

**LOCAL RULES OF THE 17th JUDICIAL DISTRICT OF PENNSYLVANIA
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RULES OF CIVIL PROCEDURE

Updated: 5/7/2024

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17CV205.2(a) Physical Requirements for Pleadings and Other Legal Papers; Cover Sheets

(1) All pleadings and other legal papers shall be printed in double space on white paper that is 8 ½ inches wide and 11 inches long, and shall be secured by appropriate metal or plastic fasteners. All exhibits shall be tabbed and labeled.

(2) All pleadings and other legal papers to be filed shall be accompanied by a cover sheet which shall include:

- (i) in the upper left-hand corner the name of the filing party, the name, address, and telephone number of the attorney representing the filing party, or if the party is not represented by counsel, the address and telephone number of the filing party;
- (ii) the full caption of the litigation;

(iii) the title of the pleading or other legal paper; and the name and address of the attorney of record for any party, including the name of the attorney's firm, or a designation that a party without an attorney is pro se, and the pro se party's address.

(3) The cover sheet shall be substantially in the following form:

(NAME OF FILING PARTY)

(NAME OF FILING PARTY'S ATTORNEY OF RECORD)

_____ ,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF THE 17 TH JUDICIAL DISTRICT
	:	OF PENNSYLVANIA
vs.	:	_____ COUNTY BRANCH
	:	
_____ ,	:	
Defendant	:	
	:	
	:	
	:	
	:	NO.

(NAME OF PLEADING OR OTHER LEGAL PAPER FILED)

(Name of party)
(Name of that party's attorney)

(Name of other party)
(Name of other party's attorney)

(Name of party)

(Name of other party)

(Name of that party's attorney)

(Name of other party's attorney)

17CV205.4 Electronic Filing and Service of Legal papers Filed in Civil Dockets

(a)(1). The Snyder County Court of Common Pleas does hereby permit electronic filing of all legal papers with the Prothonotary through its electronic filing system, CountySuite Portal, as well as the electronic service of such papers, under terms more specially provided in Pennsylvania Rule of Civil Procedure 205.4.

(2). As used in this rule, the following words shall have the following meanings:

- i. “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;
- ii. “filing party,” an attorney, defendant, plaintiff, or other person who files a legal paper by means of electronic filing;
- iii. “legal paper,” shall be a pleading or other paper filed with the Prothonotary in any civil action, including attachments and exhibits, even if the legal papers are not adversarial in nature or do not require a response from the non-filing party or parties.

(b). Legal papers shall be presented for filing in a PDF. As authorized by Pa.R.C.P. 205.4 (b)(1), in the event a legal paper is presented for filing in a hard-copy format, the Prothonotary shall convert said legal paper into a PDF and shall maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention of required by PA.R.C.P. 205.4 (b) (4).

(c)(1). The Prothonotary shall provide access to CountySuite Portal (CIVIL electronic filing system) at all times, except during periods of required maintenance.

(2) CIVIL legal papers can be filed electronically through CountySuite Portal, located on prothonotary’s county website. To obtain access to the Electronic Filing System, counsel or any unrepresented party must first register with the CountySuite Portal for a User Name and Password.

**Registered Users are obligated to maintain proper delivery information and shall notify the CountySuite Portal and the Prothonotary’s office immediately regarding changes in: name, firm, address, facsimile, or e-mail address.

(3) The time and date of filing a legal paper and any receipt of the legal paper filed electronically shall be that registered by the Electronic Filing System. The Prothonotary shall provide, through the CountySuite Portal, an acknowledgement that the legal papers have been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(d) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit: MasterCard/ VISA/ Discover. All costs according to the current Prothonotary fee schedule.

(e)(1) A filing party shall be responsible for any delay, disruption or interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the CountySuite Portal.

(2) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary or the Electronic Filing System based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(3) If a pleading or other legal paper is not accepted upon presentation for filing the Electronic Filing System will immediately notify the party presenting the legal paper for filing.

(4)(i) The Court upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.

(ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the Electronic Filing System, the Court may order that the paper be accepted and file *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the paper.

(f) As authorized by Pa.R.C.P 205.4 (f), the following administrative procedures are adopted:

(1) The electronic filing of legal papers using an authorized User Names and Password shall constitute the filing party's signature on electronic documents as provided by Pa.R.C.P 1023.1. and, if the filing party is an attorney, shall constitute a certification of authorization to file it as provided in Pa.R.C.P. 202.5.1.

(2) Verification of pleadings, as required by Pa.R.C.P. 206, and 1024, as well as any other documents executed by the client or third parties, such as Affidavits or Certifications of Service, shall be scanned and attached to the electronic filing in a PDF at the time the legal paper is submitted for electronic filing.

(3) Personal Identifiers in civil matters, such as Social Security numbers, dates of birth, financial account numbers and names of minor children, must comply with the safeguards of the **Case Records Public Access Policy** of the Unified Judicial System of Pennsylvania. The Confidential Information Form is required.

(4) The Prothonotary is authorized to refuse a filing of a legal paper submitted without the required filing fee; such legal paper shall only be deemed to have been filed on the date that said filing fee payment was received by the Prothonotary.

(5) The Prothonotary shall maintain a hard copy of any legal paper, notice or Order filed or maintained electronically under this Rule for the Court and Court personnel.

(g)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served:

(i) as provided by Rule 440; or

(ii) by electronic transmission, other than facsimile transmission, to all parties who have previously submitted electronic filing in the same case, pursuant to the 17th Judicial District - Civil Rule 205.4 and Pa.R.C.P. 205.4 (g).

The party upon prior written agreement will be served court orders only via e-mail by the Prothonotary, not by the electronic filing system.

(2) Service by electronic transmission is complete when a legal paper is sent:

(i) to the recipient's electronic mail address, or

(ii) to an electronic filing system website and an e-mail message is sent to the filer by the electronic filing system that the legal paper has been filed and is available for review on the system's website (CountySuite Portal).

Note: Once the electronic filing has been accepted or the original process has been filed by the Prothonotary; it shall be the responsibility of the filing party to provide the sheriff with the proper service fee and documents for original service and writs. The electronic system does not include legal service to this department.

An electronic mail address set forth on letterhead is not sufficient basis under this rule to permit electronic service of legal papers.

(3) Copies of all Notices, Orders or Judgments from the Court in any action shall be served according to Rule 440, not through CountySuite electronic filing system.

17CV206.1(a) Petitions

No applications to the court other than those listed in Pa.R.C.P. No.206.1(a) have been designated by local rule as "Petitions."

