

JEFFERSON COUNTY RULES OF PROCEDURE (Excluding Orphans' Court Rules)

* These Rules are subject to periodic amendment and may not be republished on this website in a timely fashion. To confirm the currency of any Rule, a search may be made at the Jefferson County Prothonotary's Office or in the *Pennsylvania Bulletin*. These Rules are also available on Westlaw.

** The *Pennsylvania Rules of Procedure* shall govern all matters not addressed by these Rules.

*** In the event that an Order of Court conflicts with these Rules, the language of the Order shall control

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Jefferson Cty.R.Civ.P. L200
Rule L200. Attorneys

(a) During the month of January of each year, the court administrator shall certify to the prothonotary, and the clerk of the Orphans' Court Division a list of the active registered attorneys of the Pennsylvania Bar who are registered in the 54th Judicial District.

(b) Fifteen Dollars (\$15.00) of the fee paid each attorney who serves as a court appointed arbitrator, and one-tenth (1/110th) of the fee paid to each attorney who serves as a court appointed master or auditor shall be paid over to the Jefferson County Bar Association to further the general purposes of that Association.

(c) No attorney shall be admitted as surety in any action pending in court and the prothonotary shall not accept any such bond or surety unless by leave of court for special cause shown.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L208.3(a)

Rule L208.3(a). Alternative Procedures Matters for Argument Only

A. Listing and Disposition.

1. Whenever a matter at issue involves a question or questions of law only and no evidentiary hearing is required for determination thereof, any party or counsel desiring to submit such matter to the court may praecipe the same for argument. Said praecipe shall be in substantially the following form.

Praecipe for Argument

To the Prothonotary

Kindly Submit this matter to the Court for Argument Only.

1. The matter to be submitted for argument is: .

2. Oral argument is/is not requested.

3. This is/is not a discovery matter.

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

(Attorney's Name and Address)

The Court may nonetheless exercise its discretion to schedule argument or decide the motion or petition without argument.

2. Whenever a party files a motion or petition, the Prothonotary shall forward a copy to the Court. In the case of preliminary objections, motions for judgment on the pleadings, and motions for summary judgment, the Court Administrator shall prepare a briefing schedule advising the parties of the dates when their respective briefs are due. In the event a party does not receive a briefing schedule from the Court, the *Pennsylvania Rules of Civil Procedure* shall govern.

3. Paragraph 1 notwithstanding, preliminary objections and summary judgment motions in debt collection and mortgage foreclosure cases shall be decided on the briefs alone.

4. The court may, at its discretion, hear oral argument on any motion by speaker telephone conference provided that the conversations of all parties are audible to all persons present, or upon stipulation of all parties, by regular telephone conference call. Upon request of any party, such oral argument may be recorded by a court reporter under such conditions as the court shall deem practicable. Counsel shall schedule such telephone calls at a time mutually agreeable to all parties and the court. The expense of the call will be shared equally by the parties, unless the court directs otherwise.

B. Filing and Service of Briefs. All briefs, including a copy for the Court, shall be filed in the Prothonotary's Office and served on the other party(ies). No motions or petitions other than preliminary objections, motions for judgment on the pleadings, and motions for summary judgment will be assigned briefing schedules unless the Court deems it to be necessary in any given case.

1. *Moving Party's Brief.* Whenever a party files a pleading, motion, petition or paper which raises an issue for disposition by the court upon argument only, such party shall have twenty (20) days after filing to same to file a brief in support thereof. In those instances where a transcript is necessary for preparation of the brief, the moving party shall have twenty (20) days after the transcript is filed with the Prothonotary, and copies shall be served forthwith upon all other parties of record or their counsel.

2. *Responding Party's Brief.* Upon receipt of the moving party's brief, the other parties of record shall have twenty (20) days thereafter to file a reply brief. The original thereof shall be filed with the Prothonotary and copies thereof shall be served forthwith upon all other parties of record or their counsel.

3. If a party fails to file a brief in accordance with these rules, the court may dispose of the issue raised without the benefit of brief, or the court may direct that a brief be filed.

[Adopted July 18, 2006, effective Aug. 17, 2006. Amended Jan. 8, 2015, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L210
Rule L210. Form of Briefs

Briefs shall be typewritten and double spaced (except for quotations) on paper approximately 8 ½ inches by 11 inches in size, shall be bound at the top, not at the side, and shall contain:

- (a) A history of the case.
- (b) A statement of the question or questions involved.
- (c) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendations, or order.
- (d) An argument with citations of the authority relied upon.
- (e) A conclusion.

[Adopted July 18, 2006, effective Aug. 17, 2006.]

Jefferson Cty.R.Civ.P. L212
Rule L212. Pre-Trial Conference

(a) For purposes of this rule, "pre-trial" shall mean a type of conference described in Pa.R.C.P. No. 212.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court administrator upon the call of each trial list. Pre-trial conferences are extended to all actions not subject to arbitration under Rule L1301.

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

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

(e) At or before the date set for the pre-trial conference each party shall submit to the court and other counsel a pre-trial statement containing:

- (1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.
- (2) A statement of any unusual questions of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.

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

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

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

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

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

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

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

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

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

Failure to provide such information less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, shall not be compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L220.1

Rule L220.1. Voir Dire

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

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

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered Aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L225

Rule L225. Addresses and Summing Up

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

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

(c) Counsel shall not consume more than thirty minutes in either the opening address or the summing up address, except by special allowance.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L227.1

Rule L227.1. Post-Trial Relief

The moving party in all post-trial and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such party thereof as the moving party desires to have transcribed for the purposes of such motion. In every case in which a Motion for Post-Trial Relief has been filed, the court administrator shall schedule a post-trial conference to be held as soon as the business of the court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the court on said motion and the extent of the trial record which will need to be transcribed.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended Aug. 1, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L230.2

Rule L230.2. Termination of Inactive Cases

Pursuant to Pa.R.C.P. No. 230.2, on or before March 1st of each year the prothonotary shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years

or more prior thereto. The prothonotary shall serve Notice on council of record, and on the parties if not represented, that the date of the General Call for termination of inactive cases will be the fourth Monday in May each year. All procedures to be followed as set forth in Pa.R.C.P. No. 230.2.

