directed to insure that all hallways and corridors of the second floor remain free of congestion and that the requirements of this order are fully enforced.

BY THE COURT,

/s/ Jess S. Jiuliant
Jess S. Jiuliant
President Judge

FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS.

BY THE COURT:

/s/ Jess S. Jiuliante

Jess S. Jiuliante

1098L

In the Matter of:) IN THE COURT OF COMMON PLEAS
) OF ERIE COUNTY, PENNSYLVANIA
CHILDREN COPING WITH DIVORCE)
PROGRAM) C.O. NO. 9-1993

AMENDED ORDER

AND NOW, to-wit, this 20th day of March, 1993, it is hereby ORDERED that the Court Order dated February 12, 1993 is AMENDED as follows:

1. All parties to a custody dispute requesting intervention by the Court or the Office of Custody Conciliation regardless of when the original action was filed are required to attend the Children Coping With Divorce Program.
2. Required attendance at the Program may only be waived for compelling reasons. All requests for waiver must be presented in Family Court Motion Court.
3. The responding party shall be notified in writing at the time a divorce is filed or custody document is served that attendance at the Program is required by Court Order (service of the Court Order dated February 12, 1993 and attachment is no longer required).
4. Within ten (10) days after service both parties are required to register for the Program by contacting Family Services, Inc, Children Coping With Divorce Administrator, (814) 866-6253, or by using the preprinted Children Coping With Divorce Registration form.

All other aspects of the Court's Order dated February 12, 1993 remain in effect.

BY THE COURT:

/s/ Jess S. Jiuliante

Jess S. Jiuliante, President Judge

1204L

In the Matter of: : IN THE COURT OF COMMON PLEAS
: :
COMPENSATION PAYABLE TO : OF ERIE COUNTY, PENNSYLVANIA
MASTERS IN DIVORCE : Misc. C.O. #53

ORDER

AND NOW, to-wit, this 1st day of October, 1993, it is hereby **ORDERED, ADJUDGED and DECREED** that, effectively immediately, for all appointments of Master in Divorce, the Master shall be compensated for a minimum of four (4) hours for each day or days of scheduled hearings not properly cancelled or continued more than ten (10) days prior to the scheduled hearing date.

The Domestic Relations Committee and/or Civil Rules Committee of the Erie County Bar Association is directed to prepare and take all necessary steps to incorporate the within Order into the Local Rules of Civil Procedure.

By the Court,

/s/ Jess S. Jiuliant
Jess S. Jiuliant
President Judge

IN RE: : IN THE COURT OF COMMON PLEAS
COURT REPORTER NOTE/ : OF ERIE COUNTY, PENNSYLVANIA
TAPE RETENTION : NO. 6003 OF 95

ADMINISTRATIVE ORDER

A. In criminal cases in which the most serious crime charged is a misdemeanor of the first degree or less, the Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court reporter at any time after seven (7) years from the date when such notices were taken or tapes were made.

B. In felony cases the Court Administrator is authorized to direct the destruction of all court reporter notes to direct the destruction of all court reporter notes or tapes at any times after twenty five (25) years from the date when such notes were taken or tapes were made.

C. In all cases other than criminal cases and Orphans' Court notes, the Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

D. Notwithstanding the provisions of subsections A through C of this Rule, in any case in which the court reporter has transcribed from notes taken and/or tapes made and such transcription has been approved by the Court and filed, the court reporter may destroy any such notes and/or tapes any time after thirty (30) days from the date of filing of the transcription.

E. Notwithstanding the provisions of subsections A through D of this Rule, any party may petition the Court for an order directing the retention of particular notes and/or tapes of the court reporter for a period of time beyond that required herein.

BY THE COURT:

/s/ John A. Bozza
JOHN A. BOZZA, P.J.