17CV208.2(c) Motions – Statement of Applicable Authority

Any party filing a motion shall include a brief statement of the applicable authority empowering the court to grant the relief requested.

17CV208.2(d) Motions - Certification

A motion shall, if appropriate, include a certification signed by counsel for the moving party or by a pro se moving party that the relief requested in the motion is uncontested. Absent such certification the Court will consider a motion to be contested by one or more of the parties to the litigation.

17CV208.2(e) Discovery Motions - Certification

All motions relating to discovery shall include a certification signed by counsel for the moving party or by a pro se moving party that they have conferred or attempted to confer with all interested parties in order to resolve the matter without court action and that counsel or the pro se party has been unsuccessful in resolving the matter without court action.

17CV208.3(a) Motions – Filing Procedure

In the event that a party files a motion that is not uncontested the motion shall be submitted accompanied by an order substantially in the form provided for in Pa.R.C.P. No. 208.4(b)(2). The original and a sufficient number of copies for all parties to the proceeding shall be filed with the Prothonotary. Upon the filing of a motion and proposed order the Prothonotary shall transmit the original of the motion and proposed order to the judge's chambers for review and consideration. If the Court determines that an evidentiary hearing is necessary or if oral argument has been requested the Deputy Court Administrator shall schedule the appropriate proceeding. Upon the Judge signing the order the original of the motion and order shall be returned to the Prothonotary. The party filing the motion shall be responsible for service of the motion and order in accordance with the Pennsylvania Rules of Civil Procedure.

17CV208.3(b) Motions – Responding Parties

When a motion is filed that has not been certified as uncontested any party opposing the relief requested in the said motion shall file a response to the motion and a short statement citing

appropriate authority in support of opposition to the said motion within twenty (20) days after service of the motion. Absent the filing of a response and brief in opposition to the motion the Court will consider the motion to be uncontested by any non-responding party.

17CV216 CONTINUANCES

17CV216.1 Written Motion

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of records shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CV216.2 Form of Motion

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: www.snydercounty.org or www.unioncountypa.org.

17CV1018.1 Notice to Defend

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the office to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P.O. Box 217
Middleburg, PA 17842
(570) 837-4359

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 S. Second Street
Lewisburg, PA 17837
(570) 524-8736

17CV1028(c) Preliminary Objections

(1) All preliminary objections shall be accompanied by a brief in support of the preliminary objections. All briefs shall be filed in duplicate. Upon the filing of preliminary objections and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary;

(2) The party filing the preliminary objections shall file an affidavit of service within five (5) days of the service of the preliminary objections;

(3) Absent the filing of an amended pleading, the party whose pleading is the subject of the preliminary objections shall file a brief in opposition to the preliminary objection within twenty (20) days of service of the preliminary objection. All briefs shall be filed in duplicate. Upon the filing of brief in opposition to the preliminary objections a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary. Absent the filing timely of the said brief the Court will consider the preliminary objections to be unopposed by the non-responding party;

(4) If a party wishes to have an evidentiary hearing or oral argument that party, at the time of the filing of their preliminary objections or their answer or responsive brief, shall submit a scheduling order substantially in the following form:

CAPTION
SCHEDULING ORDER

AND NOW, this _____ day of _____, 20____, the (objecting) (answering) party having requested (oral argument) (and) (evidentiary hearing) on the preliminary objection and any answer thereto, it is hereby ORDERED that (hearing) (and) (argument) shall be held on the _____ **day of** _____, **20**_____, _____ **o'clock** _____ **.m. in the Courtroom of the** _____ **County Courthouse,** _____, _____ **County, Pennsylvania.** _____ (_____) minutes have been allocated for the purposes of the said (hearing) (and) (argument).

In the event that a party against whom the preliminary objections has been filed fails to file timely an answer and/or responsive brief to the said preliminary objections this Order will be deemed to have been vacated without further Order of the Court and no hearing and/or argument shall be held on the date scheduled herein.

BY THE COURT:

(5) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(6) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Argument by the objecting and any answering parties shall be limited to a total of fifteen (15) minutes unless, at the time of the filing of the proposed preliminary objection or responsive brief, the party requesting argument certifies to the court that additional time is necessary. Any party requesting a hearing shall be responsible for completing the proposed order with a good faith estimate as to the amount of time that party believes will be necessary for a complete hearing and argument on the pending preliminary objections;

(7) Upon the entry of an order scheduling hearing and/or argument it shall be the responsibility of the party requesting hearing and/or argument to serve the order on all other parties.

17CV1034(a) Motions for Judgment on the Pleadings

(1) A motion for judgment on the pleadings filed pursuant to Pa.R.C.P. No. 1034 shall be accompanied by a brief. All briefs shall be filed in duplicate. Upon the filing of a motion for judgment on the pleadings and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) All parties opposing the said motion shall file a response and a brief in support of their response within twenty (20) days of the service of the motion. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the Court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Argument on the said Motion and any response thereto shall be limited to a total of fifteen (15) minutes, unless, at the time of the filing of the proposed scheduling order the party requesting argument certifies that additional time is necessary. If additional time is necessary the party submitting the proposed scheduling order shall make a good faith estimate as to the total amount of time needed for

argument by all parties. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

17CV1035.2(a) Motions for Summary Judgment

(1) A party filing a motion for summary judgment, shall, at the time of the filing of the said motion, file a brief in support thereof. All briefs shall be filed in duplicate. Upon the filing of a motion for summary judgment and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) A party filing a response pursuant to Pa.R.C.P. No. 1035.3(a) shall file a brief in support of their response contemporaneously with the filing of that response. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Oral argument shall be limited to a total of one-half (1/2) hour unless a party at the time of the filing of their proposed scheduling order certifies that additional time will be necessary. That party will be responsible for making a good faith estimate as to the total amount of time the parties will need for argument. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

17CV1301 ARBITRATION

17CV1301.1 Cases for Submission.

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 101, *et seq.* shall apply to all cases at issue where the amount in controversy shall be Fifty Thousand Dollars (\$50,000) or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

B. A civil action will be referred to arbitration (20) days after the filing with the Prothonotary and the Court Administrator of a Praeceptum signed by either party or its counsel indicating the matter is ready for arbitration. If the other party objects to the filing, that party shall, within the (20) days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

C. Cases subject to arbitration shall be subject to the status and calendar orders then prevailing with regard to the civil docket. Such cases shall not be scheduled for a pretrial conference if the status as an arbitration case can readily be determined from examination of the docket entries. If the discovery deadline has expired at the time of the pretrial conference for contemporaneously filed cases, the matter shall be scheduled by the Court Administrator for disposition by arbitration.

