

**RULE L1920.51. HEARING BY THE COURT. APPOINTMENT OF MASTER. NOTICE OF HEARING.**

(1) Appointment of Masters.

(a) The Court may appoint by separate order a permanent salaried Master who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

(b) The Court may appoint other attorneys to serve as Masters in cases where it is not reasonable to appoint the permanent Master. In such cases, the Court shall attempt to appoint as Masters in complex or potentially protracted litigation, attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

(c) The Master shall hear such matters as are referred to the Master in the order of appointment.

(d) A motion for appointment of a Master shall be in the form set forth below and shall be accompanied by a certificate of the moving party that the moving party has complied with the filing requirements of Pa.R.C.P.1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one of those rules is inapplicable. Motions for appointment of a Master shall be filed in accordance with Crawford County motions procedure. A Master and may not be appointed where the non-moving party has not complied with Pa.R.C.P.1920.31(a)(1), 1920.33(a) and 1920.46, if applicable.

(2) Fees and Costs.

(a) The designated parties shall pay the following fees, which may be changed by the Court from time to time, to the Prothonotary at the times indicated.

(i) A non-refundable administrative fee shall be paid when the divorce complaint is filed.

(ii) A non-refundable Master's fee shall be paid by the moving party at the time a motion for the appointment of a Master is filed.

(iii) A refundable stenographer's deposit, as determined by the Master, of \$100 per scheduled day of hearing shall be paid by each party 14 days or more before the hearing is scheduled to begin. In the event the hearing takes more than the originally scheduled time, an additional \$100 per scheduled day of hearing will be paid by each party at least 10 days prior to the reconvening of the Master's Hearing. The Master may refuse to proceed if the deposits have not

been made. Either party may pay all of the deposit in order to avoid delay of the hearing.

(iv) The fees set forth in this Rule shall be regarded as costs of the case and upon final disposition the Master may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may appear just and reasonable.

(v) No motion for the appointment of a Master shall be filed until all of the fees in this rule have been paid to the Prothonotary. In the motion, the moving party must certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid.

(vi) The fees referred to in subparagraphs (i) and (ii) above shall entitle the parties to eight (8) hours of services of the Master.

(vii) When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the Master, especially if the hours referred to in sub-paragraph (vi) have been or will be exceeded, or when a stenographer is to be used, the Master may move the Court to order additional deposits or the parties may agree to additional deposits. The Master shall not be required to conduct additional hearings or proceed further in any respect until the payment of the additional deposits as may be ordered or agreed upon have been made to the Prothonotary.

(viii) The original administrative fee paid in all cases as well as Master's fees and deposits paid in cases where the permanent Master has been appointed shall be paid over by the Prothonotary to Crawford County and credited as revenue to the appropriate budget category in the Court's budget.

(b) Master's fees and deposits, in cases where someone other than the permanent Master has been appointed, shall be as set out in any appointing or other order, and shall be held by the Prothonotary to be paid over as the Court may order to the Master as a fee or returned to the parties, or otherwise. In such a case, the specially appointed Master shall file a motion or motions for the payment of the Master's fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Master shall receive compensation as set by Court Order. The Prothonotary may pay the special Master upon receipt of a bill approved by the parties or their attorneys without the necessity of the Court Order. Special Masters are not required to proceed until the Court -ordered deposit is paid in full.

(c) Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary may pay the reporter upon receipt of a bill approved by the Master or the Court.

(3) Prehearing Conference.

(a) Masters shall conduct prehearing conferences prior to the Master's hearing, unless both parties or their counsel agree in writing to waive the pretrial conference. The Master may conduct the conference by telephone.

(b) Within ten (10) days after the Master is appointed, the Master shall give notice of the time and place of the prehearing conference to counsel for represented parties and to the parties directly if unrepresented. Said notice shall be by first class mail or fax, posted or sent at least five (5) business days prior to any prehearing conference.

(c) Initial prehearing statements in accord with Pa.R.C.P.1920.33(b) must be filed on or before the time of the prehearing conference.

(d) At the prehearing conference, the Master will review the following with counsel for the parties or, where a party has appeared without counsel, with the party:

(i) The positions of the parties on each claim, including those where settlement has been reached;

(ii) Discovery which has been completed, including the inventory and pretrial statements (See Pa.R.C.P.1920.33);

(iii) Any documentary evidence to be presented at the hearing under Pa.R.C.P.1920.51(a);

(iv) The names and addresses of each witness any party proposes to call at the hearing;

(v) All matters which may be stipulated by the parties at the hearing; and

(vi) Such other relevant matters as should be raised by either of the parties or the Master.

(e) After the prehearing conference, the Master shall:

(i) Prepare a summary of the discussions and

action taken at the prehearing conference; and

(ii) Prepare a scheduling order setting forth the time frame for completion of the tasks contemplated at the prehearing conference; the filing of amended prehearing statements; and the date by which the stenographer's deposit must be paid; and

(iii) Serve a copy of the summary and scheduling order on counsel for the parties, or on a party who has appeared without counsel.

(f) Notice and Place of Master's Hearing.

Ten (10) days' notice of the time and place of the initial hearing before the Master shall be given in the manner provided by Pa.R.C.P.1920.51(b) and (c).

(g) Continuances.

Requests for continuances of hearings and conferences before the Master shall be made pursuant to Crawford County rules governing motions practice and shall first be presented to the Master. The Master shall promptly make rulings on the request. The parties and Master shall adhere to Cra.R.C.P.208.3(a)(5). The Court shall not review rulings on continuances that are made by a Master unless there has been an abuse of discretion.