

Compulsory Arbitration

RULE 1301 – SCOPE

1. **Types of Cases for Compulsory Arbitration**—All civil cases where the amount in controversy (exclusive of interest and costs) is Fifty Thousand (\$50,000.00) Dollars or less shall first be submitted to a Board of Arbitrators, except those cases involving title to real estate, equity cases, mandamus, quo warranto, and mortgage foreclosure, in accordance with 42 Pa.C.S. §7361.
2. **Amount in Controversy**—The amount in controversy shall be determined from the pleadings or by agreement of counsel.
3. **Cases on a Trial List**—The Court may of its own motion, or upon the motion of any party, strike from the trial list and certify for arbitration any case which should have been submitted for Compulsory Arbitration in the first instance.
4. **Timing of Arbitration**—No case shall be scheduled for arbitration until
 - a. the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; AND
 - b. unless counsel for the moving party certifies at the time of filing the Praeceptum for arbitration that:
 - i. All preliminary objections have been finally determined;
 - ii. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;
 - iii. The moving party and witnesses are available and ready to proceed to hearing.
5. **Form**—A case shall be listed for arbitration when a party files a Praeceptum for Arbitration on the form attached to this rule.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

NO: _____
**PRAECIPE FOR ARBITRATION
43 J.D.R.C.P. 1301**

VS.

TO THE PROTHONOTARY OF SAID COURT:

- Appoint arbitrators in the above case
- Amount in controversy is \$50,000 or less.
- The case has been at issue more than thirty days.
- Order of the Court.
- Judgment has been entered Sec Leg. Assessment of Damages only.
- Estimated time required for hearing is _____ hours.
- There is Companion Case No. _____.
- Other

The case is to be tried by and notices sent to:

Attorney(s) for Plaintiff (s) or Pro Se Plaintiff

Attorney(s) for Defendant(s) or Pro Se Defendant

Address

Address

Phone Number

Phone Number

Email

Email

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this Praecepte has been served on the following by the moving party.

Dated: _____

Attorney for the _____

RULE 1302—SELECTION, REPLACEMENT, AND COMPENSATION OF ARBITRATORS

1. **Arbitrators**—Attorneys admitted to the Monroe County Bar shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the Chairperson shall have been a member of the Bar of this Court admitted to the practice of law for a minimum of three (3) years. Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

2. **Replacement as an Arbitrator**—If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall request replacement on the form that follows by email to Arbitrations@monroepacourts.us a minimum of seven (7) days prior to the scheduled arbitration hearing, except where excused by the Court for good cause shown. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of her/his appointment by the Court Administrator, the attorney may be subject to sanctions.

3. **Notice of Appointment**—The Court Administrator shall email a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at her/his last known address by certified and regular mail. The address and if known, email address of any unrepresented party is to be furnished to the Court Administrator by the party filing the Praecipe for

arbitration.

4. **Arbitrator Compensation**—The amount of compensation for each member of the Board of Arbitrators, which shall be paid by the County, shall be established from time to time by the President Judge by Administrative Order. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon request by the Chairperson under subsection 8 of this Rule.

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

VS.

NO: _____

REQUEST FOR REPLACEMENT OF ARBITRATOR

Arbitration Date: _____

Chairperson:
(Include Firm) _____

Arbitration Panelists:
(Include Firm) _____

Reason for Request: _____

Substitute Panelist:
(Include Firm) _____

Signature

Date

Name

Firm

Email

Telephone

RULE 1303—CONTINUANCE OF ARBITRATION, NOTICE, FAILURE TO APPEAR

1. **Form of Application for Continuance**—The President Judge or her/his designee shall have the authority to grant continuances and all requests for continuances shall be by **motion** as set forth in Pa.R.C.P. 206.1(a), Pa. R.C.P. 208.2(d), and Monroe County Local Rule of Civil Procedure 208.2(d).
2. **Timing of Motion for Continuance**—All motions for continuance of an arbitration must be filed a minimum of seven (7) business days prior to the date of the hearing. Prior to filing a motion for continuance, the moving party shall confer with opposing counsel and all arbitration panelists on a date for the continued hearing. The moving party shall include any agreed-upon dates in their motion and attach certificates of concurrence.
3. **Notice**—Notice of the date, time and place of arbitration shall be provided to counsel for the parties via electronic mail or, if unrepresented, to the party directly via certified and regular mail by the Court Administrator, or her/his designee, and shall include the following provision pursuant to Pa. R.C.P. 1303(a)(2):

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

4. **Failure to Appear for Arbitration**— If a party fails to appear for the hearing, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

RULE 1304—CONDUCT OF HEARING, GENERALLY

- 1. Compliance with State Rules**—The arbitrators and parties shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306. When making an award pursuant to Pa.R.C.P. 1306, the arbitrators shall complete and sign the form provided by Court Administration as prescribed by Pa. R.C.P. 1312. The Chairperson shall send the completed form by email to Arbitrations@monroepacourts.us no more than three business (3) days following the arbitration.
- 2. Additional Day(s) of Hearing**—When more than one hearing becomes necessary, the Chairperson shall notify Court Administration on the form that follows by emailing same to Arbitrations@monroepacourts.us. The Chairperson must indicate on the form that all participants concur with the request for additional time and shall set forth a hearing date mutually agreed upon by counsel, the parties, and the arbitrators.

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

_____ NO: _____

VS.

REQUEST FOR ADDITIONAL HEARING DAY

Arbitration Date: _____

Chairperson: _____

Arbitration Panelists: _____

Counsel for Plaintiff: _____

Counsel for Defendant: _____

Reason for Request: _____

Agreed-Upon Date(s): _____

Signature

Date

Name

Firm

Email

Telephone

RULE 1315—DEFAULT JUDGMENT AND SETTLEMENT

- 1. Default Judgment**—If a default judgement is entered on a case that is scheduled for arbitration, the filing party must notify Court Administration simultaneously with the filing of the default judgement by email to Arbitrations@monroepacourts.us. Thereafter, a timestamped copy of the default judgement must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration.
- 2. Settlement**—If the parties to a case scheduled for arbitration reach a settlement, they must file a Joint Motion to Cancel the Arbitration and notify Court Administration simultaneously with the filing of the Joint Motion by email to Arbitrations@monroepacourts.us. Thereafter, a copy of the timestamped Joint Motion must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration. If no Praecipe to Discontinue/Settle and End has been filed with the Joint Motion, the Plaintiff will be ordered to file one within thirty (30) days.