

## Trial Division

### TRIAL DIVISION - GENERAL

The Trial Division is composed of the Civil Trial and Criminal Trial Divisions. Judge John W. Herron is the Administrative Judge of the Trial Division, appointed by the Pennsylvania Supreme Court in January 1996. Three judicial administrative assignments were made in January 2001 to assist the Administrative Judge: Judge Albert W. Sheppard, Jr. as Supervising Judge for Civil Trial Programs (except Complex Litigation); Judge Allan L. Tereshko as Supervising Judge for the Complex Civil Litigation Program; and Judge D. Webster Keogh as Supervising Judge for Criminal Trial Programs.

Within the Civil Trial Division, case programs include Major Jury Cases (except Mass Tort), Commerce Program (applying to commercial and business civil actions filed after January 1, 2000), Arbitration (required in all civil actions where the amount in controversy is \$50,000 or less, excluding equitable actions and Appeals Program (involving appeals from adjudications of state and local administrative agencies, all business tax collection cases brought by the City of Philadelphia, and all class action certifications (except as arise within the Commerce Program), and Motions Program (for all discovery and non-discovery motions in compulsory arbitration, arbitration appeal, and non-jury cases).

Within the Criminal Trial Division, differentiated case management programs included Criminal List Program (non-jury felony bench trials, where experience based on the nature of the criminal charges and number of defendants permits a case management assumption that the duration of a trial will run less than a few hours), and Section Calendar Program (major felony, jury-demand cases).

The Trial Division, with the assistance of Pennsylvanians for Modern Courts, also now benefits from a Jury Revitalization Project, designed to increase citizen response to jury summonses. This comprehensive, ongoing judicial administration project enables the Trial Division to continue its successes within the Civil Division and to meet the needs of increased Criminal Division new case filings, experienced at an increase of 2,000 more cases than were received during any year in the last quarter century.

### CIVIL TRIAL PROGRAMS

Judicial Team Leadership as a case management tool was instituted in 1993 under former Administrative Judge Alex BonavitaCola in order to address the civil trial case backlog. Aggressive case management practices, including the application of strictly enforced pre-trial and trial deadlines, were implemented. Examination of local statistics revealed that only 5% of the civil cases filed as jury trials actually resulted in a jury verdict. The other 95% were either settled prior to trial or disposed through motions. With this in mind, an unprecedented collaboration between the Court and the Philadelphia legal community, including the local Bar Association, the Trial Lawyers Association, and the Association of Defense Counsel, was pursued, resulting in the recruitment of over 300 highly qualified civil trial lawyers to serve as Settlement Masters or Judges Pro Tempore on a volunteer basis. Judicial Teams were assigned specific case inventories and pre-qualified volunteer lawyers to assist in the attack on these inventories.

# TRIAL DIVISION *Common Pleas Court*

By 1998, the Civil Trial Programs referred to as Day Backwards and Day Forwards (accomplishing the mammoth task of disposing of a 28,000 case inventory, while concurrently disposing of newly-filed cases in a timely fashion) were declared an unmitigated success. Building on the successes of the case flow management techniques developed and implemented in-house by Trial Division jurists, Judge Herron expanded the judicial team concept within the Civil Trial Programs in several respects:

- Two judges were appointed to lead each judicial team, thereby increasing the number of judges in leadership positions and expanding opportunities for judicial administration experience;
- Assignment of specific case inventories to each judicial team, including responsibility for all case discovery and other pretrial motions affecting that inventory;
- Aggressive scheduling practices, requiring a goal of assigning two cases for each judge per week; and
- Weekly meetings of team leaders as a focal point for decision making through consensus in an effort to achieve uniformity of action by team leaders.

In January 2000, the Commerce Case Management Program (“Commerce Program”) was inaugurated as an extension of the Day Forward Civil Program for certain commercial and business law cases. (See, Administrative Docket 01 of 2000, dated February 22, 2000, First Judicial District, Civil Trial Division.) This judicial assignment, presently filled by Judges Herron and Sheppard, includes a support staff of three tremendously talented law clerks who remain with this rotating judicial assignment. During the course of its first year, the Commerce Program received in excess of 500 case filings.

