

COMMERCE COURT ADVICE TO COUNSEL

1. Case Management Conferences are scheduled to occur three months after the commencement of an action. Case Management Conferences will not be postponed for failure to make service, failure to file a complaint, or failure of defense counsel to enter an appearance. They are conducted virtually.
2. You must e-file a completed Case Management Memorandum ten days before the Conference. Case Management Memorandum forms are available on the Commerce Court's website.* Make sure you select five Commerce Court Judges *Pro Tempore* in response to Question 8. A list of Commerce Court Judges *Pro Tempore* is available on the Commerce Court's website.*
3. Failure to timely file a Case Management Memorandum or to attend any scheduled Case Management Conference may result in the issuance of a rule to show cause why monetary or other sanctions should not be imposed.
4. Failure to make service or to file a complaint by the date of the Case Management Conference may result in the issuance of a rule to show cause why the case should not be non-prossed.
5. You will receive a Case Management Order by electronic means shortly after the Case Management Conference is completed. The Case Management Order sets forth firm dates for the end of discovery, submitting expert reports, and filing dispositive motions. It sets forth tentative, "projected" dates for settlement conferences, pre-trial conferences, and trial.
6. Your case will be assigned for all purposes to one of the Commerce Court judges. Any discovery motion should be electronically filed with Discovery Court. If it is contested, a response should be filed and Discovery Court will give it an argument date before the assigned Commerce Judge. Supervising Judge Abbe F. Fletman hears discovery disputes on Wednesdays beginning at 9:00 am. Judge Paula A. Patrick hears discovery disputes on Thursdays beginning at 10:00 am. Judge James C. Crumlish III hears discovery disputes on Tuesdays beginning at 10:00 am.
7. Counsel and their clients should be polite, courteous, and otherwise civil to one another, as well as to all parties, witnesses, and court personnel at all times. Lawyers are expected to adhere to standards of professional responsibility and civility and to comply with the Pennsylvania Code of Civility, 204 Pa. Code Chapter 99.

* Go to <https://www.courts.phila.gov/common-pleas/trial/civil/> and click on the drop-down link for the "Commerce Case Management Program" to access the Commerce Court website.

8. **DO NOT LITIGATE BY LETTER, DO NOT FAX OR EMAIL LETTERS TO JUDICIAL CHAMBERS, AND DO NOT COPY ANY JUDGE ON CORRESPONDENCE OR EMAILS BETWEEN COUNSEL.**

Issues or arguments in letters do not appear on the docket, are not part of the record, and will not be considered by the court.

9. Individual judges in the Commerce Program have varying policies concerning courtesy copies. Do not deliver, fax, or email courtesy copies to the court unless a judge's published policies permit it, or if permission has been granted by the judge or the judge's staff. Courtesy copies delivered to a judge in violation of this advice may be returned COD.

10. The judges may consider reply and sur-reply briefs filed without leave of court. However, once a motion is assigned to a judge, the judge may rule on it before the filing of a reply or sur-reply brief unless the judge has been notified in writing of the party's intention to file such a brief. The parties are discouraged from filing such additional briefs unless absolutely necessary, such as when new evidence or a new argument is presented in a responsive or reply brief.

11. All filings must conform to both the Pennsylvania Rules of Civil Procedure and the Philadelphia County Court Rules. Any motion, petition, or response should include a proposed order for the court. Attorney/firm names should not appear on any proposed order, and the word "Proposed" should not be used in the title of any proposed order.

12. If one or more parties needs to request a change of the event deadlines in the Case Management Order, counsel must file a Motion for Extraordinary Relief in advance of the pertinent deadline.

- In the proposed order submitted with the motion, counsel should request only that the next event date be adjourned for 30, 60, or 90 days. Counsel should not suggest alternative dates for subsequent events; those dates will be computer-generated in accord with the court's case management matrices.
- Brief extensions of time may be granted if good cause can be established. Motions for Extraordinary Relief filed after the pertinent event deadline has run will be rejected.
- A stipulation between counsel to extend any event deadline in the Case Management Order is not effective, nor will it be enforced by the court, unless it has been approved by the court and made part of a court order modifying the Case Management Order.

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13. In accord with the Pennsylvania Rules of Civil Procedure, the parties may stipulate to extend a party's time to file a responsive pleading or a response to a motion or petition. The parties may handle extensions of pleading deadlines among themselves. If the parties agree to extend a motion/petition response date, they must file with the court a stipulation requesting the extension:
 - If the requested extension is within 30 days of the original response date, the Motions Program will administratively update the response date.
 - If the requested extension is beyond 30 days of the original response date, the stipulation requires judicial approval.
14. Pending preliminary objections do not stay discovery. The parties should conduct discovery while awaiting a decision on preliminary objections. If any party wants a stay of discovery, counsel must file a motion for stay and establish good cause.
15. Mediation of disputes is encouraged. Upon request of the parties in a motion or stipulation filed of record, the court may stay or extend Case Management deadlines to permit the completion of mediation undertaken in good faith.
16. The court will hear oral argument on motions at the court's discretion.
17. Settlement Conference Memoranda must be e-filed at least ten days before the date of the conference.
18. Pre-Trial Memoranda must be e-filed at least ten days before the date of the Pre-Trial Conference. Failure to timely file a Pre-Trial Memorandum or to attend a scheduled pre-trial conference may result in the issuance of a rule to show cause why monetary or other sanctions should not be imposed.
19. Commerce Court opinions, forms, administrative orders, and personnel contact information are all available on the Commerce Court's website.*

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