

Status of Local Civil Rules
With
CHANGES ADOPTED BY THE
BOARD OF JUDGES ON 5/18/2000

Rule *

51(D)	Amended	
(E)	Amended	
(F)	Amended	
76		No Change
105		No Change
201(C)	Amended	
205.2		No Change
206.1	Amended	
206.2	Amended	
206.3		Rescinded
209		Rescinded
212.1(A)	Amended	
212.1(B)		Rescinded
212.2	(Previously Amended - February 2000)	
212.3		No Change
212.4		Rescinded
215	Amended	

RULE *51

X X X X

(D) Publication. Local Rules of Court, General Court Regulations and Administrative Regulations which govern or effect procedures to be followed by the Bar shall be given rule numbers at the time of their promulgation. Each Bulletin which governs or affects such procedures shall either (a) be given a rule number, in which event it will remain in effect until rescinded, (b) specify a period of time not longer than sixty days during which it will remain in effect or (c) be published in the Legal Intelligencer at least once every sixty days, or automatically cease to remain in effect. All rules shall be made available by the Office of the President Judge for publication and distribution. Publication and distribution of new numbered rules shall occur as soon as practicable following adoption of those rules by the Board of Judges. Rules concerning wholly internal procedures need not be numbered or published. A complete copy of all currently effective Philadelphia Civil Rules shall be maintained and made available for public inspection at the Office of the Civil Administration.

(E) Cataloguing, distribution and maintenance of files of all local rules, administrative and general court regulations and all procedural orders and directives are the responsibility of the Office of the President Judge.

(F) Effective Date. All numbered rules shall become effective on the date specified in the new rule, following publication in the Legal Intelligencer.

Former Rule 1; originally General Court Regulation 71-1, July 8, 1971; Bulletin 72-159, July 6, 1972; further amended November 20, 1986, effective February 1, 1987.

RULE *201 -- Stipulations

X X X X

(C) Stipulations requiring Court approval in cases not assigned to the Non Jury Program, the Arbitration Program or the Arbitration Appeal Program shall be presented for approval to the Judicial Team Leader for that Program to which the case has been assigned. Stipulations requiring Court approval in the Non Jury, Arbitration or the Arbitration Appeal Programs shall be presented for approval to the Motion Court Judge. All Stipulations requiring Court approval shall be filed with the Prothonotary (Second Filing Unit), and it will be the responsibility of that Unit to forward the Stipulation to the appropriate Judge for approval. All such Stipulations shall be accompanied by stamped addressed 9½ x 4½ size envelopes for each attorney of record and unrepresented party.

RULE *206.1 -- Motion Procedure.

(A) Applicability. This rule governs the filing of all motions, petitions and preliminary objections except the following:

(1) Requests for preliminary relief, including petitions for writs of seizure, temporary restraining orders and preliminary injunctions. Such requests shall be filed initially with the Prothonotary and, thereafter, with the Civil Administration Unit.

(2) Motions and petitions governed by Philadelphia Civil Rule *206.2 (Alternative Motion Procedure).

(3) Motions for Extraordinary Relief.

(4) Petitions for advancement on the trial list. (See Philadelphia Civil Rule *215 and Trial Division General Court Regulation No. 94-2).

(5) Motions for post-trial relief. (See Philadelphia Civil Rule *227).

(6) Petitions for alternative service. (See Philadelphia Civil Rule *430.1).

(7) Arbitration applications. (See Philadelphia Civil Rule *1303 and General Court Regulation - Trial Division No. 93-3).

(8) Petitions for approval of minors' compromises. (See Philadelphia Civil Rule *2039.1).

(9) Petitions for allowance in minors' cases. (See Philadelphia Civil Rule *2039.2).

(10) Petitions for approval of settlements in wrongful death cases. (See Philadelphia Civil Rule *2206).

The procedures governing stipulations requiring court approval are set forth in Philadelphia Civil Rule *201.

Additional procedures governing preliminary objections are set forth in Philadelphia Civil Rule *1028.

