

COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

In Re:)

ORDER AMENDING THE CLINTON COUNTY)
RULES OF MISCELLANEOUS PROCEDURE)
)
)
)

NO. *115-09*

FILED
CLINTON COUNTY, PA
JAN 19 10 34
KERRY L. YARBRO
CLERK OF COURT

*(10) Clinton
Miscellaneous*

th ORDER

AND NOW, this 19 day of January, 2009, IT IS HEREBY

ORDERED that all existing Clinton County Rules of Miscellaneous Procedure be revoked and the following new Rules adopted as set forth hereafter:

SCOPE OF RULES

Title and Citation of Rules

Rule 101

These rules shall be known as the Clinton County Rules of Miscellaneous Procedure and may be cited as "Clinton R.M(P. No.)".

Scope of Rules

Rule 102

These rules shall govern all proceedings in the Court of Common Pleas of Clinton County, Pennsylvania, and shall be construed either consistent with or subordinate to all rules or decisions of the Supreme Court of Pennsylvania, rules of the Judicial Council of Pennsylvania, any statutes still in effect governing practice and procedure, the Clinton

HAEL WILLIAMSON
RESIDENT JUDGE
COURT OF COMMON PLEAS
JUDICIAL DISTRICT
OF PENNSYLVANIA
COURTHOUSE
K HAVEN, PA 17745

SCANNED

County Rules of Criminal Procedure, the Clinton County Rules of Civil Procedure, and the Clinton County Orphans' Court Rules.

COURT CALENDAR AND TRIAL SCHEDULE

Court in Continuous Session. Court Calendar.

Rule 201

1. Court shall be in continuous session throughout the year.
2. Prior to December of each year, the Court by order will fix the Court calendar for the upcoming year. A copy of this order shall be posted in the Prothonotary's office and mailed to all attorneys regularly practicing before the Court.

Civil Trial Scheduling

Rule 202

1. The Prothonotary shall keep a "Trial List" book in which shall be placed all civil cases that are to be tried both jury and non-jury trials.
2. Civil cases shall only be placed upon the trial list by praecipe or by order of Court. Any party who praecipes a matter for trial shall certify that:
 - a. The matter has been at issue more than twenty (20) days;
 - b. Discovery has been completed;
 - c. There are no pending pre-trial motions;
 - d. The matter is not subject to compulsory arbitration or has been appealed therefrom; and
 - e. Whether the matter is to be heard jury or non-jury.

MICHAEL WILLIAMSON
PRESIDENT JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURTHOUSE
LOCK HAVEN, PA 17745

The Prothonotary shall not honor any praecipe for trial that does not contain the above recitals. The praecipe shall be served by the moving party upon all other parties or their counsel of record.

3. Cases in which new trials have been granted shall be placed at the head of the trial list. All other cases shall be listed in the order in which praecipies are filed, subject to any preference given another case by statute or rule of Court.
4. At twelve o'clock noon on the last full working day of each month, the Prothonotary shall close the list of cases to be tried and immediately have printed a list showing the cases to be tried divided into two categories: (1) jury trials and (2) non-jury trials.
5. The trial list shall be posted in the Prothonotary's Office, and a copy thereof delivered to the President Judge, to all counsel of record appearing in cases on the list, and to all parties unrepresented by counsel whose case appears on the list.

**Counsel's Pre-Trial Conference (Civil Jury Trials)
Rule 203**

1. Within twenty (20) days of the posting of the civil jury trial list, plaintiff's counsel shall contact all other counsel to arrange for a pre-trial conference between counsel which shall be completed within forty-five (45) days of the posting of the aforesaid trial list. Counsel's conference shall be conducted at the Clinton County Courthouse unless all counsel agree to another location. Arrangements for the availability of a room at the Courthouse shall be made through the Court Administrator. The failure of plaintiff's counsel to comply with the schedule provided herein shall upon motion be grounds for a non pros.

MICHAEL WILLIAMSON
PRESIDENT JUDGE

COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
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2. At counsel's conference the following matters shall be accomplished:
- a. Counsel shall exchange lists of potential witnesses, their addresses, and a general statement of the proposed testimony of each witness. The lists shall indicate which witnesses will be called and which may be called. Only witnesses so listed will be permitted to testify at trial.
 - b. Counsel shall examine, number, and list all exhibits which they intend to introduce and use at trial, whether during the case in chief or in rebuttal. Exhibits shall be marked by using the labels then in use by the Court. Any party may use at trial any exhibit listed by any other party. Only exhibits so listed and numbered will be admitted into evidence at trial. Counsel shall make a good faith attempt to agree as to the authenticity and admissibility of exhibits which have been listed and marked. If such an agreement cannot be reached, the objecting party shall state in detail the reasons for an objection together with any authorities in support of that position.
 - c. Counsel shall agree upon a brief factual statement of the case to be read to the jury as a part of voir dire and submit proposed questions to be used by the Court or counsel in conducting voir dire.
 - d. Each party shall submit to the other parties, in writing, the principles upon which they intend to rely at trial. If the parties disagree as to the applicability of a particular legal principle, a statement shall be prepared indicating the nature of said disagreement and each party's respective position.