2128L

IN THE MATTER	:	IN THE COURT OF COMMON PLEAS
	:	
	:	OF ERIE COUNTY PENNSYLVANIA
	:	
CUSTODY CONCILIATION FEES	:	MISC. DOCKET NO. 90613-97

ADMINISTRATIVE ORDER

AND NOW, to-wit, this 12 day of December, 1997, the Court of Common Pleas of the Sixth Judicial District promulgates and adopts the following fee policy with regard to Custody

Conciliation:

1. Upon filing of a Petition for Modification of a custody order, the moving party shall pay a conciliation fee in the amount of \$50.00 per session. A session shall be not more than one and one-half (1½) hours, and shall be either at the intake or conciliation stage of the process.

At the time the petition is filed with the Office of Custody Conciliation, the moving party shall estimate the number of sessions required to resolve the issues presented and the parties shall deposit a sum equal to that amount, which shall be non-refundable. The party may request and pay for additional conciliation sessions as may be required.

The conciliation fee shall be paid at the payment window of the Domestic Relations Section.

2. If a petition for modification only seeks the entry of an Order because the parties have reached a new agreement, then no fee will be assessed.
3. If a party files and/or presents a petition for special relief and the Court refers the matter to the Office of Custody Conciliation or the parties request such action, then the custody conciliation fee referred to above shall be assessed in the manner prescribed.
4. If a custody matter is before the Court for an adversarial proceeding and the Court refers the case to the Office of Custody Conciliation, then the parties shall be assessed a conciliation fee in the manner prescribed above.

By the Court,

/s/ John A. Bozza
John A. Bozza, President Judge

IN RE : IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS : OF ERIE COUNTY, PENNSYLVANIA
REQUEST FOR CHILD SUPPORT :
RECORDS SEARCH AND FEE :
SCHEDULE : NO. 90508-1998

ADMINISTRATIVE ORDER

AND NOW, to-wit this 13th day of February, 1998, it is hereby **ORDERED, ADJUDGED and DECREED** that all requests for child support record searches will require a completed *Request For Child Support Record Search Form*. The request for child support record search shall be in the format adopted by this Court.

It is also **ORDERED** that a fee of ten (\$10.00) dollars will be payable to the Domestic Relations Section for all completed request for child support record searches, and shall be payable by the requesting party. This order shall be effective March 16, 1998.

BY THE COURT

/s/ John A. Bozza
John A. Bozza, P.J.

IN RE : IN THE COURT OF COMMON PLEAS
MISCELLANEOUS : OF ERIE COUNTY, PENNSYLVANIA
: DOCKET NO. 90046-01

ADMINISTRATIVE ORDER

AND NOW, to-wit this 6th day of November, 2001, it is hereby **ORDERED** as follows:

1. No Petition for Modification of a Custody Order will be scheduled for a hearing until proof is provided the petitioning party has completed the Children Coping with Divorce seminar.
2. All Respondents to a Petition to Modify who likewise seek to modify an existing Custody Order shall file a counter-complaint and pay all fees applicable to a petitioning party.
3. Telephone conferences for custody hearings are not encouraged. Only upon the consent of all parties or upon a Court Order shall a telephone conference occur.

BY THE COURT:

/s/ William R. Cunningham
WILLIAM R. CUNNINGHAM
President Judge

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
IN RE: 2003 ERIE COUNTY REAL ESTATE TAX ASSESSMENT APPEALS
ADMINISTRATIVE ORDER

AND NOW, to-wit, this day___ of August 2003, upon consideration of the procedure established for real estate tax assessment appeals whereby such cases are referred to court-appointed mediators for status and/or settlement conferences and, if the parties so choose and the Court recognizing that pre-trial discovery may assist in the resolution of such cases, it is hereby ORDERED, ADJUDGED and DECREED that the parties may engage in discovery in such cases as provided pursuant to Pa.R.C.P. 4001, et seq. without the issuance of a case management order pursuant to Local Rule 212.1 the issues that may arise with regard to discovery shall be directed to the judge assigned to the particular case in question.

