

COURT: INNOVATIVE PHILA. COMMERCE CASE PROGRAM IS A 'GO' JAN. 1

Joined by leaders of the Philadelphia Bar Association and the city's business community, the Philadelphia Court of Common Pleas today announced the creation of a new Commerce Case Program for all new business litigation cases beginning January 1. According to Common Pleas Court President Judge Alex BonavitaCola, these cases in the new program will be assigned to Judge John W. Herron, Administrative Judge of the Trial Division, and to Judge Albert W. Sheppard, Jr. of the Trial Division.

"This new program will effectively respond to a need that we have recognized," Judge BonavitaCola said. "It is another way for us to serve the city, to better organize our docket, to move cases along and to address the specialized needs of business litigation."

Noting that the Common Pleas Court handles about 2,000 business related cases annually, Judge Herron said that the local program will be patterned after a similar program that has proved very successful in New York City. "The creation of this Commerce Case Program is consistent with our efforts to operate the courts efficiently and resolve disputes promptly. It's right in line with other innovative case management programs such as the Day Backward and Day Forward Programs which have proved so successful for us and have become national models," he explained. Judge Sheppard added: "By virtue of these efforts and the application of modern management techniques, the Court has reduced the inventory of major jury cases from 30,000 to less than 7,000 over the past seven years. To sustain this momentum, two additional judges have been assigned to the Day Forward Major Jury Program. We expect even better results in the future." Judge Herron added that, "Our expectations

are every bit as high for the new Commerce Case Program.”

Speaking for the 14,000 members of the Philadelphia Bar Association, Chancellor Edward F. Chacker hailed today’s announcement as “a dream come true. This literally represents the culmination of years of effort by the courts, legal community and the business community to put something together that will serve our city and work well,” Chacker said. “It’s good news for business, good news for our local economy, good news for everyone in the region,” he added. The Chancellor thanked former Chancellor Clifford E. Haines who first pushed for a business court in 1997 and subsequent chancellors and leaders of the Association’s Business Law Section.

According to Judge Herron, the new program will cover the following types of cases:

- ! Disputes between business enterprises;
- ! Disputes over internal affairs, governance or the rights/obligations of business owners, shareholders, partners, etc.;
- ! Corporate trust actions;
- ! Intellectual property disputes;
- ! Class actions related to the types of claims listed above.

Under the guidelines laid out for the new program, designation as a commerce case is subject to a final determination by the Administrative Judge. Emphasis will be placed on encouraging the use of non-binding mediation where appropriate and comprehensive case management tools will include clear timetables for completing all phases of the case, regular case management conferences and mandatory settlement conferences after completion of discovery motions using judges pro tem with commercial litigation experience.

“The techniques that we perfect here in this new program and the experience that we gain here

will be applicable to the entire court. This is another step in the right direction for our courts. We're confident that the whole system and our citizens will benefit from it," Judge Herron concluded.