

**IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY
PENNSYLVANIA
CRIMINAL DIVISION**

IN RE: : MD-258-2024
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LOCAL RULE OF JUDICIAL :
ADMINISTRATION :
ARBITRATION :
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:
:

Indiana Co Proth & Court Clerk
2024 AUG 1 PM 3:12

ORDER OF COURT

AND NOW, this 31st day of July, 2024, in compliance with Rule 103(d) of the Pennsylvania Rules of Judicial Administration, it is HEREBY ORDERED that the Court adopts the following Rule of Judicial Administration addressing Indiana County's arbitration system, effective October 1, 2024.

The Court Administrator shall:

- 1) File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourt.us;
- 2) Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to Bulletin@palrb.us for publication in the Pennsylvania Bulletin;
- 3) Provide one copy of this Order to the members of the Indiana County Bar Association;
- 4) Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the Pennsylvania Bulletin and

publish the rules on the Court's website at www.IndianaCountyPA.gov;

5) File this Order in the Prothonotary's Office of Indiana County.

Rule L1301 – Scope. Certification.

(a) In all civil actions, except those civil cases involving title to real estate or actions in equity, where the amount in controversy (exclusive of interests and costs) is Fifty Thousand (\$50,000.00) dollars or less, the case shall be first submitted to compulsory arbitration pursuant to Pa. R. Civ. Pro. 1301, et. seq.

(b) The amount in controversy shall be the largest amount claimed in any single count of the pleadings by any party.

(c) The Court, upon written motion of any party or *sua sponte*, may require that a case for which a trial is demanded be first submitted to compulsory arbitration pursuant to these rules.

(d) When a case is appropriate, a party shall file a Praeceptum for Arbitration with the Prothonotary, the form which is set forth in Form 1 appended to these Rules, and certify that the case is ready in all respects.

(e) In the event that there is a dispute between the parties as to whether a case is ripe for arbitration, any party may file, within ten (10) days from the date of service of the Praeceptum, a Motion objecting to the Praeceptum. The Court will then determine suitability for arbitration.

(f) A party that files a Praecipe for Arbitration shall certify that the arbitration hearing will not exceed ninety (90) minutes in length. In the event that any party believes that the arbitration hearing cannot be accomplished within ninety (90) minutes, a Motion setting forth the party's reasons shall be filed and presented to the Court. The Court will then determine whether additional time is necessary.

Rule L1302 – List of Arbitrators. Appointment to the Board/Panel.

(g) A list of available arbitrators shall be maintained by the Court Administrator and provided to the Court Program Manager. The list shall consist of a sufficient number of members of the Indiana County Bar Association who express a willingness to serve and who are engaged in the practice of law primarily in Indiana County.

(h) The Court Program Manager shall assign attorneys on the list to arbitration board/panels. The composition of the board/panel shall be assigned as deemed appropriate by the Court Program Manager.

(i) Each board/panel shall consist of three (3) attorneys and the Court Program Manager shall assign from those three (3) attorneys a chairperson. Notice of the board/panel members shall be given by Order of Court.

(j) If an appointed arbitrator cannot serve at the time designated, the attorney shall, unless otherwise prevented by matters beyond his or her

control, notify the Court Program Manager in writing at least ten (10) days in advance of the date which the hearing has been scheduled and a substitute arbitrator will be appointed. If any arbitrator repeatedly fails to give notice or fails to appear at a scheduled arbitration, that person may, at the discretion of the Court Program Manager and the Court, be removed from the list of available arbitrators and shall not serve as an arbitrator until reinstated upon application to the Court.

Rule L1303 – Notice of Hearing. Hearing.

(c) Arbitration hearings will be held, unless otherwise directed by the Court Program Manager, on the third Friday of every month beginning at 9:00 a.m., and will take place in Courtroom No. 4, located on Floor 4M of the Indiana County Courthouse.

(d) After the filing of a Praecipe for Arbitration and no objections being filed, the Court Program Manager shall prepare an Order of Court that will set forth the specific date and time of the arbitration hearing, the location of the arbitration hearing, the members of the arbitration board/panel, and the chairperson of the arbitration board/panel.

Rule L1304 – Conduct of Hearing. Generally

(d) On the date of the arbitration hearing, counsel and/or any unrepresented parties are to check in with the Court Program Manager at

the site of the arbitration. Cases in which all parties have checked in and have indicated they are ready to proceed shall be submitted by the Court Program Manager to the arbitration board/panel for disposition.

(e) The Court Program Manager will provide the arbitration board/panel with the case file and an arbitration award form.

(f) The arbitration procedure is intended to be economical for the parties and therefore, the proceedings are abbreviated and somewhat less formal; however, the Court recognizes that the consequences are still significant to the litigants. Accordingly, the parties, counsel, witnesses, and arbitrators will conduct their proceedings with appropriate dignity and decorum at all times.

(g) Arbitration boards/panels shall conduct hearings with due regard to the law and rules of evidence and shall have the general powers of the Court, including administering oaths or affirmations, determining admissibility of evidence, permitting testimony to be offered by deposition, and deciding the law and the facts of the case submitted.