By the Court,
John A. Bozza, Judge

ERIE COUNTY

Transcription; Misc. 90011-04

[34 Pa.B. 1230]

Administrative Order

And Now, to-wit this 9th day of February 2004, effective immediately, all requests for transcriptions shall include identification of the proceeding(s) to be transcribed and the date(s) of such proceedings. Only matters identified in the request will be transcribed. If the request does not have any identified proceeding(s), then nothing will be transcribed.

By the Court

William R. Cunningham,
President Judge

IN RE: : **IN THE COURT OF COMMON PLEAS**
: **OF ERIE COUNTY, PENNSYLVANIA**
:
DIVORCE MASTERS : **MISCELLANEOUS NO. 90001-07**

ADMINISTRATIVE ORDER

AND NOW, to-wit this 23rd day of January, 2007, it is hereby **ORDERED**, **ADJUDGED** and **DECREED** that the Order of August 3, 2006 is hereby **AMENDED**, effective February 1, 2007, as follows:

The Prothonotary shall charge all litigants filing for a divorce a fee of **\$60.00**. The money collected shall continue to be kept in a separate account and used only to supplement payment of the divorce Masters.

IT IS FURTHER ORDERED that commencing February 1, 2007, a divorce master shall not be appointed to hear any claims (except in proceedings *in forma pauperis*) unless a non-refundable sum of **\$450.00** has first been paid into the Prothonotary by the litigants, entitling the litigants to the first six (6) hours of the Master's time. An additional fee of **\$150.00** shall be paid by the litigants for each hour of Master's time (both in-court and out-of-court) expended on the case, which exceeds six (6) hours. Masters shall require the deposit of a sum sufficient to cover the anticipated in-court and out-of-court time prior to the additional hearing(s) in the case. At the conclusion of the Master's report, the Master will certify the number of hours expended on the case, the total Master's fee necessary to cover the Master's time, and the amount previously paid to the Prothonotary. Should the actual time (in-court and out-of-court) expended by the Master be less than the amount of Master's time which the additional deposit(s) of Master's fees would cover, each party will be entitled to pro rata refund in proportion to the amount of Master's fee which each party paid prior to the entry of a proportion to the amount of Master's fee which each party has paid prior to the entry of a final order or decree, relating to the matter referred to the Master for hearing.

The divorce Master shall be paid **\$150.00** per hour for every hour of time or any part thereof. The first three (3) hours of time shall be paid from the initial deposit of **\$450.00**; the next three (3) hours or any part thereof shall be paid out of the Divorce Master's account, and any time exceeding six (6) hours shall be paid by the litigants.

BY THE COURT:

/s/ Elizabeth K. Kelly
ELIZABETH K. KELLY
President Judge

/s/ John J. Trucilla
John J. Trucilla
Administrative Judge

IN RE: : **IN THE COURT OF COMMON PLEAS**
: **OF ERIE COUNTY, PENNSYLVANIA**
ELECTRONIC MONITORING : **6000-2005**
PROGRAM :

ADMINISTRATIVE ORDER

AND NOW to wit this 2nd day of May 2005, it is hereby ordered that the Erie County Adult Probation Department be directed to follow procedures for placement of Domestic Relations clients on Electronic Monitoring. This includes, but is not limited to, entering into Defendant's place of residence, physically placing the monitor on said Defendant and taking appropriate action with regards to any violation of the Electronic Monitoring Program.

BY THE COURT:

/s/ Elizabeth K. Kelly
ELIZABETH K. KELLY
President Judge

IN RE: : **IN THE COURT OF COMMON PLEAS**
: **OF ERIE COUNTY PENNSYLVANIA**
CONFIDENTIALITY OF :
DOMESTIC RELATIONS :
INFORMATION : **MISCELLANEOUS NO. 90038-05**

ADMINISTRATIVE ORDER

AND NOW, to-wit, this 3rd day of November, 2005, it is hereby ordered that, upon a Domestic Relations client's completion of a Family Violence Indicator form, the Erie County Domestic Relations Office shall keep confidential all personal information covered by said form. This procedure is necessary to ensure the safety of Domestic Relations clients. Accordingly, confidential personal information shall not be disclosed to anyone outside of the Erie County Domestic Relations office.

