

LOCAL RULES OF THE COURT OF COMMON PLEAS
OF SUSQUEHANNA COUNTY
CIVIL DIVISION

CIVIL RULE 51. Title and Citation of Rules.

All civil procedural rules adopted by the Court of Common Pleas of Susquehanna County shall be referred to and may be cited as Susquehanna Rules of Civil Procedure ("Susq.Civ.Rule ____").

CIVIL RULE 52. Effective Date. Application to Pending Actions.

(a) A rule or an amendment to a rule shall become effective upon the date specified by the Court.

(b) Unless the Court specifies otherwise, a rule or an amendment to a rule shall apply to actions pending on the effective date.

CIVIL RULE 76. Definitions.

Unless the context clearly requires that it be otherwise, the words and phrases used in any of these rules shall be given the same meaning as is given said words and phrases by the Pennsylvania Rules of Civil Procedure.

CIVIL RULE 100. Admission to the Bar of this Court.

(a) The Prothonotary and Clerk of Courts shall keep and maintain a roll which consists of attorneys who have been admitted to the Bar of the Court of Common Pleas of Susquehanna County in accordance with the requirements hereinafter set forth.

(b) Admission to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show that the applicant (1) has been admitted to the Bar of the Commonwealth of Pennsylvania; and (2) is a person of good moral character; and (3) is a resident of Susquehanna County or has an office in Susquehanna County.

(c) Nothing contained in this rule shall prevent any attorney who is in good standing as a member of the Bar of the Commonwealth of Pennsylvania from practicing in this Court.

CIVIL RULE 101. Principles of Interpretation.

The principles of interpretation and rules of construction embodied in Pa.R.C.P., Rules 102 to 153 inclusive, shall govern these rules, unless the context clearly requires that it be otherwise.

CIVIL RULE 105. Bonds and Surety.

(a) When a bond with approved security is required, the surety shall be a certified surety company in accordance with a list thereof filed in the Office of the Prothonotary and Clerk of Courts or, in lieu thereof, at least one responsible surety or a deposit of cash.

(b) When a bond with individual surety is offered for approval, the bond shall not be approved unless it be accompanied by an affidavit which shows (1) the value of the property given as security and (2) a description of any liens upon it.

(c) No attorney or other person officially connected with or concerned with the business of the Court shall become bail or surety or post bond for any person, other than himself, in any proceeding except by leave of Court for good cause shown.

(d) In all cases the form of the bond and the surety thereon shall be subject to review by the Court upon the filing of a petition stating specifically the objection thereto together with notice to the adverse party or his attorney.

CIVIL RULE 205.1. Size of Paper. Filing Legal Papers.

(a) All papers or other documents filed with the Court shall be typed or printed on one side of 8 1/2" X 11" white paper. Margins of 1 inch shall be observed at the top and left-hand side of the sheet and margins of 3/4 inch shall be observed at the bottom and right-hand side of the sheet. Multiple sheets shall be joined with an appropriate binder on the left-hand side.

(b) No court employee shall undertake to file or to present papers on behalf of attorneys or parties.

(c) Any filing by an attorney, not heretofore of record in the case, shall contain his or her current official address, telephone number and Pennsylvania attorney identification number.

CIVIL RULE 206.4. Rules to Show Cause.

See Local Rule 208.3(a) for procedures for petitions.

CIVIL RULE 208.2(e). Discovery Motions.

The same standards and procedures enumerated in Local Rule 208.3(a) shall apply to all motions relating to discovery.

CIVIL RULE 208.3(a). Motions Procedures.

A motion must be written, and shall contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party, and that it has either been given or denied. No concurrence need be sought from a pro se litigant. Every motion shall be accompanied by a form order which, if entered by the court, would grant the relief sought in the motion, and any supporting brief that the moving party deems appropriate and necessary.

The original and one copy of a motion shall be presented to the Prothonotary's office, both of which shall be file stamped. The Prothonotary or filing party will forward the motion to the Court for consideration and appropriate action under the Pennsylvania Rules of Civil Procedure.

A motion shall contain a statement as to whether a hearing or argument is requested, the estimated length of time needed, and a proposed rule to show cause under Pennsylvania Rule 208.4(b)(1). The Court, in its discretion, will determine whether to schedule an argument/hearing, direct briefs to be filed, or simply decide the motion without the need for further argument/hearing or the submission of briefs.

CIVIL RULE 212. Civil Trials.

(a) Any party may, by praecipe filed in the Office of the Prothonotary, cause a civil case which is ready for trial to be placed on the trial list not less than sixty (60) days from the date the praecipe is filed.

