

A.

Post-Covid letter



Court of Common Pleas of Bucks County
Office of Jury Selection Commission

100 North Main Street
 Doylestown, PA 18901
 (215) 348-6711 (215) 348-6703 Fax: (215) 918-3000
jurymgmt@buckscounty.org

WALLACE H. BATEMAN, JR.
 President Judge

Dear Juror:

The purpose of this letter is to supplement the information provided in your jury duty summons. The Court of Common Pleas of Bucks County continues to monitor the coronavirus (COVID-19) and we have developed a plan to uphold your health and safety while serving. We are following applicable guidelines from the Centers for Disease Control and the Pennsylvania Department of Health. The health and safety measures at the Justice Center include:

- Significantly reducing the number of jurors asked to report for jury service.
- Employees and all members of the public are required to wear facial coverings within the Justice Center; please bring your own if you have one, so that we may conserve our supplies.
- Social Distancing has been implemented throughout the Justice Center with floor and seat guides as well as restrictions on how many people can be on an elevator at one time.
- We have increased the amount of routine cleaning, with a focus on high-touch surfaces and common areas, including elevators, courtrooms, jury assembly rooms, and the restrooms.

All jurors should go to the Bucks County Jury Duty page, <http://www.buckscounty.org/Courts/JuryDuty>, which will be updated, after 4:00 p.m. the evening before you are to serve, should there be any new developments that impact your service. If you do not have a computer, you can call (215) 340-8208 for any updates. Please know that not all individuals summoned will end up being brought in for jury duty.

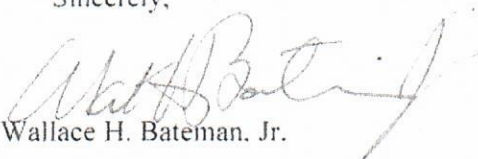
It is crucial that you send the included jury summons back promptly. If you are requesting an exemption, we ask you to send an e-mail including your name, juror number, date of service, and the reason for your exemption request to jurymgmt@buckscounty.org. Please allow at least 48 hours for a response before sending a follow-up e-mail. If you do not have a computer, kindly fill out the questionnaire with your exemption request and mail it back immediately.

Please also be advised that beginning in July, the public parking garage at Doyle, Union, and Broad Streets has become a pay-to-park facility. Upon your arrival, please collect a voucher that will be validated for you in the Jury Office. As you come through security, you will be asked to place all your belongings in a clear bag. Please bring your belongings to the Jury Assembly Room in the bag provided. Lastly, we strongly advise you to bring a bagged lunch due to the uncertainty of lunch availability outside of the Justice Center.

Under normal circumstances, jury duty can be an inconvenience to daily life – and these are atypical times. That said, a famous quotation from John Adams, states, “Representative government and trial by jury are the heart and lungs of liberty.” Despite the changes to everyday life from COVID-19, the duty still exists to ensure access to the courts. The right to a jury trial is a fundamental constitutional element in our form of government.

On behalf of the 7th Judicial District, I thank you in advance for your service as a juror.

Sincerely,


 Hon. Wallace H. Bateman, Jr.

B. Post Covid letter. President Judge's letter/Order for
Notice of Civil Trial Term.

The Honorable Robert O. Baldi
Administrative Judge, Civil Division
Bucks County Court of Common Pleas
Bucks County Justice Center
100 North Main Street
Doylestown, PA 18901

June XX, 2020

RE: Jury Trial Case Readiness

Dear Litigant:

This letter is being sent to all counsel of record and unrepresented parties to provide notice regarding rules and procedures regarding trial listing and readiness which will be enforced by the Court going forward for all jury trial cases. Counsel should immediately share this letter with their clients.

Your case has been scheduled for a jury trial pursuant to the attached pre-trial order. Jury trials are a Constitutional Right. The Court is empowered to command citizens to appear and to serve as jurors. Particularly under the circumstances created by the COVID-19 pandemic and the attendant social distancing measures that must be employed, empaneling juries will be difficult. Those citizens that appear and serve on Jury Duty deserve your respect and admiration. The more jurors your case requires, the more onerous the task of seating a jury will become. With these facts in mind, be aware of the following.

