

Rule 1302*. List of Arbitrators. Appointment of Board. Oath

(a)

(1) The Court shall appoint a person to act as Arbitration Administrator who shall serve at the discretion of the Court and under the supervision and jurisdiction of the Court.

(2) Each active member of the bar of this Court who maintains his/her principal office within Montgomery County, shall file with the Arbitration Administrator information indicating whether said member is a sole practitioner, is a member of a firm or is associated with one or more lawyers. Upon any change in the member's status of practicing with or being associated with any other lawyer, said member shall immediately report such change to the Arbitration Administrator.

(3) The Arbitration Administrator shall keep on file all papers pertaining to proceedings in arbitration cases until the same are concluded, shall keep the arbitration list up to date, shall prepare and furnish to the Prothonotary and keep up to date a list of the members of the bar qualified to act, which list shall be confidential. The Arbitration Administrator shall send a letter to all members of the Montgomery Bar Association within sixty (60) days after their admission to the bar of his or her right to accept an assignment of Arbitrator by sending, in writing, a statement of his or her intention to so act, which notice shall be directed to the Arbitration Administrator. The Arbitration Administrator shall advise the members of the bar that appointment as an Arbitrator shall have the same force and effect as a Court commitment.

(b)

(1) Upon the filing of a praecipe signed by all counsel, with notice to opposing counsel and any unrepresented parties, the Arbitration Administrator shall select the Board of Arbitrators, consisting of three (3) members of the Bar of this Court from the list of attorneys qualified to serve as follows:

(a) The Arbitration Administrator shall select three attorneys from said list, two of whom shall have been admitted to the practice of law for at least eight years. The attorney with the lowest "attorney identification number" shall serve as chairperson of the panel.

(b) Upon the request of any party in writing filed within ten (10) days of the filing of the praecipe for arbitration with notice to opposing counsel, the Arbitration Administrator shall nominate five attorneys from said list, three of whom shall have been admitted to the practice of law for at least eight years. For each additional party with an adverse interest, the Arbitration Administrator shall nominate an additional attorney who has been admitted to the practice of law for at least eight years. Each party shall then have the right to strike one attorney so nominated by notifying the Arbitration Administrator in writing within ten (10) days of the date of mailing of the list of nominations by the Arbitration Administrator. The three remaining attorneys or the first three named on the list,

if one or more strikes are not exercised, shall serve on the panel with the senior attorney to act as chairman.

(c) In the event of the disqualification or failure to act of an appointed attorney, the Arbitration Administrator, in all cases in which the panel was selected under (a) above, shall appoint a similarly qualified and available attorney in his/her place. In all cases in which the panel was selected under (b) above, the Arbitration Administrator shall nominate three similarly qualified and available attorneys with an additional attorney for each additional party with an adverse interest provided that there is sufficient time in which to do so. Each party shall strike as above one attorney so nominated and the remaining attorney shall be appointed to the panel.

(d) An adverse party may raise an objection as to whether the matter is arbitrable under these rules or as to the composition of the panel selected under (b) above by notifying the Arbitration Administrator in writing with notice to opposing counsel within ten (10) days of the filing of the praecipe or the mailing of notice of the composition of the panel. The Court shall decide such objections before the matter is heard by the Board on the merits.

(e) If any counsel refuses to sign the praecipe for arbitration, any party may request a conference before the designated Judge on the case in order to determine whether the case should be placed on the arbitration list and scheduled for hearing.

(f)

(1) Each member of a Board of Arbitrators who has signed a report or dissented shall receive as compensation for services in each case a fee of one hundred dollars (\$100). When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the Arbitrators is concerned. In civil action, where no appearance has been entered for the defendant and there is no contest, the compensation of each of the Arbitrators shall be in the sum of twenty-five dollars (\$25) per case. However, the Administrator, in his discretion, may assign more than one such case to a particular Board. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the hearing, the Board members shall not be entitled to the aforesaid fee.

Comments:

1. The arbitration praecipe form referenced in this rule is available online at www.montcopa.org/prothy/form.html.
2. If all parties to an action are unrepresented, any such party any file an arbitration praecipe.