

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA
COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**PRESIDENT JUDGE GENERAL COURT REGULATION
No. 2000-01**

In re: Amendment of Phila.R.Civ.P.No. 212.2, 1012, 1028, and 4007.1

AND NOW, this 3rd of March, 2000, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held February 17, 2000 to amend Phila.R.Civ.P.No. 212.2, 1012, 1028 and 4007.1 IT IS HEREBY ORDERED and DECREED that Phila.R.Civ.P.No. 212.2, 1012, 1028 and 4007.1 are amended as attached hereto.

This General Court Regulation is promulgated in accordance with Pa.Civ.P.No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

/s/ Alex Bonavitacola
**ALEX BONAVIDACOLA
PRESIDENT JUDGE
COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY**

Philadelphia Court of Common Pleas

Philadelphia Rules of Civil Procedure

Rule *212.2 Sanctions for Failure to Settle.

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(I) In the event the Trial Judge determines that sanctions shall be ordered against the party who refused to settle, he or she may order the party to pay to the *[County of Philadelphia] Court* all or part of the reasonable costs incurred as a result of the party's refusal to settle, which costs shall be in accordance with the following itemization, which itemization shall be **administratively** updated each year by the Court staff. **The updated itemization shall become effective no sooner than thirty (30) days after publication in the *Pennsylvania Bulletin*.**

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Bracketed, bold, italicized text is deleted. Bold text is added.

*See current **Itemization of Costs**, attached hereto.*

Adopted by Board of Judges on February 17, 2000; effective thirty days after publication in the Pennsylvania Bulletin.

ITEMIZATION OF COSTS

COST CATEGORIES	CURRENT ANNUAL COST AS OF 3/15/00	DAILY RATE @ 262 DAYS
JUDGE'S SALARY (1)	\$113,789	\$434
COURT PERSONNEL		
TIPSTAFF 1 - JUDICIAL (2)	\$33,216	\$127
JUDICIAL SECRETARY 1 (2)	\$33,216	\$127
LAW CLERK 1 (2)	\$34,768	\$133
SR. COURT REPORTER	\$49,272	\$188
JURY SELECTION STAFF (3)		\$388
TOTAL DIRECT SALARY COSTS		\$1,397
FRINGE BENEFITS @ 33%		\$461
TOTAL PERSONNEL COSTS		\$1,858
ADMINISTRATIVE OVERHEAD - JURY SELECTION (4)		\$120
JUROR FEES - 8 JURORS @ \$9 PER DAY (Applies for first three days of trial)		\$72
TOTAL BASE COST		\$2,050
ADDITIONAL COSTS		
CITY HALL COURTROOMS	Add per day of trial (5)	\$17
FOR CASES TRIED IN COURTROOMS A-E, COMPLEX LITIGATION CENTER, ADD PER DAY OF TRIAL (5)		\$147
FOR CASES TRIED IN COURTROOMS F-N, COMPLEX LITIGATION CENTER, ADD PER DAY OF TRIAL (5)		\$125
FOR EACH ADDITIONAL JUROR OVER 8, ADD \$9.00 FOR FIRST THREE DAYS OF TRIAL		-
FOR EACH DAY OF TRIAL IN EXCESS OF 3 DAYS, ADD \$25 PER JUROR		-

Footnotes:

- 1) PA Supreme Court No. 216 Judicial Administration Docket No. 1. Order entered December 13, 1999.
- 2) Step 4 - Based on Pay Scale effective March 15, 2000.
- 3) Based on proportion of civil jury trials to all jury trials and applied to total Class 100 expenses for Jury Selection Department.
- 4) Based on all Class 100, 200, 300 and 400 expenditures for Jury Selection Department and applied proportionately to Civil Jury Trials.
- 5) Based on providing custodial services to average courtroom of 2,000 sq. ft.
- 6) Based on leasing cost per square foot.

Rule 1012 Entry and Withdrawal of Appearance

(a) Entry of Appearance. In order to prevent delay of the litigation, an attorney who enters an appearance for a party shall be deemed to be available and ready to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of counsel of any party.

(b) Simultaneous Withdrawal and Entry of Appearance. In order to prevent delay of the litigation, an attorney who enters an appearance for a party simultaneously with the withdrawal of appearance of prior counsel in an action shall be deemed to be available to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of new counsel of any party.

(c) Petition to Withdraw. Leave of Court, obtained through the filing Petition to Withdraw Appearance, is required if another attorney is not entering an appearance simultaneously with the withdrawal of current counsel. The Petition shall set forth with specificity the reasons the attorney seeks to withdraw. The attorney seeking to withdraw must attach to the Petition to Withdraw a certification setting forth the following:

- (1) that there is no outstanding motion to compel discovery, or for sanctions for failure to provide discovery; and
- (2) that the attorney has met every deadline date set forth in the pertinent Case Management Order, if applicable.

Note

Pennsylvania Rule of Civil Procedure No. 1012 authorizes the entry, or change, of attorneys on behalf of a party provided that the change of attorneys does not delay any stage of the litigation. Consistently with this Rule, the Board of Judges has determined that entry of new counsel in an action shall not delay the litigation. Thus, attorneys are placed on notice that by entering an appearance, they will be deemed to be ready to proceed to trial as scheduled. The mere fact of the entry of appearance shall not be sufficient cause to postpone the previously scheduled hearing or trial. Similarly, an attorney who seeks leave of court to withdraw must establish compliance with applicable deadlines and rules.

Adopted by Board of Judges on February 17, 2000; effective thirty days after publication in the Pennsylvania Bulletin.

Rule *1028 Preliminary Objections

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(C) (1) An answer to preliminary objections (as opposed to a responsive filing with the Motion Court under Philadelphia Civil Rule *206.1) is required only to preliminary objections *[in the nature of a petition under Pa.R.C.P. 1017(b)(1) or (b)(5)]* **raising an issue under Pa.R.C.P. 1028 (a) (1), (5), and (6) provided a notice to plead is attached to the preliminary objections.** An answer *[shall]* **need** not be filed to preliminary objections *[in the nature of a demurrer or a motion under Pa.R.C.P. 1017(b)(2), (b)(3) or (b)(4)]* **raising an issue under Pa.R.C.P. 1028 (a) (2), (3), and (4).**

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Bracketed, underlined, italicized text is deleted. Bold text is added.

Adopted by Board of Judges on February 17, 2000; effective thirty days after publication in the Pennsylvania Bulletin.

Rule 4007.1 *Problems Arising At Depositions*

In the event a problem arises during the course of a deposition, counsel shall raise and summarize the disputed issue on the record at the deposition. Brief arguments may be placed on the record, and should consist of the reason for the dispute, an answer, and a brief rebuttal. Counsel may present the disputed issue for disposition to the team leader in Discovery Court; provided, however, if a firm trial or hearing date has been assigned, the issue may be presented in a motion in limine.

Adopted by Board of Judges on February 17, 2000; effective thirty days after publication in the Pennsylvania Bulletin. Prior rule rescinded in its entirety and the current rule was adopted in its place.