

MAJOR JURY PROGRAM

Major Jury Program encompasses all Major Civil Jury cases except Commerce and Mass Tort cases. Major Jury Case Management is the system that has been created to coordinate and schedule these cases for trial. To manage these cases more effectively, judges assigned to this program are divided into teams. Each team is assigned a Court Administrative Officer who acts as the liaison to the Team Leader. The Major Jury program team assignments are set forth below:

Program	Team Leader	Court Administrative Officer	Contact Information
Major Jury 2018	Judge Arnold New	Norma Erickson	215-686-4292 Fax: 215-686-2607 Room 535 City Hall
Major Jury 2017	Judge Shelly Robins-New	Felicia Brown	215-686-3718 Fax: 215-686-7799 Room 231 City Hall
Day Forward 2016	Judge Dennis Cohen	Joey Evers	215-686-9530 Fax: 215-686-3789 Room 697 City Hall
Day Forward 2015 & Back	Judge John Younge	Patricia Moore	215-686-3774 Fax: 215-686-2607 Room 535 City Hall

To ensure effective case management, every case in the Major Jury Program is scheduled for a Case Management Conference before a Case Manager approximately ninety (90) days after its initial filing. Case Management Conferences are conducted in Room 613, City Hall. Any questions regarding the scheduling or rescheduling of a Case Management Conference, should be directed to the Case Management Center at 215-686-3710. Please do not call the Judge's chambers.

The Case Management Conference

The main objective of the Case Management Conference is to obtain early disclosure of basic information about each case so that it can be managed more effectively. This conference is mandatory; all counsel of record and unrepresented parties must attend. Failure to attend the conference could result in entry of an Order for Rule Returnable to Show Cause why the matter should not be *non-prossed* or why sanctions should not be imposed. Counsel attending the conference must be knowledgeable about all aspects of the case, including issues relating to service of process, venue, pleadings, discovery, joinder of additional parties, theories of liability, damages, and defenses.

In preparation for this conference, all parties must fully complete and electronically submit a Case Management Conference Memorandum 5 days prior to the conference. In personal injury

cases, the memorandum must contain, at a minimum, past medical expenses, past wage loss, where applicable, and the amount of monetary damages demanded. ¹ Based on this information, the Case Manager prepares a Case Management Order that establishes the schedule for each case.

This Case Management Order establishes deadlines for discovery, exchange of expert reports, and for filing of motions. A presumptive month is set for a Settlement Conference, Pretrial Conference, and Trial. These deadlines may not be extended without approval of the Team Leader. The method for obtaining an extension is by the filing of a Motion for Extraordinary Relief. The motion must be filed before the expiration of the deadline in question.

Another important objective of the Case Management Conference is to assign all cases to an appropriate trial “track.” At the Case Management Conference all cases are classified into one of three management tracks: Expedited, Standard, or Complex. Expedited Track cases are tried within thirteen months after filing; Standard Track cases are tried within nineteen months; Complex Track cases are tried within twenty-five months after filing. It is important to note that all deadlines and presumptive dates are based on the commencement of the action, not the date of the Case Management Conference. Disputes regarding the placement of a case on a certain track can also be resolved by filing a Motion for Extraordinary Relief specifically for reconsideration of the assigned track.

Optional Proposed Discovery Plan and Pre-Trial Deadlines by Agreement of Parties for “Expedited” and “Standard” Track Matters

Parties with cases subject to the Expedited and Standard Track time standards in the Major Jury Day Forward Case Management Program will have the option of presenting to the Court for approval mutually agreed upon proposed deadlines for discovery, identification of expert witnesses and submission of expert reports (“discovery plan”), to be incorporated into the Case Management Order. The parties may also propose, by agreement, deadlines for filing pre-trial motions, and projected dates for the settlement conference and pre-trial conference (“pre-trial Court event schedule”), provided that the proposed settlement conference is scheduled at least thirty (30) days prior to the proposed pre-trial conference date, and the proposed pre-trial conference date is scheduled thirty (30) days prior to the trial date. The proposed projected dates must fall on the first Monday of the month.

¹ It is insufficient to indicate in the memorandum that injuries or damages are “unknown,” “to be supplied,” or “under investigation.” A party’s position on liability must be stated with sufficient specificity. It is unacceptable to state non-descriptive conclusions such as “liability certain,” liability clear,” or “100% liability.” In cases where counsel appear at the Case Management Conference without sufficient knowledge of facts or incomplete memoranda, the Case Manager may adjourn the conference and issue an order compelling the non-complying party to appear before the Judicial Team Leader to enforce compliance. If a determination is made by the Case Manager that the amount in controversy does not exceed \$50,000.00 and title to real estate is not at issue, the Case Manager will recommend to the Judicial Team Leader that the matter be transferred to the Compulsory Arbitration program.