[Adopted Jan. 6, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L241
Rule L241. Legal Periodical

The "Jefferson County Legal Journal" shall be the legal periodical for the publication of legal advertisements and notices required by law, rule, order or decree of court.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L301
Rule L301. Copies of Writings

Whenever a copy of a writing is attached to a pleading, brief or other paper submitted to the court, such copy shall be clearly legible and faithfully represent the original in every respect, and unless the original itself is not legible the court may require a substitute copy to be made and filed before the pleading, brief or other paper will be considered by the court.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L302
Rule L302. Face Sheet, Flat Filing and Top Binding

- (a) All papers filed with the prothonotary in an action at law or in equity and in other matters designated shall be prepared for flat filing. Every pleading shall have a face sheet in substantially the following form:

COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

CIVIL ACTION-(LAW) (EQUITY)

No. _____, _____

Type of Case: _____

Plaintiff

Type of Pleading: _____

Vs.

Defendant

Filed on Behalf of:

(Plaintiff/Defendant)

Counsel of Record for This Party:

(Name of Attorney)

Supreme Court No. _____

(Firm Name, if any)

(Address)

(Telephone)

(b) All papers described in (a) above shall be bound at the top, not the side, so that they may be assembled with other papers in the case in a top bound file cover.
[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L304
Rule L304. Motions and Petitions

(a) Motions and petitions may be presented to the court through the court administrator or directly to the court at a time convenient to the court.¹
(b) Except for emergency matters and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the court unless prior notice of its presentation is given to opposing counsel of record.
[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L307
Rule L307. Prothonotary

(a) The prothonotary shall immediately endorse all papers filed with the date of such filing, and shall enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case.
(b) The prothonotary shall be responsible for the safe keeping of all records and papers belonging to his office. No paper may be taken from the files of the prothonotary without the consent of the

¹ The language of this paragraph notwithstanding, all motions and petitions should be filed in the Prothonotary's Office, along with a copy to be forwarded to the Court.

prothonotary or one authorized by the prothonotary to give such consent. A record shall be made of any paper removed from the prothonotary's office and the person who receipts for such paper shall be responsible for return of the same and for any financial loss occasioned by failure to return the paper.

(c) Only the prothonotary, his clerks, attorneys registered in Jefferson County and such other persons as the prothonotary shall specially authorize shall be permitted direct access to the prothonotary's files.

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

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

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L308

Rule L308. Trial Sessions, Trial Lists and Continuances

(a) **Jury Trial Sessions.** A jury trial session shall be held each month except in July, August, and December. The exact time of the month that the jury trial session will be held shall be established in the annual court calendar.²

(b) **Certificate of Readiness for Trial.** To place a case on the trial list, counsel for one or more of the parties in the case shall file a Certificate of Readiness in the form hereinafter provided and available at the prothonotary's office. The party placing a case on the trial list shall forthwith serve a copy of the Certificate of Readiness upon all other counsel of record, who, if for any reason oppose such certification, shall within ten (10) days thereafter file their reasons opposing the Certificate of Readiness for trial.

(c) **Prothonotary's Active Trial List.** When a case has been certified as ready for trial, the prothonotary shall place the case upon the Prothonotary's Active Trial List, and on the last Monday of each month, except May, June and October, shall deliver to the court administrator a copy of the current active trial list together with all record papers for each case on said list.

(d) **Pre-Trial Conference.** Upon receipt of the Prothonotary's Trial List the court administrator shall schedule a pre-trial conference to be held on each case on the trial list. Said conference shall be held in the manner provided by Local Rule L212.

(e) **Trial Session List.** Upon completion of the pre-trial conferences the court administrator shall prepare and deliver to all counsel of record and unrepresented parties a Trial Session List which

² Since this Rule was last amended, Jefferson County has begun holding jury trial sessions in July.

shall show the cases that will be called for jury selection and the date and time counsel are to be on hand to select juries. Such notice shall also set forth the dates when non-jury cases will be tried.

(f) Continuances. (1) A case that has been properly certified as ready for trial and is in all other respects ready for trial may, nevertheless, be continued one time by agreement of counsel without court approval and without the case losing its position on the active trial list.

(2) No continuance by agreement of counsel will thereafter be permitted without the written consent of the parties litigant and approval of the court. Whenever any such continuance occurs, the position the case will thereafter have on the trial list shall be determined by the court administrator.

(3) If a case is continued upon the motion of one party litigant for good cause shown, the position that case shall thereafter have on the trial list will be determined by the court administrator.

(4) If a case is continued for the purpose of enabling discovery to take place, it shall be removed from the active trial list.

COURT OF COMMON PLEAS OF JEFFERSON COUNTY CIVIL TRIAL LISTING

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

DATE PRESENTED

| CASE NUMBER | TYPE TRIAL REQUESTED | ESTIMATED TRIAL TIME |
|--------------------------------|--|-----------------------------------|
| Date Complaint filed: | () Jury () Non-jury () Arbitration | _____ DAYS |
| PLAINTIFF(S) | | |
| () _____ | | Check Block |
| DEFENDANT(S) | | |
| () _____ | | if a Minor is a Party to the Case |
| ADDITIONAL DEFENDANT(S) | | |
| () _____ | | |
| Jury demand filed by: | | date Jury demand filed |

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

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.
I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all

counsel of record and upon all parties of record who are not represented by counsel.

Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

| | |
|--------------------------|------------------|
| FOR THE PLAINTIFF | TELEPHONE NUMBER |
| FOR THE DEFENDANT | TELEPHONE NUMBER |
| FOR ADDITIONAL DEFENDANT | TELEPHONE NUMBER |

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L309
Rule L309. Manner of Scheduling Equity Cases

Any party to an equity proceeding who desires that the case be advanced for early trial listing shall, upon filing the Certificate of Readiness required in L308(b) request that the case be given priority trial status. Upon receipt of such request the prothonotary shall forthwith transmit the record papers to the court administrator who shall then schedule the case for pre-trial conference and trial as soon as the business of the court permits.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L310
Rule L310. Court Calendar

At the beginning of each calendar year, the court shall prepare a court calendar for the current year which shall have the effect of a rule of court establishing the times that the matters set forth in the court calendar shall be heard.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L311
Rule L311. Security for Costs

- (a) The defendant or any interested party may require the plaintiff who resides out of state, or who is in bankruptcy, or has insolvency proceedings pending against him, to file security for costs.
- (b) The court, by special order upon cause shown, may require a plaintiff or a defendant who seeks affirmative relief to enter security for costs.

(c) The claimant in a sheriff's interpleader issue shall be construed to be a plaintiff within the meaning of this rule.

(d) In default of security entered at the time fixed by the court, judgment of default or other appropriate court order may be made in favor of the party obtaining the order.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L312
Rule L312. Bill of Costs

(a) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his agent or attorney that the witnesses named were actually present in court, and that, in his opinion they were material witnesses. A copy of the bill of costs shall be served on opposing counsel.

(b) The party upon whom a bill of costs has been served may, within ten (10) days after such service, file exception thereto, and the issue shall be determined by the court. Failure to file exception within ten (10) days shall be deemed a waiver of all objections.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L318
Rule L318. General Pleading Form

Except as otherwise provided by statute, or rule of court, pleadings in all actions shall, as nearly as possible, conform to the rules relating to civil actions law.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L400.1(b)(1)
Rule L400.1(b)(1). Person to Make Service

Original process shall be served within the Commonwealth:

(i) by the Sheriff or a competent adult who is not a party in the following actions: equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the Sheriff in all other actions.

[Adopted Aug. 23, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L440
Rule L440. Service of Legal Papers Other Than Original Process. Notice

(a) All notices shall be in writing.

(b) Except as otherwise provided by Act of Assembly, rule or special order of court, whenever any process, paper or notice is required to be served upon a party, such service shall be made in accordance with the procedure set forth in Pa.R.C.P. 1027, unless service is to be made by publication, in which event service shall be made as provided by rule L233.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered effective Aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L500

Rule L500. Auditors and Auditors' Reports

(a) Auditors shall be members of the bar.

(b) Auditors' hearings shall be held at the Courthouse and testimony taken either by a court stenographer or by a stenographer to be agreed upon by the parties in interest.

(c) Auditors shall give public notice of the time and place of hearings before them, by advertisement once a week for two successive weeks in a newspaper of general circulation of Jefferson County, stating therein that all persons must prove their claims before them or be debarred from coming upon the fund. In addition thereto, auditors shall obtain from the assignors or debtors, a list of their creditors, and, if the proceeds of the sale of real estate are to be distributed, searches for liens and encumbrances, and award distribution accordingly, unless objections be made, in which event those whose claims are subjected to shall be notified to prove their claims or be debarred from coming in upon the fund.

(d) Any person desiring an issue to be granted shall present his petition to the auditor within forty-eight hours after the testimony in relation to the matter in dispute is closed, setting forth under oath or affirmation that material facts are in dispute and the nature and character thereof; and it shall be the duty of the auditor forthwith to make report thereof to the court for its action.

(e) The auditor shall not file his report until ten days after he has notified all the parties who appeared before him that it is subject to their inspection, and that it will be filed on a given date, unless written exceptions are filed with him before that time. If exceptions are filed, he shall re-examine the subject and amend his report, if, in his opinion, the exceptions are in whole or in part, well founded.

(f) The argument before the court shall be confined to the exceptions filed with the auditor; the court will, however, recommit the report if of the opinion that justice requires it.

(g) If no exceptions are filed with the auditor, the report, on motion, will be confirmed by the court.

(h) When facts are controverted before the auditor, he shall report the same as proved, in a concise or digested form and shall also state concisely the questions of law raised before him and his decisions thereon, with his reasons therefor, and when distribution is made, a distinct account or

schedule of the liens on the funds, paid and unpaid, in a form convenient for review shall be made out and presented with the report showing precisely the disposition made of the funds. The testimony, documentary or otherwise, shall be returned separately and filed with the report.

(i) The auditor shall file his completed report with the prothonotary, who shall mark it confirmed nisi, which confirmation shall become absolute, without further order, if no objection thereto is made within ten (10) days. If objection to the report is made, it shall be treated as renewal of the exceptions filed by the party with the auditor; and in this case or if exceptions are filed with the prothonotary within this ten day period, the prothonotary shall enter the case on the argument list to be taken up in due course.

(j) Upon motion made by a party interested, of misconduct or unreasonable delay on the part of any auditor, the court may either vacate his appointment or grant a rule on him to show cause why he should not proceed forthwith in the duties of his appointment; and in case of contempt, may punish him by fine or attachment.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L501
Rule L501. Distribution

(a) Whenever the aid of the court is desired in the distribution of money in court or in the hands of any collecting officer of the court, the party asking its interposition shall present to the court a written statement of the fact, showing its necessity or propriety, and thereupon the court may appoint an auditor to report the facts and make distribution or make such other order as may seem best calculated to bring the matter to a speedy close.