- A last-minute continuance request, even if agreed to by both parties, might be denied as untimely.
- It is your responsibility to secure your witnesses and evidence and be prepared to try your case when it is called.
- You should review Pa.R.C.P. No. 216 for appropriate grounds for a continuance. Also be mindful that under Pa.R.C.P. No. 217 costs may be imposed on the party who has caused the continuance. Also review Bucks County Local Rule of Civil Procedure 216*(F).
- All parties to a jury trial must provide a pre-trial statement in accordance with the President Judge's Pre-trial Order and Pa.R.C.P. No. 212.2. All parties must file their pre-trial statement no later than 10 days from the date of the Pre-trial Order. Failure to file a pre-trial statement in a timely fashion could result in sanctions. The Court will be relying on pre-trial statements in the

process of choosing trials for specific trial dates. Failure to file a pre-trial statement in a timely fashion will impede the administration of the Court.

- Parties will generally not be permitted to present testimony via telephone or video transmission. Parties and counsel will be held to the same standard in presenting their case as our Jurors - to appear and be present in the courtroom. If a party requires the testimony of a witness who cannot be present, the party should take the witness's deposition and/or video deposition and present the testimony appropriately at trial.
- The Court will presume that all parties have agreed to a jury panel of 6 or 8. If you request of panel of more than 8 jurors, you must promptly advise all other parties and the Court. Special accommodations will have to be put in place to empanel more than 8 jurors. A request for a jury trial of more than 8 shall be made no less than 4 weeks before trial, in writing, to Court Administration at calendarfax@buckscounty.org. The request shall specifically state when a "jury of 12" was first demanded in the pleadings.

On behalf of the Court, I thank you for your cooperation and diligence in complying with each of the requirements outlined above and with the President Judge's attached Pre-trial Order.

A handwritten signature in black ink, appearing to read "Robert O. Baldi", with a long, sweeping underline that extends to the left.

Robert O. Baldi
Administrative Judge, Civil Division

Schechter, Elizabeth R.

Sent:

Monday, July 13, 2020 3:48 PM

Below is an email from Judge Baldi:

Dear Counsel:

The above referenced case is scheduled for the Jury Trial Term 8/28/2020 – 10/9/2020. All counsel are required to participate in a mandatory phone conference on **September 2, 2020 at 2:00 p.m.** The purpose of the phone conference will be for the Court to gather current information which will be used to set priority of the cases on the list. Prior to the phone conference litigating counsel must communicate with each other and be prepared to advise the Court during the phone conference the following information:

1. The likelihood of settlement (if the parties believe that a settlement conference with a Judge could **likely** facilitate a settlement, you should contact my Chambers right away and we will schedule a settlement conference).
2. Current status of offer and demand.
3. Factual issues in dispute, factual issues agreed upon, unusual legal issues and anticipated Motions in Limine.
4. The length of the trial and the reason for same (i.e.: $\frac{3}{4}$ day to pick a jury, 3 witnesses total, therefore $1\frac{1}{2}$ days trial time, closing argument and time to deliberate, set aside 3 days total).
5. The number of jurors to be requested. For anyone insisting on a panel of 12, counsel shall confirm to the Court that a thorough conversation about this issue has been held with their client. That their client understands the risks associated with empaneling 12 people to sit as a jury and has considered the effect it might have on the deliberation process. Counsel shall confirm that the decision to insist on 12 jurors is not arbitrary and based on some irrational basis and the client understands that the decision may create adverse consequences for the client. The adverse consequences could be a delay in the date of trial, the annoyance felt by prospective jurors being required to mingle with others for an extended period of time, the fact that the Court will not be able to be as accommodating to the litigants when it comes time to schedule witness testimony, the length of time for presentation of evidence, the length of time for the presentation of argument, etc. Under most circumstances the Court attempts to work with the litigants doing things such as stopping early in the day, allowing testimony to spill over into the lunch hour, etc., etc. Those types of accommodations will be limited by the need to accommodate structure for a group of 12 or 14 people. The structure will take precedence over general accommodations.

It is critical that you have spoken to one another prior to the phone conference (and your client) and that you are prepared to give accurate information during the phone conference. Empaneling a jury will be difficult. Requiring citizens to come to the Justice Center to be voir dired is something we should not do lightly. If you are going to require a Jury Trial to resolve your dispute, you must be prepared and ready to go when called. Our goal will now be (for the foreseeable future) to accommodate jurors, not litigants.

