

L1920.51(a) Masters Proceedings

(This rule amended June 25, 2012)

(1) The court may appoint a master to receive evidence, make findings of fact, and recommend to the court a disposition of all issues referred to the master. Masters may be appointed, in the court's discretion, in cases of divorce, equitable distribution, alimony, claims for counsel fees, expert fees, other litigation expenses, special relief for exclusive possession, and in any other type of matter authorized by law or rule of court. The issues to be determined by the master will be framed by the court's pre-trial order; accordingly, except with leave of court, there will not be a pre-trial conference before the master.

(2) The court may appoint as a master any attorney licensed to practice law in the Commonwealth of Pennsylvania, having 10 years experience as a lawyer, including significant trial experience, or who has 10 years combined experience as a lawyer with trial experience and as a judge, district justice, master or as a comparable judicial officer, and who possesses, in the court's opinion, appropriate knowledge of the legal subjects at issue, and an appropriate judicial temperament. A master appointed by the Court pursuant to this rule is not precluded from practicing family law in Butler County.

(3) Masters shall be compensated by the parties to the litigation based on a fee schedule published by the court from time to time by general administrative order. If, pursuant to Pa..R.C.P. No. 1920.51(a) (3), a party moves for appointment of a master, the moving party shall deposit a sum with the prothonotary to cover the master's initial fee. The amount of deposit shall be set from time to time by general administrative order. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(i), the master may direct the parties to deposit further amounts with the Prothonotary. A Special Divorce Master appointed by the Court shall receive a minimum fee of \$600, unless all matters referred to the Master are settled by written agreement of the parties filed within 10 days of the date the Order appointing the Master is docketed.

(4) A party filing a motion to compel discovery, a motion for sanctions, a motion to limit discovery or for a protective order, a motion *in limine*, or a motion to stay the master's hearing **must** address such application to the court. Other applications, by mutual consent, may be presented to the master; however, absent mutual consent all other applications shall be presented to the court.

(5) Once a master is appointed, any document subsequently filed with the court shall be served upon the master by the filing party. In addition, the prothonotary shall serve the master with copies of any orders issued.¹

Comment: Cases are referred to the Master because it is assumed they will not settle, and because the Court deems them ready for trial. Masters promptly review the file, schedule hearings, note concerns with the adequacy of the pretrial statements, discuss stipulations and deal with other issues. Cases often settle after these preliminary steps are taken. The rule

¹ "Any document" is an all-inclusive term.

recognizes the value of such contributions to the process of resolving cases, even if the parties do not. Masters should wait 10 days after appointment to expend significant time on the file, to allow for a quick settlement, for less than the “minimum” fee.