

Business of Courts

RULE 201 – COURT SESSIONS

The Court shall annually promulgate the official judicial calendar for each calendar year. The court calendar shall list all regularly scheduled sessions of the Court to be held during the year and shall be made available to all attorneys practicing in this Court by the Court Administrator. All attorneys practicing in this Court shall be available at the times and dates set forth in the court calendar for all matters in which they are a participant, unless excused by the Court for good cause shown.

RULE 203 – ADMISSION TO THE BAR OF THIS COURT

1. The Prothonotary shall maintain a record of the dates of admission to the Bar of this Court of all members of this Bar, which record shall be conclusive as to the seniority of the members of this Bar.

2. Admissions to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show that the applicant (a) has been admitted to the Bar of the Supreme Court of Pennsylvania; (b) that he or she is a person of good moral character; (c) either that he or she is a bona fide resident of Monroe County or that he or she maintains an office for the practice of law in Monroe County.

3. Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this Court.

4. All members of the bar shall participate in the compulsory arbitration process as set forth in 43 J.D.R.C.P. 1302.

RULE 204 – COMMUNICATIONS WITH THE COURT

Ex parte communications with the Court are prohibited. Written correspondence on matters of substance, other than pleadings, is discouraged.

RULE 205A – FORM AND FILING OF DOCUMENTS

All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

a) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 ½ " x 11" in size.

b) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

c) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

d) All papers and other documents shall be securely affixed at the top.

e) A proposed order shall accompany all motions or other requests for relief.

f) No original documents shall be faxed to the prothonotary's office without prior leave of court.

RULE 205B – REMOVING PAPERS

a) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

b) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

c) The delivery provisions of this Rule do not apply to Judges, Judge's staff, Court Administrator and members of Court Administrator's staff.

RULE 206A MOTION PRACTICE

a) All Motions shall be in writing and shall be filed in the Office of the Prothonotary. The signing of a Motion by the attorney of record shall constitute a certification that he or she has read the Motion and that, to the best of their knowledge, information and belief there are good grounds to support it and that it is not interposed merely for delay.

b) All Motions shall state with particularity the grounds on which they are based and shall precisely state the relief which is being sought and shall cite any statute or procedural Rule authorizing the grant of such relief.

c) Except for Motions enumerated in subsection (e), all Motions shall contain a certification by counsel for the moving party that concurrence in the Motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the Motion. Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the Motion.

d) For cause shown, any moving party may request expedited disposition of any Motion filed with the Prothonotary. If expedited disposition is requested, a praecipe shall be filed with the Motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the Court Administrator shall promptly notify the moving party of the Judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the Judge and all other counsel interested in the subject of the Motion within three business days of the time the Motion is presented.

e) Motions authorized by Pa.R.C.P. 1028 (preliminary objections), 1034 (judgment on the pleadings), 1035.1 (summary judgment), 1509 (preliminary objections-equity) and 227 (post trial

relief) shall be filed with the Prothonotary. At the time of filing such Motions with the Prothonotary, the moving party shall also file a Praecipe to place the matter on the first Argument List occurring more than 30 days following the date of filing the Motion or Petition. Failure to comply with this provision may be sufficient basis for the Court to deny the Motion.

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

(Plaintiff's Name) : (NO. CIVIL)
: :
Plaintiff : :
: :
vs. : :
: :
(Defendant's name) : :
: :
Defendant : (SUBJECT)

P R A E C I P E

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached Motion is requested for the following reasons:

ATTORNEY FOR *(Plaintiff or Defendant)*

FOR COURT ADMINISTRATOR ACTION ONLY

_____ MOTION OR PETITION ASSIGNED TO JUDGE

_____ COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

RULE 206B PETITION AND RULE TO SHOW CAUSE PRACTICE

a) A petition and rule to show cause may be used to bring before the court any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the court for disposition.

b) A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

c) All petitions shall contain a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the petition.

d) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the Petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. The prothonotary shall deliver daily a petitions list with accompanying petitions to the court administrator to monitor and assign to a judge.

e) All petitions and answers thereto, shall comply with the provisions of Pa.R.C.P. 206.1 through 206.3.

f) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the prothonotary.

g) If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa.R.C.P. 440 setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

h) Failure to comply with any provision of this rule may constitute sufficient grounds for the court to dismiss the petition and/or deny any requested relief.

RULE 207 – PRAECIPE FOR ARGUMENT

All praecipes for argument shall be listed on the first argument date occurring more than thirty days following the filing of the motion, petition or exceptions to the recommendation of the master.