D. All cases heard under these rules shall be governed in all other respects by the laws of the Commonwealth of Pennsylvania enacted regarding arbitration proceedings.

17CV1301.2 Agreement of Reference

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the Prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue involved for determination by the board and, when agreeable, shall also contain stipulations with respect of facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

17CV1302 LIST OF ARBITRATORS.

A. Upon receipt of a Praecipe, the Court Administrator shall nominate, from the list of attorneys, a board of potential arbitrators. The nominations shall be made in a rotational fashion from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The Court Administrator shall further be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation or association shall be nominated to serve on one potential board.

B. The Court Administrator shall nominate to the potential board 3 attorneys plus 1 additional attorney for each party of record. The list of attorneys nominated to the potential board shall be sent by the Court Administrator to each party or his or her attorney within 7 days of the receipt of the praecipe. Each party in the case or counsel for each party may strike off up to 1 attorney so named and return the list to the Court Administrator. If any or all parties strike the same name or fail to exercise their right to strike off any names from the potential board, the first 3 remaining names will make up the board of arbitration. In the event the Court Administrator cannot compile a list of sufficient names from the county in which the case arose, because of incapacity, illness or other disqualification, other attorneys whose practice is within the judicial district, regardless of county, may be included.

C. As soon as the Court Administrator receives the returned list from the parties (or after 7 days if any list is not returned) each arbitrator shall be notified of his or her selection. A final board shall be sent to the attorneys of the parties.

17CV1303 HEARINGS

17CV1303.1 Scheduling of Hearings.

A. Upon receipt of a praecipe, pursuant to 17CV1302, the Court Administrator shall schedule the case to be arbitrated for a one-half day hearing, no sooner than 45 days from the date of the praecipe, to commence either at 9:00 a.m. or 1:00 p.m.

B. The hearings shall be held in the separate courthouses in either Union County or Snyder County in either the Hearing Room or the Jury Room designated for that purpose. The chair may, if appropriate, schedule the arbitration hearing at such other location as would be more convenient to the parties, witnesses, counsel or arbitrators, on the same date as would otherwise apply.

C. After having been identified as a member of an arbitration panel under the methods set forth previously in Section 17CV1302, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to (A) above, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, that arbitrator shall inform the Court Administrator, who shall appoint a successor arbitrator.

17CV1303.2 Conduct of Hearings.

The conduct of all hearings, generally and with respect to the admissibility of evidence, shall be as set forth in Pa.R.C.P. Nos. 1304, 1305, and 1038(a). Arbitrators shall exercise reasonable restraint in the questioning of witnesses. Witness fees shall be taxed as costs, as in other actions.

17CV1303.3 Continuances.

Continuances shall be granted only by court order for good cause shown on notice sent by the Court Administrator to the parties and the court. Requests for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed not later than 3 days prior to the scheduled date for the arbitration hearing.

If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

17CV1306 AWARDS.

A. After the case has been heard, the arbitrators shall make their report/award, which shall be signed by at least a majority of them. An award must be submitted within 10 days after the day of the hearing or the last adjournment thereof.

B. The award shall be filed with the Prothonotary.

C. The Prothonotary shall enter the award of the arbitrators in the docket and shall index the same in the judgment index. If an appeal is taken, the Prothonotary shall notify the Court Administrator, who shall place it on the next pretrial list.

D. Upon the award being indexed, the Prothonotary shall give immediate written notice of the award to all the parties, or their attorneys, by regular mail and a copy to the Court Administrator.

17CV1308 COMPENSATION OF ARBITRATORS.

A. The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

B. Each arbitrator shall be entitled to receive additional compensation at the rate of \$25.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 ½) hours. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregated time is less than three and one-half (3 ½) hours, the fee set forth in Subsection A of this rule shall be applicable. To the extent that such aggregated time exceeds three and one-half (3 ½) hours, the hourly rate set forth herein shall be due for the hours in excess of three and one-half (3 ½) hours.

C. Upon the filing of the board's report or award, the Prothonotary shall certify to the County Treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection A of this rule.

D. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the filing of a praecipe requesting the appointment of a Board of Arbitrators but prior to the naming of that board by the Court Administrator pursuant to 17CV1302, the party filing the praecipe for appointment of a Board of Arbitrators shall cause notice of the settlement, withdrawal, or termination of the action to be served upon the Court Administrator. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the notification to each arbitrator, as provided for in 17CV1302.C, but prior to the date scheduled for hearing, the party filing the praecipe for appointment of a Board of Arbitrators shall be responsible for causing notice of the settlement, withdrawal, or termination to be served upon the Court Administrator and each of the arbitrators. In the event that the notice provided for in the preceding sentence is given in a timely manner, the board members shall not be entitled to any fees. In the event that the notice is not given in a timely manner, and an arbitrator or the arbitrators appear for the scheduled hearing, the party who moved for appointment of the arbitrators shall be responsible for paying the fees provided for in this rule. The foregoing notwithstanding, if the case is settled, withdrawn, or otherwise terminated by or between the parties on the date scheduled for the hearing, but prior to the scheduled starting time, the arbitrators shall be entitled to one-half (1/2) of the base fee as set forth in Subsection A of this rule.

E. The Prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

17CV1309 APPEALS.

A. Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas, upon prepayment to the county of the fees of the members of the board. Said appeal shall be taken not later than 30 days after the date of the entry of the award of

the arbitrators on the docket. Repayment to the County of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrators' fees.

B. The Prothonotary shall notify the Court Administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the Court Administrator for pretrial conference and trial at the earliest practical date.

C. If no appeal is filed within 30 days, judgment shall be taken on the award.

17CV1901. Prompt Disposition of Matters; Termination of Inactive Cases

(a) The Prothonotary of Snyder and Union Counties shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct, all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The Clerk of Courts shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct criminal proceedings in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

The Court may initiate proceedings to terminate the cases contacted on said list pursuant to Pa.R.J.A. No. 1901(c)(1), (2).

17CV1915.3. Custody Petitions and Procedure.

- A. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall be processed in accordance with 17CV1915.3, et seq.
- B. Where a party files a Divorce action with a Count for Custody, the two matters will be separated with individual docketing numbers.
- C. As part of the pre-trial procedures, the Court Administrator shall refer custody-related complaints or petitions, other than a petition for special relief, to mediation at the Susquehanna Valley Mediation Service and the *Kids First* program.
- D. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation of minor children shall include a form order referring the matter to mediation. The form shall be provided by the Court Administrator, under the Court section of each county's website. Visit: www.snydercounty.org or www.unioncountypa.org.
- E. Upon receipt of notice that the parties did not resolve the matter through mediation and that the parties have attended the *Kids First Program*, the Court shall refer the matter to the Custody Conference Officer for the scheduling of the initial conference with the parties and their respective counsel.
- F. Any pleading which requests the scheduling of a proceeding and also requests entry of a temporary order to maintain de facto custody provisions pending mediation or the initial conference shall set forth with specificity those facts supporting the request for the temporary custody order pending mediation or the initial conference.

