

COMPULSORY ARBITRATION

Rule 1301 Arbitration.

(1) Cases Subject to Arbitration.

All cases which are at issue where the amount in controversy, exclusive of interest and costs, does not exceed the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2) shall be submitted and heard by a Board of Arbitrators consisting of three (3) members of the Bar in active practice in this County.

In all cases where a party has obtained a judgment by default, said party may elect to have unliquidated damages assessed at a trial by arbitration with the issues limited to the amount of damages which shall not exceed the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2). The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2).

(2) Arbitration by Stipulation.

By agreement signed by the parties or their counsel, the parties may agree to submit a case to arbitration. Such agreement shall define the issues and contain such stipulation as to facts, admissions, or waivers of defenses or proofs as are agreed upon.

(3) Exceptions.

These rules shall not apply to the following actions:

- (a) Ejectment
- (b) Quiet Title
- (c) Replevin—except by Order of Court
- (d) Mandamus
- (e) Quo Warranto
- (f) Mortgage Foreclosure
- (g) Actions requiring Equitable or Declaratory Relief

(4) Compensation of Board.

- (a) Each member of a Board of Arbitration shall receive as compensation a fee in an amount as set by the Court from time to time by special order. Where hearings exceed ½ day, the arbitrators may petition the Court for additional compensation, which may be granted for cause shown.

(b) In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties before the board members have attended any hearing, the attorney for plaintiff(s) in such case shall file a praecipe with the Prothonotary, requesting that the board so appointed be vacated. A copy of the praecipe shall be given to the Court Administrator.

(5) Procedure for Payment.

Where the arbitrators are entitled to a fee, the Prothonotary shall certify to the County Commissioner and to the County Treasurer the names of the members of the Board and an Order for payment. The County Commissioners and Treasurer shall pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs.