

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL TRIAL DIVISION

ADMINISTRATIVE DOCKET 07 OF 2001

IN RE: JURY TRIAL DEMANDS IN DRUG FORFEITURE CASES

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AND NOW, this 25th day of June, 2001, it is hereby ORDERED and DECREED that effective immediately jury trial demands in drug forfeiture cases will be handled by the Civil Trial Division in accordance with previous practices except as otherwise set forth in this Order.

Upon receiving a demand for a jury trial, the sitting judge in the Criminal Division shall enter an Order transferring the case from the Criminal Division to the Civil Division of the Trial Division. (The sitting judge in the Criminal Division shall give the moving party a copy of the "Notice to Litigants" appended as Attachment "A".) Leonard Armstrong of the Criminal Motions Unit will send a memorandum to the Supervising Judge of the Civil Division (Judge Sheppard) advising of the jury trial demand.

The moving party shall obtain a certified copy of the pertinent transfer Order and file it with the First Filing Unit of the Prothonotary's office, at which time the jury demand fee shall be paid. The First Filing Unit shall assign a court term and number to the case and place the case in a "waiting to list status conference". For docketing purposes, the court type shall be "DF" - Drug Forfeiture.

The First Filing Unit of the Prothonotary shall E-mail a notice that the jury trial has been perfected to Leonard Armstrong of the Criminal Motions Unit and provide the Civil Division court term and number. Upon receipt of this notice, the Criminal Motions Unit will forward

copies of the Forfeiture Petition (and any response) and the Order of Transfer to the Prothonotary's Second Filing Unit

Notwithstanding the jury demand, the case shall remain within the jurisdiction of the judge of the Criminal Division until such time as notice is received from the Prothonotary that the demand has been perfected. At the time that the jury demand is made, the sitting judge in the Criminal Division shall list the matter for a status hearing in thirty (30) days. At that status hearing, the moving party shall present proof of the jury trial perfection in the Civil Division. If the moving party fails to perfect the jury trial within thirty (30) days, the sitting judge in the Criminal Division will enter an Order holding that the moving party has waived the right to a jury trial and schedule a hearing on the Forfeiture Petition before a judge sitting without a jury.

In the Civil Division, the case shall be assigned to the Supervising Judge of the Complex Litigation Center and shall be placed on a case management track that provides for a trial in the eighth month after filing. A Case Management Order will be issued and the case shall proceed to trial under the Pennsylvania Rules of Civil Procedure.

BY THE COURT:

JOHN W. HERRON
Administrative Judge, Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's website at <http://courts.phila.gov>.

NOTICE TO LITIGANTS

RE: DRUG FORFEITURE JURY TRIALS

The moving party is directed to do the following to perfect the request for a jury trial in drug forfeiture matters:

1. Counsel must obtain a certified copy of the Order of the sitting Criminal Division judge transferring the case to the Civil Division for trial.
2. Counsel must present the certified copy of the Order to the Office of the Prothonotary, First Filing Unit, Room 280, City Hall.
3. Counsel must be prepared to pay the jury demand fee of \$180.00.
4. The case will be given a Civil Division court term and number and will be placed in “waiting to list status conference”. Counsel will receive notice of a status conference which will be scheduled approximately one month after the month of transfer. That conference will take place at the Complex Litigation Center, 12th Floor, Wanamaker Building.
5. Failure to perfect the jury trial request in the Civil Division within thirty (30) days will result in the entry of an Order holding that the moving party has waived the right to a jury trial and a hearing on the Forfeiture Petition will be scheduled before a judge sitting without a jury. At the hearing when the jury trial demand is made, the sitting Criminal Division judge shall list the case for a thirty (30) day status hearing, at which time the moving party shall present proof of the jury trial perfection in the Civil Division.

ATTACHMENT “A”