(b) The court may, on motion and upon satisfactory evidence, decree distribution of any portion of the fund in court, not included in any controversy, before or during the pendency of the audit, and order such portions of the fund that is being audited to be deposited or invested during the controversy.

(c) Duplicate receipts shall be given for all moneys paid in pursuance of such distribution, one of which shall be filed in the case and the other upon the original lien docket.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L502
Rule L502. Assignees for Creditors

(a) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment, to every creditor and party in interest of whom they have knowledge, and

shall also publish notice thereon once a week for two successive weeks in a newspaper of general circulation published in Jefferson County.

(b) The assignee shall file with the account a petition for distribution in form similar to that of petitions for distribution required by the orphans' Court Division of this county and all such accounts and petitions for distribution shall be filed in the office of the prothonotary.

(c) The assignee shall give written notice of the filing of the account, the petition for distribution and of the call for the audit or confirmation thereof to all parties interested. Such notice shall be given by mailing the same to the last known address of the one entitled to receive the same, at least three weeks before the presentation of the account to the court, and shall also be published by the prothonotary for two successive weeks in one newspaper of general circulation published in Jefferson County.

(d) Any such account filed for audit and confirmation shall be audited preliminarily by the prothonotary and then presented to the court, together with the proofs of publication and proof of the giving of the required notice to interested parties at the time fixed for the audit or confirmation thereof; and if no exceptions have been filed, the account may be confirmed absolutely.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L503
Rule L503. Sheriff

It shall be the duty of the sheriff, or his deputy, to always be present in the courthouse when the court is in session and to promptly execute all orders of the court and process issued by it.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L504
Rule L504. Limitations on Bail and Security

Neither the prothonotary, nor his deputy, nor the sheriff or sheriff's deputy or clerk, shall be admitted as bail or surety in any action, civil or criminal unless by leave of the court for special reasons shown.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L505
Rule L505. Surveyors

(a) All cases affecting real estate wherein questions of boundary or of conflicting surveys may arise, the court, on application of any party, or a judge at chambers, on proof of ten days' notice to all the

other parties or their attorneys of such intended applications, may appoint a licensed professional land surveyor who, upon reasonable notice to both parties, shall survey and ascertain such boundaries and conflicts and furnish a diagram thereof describing the same, and any other circumstances material to a proper investigation of the subject; and if on trial or otherwise, such survey appears to have been necessary or proper, the reasonable expense of the same shall be taxed and paid as other costs.

(b) The person so appointed, before entering upon his duties, shall take or subscribe an oath or affirmation that he will impartially, to the best of his skill and judgment, do the perform all things enjoined and required of him under said appointment, which oath or affirmation shall be filed in the cause.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L506
Rule L506. Money Paid Into Court

(a) A party to an action may, upon motion and 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, on 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 court. A book shall be kept in the office of the prothonotary, in which shall be entered all moneys 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. 6101 et seq., the petition of the transferee, in addition to other necessary allegations, shall give the name, address and amount of claims of creditors of the transfer or insofar as the same are known to him and may request the appointment of an auditor. If the petition be 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 L500. He shall also 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.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L507
Rule L507. Deputy Constables

Petitions for approval of the appointment or revocation of the appointment of deputy constables shall set forth the following facts:

- (1) The act of assembly authorizing the appointment.
- (2) Name and address of petitioner.
- (3) The name of the municipality or district in which petitioner was elected.
- (4) The date of commencement and expiration of the term of office of the petitioner.
- (5) The name and full address of the surety on petitioner's bond and an averment that the surety has had notice of the petition, to be evidenced by the written joinder of the surety in the prayer of the petitioner.
- (6) The name and full address of the person to be appointed deputy constable, or whose appointment is to be revoked, and an averment that the person to be appointed is of good repute and has not been convicted of a felony or misdemeanor.
- (7) A full statement of the necessity, facts and reasons for making or revoking the appointment.
- (8) If any security of any kind is given or to be given by the petitioner or his surety, then the nature, character, and extent shall be fully set forth or, in lieu thereof, an averment that no security is being given.

Jefferson Cty.R.Civ.P. L1018.1
Rule L1018.1. Notice to Defend

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

Laurel Legal Services
231 W. Main Street
Clarion, PA 15825
Telephone: 814-226-4340

OR

Laurel Legal Services
Bilo Plaza
460 N. 4th Street
Indiana, PA 15701
Telephone: 724-349-3440

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L1028(c)
Rule L1028(c). Preliminary Objections

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

[Adopted July 18, 2006, effective Aug. 17, 2006.]

Jefferson Cty.R.Civ.P. L1033
Rule L1033. Amended Pleading

Whenever a pleading is filed amending more than one paragraph of the original pleading, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that is an amended pleading and the paragraphs shall be renumbered.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L1034
Rule L1034. Motion for Judgment on the Pleadings

A motion for judgment on the pleadings shall set forth the reasons upon which it is based.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

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

[Adopted July 18, 2006, effective Aug. 17, 2006.]

Jefferson Cty.R.Civ.P. L1035.2(a)
Rule L1035.2(a). Motion for Summary Judgment

For the procedure to be followed with respect to the filing of Motions for Summary Judgment, see Local Rule L208.3(a).

[Adopted July 18, 2006, effective Aug. 17, 2006.]