17CV1915.4 Custody Conference Officer

A. The Custody Conference Officer shall be appointed by the Court to meet with the parties and their legal counsel in a custody action to conciliate the matter, attempt to resolve issues and reach an agreed Custody Order and/or if this cannot be accomplished, to define and narrow the issues to be heard by a Judge.

B. Custody Conference Officer - Not a Witness

To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, made in a conference before the Custody Conference Officer shall not be admissible as evidence in a Custody Trial before the Court.

The Custody Conference Officer shall not be a witness for or against any party in a Custody Trial before the Court or in any other proceeding whatsoever absent Court Order.

C. The Court adopts the Commonwealth's procedure under 1915.4-2(a)(1-4).

17CV1915.4-1. Initial Conference.

A. The parties and their respective counsel shall appear at the initial conference before the Custody Conference Officer. The initial conference will consist of a non-record proceeding to establish a recommended Interim order as to legal and physical custody which will govern pending further proceedings. This non-record proceeding may be a conference with attorneys, conference with parties, and receipt of other evidence and arguments of counsel as the Conference Officer deems appropriate, based upon the particular issues raised.

B. If the parties reach an agreement resolving all of the issues raised, the Custody Conference Officer shall forward an Order to the Court for approval setting forth the terms of such agreement.

C. At the conclusion of the proceeding, the Custody Conference Officer shall: 1) give the parties oral notice of the essential aspects of the approved recommended Interim order and reasons for the recommendation; 2) make an initial determination based on the parties' approval as to the use of psychological evaluations or home studies, or the appointment of a Guardian ad Litem in accordance with 17CV1915.5.

17CV1915.4-2. Exceptions.

A. No exceptions may be filed to an Interim Order entered in a custody action. Any matter not stipulated to at the initial conference may be reviewed at the pre-trial conference or resolved at trial.

17CV1915.4-3. Approval of Recommended Orders.

Any recommended Interim Order of the Custody Conference Officer shall be submitted to the Court for approval and upon court approval shall have the effect of an Interim Order.

17CV1915.4-4. Settlement.

A custody case will be removed from the initial conference or pre-trial schedule and/or the custody trial list only upon the filing of the settlement agreement and Court Order.

17CV1915.4-5. Pre-trial Conference.

At the time set for the pre-trial conference, both parties shall submit a pre-trial statement in the form prescribed by the Court. OR strictly complied with the provisions of Pa.R.C.P. No. 212.2 (a) indicated in Court Order. Both parties and their respective counsel shall appear before the Court for presentation of the issues and discussion of possible settlement and disposition of any matters referred to the Court.

17CV1915.5. Physical/Mental/Psychological Examinations and Home Studies.

A. Upon agreement of the parties at the initial conference, the Custody Conference Officer may include in the recommended Interim Order that the Court appoint a Guardian ad Litem pursuant to Pa.R.C.P. 1915.11-2 and/or a directive that the parties obtain physical, mental or psychological examinations and/or home studies, prior to the date of the pre-trial conference or trial and may establish a date by which the parties must make the initial arrangements.

B. Any request by the parties for evaluations made after the initial conference and not made at the pre-trial conference or entered into by stipulation must be made by Petition for Rule to Show Cause alleging specific facts and reasons for the request.

C. Unless otherwise directed by the Court or Custody Conference Officer or agreed upon by the parties, the expense of any evaluation shall be borne initially by the party requesting the evaluation and shall be paid in accordance with Pa. R.C.P. No. 1915.8. A final allocation of the expense may be made by the Court upon entry of an order or decision rendered on any issues raised in the proceeding.

D. Any evaluation filed with the Court shall not be available for public inspection and shall be sealed by the Prothonotary.

17CV1915.13[-1]. Petition for Special Relief and Emergency Petitions for Custody.

A. Definitions

1. Petitions for Special Relief shall be filed to address a specific circumstance that does not necessitate the modification of an existing Custody Order and does not involve the violation of the existing Custody Order.

2. Petition for Emergency Special Relief shall be filed when there is an immediate threat to the health, safety, or welfare of the child.

B. New Cases with a Petition for Emergency Special Relief

1. The Petition for Emergency Special Relief must be presented as a separate document titled "Petition for Emergency Special Relief." The petition must allege

facts which specify the clear and present danger to the welfare of the child(ren). If the Special Relief does not warrant emergency relief, then a custody conference will be scheduled with the Custody Conference Officer.

2. The Petition for Emergency Special Relief shall be filed with the Prothonotary simultaneously with the Custody Complaint. The Emergency Petition for Custody must be a separate document apart from the Custody Complaint.

C. Existing Cases – No Change Requested To Existing Custody Order And No Violation Of Existing Custody Order

1. The Petition for Special Relief or Emergency Petition for Custody shall be filed with the Prothonotary.

2. The Judge shall review the filing and either schedule a hearing, enter an Order, or direct the matter be assigned to the Custody Conference Officer with the goal of reaching a resolution at the conference.

D. Existing Cases – Modification Of Existing Custody Order Requested Or Contempt Of Existing Custody Order

The Petition for Emergency Special Relief shall be filed with the Prothonotary simultaneously with the Petition for Modification or Petition for Contempt. The Emergency Petition for Special Relief must be a separate document apart from the Petition for Modification or Petition for Contempt.

E. Should a significant change in circumstances arise after entry of an Interim Order and before the pre-trial conference necessitating a modification of the Interim Order, which modification cannot be amicably agreed upon pending the pretrial conference, either party may file a Petition for Special Relief of the Interim Order, setting forth all pertinent facts in support thereof or verified by the filing party. See R.C.P. 1915.13.

17CV1940.5. Duties of the Mediator.

(a). All mediation communications and mediation documents, as those terms are defined in 42 Pa.C.S.A. §5949, are privileged.

(b). No party, mediator, or other person who participates in mediation may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation.

17CV5102 Custody of Exhibits.