Praecipes requesting the scheduling of argument outside the parameters of this rule are prohibited.

RULE 210 - BRIEFS

a) Form. Each brief shall be typewritten, printed or otherwise duplicated, endorsed with the name of the case, the Court, the term and number, and the name, address and telephone number of the attorney.

b) Content. The brief shall include a statement of the facts, a statement of the question involved, and the argument.

1. The *statement of the facts* shall, depending upon the nature of the case, consist of an abstract of the testimony or of the pleadings or both, and shall include a procedural history of the case showing how the issue is made up and how the case arises before the Court.

2. The *statement of questions* involved must be so drawn that the Court may quickly determine all the legal questions to be decided.

3. The *argument* shall be divided into as many parts as there are questions involved. Citations of authority shall be accurately designated, shall set forth the volume and page number where they appear, and shall set forth the exact citation of the principles for which they are cited. Whenever a Pennsylvania statute is cited, the pertinent title and section number of Purdon's Statutes shall also accompany said citation.

4. Whenever testimony is abstracted or referred to, it must contain reference to the pages of the transcript where the supporting evidence may be found.

c) Filing. Fifteen (15) days before the date set for argument, the moving party shall deliver a copy of his brief to the adverse party and file a copy with the Prothonotary. The respondent shall

deliver his brief to the moving party and file a copy with the Prothonotary five (5) days before the date for argument. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

d) In all other proceedings scheduled for hearing before the Court, all counsel shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Rules or by Order of Court.

e) Penalty for Noncompliance. Failure to substantially comply with any requirement of this rule shall constitute a default for which the cause may be continued or stricken off the list or the application of the parties in default refused, as the Court may deem just and proper.

f) Informal Letter Briefs. Notwithstanding this Rule, the Court may in any case allow counsel to file an informal letter brief.

RULE 211 – ORAL ARGUMENT

- a) Nature of Case. The Prothonotary shall prepare an argument list consisting of all cases ordered thereon either by the Court or by praecipe filed in accordance with the court calendar. The attorney who praecipes the case for argument shall give notice thereof upon filing to the opposing party or pro se litigant.
- b) Oral Argument. Cases on the argument list must be submitted upon oral arguments and briefs unless the Court agrees to consider the case on briefs without argument. The Court encourages submission on briefs with respect to matters not raising substantial or novel issues.
- c) Notice. A copy of the praecipe and notice of argument date shall be forwarded by the moving party to opposing counsel or pro se litigant
- d) Form of Praecipe. The following form shall be used in accordance with this Rule.

COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff

No. _____

Vs

Defendant

TO: PROTHONOTARY, MONROE COUNTY

PRAECIPE FOR ARGUMENT

Place the above captioned case on the Argument List for the _____ day of _____
2000.

Issue (s) to be argued: _____

Rules 43 J.D.R.C.P. 206 (E), 207, 210 and 211 are applicable.

Signature of Moving Party

Printed Signature

Address of Moving Party

Telephone Number

A copy of this praecipe has been provided
to the following by the moving party.

Name:

Address:

RULE 212 – PRETRIAL PROCEDURE

1. No case shall be entered on the Civil Trial List until (1) the expiration of 90 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 (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

a) All preliminary objections have been finally determined;

b) Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay trial;

c) The moving party and witnesses are available and ready to proceed to trial;

d) Counsel has given 15 days written notice of their intention to list the case for trial to all other parties and shall provide and file an affidavit that the notice provisions of this section have been complied with.

2. A case shall be listed for civil trial by filing a praecipe in the form attached to this rule.

3. If opposing counsel has no objection, they need do nothing. Alternatively, if opposing counsel objects to the listing, the objecting party shall file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for listing, along with a praecipe for argument. All of the foregoing shall be served on opposing counsel.

4. Forty-five days prior to the first day of each Civil Trial Term as scheduled on the Court Calendar, the Prothonotary shall place upon the Civil Trial List all the cases for which praecipes have been filed, without successful objection thereto, in accordance with the foregoing provisions. The list shall be kept in the Prothonotary's Office for the inspection of all concerned and shall be sufficient notice of trial to the parties concerned in all cases contained therein. Said list shall be

printed, together with the jurors for the term and copies thereof furnished, without charge, to all members of the bar who have entered appearances in the cases set forth on said list. Said list shall also be published in the Monroe County Legal Reporter and the Monroe County Bar Association and web site.

5. The assigned judge shall notify all counsel of the date and place of the pretrial conference and said information shall be listed on the Monroe County Bar Association web site. At least five (5) days prior to the pretrial conference with the Court, all counsel who desire to participate in the pretrial conference with the Court shall confer in person, and not by telephone, and shall provide to each other all of the information required to be set forth in the pretrial memorandum hereinafter described. Counsel who placed the case on the trial list shall be responsible for arranging conference of counsel.

6. In any case requiring Court Approval of Settlement, a copy of any Contingent Fee Agreement in any case scheduled for a pretrial conference shall be made available for inspection by the Judge conducting the pretrial conference.

7. Only counsel who attend the conference of counsel and the pretrial conference with the Court shall be permitted to conduct trial before the Court.

8. At least 24 hours prior to the pretrial conference with the Court, counsel for each party shall provide the Judge conducting the pretrial conference with a written pretrial memorandum which shall include, inter alia, the following:

- a) Trial list number, name of client, name and phone number of attorney who will try the case;

- b) In jury cases, the demand and offer of settlement which shall be binding upon the parties for purposes of Rule 238(e) of the Pennsylvania Rules of Civil Procedure; the name and coverage limits of any insurance carrier;
- c) A statement of all legal or evidentiary issues anticipated at trial and citation to legal authorities relied upon by counsel in respect thereto;
- d) The names and addresses of all witnesses to be called at trial with a notation of their purpose, e.g. liability, damages, etc.;
- e) A list of all exhibits to be used at trial. A statement certified by counsel that all exhibits were furnished to all opposing counsel at the counsel conference and the admissibility of which exhibits will be contested at trial;
- f) A list of all special damage claimed by any party seeking recovery;
- g) The estimated length of trial time necessary for counsel to present his or her evidence.

9. At trial, the parties will be limited to those witnesses, exhibits and documents disclosed in the pretrial memorandum, unless opposing counsel waives such restrictions or the Court finds such limitation to be unjust. If a party has indicated that he or she will call a specific witness, they will be expected to produce that witness at trial unless they have given opposing counsel at least three days written notice prior to trial that they do not intend to call such witness.

10. Any party may request a status or settlement conference with the Court by filing an appropriate motion.

(Please note: The following form was not published in the Pennsylvania Bulletin. It is a form that is currently in use.)

COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

No. _____
PRAECIPE FOR CIVIL TRIAL LIST
43 J.D.R.C.P. 212

vs.

Companion File No. _____

TYPE OF TRIAL REQUESTED: Jury _____ Non-Jury _____

ESTIMATED TIME: Days _____ Hours _____

This case is to be tried 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

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 trial; that the moving party and witnesses are available and ready to proceed; that I have given 15 days written notice of my intention to list the case for trial to all other parties and that I have filed an affidavit that all notice provisions of 43 J.D.R.C.P. 212 have been complied with.

I CERTIFY that I am not attached for trial in any other jurisdiction and will be available for the above praeciped session of court.

I CERTIFY that a copy of the praecipe has
Been provided to the following by the moving party,
Name: _____

Address: _____

Dated: _____ 20 _____

Attorney for the

RULE 213 - EQUITY PRETRIAL PROCEDURE

1. Equity cases shall not be listed on civil trial lists.
2. Equity cases may be listed for trial by any party by filing a motion requesting listing for equity trial.
3. The motion for equity trial shall include all matters required for jury trial listing by Rule 212(1)(a) through (d).
4. Objection procedures shall be the same specified by 212.
5. The Court may schedule a pretrial conference in which case the parties shall comply with the requirements of Rule 212(5), (7), and (8).

RULE 217 - COSTS

1. Costs shall follow the verdict or decree, unless the Court orders otherwise.
2. Taxation of costs. A party entitled to costs shall file a bill of costs, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. If no objections to the bill of costs are filed by any party within ten (10) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.
3. An appeal taken to the Court from the Prothonotary's taxation of a bill of costs must be filed within 30 (thirty) days from the date of the filing of the Prothonotary's taxation.
4. The Court, upon motion of any party, or on its own motion, may tax as costs the following:
 - (a) Jury costs, including mileage and per diem, if the Court finds that any party or lawyer in any case before the Court has acted in bad faith or has failed to exercise reasonable diligence in the settlement of such case at the earliest practicable time.
 - (b) Reasonable counsel fees as a sanction for dilatory, obdurate or vexatious conduct, if the Court finds a party or lawyer has so acted.
 - (c) Costs contemplated by Pa.R.C.P. 217.

