



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

Wednesday, September 16, 2020

TRIAL DIVISION – CIVIL

NOTICE TO THE BAR

**PROTOCOL FOR THE RESUMPTION OF ARBITRATION HEARINGS
DURING COVID-19 JUDICIAL EMERGENCY**

General Statement

Pursuant to paragraph 3 of President Judge Administrative Order, Amended No. 33 of 2020, dated May 21, 2020, Compulsory Arbitration Hearings will resume utilizing Zoom video conferencing services for all participants. Counsel and Litigants are reminded of the *Notice of Policies and Protocols for use of Advanced Communication Technology for Court Proceedings in Civil Matters* issued on July 16, 2020. The Order and Notice can be found at <http://www.courts.phila.gov/covid-19/>.

Protocol for Arbitration Hearings

1. All matters currently scheduled for an Arbitration Hearing in September of 2020 will either be continued to a date in 2021, if there is no Service of Original Process, or scheduled for a settlement conference with an Arbitration Judge Pro Tempore (AJPT). This is a continuation of the AJPT program implemented for the June, July and August Arbitration matters. The conferences will be conducted pursuant to the Notices to the Bar that were announced on May 11, 2020 and on June 11, 2020. Those Notices can be found at: <http://www.courts.phila.gov/covid-19/>.
2. All matters currently scheduled for an Arbitration Hearing in October 2020, as well as the remainder of 2020, will be placed in a “pool program” similar to what has been the practice with matters on Appeal from Arbitration.

3. Cases currently listed for Arbitration for the remainder of 2020, beginning with October, will be considered “ready to try” and are subject to a relisting for a virtual hearing during the month of their current hearing date.
4. Any party who has a case listed for Arbitration after September 30, 2020 is strongly encouraged to confer with opposing counsel or self-represented litigants to determine the case’s readiness to proceed to Arbitration. If the matter is not ready to proceed to Arbitration, a Continuance/Deferral Application shall be filed by agreement of the parties as soon as possible.
5. A new Notice of Arbitration will be sent to all counsel and self-represented litigants for those cases selected for a “pool” hearing date. Thereafter, a Scheduling Order will be issued for all cases listed for a remote hearing; the Order will include details on participating remotely.
6. The Notice will be sent 25 days prior to the hearing date. Notice will be generated by the FJD’s electronic filing system. Accordingly, those participants with email addresses in Banner will receive notice electronically. Otherwise, Notice will be sent by mail.
7. Zoom Arbitration Hearings will be scheduled and hosted by the Arbitration Center. The matter will be conducted by a panel of three arbitrators and the chair of the panel will be a co-host of the proceedings. The arbitrators will participate by Zoom.
8. If a party or self-represented litigant does not have the ability to appear remotely and to continue the matter until in-person proceedings can resume would severely prejudice a party, an exception to appearing remotely may be granted provided the party or self-represented litigant is willing to appear at the Arbitration Center in person and follow all CDC and Philadelphia Health Department guidelines, including the wearing of a face covering over the mouth and nose while at the Arbitration Center. The party will be connected to the hearing remotely from a workstation at the Arbitration Center. Such a request should be directed to the Director of the Arbitration Center, Maureen Eagen, Esquire at maureen.eagen@courts.phila.gov, and all other counsel or self-represented litigants are to be copied on the email.
9. The admissibility of documents will continue to be governed by Pa. R.C.P No 1305(b) and Philadelphia County Local Rule of Civil Procedure Rule 1305(b)(1), commonly referred to as “The 20 Day Rule”.

10. It is strongly encouraged that the parties' Arbitration packets be limited to fifteen (15) pages. The packets shall be emailed to the Arbitration Center no later than five (5) days prior to the hearing. All documents submitted in advance of the Zoom hearing are subject to the Pennsylvania Rules of Evidence and Rules of Civil Procedure. The packets will be emailed to the Arbitrators by the Arbitration Center.
11. When contacting the Arbitration Center, please do so at ArbitrationFJD@courts.phila.gov. Please include the Case name and Court Term and Number in the subject line. The email should copy all counsel and self-represented litigants and include current phone numbers for all counsel and self-represented litigants.
12. As Zoom Arbitration hearings commence, certified Arbitrators will be needed to serve remotely. To serve, Arbitrators must have the willingness, availability and experience with the Zoom platform. If you are currently certified to serve as an Arbitrator and can participate remotely by Zoom, please email the Arbitration Center at ArbitrationFJD@courts.phila.gov with your availability beginning in October of 2020.
13. In addition to conducting Zoom Arbitration Hearings, the Arbitration Center will also continue the AJPT program beyond September. For a case listed for Arbitration after October 1st and the remainder of 2020, a request for an assignment to an AJPT for a settlement conference in lieu of an Arbitration Hearing should be directed to the Director of the Arbitration Center at maureen.eagen@courts.phila.gov as soon as possible. The email shall copy all counsel and self-represented litigants to advise the Arbitration Center that a joint request for a settlement conference with a volunteer AJPT is being made. Thereafter, the case will be assigned to an AJPT for the scheduling of the settlement conference. The conferences will be conducted pursuant to the Notices to the Bar that were announced on May 11, 2020 and on June 11, 2020. Those Notices can be found at: <http://www.courts.phila.gov/covid-19/>.
14. Attorneys who are currently certified to serve as Arbitrators or Judges Pro Tempore are being asked to volunteer as an "Arbitration Judge Pro Tempore" (AJPT). AJPTs will not receive compensation for their service. Please contact the Arbitration Center at ArbitrationFJD@courts.phila.gov if you are able to serve as an AJPT for the Fall of 2020.
15. A case assigned to an AJPT that cannot be settled will receive a new Arbitration hearing date consistent with the Court's calendar.

16. This Protocol will remain in effect until further Notice from the Court.

Honorable Jacqueline F. Allen
Administrative Judge
Trial Division

Honorable Lisette Shirdan-Harris
Supervising Judge
Trial Division – Civil