(b) The filing party shall serve a copy of the praecipe on the District Court Administrator who shall cause the case to be listed for trial.

(c) Where a timely and lawful demand for a jury trial has been made, the District Court Administrator shall list the case for a pre-trial conference and require the parties to file a pre-trial memorandum as prescribed by the court.

(d) If no praecipe for trial listing is filed within two hundred forty (240) days of service of the complaint, the Court shall list the case for trial on its own motion.

CIVIL RULE 227.1. Post-trial Relief.

(a) A copy of all motions for post-trial relief and responses thereto shall be served by the movant or respondent on the District Court Administrator who shall schedule the matter for argument. Copies of briefs shall be served by the parties upon the District Court Administrator no later than five (5) weekdays prior to the date set for argument.

(b) No transcript will be begun until the party requesting the transcript will have deposited with the Court Reporter a sum equal to one-half (½) the estimated charge for the transcript.

CIVIL RULE 440. Service.

Whenever these rules require service of a legal paper upon the District Court Administrator, that requirement may be satisfied by written notice to the District Court Administrator that the legal paper has been filed of record.

CIVIL RULE 1018.1. Notice to Defend. Form.

The Prothonotary of Susquehanna County, or his designee, is the person to be named in the notice to defend from whom information as to the availability of legal help can be obtained.

CIVIL RULE 1028(c). Preliminary Objections

All Preliminary Objections shall be presented at Motions Court, which is held every Tuesday at 10:00 a.m. or as otherwise directed by the Court. Preliminary Objections shall be filed with the Susquehanna County Prothonotary's Office and notice of the filing shall be served on the District Court Administrator.

If, in response to preliminary objections, no amended pleading has been filed within twenty (20) days, preliminary objections shall be scheduled by the District Court Administrator as the current court schedule permits. The hearing or argument shall take place, unless timely notice to the contrary, either written or later confirmed in writing, be given to the Court by agreement of counsel or unrepresented parties. The court shall issue a briefing schedule where appropriate.

The moving party shall file a brief no later than ten (10) days prior to the date of argument. The respondent shall file a brief no later than five (5) days prior to the date of argument. If a party wishes to submit the matter on brief only without attending oral argument, prior to the date of the oral argument, the party shall inform the court and all other parties, in writing, of the party's intention to submit on brief only. However, briefs are still due on the date previously indicated by the Court, unless otherwise directed.

CIVIL RULE 1034(a). Motions for Judgment on the Pleadings

All Motions for Judgment on the Pleadings shall be filed with the Susquehanna County Prothonotary's Office and notice of the filing shall be served on the District Court Administrator. Hearings and/or arguments for Motions for Judgment on the Pleadings shall be scheduled by the District Court Administrator as the current court schedule permits.

The moving party shall file a brief no later than ten (10) days prior to the date of argument. The respondent shall file a brief no later than five (5) days prior to the date of

argument. If a party wishes to submit the matter on brief only without attending oral argument, prior to the date of the oral argument, the party shall inform the court and all other parties, in writing, of the party's intention to submit on brief only. However, briefs are still due on the date previously indicated by the Court, unless otherwise directed.

CIVIL RULE 1035.2(a). Motions for Summary Judgment

All Motions for Summary Judgment shall be filed with the Susquehanna County Prothonotary's Office and notice of the filing shall be served on the District Court Administrator. Arguments for Motions for Summary Judgment shall be scheduled by the District Court Administrator as the current court schedule permits.

The moving party shall file a brief no later than ten (10) days prior to the date of argument. The respondent shall file a brief no later than five (5) days prior to the date of argument. If a party wishes to submit the matter on brief only without attending oral argument, prior to the date of the oral argument, the party shall inform the court and all other parties, in writing, of the party's intention to submit on brief only. However, briefs are still due on the date previously indicated by the Court, unless otherwise directed.

CIVIL RULE 1301. Compulsory Arbitration.

Subject to the limitations set forth in 42 Pa.C.S. Sections 7361, all civil matters which require nothing other than monetary relief and where the amount in controversy, exclusive of interest and costs, does not exceed Fifty Thousand Dollars (\$50,000.00) shall first be submitted to and heard by a board of arbitrators. Other cases or causes, as defined by the Act of July 9, 1976, 42 Pa.C.S. Section 7362, may be referred to arbitration by agreement of the parties' counsel.

CIVIL RULE 1302. List of Arbitrators. Appointment of Board.

The Prothonotary shall prepare and maintain a list of available arbitrators, which list shall consist of all members of the Susquehanna County Bar actively engaged in the practice of law primarily in this judicial district. Exclusion from the list shall be by court order for good cause shown.