- (a) Scope. Local rule 5102 is hereby issued to align the practice and procedure in the Court of Common Pleas for the 17th Judicial District with Pa.R.J.A. 5101 – 5105. These local rules incorporate the terms of art and their definitions as set forth in Pa.R.J.A. 5101(a). These local rules do not apply to any record hearing which may be appealed *de novo* to the Court of Common Pleas or upon which exceptions or objections can be filed to the Court of Common Pleas.
- (b) Custodian. The proponent of any exhibit being offered into evidence shall be its custodian. The custodian is responsible for safeguarding and maintaining the exhibit(s) until the conclusion of the proceedings.
- (c) Format of Exhibits. The custodian shall ensure that the format of an exhibit, including size and material, is compatible with the records office's ability to maintain and retrieve it. This includes the following: (i) offering as an exhibit an 8 ½ by 11 inch copy of any oversized (larger than 8 ½ by 11 inches) documentary evidence; (ii) offering as an exhibit copies of any voluminous documentary evidence on a digital storage device; and (iii) offering any digital media (e.g., video and/or audio recordings) as an exhibit on a digital storage device in a format that uses publicly available software for retrieval, or includes any propriety software necessary for retrieval.
- (d) Submission to the Court. Unless instructed otherwise by the presiding judge, the custodian shall submit any exhibits to the Court at the conclusion of the court proceeding in order to ensure that the exhibits are filed with the records office for incorporation into the docket within the next five business days. The custodian shall submit to the Court a numbered **list of exhibits** offered into evidence that includes the following: (i) a textual description or identification of each exhibit; and (ii) whether the exhibit was admitted into or rejected from evidence by the Court.
- (e) Retention by the Custodian. Unless instructed otherwise by the presiding judge, the custodian shall retain custody after the conclusion of court proceedings of the following: (i) non-documentary evidence (i.e., physical evidence including, but not limited to, clothing, weapons, cash or other items of value, drugs, and dangerous or biohazardous materials); or (ii) evidence that is bulky, oversized or otherwise impractical for the records office to store/maintain. In such cases, the custodian shall ensure that a photograph (no larger than 8 ½ by 11 inches) of such evidence is offered as an exhibit and included in the index of exhibits.

CRIMINAL LOCAL RULES

17CR106 CONTINUANCES

17CR106.1 Written Motion

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of records shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CR106.2 Form of Motion

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: www.snydercounty.org or www.unioncountypa.org.

17CR117 COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS AND SUMMARY TRIALS; AND SETTING AND ACCEPTING BAIL

1. Magisterial District Judge offices shall be open to meet the needs of the public and the court for regular business on Mondays through Fridays, excluding holidays, during hours established by Order of the President Judge.

2. Continuous coverage for the issuance of search warrants and arrest warrants, the holding of preliminary arraignments and summary trials, the setting and accepting of bail and collateral, and the accepting of complaints shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

3. An on-call Magisterial District Judge and the Clerk of Courts shall accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure. Only the Clerk of Courts shall accept the posting of realty.

17CR0574 MOTIONS—REPRESENTATIONS TO THE COURT

All motions filed with the Court must be written, shall contain a certification by counsel for the movant, or by the movant if not represented by counsel, that he or she has sought concurrence in the motion from each party, and that it has been either given or denied. No motion shall be filed without a certification of concurrence or nonconcurrence. Every motion which has been concurred with by all parties shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought in the motion. Every motion that is not concurred with by all parties shall be accompanied by a form of order which includes alternative provisions for either a rule returnable for answer only or to schedule a date for hearing and argument before the court.

Effective _____, 20__

17CR576.1 Electronic Filing in Criminal Dockets

A. The County Clerk of Courts Office and the Administrative Office of Pennsylvania Court (AOPC) agreed upon an implementation plan for PACFile in Union County for certain criminal filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

B. As used in this rule, the following words shall have the following meanings:

- i. “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;
- ii. “filing party,” an attorney, defendant, plaintiff, or other person who files a legal paper by means of electronic filing;

ii. “legal paper,” a pleading or other submission to the court, including motions, answers, notices or other documents, of which filing is required or permitted, including orders, copies of exhibits, and attachments. The following documents are excluded from the definition of “legal paper” and are **therefore prohibited** from being filed electronically:

- (1) applications for search warrants,
- (2) applications for arrest warrants,
- (3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
- (4) submission filed *ex parte* as authorized by law,
- (5) submissions filed or authorized to be filed under seal, and
- (6) exhibits offered into evidence, whether or not admitted, in a court proceeding;

iv. “original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

v. “the system” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

C. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1 (D)(2), the establishment of the PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

D. Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

E. A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.

F. All filings shall comply with the **Case Records Public Access Policy** of the Unified Judicial System of Pennsylvania.

H. Service of Legal Papers:

(a) Attorneys or self-represented parties who are unable and unwilling to participate electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(b) Service of legal papers on any attorney or party who has not established an Account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P.576. Specially, the following offices must be served in accordance with Rule 576: Court Administration, Probation, Sheriff and Court Reporter. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution ledger

listing the names and addresses of all parties required to be served with a paper copy.

(c) Service upon an attorney or defendant participating in the system shall be done electronically.

17CR5102. Custody of Exhibits.

- (a) Scope. Local rule 5102 is hereby issued to align the practice and procedure in the Court of Common Pleas for the 17th Judicial District with Pa.R.J.A. 5101 – 5105. These local rules incorporate the terms of art and their definitions as set forth in Pa.R.J.A. 5101(a). These local rules do not apply to any record hearing which may be appealed *de novo* to the Court of Common Pleas or upon which exceptions or objections can be filed to the Court of Common Pleas.
- (b) Custodian. The proponent of any exhibit being offered into evidence shall be its custodian. The custodian is responsible for safeguarding and maintaining the exhibit(s) until the conclusion of the proceedings.
- (c) Format of Exhibits. The custodian shall ensure that the format of an exhibit, including size and material, is compatible with the records office's ability to maintain and retrieve it. This includes the following: (i) offering as an exhibit an 8 ½ by 11 inch copy of any oversized (larger than 8 ½ by 11 inches) documentary evidence; (ii) offering as an exhibit copies of any voluminous documentary evidence on a digital storage device; and (iii) offering any digital media (e.g., video and/or audio recordings) as an exhibit on a digital storage device in a format that uses publicly available software for retrieval, or includes any propriety software necessary for retrieval.
- (d) Submission to the Court. Unless instructed otherwise by the presiding judge, the custodian shall submit any exhibits to the Court at the conclusion of the court proceeding in order to ensure that the exhibits are filed with the records office for incorporation into the docket within the next five business days. The custodian shall submit to the Court a numbered **list of exhibits** offered into evidence that includes the following: (i) a textual description or identification of each exhibit; and (ii) whether the exhibit was admitted into or rejected from evidence by the Court.
- (e) Retention by the Custodian. Unless instructed otherwise by the presiding judge, the custodian shall retain custody after the conclusion of court proceedings of the following:
- (i) non-documentary evidence (i.e., physical evidence including, but not limited to,

clothing, weapons, cash or other items of value, drugs, and dangerous or biohazardous materials); or (ii) evidence that is bulky, oversized or otherwise impractical for the records office to store/maintain. In such cases, the custodian shall ensure that a photograph (no larger than 8 ½ by 11 inches) of such evidence is offered as an exhibit and included in the index of exhibits.

