

Northeastern Regional Office

**BLAIR COUNTY COURT OF COMMON PLEAS
CIVIL CASE MANAGEMENT PLAN**

**FINAL REPORT
January 31, 1989**

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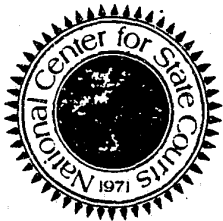
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**BLAIR COUNTY COURT OF COMMON PLEAS
CIVIL CASE MANAGEMENT PLAN**

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BLAIR COUNTY COURT OF COMMON PLEAS
CIVIL CASE MANAGEMENT PLAN

Foreword

The National Center for State Courts first visited the Blair County Court of Common Pleas in 1985, as part of a caseload management and delay reduction project in five selected Pennsylvania counties. The purposes of that review were to assess the current approach to case management in the county, to examine apparent problems and other areas of concern, and to develop suggestions for possible improvement.

One of the major recommendations of that study was that Blair County should develop and implement a civil case management plan. In 1987, the court requested the National Center's assistance in the development of a calendar improvement plan. The Center subsequently sought and received funding from the Administrative Office of the Pennsylvania Courts to conduct the project. This volume is the workproduct of that effort.

Building on the findings and recommendations of the National Center's earlier study and, more specifically, based on discussions held during a visit to the court January 11-13, 1988, Center project staff submitted a proposed case management plan for civil and family cases dated March 11, 1988. Meetings were held May 16-17, 1988 between the National Center and three practicing attorneys who had been working with the court on the consideration of the proposed plan. As a result of these meetings, a new section II.E was

drafted to replace section II.E in the March 11 draft plan. The Center also met with the court on May 17 to discuss the plan. At that meeting, it was agreed that those sections of the plan relating to family matters should be dropped from the plan for now. As of this writing, implementation of the plan is on hold pending the appointment of a fourth judge.

CHAPTER I.

BLAIR COUNTY COURT OF COMMON PLEAS
PROPOSED CIVIL AND FAMILY
CASE MANAGEMENT PLAN

(DRAFT)

March 11, 1988

BLAIR COUNTY COURT OF COMMON PLEAS
PROPOSED CIVIL AND FAMILY
CASE MANAGEMENT PLAN

(DRAFT)

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BLAIR COUNTY COURT OF COMMON PLEAS
PROPOSED CIVIL AND FAMILY
CASE MANAGEMENT PLAN
(DRAFT)

I. Introduction

In order to promote the prompt and fair administration of justice for the citizens of Blair County, Pennsylvania, the Court of Common Pleas for the Twenty-Fourth Judicial District of Pennsylvania hereby adopts a case management plan for civil and family cases. This plan shall govern all general civil and family cases filed on or after _____, 1988. The adoption of this plan signifies court recognition of such elements of effective case management as:

A. Judicial Commitment to the Concept of Court Control.

The court must control the pace of litigation, because the court is in a far better position than either the parties or their attorneys to assure that prompt and fair justice is done in all cases pending, and to assure effective and efficient use of court resources paid for by taxpayers. The successful implementation of this plan depends upon the commitment of each judge of the court to this principle.

B. Explicit Case-Processing Goals. Goal setting provides a focus for planning a case-management system and a benchmark for measuring its success. A court should be able to meet reasonable standards for prompt case disposition, and its inventory of pending

cases should be no larger than can be disposed within those time standards.

- C. Effective Communications with the Bar. While attorneys should not control movement of the court calendar, it is equally inappropriate for the court to ignore the legitimate concerns of the trial bar. The court should make reasonable accommodations to attorneys in the management of cases. The development and implementation of a case-management program should be done in coordination with representatives of the bar.
- D. Early and Continuous Court Supervision of Case Progress. In order to make prompt and fair case dispositions, the court must monitor and control the progress of cases from the time a summons or complaint is filed in each case. Withholding court attention from cases until the filing of a certificate of trial readiness relinquishes case control to attorneys, permits cases to languish unnecessarily for months or years, and diminishes certainty about when and how many cases will have to be listed for trial.
- E. Trial-Date Certainty. Reasonable certainty about dates avoids aggravation, waste and unnecessary cost

for parties and their attorneys. Moreover, national studies have found that nothing promotes settlements more than the expectation that a trial is more likely than not to commence on or near the scheduled date. To assure reasonable trial-date certainty, a court must use a reasonable "overset factor" in scheduling cases and must have a firm continuance policy.

F. A Functional Case Management Information System. For the court to manage its cases effectively, it is necessary for court decisionmakers to have relevant, accurate and timely case information. To schedule cases for trial, for example, the court must not only know what cases are ready for trial and how many judges and courtrooms are available, but it must also know how many cases are likely to settle or be continued in order to have a reasonable overset factor and preserve the reasonable certainty of trial dates. While it is possible to have an effective manual information system, computerization can be particularly helpful for the provision of case management information.

G. A Plan for Attacking the Case Inventory. As an explicit expression of court policy to promote judge commitment and guide court personnel and case participants, a case-management plan is an important

tool for effective and efficient case management. The plan must address the manner in which cases already pending before the plan's effective date will be treated, in addition to describing how cases filed on or after the effective date will be handled.

II. General Case-Management Policy Provisions

For the management of both general civil and family cases, the following provisions shall be uniformly applied by the court.

A. Court Responsibility for Movement of Its Calendar.

It shall be the responsibility of the court to assure the fair and prompt disposition of all cases. Since the court is in a far better position than counsel or parties to assure prompt and fair disposition of all the cases before it, the court shall exercise exclusive control over the scheduling of all court proceedings. Recognizing the responsibilities of counsel on behalf of their clients and as officers of the court, the court shall make reasonable accommodations for members of the bar.

B. Firm Enforcement of Court Rules. Except upon a finding that manifest injustice would otherwise result, rules of court (including this case management plan) shall be strictly and uniformly followed and enforced by the court.

C. Time Standards and Case Management Criteria. The court shall manage its general civil and family cases to assure case dispositions within time standards set forth below. Each month the court shall dispose of as many or more cases than have been filed. The court's inventory of pending cases shall be no larger than could be disposed within the time standards set forth below.

D. Strict Continuance Policy. Except in emergency situations, all continuance requests all be submitted in writing to the administrative judge not later than seven days before, and shall be decided by him not later than three days before, the date set for hearing. Mere agreement by counsel for all parties that a continuance be allowed shall not alone be sufficient ground for the court to grant a continuance.

