

Rule 39-1920.53. Hearings by Master. Report

- (a) When an action is at issue, either party may file a motion for the appointment of a master unless a jury trial has been ordered by the court pursuant to the Divorce Code as codified in 23 Pa.C.S. Section 3101 et seq.
- (b) When a motion for the appointment of the standing master is filed, the moving party shall deposit a non-refundable sum of \$350.00 with the prothonotary. The prothonotary shall transmit said deposits as provided in 39-1920.3(b). The prothonotary shall notify the standing master only if the moving party has certified to the filing of his/her inventory and appraisal and/or income and expense statement, if appropriate, pursuant to Pa.R.C.P. 1920.31 and 1920.33.
- (c) The standing master shall be appointed by the court to serve at will and shall serve in the Franklin and Fulton County Branches of the 39th Judicial District pursuant to applicable Pennsylvania Rules of Civil Procedure and the applicable 39th Judicial District Civil Action Rules. The standing master shall be under the supervision of the court and shall not be permitted to practice law in areas relating to domestic relations practice.
- (d) The standing master shall hear claims for fault divorce, issues of a contested two year separation divorce action, equitable distribution of property, alimony, alimony pendente lite, counsel fees and expenses. Claims addressing actions of support for children, custody, spousal support, or paternity shall be referred to the court administrator for appropriate disposition.
- (e) In the event of a recusal of the standing master or unavailability of the standing master, the court may in its discretion appoint a temporary divorce master.
- (f) Claims for interim relief, emergency relief, injunctive matters, exclusive possession of the marital home shall be heard by the court. The court may in its discretion refer the same to the standing master for appropriate disposition.

- (g) Upon a party's failure to answer within the prescribed time period interrogatories filed as of course pursuant to Pa.R.C.P. 1920.22(b) and the related rules of civil procedure governing depositions and discovery, the aggrieved party may file with the standing master a petition and rule to show cause why the other party should not be found in contempt with the rule returnable on a date established by the standing master for hearing. Upon further non-compliance of a party with the order issued by the standing master following said hearing, the aggrieved party may file a petition with the master who shall list the matter for a contempt hearing with the court on the day and time regularly scheduled for support contempt hearings.
- (h) The standing master shall be vested with the authority to issue directives for compliance in connection with discovery pertaining to the matters commissioned to the master. Any directive issued by the master shall be considered an interim Order of Court for the purpose of contempt proceedings. Upon a party's failure to comply with the directives of the standing master, the matter may be listed, at the discretion of the master, for a hearing with the Court on the day and time regularly scheduled for support contempt hearings for a finding of contempt.
- (i) Within ten (10) days of the standing master's receipt of his appointment with the accompanying certification by the moving party pursuant to Pa.R.C.P. 1920.74(a) that discovery is complete as to the claim(s) for which the appointment of the master is requested, the standing master shall give notice of his appointment to the parties. Said notice shall inform the non-moving party of his/her completion of discovery, or, in alternative, his/her need for further discovery. The standing master shall have the power to issue as of course upon the request of the non-moving party an interim order providing up to sixty (60) days to complete discovery.
- (j) Within thirty (30) days of certification by the non-moving party that discovery is complete or upon the expiration of the period of time granted by the standing master to complete discovery, the standing master shall schedule a pre-trial conference and shall give each party fifteen (15) days written notice of the time and place of

the conference. The pre-trial statement required by Pa.R.C.P. 1920.33(b) shall be filed and delivered to the standing master seven (7) days before the pre-trial conference.

- (k) Counsel for the parties shall attend the standing master's conference, or if unrepresented, the party pro se. The standing master shall examine the pleadings to determine if appropriate jurisdiction lies with the standing master of the 39th Judicial District and shall determine whether the pleadings and inventories provide sufficient information to define the matters at issue. If the parties are unable to resolve the matter after conference with the standing master, the standing master shall forthwith schedule a settlement conference at the master's discretion and a separate hearing. The parties and their legal counsel shall attend the settlement conference, if scheduled.
- (l) Fifteen (15) days written notice of the time and place of the settlement conference and the taking of testimony at the hearing shall be given to counsel for the parties, or in the event that a party is not represented by counsel, to the party directly, in the manner provided for in Pa.R.C.P. 1920.51. The standing master shall hear testimony on all issues properly before the standing master and shall file the record and a transcript of the testimony with a report and recommendation in the format set forth in Pa.R.C.P. 1920.53; and/or Pa.R.C.P. 1920.54. The standing master shall attach to the report a proposed order consistent with the recommendations. Notice of the filing of the report shall be made in conformity with Pa.R.C.P. 1920.55.
- (m) The standing master shall be compensated by an annual salary set by the court. The standing master shall annually report to the court on the income and expenses of the Standing Master Account.
- (n) The moving party shall arrange for and pay the stenographer's expenses, which expenses will be allocated between the parties by the master at the conclusion of the case. Court stenographers employed by the 39th Judicial District may be employed when available and shall be paid for the transcript of testimony only and not for a "sitting" fee.

- (o) In those extraordinary cases in which the taking of testimony exceeds two days of hearing, the master shall order the parties to deposit with the prothonotary an additional \$300.00 per additional day of hearing in accordance with the master's directive and in advance.

- (p) Local Rule 39-1920.3 shall become effective October 1, 1993.
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