(h) Hearings shall be conducted by the chairperson of the arbitration board/panel. Witnesses shall be sworn in by the chairperson of the arbitration board/panel. Testimony shall be taken through the same procedures and decorum as used before the Court. Testimony before arbitration board/panel is not recorded unless done so by a court reporter hired by a party and at the expense of that party.

(i) If a party fails to appear for the hearing, no default judgment shall be entered. The arbitration board/panel shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

Rule L1305 – Conduct of Hearing. Evidence

(e) The evidentiary rules described in Pa. R. Civ. Pro. 1305 shall apply to the conduct of arbitration hearings.

(f) Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the arbitration board/panel, and such rulings shall be final unless one of the other arbitrators disagrees with the same. In that event, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(g) Following the hearing and decision, the chairperson of the arbitration board/panel shall release to the respective parties the exhibits introduced and admitted. Neither the arbitration board/panel nor the Court Program Manager shall be tasked with maintaining or keeping the exhibits after the completion of the arbitration proceeding.

Rule L1306 – Award.

(a) After the conclusion of the hearing in each case, the arbitration board/panel shall make its decision and memorialize the decision on the arbitration award form. The arbitration award form shall be signed by all or

a majority of the arbitrators on the board/panel. If a member of the board/panel dissents from the majority's findings or award, that arbitrator shall so state on the award form and can do so without further comment. The Court Program Manager shall submit the form to the Prothonotary for filing, docketing, and distribution to the parties.

(b) The arbitration award form shall be substantially similar to the form set forth in Pa. R. Civ. P. No. 1312.

(c) Arbitrators may not award punitive damages.

(d) Arbitrators may award costs.

(e) Arbitrators may award possession in Landlord/Tenant matters.

(f) Arbitrators may award possession and monetary value of the property or special damages sustained in a replevin action.

(g) Monetary awards shall not exceed the jurisdictional limit of \$50,000.00, exclusive of interest and costs.

(h) Arbitrators may award delay damages when that issue is properly pending in the action. Such damages shall be subject to the procedure set forth below.

(1) After the amount of the award has been determined, the arbitration board/panel, in cases where delay damages are claimed, shall make a determination as to such damages in accordance with Pa. R. Civ. P. 238;

- (2) A party requesting delay damages shall, no later than the commencement of the hearing, present to the chairperson of the arbitration board/panel in a sealed envelope with the caption and case number on it a photocopy of any written offer of settlement made by a party against whom damages are demanded or set forth in writing the fact that no written offer has been made;
- (3) A party requesting delay damages shall serve a copy of the information set forth in Rule L1306(2) upon all other parties at or before the time the same is presented to the chairperson of the arbitration board/panel;
- (4) Failure of a party requesting delay damages to comply with this Local Rule shall be deemed to be a waiver of any delay damages;
- (5) A party that does not concur in the information set forth in Rule L1306(2) shall state a brief explanation as to the reasons for their non-concurrence and present it to the chairperson of the arbitration board/panel in a sealed envelope with the caption and case number on it no later than the commencement of the hearing. Parties that fail to state reasons for non-concurrence shall be deemed to

be in concurrence with the information set forth in Rule L1306(2);

- (6) No arbitrator shall open the sealed envelope(s), or, in any other manner, attempt to ascertain the contents thereof, until the arbitration board/panel has reached a decision on the merits of the case; and
- (7) If damages for delay are awarded, the amount thereof shall be added to the principal amount awarded, but shall be separately stated on the arbitration award form.

Rule L1308 – Appeal. Arbitrator’s Compensation.

(d) Any party may appeal from the award of the arbitration board/panel to the Court. Appeals shall result in de novo proceedings before the trial court. A party appealing an award shall pay to the Prothonotary any fee required for the filing of the appeal. The cost of filing an appeal shall be established, with approval by the court, by the Prothonotary.

(e) Simultaneously with the filing of the appeal, the appellant shall also file a Certificate of Readiness for trial with the Prothonotary and shall serve all parties to the matter.

(f) Each arbitrator shall be compensated by the County at a commensurable rate to their service, which shall be established and approved by the Court.

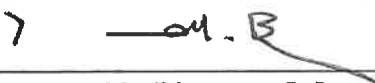
(g) Members of the arbitration board/panel shall not be entitled to compensation until after the filing of the arbitration award form with the Prothonotary.

Rule L1315 – Continuances of Hearing.

(a) More than seven (7) days prior to the hearing date, a case may be continued one (1) time by agreement of all parties. The request for continuance must be in writing, filed with the Prothonotary, and a copy provided to the Court Program Manager. The continuance must aver that all parties agree to the continuance. The Court Program Manager will reschedule the arbitration hearing to the next available date.

(b) Requests for continuance made less than seven (7) days before the scheduled hearing, in instances in which all parties do not concur in the request for continuance, or a request for a second or subsequent continuance, shall, after notice to all parties, be presented to the Court for disposition.

BY THE COURT:



Thomas M. Bianco, P.J.

EXTRACT FROM
THE RECORDS
ATTEST



Prothonotary and Clerk of Courts

Indiana Co Proth & Court Clerk
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