The reasons for granting a continuance shall be entered of record. In any case for which a continuance is granted, the matter shall be continued to a specified date, and the reasons for continuing any matter to a date more than 14 days after the initially-scheduled date shall be entered of record.

E. Court Rulings on Motions. Except for motions the decision of which can properly be delayed until just

before trial commencement without threatening compliance with time standards set out below, the court shall rule on all motions (including preliminary objections and posttrial motions) within 30 days after submission. Failure by the court to rule within 30 days shall be deemed a denial of the motion.

- F. Continuous Calendar. Trial terms are discontinued. The court shall schedule and hear trials after reasonable notice to parties and at such dates and times as shall assure fair and expeditious case dispositions.
- G. Early and Firm Trial Dates. To promote fair and expeditious case dispositions, the court shall schedule trials to be held as soon after case commencement as the circumstances of each case warrant. Moreover, the court shall employ trial scheduling practices and procedures to create and maintain a reasonable expectation that trial in any case shall commence at or near the first-scheduled date and time. Such practices and procedures shall include:
1. A strict continuance policy;
 2. Reasonable accommodation of attorneys in the selection of trial dates;

3. Development of a reasonable "overset" ratio, so that the number of cases scheduled for trial on any date takes into account the likelihood of settlements or necessary continuances; and

4. Day-to-day communication and assistance among judges regarding cases scheduled for trial or hearing so that judges with available time assist one another in the disposition of cases.

H. Monitoring and Management of Trial and Hearing

Times. Recognizing that trials and hearings can consume considerable judge time and that expeditious completion of trials and hearings can save time and money for parties and make more judge time available for other judicial functions, the court shall closely monitor and manage trial and hearing times. With the assistance of courtroom clerks, the district court administrator's office shall monitor elapsed times of trials and hearings and make quarterly reports thereon to the court.

Based on such reports, and with the assistance of the case management advisory committee, the court shall devise means (such as improved pretrial case management, modification of voir-dire practices, and control over the proffer of irrelevant, immaterial or redundant evidence) to shorten trial and hearing times without threat to the fairness of proceedings.

- I. Information on the State of the Case Inventory. The district court administrator shall report to the court each month on the state of its case inventory. The monthly report shall identify specific cases that have been pending longer than the time standards, for which the court shall take appropriate steps to assure fair and expeditious disposition.
- J. Case Management Advisory Committee. To aid the court in its case management efforts, there shall be a case management advisory committee consisting of the judges, the district court administrator, the prothonotary, representatives of the trial bar, and the representatives of such other participants in the court process as the court shall consider desirable for the development of effective solutions to case management problems.
- K. Cases Pending Before Implementation of this Plan. Before the effective date for implementation of this plan, the district court administrator and the prothonotary shall review all pending civil and family cases. Under the supervision of the administrative judge, each case shall be dismissed, scheduled for disposition by other means, or made subject to the case-management provisions set out below.

III. Managing the Progress to Disposition of General Civil Cases

In addition to the general case-management policy provisions set forth above, the following provisions shall govern the progress of general civil cases from initiation to disposition.

A. Sixty-Day Review. On the sixtieth day after initial filing of each general civil case, the district court administrator's office shall review the status of the case. If an answer or other responsive pleading has not been filed by the defendant, the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within 90 days after initial filing the plaintiff moves for either a default judgment or substitute service on the defendant.

B. Differentiated Case Management by Case Tracks. In accordance with the following criteria and giving due regard to attorney requests for track assignment, all general civil cases shall be assigned to either the expedited track, the complex track or the standard track for purposes of case management. Each case shall be governed by the case management provisions set out below for the track to which it is assigned.

C. Expedited Case Track.

1. Case types designated for expedited disposition. A case shall ordinarily be assigned to

the expedited track if by its nature it appears to be one that can be promptly tried with little pretrial discovery and other pretrial proceedings.

Unless otherwise designated by the court on party motion, all cases of the types shown in Appendix A shall be presumed to be expedited track cases. On party or its own motion, the court may either (a) override a presumption that a case is to be expedited; or (b) designate cases of other types for treatment as expedited-track cases.

2. Disposition time for expedited cases. Except in extraordinary circumstances, all expedited cases shall be disposed by the court within six months after initial filing.

3. Setting proposed trial date. For all non-arbitration expedited cases in which an answer or other responsive pleading has been filed when the district court administrator conducts a 60-day case status review, he shall set a proposed trial date 60-90 days hence and give notice thereof to the parties.

For all other non-arbitration expedited cases in which a default judgment or dismissal for want of prosecution has not been entered, the court shall (a) set a date for completion of the pleadings, (b) set a proposed trial date 60-90 days after the close of

pleadings and (c) cause notice thereof to be given to the parties.

4. Final trial date. The proposed trial date shall become fixed and final 30 days after the date of trial-date notice unless otherwise ordered by the court on party request made before the running of the 30-day period.

D. Complex Case Track.

1. Case types presumed to be complex. A case shall ordinarily be assigned to the complex track if it appears likely to require a disproportionate expenditure of court and litigant resources before and during trial by reason of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the subject matter, or a combination of these or other factors.

Unless otherwise designated by the court on party or its own motion, only civil cases involving construction contracts, three or more parties, or claims of asbestos, medical malpractice or products liability shall be presumed to be complex cases. On party or its own motion, the court may either (a) override a presumption that a case is complex; or (b) designate cases of other types for treatment as complex cases.

2. Disposition time for complex cases. Except in extraordinary circumstances, all complex cases shall be disposed by the court within 24 months after initial filing.

3. Individual case management for complex cases. When the district court administrator conducts a 60-day case status review, he shall refer all cases presumed complex to the attention of the administrative judge. Each complex case shall be individually assigned by the administrative judge to a particular judge, who shall thereafter be responsible for all subsequent proceedings until the case is disposed.

For matters designated complex cases by the administrative judge, the district court administrator shall at the direction of the assigned judge set a date not later than 90 days after initial case filing for a scheduling conference before the assigned judge and give notice thereof to the parties.

4. Scheduling conference. At the scheduling conference the assigned judge shall determine whether a dismissal for want of prosecution or default judgment shall be entered as to one or more parties. The assigned judge shall also enter an order (a) directing any steps necessary to aid completion of the pleadings; (b) identifying any issues that are settled as to some or all parties; (c) setting a date

for completion of discovery; (d) designating a tentative pretrial conference date; and (e) designating the month for a tentative trial date.

