

# JURY RESTART PROGRAM

This program was designed to effectively implement a system of conducting jury trials within the Stout Center under current COVID-19 restrictions and protocols. Understanding that current safety guidelines effectively restrict our court to selecting one jury panel per day (Monday through Thursday) and only holding jury trials in four designated courtrooms, a calendar room system has been implemented as the method to identify and schedule ready cases for jury trials.<sup>1</sup> Due to restrictions caused by COVID-19, only single-defendant, local-custody cases are currently considered for selection in this program.

## Jury Restart Protocols

1. Currently, each week the District Attorney's Office (DAO) provides a list of single-defendant, local-custody cases to CP Criminal Listings. The list is comprised of cases scheduled during the next two weeks in various Majors Program courtrooms that the DAO is indicating are ready for trial. Judges are also directed to notify via email Vincent Petri of Criminal Listings ([Vincent.Petri@courts.phila.gov](mailto:Vincent.Petri@courts.phila.gov)) and the Calendar Room Judge Donna Woelpper ([Donna.Woelpper@courts.phila.gov](mailto:Donna.Woelpper@courts.phila.gov)) of cases they have identified as ready.
2. The list of cases provided by the DAO is immediately scheduled by Criminal Listings into the Calendar Room, Courtroom 902 Stout Center, before the Calendar Room Judge Donna Woelpper, for Calendar Readiness Conferences<sup>2</sup> every Wednesday at 10:00 AM in the bucket titled "Jury Trial Calendar Room." Criminal Listings notifies Counsel via email and phone of the date and location of their Calendar Readiness Conference.
3. The Calendar Room Judge conducts the Wednesday Calendar Readiness Conferences with the respective attorneys via Zoom to

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<sup>1</sup> Homicide and Nonfatal Shooting jury trials take priority over Majors Program jury trials for scheduling purposes.

<sup>2</sup> The cases will be coded in Common Pleas Case Management System (CPCMS) as "Trial Readiness Conference."

determine the readiness of both sides to proceed to trial. At the Conference, counsel should be prepared to address details of the case (see exhibit A)

4. Cases called “*ready*” are listed in the Calendar Courtroom’s “Jury Trial-Ready Room” bucket on the following Monday. Cases that are not ready to proceed to trial shall be returned to their original courtroom for a Status Hearing.
5. Each Monday, the Calendar Room Judge will spin out the ready trials from the Jury Trial Ready Room list to the Majors Program judges assigned for that particular week and/or any Homicide or Majors Program Judges available to conduct a jury trial that week. The Calendar Room Judge will accept open guilty pleas, negotiated guilty pleas as well as no contest pleas.
6. Once a case is spun out for trial, Courtroom Operations will schedule the trial in one of the designated Jury Trial Courtrooms (502, 507, 602, 607). Jury Selection is conducted in courtrooms 304 & 305. Once a juror is selected, he or she is excused for the day with instructions to return to the designated Jury Trial Courtroom the following day.<sup>3</sup> The Jury Commission is notified of all assigned trials and the assigned day of selection so they are prepared for notification of potential jurors.
7. Moving forward, if a case is ready for trial but there are no judges and/or designated Jury Trial Courtrooms available, the case shall be returned to its original courtroom for a Status Hearing.
8. At the Status Hearing, the case should be given two dates: a Thursday Trial Readiness Conference date and a Monday Jury Trial date. Both dates shall be scheduled in the original courtroom. The judge shall schedule a Monday jury trial date that is convenient for all parties with the understanding that the case may commence on any day of that week except Friday. The

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<sup>3</sup> Due to COVID 19 restrictions, trials will not commence on the same day the jury is selected.

Thursday Trial Readiness Conference shall be scheduled on the second Thursday prior to the Monday Jury Trial date.

<h1>January</h1> <p>STATUS HEARING (original courtroom) <span style="float: right;">2021</span></p>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7 Trial Readiness Conference <i>Original Courtroom</i>	8	9
10	11	12	13	14	15	16
17	18 Jury Trial Conference <i>Original Courtroom</i>	19	20	21	22	23
24	25	26	27	28	29	30
31						

- At the Thursday Trial Readiness date, if the case is ready for trial, the crier shall notify Criminal Listings and the case will be listed on the following Wednesday in the Calendar Courtroom on the Jury Trial Calendar Room list. The Monday Jury Trial date will then be rescheduled to the Monday Jury Trial-Ready Room.

# January

Thursday Trial Readiness Conference (READY CASES  
from original courtroom)

2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7 Trial Readiness Conference <i>Original Courtroom</i>	8	9
10	11	12	13 Jury Trial <u>Calendar</u> <i>Room 902</i>	14	15	16
17	18 Jury Trial <u>Ready</u> <i>Room 902</i>	19	20	21	22	23
24	25	26	27	28	29	30
31						

10. If it is determined at the Thursday Trial Readiness date that the case is not ready for trial, it shall be given another Thursday Trial Readiness date in the original courtroom and a Jury Trial date the second Monday following the Thursday Trial Readiness date in the original courtroom. This process will be repeated each week.

Effective January 25, 2021, four Majors Program Judges will be assigned on a rotational basis each week from Monday through Thursday to select jurors and then start the jury trial the following day. The weekly rotational judicial trial schedule will be distributed in a separate document. Judges shall not continue their regular calendar courtroom list in advance as there may not be a ready jury trial the week the judge is assigned and/or homicide jury trials may be ready.

# Calendar Readiness Conferencing

## (Exhibit A)

- Estimated length of trial (not including jury selection);
- Prior motions litigated and decision (ex. In Limine, Suppression, 404(b), Expert Witness, Tender Years, etc.);
- Outstanding motions (Copy of outstanding motions to be provided to Calendar Room Judge);
- Special Considerations (interpreter, travel arrangements for witnesses, witnesses in custody, witness intimidation, material witness petitions, bench warrant for witnesses, attorney attachments, etc.);
- If case is old, reason for delay (ex. Defendant bench warranted, competency issues, mistrial, hung jury, appeal, retrial, etc.)
- Names of witnesses;
- Most recent Commonwealth offer;
- Defendant's prior record score;
- Offense gravity score of lead charge; and
- Guidelines.