

## Compulsory/Judicial Arbitration

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## Agenda

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- Bias plaintiff/defendant
- Comfort in the rules of civil procedure pertaining to arbitration
- Time/effort

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## Pa.R.C.P 1301

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- Incorporates by reference 42 Pa.C.S. 7361
- Does not apply to cases:
  - a. in which the title to real estate is in dispute
  - b. >\$50,000.00
- Courts favor the usage of arbitration

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## Volume of cases

- In a calendar year 20,000 cases are filed at the arbitration level (Philadelphia)
- An additional 2,000 cases are remanded
- 2,000 cases are resolved via court

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## Pa.R.C.P. 1303

- Date, time and location are determined by the court
- Non pros

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## Pa.R.C.P. 1305

- Majority of the arbitration panel resolves objections
- Documentary evidence
- *Smith vs. German*

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## Pa.R.C.P. 1307

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- Appeal the arbitration award
- Obvious errors

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## Pa.R.C.P. 1309-1310

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Appealing party cannot withdraw the notice of appeal

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## Pa.R.C.P. 1311.1

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- Capping of possible award
- Can rely on documentary evidence
- Cross examination of an expert

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Questions????

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Pleadings

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Types of Pleadings

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1. Complaint
2. An answer with new matter, counterclaim, or cross-claim
3. A reply to the new matter, counterclaim, or cross-claim
4. Counter-reply if the reply to the counterclaim, or cross-claim contains new matter
5. Preliminary objections and a response

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## Formalities

- Caption
- Paragraphing
- Signing
- Verification
- Notice to defend

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## Complaint

- Pa R.C.P. 1019-specific as to time & place
- Facts which prove your cause of action
- Claim for relief
- Do not have to specify damages

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## Amendment of Complaint

- Controlled by Pa R.C.P. 1033
- Granted in a liberal fashion
- Permission by court
- If S.O.L. has expired you cannot introduce another party

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## Responsive Pleadings

- Controlled by Pa.R.C.P. 1029
- Admit or deny
- Lack of knowledge
- Action alleging personal injury or property damage:
  1. identity of person
  2. agency or employment
  3. possession or control of the property or instrumentality

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## Affirmative Defenses

- Contained in Pa.R.C.P.1030
- Assumption of the risk, comparative negligence, and contributory negligence

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## Counterclaims

- Controlled by Pa.R.C.P.1031(a)
- Amount may exceed the amount sought by the plaintiff

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## Cross-claims

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Controlled by 1031.1

Definition:

A cause of action against any other party that the other party may be solely liable on the underlining cause of action or liable to or with the cross claimant on any cause of action.

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## Preliminary Objections

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Controlled by Pa. R.C.P. 1028

- Venue
- Jurisdiction
- Service
- Insufficiency of the cause of action

*Connor vs. Allegheny General Hospital*

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Questions????

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