

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1382 Session of
1979

INTRODUCED BY MESSRS. BERSON, RYAN, SCIRICA AND YOHN,
MAY 23, 1979

SENATOR O'PAKE, JUDICIARY, IN SENATE, AS AMENDED,
JANUARY 29, 1980

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, CLARIFYING PROVISIONS <—
3 RELATING TO APPEALS FROM AWARDS OF ARBITRATORS AND PROVISIONS
4 RELATING TO ARBITRATORS APPEARING AS COUNSEL AND increasing
5 the arbitration limit in all judicial districts.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2502(A) AND SECTION 7361 of Title 42, act <—
9 of November 25, 1970 (P.L.707, No.230), known as the
10 Pennsylvania Consolidated Statutes, ~~is~~ ARE amended to read: <—

11 § 2502. CERTAIN PERSONS NOT TO APPEAR AS COUNSEL. <—

12 (A) GENERAL RULE.--[NO] EXCEPT AS OTHERWISE PRESCRIBED BY
13 GENERAL RULE, AN ATTORNEY AT LAW WHO IS [A MEMBER OF THE STAFF]
14 AN EMPLOYEE OF A COURT SHALL NOT APPEAR AS COUNSEL IN SUCH COURT
15 [AND NO]. AN ATTORNEY AT LAW SHALL NOT APPEAR IN ANY COURT OR IN
16 ANY MATTER IN VIOLATION OF ANY GENERAL RULE RELATING TO THE
17 PRACTICE OF LAW OR THE CONDUCT OF COURTS, DISTRICT JUSTICES AND
18 OFFICERS SERVING PROCESS OR ENFORCING ORDERS OF COURTS.

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2 § 7361. Compulsory arbitration.

3 (a) General rule.--Except as provided in subsection (b),
4 when prescribed by general rule or rule of court such civil
5 matters or issues therein as shall be specified by rule shall
6 first be submitted to and heard by a board of three members of
7 the bar of the court.

8 (b) Limitations.--No matter shall be referred under
9 subsection (a):

10 (1) which involves title to real property; or

11 (2) where the amount in controversy, exclusive of
12 interest and costs, exceeds:

13 (i) [\$10,000] \$20,000 in judicial districts embracing
14 first, second, second class A or third class counties; or

15 (ii) [\$5,000] \$10,000 in any other judicial
16 district.

17 (c) Procedure.--The arbitrators appointed pursuant to this
18 section shall have such powers and shall proceed in such manner
19 as shall be prescribed by general rules.

20 (d) Appeal FOR TRIAL DE NOVO.--Any party to a matter shall <—
21 have [a] THE right to appeal [to and to a] FOR trial de novo in <—
22 the court [upon payment of]. THE PARTY WHO TAKES THE APPEAL <—
23 SHALL PAY such amount or proportion of fees and costs [within <—
24 such time as shall be prescribed by general rule] and [upon <—
25 compliance] SHALL COMPLY with such other procedures as shall be <—
26 prescribed by general rules. In the absence of appeal the
27 judgment entered on the award of the arbitrators shall be
28 enforced as any other judgment of the court. FOR THE PURPOSES OF <—
29 THIS SECTION AND SECTION 5571 (RELATING TO APPEALS GENERALLY) AN
30 AWARD OF ARBITRATORS CONSTITUTES AN ORDER OF A TRIBUNAL.

1 Section 2. This act shall take effect in 60 days and shall
2 apply to actions filed on and after that date, EXCEPT THAT THE <—
3 AMENDMENTS TO 42 PA.C.S. §§ 2502(A) AND 7361(D) SHALL BE
4 EFFECTIVE IMMEDIATELY AND SHALL BE RETROACTIVE TO JUNE 27, 1978.