5. Discovery completion. The district court administrator's office shall assist the assigned judge in monitoring the completion of discovery in each complex case. All discovery shall be completed on or before the date set therefor, unless (a) a party files a motion for extension of discovery before the discovery-completion deadline, and (b) the court finds that manifest injustice would result from refusal to grant an extension.

6. Pretrial conference. The assigned judge shall set a date not later than 30 days after discovery completion for a pretrial conference and shall cause notice thereof to be given to all parties.

On the date set for pretrial conference, the assigned judge shall (a) hear any summary judgment motions; (b) refine issues for trial and take such other steps as the marking of exhibits and the exchange of witness lists to assure expeditious trial completion; (c) consider with counsel the dollar value of the case, or whether certain issues can be stipulated or settled as to some or all parties; and (d) agree with counsel on a specific date not later than 90 days hence for the commencement of trial that is agreeable to all parties.

E. Standard Case Track.

1. Case types presumed to be standard. Unless otherwise designated by the court on party or its own motion, all cases not designated expedited or complex shall be presumed to be standard civil cases. On party or its own motion, the court may either (a) override the presumption that a case is standard; or (b) designate cases of other types for treatment as standard-track cases.

2. Disposition time for standard cases. Except in extraordinary circumstances, all standard cases shall be disposed by the court within 12 months after initial filing.

3. Setting discovery completion and tentative trial dates. For all non-arbitration standard-track cases in which an answer or other responsive pleading has been filed when the district court administrator conducts a 60-day case status review, he shall (a) set a discovery completion date 150-180 days hence, (b) designate the month for a tentative trial date, and (c) give notice thereof to the parties.

For all other non-arbitration standard-track cases in which a default judgment or dismissal for want of prosecution has not been entered, the court shall (a) set a date for completion of the pleadings, (b) set a discovery completion date 150-180 days after the close of pleadings, (c) designate the month

for a tentative trial date, and (d) cause notice thereof to be given to the parties.

4. Discovery completion. The district court administrator's office shall monitor the completion of discovery for all non-arbitration standard-track cases. All discovery shall be completed on or before the date set therefor, unless (a) a party files a motion for extension of discovery before the discovery-completion deadline, and (b) the court finds that manifest injustice would result from refusal to grant an extension.

5. Setting proposed trial date. For all non-arbitration standard-track cases in which a motion to extend discovery has not been filed before the date set for completion thereof, the district court administrator shall within five days after the scheduled discovery-completion date set a proposed trial date 60-90 days after that date and give notice thereof to the parties.

For all standard-track cases in which a motion to extend discovery has been filed before the date set for completion thereof, the court shall, after consultation with counsel, (a) set a date for completion of discovery, (b) set a proposed trial date 60-90 days after the original discovery-completion date, and (c) cause notice thereof to be given to the parties.

6. Final trial date. The proposed trial date shall become fixed and final 30 days after the date of the trial-date notice unless otherwise ordered by the court on party request made before the running of the 30-day period.

7. Pretrial conference. A pretrial conference shall not be mandatory in a standard-track case. On party motion not later than 30 days after the date of the trial-date notice, the court may order a pretrial conference and shall cause notice thereof to be given to all parties. Except under unusual circumstances, the pretrial conference shall not delay trial commencement.

On the date set for pretrial conference, the court shall (a) hear any summary judgment motions; (b) refine issues for trial and take such other steps as the marking of exhibits and the exchange of witness lists to assure expeditious trial completion; and (c) consider with counsel the dollar value of the case, or whether certain issues can be stipulated or settled.

F. Posttrial Motions. Except in unusual circumstances, any posttrial motion shall be made and argued, without transcripts or briefs, immediately after findings of fact by judge or jury.

G. Arbitration.

1. Referral of cases to arbitration. At the sixty-day review of case status, the district court administrator shall identify any case with a damage claim under \$10,000 and refer it to the administrative judge for an order of referral to compulsory arbitration. At any time before trial that a case comes before the court for ruling, as on preliminary objections or any motion, the court shall review the case to determine if (regardless of damages claimed) it is a case with a dollar value under \$10,000. The court shall order any case with a dollar value under \$10,000 to compulsory arbitration.

2. Time standard for arbitration awards. The district court administrator shall monitor the status of all cases referred to arbitration. Except in unusual circumstances, all arbitration awards shall be entered within 60 days after order of referral. Arbitrators failing to comply with this time standard shall be subject to reduction or denial of arbitration fees.

3. Setting proposed trial date for an arbitration appeal. For each case in which an appeal from an arbitration award is filed, the district court administrator shall within five days after the filing of the appeal set a proposed trial date 60-90 days

after the arbitration award date and give notice thereof to the parties.

4. Final trial date. The proposed trial date shall become fixed and final 30 days after the date of the trial-date notice unless otherwise ordered by the court on party request made before the running of the 30-day period.

5. Review and sanctions in arbitration appeals. For each case in which an arbitration award is appealed, the district court administrator shall inform the trial judge before the entry of judgment of the amount of the arbitration award from which the appeal was taken. If the appealing party has failed to improve his or her position by ten percent or more over the arbitration outcome, then the court shall on its own motion order the appealing party to pay costs to the other party or parties.

H. Pending Civil Inventory.

1. Transition Rules. All general civil cases filed before the effective date of this management plan shall be subject to the following transition rules. The district court administrator and the prothonotary shall review all pending civil cases and report on their status their status to the court, which shall enter orders or take other action in keeping with these transition rules.

2. Inactive cases. In cases eligible for administrative dismissal under RJA 1901, notice shall be sent for parties to show cause why their respective cases should not be dismissed.

3. Cases awaiting court action. Any case awaiting court determination of one or more motions (including preliminary objections, pretrial motions or posttrial motions) shall be treated in the spirit of Paragraph II.F of this plan. Except in extraordinary circumstances set forth on the record, a motion or motions shall be deemed denied if a determination by the court is not entered within 30 days after the date of written notice from the district court administrator to the judge before whom a case is pending that it is awaiting court action.

4. Cases awaiting answer or other responsive pleading. For any case in which an answer or other responsive pleading has not been filed within 60 days after initial filing, the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within 30 days after the date of the notice either (a) a responsive pleading is filed, or (b) the plaintiff moves for substitute service or a default judgment.

5. Cases in which an answer or other responsive pleading has been filed. In accordance with criteria set forth in III.C.1, III.D.1, III.E.1 and III.G.1

above, and giving due regard to attorney requests for track assignment, all civil cases in which an answer or other responsive pleading has been filed shall be assigned to arbitration or case tracks.

