

THE COURTS

Title 249—PHILADELPHIA RULES

In re: Philadelphia Traffic Court; President Judge
Administrative Order; No. 2009-04

Order

And Now, this 14th day of August, 2009, in light of the large number of cases scheduled and heard at the Philadelphia Traffic Court resulting in the attendance of a large number of defendants and witnesses, and so as not to interfere with the orderly processing of the cases and the conduct of the business of the Traffic Court and in order to ensure the safety of those in attendance, it is hereby *Ordered and Decreed* that no person is permitted to loiter, idle, lounge or restrict, or to otherwise prevent others from passage, ingress and egress in or about the Traffic Court premises, including interior space and corridors, as well as the sidewalks and streets adjacent to the Traffic Court premises.

As provided by the Philadelphia Code and Ordinances, Traffic Court personnel shall ask any person who engages in conduct prohibited by this Order as well as the Philadelphia Code and Ordinances to immediately cease such conduct and, if the conduct does not cease, shall make a report to the Police Department and/the Sheriff's Office and cooperate with the Police and/or the Sheriff's Office in removing such violator from the Traffic Court premises as well as with any proceedings which may be filed against said violator.

This Administrative Order shall be effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and shall be published in the *Pennsylvania Bulletin*. Certified copies of the Order shall be submitted to the Administrative Office of Pennsylvania Courts. Copies of the Administrative Order will also be sent to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District of Pennsylvania, and posted on the web site of the First Judicial District: <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge

[Pa.B. Doc. No. 09-1600. Filed for public inspection August 28, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LACKAWANNA COUNTY

Repeal and Adoption of Rules of Civil Procedure;
No. 94-CV-102

Order

And Now, this 11th day of June, 2009, it is hereby *Ordered and Decreed* that the attached Lacka. Co.R.C.P.

215.5 is adopted to govern the court-annexed mediation program in civil cases in the Court of Common Pleas of Lackawanna County.

The adoption of Lacka. Co.R.C.P. 212.5 shall become effective thirty (30) days from the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa.R.Civ.P. 239. The Lackawanna County Court Administrator shall file seven (7) certified copies of the new local rule with the Administrative Office of the Pennsylvania Courts and shall forward two (2) certified copies of the same to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One certified copy of Lacka. Co.R.C.P. 212.5 shall be filed with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and new Local Rule 212.5 shall be available for public inspection and copying in the office of the Clerk of Judicial Records, Civil Division.

By the Court

CHESTER T. HARHUT,
President Judge

Rule 212.5. Mediation.

(a) **Submission to mediation.** Except as otherwise provided by Pa.R.Civ.P. 1042.21, upon the filing of a Certificate of Readiness on or after January 1, 2009, the court administrator shall refer a civil case to mandatory mediation to be conducted by a Special Trial Master. This rule shall not apply to medical malpractice and/or mass tort cases. Such cases may be referred to mandatory mediation before a Special Trial Master upon the consent of all parties.

(b) **Special Trial Master.** The President Judge shall certify as many Special Trial Masters as determined necessary under this Rule. An individual may be certified only if [s]he has been admitted to practice law in the Commonwealth of Pennsylvania for at least ten years and has been determined by the President Judge to have substantial trial experience. The Court Administrator shall maintain and manage a list all persons appointed by the Court to act as a Special Trial Master.

(c) **Compensation of Special Trial Master.** The services of the Special Trial Master shall be provided *pro bono* and no mediator shall be called more than twice in a single calendar year to act as a Special Trial Master without prior approval of the Special Trial Master.

(d) **Assignment of Special Trial Master.** Upon the filing of a certificate of trial readiness, all civil cases will be assigned to a Trial Judge. The trial judge will conduct a status conference, schedule a pre-trial conference and establish a date for trial. At the same time, all civil cases will be assigned to a Special Trial Master for purposes of mandatory mediation. The Court Administrator will assign all Special Trial Masters in random order from the list referenced in subsection (b) above.

(e) **Time for Mandatory Mediation.** To the extent possible, a mandatory mediation shall be scheduled by the assigned Special Trial Master to take place within sixty (60) days of assignment to the Special Trial Master.

(f) **Mandatory Mediation Session.** Counsel who are primary responsible for the case and any unrepresented party shall attend the mediation. All parties, insurers and principals or parties with decision-making authority must attend the mediation session in person, unless their attendance is excused for good cause shown, in which

event they must be available by telephone for the entire session. All parties, insurers, principals and counsel shall be prepared to discuss all issues of liability and damages and to participate in meaningful settlement discussions.

(g) Confidentiality. All mediation proceeding shall be kept confidential. No statements made during the mediation process shall be deemed admissions by any parties. Settlement positions of parties and negotiation techniques shall not be revealed to the Trial Judge, if applicable. No transcript or recording of the mediation session shall be allowed.

(h) Mediation Memorandum. A confidential mediation memorandum substantially in the form prescribed shall be submitted to the Special Trial Master at least seven (7) days in advance of the mediation session. See Appendix, Form 6. The memorandum may be exchanged between the parties, at the discretion of each party. The memorandum shall not be filed with the Court.

(i) Trial by Special Trial Master. In the event that a case does not settle as a result of the mediation session, a trial may be held before the Special Trial Master upon agreement of all parties in writing. If all parties cannot agree to a trial before the Special Trial Master, the case will proceed to trial before the assigned Trial Judge as scheduled in accordance with subsection (d) above. In the event that all parties agree to a trial before a Special Trial Master, the trial will be scheduled expeditiously and conducted in accordance with the Pennsylvania Rules of Civil Procedure.

(j) Post-trial Motions. In the event that a trial is conducted before a Special Trial Master, any and all post-trial motions timely filed following such a proceeding shall be ruled upon by the Special Trial Master in the form of a Report and Recommendation to the assigned Trial Judge. The assigned Trial Judge will approve or reject the Report and Recommendation. Rulings on Post-trial Motions shall not be deemed final until acted upon by the assigned Trial Judge.

FORM NO. 6

PLAINTIFF	:IN THE COURT OF COMMON PLEAS
	:OF LACKAWANNA COUNTY
	:
vs.	:
	:CIVIL ACTION-LAW
	:JURY TRIAL DEMANDED
	:
DEFENDANT	:NO.: -CV-

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CONFIDENTIAL MEDIATION MEMORANDUM

1. Identification of Counsel:
 - a. Attorney for Plaintiff:
 - b. Attorney for Defendant:
2. Lacka. Co. R.C.P. 238 Confirmation of Settlement Offer and Response:
 - a. Date and amount of settlement offer(s):
 - b. Date and substance of response to settlement offer(s):
3. Insurance information:
 - a. Identity of insurance carrier:
 - b. Identity of insurance adjuster:
 - c. Policy limits:
 - d. Coverage issues (if any):
4. Statement of Facts and Legal Issues:
5. Injuries:
6. Calculation of Special Damages:
 - a. Wage loss (if any):
 - b. Medical bills (if any):

- c. Other (explain):

- 7. Liens (if a lien has been asserted against all or part of any potential settlement, indicate the amount and entity making the claim, i.e. Worker's Compensation carrier, Department of Public Welfare, Health Insurance carrier, etc.):

- 8. Identification of Expert Witnesses:
 - a. For Plaintiff:

 - b. For Defendant:

- 9. Estimated Number of Trial Days:

- 10. Any additional issues which should be considered to facilitate the settlement of this matter:

[Pa.B. Doc. No. 09-1601. Filed for public inspection August 28, 2009, 9:00 a.m.]