BY THE COURT

/s/ Elizabeth K. Kelly
ELIZABETH K. KELLY
PRESIDENT JUDGE

IN RE: : **IN THE COURT OF COMMON PLEAS**
: **OF ERIE COUNTY PENNSYLVANIA**
RECALCULATION OF :
PRISON RELEASE :
DATES IN DOMESTIC :
RELATIONS MATTERS : **MISCELLANEOUS NO. 90052-2005**

ADMINISTRATIVE ORDER

AND NOW, to-wit, this 21st day of November, 2005, it is hereby ordered that, when a prisoner incarcerated for contempt of an Order entered in the Court of Common Pleas of Erie County Domestic Relations Section incurs an unauthorized absence from the Erie County Prison Pre-Release Center, the Records Department of the Erie County Department of Corrections shall have the authority to administratively recalculate the prisoner's release date. The recalculation shall merely be a redetermination of the release date to ensure completion of the Court ordered sentence, without credit for the unauthorized time spent away from the Pre-Release Center, and it shall not add time to the original sentence entered by the Court.

BY THE COURT

/s/ Elizabeth K. Kelly
ELIZABETH K. KELLY
PRESIDENT JUDGE

**IN THE MATTER OF
POSTAGE FEES**

**: IN THE COURT OF COMMON PLEAS
:
: OF ERIE COUNTY, PENNSYLVANIA
:
: MISCELLANEOUS NO. 90053-05**

ORDER

AND NOW, to-wit, this 19th day of December, 2005, it is hereby **ORDERED**,
ADJUDGED and DECREED that the postage fees charged by Erie County District Justices shall be at the rate of \$9.00 for criminal filings and \$11.00 for civil filings. This Order shall be effective January 1, 2006.

BY THE COURT

**/s/ Elizabeth K. Kelly
ELIZABETH K. KELLY
PRESIDENT JUDGE**

GUIDELINES FOR THE CONDUCT OF ARBITRATION IN
UNINSURED AND UNDERINSURED MOTOR/ST CLAIMS

I. Preamble

The Civil Rules Committee of the Erie County Bar Association submits the following guidelines as suggested rules of conduct and of procedure that may be utilized in uninsured and underinsured motorist claims. Since UM and UIM arbitrations fall outside of the rule-making jurisdiction and power of the Pennsylvania courts, the application of these guidelines will be dependent upon the agreement of the parties and the authority bestowed upon the arbitrators by the applicable insurance contract documents.

II. Disqualification of Arbitrators

An arbitrator shall be disqualified if his impartiality can reasonably be questioned, including but not limited to instances where:

- (a) He, or a lawyer with whom he practices, currently represents any of the parties in any legal matters;
- (b) He has a personal bias or prejudice concerning a party;
- (c) He has personal knowledge of disputed evidentiary facts;
- (d) He served as a lawyer in the matter in controversy, or a lawyer with whom he practices law served as a lawyer concerning the matter;
- (e) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a substantial financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

III. Arbitrator's Conduct

Arbitrators shall conduct themselves in accordance with all applicable provisions of the Pennsylvania Code of Judicial Conduct and, in particular, with the following provisions of Canon 3 of the Code of Judicial Conduct, as modified:

- 1. An arbitrator shall be faithful to the law of Pennsylvania and maintain professional competence in it. An arbitrator shall be unswayed by partisan interests, by the party whom appointed him or by fear of criticism. An arbitrator should be impartial, should not be an advocate for the party appointing him and should independently evaluate the UM or UIM claim.
- 2. An arbitrator should maintain proper order and decorum.
- 3. An arbitrator should be patient, dignified and courteous to litigants, witnesses, lawyers and others with whom he deals in an official capacity,

and should require similar conduct of lawyers, the arbitrator's staff, and others subject to his or her direction and control.

