

## **RULE L1302 LIST OF ARBITRATORS. APPOINTMENT TO BOARD.**

(a) The Prothonotary of Butler County shall compile and maintain a list of persons eligible and willing to serve as arbitrators. This list shall be comprised of members of the bar actively engaged in the practice of law primarily in Butler County. "Actively engaged in the practice of law primarily in Butler County" is defined as attorneys who regularly maintain an office in Butler County for the practice of law. Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator with the Prothonotary. Arbitrators shall be selected by the Prothonotary from those persons who have filed their consents to serve.

(b) If an arbitrator is not able to serve on his or her appointed date, said arbitrator shall secure a replacement arbitrator from the list of attorneys who have consented to serve. Said arbitrator shall notify Court Administration and the Prothonotary of the replacement. The Prothonotary shall appoint said substitute attorney to replace arbitrator. Should a vacancy on the board of arbitrators occur prior to the hearing for any reason, or should a member of the board fail to attend the hearing, a member of the board shall notify the Prothonotary who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the board of arbitrators occur after the hearing takes place, but before an award is signed by all arbitrators, or should a member of the board fail to or refuse to perform his or her duties, the award shall be signed and filed by the remaining members of the board. If the remaining members of the board are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter the Court Administrator shall schedule a re-hearing for the new board, which shall thereafter file an award.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least ten (10) years. Other members of the panel must have been admitted to the bar.

(d) Each member of the board of arbitrators who have been duly sworn to hear a case shall receive as compensation a fee in the amount set by the court from time to time by administrative order. In cases requiring hearings that exceed one half ( $\frac{1}{2}$ ) day, the arbitrators may petition the court for additional compensation, which the court may grant for cause shown. The arbitrators shall be entitled to receive their compensation fees as follows:

(1) Following hearing, after filing the award with the Prothonotary as per Butler County L.R.C.P. L1306; or

(2) If a continuance is requested after the date of posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), the arbitrators shall be paid from the funds paid by the continuing party as per Butler County L.R.C.P. L1304; or

(3) If a case settles after the posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), but before the scheduled arbitration hearing, the arbitrators

shall be paid by the county as per administrative order under Local Rule L1302(d) upon Order of Court that directs payment in the case.

(a) When counsel agree upon terms for settlement, they shall notify the Court, in writing, as soon as possible such that the case can be removed from the Arbitration hearing list. Any case that is removed from the list after posting of the time for arbitration under Local Rule L1303(d) which does not settle of record, shall not be re-listed for Arbitration unless the arbitrators fees paid to the original Arbitration panel as per Local Rule L1303(e) are reimbursed to the County by counsel for the parties.

Compensation fees paid to arbitrators shall not be taxed as costs or follow the award as other costs.

(e) Upon the filing of the arbitrators' award, discontinuance by the parties after the swearing of the arbitrators, Order of Court continuing the case after posting of a hearing time as per Butler County L.R.C.P. 1303(d)(2), Order of Court removing the case from Arbitration based upon settlement of the case of record as per Butler County L.R.C.P. L1302(d)(3), or an award by the Court in accordance with Pa.R.C.P. No. 1303(b), the Prothonotary shall certify such filing to the Court and submit a statement for payment to the Office of the Court Administrator. The County shall thereupon pay the applicable fee to each member of the board of arbitrators.

(f) If an arbitrator fails in his or her duties, or the board of arbitrators fails to file an award promptly, as required by Pa.R.C.P. No. 1306, the result will be the forfeiture of the arbitrator's fee.