RULE 223 – CONDUCT OF THE TRIAL

a) Time. The time to be occupied in examining a witness and addressing the jury may be regulated by the trial judge.

b) Number of Attorneys. The trial judge may limit the number of attorneys representing the same party or the same group of parties who may actively participate in the trial of the case or may examine or cross-examine a witness or witnesses, and also the number of witnesses whose testimony is similar or cumulative.

RULE 225 – OPENING ADDRESSES AND CLOSING ARGUMENTS

1. The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principals:

- a) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.
- b) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the supportive evidence intended to be introduced.
- c) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.
- d) Counsel for defendant or any third party defendant may elect to make the opening address prior to the presentation of evidence by the defense, unless the trial judge in a particular case requires such opening address by the defense counsel to be made at a particular time.
- e) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

RULE 226 – POINTS FOR CHARGE

Points for charge shall be provided to the Court as early as practicable and may be supplemented prior to closing arguments of counsel. For each requested point for charge, counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings may be requested.

RULE 227.1 – POST-TRIAL RELIEF

a) A copy of any Motions for Post-Trial Relief shall be delivered to the trial judge, the official court reporter and the adverse party within twenty-four (24) hours after filing them with the Prothonotary. Counsel shall assign specific reasons for each motion and shall state whether a partial or full transcript of the testimony is required and set forth the reason therefor. Upon receipt of the post-trial motions the trial judge may determine what portions of the testimony shall be transcribed.

b) In motions requesting a new trial, particular reasons shall be assigned; general reasons will not be considered. Reasons relating to rulings on evidence shall be separately designated.

**RULE 236 – NOTICE BY PROTHONOTARY OF ENTRY OF ORDER,
DECREE OF JUDGMENT**

When filing any order, decree or judgment, a party shall list on the document the name and address of each attorney of record and each unrepresented party.

RULE 250C – COSTS OF TRANSCRIPT/DEPOSITS OF FEE FOR TRANSCRIPT

Transcripts ordered by a party or required by any general rule to be filed by any party shall be paid for by the party at the usual and customary rate established by the Court. The Court may require a deposit for a transcript, which deposit shall be made directly to the reporter.

No transcript shall be furnished to a party until expenses of transcription are paid.

Any reproduction of an official transcript without prior court approval is prohibited.

RULE 250D – BANKRUPTCY – NOTICE OF STAY

Whenever a party in a pending civil action files a federal bankruptcy proceeding entitling the party to an automatic stay, said party shall file written notice thereof in the office of the Prothonotary. The notice shall contain the caption and number of the pending action and include a photocopy of the face sheet of the bankruptcy petition certified by the Clerk of the Bankruptcy Court showing the filing number and date. The moving party shall provide a copy of said notice to all parties and the assigned judge.

Upon termination of the stay, any party may move to reactivate the pending proceeding.

Failure to give notice as required by this rule may result in the imposition of sanctions, including costs.

RULE 400.1 – SERVICE OF ORIGINAL PROCESS

Original process shall be served within the Commonwealth:

- a) by the sheriff or a competent adult in actions in equity, partition, prevent waste and declaratory judgment when declaratory relief is the only relief sought; and
- b) by the sheriff in all other actions.

RULE 430 – NOTICES AND SERVICES BY PUBLICATION

(a) Form. All notices shall be in writing.

(b) Legal Periodical. The Monroe County Legal Reporter shall be the legal periodical for the publication of all notices.

(c) Notice Where Manner Not Otherwise Prescribed. Whenever notice is required to be given and the manner thereof is not prescribed by statute or rule of Court, the notice shall be published once in one newspaper of general circulation published in the county, and once in the Monroe County Legal Reporter immediately preceding the event.

(d) Prior to requesting service pursuant to this rule, the moving party must demonstrate compliance with Pa.R.C.P. 430.

RULE 500 – DISPOSITION OF EVIDENCE

Within thirty (45) days from the date that an action is finally concluded, each party which has introduced evidence during a hearing at the trial of a matter shall recover their trial exhibits from the court reporter.

If a party has not recovered an exhibit or exhibits offered at trial within sixty (60) days from the date the action is finally concluded, the court reporter shall notify counsel for the parties, or the parties themselves if they do not have counsel, in writing by U.S. first class mail at their addresses of record, that the exhibits will be destroyed thirty (30) days thereafter.

If the exhibits are not retrieved during that time period, the court reporter shall destroy or otherwise dispose of the exhibits.