4. An arbitrator should accord to every person who is legally interested in a proceeding and to his lawyer the full right to be heard according to law and, except as authorized by law, shall not consider ex parte communications concerning a pending proceeding.
5. An arbitrator should dispose promptly of the business of the arbitration.
6. An arbitrator should abstain from public comment on a pending arbitration and should require similar abstention by personnel subject to his direction or control.

IV. Communications Between Parties and Arbitrators

- A. Ex parte communication between counsel for any party and any of the arbitrators shall be limited to disclosure of the following:
 1. Whether the nature of proceedings is an uninsured motorist claim or underinsured motorist claim;
 2. The names of parties involved;
 3. The names of opposing counsel and the arbitrator chosen by opposing counsel (if known);
 4. The names of proposed neutral arbitrators;
 5. The arbitrator's fee; and
 6. The scheduling of the arbitration hearing.
- B. There shall be no communication with any arbitrator outside of the arbitration hearing of matters which might tend to influence the ultimate decision of the arbitrators, including, but not limited to, the nature and the merits of the claim, the amount(s) paid on behalf of the third party tortfeasor(s), the monetary limits of insurance policies (whether UM or UIM), any legal issues and settlement discussions.
- C. Communication between neutral arbitrators and any party and their counsel shall be limited to only those matters necessary to permit the neutral arbitrator to perform his or her administrative duties and duties as chairperson of the arbitration panel. Whenever possible, communication shall not be ex parte and, in the event of an unavoidable ex parte communication, disclosure of it shall be made as soon as practicable to all other interested parties and counsel.

V. Prehearing Discovery

- A. Unless otherwise agreed, all prehearing discovery shall be governed by the terms of the applicable insurance policy and the discovery provisions of the

Pennsylvania Rules of Civil Procedure. The parties shall attempt to informally resolve all requests and disputes relating to discovery. Any party may submit, in writing, a request to the arbitration panel to enforce a discovery request. The arbitration panel shall, to the extent applicable, follow the Pennsylvania Rules of Civil Procedure in ruling on any such request.

- B. To the extent permitted by Pennsylvania law, the neutral arbitrator may issue written subpoenas for the purposes of discovery. All requests for the issuance of a subpoena shall be submitted in writing to the neutral arbitrator, with copies being sent to the remaining arbitrators and to opposing counsel.
- C. Unless otherwise directed by the arbitration panel, the parties shall exchange the following information and things at least twenty (20) days prior to the date set for the arbitration.
 - 1. A report of any expert that a party intends to call as a witness, which sets forth the substance of the facts, findings or opinions of each expert and a summary of the grounds or reasons for each such finding or opinion.
 - 2. The name, address and telephone number of all witnesses the party expects to call.
 - 3. Copies of all exhibits the party intends to offer into evidence.

VI. Implementation of Standards

- A. Counsel for the parties and the arbitrators shall forward to all other parties and arbitrators their signed copy of the agreement to be bound by these Standards of Professional Conduct.
- B. At the opening of the UM or UIM arbitration hearing, the neutral arbitrator shall ask each of the other arbitrators to confirm that they have complied with these standards or to reveal any aspect in which they have not.

JUROR INFORMATION QUESTIONNAIRE
Confidential; Not Public Record

Name: Last	First	Middle Initial	City/Township:
Communities in which you resided over the past 10 years:			
Marital Status:	Married	Single	Separated
Race:	White	Black	Hispanic
			Divorced
			Other _____
Your Occupation:	Your Occupation(s) past 10 years:		
Spouse/Other's Occupation:	Spouse/Other's Occupation(s) past 10 years:		
Children Occupation(s):	Children Occupation(s) past 10 years:		
Number of Children: _____			
Level of Education:	Yours _____	Spouse/Other _____	Children _____