(B) Filing Requirements. All pre-trial motions and petitions subject to this rule and all preliminary objections shall be filed in the Civil Administration Unit and shall be accompanied by the following items in the following order:

- (1) A completed cover sheet in the form of Exhibit A;
- (2) A proposed order (and rule to show cause, if necessary);
- (3) A memorandum of law;
- (4) A copy of the transmittal letter which the moving party certifies on the cover sheet will be used to meet

the service requirements of paragraph (C). (This copy of the transmittal letter will, of necessity, have a blank space for the Civil Administration Unit control number to be assigned at the time of filing).

- (5) Stamped, addressed 9½ x 4½ size envelopes for each attorney of record and unrepresented party.

Any filing fee shall be paid to the Prothonotary prior to filing with the Civil Administration Unit.

(C) Service Requirements. The moving party shall immediately serve copies of all documents filed in the Civil Administration Unit on each attorney of record and unrepresented party, together with the transmittal letter, stating that the documents have been filed and that any response must be filed within thirty days of the filing date. The specific due date and the assigned control number shall be specified in the transmittal letter. The cover sheet of each service copy shall bear the control number assigned to the filing by the Civil Administration Unit.

(D) Response Requirements. Any party opposing the motion, petition or preliminary objections shall file the following documents with the Civil Administration Unit no later than 4:30

p.m. on the date thirty days after the date of filing:

- (1) A completed cover sheet in the form of Exhibit A bearing the control number assigned to the moving filing;
- (2) A proposed order;
- (3) The answer to the motion or petition (if necessary);
- (4) A memorandum of law;
- (5) A copy of the moving party's transmittal letter.

The filing party shall immediately serve copies of all documents filed in the Civil Administration Unit on each attorney of record and unrepresented party.

(E) Disputed Issues of Fact. Disputed issues of fact shall be determined in accordance with Pa.R.C.P. 206.7(c), pursuant to an Order issued by the assigned Judge.

(F) Motion Court Argument List.

(1) All Motion Court Argument List matters shall be accompanied by a proposed rule to show cause. Upon filing, the Civil Administration Unit shall assign a date, time and place for the return of the rule. The moving party shall then immediately serve the rule on each attorney of record and unrepresented party (including, in the case of a petition to withdraw, the party affected by the withdrawal), together with a letter stating that the time for filing a response as stated in the original transmittal letter is superseded, and that any response shall be filed by a date not later than the date of the argument or thirty days after the date the rule was signed, whichever comes first. A certificate of service evidencing such service shall be presented to court by the moving party at the time of argument.

- (2) The Motion Court Argument List consists of the following matters:
- (a) Petitions to withdraw appearance of counsel in cases assigned to the the Arbitration Program;
 - (b) (Rescinded, effective July 1, 1997).
 - (c) Complaints in equity seeking to enjoin violations of the City Codes;
 - (d) Petitions for redemptions of foreclosed property; and
 - (e) Other matters ordered on the Argument List by the Court. (G) Content of Motion Court

Filings. All Motion Court filings shall include copies of all documents necessary or relevant to the disposition of the issues. The Court may decide any matter against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.

(H) Deadlines for Filing. Absent written authorization from the Court, motions shall not be accepted by the Civil Administration Unit for filing in cases where an arbitration hearing is scheduled to be held within forty-five days.

Comment :

It should be noted that in many instances, the judge hearing a motion does not have the full Court file. Although the Board of Judges has eliminated the requirement to file docket entries with every motion and answer, current docket entries are still required if such entries are a necessary item to the disposition of the issues in the motion. Also, the complaint, answer, and reply to new matter, if any, must also be included where necessary or relevant.

Stipulations will now be approved in accordance with Local Rule *201(C).

Procedures relative to Motions for Extraordinary Relief are set forth in the Court Publication "Civil Trial Division Administration, At A Glance".

RULE *206.2 - Alternative Motion Procedure.

(A) All discovery petitions and motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the program involved in accordance with the following procedures:

(1) The moving party shall obtain a hearing date and time by filing or faxing a request in the Discovery Court (Room 287 City Hall). Counsel shall provide the following information: the program to which the case is assigned; the caption of the case; the next event and the date of that event and, if the case is listed for an arbitration hearing, the date thereof.