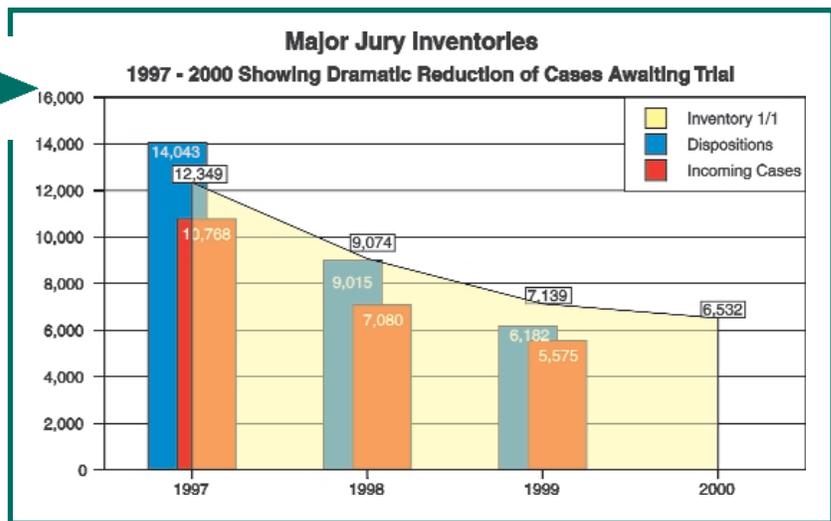
## **CRIMINAL TRIAL PROGRAMS**

The Criminal Trial Division developed, alone and at times with the cooperation of various outside criminal justice agency partners within Philadelphia, programs to address the perplexing and frustrating issues of prison overcrowding and substance abuse. Now common to the parlance of our criminal justice system are terms such as house arrest, electronic monitoring, early parole, earned time/good time, intensive supervision, conditional release, bail guidelines, risk assessments, Treatment Court, FOCIS, Truancy Court, and work release.

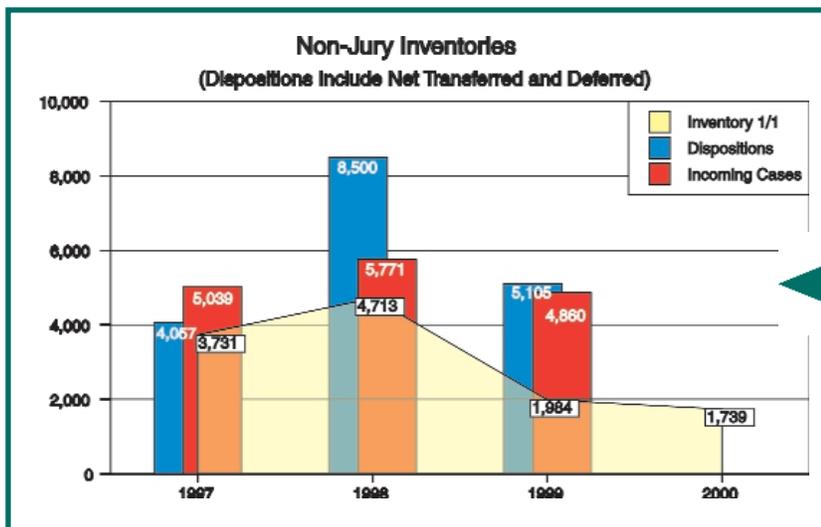
Commencing in 1996, Administrative Judge Herron initiated a full reorganization of the Criminal Division’s Adult Probation and Parole Department, which supervises in excess of 35,000 offenders on probation or parole. This ongoing venture has, to date, included the realignment of probation/parole case assignments to coincide with geographic districts established by the Philadelphia Police Department; full computerization of the Department, with staff technology training; relocation of physical facilities to 1401 Arch Street in July 2000; improved training and education programming; and formal alliances with district-based law enforcement and social service agencies.

Judge Herron also expanded the use of the judicial team leadership concept to the Criminal Division’s Section Calendaring Program in order to address an ever-increasing new criminal case filing experience occasioned in large measure by a variety of new local law enforcement initiatives resulting in increased arrests. In September 1998, the Program further expanded to allow for the assignment of non-homicide and homicide cases (“mixed calendar”) to individual judges, in light of a trend of fewer new homicide cases and an increase in major felony cases.

