



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS**

Thursday, June 11, 2020

TRIAL DIVISION – CIVIL

NOTICE TO THE BAR

**PROTOCOL FOR COMPULSORY ARBITRATION PROGRAM
DURING COVID-19 JUDICIAL EMERGENCY**

PHASE II

General Statement

Given the uncertainty of the COVID-19 emergency, and with the safety of the parties and their attorneys in mind, as well as the directive from the Pennsylvania Supreme Court, the Arbitration Center is going to rely heavily on technology to move the docket forward. For this protocol to be successful, the arbitrators and litigants will need to have certain technological capabilities.

Protocol

1. Per the initial protocol announced by the First Judicial District, all Arbitration matters listed between March 17th and May 29th, 2020 have been assigned a new Arbitration hearing date consistent with the Court's calendar and to allow for the protocol on proceeding with Arbitration hearings to be developed.
2. All matters scheduled for Arbitration hearings in June of 2020 which were viable for a settlement conference with an *Arbitration Judge Pro Tempore (AJPT)*, have been assigned for such conferences. Those that were not ripe for a settlement conference, i.e., lack of service or the filing of a Complaint, were either continued by the Court or upon the filing of a Continuance/Deferral application by a party.

3. The AJPT Protocol will continue for the July and August 2020 Arbitration hearing lists. Those cases that are viable for a settlement conference will have a virtual or remote *Judge Pro Tempore* settlement conference as opposed to an Arbitration hearing. The conferences are expected to be completed by August 31, 2020.
4. Attorneys who are currently certified to serve as Arbitrators or Judges Pro Tempore have been contacted regarding their ability and willingness to volunteer as “Arbitration Judge Pro Tempore” (AJPT). AJPTs will not receive compensation for their service.
5. If a July Arbitration matter is not ripe for a settlement conference, i.e., lack of service or the filing of a Complaint, a Continuance/Deferral Application shall be filed no later than June 19, 2020, and for August matters, no later than July 2, 2020. Additionally, if the parties have reached a settlement on their own accord, the parties are directed to advise the Arbitration Center by fax (215) 686-9594 or e-mail ArbitrationFJD@courts.phila.gov and the docket will be marked accordingly.
6. In the event a settlement cannot be reached of a matter assigned to an AJPT, the case will be re-assigned a new Arbitration hearing date consistent with the Court’s calendar and in an expeditious fashion.

AJPTs who have the ability and necessary technology to conduct audio and video conferences remotely utilizing Zoom or similar virtual conferencing software will be assigned a list of cases currently scheduled for Arbitration in July and August of 2020. Upon appointment of the case, the Arbitration Center will provide the phone numbers of the attorneys and any self-represented litigants to the *AJPT*, who will then expeditiously contact all parties, notifying them that the *AJPT* is hosting the virtual settlement conference. Accommodations will be made for those attorneys or parties who can only participate telephonically. Times for the conferences will be set in consultation with the *AJPT*’s and parties’ schedules.

Settlement Conference Memoranda must be sent electronically to the *AJPT* and counsel of record or self-represented litigant at least five (5) days prior to the settlement conference date. **The settlement conference memoranda do not need to be filed with the Court.**

The Settlement Conference Memorandum should not exceed five (5) double-spaced pages and should include the following information:

- Facts Giving Rise to the Action
- Theory of Liability
- Causal Connection to Injury
- Description of Injury, including summary of medical testimony
- Itemization of Special Damages
- Current Demand/Offer

The Settlement Conference Memorandum shall be served on all other parties and shall include a Certificate of Service.

Please be reminded that the *AJPTs* work directly under the supervision of the Judicial Team Leaders and Arbitration Center, to whom the results of each conference are reported. Should the parties appear unprepared or fail to negotiate in good faith at the settlement conference, the *AJPT* may issue a Rule to Show Cause before the Judicial Team Leader, who will address the failure to appropriately participate in the virtual settlement conference.

Honorable Jacqueline F. Allen
Administrative Judge
Trial Division

Honorable Arnold L. New
Supervising Judge
Trial Division – Civil

Honorable Gary S. Glazer
Supervising Judge
Trial Division - Commerce