Jefferson Cty.R.Civ.P. L1037
Rule L1037. Judgment Upon Default or Admission Assessment of Damages

(a) Whenever a judgment for money is taken by default and the party in whose favor the judgment is entered has filed an instrument or copy thereof, upon which the amount of the judgment is based

and calculation of the judgment is submitted, the prothonotary shall enter the judgment for the amount shown to be due upon the face of the instrument.

(b) If a default judgment cannot be made certain by computation, Pa.R.C.P. 1037 shall apply.

(c) In cases where a complaint is filed and the action has been at issue for one year, the prothonotary, upon praecipe of the defendant, shall enter a rule upon the plaintiff to place the action on the trial list. If the action is not placed on the trial list by the plaintiff within a twenty (20) day period, the prothonotary upon praecipe of the defendant shall enter a judgment of non pros.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended Aug. 1, 2006, effective 60 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L1037.1
Rule L1037.1. Judgment by Agreement

Except in actions to which a minor or an incompetent is a party and in actions for wrongful death in which a minor or incompetent has an interest, verdicts and non-suits, and judgments by agreement may be entered at any time but only upon written stipulation signed by the parties or by their counsel of record and filed in the case.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered Aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L1037.2
Rule L1037.2. Striking or Opening Judgments Other Than Confessed Judgments
Covered by Pa.R.C.P. 2959

The pleadings and procedure for relief from judgments, other than confessed judgments, shall be the same as the pleadings and procedure for relief set forth in Pa.R.C.P. 2959 and Pa.R.C.P. 2960 for confessed judgments.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L1037.3
Rule L1037.3. Judgments: Re-Indexing

Judgments entered on confession may be subsequently re-indexed against any defendant under any alias name upon the plaintiff's attorney filing a praecipe therefor supported by an affidavit that such alias defendant is the same person against whom the judgment was originally entered and indexed. The subsequent re-indexing shall be noted on the docket of the original number and term and shall be re-indexed on a separate line in the judgment index, clearly showing the date of such re-indexing.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered Aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L1039

Rule L1039. Reserved

Jefferson Cty.R.Civ.P. L1042.50

Rule L1042.50. Medical Professional Liability Actions. Motion for Mediation

(a)(1) Upon agreement that mediation would be appropriate for resolution of a case, a "Stipulation for Mediation" signed by all of the parties and requesting a mediation conference, shall be submitted to the Court.

(2) The Stipulation shall specify that all parties involved agree to the mediation and believe that there is a realistic possibility of settlement.

(3) The Court shall request the appointment of a senior judge to act as mediator.

(4) The parties shall obtain copies of and be bound by the terms and conditions of Jefferson County's Mediation Agreement.

[Adopted Aug. 1, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L1066

Rule L1066. Form of Judgments or Order

Any order entered under subsection (b)(1) of the Pennsylvania Rules of Civil Procedure shall include a description of the property. If notice of the entry of such an order is given by publication, it shall be given as provided by Rule L1064.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L1301

Rule L1301. Compulsory Arbitration

BY THE PROTHONOTARY

1. (a) All cases wherein the amount in controversy (exclusive of interests and costs) shall be Fifty Thousand (\$50,000.00) Dollars or less, including all appeals from a civil judgment of a District Justice, except those involving title to real estate or actions in equity, shall be submitted to and be heard and decided by a Board of Arbitrators consisting of three (3) members of the Bar of Jefferson County to be selected as hereinafter provided.

(b) Either party in such civil suit or action, his agent or attorney, may place a case on the list of cases for trial by arbitration by filing a Certificate of Readiness in the form provided by local rule L308(b), which form is available at the prothonotary's office.

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

BY THE PARTIES

2. Cases, whether or not at issue and whether or not suit has been filed, may be placed on the Arbitration List by agreement of reference signed by counsel for both sides in the case. Said agreement of reference shall define the issues involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of pleadings in the case and be filed of record.

BY THE COURT

3. The Court on its own motion, or on motion of either party may, by deposition, pre-trial conference, hearing or otherwise, determine that the amount actually in controversy does not exceed Fifty Thousand (\$50,000.00) Dollars exclusive of interest and costs and enter an order of reference to a Board of Arbitration in conformity with Pa.R.C.P. 1021(d).

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997; Mar. 29, 2010, effective (30) days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L1302

Rule L1302. Selection of Arbitrators Appointment of Board, Oath, and Compensation

1. The Arbitration List herein referred to shall be kept and maintained by the prothonotary.

2. (a) The prothonotary shall keep Three (3) separate lists of attorneys qualified to serve as arbitrators in Jefferson County as follows:

Class A--Attorneys with over 15 years membership in the Jefferson County Bar Association

Class B--Attorneys with 7 to 15 years membership in the Jefferson County Bar Association

Class C--Attorneys with 1 to 7 years membership in the Jefferson County Bar Association

(b) Within ten (10) days after a case is placed on the Arbitration List, the prothonotary shall forthwith nominate five names as follows; two (2) names from the Class A List, two (2) names from the Class B List, and one (1) name from the Class C List. The prothonotary shall, if necessary, nominate an additional name for each additional party with an adverse interest in the case.

(c) The prothonotary shall thereupon notify counsel for said parties of said nominations. Each party shall thereupon appear at the office of the prothonotary within five (5) days and strike off one name from the listed nominated, and if any party fails to exercise his right to strike off a name within the time stated, the prothonotary shall strike off any excess names after the first three nominated. The remaining three shall comprise the Board of Arbitration and they shall be so appointed.

