

Rule 1920.54.*(d). *Hearing by Hearing Officer. Report. Related Claims. Initial Conferences.*

(1) *Initial Conferences* –

- (a) A Hearing Officer shall conduct an Initial Conference after being appointed. No stenographic record shall be made of this conference. If a party is represented by counsel, only counsel shall participate in this conference.
- (b) If not already filed and submitted, no later than ten (10) days prior to the Initial Conference, the parties shall file and submit an Initial Conference Memorandum setting forth: (a) basic information about the matter; (b) an inventory consistent with Pa. R.C.P. 1920.75; and (c) any discovery request(s).
- (c) The purpose of the Initial Conference is to assist the parties and the court on issues of discovery and settlement. Following the Initial Conference, the Hearing Officer shall issue an appropriate order setting forth discovery deadlines and shall schedule a Settlement Conference.
- (d) Following the issuance of the recommended order regarding any discovery dispute, either party may thereafter file objections to the discovery order within twenty (20) days and the matter shall be scheduled before the assigned Family Court Judge for disposition.
- (e) If the Hearing Officer determines there is a dispute as to the date of separation, the Hearing Officer shall refer that dispute to the assigned Family Court Judge for disposition.
- (f) Six (6) months after the filing of a divorce complaint, if grounds have not been established, the assigned Family Court Judge shall schedule a Judicial Case Management Conference in accordance with Rule 1930.7 to address discovery, date of separation, procedural status and other disputed issues.

(2) *Discovery* –

- (a) Any Motion to Compel Discovery Responses, Motion to Quash Subpoenas, Motion for Protective Order or similar discovery motion shall be scheduled for oral argument before the assigned Hearing Officer. If both parties are represented by counsel, only counsel shall participate in the argument. The Hearing Officer shall issue a recommended order regarding the discovery dispute.
- (b) Following the issuance of the recommended order regarding the discovery dispute, either party may thereafter file objections to the discovery order within twenty (20) days and the matter shall be scheduled before the assigned Family Court Judge for disposition. In the event that no objections are filed to the recommended discovery

order within twenty (20) days, the recommended discovery order shall become an order of the court.

(3) *Settlement Conference* – The Hearing Officer shall conduct a Settlement Conference. All parties and counsel are required to attend the Settlement Conference. No later than ten (10) days prior to the Settlement Conference, each party shall file and serve the other party a Settlement Conference Statement which:

- (a) Provides biographical information of each party, including but not limited to, age, educational background, occupation history, income, health and children;
- (b) Contains any updates on valuation of property at issue and exhibits supporting same;
- (c) Identifies any and all legal or factual disputes or issues;
- (d) Contains a proposed resolution as to the distribution of all property including the proposed percent of distribution to each party;
- (e) An Expense Statement consistent with Pa. R.C.P. 1910.27;
- (f) A copy of any current support order and the status of any pending support proceeding;
- (g) Any additional information as identified by the Hearing Officer in the recommended order issued following the Initial Conference; and
- (h) A hard copy of the Settlement Conference Statement and all referenced Exhibits shall be delivered to the Hearing Officer no later than ten (10) days prior to the Settlement Conference.

(1) *Praeipie to Transmit / Motion for Grounds Order* -

- (a) At the conclusion of the Settlement Conference: if a grounds order was not previously issued, a party may file a Praeipie to Transmit / Motion for Grounds Order provided that all discovery has been completed, the deadline for discovery has passed, the case has not settled, and divorce grounds have been established.
- (b) A time-stamped copy of the filed Praeipie to Transmit / Motion for Grounds Order shall be served upon the assigned Hearing Officer and the other party and proof thereof via a Certificate of Service shall be filed with the Prothonotary and provided to the Hearing Officer. A Praeipie to Transmit / Motion for Grounds Order shall indicate the estimated time of trial, witnesses, and that discovery is complete.
- (c) Upon the issuance of a Grounds Order by the Court, and following a settlement conference, the matter shall be scheduled for a hearing.

(2) *Hearing* –

- (a) The Hearing Officer shall hold a record hearing for the determination of all matters at issue. Each party shall file a Pre-Trial Statement in conformance with Pa.R.C.P. 1920.33(b) not less than twenty (20) calendar days prior to the scheduled hearing. All expert reports shall be exchanged between the parties not less than thirty (30) days prior to the scheduled hearing.
- (b) Failure to comply with the above Rule may result in the imposition of sanctions recommended by the Hearing Officer and may, in addition, permit the drawing of adverse inferences by the Hearing Officer and the court.
- (c) A hard copy of the Pre-Trial Statement shall be served upon the Hearing Officer and opposing counsel or any unrepresented party. A Certificate of Service shall be filed with the Prothonotary.
- (d) The time and place of hearing shall be designated by the court. Once a hearing begins, it shall proceed to its conclusion within the limits of the estimated trial time. All scheduling shall be consistent with the schedule of the Hearing Officer.
- (e) The Hearing Officer shall file a Report and Recommendation in accordance with Pa.R.C.P. 1920.53, 1920.54 and 1920.55-2(a)(1), (2).

Comment: See Montgomery County Local Rule 1920.55-2* for the procedures following the issuance of the Hearing Officer's Report.