17CR9756-UC Reentry Plan

UNION COUNTY COURT OF COMMON PLEAS

REENTRY PLAN

I--Sentencing Considerations

The Court of Common Pleas of and for Union County, in collaboration with the Union County Probation Department have created this reentry plan with a focus on certain attainable goals. First and foremost are the rehabilitative needs of the offender. Clearly all offenders sentenced to periods of confinement in our county jail will eventually be returned to the community. Most of these individuals will be reintegrated into the community as part of a parole plan, while a very small percentage of offenders will serve their maximum sentence in confinement and will be returned to the community without the benefit of a structured parole plan. In either case, the likelihood the individual will be successful in a return to society is increased dramatically if their rehabilitative needs are accurately identified and addressed while they are still in confinement.

Secondly, the Court must impose a sentence consistent with the protection of the public. Therefore, it is absolutely essential that individuals referred to the Union County Probation Department be subjected to a comprehensive Risk/Needs Assessment. This assessment shall be performed on all individuals referred to the field agency regardless of the manner in which their case is disposed. In cases where the Court has imposed a sentence of probation or intermediate punishment, there is a reasonable expectation that the individual is perceived to present a low risk to the public. Those individuals sentenced to confinement generally present an elevated risk to the public and through an approved assessment tool probation staff can identify areas of concern. Measures can then be taken to reduce those risk factors while the individual remains incarcerated.

Thirdly, when imposing a sentence of confinement the Court shall "consider the gravity of the offense as it relates to the impact on the life of the victim and on the community." This consideration moves a more punitive sentence to the forefront and places less emphasis on the rehabilitative needs of the offender or the risks the individual presents to the community at large. Nevertheless, planning for the eventual reentry of the individual into the community should

begin immediately upon sentence commencement and shall include a Risk/Needs Assessment, goal identification and implementation of programming.

Finally, the inherent costs associated with housing inmates in the county jail must be weighed against the punitive and rehabilitative needs of the offender and the risks the individual poses to the public. Due to the limited capacity of the Union County Jail, the institutional population is constantly well beyond 100%, resulting in inmates being housed in neighboring county jails at per diems ranging from \$ 60 to \$ 100. If the risks and needs of the offender can be addressed short of incarceration, sentences of probation or intermediate punishment should be considered. If incarceration remains the most viable option, then reentry of the offender into the community must be given forethought and planning from the time of sentence commencement.

II--Programming

Among the most common obstacles facing Union County inmates are drug and/or alcohol addiction, lack of education, inadequate or no available housing, poor employment records coupled with lack of job skills, limited life skills and an absence of a positive support network. Additionally, some inmates struggle with mental health disorders including anger issues and/or poor impulse control. Many of these individuals are without the resources needed to obtain appropriate treatment and/or prescription medications.

Union County is fortunate to be in a somewhat unique position. In 2012, the county implemented a day reporting program which now provides programming for many of the obstacles facing inmates as they prepare for reentry. In April of 2013, all programming was moved to the Day Reporting Center at 480 Hafer Road, Lewisburg, PA. In a sense, Union County provides "one stop shopping" in a building which previously housed the local Army Reserve Unit. Unlike many county day reporting programs, Union County not only owns the facility and the five acres of land on which it sits, but they also employ the staff providing oversight for the various programs. Full time employees with offices at the Day Reporting Center include a program director, two adult probation officers (one whose primary focus is community service), a maintenance supervisor, and an administrative assistant. Contracted services provided at the center include G.E.D. instruction through the Central Susquehanna Intermediate Unit, Retail Theft Prevention contracted through the National Association For Shoplifting Prevention and Drug and Alcohol Counseling contracted through Gaudenzia, Inc. Additional non-contracted services include life skills through the Community Action Agency, job search using computers linked to Career Link, coordination of community service both on grounds and off, and Anger Management and Credit counseling as needed.

III--Reentry

In determining an offender's eligibility to participate in a formal reentry program, the Union County Probation Department (UCPD) shall first consider the criteria set forth under 61 Pa.C.S.A. 4503. If the offender meets these eligibility requirements the court shall, when imposing sentence, designate the offender as being eligible for formal reentry. Additionally, the sentencing authority shall order the offender to successfully participate in any and all mandated treatment or programming as directed by the UCPD. Any failure to do so will result in the offender's eligibility to participate in formal reentry being revoked as herein described. (Appendix A)

The general requirements for formal reentry shall include but may not be limited to the following:

1. The UCPD certified that it has conducted an appropriate assessment of the treatment needs and risks of the inmate using a standardized assessment tool.
2. The UCPD certified that it developed a program plan based on the assessment conducted under paragraph 1, that is designed to reduce the risk of recidivism through the use of Recidivism Risk Reduction Incentive (RRRI) programs authorized and approved by the Court.
3. The UCPD advised the inmate that he or she is required to successfully participate in the designated treatment and/or programs and successfully complete same.
4. The inmate has successfully participated in all required RRRI programs and, if an appropriate period of time was available, has successfully completed those programs.
5. The inmate has maintained a good conduct record following the imposition of the RRRI minimum sentence.
6. The reentry plan for the inmate is adequate.
7. Individual conditions and requirements for parole have been established.
8. The UCPD has certified that the inmate continues to be an eligible offender.
9. There is no reason to believe that the inmate poses an unreasonable risk to public safety.

Inmates designated as being eligible to participate in a formal reentry program shall be considered parole eligible in accordance with the provisions set forth under 61 Pa.C.S.A. 4505(c) referenced Recidivism Risk Reduction Incentive (RRRI)-minimum sentence. The RRRI minimum sentence shall be equal to 3/4th of the minimum sentence imposed. For purposes of these calculations, partial days shall be rounded to the nearest whole day.

APPENDIX A Inmates designated by the Court as being eligible for formal reentry shall be expected to follow all rules and regulations imposed by the Warden of the Union County Jail or his designee, all rules and conditions imposed by the Union County Probation Department, and all directives from treatment or program providers. Furthermore, the inmate shall comply with all conditions ordered by the sentencing authority.