3. The prothonotary shall make the nominations of arbitrators from each list of the members of the Bar of Jefferson County, and such nominations shall be made from such lists as set forth above, except where a particular attorney is excused by the court on account of incapacity or illness. Not more than one (1) member of a firm or association of attorneys shall be appointed to the same board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or in part, with any counsel of record. The first member appointed shall be the chairman of the board. Immediately after appointment of the Board of Arbitrators the prothonotary shall notify them in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary, on praecipe of counsel, shall appoint the next attorney on the same class list to fill such vacancy. Any attorney disqualified or stricken off in a case shall be put at the head of the list of attorneys available for the next case.

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

5. (a) Each member of a Board of Arbitrators, who has signed a report or files a minority report, shall receive as compensation for services a fee of Two Hundred (\$200.00) Dollars for cases involving three (3) hours or less, plus Fifty (\$50.00) Dollars for each hour over three (3) hours of hearing time. (Companion cases heard together count as one for purposes of this rule.)

(b) The chairman shall receive as compensation for the duties as chairman an additional sum of Fifty (\$50.00) Dollars, notwithstanding that a case be settled or discontinued after a time for hearing has been fixed, but before the hearing is held.

(c) In cases involving unusual complexity, the court, on petition of the members of the board and for cause shown, may allow additional compensation.

(d) Compensation shall be paid by the County of Jefferson upon a voucher, approved for payment by the prothonotary; provided, however, that in making payment of such compensation, the county shall pay to the treasurer of the Jefferson County Bar Association Fifteen (\$15.00) Dollars of the compensation otherwise due an arbitrator for services rendered in a particular case.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

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

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

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

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1304

Rule L1304. Conduct of Hearing. Generally

1. (a) The arbitrators shall not be required to make a record of the proceedings before them. If any party shall, by writing filed with the chairman five (5) days before the hearing, request a record, the arbitrators shall provide a reporter and cause a record to be made. The party requesting the same shall pay the cost thereof and shall deposit with the arbitrators the sum of One Hundred (\$100.00) Dollars to secure payment. The arbitrators may at any time that they deem the circumstances demand it require an additional deposit. Any surplus shall be returned by the arbitrators to the party depositing it. The deposit shall not be considered costs in the case.

(b) When a panel of arbitrators shall be assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue and submitted to them by any person having authority to administer oaths, or in the absence of such person by one of their number.

(c) The Board of Arbitration, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence and they shall have the general powers of a Court, including, but not limited to the following powers:

(1) To issue subpoenas to witnesses to appear before the Board and to secure an attachment according to the practice of the Courts for failure to comply therewith;

(2) To compel the production of all books, papers and documents which they shall deem material to the case;

(3) To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Rule L1305. Bills and Reports as Evidence in Arbitration Hearings

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

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

(b) Bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge therefor, and accompanied by a statement of the correctness and reasonableness of the charges, and that the service rendered was, in his opinion, necessary and casually connected with the incident involved.

(c) Medical and psychological reports documenting the treatment and prognosis of a patient as well as any opinions as to the condition of a patient.

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

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

(f) In actions involving damage to property, repair bills and estimates, when identified and itemized setting forth the charges for labor and material may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charges, on condition that thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties or their attorney.

2. The President Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in application of these rules.

3. Witness fees in any case referred to said Board of Arbitration shall be in the same amount as now or hereafter provided for witnesses in trials in the Court of Common Pleas of Jefferson County and

the costs in any cases shall be paid by the same party or parties by whom they would have been paid had the case been tried in the Court of Common Pleas of Jefferson County.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1306
Rule L1306. Report and Award

1. The board of arbitrators shall make its report and render its award promptly upon conclusion of the hearing unless a question of law arises which requires briefing in which case an extra 45 days can be taken. The report shall state where the hearing was held, what counsel were present, the names of witnesses heard, shall contain an award, either for the plaintiff or for the defendant, in a form similar to the verdict of a jury, shall be signed by the board of arbitrators, or majority of them, and shall be transmitted to the prothonotary. The decision of the majority shall be the decision of the board of arbitrators.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1307
Rule L1307. Docketing and Notice of Report and Award

1. The prothonotary shall mail or otherwise forward copies thereof to all parties or their counsel. The Prothonotary shall make a note of the report and award on the docket and file the original report with the papers of the case.

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

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1308
Rule L1308. Appeals

1. Any party may appeal from the award of the Board of Arbitration to the Court of Common Pleas of Jefferson County. The right to appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) days after the award of the Board is filed with the prothonotary: The appellant shall pay all record costs accrued to the time of taking the appeal, including the arbitrator's fees and shall file with the prothonotary a notice of appeal, and serve a copy thereof upon

the adverse party or his counsel; the appellant also shall file an affidavit that the appeal is not taken for delay, but because he believes an injustice has been done.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1311
Rule L1311. Procedure After Appeal

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

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended effective May 15, 1997.]

Jefferson Cty.R.Civ.P. L1915
Rule L1915. Child Custody Cases Referral to Mediator. Procedure

(a) Mandatory Mediator Conference. All cases having to do with child custody, including proceedings begun under the Divorce Code and contempt proceedings in which no resolution has been reached at the initial pre-hearing conference, shall then be referred to the Jefferson County Child Custody Mediator for a preliminary conference to attempt to reach an amicable settlement of the matter.

(b) Date and Time of Conference. A date and time for the preliminary conference shall be set by the court administrator as soon as practicable after the pleading asserting the child custody issue is brought to the attention of the Court. Cost of said conference shall be borne equally by the parents and each parent shall deposit their share with the court administrator not later than seven (7) days prior to date of the scheduled conference.

(c) Continuances. The child custody mediator may in his discretion continue a conference for cause shown. All applications for continuance shall be made in writing directly to the child custody mediator and counsel requesting the continuance shall first have discussed the continuance with, and attempted to obtain the agreement of, opposing counsel and said continuance shall become a part of the permanent court record. In any event, a request for a continuance must be made no less than three working days before the date set for hearing.

