

MIFFLIN COUNTY COURT OF COMMON PLEAS
CIVIL CASE MANAGEMENT PLAN

President Judge David W. Barron
Effective July 1, 2014

I. JUDICIAL COMMITMENT TO CASEFLOW MANAGEMENT

In order to promote the prompt and fair administration of justice for the citizens of Mifflin County, Pennsylvania, the Court of Common Pleas for the 58th Judicial District of Pennsylvania hereby adopts a case management plan for civil cases. The Court assumes the responsibility of ensuring the fair and prompt disposition of all cases as well as assuring effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment of this principle by each Judge, Court staff and County staff of this judicial district.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of various types of cases in terms of their nature and legal issues.

II. EFFECTIVE COMMUNICATIONS WITH THE BAR

The Court shall have exclusive control over the scheduling of all court cases. Operative scheduling allows efficient case processing.

While attorneys should not control movement of the court calendar, it is equally inappropriate for the Court to ignore legitimate requests from counsel and parties. When reasonably made in a timely manner, the Court should make accommodations to attorneys, on behalf of their clients and as Officers of the Court, and the parties in the management of all cases.

III. EARLY AND CONTINUOUS COURT SUPERVISION OF CASE PROGRESS

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. This Court uses case management orders and status conferences to manage the civil docket. Status conferences are brief conferences at which the parties appear before the Court to explain the current status of the case. The Court orders counsel and/or the parties to appear for a status conference in those cases in which a period of inactivity follows the filing of the initial pleading in the case.

If, at status conference, the parties advise the Court they are in negotiations or have otherwise resolved the matter, the Court orders the parties to file a praecipe to withdraw and discontinue the case within ninety (90) days. Occasionally, the Court will provide the parties six (6) months to bring the matter to conclusion subject to case complexity.

Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

IV. EVENT-DATE CERTAINTY

Reasonable certainty about filing deadlines and event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date.

Mifflin County hosts three civil jury terms per year, i.e., February, June and October. Court Administration schedules annual dates for civil jury selections, pretrial conferences, dates for jury trials, nonjury trials and summary jury trials a year and one-half in advance upon preparation of the Annual Court Calendar. This ensures the Court can issue orders for future civil terms into the following year.

Case management orders are detailed, multi-page orders scheduling deadlines for discovery, a pretrial conference, jury selection and trial dates certain. Case management orders also attach counsel of record. A copy of the jury trial, nonjury trial and summary jury trial case management orders, with summary jury trial guidelines, are attached.

V. FUNCTIONAL CASE MANAGEMENT INFORMATION SYSTEM

The fully automated court computer system provides relevant, accurate and timely case information supporting an efficient case management plan by tracking and maintaining cases and events. Monthly reports identify specific cases that have been pending longer than the time standards so appropriate steps can be taken.

VI. TIME STANDARDS AND CASE MANAGEMENT CRITERIA

A. Court Ruling on Motions

1. Motions are decided pursuant to Pa.R.C.P. 208.4.
2. Each Judge monitors the status of all outstanding motions.
3. Semi-annual Reports – Pursuant to Pennsylvania Rule of Judicial Administration 703(B)(2),

each Judge is responsible to report on matters submitted and undisposed for 90 days or more. Primary responsibility to ascertain and report on matters submitted and remaining undisposed shall be on the District Court Administrator.

B. Differentiated Case Management by Case Track

Court Administration assigns a Judge, track and timelines based on the case type, number of parties and the timeframes established by this Court. These provisions govern each case unless changed per an attorney's request, upon management review by Court Administration or upon the Court's own directive. If the amount in controversy is less than \$50,000.00, the case proceeds on the expedited track directly to arbitration. The Court does not issue a trial order in compulsory arbitration cases.

C. Expedited Track

A case is assigned to the expedited track when it appears it can be promptly tried with little pretrial discovery and other pretrial proceedings. Except in extraordinary circumstances, the Court strives to dispose of all expedited cases within twelve (12) months after initial filing. Upon completion of the discovery period, the case is given a date certain for arbitration or trial. In any case where an appeal for an arbitration award is filed, the case is given a date certain for a pretrial conference or non-jury trial forty-five (45) to sixty (60) days following the filing of the appeal. If settlement is not reached at the pre-trial conference, the case is scheduled for trial date certain.

D. Standard Track

All cases not designated expedited or complex are standard civil cases. Except in extraordinary circumstances, the Court strives to dispose all standard cases within 24 months after initial filing. At pretrial conference, the Court will discuss the possibility of settlement, the possibility of alternative dispute resolution (if not already attempted), stipulations and any other appropriate issues. If settlement is not reached at the pretrial conference, the case is scheduled for trial.

E. Complex Track

A case is assigned to the complex track when it is likely to require a disproportionate expenditure of court time and resources to bring the case to disposition. Civil cases involving construction contracts, three or more parties or claims of asbestos, medical malpractice or products liability are complex cases. Upon completion of the discovery period, the case is given a date certain for a pretrial conference. In addition to the ordinary matters discussed at pretrial conference, the Court shall attempt to determine whether the matter can be simplified through stipulations or settlements with respect to particular issues. If settlement is not reached at the pretrial conference, the case is scheduled for trial. Except in extraordinary circumstances, the Court strives to dispose all complex cases within 36 months after initial filing. See Page 5 for Case Management Track Criteria.

CASE MANAGEMENT TRACK CRITERIA

Case Type	Number of Parties	Management Track	Disposition Within
Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Replevin Appeals from District Justice Mechanic's Lien Other: Consumer or Credit	< 4	Fast	12 months
Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Partition Right to Know Rent, Lease, Ejectment Title to Real Property Other: Consumer or Credit	> 4	Standard	<u>< 24 months</u>
Fraud Truth in Lending	Any Number	Standard	< 24 months
Class Action Construction Contracts Medical Malpractice Toxic Waste, Contamination & Environmental Professional Malpractice Toxic Tort Personal Injury Stockholders Suits Defamation, Discrimination, Malicious Prosecution Motor Vehicle Accident (over \$25,000) Motor Vehicle Product Liability Product Liability Product Liability Property Damage Contract Product Liability	Any Number	Complex	< 36 months

VII. INACTIVE CASES

In cases eligible for administrative dismissal under Pa.R.J.A. 1901, the Court and the law clerks shall work with the Prothonotary annually to determine whether cases can be terminated due to inactivity. The Court shall send notice to counsel and/or the parties not less than thirty (30) days prior to the opportunity for hearing on such proposed termination. No case will be dismissed without prior review of the Prothonotary file for filings that may not have been docketed. Where a party objects to the termination of an inactive matter, it is intended the Court exercise its judicial discretion.