
Section 2

**Day Forward
Major Jury Program**

DAY FORWARD/MAJOR JURY PROGRAM

The Day Forward/Major Jury Program encompasses all Major Civil Jury cases except Commerce and Mass Tort cases. Day Forward 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 Day Forward/Major Jury program team assignments are set forth below:

(Effective January 4, 2010)

Program	Judicial Team Leader	Court Administrative Officer	Contact Information
Day Forward 2010	Judge Tereshko	Felicia Brown Clark	686-3718 231 City Hall
Day Forward 2009	Judge Allen	Joseph DiRosa	686-3774 535 City Hall
Day Forward 2008	Judge Abramson	Rachel Postell	686-9530 697 City Hall
Day Forward 2007 And Back	Judge Manfredi	Norma Erickson	686-2606 535 City Hall

To ensure effective case management, every case in the Day Forward 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. Please do not call the Judge's chambers.** The Civil Case Management Conference Center telephone numbers are as follows:

CASE MANAGEMENT STAFF	TELEPHONE NUMBER
Fax Line	215-686-3709
Barbara Koch, Receptionist	215-686-3710
Stanley Thompson, Esq., Director	215-686-3710
Charles Pelletreau, Esq.	215-686-3779
Paul D. Salter, Esq.	215-686-3796
Joan M. Sullivan, Esq.	215-686-3767

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 submit a Case Management Conference Memorandum. A copy of the Case Management Conference Memorandum is included at the end of this section. Counsel must have enough copies of the memoranda to supply to the Case Manager and all parties at the time of 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*, which shall be directed by the Civil Motions Program to the appropriate Team Leader for review and disposition. 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. See the “Time Standards by Track” chart included at the end of this section. 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.

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.

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.

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 Day Forward/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.



**First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County
Trial Division -- Civil
CASE MANAGEMENT CONFERENCE**

ADVICE TO COUNSEL

1. Be sure to fully complete the Case Management Conference Memorandum prior to the Case Management Conference. **Consult clients well in advance of the conference** to obtain pertinent information to prepare the memorandum. When supplying information on injuries or damages, it is insufficient for plaintiff to state “unknown,” “to be supplied,” or “under investigation.” In stating factual positions as to liability, it is insufficient to use non-descriptive terms, such as “liability certain,” “100% liability,” or “clear liability.”
2. Bring enough copies of the Case Management Conference Memorandum to supply to all parties at the time of the Conference, as copies may not be made at the Center. Bring an extra copy or two, if possible.
3. Be fully prepared to discuss issues relating to service of process, venue, pleadings, discovery, joinder of additional parties, theories of liability, damages, and applicable defenses. Parties are encouraged to discuss these issues amongst themselves prior to the conference when possible. **Participation from fully prepared and cooperative parties leads to a more productive and meaningful conference.**
4. Conduct discovery as soon as practicable, even while awaiting disposition of preliminary objections. **The presumptive case management discovery deadlines are calculated from the filing date of an action, not from the date of the Case Management Conference.** The pendency of Preliminary Objections does not stay discovery. If a formal stay is necessary, the parties should petition the Court accordingly.
5. Consider voluntarily transferring your case to the Compulsory Arbitration Program where appropriate. **The Case Managers can generate a *Pracpipe* to Transfer and schedule a hearing date for you.** All cases having an amount in controversy, exclusive of interest and costs, of \$50,000 and less

(except cases involving title to real estate) shall be assigned to the Compulsory Arbitration Program. (See *Philadelphia County Rules*, Rule *1301) The Judicial Team Leaders may *sua sponte* remand matters to the Compulsory Arbitration Program accordingly.

6. Be mindful that the **Case Management Conference is a mandatory Court proceeding**. The Case Managers are empowered by the Judicial Team Leaders to issue appropriate Orders to enforce compliance with program procedures and applicable Rules of Civil Procedure. Any Rule to Show Cause entered will be returnable before the Judicial Team Leader. (See *Philadelphia County Rules*, General Court Regulation No. 95-2)
7. After you leave the Case Management Conference Center, carefully review the entire Case Management Order. **Be sure to promptly note all deadlines on your calendaring or tickler system**. You will receive notice from the Court of actual Settlement Conference and Pre-trial Conference dates and related instructions in due course.
8. Motions for Extraordinary Relief seeking extension of deadlines must be filed **before** the expiration of the deadlines at issue.
9. Please direct questions regarding Case Management, including scheduling or rescheduling of Case Management Conferences to the Case Management Conference Center at (215) 686-3710 or through facsimile at (215) 686-3709. Requests to reschedule a conference may be submitted under **exigent circumstances only** and must be in writing to the Court no later than ten (10) days prior to the conference.

Prepared by:

Stanley Thompson, Esq.
Director

**2010 TRIAL DIVISION—CIVIL
PRIORITY OF CIVIL CASES**

I. COMPLEX CASES (*day certain trial date; two cases per team judge listed weekly*):

1. Complex Litigation Center – Mass Tort Programs
2. Complex Day Forward/Major Jury 2007
3. Complex Day Forward/Major Jury 2008

II. POOL CASES (*expedited or standard cases; subject to call on next day notice*):

1. Pool Day Forward/Major Jury 2007
2. Pool Day Forward/Major Jury 2008
3. Pool Day Forward/Major Jury 2009
4. Complex Litigation Center—Major Non Jury
5. Complex Litigation Center—Arbitration Appeal