Kindly reply to this email with the phone number that you can be reached at. Please note that I will try to contact you as close to the time listed above as possible, but it may not necessarily be exactly at the time listed due to other conferences running longer than anticipated, etc.

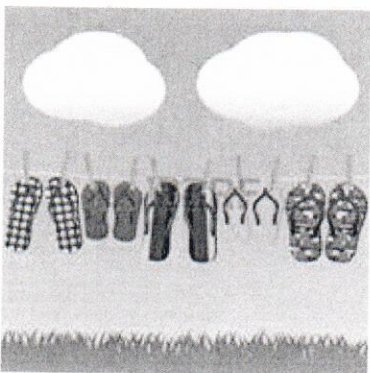
-Judge Baldi

Beth

Elizabeth Schechter
Judicial Administrative Assistant to
The Honorable Robert O. Baldi
Bucks County Justice Center
100 N. Main Street
Doylestown, PA 18901
(215)348-6094
(267)885-1435 (Fax)

Judge Baldi's Standard Operating Procedures can be found
at: <http://www.buckscounty.org/Courts/CommonPleas/Baldi>

New procedures for Date Certain Requests can be found at: <http://buckscounty.org/Courts/DateCertainTrials>



D. Letter to "Date Certain" Trials already scheduled.

COURT OF COMMON PLEAS

WALLACE H. BATEMAN, JR.
PRESIDENT JUDGE

JUDGES

ALAN M. RUBENSTEIN
ROBERT J. MELLON
C. THEODORE FRITSCH, JR.
JEFFREY L. FINLEY
DIANE E. GIBBONS
ROBERT O. BALDI
GARY B. GILMAN
JAMES M. McMASTER
RAYMOND F. McHUGH
BRIAN T. McGUFFIN
JEFFREY G. TRAUGER
CHARISSA J. LILLER
DENISE M. BOWMAN
JORDAN B. YEAGER



BUCKS COUNTY
SEVENTH JUDICIAL DISTRICT
DOYLESTOWN, PENNSYLVANIA
18901

(215) 348-6000

SENIOR JUDGES
SUSAN DEVLIN SCOTT
CLYDE W. WAITE
REA B. BOYLAN

August 7, 2020

RE: MED MAL

Dear Counsel:

You are receiving this letter because you are counsel of record on the above referenced matter, which is a Medical Malpractice Action pending in Bucks County.

I, along with Judge Trauger, have been conferencing all Bucks County civil cases as they are added to a civil jury term. Relatively few (very few) parties are requiring a 12-member jury. In Bucks County there will be no 12-member juries empaneled until at least September 28, 2020. It is my belief that empaneling a 12-member jury any time this year is going to be difficult. Civil cases will be competing with criminal cases for jurors. There are Constitutional Rights to a speedy trial applicable to criminal cases as well as Rules of Criminal Procedure, which inevitably cause the Courts to allow for priority listing of criminal over civil cases.

The vast majority of cases with parties requiring a 12-member jury are the medical malpractice cases. The overwhelming population of lawyers demanding 12-member juries are the defense attorneys in the medical malpractice cases. The purpose of this letter is to alert you to the fact that

there will most probably be significant consequences for the litigants if there continues to be a universal demand for 12 or 14 jurors for medical malpractice cases.

There is both a Federal and a State Constitutional Right to a speedy criminal trial. Ultimately, criminal trials will probably be given priority. Empaneling 12 or 14 people requires time and space not available to the Bucks County Judicial System. Our traditional accommodation of scheduling a "Date Certain" for medical malpractice trials will not most probably not be possible during the foreseeable future. Existing Date Certain commitments will be a challenge. If you have the benefit of a Date Certain trial and you agree to an 8-member jury (or at least a jury of less than 12) at this time, there appears to be a high likelihood that your case will be able to proceed as scheduled. On the other hand, if you insist on 12-14 jurors, the case may get passed over for a criminal case, the case will remain on stand-by during the jury term until such time as we can gather sufficient jurors to empanel and locate the trial in available courtroom space which can accommodate a jury of that size. You will be required to prepare for trial, prepared for these contingencies.

Furthermore, if the case gets continued there will be no Date Certain cases scheduled (in the near future) for cases requiring 12 jurors. The uncertainty of the actual availability of a specific courtroom on a specific date will be too great and it will be unfair to the litigants to suggest that they have a "Date Certain".

