

**RULE L212.1 CIVIL ACTIONS TO BE TRIED BY JURY AND BY NON-JURY.
NOTICE OF EARLIEST TRIAL DATE. TIME FOR COMPLETING DISCOVERY AND
FILING PRE-TRIAL STATEMENT.**

(a) In all civil actions which indicate a jury trial demand or which seek a non-jury trial disposition, the Court Administrator shall schedule said cases for a Status Conference before the assigned judge. Status Conferences shall not be scheduled sooner than ninety (90) days following the filing of the complaint. At the Status Conference, counsel for the parties or pro se parties are required to appear. The Status Conference shall be conducted by the Court and shall focus upon determining a schedule for completion of pleadings, progress of discovery and anticipated date for filing a praecipe for trial or arbitration.

(1) Status Conferences may also be ordered upon written motion of a party, setting forth reasons in support of the request for status conference. The Court may enter appropriate orders at the conclusion of the Status Conference.

(b) Summary Trials. Upon request of all parties, the Court may consider scheduling a case for a summary trial pursuant to procedures agreed upon by the parties and the Court

(c) Scheduling. Jury and Non-Jury Trials in civil actions shall be scheduled in accordance with each civil court judge's calendar as published by the court and available on the Butler County website, www.co.butler.pa.us.

(1) Following the filing of the praecipe for trial with the Prothonotary, the Prothonotary shall forward the praecipe to the Court Administrator for scheduling of the case for pre-trial conference and trial. Unless the court's calendar is otherwise scheduled, a case shall be scheduled for pre-trial conference within sixty (60) days of the filing of the praecipe for trial. The trial term during which the case shall be scheduled shall occur within ninety (90) to one hundred and twenty (120) days from the filing of the praecipe. These times may be subject to variance to accommodate the court's calendar and scheduling availability.

(a) Cases will generally be scheduled on each trial list in chronological order according to the date of praecipe for trial or arbitration appeal, while giving preference to cases described in Pa. R.C.P. 214. The Court Administrator shall publish a copy of the trial list on the Butler County website, www.co.butler.pa.us, and furnish a copy to the Prothonotary, who in turn shall forward the trial list to each attorney of record and non-represented parties for cases scheduled on the trial list.

(2) Non-Jury Trials may be scheduled in a back-up category during jury trial weeks and during non-jury trial sessions of the Court as noted on the trial calendar.

(d) A pre-trial statement shall be filed by all plaintiffs within thirty (30) days after the praecipe for trial is filed. Pre-trial statements on behalf of all defendants and additional

defendants shall be filed no later than five (5) days prior to the scheduled pre-trial conference date.

(e) In the event there is an appeal of a compulsory arbitration decision, the appeal date shall be regarded as a praecipe for trial for purposes of implementation of scheduling and timing for filing of pre-trial statements as set forth hereinabove.

(f) Butler County Mediation Program. Upon request of all parties, an agreement to submit a case to mediation may be filed to access the Butler County Mediation Program.

(1) The mediators shall be practicing attorneys from the Butler County Bar admitted at least ten (10) years with practice emphasis in civil litigation. The mediators will be selected by the assigned judge from a list maintained by the Prothonotary.

(2) Each party to a case submitted for mediation will pay a mediation fee as established by administrative order of court. The mediation fee will be utilized to compensate the mediator.

(3) The inclusion of cases in the Mediation Program of Butler County will be voluntary. The attendance of trial counsel and parties at the mediation conference shall be mandatory. A representative of any party's insurance company which may be involved in the case shall be available by telephone during the course of the mediation. If any party fails to appear, the mediation conference will not be held and the non-appearing party shall, within thirty (30) days, pay to the other party that party's attorney's fees and expenses in preparing for and attending the mediation conference, if said fees are assessed and recommended by the mediator.

(4) The parties to any civil case may voluntarily agree to submit a case for mediation through the Butler County Mediation Program by filing an agreement to submit and by paying the mediation fees. The form for said application is set as follows:

(6) Upon the Prothonotary's receipt of the returned proposed mediator assignment form from the parties, the Prothonotary shall docket the same and forward a copy thereof to Court Administration. The Court will then appoint the remaining proposed mediator to serve as mediator for the case. The Court Administrator shall schedule the mediation conference to be held within sixty days of the assignment of the case to a mediator. The conference may not be continued unless by Order of Court.

(a) Scheduling order format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

	:	CIVIL DIVISION
	:	
Plaintiff	:	
	:	
vs.	:	No. _____
	:	
	:	
Defendant	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 2007, the Court hereby appoints _____ mediator. The mediation conference is hereby scheduled for _____ at _____ o'clock __M. at _____ . The conference may not be continued unless by Order of Court. The mediator shall file his or her report within twenty (20) days from the date of the mediation conference in accordance with Butler County L.R. C.P. L212.1(f)(9)

BY THE COURT,

J. _____

(7) Cases which proceed to voluntary mediation, but do not get resolved, may apply for and be given preference on the trial list pursuant to Pa.R.C.P. 214(b).

(8) Mediation Statement. If no pre-trial statement as per the Pa.R.C.P.212.2 has been filed as of ten (10) days prior to the mediation conference, then, at least ten (10)

days prior to the mediation conference, each party shall file a mediation statement which must include the following:

- (a) party's succinct statement of position regarding liability and damages
- (b) significant legal issues involved, with citation of legal authority
- (c) medical reports
- (d) expert reports
- (e) itemized list of damages
- (f) last settlement posture and rationale

In the event a pre-trial statement has been previously filed, said pre-trial statement shall serve to provide the information required for a mediation statement. In the event any prior pre-trial statement requires updating or additional information to provide all categories for a mediation statement, said supplementation to the pre-trial statement shall be filed at least (10) days prior to the mediation conference.

If a party fails to timely file the mediation conference statement, the mediation conference may not be held and party who fails to timely file the required statement may be required to pay the attorneys fees and expenses of those parties who have timely filed their statements.

(9) Mediation Conference Report. Within twenty (20) days from the date of mediation conference, the mediator shall file with the Prothonotary a sealed mediation conference report which shall set forth the following:

- (a) Plaintiff's final settlement demand
- (b) Defendant's final settlement offer
- (c) Mediator's assessment of liability
- (d) Mediator's assessment of damages
- (e) Mediator's opinion regarding potential range of verdict and settlement

All parties will be provided with a copy of the mediator's conference report by the mediator. Upon receipt and docketing of the report, the Prothonotary shall forward the file, including the sealed report, to the assigned Judge. If the case has not been settled, upon motion of either party or on the Court's own motion, a status conference may be scheduled before the Court.

(10) Mediation communications and mediation documents shall be subject to the limitations on scope of Discovery and Deposition as per Pa.R.C.P. 4011(d) and 42 Pa.C.S.A. § 5949.

(Adopted 2009)