CIVIL RULE 1303. Hearing Notice.

Cases subject to arbitration under Susquehanna County Local Rule 1301 shall be listed therefore on a praecipe of either counsel or by agreement or reference filed with the Prothonotary. Upon receipt thereof, the Prothonotary shall appoint a board of three (3) arbitrators from the list of available arbitrators in alphabetical order.

(a) The Prothonotary shall give notice of the appointment in writing sent by ordinary mail to each member of the board of arbitrators appointed in accordance with this section.

(b) The District Court Administrator shall promptly fix the date, time and place of hearing and shall by court order give written notice thereof sent by ordinary mail to the parties or their attorneys of record not less than thirty (30) days prior to the hearing.

(c) All continuances shall be in the sound discretion of the President Judge and shall be made to a day and time certain not more than thirty (30) days from the date originally set.

CIVIL RULE 1308. Arbitrators Compensation

Subject to the limitation set forth in Pa.R.C.P., Rule 1308 (a)(2), each member of the board of arbitrators, who has signed the report of the board upon conclusion of the case or filed a minority report in conjunction therewith, shall receive his compensation for services, a fee and mileage in accordance with the following schedule:

Each arbitration panel member shall receive \$150.00 per hour for the first hour of hearing and \$50.00 per hour thereafter.

Any member of the board who maintains his principle office other than in the municipality in which the hearing is held shall receive mileage at the same rate paid by the County of Susquehanna. The Court may upon petition for cause shown allow additional compensation. All compensation and mileage payments shall be paid from County funds as in the case of all other County debts. Fees paid to the arbitrators shall not be taxed as costs nor follow the award as other costs.

CIVIL RULE 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

(a) The Prothonotary shall list for general call at the first non-jury-trial court held on or after September 1 of each year all civil matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

CIVIL RULE 1910.1(b)(1). Contract or Agreement for Support.

Where a contract or agreement for support has been made an order of this Court and where that contract or that agreement provides that it may be enforced by an action in accordance with the Pennsylvania Rules of Civil Procedure, the support obligee shall promptly serve upon the Domestic Relations Section of the Court a copy of the order of court along with a copy of the contract or agreement.

CIVIL RULE 1910.10. Support Hearing Procedure.

Actions in support shall proceed as prescribed in Pa.R.C.P., Rule 1910.12. There shall be no stenographic record of testimony unless requested and paid for by the party ordering the stenographic record. Hearing officers shall receive such compensation as shall from time to time be determined according to law. The resident members of the Bar of Susquehanna County actively engaged in the practice of law in the county shall be hearing officers in support unless, upon written request to the District Court Administrator, they ask to be relieved of this responsibility. The District Court Administrator shall prepare and maintain a list of available attorneys and shall divide the work among the attorneys to implement the policy of the court. Upon the filing of exceptions, the court may take testimony and evidence as it deems necessary to fairly dispose of the said exceptions.

CIVIL RULE 1920.51(2)(i). Divorce Master

(a) The court shall appoint members of the bar to act as masters in all actions of divorce under section 3301(a)(b) and (d)1(ii) of the Divorce Code, in all actions for annulment, and with respect to all claims for alimony, alimony pendente lite, equitable distribution of marital property, child support, partial custody, visitation, counsel fees, costs and expenses, except as hereinafter provided.

(b) When discovery is complete as to the claim(s) for which the appointment of a master is requested, a party seeking appointment of a master shall deposit in the Office of the Prothonotary the sum of \$600.00 and shall move for appointment of a master in the form specified in Rule 1920.74 Pa.R.Civ.P. Where the requesting party has been granted in forma pauperis status, the court shall direct the opposing party to deposit the aforementioned sum. Where both parties have been granted in forma pauperis status, the court will hear the matter without having recourse to a master.

(c) The master shall conduct such hearings or conferences, or both, at such times and at such places as the master deems appropriate. The master shall be empowered to direct the filing of such additional documents relating to financial or property matters as the master may deem necessary for his or her determination of the matter.

(d) All hearings and conferences shall be scheduled solely by the master. Continuances may be granted by the master upon representation that good cause exists. Where a party disagrees with a master's continuance determination, the party may present the matter to the court by motion.

(e) At the time his or her final report is filed, the master shall present to the court a statement of work performed. Payment of the master's fee of \$50.00 per hour will be allocated between the parties with appropriate credit given for the initial \$600.00 deposit.