The Civil Major Jury program inventory was reduced by 5,817 cases or 47% from 1997 to 1999 at an average yearly rate of 18.8%. This is a result of dispositions outpacing filings at that same rate, further indicating that this is an ever-stabilizing caseload where the number of dispositions regularly exceeds the number of filings. As shown in the chart, the caseload reduction is leveling off. That the reductions in these numbers and proportions have been slowing



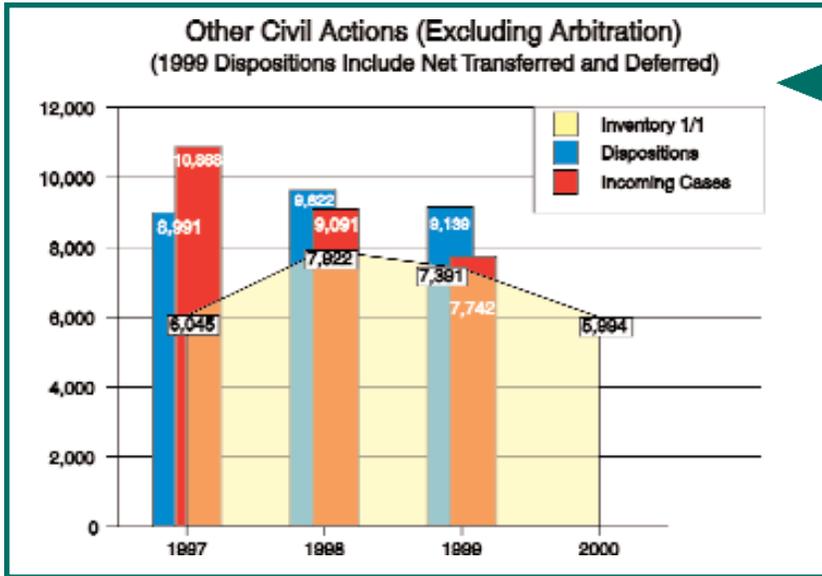
each year indicates that the maximum annual caseload reduction level may be soon approaching. The reduction from 1997 to 1998 was 3,275 cases (26.5%); from 1998 to 1999, 1,935 cases (21.3%); and from 1999 to 2000, 607 cases, or 8.5%. The maximum reduction level was reached in 2000. Of course, the numbers of filings also affect the calculations. But despite their decreases over the last 3 years, that rate of reduction is also slowing down and the extent to which the decreases in filings might affect caseload reduction is shrinking. This is a natural process indicative of a system where dispositions remain current with filings, continuing to provide access to the civil courts.



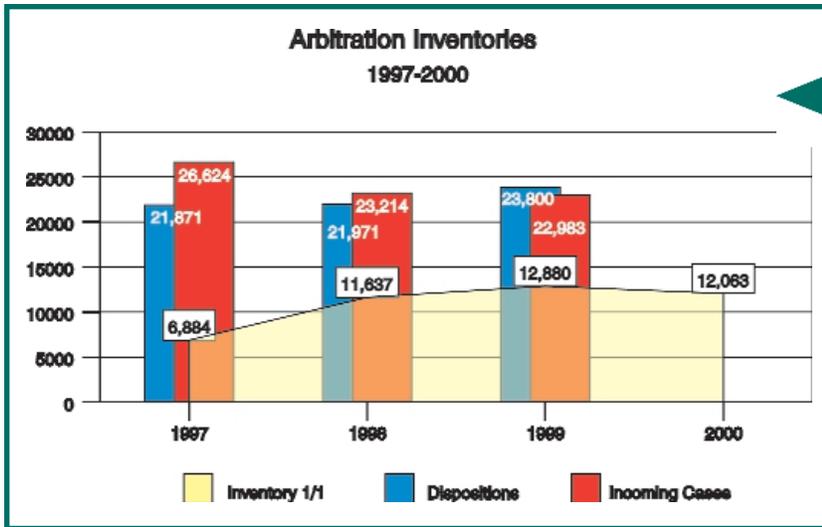
The same factors that affect Major Jury Cases also affect Non-Jury cases. When the number of dispositions exceeds the number of filings, the caseload goes down by a like number. The inverse is also true, as in 1997, when the number of filings exceeded the number of dispositions, the caseload increased by the difference between those amounts. Here too, the rate of caseload reduction is slowing, meaning that future reductions may be less substantial.

In 1998, there were 44.3% more dispositions than filings, driving a 58% inventory reduction. A year later, dispositions exceeded filings by only 5%, resulting in a much more modest inventory decrease of 12.4%. Nonetheless, for two of the past three years, dispositions have outpaced filings.

