

ARBITRATION

RULE NCV-1301 CASES FOR SUBMISSION

- (a) Compulsory arbitration as authorized by Section 7361 of the Judicial Code, 42 Pa. C.S. Section 7361, shall apply to all civil cases for monetary relief (except those which also require equitable, declaratory or other relief) at issue where the amount in controversy shall be Fifty Thousand (\$50,000.00) Dollars or less.
- (b) A civil action will be referred to arbitration (if the request for relief is in the jurisdictional limits for compulsory arbitration) upon the filing with the Prothonotary of a praecipe for arbitration signed by either party or its counsel, or by order of court.
- (c) Matters not in litigation may be referred to a Board of Arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the Prothonotary. Said agreement shall define the issue involved for determination by the Board and, when agreeable, shall also contain stipulations with respect to the facts submitted or agreed upon or defenses waived. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

[RULE NCV-1301.1 AGREEMENT OF REFERENCE] [Abrogated]

RULE NCV-1302 LIST OF ARBITRATORS and APPOINTMENT OF BOARD

- (a) A list of available arbitrators shall be prepared annually by the Court Administrator, consisting of members of the bar actively engaged in the practice of law in the 8th Judicial District and who have not notified the Court Administrator in writing of his or her desire not to participate as an arbitrator.
- (b) The Court Administrator shall appoint from said list three members to each Board of Arbitrators, at least one of whom shall have been admitted to the practice of law before the Supreme Court of Pennsylvania for more than five years prior to his or her appointment.
- (c) Each Board shall be chaired by the member senior in years admitted to the practice of law in the 8th Judicial District.
- (d) Not more than one member or associate of any firm or association of attorneys shall be appointed to the same Board.
- (e) A member of a Board who will be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator. Any request for recusal of an appointed Board member shall be submitted to the Office of the Court Administrator within seven days of the appointment of the arbitrator setting forth specifically the reason the Board member should not act as an arbitrator. The Court Administrator shall immediately contact that member of the Board with regard to the request for recusal, and the Board member shall advise the Court Administrator as to whether or not voluntary withdrawal as an arbitrator will take place. In the event that the arbitrator does not voluntarily withdraw, the request for recusal shall be transmitted to the Court for appropriate action.
- (f) Members of the Board of Arbitration will generally be assigned to a panel for a period of one-half (1/2) day. The chairperson and each associate member of the panel shall receive the payment rate established by the President Judge. Fees to arbitrators shall not be taxed as costs nor follow the award as other costs.
- (g) Each arbitrator shall take an oath of office in conformity with Section 3151 of the Judicial Code.

[RULE NCV-1302.1 HEARING, SELECTION OF ARBITRATORS] [Abrogated]

RULE NCV-1303 HEARING, NOTICE AND CONTINUANCES

- (a) The scheduled date for arbitration shall be set forth on the annual court calendar as compiled by the Court Administrator, as well as such other dates as may be ordered by the President Judge as caseloads warrant. The Court Administrator shall designate the place, time, and specific date for hearings, and give at least 30 days written notice thereof to the arbitrators, the parties, or their attorneys of record. The Notice shall include the following language:
“The 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 trial de novo on appeal from a decision entered by a judge.”
- (b) When a case is at issue, the case may be ordered upon the next available arbitration list by filing with the Prothonotary an arbitration certificate of readiness on or before 45 days preceding the next arbitration schedule. The Prothonotary shall promptly forward the certificate to the Court Administrator. The certificate shall be on forms provided by the Prothonotary or Court Administration and shall contain the following:
1. the caption of the case;
 2. name, address and phone number of trial counsel for all parties;
 3. certification that all outstanding motions are resolved;
 4. certification that discovery has been completed and disclosure made to the other parties of any and all reports to be utilized at the arbitration hearing; and
 5. a complete list of all witnesses who are to be called at the time of the arbitration hearing and an estimate of the time that will required to present that parties portion of the case.
- (c) Within 10 days of the notice of the arbitration hearing, any opposing party or opposing counsel shall submit a written report to the Court Administrator listing the names of their witnesses who will be used at the hearing and an estimate of the time required to present their case.