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Do you have any physical or psychological disability or are you presently taking any medication?
Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Have you ever served as a juror before?
If so, were you ever on a hung jury? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Do you have any religious, moral, or ethical beliefs that would prevent you from sitting in judgment in a criminal case and rendering a fair verdict? Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Have you or anyone close to you ever been the victim of a crime? Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Have you or anyone close to you ever been charged with or arrested for a crime, other than a traffic violation? Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Have you or anyone close to you ever been an eye witness to a crime, whether or not it ever came to court?
Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Have you ever been involved as a party or witness in a civil lawsuit or a criminal case?
Explain _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Have you or anyone close to you ever worked in law enforcement or the justice system? This includes police, prosecutors, attorneys, detectives, security or prison guards, and court related agencies? |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Would you be more likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job? |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Would you be less likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job? |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Would you have any problem following the court's instruction that the defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt? |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Would you have any problem following the court's instruction that the defendant in a criminal case does not have to take the stand or present evidence, and it cannot be held against the defendant if he or she elects to remain silent or present no evidence? |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Would you have any problem following the court's instruction in a criminal case that just because someone is arrested, it does not mean that the person is guilty of anything? |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. In general, would you have any problem following and applying the judge's instruction on the law? |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Would you have any problem during jury deliberations in a criminal/civil case discussing the case fully but still making up your own mind? |
| <input type="checkbox"/> | <input type="checkbox"/> | 16. Is there any other reason you could not be a fair juror in a criminal/civil case? Explain _____ |

I hereby certify that the answers on this form are true and correct. I understand that false answers provided herein subject me to penalties under 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Signature _____

Date _____

RULE 1107.ORD: 9/18/98

__ Official Use Only __
Box _____ Seat _____
Box _____ Seat _____
Box _____ Seat _____

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL DIVISION
JUROR QUESTIONNAIRE**

1. Full Name: _____
Any other names by which you are known _____
2. Year of Birth: _____ Place of Birth: _____
3. Neighborhood or Municipality in which you live: _____
Length of time at current address: _____ Rent or Own: _____
List other locations where you lived in the past five (5) years: _____
4. Marital Status: _____ Spouse's name: _____
If other than single, how long have you been married, divorced, etc.? _____
5. Your Employment/Occupation
Present Job _____ Employer _____ Time at this job _____
If retired, Last Employer _____ Last Position Held _____ Time at this job _____
6. Please indicate your highest level of education: Elementary High School GED
 Technical/Vocational College Graduate

For all education you have had after high school, please provide the name of the school, college or university attended, the certificate or degree attained and the major course of study:

School, College or University	Degree or Certificate Attained	Major Course of Study

7. Family's Employment/Occupation – Please provide information regarding your spouse, parents and children and their current occupations/employers and /or any employment within the last five years:

<u>Name (relationship)</u>	<u>Occupation/Employer</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. Have you ever served in the military Yes No If yes, in which branch? _____

Years: _____ to _____ Final Rank: _____ What did you do? _____

Honorable Discharge? Yes No

9. Have you or any members of your family been involved as plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes No

If yes, who was involved? _____ What was the nature of the lawsuit? _____

Were you or your family member the plaintiff, defendant, witness or juror? _____

10. Do either you or any member of your immediate family or close friends have a business relationship, friendship or association with any person who is a law enforcement officer, a judge, a lawyer or a person who works or is affiliated with the Court system? Yes No

Please describe: _____

11. Have either you, your spouse or your parents, children, brothers or sisters ever worked for or done business with the insurance industry or have any of you owned stock in an insurance company?

Yes No

If yes, please explain: _____

12. Have either you, your spouse or your parents, children, brothers or sisters ever worked for or done business with the medical or healthcare industry? Yes No

If yes, please explain: _____

13. Have you ever been in an automobile accident? Yes No

14. Are you a licensed driver of a motor vehicle? Yes No

15. Please list your family doctor and/or any other doctors that have treated you in the last two years.

16. Do you have any physical or mental or other situation which will affect your ability to serve on a jury? Yes No

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature _____

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Revised through December 21, 2008. (*Custody/Visitation ONLY – revised through August 31, 2011)
Any corrections and/or additions should be brought to the attention of the Erie County Bar Association.

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