Cases with a damage claim or a dollar value determined by the court to be under \$10,000 shall be referred to arbitration, and arbitration awards shall be entered as provided in III.G.2. The court shall give notice to arbitrators that, absent extraordinary circumstances, awards in cases already referred to arbitration should be entered within 60 days after the date of notice from the court.

Cases assigned to the expedited track shall be assigned trial dates 60-90 days after the date of track designation, or as soon thereafter as court resources permit, with notice thereof to the parties.

Cases assigned to the complex track shall be assigned to an individual judge and have a scheduling conference scheduled as soon thereafter as court resources permit, with notice thereof to the parties.

Cases assigned to the standard track shall have a discovery-completion date set for 150-180 days after the date of track designation, with the month for a tentative trial date set in keeping with available court resources, and with notice thereof to the parties.

6. Cases awaiting trial. In keeping with (a) available judge resources, (b) the court's effort to dispose of newly-filed cases within the terms of this plan, and (c) the desirability of trial-date certainty, the court shall schedule already-pending civil cases for trial as soon as possible after the completion of discovery.

IV. Managing the Progress to Disposition of Family Cases

In addition to the general case management policy provisions set forth in II above, the following provisions shall govern the progress of family cases from initiation through disposition.

A. Time Standards for Family Cases. Except in extraordinary circumstances, all family cases* shall be disposed within the following times after initial filing:

1. Support cases shall be disposed within 90 days;
2. Uncontested divorce cases shall be disposed within 120 days;
3. Custody matters shall be disposed within 180 days;
4. Contested divorce cases without contested

* For divorce cases filed under 23 P.S. §201(d) (separate and apart at least three years), these time standards shall run from the filing of a complaint on that ground, and not from the filing of any earlier complaint alleging another ground.

custody issues shall be disposed within 180 days; and

5. Contested divorce cases with contested custody issues shall be disposed within 12 months.

B. Sixty-Day Review for Divorce Cases. On the sixtieth day after initial filing of each divorce case, the district court administrator's office shall review the status of the case.

1. Complaints based on grounds of fault or confinement for mental illness. If at the time of sixty-day review an answer or other responsive pleading has not been filed by the defendant in a case involving claims under 23 P.S. §201(a) (traditional fault grounds for divorce) or 23 P.S. §201(b) (confinement in a mental institution), the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within 90 days after initial filing the plaintiff either (a) shows proof of service on the defendant, or (b) moves for substitute service.

2. Irretrievable breakdown. At the time of sixty-day review of a case involving claims under 23 P.S. §201(c) (irretrievable breakdown), the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within 120 days after initial filing either (a) an affidavit of consent or responsive pleading from the

defendant is filed, (b) in the absence of such a filing, the plaintiff shows proof of service on the defendant, or (c) the plaintiff moves for substitute service.

3. Separate and apart. At the time of sixty-day review of a case involving claims under 23 P.S. §201(d) (separate and apart at least three years), the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within 90 days after initial filing of the separate-and-apart complaint either (a) a responsive pleading is filed by the defendant, (b) in the absence of such a filing, the plaintiff shows proof of service on the defendant, or (c) the plaintiff moves for substitute service.

C. Separate--and--Apart after Divorce Case Commenced on Another Ground. If, after commencement of a divorce case on another ground, the plaintiff decides to proceed under 23 P.S. §201(d) (separate and apart at least three years), the court shall place the case in an inactive status. The district court administrator's office shall monitor the status of the case. If a plaintiff's affidavit under Pa. R. Civ. P. 1920.72(c) [setting forth factual grounds under §201(d)] is not filed within three years after the date the case was placed in an inactive status,

the court shall send notice to the plaintiff that the case shall be dismissed for want of prosecution unless such an affidavit is filed within 30 days after the date of the notice.

D. Conciliation Conference on Custody Complaint.

1. Conference date and notice. Upon the filing of a custody complaint, the court shall schedule a conciliation conference to be held not later than 60 days after the filing date. Notice of the conference shall be given to the plaintiff and the defendant not less than 30 days before the scheduled conference date.

2. Conference and report. The conciliation conference may be conducted by a nonlawyer mediator. After the conclusion of the conference, the conference official shall submit a report to the court within 10 days. If the case has not been resolved at the conference, the report shall include (a) a statement of facts, (b) agreed issues, (c) remaining contested issues, and (d) an estimate of time that would be needed for the court to conduct an evidentiary hearing on the contested issues. The report shall not include the conference official's perception of the weaknesses in either party's case.

E. Custody Evidentiary Hearing.

1. Hearing commencement date and notice. If after conclusion of a conciliation conference a custody case is not resolved, the court shall schedule a custody evidentiary hearing to be held not more than 60 days after the conciliation conference. The court shall give notice to the parties not less than 30 days before the scheduled hearing date.

2. Duration of hearing. The hearing commencement date shall be scheduled to permit consecutive-day sessions if the hearing is expected to consume more than one day. On the date set for commencement of the hearing, the judge shall meet with counsel to review issues and witness lists, and to plan steps to assure completion of the hearing within the allotted time.

F. Scheduling Coordination. The district court administrator's office and the domestic relations office shall coordinate their respective scheduling efforts to reduce or avoid scheduling conflicts. When appropriate, the court shall consolidate custody and support hearings to avoid inconsistent results in the same case.

G. Review of Family Case Management Results. The district court administrator shall monitor and report

to the court on the success of family case-management efforts. Based on such reports, the court shall (with the advice and assistance of the case management advisory committee, if appropriate) identify and implement such management improvement steps as:

1. reducing the incidence of appeals to the court from masters in divorce cases;
2. assuring ever-greater incidence of consecutive-day custody evidentiary hearings and of such hearings completed within scheduled times; and
3. assuring prompt and fair disposition of support cases.

APPENDIX A.

CASE TYPES PRESUMED TO BE EXPEDITED CASES

[Specific case types appropriate for expedited disposition (such as assumpsit cases with liquidated damages or mortgage-foreclosure cases) are to be designated by the court with the advice and assistance of the case management advisory committee.]

CHAPTER II.

PROPOSED AMENDMENTS TO BLAIR COUNTY CIVIL CASE MANAGEMENT PLAN

A. Reports of Meetings

1. Meeting May 16, 1988, of Blair County Judges with National Center Representative.

In a meeting of the judges and court administrator of the Blair County Court of Common Pleas with David C. Steelman of the National Center for State Courts, there was discussion of a proposed civil and family case management plan prepared by the Center and dated March 11, 1988. Discussion focused on problem areas seen in the proposed plan. (These problem areas had been identified in an earlier court-bar meeting to discuss the plan.) Set forth below is the National Center's understanding of the matters discussed and decided at that meeting, organized with reference to applicable section numbers in the proposed plan (Chapter I).