- e. Each party claiming damages shall submit to the party against whom the claim is asserted, an itemized list of special damages together with a list of the categories of general damages being sought and the estimated value of said general damages.
- f. Counsel shall explore in depth the prospects for settlement and if a settlement cannot be achieved be prepared to explain to the Court the areas of difference in arriving at a settlement.

**Report of Counsel's Pre-Trial Conference
Rule 204**

1. Within ten (10) days of the completion of counsel's conference, plaintiff's counsel shall prepare a report thereof and submit the same to the assigned Judge and counsel. To the extent the report requires information and rules of law pertaining to defendant's case, it shall be the responsibility of defendant's counsel to provide plaintiff's counsel with such data. The report shall contain the following:
 - a. A statement of the date and place where counsel's conference was held.
 - b. A list of all prospective witnesses and accompanying data as required by Clinton R.M.P. No. 203(2)(a).
 - c. A list of all exhibits which have been examined, numbered and listed in accordance with Clinton R.M.P. No. 203(2)(b). Each numbered exhibit shall be briefly but adequately identified on this list together with an indication as to whether the exhibit's admissibility is being contested. If an exhibit's

admissibility is in dispute the objecting party's statement of reasons for the objection shall be included.

- d. The agreed upon brief statement of facts to be read to the jury for voir dire purposes together with each party's proposed questions for voir dire.
- e. Plaintiff's statement of the legal principles being relied upon to support the case together with an indication as to whether those principles are in dispute as well as a statement of the legal principles being relied upon by all other parties.
- f. A statement of damages as required by Clinton R.M.P. No. 203(2)(e).
- g. Any stipulation of fact which the parties have agreed upon for use at trial including any waivers of specific claims or defenses.
- h. Concise trial briefs regarding the anticipated legal issues to be presented at trial. When any portion of a trial brief relies upon an unreported opinion, photocopies of that opinion shall be attached to the briefs.
- i. A concise statement, in narrative form, from each party as to the basic facts intended to be proven at trial.
- j. Proposed special verdict questions which any party anticipates submitting at the time of trial.

2. If any party disagrees with any representation made in plaintiff's report of counsel's conference, a written objection to said report shall be submitted to the assigned Judge within ten (10) days of the filing of plaintiff's report.

**Pre-Trial Conference
Rule 205**

1. If no objections are filed to the Report of Counsel's Pre-Trial Conference within the time limits prescribed by Clinton R.M.P. No. 204(2), the Court Administrator shall forthwith schedule the matter for a pre-trial conference between the assigned Judge and counsel. This conference shall be attended by counsel who are expected to try the case and who shall either be authorized to enter into a settlement agreement or who shall have in attendance, in person or readily available by telephone, such persons who are empowered to enter into a settlement agreement. The Judge and counsel shall discuss the report of counsel's conference, any possible simplification of the issues, the possible bifurcation of the trial, limitations on the number of expert witnesses, the prospects of settlement, and such other matters as may aid in the trial or disposition of the action.

2. If a party fails to cooperate in the conduct of the pre-trial proceedings mandated by Clinton R.M.P. Nos. 203, 204, and 205, including but not limited to, failure to attend any scheduled conference and/or the inadequate preparation of required documents, such failure shall be deemed to be grounds for the entry of a judgment of non pros or other appropriate default relief.

ARBITRATION AND AWARD

**Compulsory Submission
Rule 401**

All cases which are at issue where the amount in controversy is Fifty Thousand (\$50,000.00)

Dollars or less, except those involving title to real estate, shall first be submitted to and

heard by a Board of three members of the Bar of this Court, as provided by 42 Pa. C.S.A. 7361. Unless a party has demanded a jury trial, the President Judge may dispense with compulsory arbitration and order the matter tried as a non-jury trial. At such non-jury trial, the parties may proceed pursuant to Pa.R.C.P. 1305 with respect to evidentiary matters.

**Arbitrators
Rule 402**

1. All members of the Clinton County Bar shall constitute the Board of Arbitrators and all members shall act as arbitrators. No two members from the same firm or office, or related by blood or marriage, shall serve on the same board, unless this requirement is waived in writing by all parties in interest or their counsel.
2. The Prothonotary shall maintain, in alphabetical order, a list of all members of the Bar. Upon the filing of a praecipe for arbitration, the Prothonotary shall submit a list of five names to the plaintiff or the attorney for the plaintiff. In the event there are additional parties to the proceeding, the Prothonotary shall add an additional name for each additional party. This list shall be in the order in which the names appear on the Prothonotary's list, passing those who are disqualified to the next qualified. The plaintiff may strike one member from the list and forward the list to the defendant who may likewise strike one member. In the event of an additional party or parties, the defendant shall forward the list to that party who may likewise strike one member. When all parties have exercised the right to strike, the list shall be returned to the Prothonotary. In the event a party or parties do not exercise the right to strike, the first three remaining members shall constitute the Board and the first shall be the