



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

December 3, 2020

**TRIAL DIVISION – CIVIL**

**NOTICE TO THE BAR**

**UPDATED PROTOCOL FOR CONDUCT 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 resumed in October of 2020 utilizing Zoom video conferencing. The conduct of Virtual Arbitration hearings is governed by 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 for the remainder of 2020 and until further Order of the Court will be in a “pool program” similar to what has been the practice with matters on Appeal from Arbitration. The current hearing date **IS NOT** the case’s Virtual Hearing date. The current hearing date is serving as a “place holder”, which will allow for the Arbitration Center staff to keep track of the inventory in the Compulsory Arbitration Program and review each case for its viability to be scheduled for a Virtual Arbitration hearing.
2. The parties will receive Notice of a Virtual Arbitration Hearing at least 25 days prior to the virtual 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 regular mail.

3. Approximately 10 days before the Virtual Arbitration Hearing date, the parties will receive a Scheduling Order. The Order will be emailed to the parties and will include the Zoom Link and additional details on how to participate remotely.
4. 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.
5. 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. To do so, the party or self-represented litigant will be required 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](mailto:maureen.eagen@courts.phila.gov), and all other counsel and self-represented litigants are to be copied on the email.
6. 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”. Additionally, all documents submitted in advance of the Zoom hearing continue to be subject to the Pennsylvania Rules of Evidence and Rules of Civil Procedure.
7. It is requested that the parties’ Arbitration packets be limited to fifteen (15) pages. The packets are to be emailed to the Arbitration Center no later than five (5) days prior to the hearing. The Scheduling Order will include the email for where the packets are to be sent. Each Virtual Hearing room has its own email address.
8. Parties are required to review their cases once they receive Notice of a Virtual Hearing and advise the Arbitration Center immediately if the case settled or file a Continuance/Deferral Application for a matter not ready to proceed with a Virtual Hearing. Untimely notice to the Arbitration Center may result in a hearing date and time being unavailable for another matter. Parties are advised that the untimely filing of a Continuance/Deferral Application is subject to denial on that basis alone.
9. A matter on the Arbitration Center’s active inventory for the remainder of 2020 and until further Order of the Court will be considered “Ready to Try” and will be subject to the scheduling of a Virtual Hearing.

10. In addition to conducting Zoom Arbitration Hearings, the Arbitration Center will continue the AJPT program, which is like the Judge Pro Tempore program used in the Major Jury track. Attorneys continue to volunteer to serve as AJPTs to conduct settlement conferences in cases where both parties are willing to have such discussions. A request for an assignment to an AJPT should be directed to Maureen Eagen, Esquire, at [maureen.eagen@courts.phila.gov](mailto:maureen.eagen@courts.phila.gov). The email shall copy all counsel and self-represented litigants. Thereafter, the case will be assigned to an AJPT for the scheduling of a settlement conference. A case that cannot be settled through the AJPT program will be rescheduled for Arbitration consistent with the Court's calendar.
11. The AJPT 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 [www.courts.phila.gov/covid-19](http://www.courts.phila.gov/covid-19).
12. This Protocol, as well as, any updated Protocols regarding the Compulsory Arbitration Program will be published as Notices to the Bar and available on the First Judicial District's website at [www.courts.phila.gov/covid-19](http://www.courts.phila.gov/covid-19) and at @PhilaCourts on Twitter.

Honorable Lisette Shirdan-Harris  
Administrative Judge  
Trial Division

Honorable Daniel J. Anders  
Supervising Judge  
Trial Division – Civil