

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 Number 4 of 2026

4 In Re: Amendment to the Adams County Rules of Civil Procedure

5 **ORDER OF COURT**

6 AND NOW, this 6th day of April, 2026, IT IS ORDERED that the Adams County Rules of
7 Civil Procedure are amended to add a new Rule, as follows:

8 **Rule 212.7. Mandatory Mediation.**

9 **A. Every civil action eligible for a jury trial filed in the Adams County Court of**
10 **Common Pleas is subject to mandatory mediation. All such civil cases that have**
11 **progressed beyond the exchange of expert reports or are otherwise ready for trial**
12 **shall be referred to mediation by order of court, on the motion of any party which**
13 **shall include a certification that the party believes there is a realistic possibility of**
14 **settlement, accompanied by a stipulation to proceed to mediation by all parties, or**
15 **on the court's own motion.**

16 **B. Non-jury civil actions including but not limited to divorce, custody, support, land**
17 **use appeals, municipal appeals, and arbitration eligible cases are not subject to**
18 **mandatory mediation.**

19 **C. (1) The parties shall, within thirty (30) days after the date of the court order**
20 **referring the case to mediation, choose a mediator who is available during the**
21 **appropriate period and who has no conflict of interest. If the parties are unable to**
22 **choose a mutually acceptable mediator, the court will appoint a mediator upon**
23 **expiration of the thirty (30) days.**

24 **(2) The President Judge shall approve Qualified Mediators who shall be either:**
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1 a. a currently licensed Pennsylvania attorney in good standing with
2 experience litigating civil cases; or

3 b. a retired Judge in current good standing with the Pennsylvania
4 Supreme Court.

5 (3) Except by agreement of all the parties or as otherwise ordered by the court,
6 one-half the cost of the mediator's services shall be borne by the plaintiff(s) and
7 one-half by the defendant(s). In cases with more than two parties, each party
8 must pay an equal (or *pro rata*) share.

9 (4) Within ten (10) days of the entry of the Order referring the case to Mediation,
10 the parties shall deposit the sum of \$800.00 with the Adams County Prothonotary.
11 The appointed Mediator may petition the Court for approval of additional funds
12 for prolonged or complex mediations expected to last more than one-half (1/2)
13 day. Failure to pay the deposit shall be brought to the court's attention by the
14 Prothonotary and/or any party and sanctions may be imposed. If the case settled
15 prior to the start of mediation the funds shall be refunded to the parties in equal
16 or *pro rata* shares as applicable.

17 D. Promptly after being chosen to mediate a case, the mediator shall, after consulting
18 with all parties, fix the date, time and place of the mediation. All mediations shall
19 be held within ninety (90) days of the court's order referring the case to
20 mediation, and no later than forty-five (45) days before the assigned trial term.
21 The Mediator may direct the parties to submit case memoranda or information
22 relevant to the case in advance of the scheduled Mediation.

23 E. Upon request made, at least ten (10) days before the date of the mediation, the
24 mediation may be continued one time by agreement of all counsel. The counsel or
25 party requesting the continuance shall give written notice of such continuance to

1 the mediator. The mediator shall reschedule the case to be heard within forty-five
2 (45) days, with notice of hearing to be provided to all counsel and the court. In the
3 event that the parties cannot agree to a continuance more than ten days prior to
4 the scheduled mediation date a motion for continuance must be made to and ruled
5 upon by the court. If the case is continued by the court, the mediator shall
6 reschedule the mediation in accordance with the court's order granting the
7 continuance.

8 **F. (1) All named parties and their counsel are required to attend the mediation in**
9 **person unless excused under subparagraph (4) below. A party other than a**
10 **natural person (e.g. a corporation or an association) satisfies this attendance**
11 **requirement if represented by a decision maker(s) (other than outside counsel)**
12 **who has full settlement authority and is knowledgeable about the facts of the case.**
13 **A unit or agency of government satisfies this attendance requirement if**
14 **represented by a person who has, to the greatest extent feasible, full settlement**
15 **authority, and is knowledgeable about the facts of the case, the government unit's**
16 **position, and the procedures and policies under which the government unit**
17 **decides whether to accept proposed settlements. If the action is brought by the**
18 **government on behalf of one or more individuals, at least one such individual also**
19 **must attend. Any party who fails to have physically in attendance the necessary**
20 **decision maker(s) will be subject to sanctions.**