(d) Conduct of Conference. The child custody mediator shall ascertain the issues in the action through discussion with counsel and/or the parties. He shall not take testimony and the conference shall not be of record; rather, he shall attempt to determine the relevant facts through discussion, and shall suggest or recommend a proposed settlement. The child custody mediator may discuss

the action with the children concerned in the presence of counsel; for this purpose children eight years of age or older may be present for the conference. Conference procedure shall at all times be in the sole discretion of the child custody mediator.

(e) Consent Orders. When the child custody mediator determines that the parties have reached full agreement concerning the matter, he shall forthwith have the parties and their counsel appear before the court stenographer to have such agreement reduced to the form of a stipulation for a consent order of court. Upon preparation and execution thereof the same shall be submitted to the court for approval and signature.

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

(f) Failure of Party to Appear. If, when the conference is called, one party does not appear either personally or by counsel, the child custody mediator shall ascertain whether service and notice of the conference have been made upon the non-appearing party. If service and notice have been made, the child custody mediator may, in his discretion, dictate an order as in paragraph (d) granting the relief requested by the appearing party. If no party appears either personally or by counsel, the child custody mediator shall submit a report to the court, together with a proposed order to dismiss the action, in which event costs shall be assessed and collected.

(g) Evaluations and Home Studies. If it appears to the child custody mediator that psychological evaluations and/or home studies are needed for ultimate resolution of the matter, he shall report that need to the court for consideration for the entry of an order of court directing that such psychological evaluations and/or home studies be made. Costs of such evaluations and/or studies shall be borne equally by the parties unless for cause shown the court directs otherwise.

(h) Mediator's Report to Court When No Agreement Reached. In those actions where the parties cannot reach agreement, the child custody mediator shall prepare and file with the court a report, being a concise summary of the conferences which shall include the background of the action, the allegations of the parties concerning the areas of dispute, and the recommendations, if any, of the child custody mediator concerning disposition. The original of any evaluation reports and home studies shall be attached to such summary. The report shall include pre-trial information, which counsel shall be prepared to provide to the child custody mediator, such as lists of witnesses, exhibits, and stipulations, and an estimate of trial time. A proposed order setting the matter for hearing by the court shall also be attached to the front thereof.

[Adopted Jan. 15, 1985, effective Apr. 1, 1985. Amended effective Jan. 1, 1991.]

Rule L1920.51. Appointment of Family Law Master in Divorce and Annulment of Marriage and Ancillary Proceedings

(a)(1) When each divorce case or subsequent petition raising a claim for equitable distribution is filed with the Prothonotary, a \$50.00 surcharge will be collected and deposited with the Prothonotary's office for Family Law Master costs. The Prothonotary shall forthwith refer the case to the Jefferson County Family Law Master. When a party files a Praecipe to request the appointment of the Family Law Master, the Praecipe must include the names and addresses of both parties and their attorneys. As soon as the parties receive the Order appointing the Master, the moving party shall deposit the sum of \$500.00 with the Master. Within thirty (30) days thereafter, the Master shall schedule a pre-hearing conference with the parties and their counsel to explore the possibility of resolving the issues in dispute without further litigation.

(2) The \$500.00 deposit will be full payment for the Family Law Master's attendance at the pre-hearing conference. The Master shall have the authority at the conclusion of the conference to recommend that the non-moving party pay one-half of the \$500.00, or \$250.00. If a second pre-hearing conference is requested by either party, a second fee may be imposed by the Family Law Master, at his or her discretion, or the fees may be billed against the maximum payment per case.

(3) If the case is not settled during or after the pre-hearing conference, a full hearing shall be scheduled and the Court Reporter shall be utilized unless the Master and both attorneys deem a transcript unnecessary. From the fund generated by the surcharge on each divorce case filed, the Master shall utilize up to a maximum of \$1,000.00 per case to be used toward the cost of the transcript and the Master's fees at his usual billable hourly rate.

(b)(1) The Family Law Master has the discretion per the *Pennsylvania Rules of Civil Procedure*, to apportion all Master's fees and other costs between the parties and set requirements as to a deposit from the parties before conducting a hearing if there are significant marital assets and/or complex issues that will require work in excess of the \$1,000.00 maximum.

(2) If the parties are indigent, the Master has the discretion to determine that the case cannot be heard and have an Order issued at a cost less than \$1,000.00. The case shall then be referred to the Judge, who shall determine whether to hear the case personally or have the Court assume any costs exceeding \$1,000.00, to be paid from the fund for the Family Law Master's fees.

(c) Before setting the time and place of taking testimony, the Master shall examine the pleadings and determine the formal sufficiency and regularity of the proceedings and the question of jurisdiction. If defective in any fatal particular, the Master shall so report to the Court and at the same time notify counsel. If defective in a particular curable by amendment, the Master shall notify counsel and suspend further action for a reasonable period of time to enable the necessary correction(s) to

be made. If no corrections are forthcoming, the Master shall make a report to the Court, applying for instructions as to further action on his or her part. When satisfied of the formal sufficiency and regularity of the proceedings and the existence of jurisdiction, or when directed by the Court to proceed, the Master shall appoint the time and place of taking testimony and proceed with action.

(d) Before proceeding to take testimony with respect to a contested claim for divorce and/or a question of distribution of marital property, the Master shall verify that the fees specified in subsection (b) of this Rule have been paid into the Court, unless the Master determines that the payment of said fees is not necessary before holding the hearing.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Amended June 18, 1997, effective July 1, 1997 and applied retroactively to Feb. 1, 1996; Aug. 1, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*; Mar. 14, 2014, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Civ.P. L2059-2060
Rules L2059-2060. Judgment on Verdict

Judgment shall not be entered on a verdict within the time allowed for motions for judgment n.o.v., for new trial, or for arrest of judgment, nor until the party obtaining the verdict shall have paid the prothonotary the required jury fee as provided by law.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985. Renumbered effective Aug. 1, 2006.]

