

Pennsylvania Superior Court Formalizes Mediation Procedures

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The Pennsylvania Superior Court has been expanding its mediation program, and has now adopted internal procedures to govern that process.

The Superior Court's mediation program began in 2006 as a pilot program in the Court's Eastern District. In 2010, the Court expanded the program to the Western District, with plans to eventually make the program statewide by including the Middle District.

In September 2010, the Superior Court formalized the procedures governing that mediation program, which can be found in section 65.43 of the Court's Internal Operating Procedures.

Upon filing of an appeal to the Superior Court, appellants in the Eastern and Western Districts will receive a Mediation Statement Form from the Court's Prothonotary along with their docketing information. The appellant is required to submit in response a Mediation Statement. The Court's appointed mediator then determines whether the matter is suitable for mediation, and notifies the parties accordingly.

If the Superior Court's mediator directs a case to mediation, participation in that proceeding is mandatory. At least one confidential mediation session must be held, and the parties' attendance at that session is also mandatory.

Generally, however, the acceptance of a case into mediation will not interrupt the routine appellate process, and so parties in mediation must still be attentive to all Superior Court deadlines, including those for the ordering of transcripts, the submission of the record, and briefing schedules.

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