


MEMORANDUM

TO: MEMBERS OF THE BAR  
FROM: HONORABLE D. GREGORY GEARY   
RE: SCHEDULING  
DATE: APRIL 17, 2007

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On April 4, 2007, Judge Cascio issued Administrative Order 2-2007 directing that all petitions, motions, scheduling praecipes and other documents filed in the Prothonotary's Office that request scheduling of a hearing, custody conference, nonjury trial or argument in any family court matter shall be forwarded to my chambers for scheduling.

The objectives behind the Order are twofold: (1) eliminate unreasonable delays in scheduling of family law matters and (2) substantially reduce the number of continuances we grant in those cases. With those objectives in mind, I have initiated the following scheduling policy that will take effect on **April 30, 2007**:

1. Scheduling Praecipes; Nonjury Custody Trials. Upon receipt of a scheduling praecipe requesting a nonjury custody trial, the case shall be placed on the civil trial list in accordance with Som.R.C.P. 1915.4.

2. Custody Complaints and Petitions. Upon receipt of a complaint for custody or a petition to modify an existing custody order, the case will be scheduled for a custody conference on the *last* available conference date designated on the court calendar that permits compliance with Pa.R.C.P. 1915.4.(a)(the "45 day" rule). I will grant one continuance of a scheduled custody conference due to unavailability of counsel, provided that the moving counsel commits to prompt rescheduling to another designated date.

3. Other Matters. Upon receipt of a scheduling praecipe requesting scheduling of argument or a hearing:

A. Scheduling Conference Advisement Call. My secretary will telephone the offices of the attorneys of record to advise counsel of the court's dates of availability to hear the matter and that a scheduling conference call has been scheduled for a specific date and time. The scheduling conference call will take place at least three days after the date of the advisement call.

B. Scheduling Conference Call. On the date and time specified during the advisement call, my secretary will initiate a conference call to all counsel. Counsel, or a designee with the authority to speak for counsel regarding scheduling, shall be available to participate in the conference call. During the conference call, counsel (or his or her designee) shall agree to a date and time on which the matter will be heard. Upon completion of the conference call, I will promptly issue a scheduling order.

4. Continuances. I have decided to contact counsel prior to scheduling argument or hearings because I wish to eliminate continuances that are caused by counsel unavailability. In contacting counsel, I am necessarily placing the burden on them to manage their schedules to avoid scheduling conflicts. When counsel agree on a scheduling date, I will interpret that as a commitment to be present for the scheduled matter. Thus, motions for continuance due to counsel unavailability will generally be denied unless counsel has been scheduled to appear before the Superior, Commonwealth or Supreme Court or a bona fide emergency has arisen.

Matters to be submitted for consideration at Family Motions Court pursuant to

Som.R.C.P. 208.3 will be unaffected by this policy.