ONLY THOSE WITNESSES LISTED BY THE PARTIES, AND REPORTED AS REQUIRED IN THE RULE, WILL BE PERMITTED TO TESTIFY AT THE ARBITRATION HEARING, UNLESS THE BOARD ALLOWS OTHERWISE.

ANY PARTY THAT DOES NOT TIMELY PROVIDE THE ESTIMATE OF THE TIME REQUIRED TO PRESENT THEIR CASE MAY, IN THE DISCRETION OF THE BOARD OF ARBITRATION, BE LIMITED IN TIME TO PRESENT THEIR CASE.

RULE NCV-1304 CONDUCT OF HEARING

Where all parties are present, the chairman of the board of arbitration shall be responsible for the conduct of the hearing. Arbitrators shall exercise reasonable restraint in the questioning of witnesses.

RULE NCV-1304.1 CONTINUANCES

- (a) Arbitrators may not grant continuances. Applications for continuances of any scheduled arbitration hearing shall be on the Application for Continuance Form available from the Court Administrator's Office. The Application for Continuance shall be submitted to the Court Administrator at least twenty (20) days before such hearing and after written notice of such application has been provided to the opposing counsel. The application shall indicate the number of continuances previously requested and whether or not the continuance is opposed.
- (b) The Court Administrator shall promptly grant or deny the continuance request and file with Prothonotary.
- (c) Whenever any case has been continued twice after assignment of a board of arbitration, the case shall be certified by the Court Administrator to the President Judge or his designee, to rule upon the request for continuance. In the interest of expediting disposition of the case the judge may order a conference or enter an appropriate order including but not limited to an order for non pros or an order directing the board to proceed with hearing whether or not the defendant appears and defends.
- (d) Continuances within 20 days of an arbitration hearing shall not be granted without approval of the President Judge or his designee and only upon exigent circumstances. In the event of an emergency continuance, the Court may assess actual expenses against the moving party or counsel which may have been incurred by the opposing party. The actual costs, which may include added arbitration fees, actual work loss, travel expenses, expert fees, etc., shall be certified to the Court by the party incurring such fees for appropriate consideration. Added arbitration fees may likewise be assessed where a late continuance results in the need for additional payment to a Board of Arbitration.

RULE NCV-1305 EVIDENCE

The chairman shall make preliminary rulings on objections and evidentiary matters, which shall be binding unless overridden by a majority of the board of arbitration.

RULE NCV-1306 AWARD, DAMAGES FOR DELAY

- (a) Arbitrators shall not consider the subject of damages for delay until an award has been made on the merits of the case, including the determination of the amount of damages, if any to be awarded.
- (b) After the determination and announcement of the award on the merits and damages, the arbitrators shall make a determination as to any delay damages by:
 - 1) Accepting a stipulation from the parties which contains the following:
 - a) whether an offer was made in writing;
 - b) the amount of the offer;
 - c) the date of the offer, or
 - 2) If no stipulation is reached, the panel shall take evidence regarding damages for delay from counsel following the original deliberation and announcement of the award.

- (c) The arbitrators shall separately enumerate the delay damages as to each party on the appropriate form, and then add this amount to the principal sum awarded in order to reach a total amount of award. Only the total amount shall be shown on the Report and Award but the computation form must be appended to the Report and Award when filed.

RULE NCV-1308 APPEAL COMPENSATION.

In filing an appeal, the appellant shall make payment to the Prothonotary for compensation of the arbitrators. The compensation assessed by the Prothonotary of Northumberland County shall be the arbitration compensation amount paid for that proceeding.

[RULE NCV-1315 COMPENSATION FOR ARBITRATORS] [Abrogated]