CIVIL RULE 1940.2. Child Custody Mediation. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Mediation" is the confidential process by which a neutral mediator assists the parties in attempting to reach a mutually acceptable agreement on issues arising in a custody action. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise and finding points of agreement. An agreement reached by the parties must be based on the voluntary decisions of the parties and not the decision of the mediator. The agreement may resolve all or only some of the disputed issues. Parties are required to mediate in good faith, but are not compelled to reach an agreement. While mediation is an alternative means of conflict resolution, it is not a substitute for the benefit of legal advice.

"Memorandum of Understanding" is the written document prepared by a mediator which contains and summarizes the resolution reached by the parties during mediation. A Memorandum of Understanding is primarily for the benefit of the parties and is not legally binding on either party.

CIVIL RULE 1940.3. Order for Child Custody Mediation. Selection of Child Custody Mediator.

- (a) Upon commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an existing order or seeking relocation, the Prothonotary shall collect a nonrefundable fee of \$20.00 which will be used to benefit the newly enacted custody mediation program.
- (b) After the initial filing, the filing party shall present the complaint or petition to the Court of Common Pleas during Motions Court on any Tuesday at 10:00 a.m. Once presented, the Court Administrator shall schedule a custody conference within forty-five (45) days.
- (c) If the parties can agree to a custody schedule on or before the date of the custody conference, that schedule shall be accepted by the Court if it is in the best interests of the minor child or children.

- (d) If the parties do not agree as to any part of the custody schedule, or if the Court does not accept the proposed agreement at the custody conference, the case shall be set down for mediation.
- (e) Mediation shall occur within 60 days of the custody conference in all cases, unless the parties are ineligible for mediation, or if the appointed Child Custody Mediator determines that mediation would be fruitless after speaking with the parties. The Court Administrator shall schedule the Mediation.
- (f) Pursuant to 23 Pa.C.S.A. § 3901, parties cannot be ordered to participate in mediation if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action.
- (g) Parties ineligible for court ordered mediation, because of domestic violence, may request in writing that they be permitted, by the Court, to attend mediation.
- (h) If at any time during the mediation process, the Child Custody Mediator reasonably believes that the proceedings are inappropriate for mediation, the Child Custody Mediator shall advise the Court of the decision to terminate the mediation and will further recommend what fee, if any, should be returned to the parties.
- (i) If mediation is not appropriate, the Court Administrator shall set a custody hearing date.
- (j) Mediation shall be held at the Susquehanna County Courthouse. The appointed Child Custody Mediator shall contact the parties, using the contact information provided at the time of filing of the complaint or petition to discuss mediation fundamentals and collect information. The duties of the Child Custody Mediator are defined in CIVIL RULE 1940.5.
- (k) An initial fee of \$500.00 shall be paid by the parties to the Office of the Susquehanna County Prothonotary at least seven (7) days prior to the mediation. Each party shall pay one half of the mediation fee. Further, if either party is indigent, he or she shall motion that the other party pay the full mediation fee and the Court will direct what party shall make payment. If both parties are indigent, petition to proceed in forma pauperis shall be submitted to the Court in the form specified in Pa. R.C.P 240.
- (l) Additional fees may be assessed as necessary by the Court in accordance with the recommendation of the Child Custody Mediator. These fees shall be paid to the Office of the Susquehanna County Prothonotary before mediation continues.
- (m) Only the parties shall attend the scheduled mediation. If parties are represented by counsel, counsel will be permitted to approve any Memorandum of Understanding. However, counsel is not permitted to attend or participate in any mediation session. Third parties are not permitted to participate in, or attend, the mediation.

- (n) All applications for continuances of mediations shall be made in writing to the court and shall be delivered via hand delivery, postal mail, or facsimile to the Court Administrator no less than 24 hours before the scheduled mediation.

CIVIL RULE 1940.4. Minimum Qualifications of the Child Custody Mediator.

- (a) A Child Custody Mediator must have at least the following qualifications:
 - (1) a bachelor's degree and practical experience in law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field;
 - (2) successful completion of basic training in domestic and family violence or child abuse and a divorce and custody mediation program approved by the Association for Conflict Resolution, American Bar Association, American Academy of Matrimonial Lawyers, or Administrative Office of Pennsylvania Courts;
 - (3) mediation professional liability insurance; and
 - (4) additional mediation training consisting of a minimum of 4 mediated cases totaling 10 hours under the supervision of a mediator who has complied with subdivisions (1) through (3) above and is approved by the court to supervise other mediators.
- (b) The Child Custody Mediator shall comply with the ethical standards of the mediator profession as well as those of his or her primary profession and complete at least 20 hours of continuing education every two years in topics related to family mediation.
- (c) A post-graduate student enrolled in a state or federally accredited educational institution in the disciplines of law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field may mediate with direct and actual supervision by a qualified mediator.