(2) Prompt written notice of the hearing in the form set forth in Exhibit A shall be served by the moving party upon each attorney of record and unrepresented party, together with a copy of the motion and proposed order. Except in cases of emergency or waiver by consent of all parties, at least ten days prior written notice shall be required.

(3) The original motion, proposed order, notice of presentation and certification of service shall be retained by the moving party until filed with the Court at the time of the hearing.

(4) An answer to the petition or motion may be made orally, in writing, or both, but will not be considered unless presented to the Court at the time of the hearing.

(5) The failure of a moving party to proceed as scheduled shall occasion no sanction, except that a responding party who actually appears in Court pursuant to a notice of presentment may, by subsequent motion, seek sanctions against a moving party who failed to proceed without good cause.

(6) If the decision of the Court is not announced immediately after the hearing in contested matters, the Court will furnish written notice of its ruling to each attorney of record and unrepresented party. In uncontested matters, the party presenting the motion shall promptly notify each attorney of record and unrepresented party of the Court's ruling.

(B) Rescinded.

(C) Additional matters may be made subject to these procedures by order of the Administrative Judge of the Trial Division.

Comment:

Counsel are advised to consult the Discovery Section of the Civil Trial Division Administration Manual (At A Glance) for the most recent year published. This publication sets forth the specific discovery day of the week assigned for each program.

NOTICE OF PRESENTATION

To: R.T. Jones, Esquire
Land Title Building
Philadelphia, PA 19107

W. Casper, Esquire
Chestnut Street
Philadelphia, PA 19107

Please take notice that the Defendant's Motion to Compel Answers to Interrogatories will be presented to the Court on [Day], [Date], at [Time], in Room 285 City Hall.¹

By: _____
J.M. Nicholas
Attorney for Defendant
McGregor, Inc.

EXHIBIT A

¹The date, time and location of the hearing will be supplied by the discovery clerk.

CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the within motion to compel discovery was made on the 4th day of February 1987, to the counsel above named by United States Mail, postage pre-paid.

By: _____
J.M. Nicholas
Attorney for Defendant/Plaintiff
McGregor, Inc.

Rule *209 Rescinded

Rule *212.1

(A) The scheduling of settlement and pretrial conferences and the filing of pretrial memoranda shall be in accord with the applicable Program Case Management Order. The pretrial memorandum shall include that information required by the Pretrial Scheduling Order.

(B) Rescinded

Rule *212.2 [No further change] [Amended in February 2000]

Rule *212.3 [No change]

Rule *212.4 Rescinded

Rule *215 Assignment of Cases in the Trial Division,

A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with those case management procedures in effect for the program to which a case is assigned.

(1) Arbitration Cases - All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

(2) Major Jury Cases - All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given pool month within the appropriate program. (The “pool month” is defined as the corresponding calendar month).

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his/her designee).

(3) Non Jury Cases - All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases.

Commerce Program cases will be listed for trial by the Commerce Program Judicial Team Leader in accordance with the applicable Case Management Order.

Non Jury cases will be listed for trial at a status conference by the Supervising Judge of the Non Jury Program, located at the Complex Litigation Center.

(4) **Mass Tort Cases** - All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.

(5) **Arbitration Appeal Cases** - All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. (“A Pool Month” is the corresponding calendar month).

B. Jury Trial Requests

(1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee.

(2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1.

(3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Comment:

This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program.

Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders:

1. Trial Division General Court Regulation No. 94-2.

(Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214).

2. General Court Regulation No. 95-1.

(Day Forward Program. Judicial Team Leader; Trial Division).

3. General Court Regulation No. 95-2.

(Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996).

4. Administrative Docket No. 05 of 1994. (Procedure for Disposition of Municipal Court Appeals).

5. Administrative Docket No. 01 of 1998.

(Protocol for Trial Pools in the Day Backward and the Day Forward Programs).

6. Administrative Docket No. 06 of 1998.

(Scheduling Civil Trials Involving State Prisoners).