1. Court Rulings on Motions (Section II.E in March proposed plan). Problems were seen with the proposal to have pretrial or posttrial motions deemed denied if not ruled on within 30 days. The court decided to strike this section from the plan.

Yet the judges also recognized the concern expressed by members of the bar that there be judge accountability. The judges did not think it feasible to place a limit on

the number of cases assigned to each judge, as had been proposed by bar members.

National Center Comment. Steelman urged the judges to give attention to the need for prompt rulings on motions, even though this proposed section was stricken. [At Steelman's meeting the next day with bar representatives, a proposed substitute for Section II.E was discussed. See Chapter II.A.2]

2. Early and Firm Trial Dates: "Overset" Ratio (II.H.3). The judges recognized attorneys' concern that they not be required to have doctors ready as witnesses and then not have their cases reached.

National Center Comment. Having a "reasonable" overset ratio means that the court should not have an excessive number of cases scheduled for trial or hearing on any given day, even though the court must overset to some extent in order to avoid having too much "down time" caused by having cases settle at the last minute. What constitutes a "reasonable" overset ratio must be determined in a common-sense empirical way through an ongoing assessment of how many cases to set in order to achieve optimal results.

3. Case Management Advisory Committee (II.J). The judges were unclear about the precise nature of the concerns that had been expressed by bar members about the role of the

proposed case management advisory committee. Steelman indicated that he would explore this when he met with bar representatives. (See section A.2, below.)

4. Sixty-Day Review (III.A). There was a shared feeling that court administrator review of the state of pleadings in a case 60 days after initial filing is too soon. It was decided that review should instead be after 90 days.

National Center Comment. If 90 days after filing appears to be a more practicable point for review, that does not conflict with the desirability of early court attention to the status of cases.

5. Posttrial Motions (III.F). The judges were reluctant to have immediate oral rulings on motions, though they were willing to have this be a matter of court discretion.

National Center Comment. Posttrial motions are a problem area, as both court and bar recognize. Appropriate attention should therefore be given to assuring that some steps be taken to bring about improvements in this area.

6. Arbitration Appeals (III.G.5). Concerned that the imposition of sanctions in this proposed section is too much like the now-disfavored delay-damage rule, the court decided that the section should be dropped. They felt

that the court's provision of a prompt trial date would help to prevent abuse of the right to appeal from an arbitration award.

National Center Comment. The court should have the district court administrator monitor and periodically report on the incidence of appeals from arbitration, the effectiveness of which is undercut if there are too many such appeals.

7. Family Case Management Plan (Part IV). The court felt that it might be necessary for there to be further investigation of the problems in this area before a management plan is developed. The court concluded that, for the time being, this part of the plan should be dropped.

National Center Comment. If delayed, attention to this area should not be put off indefinitely. It might be best for a bench-bar committee to investigate further and by next year to introduce ways to improve such things as the use of masters.

2. Meetings May 16-17, 1988, of Blair County Attorneys with National Center Representative.

On May 16, 1988, David C. Steelman met with one of the three practicing attorneys who have been working with the court on the consideration of a proposed civil case management plan.

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On May 16, 1988, David C. Steelman met with one of the three practicing attorneys who have been working with the court on the consideration of a proposed civil case management plan.

On May 17, Steelman and the court administrator met with the other two attorneys.

The issues addressed with the attorneys are set forth below in two parts. Presented first is the single issue that all three attorneys agreed is most important for the improvement of civil case management in the county. Then are presented the issues raised by the single attorney with whom Steelman met on May 16. As in section A.1 above, cross reference is made to the sections of the National Center's March 11 proposed plan (Chapter I).

Most Important Issue for Improved Civil Case Management

Court Rulings on Motions (Section II.E). Affirmative action must be taken, said the attorneys, to address unissued opinions. The attorneys rejected the proposed "deemed denied" provisions. They proposed instead that a quota be set on the number of outstanding decisions that any judge may have for cases in each of the three civil case tracks. Once any judge exceeds that quota, they proposed further, the court administrator should automatically discontinue assignment of any further cases to that judge until his or her opinions are written.

The attorneys insisted that the judges as well as the attorneys must be held accountable under the new civil case management plan. Without provision for such

accountability, they indicated that they could not give their support to the proposed plan.

National Center Comment. The attorneys' point is well taken. Everyone recognizes that delays in rulings on motions are a major problem; and it can hardly be argued that judges should not be held accountable. This is not an excessive "price" to pay for bar leader support of the proposed plan.

A proposed replacement section II.E is offered below in section B. The court and bar members should engage in further discussions to determine whether the proposed replacement section, either as offered or as modified, is an appropriate way to assure reasonably prompt rulings on motions.

Other Issues Raised by At Least One Attorney

1. Case Management Advisory Committee (II.J) and Monitoring and Management of Trial and Hearing Times (II.H). Concern was expressed that attention to trial times might lead to the imposition of inappropriate constraints on the presentation of their cases by trial attorneys. The role of the case management advisory committee should not be to streamline trial activities; rather it should be to review

and monitor the effectiveness of the proposed case management program.

National Center Comment. Management of each individual trial is properly within the reasonable discretion of the trial judge. The proposed section II.H is intended to promote the idea that any savings in elapsed trial times that do not hinder trial fairness are a good way to make judge time available for other matters. Feedback from members of the trial bar is always helpful to the court in its efforts to determine how to conduct its business.

2. Pretrial Conferences in Standard-Track Cases (III.E.7).

Concern was expressed about not having pretrial conferences in such cases, which are often helpful to the disposition of such cases.

National Center Comment. Attorneys can always request a conference in a case for which it would be considered helpful. In one of the most careful research efforts ever conducted for American courts, however, Professor Maurice Rosenberg concluded that pretrial settlement conferences do not necessarily produce any more settlements than would have resulted without such conferences.

Later researchers have concluded that the imminence of a firm and unavoidable trial date is the most effective way to promote settlements. This does not mean, of course,

that conferences before trial cannot be helpful for scheduling, refinement of issues for trial, or even settlement in appropriate cases.

3. Posttrial Motions (III.F). It was suggested that determination of posttrial motions without briefs or transcripts be at the request of the moving party or otherwise in the discretion of the trial judge.

National Center Comment. See proposed revision of III.F in section B.