All allegations of misconduct shall be reported and documented in accordance with the Union County Prison-Inmate Disciplinary Procedures Policy. (Appendix B) Acts of misconduct which potentially could impact on an inmate's eligibility for formal reentry shall be reviewed jointly by Union County Prison staff and the Chief Probation Officer as set forth in Appendix B. Inmates found to be in noncompliance shall be sanctioned using an assignment of points with an accumulation of 5 points or more disqualifying an inmate from formal reentry eligibility (Appendix C). An added penalty for accruing 5 or more points shall be that the inmate will be ineligible for parole for one additional week beyond his or her minimum sentence for each

accrued point. For purposes of calculation, the minimum sentence shall be the term imposed by the sentencing authority, not the RRRI minimum.

APPENDIX B Policy: INMATE DISCIPLINARY PROCEDURES

Policy Number: 95.240

Attachments:

- 1 CLASS I CHARGES
- 2 CLASS II CHARGES
- 3 CLASS II CHARGES
- 4 MISCONDUCT & DISPOSITION FORMS

Date of Issue: 2-Apr-10

Revision Date: 4-Sep-12

Reviewed Annually: See annual review page

I. Policy

It is the policy of the Union County Prison to operate a disciplinary process that provides clear notice of prohibited behavior, outlines a fundamentally fair hearing process, and establishes consistent sanctions for violations of Prison rules and regulations. It is also the policy of the Prison that information concerning an inmate's criminal acts shall be forwarded to appropriate court or law enforcement officials for consideration for prosecution.

II. Procedures

Every inmate under the jurisdiction of the Prison is expected to follow Prison rules and regulations. In the event that an inmate violates Prison rules and regulations, the violation shall be reported and disposed of either by an informal or formal resolution process. The informal resolution process shall be used for those violations that are considered less serious in nature, while the formal resolution process shall be used for violations of a more serious nature. Attachment A provides a list of misconduct that may result in the commencement of disciplinary procedures. Only Class II and Class III charges are subject to informal resolution by the Lieutenant and Prison Supervisor. Class I charges must be disposed of formally by the Lieutenant and Prison Supervisor.

A. *Misconduct Reports.*

1 Every misconduct is to be reported on a Misconduct Report. An inmate charged with any of the listed misconduct will receive a copy of the report.

2 The Misconduct Report is used to give notice to the inmate of the misconduct with which he/she has been charged and to report the facts upon which the charges are based. The Report will be used as evidence against the inmate during the misconduct hearing or the informal resolution meeting.

3 The Misconduct Report shall be written by either the charging staff member or contract personnel who has personal knowledge of the misconduct or by a staff member at the direction of a person who has personal knowledge of the misconduct.

4 The Misconduct Report will be written and submitted to the Lieutenant, Prison Supervisor or OIC before the tour of duty concludes on the same day/shift that the charging staff member or contract personnel have knowledge of the violation. If not, the Report must include a justification for the delay.

5 The Misconduct Report shall be investigated as required, reviewed and approved by the Lieutenant or Prison Supervisor prior to service of the Misconduct Report on the inmate. The Lieutenant or Prison Supervisor, as an alternative to approving the Misconduct Report, may refer the matter for informal resolution under this Policy.

6 The Lieutenant will enter all pertinent information regarding the misconduct into the Department misconduct tracking system.

B. Service of Misconduct Report.

1 The inmate shall be personally served with the Misconduct Report the same day the report is written. If the Misconduct Report is not served the same day the report is written, the Lieutenant or Prison Supervisor must determine why the Report was not served and supply justification.

2 Someone other than the charging staff member will serve the Misconduct Report.

3 The staff member who serves the Misconduct Report shall record the date and time of service on the Misconduct Report immediately prior to giving the inmate a copy of the Misconduct Report.

C. Informal Resolution of Misconduct.

1 The misconduct charge(s) eligible for informal resolution are:

a.all Class II charges and;

b.all Class III charges

2 The Lieutenant and Prison Supervisor will review all eligible Misconduct Reports for informal resolution. The staff member issuing the misconduct may recommend informal resolution for eligible charges, but the Lieutenant and Prison Supervisor, who will base his/her choice on the relative seriousness of the misconduct and the inmate's previous misconduct history, shall make the decision. The Lieutenant and Prison Supervisor must justify the reason why an eligible charge was not referred for informal resolution under the immediate action section of the Misconduct Report. All misconducts selected for informal resolution will be logged.

3 The Lieutenant and Prison Supervisor will meet with the inmate for disposition of the misconduct charge(s) within seven working days. The reporting staff member is encouraged, but not required, to attend the meeting. No assistance or witnesses are permitted at these meetings. The inmate will be permitted to give his/her version of the events at the meeting.

4 At the conclusion of the meeting, the Lieutenant and Prison Supervisor shall take one of the following actions and note the action taken on a General Report form:

a.no action

b.reprimand and warning;

c.up to seven days cell restriction

d.up to seven days loss of specified privileges (telephone, yard, dayroom, etc.);

e.one week loss of commissary;

f.assignment of additional work duties for which the inmate shall not be compensated; or

g.assess restitution for damaged or destroyed property of Union County or another inmate, provided that the inmate agrees to make restitution.

If the inmate refuses to agree to make restitution, the matter shall be referred back to the Lieutenant and Prison Supervisor for formal resolution.

5 When the Lieutenant and Prison Supervisor assess restitution for damaged or destroyed property of Union County or another inmate, 50% thereof can be taken from the current balance of the inmate's inmate account and 50% thereof in subsequent months until the debt is satisfied. However, funds shall not be deducted from the inmate account until such time as an appeal or the time for an appeal has passed.

6 The copy of the form designated for the inmate is given to him/her at the conclusion of the meeting. All other copies of the form are to be disseminated as indicated on the form.

7 The inmate may appeal the action taken at the meeting to the Warden, but only in those cases where the inmate believes that the action is disproportionate to the misconduct. The inmate has seven days to appeal.

D. Misconduct Hearing.

1A misconduct hearing shall be held for all Class I misconduct charges and as provided in Section II.C. of this Policy.

2 The Lieutenant and Prison Supervisor shall conduct the misconduct hearing.

3 The misconduct hearing shall be scheduled no less than 24 hours or no more than seven working days, excluding weekends and County holidays, after service of the Misconduct Report.

4 The inmate shall be informed of the time of the hearing 24 hours in advance of the scheduled misconduct hearing.

5 The inmate will be present during the misconduct hearing, unless the inmate waives that right in writing or refuses to attend.

6 If the charged inmate becomes disruptive at the hearing or refuses to follow the instructions given by the Lieutenant or Prison Supervisor, he/she will be removed and the hearing conducted without the inmate being present.

