



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

Monday, May 11, 2020

TRIAL DIVISION – CIVIL

NOTICE TO THE BAR

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

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. Any matter that was listed between March 17, 2020 and April 13, 2020 for an Arbitration hearing has already been assigned a new Arbitration hearing date. All matters that have a hearing date between April 14, 2020 and May 29, 2020 will be 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 currently scheduled for Arbitration hearings in June of 2020 will have a virtual or remote *Judge Pro Tempore* settlement conference as opposed to an Arbitration hearing during the month of June. It is hoped that the conferences will occur on or before the currently scheduled Arbitration hearing date.
3. 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 Judges Pro Tempore" (AJPT). AJPTs will not receive compensation for their service.

4. If a June Arbitration matter is not ripe for a settlement conference, i.e., lack of service or the filing of a Complaint, a Continuance/Deferral Application should be filed no later than May 22, 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.
5. In the event a settlement cannot be reached of a June Arbitration hearing matter, the case will be assigned a new Arbitration hearing date consistent with the Court's calendar and pursuant to the Court's protocol that is being developed on conducting Arbitration hearings in the future.

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 June of 2020. Upon appointment of the case, the Arbitration Center will provide the telephone numbers and emails 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.

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