

LOCAL RULES OF CIVIL PROCEDURE – VENANGO COUNTY

Rule 1301. Arbitration.

- A. All cases at issue where the amount in controversy shall be fifty thousand dollars (\$50,000.00) or less, except those involving the title to real estate, shall be submitted to and be heard by a board of three members of the Bar of this county for consideration and award. Cases involving more than fifty thousand dollars (\$50,000.00) may be heard by a board upon agreement of counsel for the litigants filed in the case. Cases which are not at issue and whether or not suit has been filed in which the amount shall be fifty thousand dollars (\$50,000.00) or less may be referred to the Board of Arbitrators by Agreement of Reference signed by counsel representing the litigants, which said Agreement of Reference shall define the issues involved for determination by the Board of Arbitrators, and, when satisfactory to the parties, shall also contain stipulations with respect to facts submitted or agreed or defenses waived. In such cases the Agreement of Reference shall take the place of pleadings and shall be filed of record.
- B. The fee of the arbitrators shall be such sum as is fixed by the court from time to time and shall be paid by the County of Venango upon the filing of the report and award, if any, upon certificate issued by the Prothonotary. The fees of members of the Board shall not be taxed as costs nor follow the award with other costs.
- C. Arbitrators shall be appointed from the list of active, resident, practicing members of the Bar of the County. An attorney may be excused from performing such services at the discretion of the court. Upon praecipe, the Board shall be appointed by the prothonotary from said list and the first member named shall be chairman.
- D. No attorney shall be appointed an arbitrator in an action which he, or any member of a firm or association of which he is a member, has an interest or represents any party. It shall be the duty of any attorney having knowledge of such interest or representation to inform the prothonotary thereof.

E. The Board of three members shall be appointed within ten (10) days after a case is at issue, or after filing of the Agreement of Reference upon praecipe filed by counsel for either party, with notice to the opposing counsel. Where no appearance has been entered in trespass actions the Board shall be appointed on praecipe of plaintiff's counsel to hear the case and pass upon the questions of damages. The Chairman shall give notice to the parties or their counsel of the time and place fixed for hearing. The Board shall render its decision and make report within twenty (20) days after final hearing.

F. Either party may appeal, as of course, from the decision, award or report of the Board to the Court of Common pleas not later than twenty (20) days after the filing thereof under the following conditions:

- (1) Repayment to the County of the arbitrators' fees which shall not be taxed as costs or be recoverable; provided, however, that in no case shall the appellant be required to repay to the county more than fifty percent (50%) of the amount in controversy.
- (2) By filing of an affidavit by the appellant or his attorney that the appeal is not for the purpose of delay but because he verily believes that an injustice has been done.
- (3) Payment of all costs that may have accrued in the action.
- (4) The filing of a recognizance in double the probable amount of costs likely to accrue with one or more sureties, conditioned for the payment of all costs that shall accrue in consequence of said appeal. The costs paid by the appellant, except the arbitrators' fees, may be taxed in appellant's bill and recovered from the adverse party if in the event of the suit the appellant is entitled to recover costs.

The appeal shall be heard de novo.

G. After hearing the arbitrators shall file a report of their findings with the Prothonotary. A majority of the Board of Arbitrators shall sign the report or award in order that the same may be binding of the litigants.

- H. Upon filing the award or report the Prothonotary shall forthwith enter the same as a judgment of record in the proper dockets in favor of the party prevailing before the Board of Arbitrators and shall within three (3) days thereafter advise the parties or their counsel in writing of such filing.
- I. Upon filing the report or award, if any, the prothonotary shall certify to the County Commissioners that the report or award, if any, has been filed together with the names of the Board of Arbitrators serving on the case with the fees to which each member is entitled and thereupon the County shall pay such fees.
- J. The members of the Board of Arbitration shall be sworn by the prothonotary before entering upon their duties.
- K. After a case is at issue, or after the filing of the Agreement of Reference, upon praecipe filed by counsel for either party, together with written certification thereon of notice to opposing counsel or opposing litigant, the prothonotary shall notify the arbitrators in writing within ten (10) days thereafter that the case is at issue or that an Agreement of Reference has been filed.
- L. The following fees shall be paid by the County of Venango to attorneys serving on Boards of Arbitration:

In Arbitration proceedings requiring up to five (5) hours of testimony and deliberation:

Chairperson: \$250.00

Other Members: \$200.00

In Arbitration proceedings requiring more than five (5) hours of testimony and deliberation:

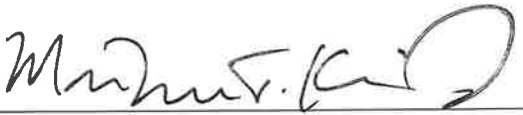
Chairperson: \$350.00

Other Members: \$300.00

In Arbitration proceedings where the matter is resolved prior to an Arbitration hearing that was scheduled by the Chairperson and notices were provided by the Chairperson to counsel of record and other Board members:

Chairperson: \$75.00

BY THE COURT,

A handwritten signature in black ink, appearing to read "Matthew T. Kirtland", written over a horizontal line.

MATTHEW T. KIRTLAND, President Judge

Pennsylvania Bulletin. This Order shall be continuously available for public inspection and copying in the office of the Prothonotary/Clerk of Courts.

BY THE COURT,



MATTHEW T. KIRTLAND, President Judge