The proposed discovery plans and pre-trial Court event schedules shall be presented to the Civil Case Manager, who shall act on behalf of the Judicial Team Leader, at the time of the scheduled conference. This option is not available to matters subject to the “Complex” track time standards. General Court Regulation No. 95-2, governing Day Forward procedures for disposition of Major Jury cases, otherwise applies.

Notwithstanding any proposed deadlines and projected pre-trial Court event dates, the projected trial date shall be fixed by the Court and may not be altered by the parties. Accordingly, it is expected that cases subject to the Expedited Track will be ready for trial thirteen (13) months from commencement of the action and cases subject to the Standard Track will be ready for trial nineteen (19) months from commencement of the action. Furthermore, the proposed deadlines and projected pre-trial Court event dates shall not in any way conflict with or otherwise cause any Court events, including trial, to be delayed. To facilitate formulation of the discovery plan, counsel for the plaintiff(s) and defendant(s) shall meet or confer for an initial discovery conference within sixty (60) days of commencement of the action, where the parties shall cooperate with one another and make a good faith effort to agree upon a proposed discovery plan as well as proposed projected pre-trial Court event dates. If service of the Complaint is not effectuated within sixty (60) days of commencement of the action, the parties shall meet or confer for the initial discovery conference within thirty (30) days of service thereof, provided that the discovery conference is held prior to the scheduled Case Management Conference.

The Case Management Conference will not be delayed or rescheduled in the event the parties fail to conduct a discovery conference, present an agreed upon proposed discovery plan, or present an agreed upon proposed pre-trial Court event schedule at the time of the Case Management Conference. All parties, including newly joined parties, shall be bound by the terms of any Court approved deadlines and projected Court event schedules incorporated into a Case Management Order.

If the parties are unable to amicably agree upon a proposed discovery plan or projected pre-trial Court event schedule or do not submit a proposal at the time of the Case Management Conference, the Civil Case Manager shall enter a Case Management Order consistent with existing time standards for the presumptive Expedited or Standard Track. The Court will not entertain any proposed discovery plans or proposed pre-trial Court event schedules presented after entry of the Case Management Order. Relief sought from the time requirements of Case Management Orders incorporating agreed upon discovery plans and projected pre-trial Court event schedules must be made by filing a timely Motion for Extraordinary Relief.

The Settlement Conference

After completion of discovery a mandatory Settlement Conference is held before a Special Judge Pro Tempore. The Judge Pro Tempore is an experienced attorney who will assist counsel in their good faith efforts to reach a voluntary and just resolution of the lawsuit. The Special Judges *Pro Tempore* work directly under the supervision of the Team Leader, to whom the results of each conference are reported. Should counsel fail to negotiate in good faith or are unprepared at the Settlement Conference, the Special Judge Pro Tempore may issue a Rule to Show Cause before

the Team Leader who will address the failure to appropriately participate in the Settlement Conference. Settlement Conferences are conducted at the Dispute Resolution Center, Room 691, City Hall. (See the section on “Dispute Resolution Center” for more details about the Settlement Conference event.)

The Pre-Trial Conference

Any case that is not resolved at the Settlement Conference will be scheduled for a Pretrial Conference before the Judicial Team Leader of the respective program. All parties are required to file a detailed Pretrial Memorandum with the Team Leader prior to the scheduled Pretrial Conference. The pretrial memorandum must identify by name and address every witness that will be called at trial; in addition, they must identify, exchange, and pre-mark every exhibit for trial. Only those witnesses and exhibits identified in the Pretrial Memorandum will be permitted at trial. At the Pretrial Conference, counsel are expected to be prepared to discuss all aspects of settlement and trial. Upon conclusion of the Pretrial Conference, a trial date is scheduled and an Order for Trial is entered. Practically speaking, the preparation of a complete, effective pretrial memorandum presupposes that counsel have prepared their case for trial. Thus, the previously scheduled settlement conference, which was heard by the Judge *Pro Tempore*, is the final opportunity to resolve a case and avoid the necessity of extensive trial preparation. Finally, to maintain consistent oversight of a case, each Team Leader along with the assigned team of judges, will rule upon all motions, including discovery motions, presented with respect to cases assigned to their respective program. The major objective of the Major Jury Program is to provide for timely case disposition, by way of case resolution or, if necessary, timely trial. To this end, for matters proceeding to trial, the Court has adopted a protocol for assigning certain cases to trial pools. A copy of this protocol is reproduced as an accompanying document. The high volume of major jury filings annually (approximately 5,000 cases) precludes the assignment of fixed trial dates to cases other than complex. As a result, all expedited and standard track cases are considered suitable for pool assignment.