CIVIL RULE 1940.5. Duties of Child Custody Mediator.

- (a) The Child Custody Mediator shall explain the mediation process to the parties and shall further ensure that the parties understand that the Child Custody Mediator provides no legal representation to either party.
- (b) The Child Custody Mediator shall ascertain the issues in the action through discussion with the attorneys and/or the parties. However, attorneys will not be permitted into the mediation session.
- (c) The Child Custody Mediator shall not take testimony and the mediation shall not be of record. Rather, the Child Custody Mediator shall attempt to determine the relevant facts

through discussion and shall suggest or recommend a proposed settlement. The Child Custody Mediator shall ensure that the parties consider fully the best interests of the child or children.

- (d) All communications with the Child Custody Mediator shall be confidential.
- (e) The mediation procedure shall at all times be in the sole discretion of the Child Custody Mediator, in accordance with applicable rules of court.
- (f) When the Child Custody Mediator determines that the parties have reached full agreement concerning the matter, he/she shall prepare a Memorandum of Understanding within ten (10) days following the mediation. Extensions for preparation may be granted by the Court for good cause shown.
- (g) The Memorandum of Understanding shall be sent to the parties via postal mail and will not become a binding agreement until adopted by the Court. Parties are entitled to have an attorney review the Memorandum of Understanding before it is submitted, by the Child Custody Mediator, to become a Final Order. If either party wishes to amend the Memorandum of Understanding, he or she may contact the Child Custody Mediator and request that the revision be made. If both parties do not agree to revisions of the Memorandum, the Child Custody Mediator may schedule an additional mediation meeting at an additional fee.
- (h) If the parties accept a Memorandum of Understanding which disposes of all of the issues regarding custody, it shall be the sole responsibility of the appointed Child Custody Mediator to prepare a Final Agreement and present it to the Court, and if the Final Agreement is found acceptable by the Court, it shall be made into a Final Order.
- (i) If the parties can reach only partial agreement concerning the action, the Child Custody Mediator in his/her discretion may create a Memorandum of Understanding regarding the partial agreement and refer the disputed areas to the court for decision, or may refer the entire action to the court for decision.
- (j) The Memorandum of Understanding regarding the proposed partial agreement shall be sent to the parties via postal mail and shall not become binding until incorporated into the Final Order of the Court. Parties are entitled to have an attorney review the Memorandum of Agreement. If either party wishes to amend the agreement, he or she may contact the Child Custody Mediator and request that the revision be made. If both parties do not agree to revisions, the matters shall be submitted, in addition to the other disputed issues, to the Court for determination at the child custody hearing.
- (k) In those actions where the parties cannot reach any agreement, the Child Custody Mediator shall prepare and file a report pursuant to LOCAL CIVIL RULE 1940.6.
- (l) With the consent of the parties, the Child Custody Mediator may state in the report a concise summary of the mediation, including the background of the action, the

allegations of the parties concerning the areas of dispute, and the recommendations, if any, of the Child Custody Mediator concerning disposition.

- (m) After receiving a report of a Child Custody Mediator that a child custody hearing is necessary, the Court Administrator shall schedule the matter for a custody hearing in the Court of Common Pleas of Susquehanna County.

CIVIL RULE 1940.6. Termination of Mediation.

- (a) Mediation shall terminate upon the earliest of the following circumstances to occur:
 - (1) a determination by the Child Custody Mediator that the parties are unable to reach a resolution regarding all of the issues subject to mediation;
 - (2) a determination by the Child Custody Mediator that the parties have reached a resolution regarding all of the issues subject to mediation;
 - (3) a determination by the Child Custody Mediator that the parties have reached a partial resolution and that further mediation will not resolve the remaining issues subject to mediation; or
 - (4) a determination by the Child Custody Mediator that the proceedings are inappropriate for mediation.
- (b) If the parties reach a complete or partial resolution, the Child Custody Mediator shall, within ten (10) days, prepare and transmit to the parties a Memorandum of Understanding. At the request of a party, the Child Custody Mediator shall also transmit a copy of the Memorandum of Understanding to the party's counsel. Thereafter, pursuant to LOCAL RULE 1940.5(h), the Child Custody Mediator may be required to submit a Final Order to the Court.
- (c) If no resolution is reached during mediation, the Child Custody Mediator shall, within ten (10) days, report this in writing to the Court, without further explanation, unless the parties agree to additional disclosure and the Child Custody Mediator finds that additional disclosure will be beneficial.