4. Arbitration Appeals (III.G.5). Concern was expressed about the proposed sanctions for arbitration appeals.

National Center Comment. See Item 6 above in section A.1.

5. Cases Awaiting Court Action (III.H.3). For reasons applicable to rulings on motions generally, the "deemed denied" clause was considered objectionable in this subsection dealing with the treatment of motions in cases pending before the effective date of the proposed management plan.

National Center Comment. See proposed revision of section III.H.3 in section B.

B. Proposed Amendments to Blair County Civil Case Management Plan

As a result of the meetings summarized above, the National Center for State Courts proposes that the following amendments be made to the March 11 draft case management plan. Each section proposed here is numbered by reference to the number assigned to the section in the March 11 draft that is to be replaced or amended.

Some of the changes involve the deletion of entire sections, while others involve the substitution of a proposed new section in place of one to be deleted. When it is proposed that there be a change in the wording of a section, those words or phrases to be replaced are **[in brackets with bold print]**, while the words or phrases to be substituted are **underlined in bold print**.

There are three proposed changes that come as a result of the National Center staff member's review of the March 11 draft plan in preparation for the May meetings. Each of these is "flagged" with an asterisk (*).

*II.D. Strict Continuance Policy. Except in emergency situations, all continuance requests [all] shall be submitted in writing to the administrative judge not later than seven days before, and shall be decided by him not later than three days before, the date set for hearing. (The balance of this section would be unchanged from the March 11 draft.)

II.E. (The section in the March 11 draft is to be dropped. The following section is proposed in its place.)

Court Rulings on Motions.

1. Time for Rulings. Especially with regard to preliminary objections and other pretrial motions, the court shall rule promptly on all motions. Except for (1) pretrial motions the decision of which can properly be delayed until trial commencement without threatening compliance with time standards set out below, or (2) extraordinary circumstances when the

*This proposed change comes as a result of the National Center staff member's review of the March 11 draft plan in preparation for the May meetings.

court finds that manifest injustice would otherwise result, the court shall rule on all motions (including preliminary objections and posttrial motions) within 60 days after submission.

2. Manner of Ruling on Motions. At party request and in the court's discretion, the court may rule on a motion orally from the bench at the conclusion of any argument permitted by the court. Whenever possible, any written ruling shall be by order rather than by opinion.

3. Outstanding Rulings on Motions. At any one time, no judge should have more than five rulings on motions pending longer than 60 days after submission. Unless the president judge directs otherwise, any judge who has ten or more rulings pending longer than 60 days after submission shall automatically be removed from new case assignments until the number of his or her pending rulings is reduced to five or fewer.

3. Monitor and Review of Pending Rulings. The district court administrator shall monitor the status of each judge's outstanding rulings on all motions and make a monthly report thereon to the court. In a

meeting of the judges, the court shall make a quarterly review of outstanding rulings and address any problems that may be presented.

4. Monthly Reports under Pa.R.J.A. 703. In keeping with Rule 703.B(3) of the Pennsylvania Rules of Judicial Administration, and if determined to be administratively feasible by the Court Administrator of Pennsylvania, the primary responsibility to ascertain and report on matters submitted and remaining undisposed, as required in Rule 703.B(1), shall be on the district court administrator.

5. Retroactive Application. Except in the court's discretion, this requirements of this section shall not be applicable to matters pending before the effective date of this plan.

II.H. Monitoring and Management of Trial and Hearing Times.
(The first paragraph of this section would be unchanged from the March 11 draft.)

Based on such reports, and with the [assistance] advice of the case management advisory committee, the

court shall devise means (such as improved pretrial case management, modification of voir-dire practices, and control over the proffer of irrelevant, immaterial or redundant evidence) to shorten trial and hearing times without threat to the fairness of proceedings.

III.A. [Sixty-Day] Ninety Day Review. On the [sixtieth] ninetieth day after initial filing of each general civil case, the district court administrator's office shall review the status of the case. If an answer or other responsive pleading has not been filed by the defendant, the court shall send notice to the plaintiff that a dismissal for want of prosecution shall be entered unless within [90] 120 days after initial filing the plaintiff moves for either a default judgment or substitute service on the defendant.

III.C.3. (Expedited Case Track:) Setting proposed trial date. For all non-arbitration expedited cases in which an answer or other responsive pleading has been filed when the district court administrator conducts a

[60-day] 90-day case status review, he shall set a proposed trial date 60-90 days hence and give notice thereof to the parties. (The balance of this section would be unchanged from the March 11 draft.)

*III.D.1 (National Center Comment. This section discusses cases that might be presumed to be complex. In a discussion with David C. Steelman after the completion of the March 11 draft, Maureen Solomon -- author of Caseflow Management in the Trial Court (Chicago: American Bar Association, 1973) and co-author with Douglas K. Somerlot of Caseflow Management in the Trial Court: Now and For the Future (Chicago: American Bar Association, 1987) -- expressed the opinion that no cases should be presumed complex. Rather, she says, such cases should be so treated only upon a determination by the court that they merit such special attention.

This observation might be kept in mind by the court in determining how many cases should be exempted from the timetables applicable to "standard track" cases.)

III.D.3. Individual case management for complex cases. When the district court administrator conducts a [60-day] 90-day case status review, he shall refer all cases presumed complex to the attention of the administrative judge. Each complex case shall be

*This proposed change comes as a result of the National Center staff member's review of the March 11 draft plan in preparation for the May meetings.

individually assigned by the administrative judge to a particular judge, who shall thereafter be responsible for all subsequent proceedings until the case is disposed.

For matters designated complex cases by the administrative judge, the district court administrator shall at the direction of the assigned judge set a date not later than [90] 120 days after initial case filing for a scheduling conference before the assigned judge and give notice thereof to the parties.

III.E.3. (Standard Case Track;) Setting discovery completion and tentative trial dates. For all non-arbitration standard-track cases in which an answer or other responsive pleading has been filed when the district court administrator conducts a [~~60-day~~] 90-day case status review, he shall (a) set a discovery completion date 150-180 days hence, (b) designate the month for a tentative trial date, and (c) give notice thereof to the parties. (The balance of this section would be unchanged from the March 11 draft.)

III.F. Posttrial Motions. [Except in unusual circumstances] At party request and in the court's discretion, any posttrial motion [shall] may be made and argued, without transcripts or briefs, immediately after findings of fact by judge or jury.

III.G.5. Review and sanctions in arbitration appeals. (The section in the March 11 draft is to be dropped. The following section is proposed in its place.)