21 **(2) Each represented party must be accompanied at the mediation by the lawyer**
22 **who will be primarily responsible for handling the trial of the matter.**

23 **(3) Insurer representatives are required to attend in person unless excused under**
24 **subparagraph (4) below, if their agreement would be necessary to achieve a**
25 **settlement.**

1 (4) A person who is required to attend mediation may be excused from attending
2 in person only after a showing that personal attendance would impose an
3 extraordinary or otherwise unjustifiable hardship. A person seeking to be
4 excused must file a motion with the court no fewer than ten (10) days before the
5 date set for the mediation, simultaneously copying all counsel and the mediator.

6 (5) A person excused from appearing in person at mediation must be available to
7 participate by video conferencing or telephone if video conferencing is
8 unavailable.

9 (6) Every party which agrees to or is ordered to undergo the mediation process
10 must do so in good faith. Any party who fails to attempt the mediation process in
11 good faith may be subject to sanctions.

12 **G. (1) The mediation must be informal and employ a facilitative method. The**
13 **mediator may hold separate, private caucuses with each side or each lawyer or, if**
14 **the parties agree, with the parties only. The mediator may not disclose**
15 **communications made during the caucus to another party or counsel without the**
16 **consent of the party who made the communication.**

17 (2) Unless stipulated in writing by all parties and the mediator, or except as
18 required by law or otherwise ordered by court, all discussions which occur during
19 mediation shall remain strictly confidential and no communication during any
20 mediation session (including, without limitation to, any verbal, nonverbal, or
21 written communication which refers or relates to mediation of the pending
22 litigation) shall be disclosed to any person not involved in the mediation process,
23 except to the court. These communications shall not be admissible at trial and no
24 aspect of the mediation session shall be used by anyone for any reason.

25 (3) No recording or transcript of the mediation may be made.

1 (4) The mediator shall not be called to testify as to what transpired in the
2 mediation.

3 H. Within five (5) days of the conclusion of the mediation, the mediator shall submit
4 to the court directly a written report that includes the caption and case number,
5 the date of the mediation, whether any follow up is scheduled, whether the case
6 settled in whole or in part, and any stipulations the parties agree may be disclosed,
7 and whether the parties participated in good faith.

8 Explanatory Comment

9 Mediation is a flexible, non-binding, confidential process (See 42 Pa. C.S. § 5949) in which
10 a neutral person (the mediator), selected by the parties, facilitates settlement negotiations.
11 The mediator improves communication across party lines, helps parties articulate their
12 interests and understand those of their opponent, identifies issues and helps generate
13 options for a mutually agreeable resolution to the dispute. A hallmark of mediation is its
14 capacity to expand traditional settlement discussion and broaden resolution options, often
15 by exploring litigant needs and interests that may be formally independent of the legal
16 issues in controversy.

17 Note

18 All named parties and their counsel are required to attend the mediation. This
19 requirement reflects the court's view that the principal values of mediation include
20 affording litigants opportunities to articulate directly to the other parties their positions
21 and interests and to hear, firsthand, their opponent's version of the matters in dispute.
22 Mediation also enables parties to search directly with their opponent for mutually
23 agreeable solutions.

24 This rule amendment shall become effective after all the provisions of the Pennsylvania Rules
25 of Civil Procedure are met, to include the following:

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- a. A certified copy of this order shall be submitted to the Civil Procedural Rules Committee for review;
- b. Upon receipt of a statement from the Civil Procedural Rules Committee that the local rules is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code §13.11 (b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;
- c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts;
- d. A copy of the local rule shall be published on the Unified Judicial System’s website.
- e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;
- f. The effective date of the local rule shall be October 1, 2026, well after the 30 days of publication in the Pennsylvania Bulletin.

BY THE COURT,

THOMAS R. CAMPBELL
President Judge

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Board of Judges/Executive Assistants to the Board of Judges
Magisterial District Judges (4)
Court Administration

1 Prothonotary's Office

2 Law Library

3 Adams County Bar Association

4 MidPenn Legal Services

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