Jefferson Cty.R.Civ.P. L2064
Rule L2064. Compromise, Settlement, Discontinuance and Distribution

Except as otherwise authorized by the court, no settlement of an action for personal injuries to an incompetent party to the action will be authorized or approved without the appearance of the incompetent party in court where practicable, medical evidence or report as to the extent of the incompetent party's injuries, an itemized statement of all expenses incurred, whether or not they have been paid and by whom, and such further information as the court shall deem necessary.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L2152
Rule L2152. Actions by Associations

The plaintiff's initial pleading in an action prosecuted by an association shall set forth the names and addresses of the officers thereof or of all persons known to be holding themselves out as such. In case the said officers do not constitute the trustees ad litem, or have not consented to the

prosecution of the action by consent in writing attached to the initial pleading, the plaintiffs shall serve notice, in the manner provided in Rule 1027 of the Pa.R.C.P. of the bringing of the action upon said officers within ten days thereafter and file proof thereof in the action; otherwise, the action shall be automatically stayed until such proof is filed.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L2205

Rule L2205. Notice to Persons Entitled to Damages

The notice shall in all cases be given personally or by registered or certified mail to 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 therefor, in which case the plaintiff shall cause the notice to be advertised one time in a newspaper of general circulation published in Jefferson County and also one time in the Jefferson County Legal Journal. Proof of such publication shall be filed in the prothonotary's office.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L2353

Rule L2353. Service of Rule

When a party seeks to serve a successor by publication, he shall advertise a notice of the rule one time in a newspaper of general circulation published in Jefferson County and also one time in the Jefferson County Legal Journal. Proof of such publication shall be filed in the prothonotary's office.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L2952

Rule L2952. Confessed Judgments

When a judgment is entered upon any instrument containing a warrant of attorney, which instrument accompanies a mortgage, a statement shall be placed in the complaint showing the book and the page where said mortgage is recorded. If the instrument is entered without a complaint, a statement shall be placed upon the instrument itself.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L3110

Rule L3110. Execution Against Contents of Safe Deposit Box

When the plaintiff seeks to serve a party by publication as provided in paragraph (c) of Pa.R.C.P. 3110, it shall be sufficient service to publish said notice one time in a newspaper of general circulation in Jefferson County and one time in the Jefferson County Legal Journal. Proof of such publication shall be filed in the prothonotary's office.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L3112

Rule L3112. Service Upon Garnishee Real Property of Defendant in Name of Third Party

Whenever a party seeks to serve a garnishee by publication as provided in paragraph (c) of Pa.R.C.P. 3112, it shall be sufficient service to publish said notice one time in a newspaper of general circulation in Jefferson County and also one time in the Jefferson County Legal Journal. Proofs of publication shall be filed in the prothonotary's office.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L3123

Rule L3123. Debtor's Exemption

The sheriff following an appraisal or designation shall immediately thereafter and before sale give notice thereof by first class United States mail to all interested parties of the appraisal or designation, which notice shall set forth the right of appeal to the Court of Common Pleas within forty-eight (48) hours thereof.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L3128

Rule L3128. Notice of Sale of Personal Property

One copy of the handbill shall be mailed, by certified United States mail, to the defendant by the sheriff.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Civ.P. L4010

Rule L4010. Exchange of Medical Reports

When a mental or physical examination has been made pursuant to Pa.R.C.P. 4010, counsel shall be prepared to exchange medical reports, as provided therein, not more than thirty (30) days after the examination has been made.

[Adopted Jan. 1, 1985, effective Apr. 1, 1985.]

Jefferson Cty.R.Crim.P. 00.10-2009

Rule 00.10-2009. Costs for Issuance of Partial Payment Plan by Magisterial District Judge

Pursuant to 42 Pa.C.S.A. § 1725.1, the Magisterial District Judges of Jefferson County may impose a miscellaneous issuance (C17) cost for the issuance of an installment payment plan when a defendant requests and is permitted to make installment payments as provided in the Pennsylvania Rules of Criminal Procedure. Said cost shall be in compliance with the fee schedule published by the Administrative Office of Pennsylvania Courts.

[Adopted Oct. 13, 2009, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.Crim.P. 513.1

Rule 513.1. Costs for Miscellaneous Issuances: Arrest Warrants

Pursuant to 42 Pa.C.S.A. 1725.1(c)(5) and retroactive to January 1, 2004, the magisterial district judges of Jefferson County are authorized to impose a miscellaneous issuance (C17) cost on all arrest warrants issued. Said cost shall be in compliance with the fee schedule published by the Administrative Office of Pennsylvania Courts.

[Adopted Apr. 16, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.J.C.P. 167(B)(2)

Rule 167(B)(2). Filings and Service of Court Orders and Notices

The Court secretary of the Juvenile Probation Department shall be responsible for serving all orders or court notices in accordance with the requirements of Pennsylvania Rule of Juvenile Procedure 167.

[Adopted Feb. 16, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Jefferson Cty.R.M.D.J. No. 112

Rule 112. Availability and Temporary Assignments of Magisterial District Judges

As is Jefferson County's current practice for criminal matters, at least one magisterial district judge shall be available at all times to handle matters requiring immediate attention in civil and possessory matters. During non-business hours, the magisterial district judge on-call shall be available to hear such matters. (See the Jefferson County Court Calendar for a schedule of district judges on-call.)

[Adopted Aug. 1, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.]