

**STATE CIVIL COMMITTEE MEETING MINUTES
JUNE 1, 2005**

The meeting was called to order at approximately 12:15 pm by co-chair Robert Szostak. The minutes from the May meeting were adopted.

I. INTRODUCTION

I Tom Wilkinson introduced Sayde Ladov who was invited to speak to the Committee regarding the upcoming Bench Bar Conference on September 30-October 1, 2005. This year the Conference will be held at the Tropicana in the Quarter. A handout regarding the Conference was provided to all attendees.

II. UPDATE ON BENCH BAR CONFERENCE

II The closing luncheon will not be for CLE credit like last year. The title of the closing luncheon talk will be, "Does Philadelphia mean 'Business'?" There will be representatives from the Center City district, and others to be determined, and it is designed to answer the question, "Can Attorneys Continue to Make a Living Here?"

III Golf will be on Saturday afternoon at the Harbor Pines and anyone who is interested should sign up immediately.

IV The Friday, September 30th, Open Luncheon will include Chief Justice Ralph Cappy. The emphasis for the Conference will be on "Hot Tips, No Matter Whether Civil Or Criminal, Because Attorneys Want To Be On The Cutting Edge." There will also be a point/counterpoint, medical malpractice updates, and mock settlement conferences.

V Ms. Ladov advised that the Courts will accommodate attendees for the Conference. There is an early bird discount.

VI If you are interested in participating on a panel, please get in touch with the moderator.

III. SECTION BUSINESS UPDATES

VII Robert Szostak advised the Committee that the section meeting on May 4, 2005, went extremely well.

VIII Ron Kovler advised that over 100 attorneys attended the meeting. It was a tremendous success. There were 4 team leaders and Judge Manfredi was present. The promotions for the meeting paid off.

IX In September, Justice Newman will be the featured presentation. Kathleen Wilkinson stated that there had been great coverage in the *Bar Reporter*.

X Robert Szostak requested Committee members to bring issues of interest forward. We need to be a proactive Committee instead of reactive.

XI Robert Szostak advised that the Standard Discovery Order goes into place next week.

XII Matt White updated the Committee on Standard Interrogatories in Premises and Motor Vehicle cases in the Arbitration program. The suggested Interrogatories that were drafted by the Bar have been implemented. They will be posted on the Court's website. There is a supplemental order that should issue shortly that has some

small changes and that should be posted at this point. One clarification was made to make clear that objections based on the Attorney/Client Privilege are not deemed waived when responding to the standard discovery requests. Matt encouraged everyone to get this information directly from the website. He further advised that you do not serve the standard Interrogatories and simply notice the other side to answer them.

XIII Ron Kovler brought up a practical suggestion and practice tip that when you are serving the Complaint, you should answer the Standard Interrogatories at the same time. This provides for very efficient means of being over and done with the Discovery immediately.

XIV Robert Szostak stated that Matt White is doing an extremely good job of being the liaison between the Section and the Court.

XV Robert Szostak brought for the Committee a *Pennsylvania Lawyer* article entitled, "A Whole New Ball Game," which deals with timeliness. Mr. Szostak stressed that he and his Co-Chair need input on areas of interest for discussion and for speakers.

XVI Tom Wilkinson then discussed that Professor Lance Cole from Dickinson School of Law will be the featured speaker at the next meeting. He will discuss the erosion of the Attorney/Client Privilege and the Work Product Doctrine. Professor Cole has authored a highly regarded law review article on this subject. This meeting will take place on July 6, 2005.

IV. CASE MANAGEMENT CONFERENCES

XVII Matt White reports that the Court has heard the Bar's view that Case Management Conferences are seldom productive but that view is not shared by the Bench. They are actively looking for more ways to make Case Management Conferences more meaningful. Matt White further advised that the Judges are randomly sitting in on Case Management Conferences, including Judge Allen and Judge New.

XVIII The proposal from the Bar regarding Case Management Plans was not accepted by the Court. The Court believes that the First Chair or Senior Trial Counsel get involved too late.

XIX Matt White proposed that there be subcommittees established to review the rest of the National Center for State Courts' recommendations. This would be designed to get input from all committees as to where we want to go as an entire Bar Association. Matt further advised that the meetings that the Bench have regarding the National Committee's recommendations are not weekly but they are generally every few weeks. Matt White advised that Judge Manfredi does not want this to be a three year project and that he wants a streamlined process for review and implementation of the recommendations.

XX Rob Szostak said that he feels that the Case Management Conferences are a big issue and that it seems that the concerns of the Bar Association are not deemed important. Matt White stated that he absolutely agrees and that does he think that the Bench is listening. There was discussion that Case Managers have insufficient autonomy to address issues that arise at the conferences.

XXI Charles Mapp addressed this issue in terms of the Case Managers and explained that they are retraining their staff and addressing issues and that he believes attorneys will see a major change in the future.

XXII It was suggested that the Discovery Court Committee be set up to deal with various issues and concern that attorneys have about Discovery Court. Matt White explained that the Bench has not yet dealt with Discovery Court and further explained that he did make the argument for no Case Management Conferences but the Bench intends to retain the conferences. A Discovery Court Committee was proposed as many attorneys feel that Discovery Court is a terrible misuse of time and resources. Kathleen Wilkinson stated that very often she is filing motions that are preventive and files them 10 days before the end of Discovery. There was some concern expressed that there was nothing in the Bench Bar Conference about Discovery issues. It was further expressed that there should be an opportunity during the Bench Bar Conference for anyone to give feedback and it is felt that there needs to be input from the Bar on these issues.

XXIII Robert Szostak proposed that there be a vent session during the Bench Bar Conference. Ron Kovler agreed with the recommendation for a subcommittee regarding the National Center's recommendations.

XXIV It was proposed that possibly a suggestion box on the Court's website may be useful but that there needs to be an opportunity for Judges and Attorneys to discuss issues off the record.

V. CIVIL PROCEDURAL RULES COMMITTEE

XXV Tom Wilkinson advised that the explanatory comment to Rule 341 (Final Orders) is being revised and supplemented to account for recent cases holding that orders in declaratory judgment actions that declare the rights and duties of the parties are considered "final orders" for purposes of the rule. Also, an order in a declaratory judgment action sustaining a demurrer and dismissing some, but not all, defendants qualifies as such an order. The comment deadline on this rule change is June 29.

Respectfully submitted,

Elisabeth Colbath
Secretary