# TRIAL DIVISION - CIVIL SECTION *Pleas Court*



*Activities in with Other Civil Actions have also achieved caseload reductions similar to the Major Jury and Non- Jury case types. For these case types, the rate of reduction (caused by climbing dispositions) is increasing. Under these conditions, caseload inventories for 2001 may be reduced by about 12%, or 839 cases.*

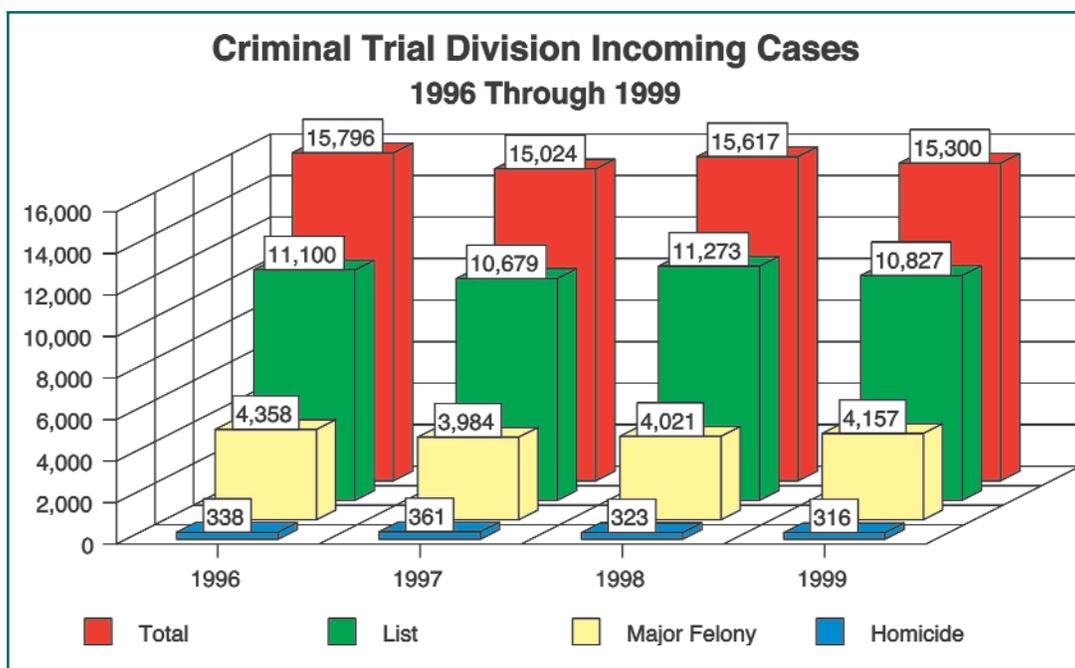
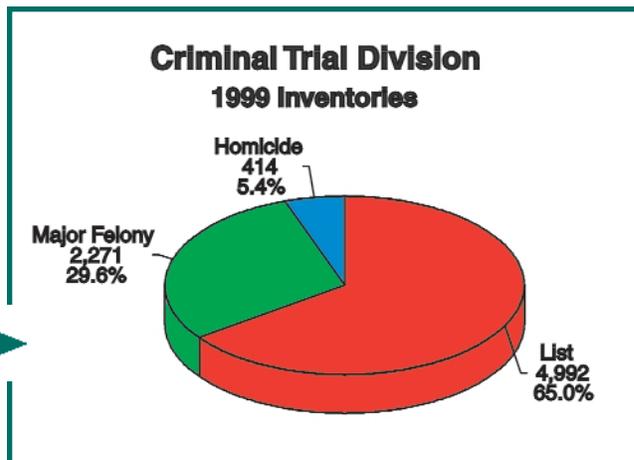


*Arbitration dispositions are increasing. Under current trends, dispositions for 2000 may exceed filings by 1,975 cases with attendant inventory reductions to close below 11,000 cases for the first time since 1997.*



# Common Pleas Court TRIAL DIVISION - CRIMINAL SECTION

The pie chart depicts the criminal inventories left at the end of 1999 arranged according to case type category. Through differentiated case management, cases are assigned to one of three programs: Homicide, Section Calendar (more serious and complex felony cases), and List (non-jury felony bench trials).



The filings chart shows that 1999 reductions led to an overall decrease of 317 cases or 2% fewer than 1998.