Monitor and review of arbitration appeals. The district court administrator shall monitor and report to the court on the incidence of arbitration appeals and report quarterly thereon to the court. Upon receipt of this report, the court shall consider whether the incidence of arbitration appeals reflects either (a) abuse of arbitration appeals, or (b) other problems in the operation of the arbitration program.

III.H.3. (Pending Civil Inventory:) Cases awaiting court action. Any case awaiting court determination of one or more motions (including preliminary objections,

pretrial motions or posttrial motions) [shall] may,
in the court's discretion, be treated in [the spirit
of] keeping with Paragraph [II.F] II.E of this
plan. [Except in extraordinary circumstances set
forth on the record, a motion or motions shall be
deemed denied if a determination by the court is not
entered within 30 days after the date of written
notice from the district court administrator to the
judge before whom a case is pending that it is
awaiting court action.]

III.H.4 (Pending Civil Inventory;) Cases awaiting answer or
other responsive pleading. For any case in which an
answer or other responsive pleading has not been filed
within [60] 90 days after initial filing, the court
shall send notice to the plaintiff that a dismissal
for want of prosecution shall be entered unless within
30 days after the date of the notice either (a) a
responsive pleading is filed, or (b) the plaintiff
moves for substitute service or a default judgment.

*III.H.5 (Pending Civil Inventory:) Cases in which an answer or other responsive pleading has been filed. (The first three paragraphs of this section would be unchanged from the March 11 draft.)

Cases assigned to the complex track shall be assigned to an individual judge and have a scheduling conference scheduled to be held as soon thereafter as court resources permit, with notice thereof to the parties.

IV. Managing the Progress to Disposition of Family Cases

(The section in the March 11 draft is to be dropped.)

Appendix A. Case Types Presumed to be Expedited Cases.

[Specific case types appropriate for expedited disposition (such as assumpsit cases with liquidated damages or mortgage-foreclosure cases) are to be designated by the court with the advice [and assistance] of the case management advisory committee.]

*This proposed change comes as a result of the National Center staff member's review of the March 11 draft plan in preparation for the May meetings.

C. National Center Comment on Practical Details of Implementation

There are a number of practical details that need to be resolved, particularly between the district court administrator and the prothonotary, in the implementation of the civil case management plan under consideration for Blair County. The court should involve the prothonotary in the planning for implementation in order to identify and resolve any problems that may arise for the prothonotary's office.

One practical issue involves communications between the prothonotary's office and the district court administrator's office with regard to the filing of each new civil case. It might be desirable to have an index-card form designed that would be filled out by the attorney filing a case and picked up from the prothonotary's office by a member of the court administrator's staff.

This card would have information about the case, such as the names of the parties, the type of case, the docket number, the names of the attorneys, and any other information that would be necessary. It would then enable the court administrator's office to perform the 90-day review of case status.

If such monitoring and review of cases were to be done manually, each such card could be kept in a "tickler" file in the court administrator's office. If monitoring were to be done with the aid of computer automation, the card could be designed so that data entry could be done from it. (In the 21st century, if and when there would be law office/court connections to permit automated filing of documents, data entry could be done directly by a member of the attorney's staff.)

While the immediate reason for the court administrator's 90-day review of cases is to see that pleadings are closed or that cases are dismissed, the long-term purpose is to assign them to presumptive tracks so they will move promptly to disposition. Appendix A calls for the identification of case types that would be presumptively placed on the Expedited Case Track.

To aid the court in the identification (with the advice of the civil case management advisory committee) of the case types to be assigned to the expedited track, it is helpful to review the case types that the court systems of New Jersey and Connecticut have assigned to such a track. In New Jersey, the following case types would be assigned by the general jurisdiction trial court to what compares to the expedited

track recommended for Blair County*:

1. All commercial matters, such as book accounts, bills and notes, and secured transactions (but construction cases are specifically excluded from this track);
2. Actions heard on the record below in municipal courts (e.g., prerogative writ actions and municipal court appeals);
3. Statutory actions to confirm an arbitration award;;
4. Default cases, where a plaintiff must come before the court to prove the amount due from a defendant);
5. Tort cases involving infants on whose behalf settlements have been reached, where hearings would be held to assure protection of the infants' best interests; and
6. "Personal-injury protection" (PIP) cases under no-fault statutes, where an injured party sues his or her own insurance company in a contract action;
7. Small claims;
8. Summary landlord-tenant matters;
9. Civil cases at law valued at \$10,000 or less [in New Jersey, such cases are heard in a "special civil part" of the general-jurisdiction trial court].

* See New Jersey Supreme Court Committee on Civil Case Management and Procedures, Toward a Theory of Civil Case Management and Improved Civil Procedures, pp. 34-36 (1985).

In Connecticut, the following case types would be assigned to what compares to the expedited track recommended for Blair County*:

1. All contract cases except construction contract cases;
2. Small claims;
3. Tort cases alleging property damage only;
4. Probate appeals (from county-level probate courts to the statewide unified general-jurisdiction trial court);
5. Administrative appeals that do not proceed on the record.

While these case-type lists suffer from having different nomenclature than what applies to Pennsylvania cases, they should suggest the kinds of case-type assignments that can be made. When a case is initially filed with the court, it is recommended that the case type (and therefore the presumptive case-track assignment) be indicated by the filing attorney. There are "case information sheets" that counsel for the plaintiff in these states files at case initiation, and the enable counsel to tell the court what kind of cases are being filed and to what track each should be assigned.

* See Connecticut Supreme Court, Report of the Committee to Study the Rules of Civil Practice and Procedure, p. 3 (1985).

Included below are draft versions of case information sheets prepared for New Jersey and Connecticut.*

The court might consider whether it is desirable to have each attorney filing a case fill out such a case information or "face" sheet, with staff from the prothonotary's or court administrator's office using the face-sheet information to complete an index card or to key case data into a computer. It might be possible in the alternative for the attorney simply to put all the information the court needs on an index card, using guidelines provided for the court on how to indicate the case type, without need for completion of a face sheet. A third option would be for the attorney to complete both a face sheet and an index card.

Consideration of these options should address both the court's need for relevant case information and the burdens that might be imposed on attorneys, the prothonotary's office, and the court administrator's office under each alternative approach.

* Copies of the final printed versions of these forms are available from the state court administrators' offices of New Jersey and Connecticut.

