

TITLE 255 – LOCAL COURT RULES

VENANGO COUNTY

Promulgation of Local Rule 1920.51

[__ Pa.B. __]

Order of the Court

AND NOW, this ____ day of _____, 2013, it is hereby ORDERED and DECREED that Venango County Local Rule 1920.51 is adopted. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

**OLIVER J. LOBAUGH,
President Judge**

Local Domestic Relations Rules – Venango County

**Rule 1920.51. HEARING BY THE COURT. APPOINTMENT OF MASTER.
NOTICE OF HEARING.**

(1) Appointment of Masters.

- (a) The Court may appoint by separate order a permanent 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 the permanent Master has a conflict of interest. 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) In all actions for divorce under Section 3301 (a), (b) and (d)(1)(i) of the Divorce Code or for annulment, and all claims for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property, exclusive possession of the marital residence, counsel fees, cost, expenses, or any aspect thereof shall be heard by a master in the absence of a court order to the contrary.

1. All actions or claims described in Section (c) hereof will not be referred to a master until one of the parties files a motion for the appointment of a master to hear the action (s) and/or claim (s) at issue. The motion shall be filed with the Prothonotary together with the proper fee.
2. Upon receipt of the proper fee, the Prothonotary shall forward the motion to the court administrator for assignment to the Permanent Master.
3. Unless the moving party is granted leave to proceed *in forma pauperis*, no master will be appointed until the proper fee for the appointment of the master is paid, or the court permits otherwise. If the monies are not forthcoming and there are no other proceedings in the case for a period of two years, the matter will be subject to termination pursuant to Rule 1901 of the Pennsylvania Rules of Judicial Administration.

- (d) A motion for appointment of a Master 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), 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 Venango County motions procedure.

(2) Preliminary Conference

- (a) Where an action for divorce or annulment has been assigned to a Master, a preliminary conference shall be held before the Master prior to a hearing in the absence of a Court Order to the contrary.
- (b) The preliminary conference shall be held at the earliest possible convenience after the issuance of the order of appointment, but no later than sixty (60) days following the appointment of the Master. Parties and their counsel shall attend the conference and attempt to resolve the issues without further litigation.
- (c) Initial preliminary conference statements in accordance with Pa. R. C. P. 1920.33 (b) must be filed on or before the time of the preliminary conference.
- (d) If no resolution is reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order each party to deposit an additional Seven Hundred Fifty Dollars (\$750.00) with the

Prothonotary to be applied to Master's and Stenographer's fees for an Evidentiary Hearing, unless the Master orders otherwise.

- (e) After the preliminary conference, the Master shall prepare a summary of the discussions and action taken at the preliminary conference.

(3) Evidentiary Hearing

- (a) As soon as the additional One Thousand Five Hundred Dollars (\$1500.00) is deposited with the Prothonotary, the master shall schedule an evidentiary hearing and shall provide notice of the hearing as set forth in the Pennsylvania Rules of Civil Procedure. The Master shall schedule an evidentiary hearing only after the master has ascertained that the additional funds have been deposited with the Prothonotary. The Scheduling order shall set forth the time frame for completion of the tasks contemplated at the prehearing conference; the filing of amended prehearing statements; and shall contain a copy of the Master's summary of the preliminary conference.

(4) 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.
 1. A non-refundable administrative fee shall be paid when the divorce complaint is filed.
 2. At the time of filing a motion for appointment of a master the moving party shall deposit Five Hundred Dollars (\$500.00) with the Prothonotary as a non-refundable deposit for payment of master's fees and costs. No action will be taken by the master until the sum of Five Hundred dollars (\$500.00) has been deposited.
 3. Should no resolution be reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order each party to deposit an additional refundable Seven Hundred Fifty Dollars (\$750.00) with the Prothonotary, to be applied to Master's and Stenographer's fees. Either party may pay all of the deposit in order to avoid delay of the hearing.
 4. The standard hourly fee to be charged by Court appointed Master shall be charged against the One Thousand Five Hundred Dollar (\$1,500.00) Deposit. The standard hourly fee to be charged by court appointed Masters shall be determined from time to time by Order of Court.
 5. Should the Master at any time determine that the sum deposited with the Prothonotary is insufficient to provide for the services of the Master and any stenographer required, the Master shall move the Court to order additional deposits unless the parties consent

to such additional deposits. The Master shall not be required to proceed further until such sum of additional deposits as ordered or agreed upon are made to the Prothonotary.

(5) Continuances.

(a) Requests for continuances of hearings and conferences before the Master shall be made in writing pursuant to Venango County rules governing motions practice and shall first be presented to the Master. The Master shall promptly make rulings on the request. The Court shall not review rulings on continuances that are made by a Master unless there has been an abuse of discretion.