

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA

IN RE:
IN THE MATTER OF LOCAL RULES
58TH JUDICIAL DISTRICT
(MIFFLIN COUNTY)

:
: CP-44-CV-2-2008
:
: NO.
:

FILED
MIFFLIN COUNTY
JUN 27 10 54
PROTHONOTARY
CLERK OF COURTS

ADMINISTRATIVE ORDER

AND NOW, this 23rd day of May, 2008, with respect to the Mifflin County Local Rules of Court, the Court hereby **ORDERS** the following:

Mifflin County Local Rules of Court, MC1008, MC1301, MC1302, MC1303, MC1304, MC1305, MC1306, MC1307, MC1308, MC1309, MC1310, MC1311, are hereby **REPEALED**.

The following new Mifflin County Local Rules of Court are hereby **ADOPTED** and shall become effective thirty days after the publication of same in the Pennsylvania Bulletin.

Rule MC1301 - Cases Subject to Arbitration

- (a) All civil actions, where the amount in controversy is \$50,000.00 or less, shall be submitted to arbitration pursuant to 42 Pa.C.S.A. § 7361.
- (b) This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00, actions brought by the Commonwealth or cases requiring equitable or declaratory relief.

Rule MC1302 - Selection of Arbitrators

- (a) The Prothonotary shall prepare and maintain a list of attorneys who are members of the Mifflin County Bar Association and who have affirmatively agreed to sit on arbitration boards. When a civil action arises which is subject to arbitration under MC1301, the Prothonotary shall assemble a Board of Arbitrators to hear that action.
- (b) In the event an Arbitrator selected by the Prothonotary is unable to serve, or disqualifies himself or herself from serving, he or she shall notify the Prothonotary in writing within fifteen (15) days of his or

her appointment. Upon receipt of such notification, the Prothonotary shall immediately fill the vacancy with another attorney from the list of potential Arbitrators.

- (c) The Prothonotary shall select Arbitrators to serve on Boards of Arbitration in a manner that gives each attorney who is a member of the Mifflin County Bar Association and who desires to serve on Boards of Arbitration an equal number of appointments. The Prothonotary shall do so in a random manner, such that attorneys do not always serve on Boards of Arbitration composed of the same attorneys.

Rule MC1303 - Hearing. Notice. Listing.

- (a) Either party may file a Praecipe to list a case for arbitration. The Prothonotary shall appoint the Board of Arbitrators within ten (10) days after the Praecipe is filed. Counsel shall serve the Praecipe pursuant to the Pennsylvania Rules of Civil Procedure. If either party objects on the grounds that the matter should not be subject to mandatory arbitration under these rules, the objecting party shall file a motion within five (5) days after the filing of the Praecipe requesting the Court to make a determination.
- (b) The Chair of the Board of Arbitrators shall fix the date, time and place of the hearing and shall serve upon the parties or their counsel written notice thereof. There shall be at least thirty (30) days between the date the parties or their counsel receive said notice and the date of the hearing. Service shall be by certified mail, return receipt requested.
- (c) Where no appearance has been entered by the defendant in a trespass action, an Arbitration Board shall be appointed on Praecipe of plaintiff or plaintiff's counsel, and the Arbitration Board shall hear the case for the purpose of determining the amount of damages to which the plaintiff is entitled.
- (d) Upon appointment of an Arbitration Board, the Prothonotary shall release the original pleadings and other related documents to the members of the Board. Said documents shall be immediately returned to the Prothonotary's Office at the conclusion of the arbitration proceedings.

Rule MC1304 - Conduct of Hearing, Generally

If after an arbitration hearing starts or is completed, but before the report of the Board is filed, a member of the Board is unable to complete his or her duties, the case shall be decided and the report signed by the two remaining members of the Board. In the event there are only two members of the Board remaining and those two Board members cannot agree on a decision, the Board's decision shall be treated as if it were the decision of a hung jury.

Rule MC1308 - Arbitrators Compensation

- (a) For all cases in which the amount in controversy is less than \$15,000.00, each Arbitrator shall receive fees in the amount of \$50.00 per hour. In cases where the amount in controversy is between \$15,000.00 and \$50,000.00, each Arbitrator shall receive fees in the amount of \$75.00 per hour. The Chairman shall receive an additional \$50.00 when the amount in controversy is less than \$15,000.00. The Chairman shall receive an additional \$75.00 when the amount in controversy is between \$15,000.00 and \$50,000.00.
- (b) Where two or more cases have been consolidated for arbitration, the Arbitrators shall be paid a separate fee for each case decided.
- (c) The members of an Arbitration Board shall be entitled to receive their fees upon the filing of their report with the Prothonotary. When the report is filed, the Prothonotary shall issue an order for the payment of such fees and those fees shall be immediately paid from the County funds as in the case of all other

Certified from the record as entered and
County debts
filed in this office.

IN TESTIMONY WHEREOF, I hereunto set
my hand and cause the Seal of the Court
to be affixed this 27th day

May A.D., 20 48
Chris Kozlowski, Deputy

BY THE COURT:



TIMOTHY S. SEARER
PRESIDENT JUDGE

- c: / Administrative Office of Pennsylvania Courts, (Seven certified copies)
5001 Louise Drive, Mechanicsburg, PA 17055
 - / Legislative Reference Bureau, (Two certified copies and one electronic copy)
641 Main Capitol Building, Harrisburg 17120-0033
 - / Civil Procedure Rule Committee, (One certified copy)
5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055
- File