APPENDIX A

Draft Versions of Case Information Sheets
For New Jersey and Connecticut

NEW JERSEY SUPERIOR COURT

CASE INFORMATION SHEET

The Case Information Sheet (C.I.S.) will provide the court with basic transmittal information, and also with selected case management data. It is to be filed with all pleadings and is designed to replace the cover letters attorneys presently submit.

The form presented here is subject to revision for spacing and clarity. Consideration is also being given to including items that would simplify processing within attorney offices, e.g., file number and check number.

CASE INFORMATION SHEET
General Equity and Civil

DOCKET NUMBER

L
C - - - - -

I. TRANSMITTAL INFORMATION (complete for all filings)

TO Deputy Clerk of Superior Court of _____ County. DATE / /

RE _____ V. _____

FILING ATTORNEY _____ for p'tiff _____ def _____
(name) (name)

Firm use only: _____ other _____
(specify)

DOCUMENT TYPE complaint answer crossclaim counterclaim motion other _____
(specify)

FILING FEE \$ _____ enclosed no, charge account # _____

COPY SUBMITTED Please stamp copy "filed" and return (stamped, self-addressed envelope enclosed) yes

ASSIGNED FOR TRIAL yes no If yes, Judge _____

II. FIRST PLEADING INFORMATION (complete only when submitting first pleading)

CASE TYPE (codes on reverse) _____
supply case code(s)

JURY DEMAND yes no

ESTIMATED TRIAL TIME _____ days

DESIGNATED TRIAL COUNSEL (if known) _____

INSURANCE CARRIER (if applicable) Name _____

BRIEFLY DESCRIBE why case is complex or expedited (additional space on reverse) _____

AFFIRMATIVE DEFENSES (codes on reverse) _____
supply code(s)

REMEDIES REQUESTED

<u>Tort Action</u>		Contract \$ _____
Medical expenses to date	\$ _____ anticipated \$ _____	Equity _____ (specify)
Lost wages to date	\$ _____ anticipated \$ _____	
Property damage	\$ _____	Other _____ (specify)
Other liquidated damages	\$ _____	

Check if applicable: pain and suffering punitive damages

III. MOTION INFORMATION (complete only when filing motion)

Motion Type discovery calendar/assignment summary judgment other _____
(specify)

Relief Requested _____

Return Date / / Oral Argument Requested yes no

Note: The information provided on this form cannot be introduced into evidence and is for administrative purposes only.

Attorney Signature _____
Attorney ID# _____
Firm - _____
Address _____
Telephone () _____

CIVIL AND GENERAL EQUITY CASE CODES

CIVIL

1. Antitrust
2. Arbitration
3. Assault & Battery
4. Asbestos
5. Auto Negligence
6. Auto Negligence (Title 59)
7. Bills and Notes
8. Book Account
9. Breach of Contract
10. Civil Rights
11. Commercial Transaction
12. Condemnation
13. Construction
14. Declaratory Judgment
15. Defamation
16. Environmental
17. Forfeiture
18. Franchise
19. Insurance - Declaratory Judgment (coverage)
20. Insurance - Direct Action Against Carrier
21. Land Use (other than Mt. Laurel)
22. Mt. Laurel
23. Nuisance
24. PIP
25. Prerogative Writ
26. Prerogative Writ on the Record
27. Products Liability
28. Professional Liability
29. Sales/Warranty
30. Secured Transaction
31. Shipping/Bailment
32. Slip and Fall
33. Tenancy (non-Special Civil Part)
34. Title 59/Contractual Liability Act
35. Title 59/Tort Claims Act
(other than auto negligence)
36. Toxic Tort (other than asbestos)
37. Wrongful Death
38. Wrongful Discharge from Employment
39. Other Contract (explain) _____
40. Other Negligence (explain) _____
41. Other Tort (explain) _____

GENERAL EQUITY

50. Accounting
51. Cancellation of Mortgage
52. Conservatorship
53. Dissolution
54. Incompetency/Guardianship
55. Labor Strike Injunction
56. Mortgage Foreclosure
57. Partition
58. Probate - contested
59. Probate - uncontested
60. Receivership
61. Reformation of Instrument
62. Specific Performance
63. Tax Foreclosure
64. Unfair Competition
65. Environmental
66. Other (explain) _____

AFFIRMATIVE DEFENSES

- a. accord and satisfaction
- b. arbitration and award
- c. contributory negligence
- d. duress
- e. estoppel
- f. failure of consideration
- g. fraud
- h. illegality
- i. laches
- j. statute of frauds
- k. statute of limitations
- l. other (explain) _____

ADDITIONAL INFORMATION



INSTRUCTIONS

1. Complete section I; complete section II if applicable.
2. If a specific track designation is desired complete section III.
3. File one copy with with the complaint at the time of filing.

THE INFORMATION CONTAINED ON THIS FORM IS FOR ADMINISTRATIVE PURPOSES AND CANNOT BE INTRODUCED INTO EVIDENCE

I. Complete all information requested in this section.

COURT LOCATION (TOWN)	RETURN DATE	DOCKET NUMBER
NAME OF CASE (Plaintiff v. Defendant)		CASE TYPE (From Jud. Dept. code A: Major Minor
NAME AND TOWN OF PLAINTIFF'S ATTORNEY		TELEPHONE NO.
IF FIRM APPEARANCE GIVE NAME OF PRIMARY TRIAL COUNSEL		JURIS NO. OF PRIMARY COUNSEL

II. If major casetype is a CONTRACT or TORT complete the following.

<input type="checkbox"/> CONTRACT: <input type="checkbox"/> TORT:	IMPLIED OR EXPRESS CONSENT <input type="checkbox"/> YES <input type="checkbox"/> NO	CONSTRUCTION <input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT OF DEMAND \$ _____
	-PROPERTY DAMAGE ONLY <input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT OF PROP. DAM. <input checked="" type="checkbox"/>	MEDICAL EXPENSES To date \$ _____ Anticipated \$ _____
LOST WAGES To date \$ _____ Anticipated \$ _____		TOTAL AMOUNT IN DEMAND \$ _____	
* THE FOLLOWING WHICH ARE APPLICABLE			
<input type="checkbox"/> PUNITIVE DAMAGES			
<input type="checkbox"/> PAIN AND SUFFERING			
<input type="checkbox"/> PERMANENCY OF INJURIES / LIFE EXPECTANCY (explain): _____			

(Optional) III. Request for track designation other than presumptive track.

* ONE OF THE FOLLOWING

FAST-TRACK
 STANDARD TRACK
 SPECIAL TRACK (explain): _____

SIGNED	PRINT NAME AND TITLE OF SIGNER	DATE SIGNED
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