7. Inmate Assistance.

a. In cases when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on

his/her own behalf,
assistance shall be permitted. The criterion for
capability is the
inability of the inmate to understand the English
language or the
inability to read or understand the misconduct
charge(s) and/or the
evidence.

b. The Lieutenant and Prison Supervisor will
approve/disapprove
requests for an inmate to have assistance at the
hearing.

c. If approved by the Lieutenant and Prison
Supervisor, the inmate
shall be permitted assistance at the hearing from
any staff member or
any inmate in the same population status.

d. The inmate shall be permitted to meet with the
assistant for an
appropriate period of time before the hearing.

8 At the hearing, the misconduct charge(s) shall be read to the
inmate. The Lieutenant or Prison Supervisor shall request the
inmate's plea to each individual charge.

9Inmate Version. The inmate may submit his/her version in
writing or may orally present his/her version that shall be
summarized as part of the hearing record.

10Witnesses.

a. The inmate may request to have up to three witnesses or
a written
statement from witnesses for the hearing.

b. All witnesses shall be approved by the Lieutenant and
Prison
Supervisor.

c. The Lieutenant and Prison Supervisor may approve the
presence of a
staff member or witness only if the staff member or
witness has
knowledge of the incident, is present on facility grounds,
and only if

the testimony is needed to establish the guilt or innocence of the inmate.

d. Up to three relevant witnesses, who have been properly requested and approved, may be permitted. One of the three witnesses may be the staff member who witnessed the misconduct violation or the charging staff member.

e. If an inmate witness or assistant becomes disruptive at the hearing or refuses to follow the instructions given by the Lieutenant or Prison Supervisor, he/she shall be removed and the hearing conducted without the witness or assistant being present.

f. The Lieutenant or Prison Supervisor may question any witness. The charged inmate shall be permitted a reasonable opportunity to pose relevant questions to any adverse witness. The Lieutenant and Prison Supervisor shall control the extent of questioning.

g. The Lieutenant and Prison Supervisor shall make determinations of credibility of a witness.

h. All testimony shall be under oath.

i. If the inmate elects to plead guilty or waive his/her right to a hearing, no witnesses shall be required.

11Designee. In the event the Lieutenant or Prison Supervisor is involved in the misconduct directly, the Warden will assign another staff member to replace the Lieutenant or Prison Supervisor at the hearing.

12 Any discipline shall be recorded and made part of the inmate's permanent record.

13 At the conclusion of the hearing, the Lieutenant and Prison Supervisor shall impose punishment as follows:

- a. Loss of privileges, being those actions described in Section II.C.4 of this Policy; or
- b. Segregation

14 Conditions in Segregation shall be as follows, except if safety or security is a concern:

- a. The cell will be clean, well-lighted, heated, ventilated and sanitary;
- b. The cell shall be furnished with a mattress, bedding and toilet facilities;
- c. Except in special circumstances, as for example a suspected suicide threat, the inmate shall wear prison issued clothing;
- d. Three meals per day shall be provided, identical with the meals provided to the remainder of the jail population;
 - e. A bathing and shaving schedule shall be maintained, including the minimum twice weekly opportunities;
- f. Toilet tissue and drinking water shall be provided;
- g. The inmate shall have an opportunity to exercise;
- h. The regular review of segregation shall be practiced, provided that the time interval shall not exceed five (5) days;
- i. The segregation unit shall be adequately supervised;
- j. Writing privileges shall not be denied to inmates in segregation;
- k. The chaplain shall be permitted to visit regularly; and

l. The medical staff shall visit all inmates in segregation on his/her regularly scheduled visit to the prison.

m. When an inmate in disciplinary status and is deprived of any usual authorized items or activity a report of action is made to the prison administrator.

n. Inmates in disciplinary status are given the same meals served to the general population.

15 Corporal punishment, punishment by placing in a dark cell, and all cruel, inhumane or degrading punishments shall be completely prohibited.

APPENDIX C Class 1 Misconduct Charges. Assignment of five points and immediate disqualification from formal reentry eligibility--

1. Commission of any act which results in the filing of felony or misdemeanor criminal charges.
2. Failure to return to the Union County Prison following an authorized release for purposes of employment or programming.
3. Inmate determined to be at a location other than that which was authorized as a condition of partial confinement.
4. Engaging in sexual acts with others or sodomy.
5. Assault against correctional staff.
6. Refusing to work or attend mandatory programs or encouraging others to do the same.
7. Possession of contraband including but not limited to tobacco, drug paraphernalia, any illicit or mind altering substance, alcohol, weapons or other items, which in the hands of an inmate, present a threat to the inmate, others, or to the security of the facility.

Class 2 Misconduct Charges. Assignment of two points--

1. Tattooing or other forms of self-mutilation.
2. Possessing tattooing instruments or materials.
3. Gambling or conducting a gambling operation or possessing gambling paraphernalia.
4. Extortion or blackmail.

5. Possessing or circulating a petition which is a document signed by two or more person's requesting or demanding that something happen or not happen without the authorization of the Warden.
6. Using abusive, obscene, or inappropriate language toward correctional or probation staff.
7. Violating the Union County Prison visitation regulations and/or policies.
8. Unauthorized use of mail or telephone including use of cell phone.
9. Refusing to obey an order from correctional or probation staff.
10. Theft of property from another inmate.

Class 3 Misconduct Charges. Assignment of one point--

1. Loaning or borrowing property from other inmates.
2. Lying to correctional or probation staff.
3. Failing to report the presence of contraband.
4. Body punching or horseplay.
5. Taking food from the food cart without authorization.
6. Possessing any item not authorized for retention or receipt by an inmate, not specifically enumerated as a Class 1 or 2 Misconduct Charge.
7. Any violation of a rule or regulation in the Union County Department of Corrections Inmate Handbook not specified as a Class 1 or 2 Misconduct Charge.

17-JA-01. Public Access Policy: Case Records of the Trial Courts.

All filings in the Court of Common Pleas of Snyder/Union County shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania. Persons who file documents that contain confidential information as defined by the Policy shall use and file a

Confidential Information Form (Section 7.0) provided by the Administrative Office of Pennsylvania Courts in order to comply with the Policy. The form shall be available in each filing office as well as on each of the county's websites: www.snydercounty.org and

www.unioncountypa.org . Additional forms including but not limited to the following:

- Confidential Document Form
- Abuse Victim Addendum
- Request for Clerical Error Correction

are available at www.pacourts.us/public-records.

Failure to comply with the requirements of the Public Access Policy may result in the matter being before the court for hearing or sanctions.