There is no Constitution Right to a "Date Certain" Trial. Going forward cases requiring 12 or more jurors to be empaneled will be placed in a regular trial term and the parties will be called when an appropriate courtroom, with an appropriate jury, can be secured. You will then be required to come in on relatively short notice to pick the jury and bring your case. You will be required to have your witnesses available or video-taped trial testimony available to present to the jury.

We will be implementing a process whereby parties that are requiring a 12 member jury appear in Court, before a Judge, and place on the record, their understanding that their decision to not waive their right to a 12 member jury will have some adverse consequences, including a delay as to when the case can be heard, and of course the potential for annoying the jurors that are ultimately required to sit. Accommodating 12 to 14 people versus 8 people will be much more challenging. Jury duty by its nature will be less pleasant for the jurors and I am sure they will be much more likely to feel much more resentment.

We will not require parties who have agreed to an 8 member jury to appear on that particular day provided their attorney provides us with a statement, in writing (a letter will suffice), that their client agrees to an 8 member jury with the understanding that if any of the jurors get sick, so long as we obtain a verdict of no less than 6 jurors, the panel will be sufficient.

All parties to the above matter must promptly send to my Chambers an email or letter confirming that they will either accept an 8-member jury or they demand a 12-member jury. Those parties requiring 12 jurors will be given a date and time to appear in Court to allow for a colloquy, on the record, confirming that they understand what they are giving up and the reason for the delay in reaching their trial date. A record will further be made putting counsel on notice to be prepared to present testimony by trial deposition.

Very truly,

ROB/ers

Robert O. Baldi, J

Civil Court Rules

Contact Information

and unrepresented parties current and accurate contact information" and telephone number for the attorney or unrepresented party. All further include a valid

entitled party to maintain contact with the Court may be a party failing to receive notice of case events and other matters considered by the Court as a result of the entitled party's failure to appear for scheduled proceedings.

Contact Information has been updated on buckscounty.org/government/ and must be provided when registered and updated as necessary using that

within thirty (30) days from the

a copy thereof shall be provided. Unless obviously self-evident, other authority for the filing of a motion or petition.

by order of the Court, the parties or counsel of record in such matters shall determine the appropriate circumstance.

in matters of record, a copy shall be filed with the pro-

cedure not of record, the petition. A rule to show cause before the Court, unless other-

is to show cause have the purpose of the rule

Civil Court Rules

Rule *257

or citation unless an answer is filed thereto by the appropriate party.

Editor's note: Rule 251 amended June 2, 1972, effective July 1, 1972.

Note: Above mentioned Pa.R.C.P. 233 has been rescinded. For service of legal papers other than original process, see Pa.R.C.P. 440 and 441.

Rule *254 Sessions of Jury Trials

- (a) Except as provided in subsection (b), juries in those civil cases which are for trial by jury shall consist initially of eight members. Trial in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial shall be declared upon application by any party.
- (b) Trial by a jury of twelve members rather than eight may be had if demand therefor, either by endorsement on a pleading or by a separate writing, be made by any party not later than 20 days after service of the last permissible pleading.

See Forms Index

Editor's note: Rule 254 amended June 2, 1972, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *256 Argument Courts

- (a) Regular sessions of argument Courts shall be held at such times as may be designated on the Court calendar as published annually by the Court. Special or adjourned sessions thereof may be held at such other times as the Court may direct.
- (b) The argument list shall consist only of cases requiring action by a Court en banc placed thereon pursuant to Bucks County Civil Rules 210*(a) and *(c) or *266(f), and Bucks County Criminal Rule 1123*(g) and shall be published and circulated by the court administrator on the fifth Friday immediately preceding the date fixed for the commencement of the argument Court session.
- (c) Applications for continuance and other matters relating to such argument list shall be submitted to the court administrator.

Editor's note: Rule 256 as amended June 2, 1972, effective July 1, 1972; further amended October 24, 1988, effective December 18, 1988.

Rule *257 Specially Fixed Trials and Arguments

The Court, in its discretion, upon motion of any party in interest or upon its own motion, may by special order fix the trial of particular equity cases, or cases to be tried by the Court without a jury, or the ar-