

WESTERN PENNSYLVANIA COURT OF COMMON PLEAS JUDGES BOOK

*Prepared by the 2010-2011 Bar Leadership Initiative Class
of the Allegheny County Bar Association
Young Lawyers Division*



Allegheny County
Bar Association

*Raising the Bar
on Legal and Community Service*



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FOREWORD

Bar Leadership Initiative (BLI) is a program established by the Allegheny County Bar Association (ACBA) Young Lawyers Division to integrate young lawyers into the numerous opportunities available through the ACBA. Each year, members are selected by the Young Lawyers Division Council to participate in a ten month class. For the 2010-2011 bar year, 15 young lawyers were selected to participate in BLI.

Every BLI class selects a project for its members to complete. Past projects have benefited not only the local legal community, but the community at large. The 2010-2011 BLI class desired a project that would help bridge the gap between the bench and bar in Allegheny County and its surrounding counties. The BLI class learned about a project that was completed by the Young Lawyers Division in 1997: a Judges Book. A Committee of 47 lawyers worked to survey judges in each division of the Allegheny County Court of Common Pleas. The initial Judges Book was published in May 1997 and was available for purchase at the June 1997 Bench-Bar Conference.

The 2010-2011 BLI class believed that it was time for an updated Judges Book that would benefit local attorneys practicing in not only Allegheny County, but all western Pennsylvania counties. As such, this project was born.

The members of the 2010-2011 BLI class would like to extend their gratitude to all judges who responded to the Judges Book surveys. Additionally, the group would like to express thankfulness to the secretaries, tip staff, and law clerks of the participating judges for their help in facilitating this project.

For any judges in western Pennsylvania who did not initially respond to the Judges Book surveys, but would like to be included in this publication, please contact the Allegheny County Bar Association.

2010 – 2011 ACBA YLD Bar Leadership Initiative Class

Marla N. Presley, Esquire, BLI Professor

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ALLEGHENY COUNTY

THE HONORABLE GUIDO A. DeANGELIS

Family and Juvenile Court Facility

440 Ross Street, Suite 5051

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I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

2001

2. What was your legal experience prior to ascending to the bench?

General civil trial practice

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

B.A. – Point Park University

J.D. – Temple University School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Allegheny County Bar Association

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes; one copy.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

As soon as possible.

3. Does the judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

As soon as possible.

5. Do you have a preference as to how courtesy copies are provided to chambers?

Yes; by hand delivery or messenger.

6. If an advance copy of a motion or response is not provided to chambers, does the judge request that a copy be brought at the time of any oral argument?

Yes

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and if so, what is the procedure for rescheduling the oral argument?

Yes

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorney's presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

The amount of time prescribed by state and local rules.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another judge's case? If so, are there any procedures which must be followed concerning the judge assigned to the case?

See state and local rules.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

See state and local rules.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Either is acceptable.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Sometimes

2. Do you have a court reporter available during Motions Court?

Yes

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Various circumstances

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

The requirements for submitting briefs and contents of the briefs are determined on a case by case basis.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Some cases

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Both

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

No

ALLEGHENY COUNTY

THE HONORABLE MICHAEL A. DELLA VECCHIA

**Civil Division
710 City-County Building
414 Grant Street
Pittsburgh, PA 15219
Phone: 412-350-0281**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

2001

2. What was your legal experience prior to ascending to the bench?

*Brennan Robins & Daley, P.C., 2000 - 06/28/2001
Rose Schmidt Hasley & DiSalle, P.C. - Shareholder, 1996 - 2000
Evashavik & Della Vecchia, 1971 - 1996*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

*Dickinson College 1968 - AB Degree
Temple University, James E. Beasley School of Law 1971 - J.D. Degree*

4. Are you affiliated with any professional organization? If yes, please list the professional organizations.

*Allegheny County Bar Association
Former Member of Pennsylvania, American & Federal Bar Associations
Italian Sons & Daughters of America
Knights of Columbus
Dickinson College Alumni Club
Irish Center of Pittsburgh
Columbus Day Parade Committee
Temple University Alumni Association*

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Preliminary Objections are handled by the Motions Judge. Motions for Summary Judgment, Judgment on the Pleadings or similar Motions are placed on the argument list; said arguments are heard by a designated judge. If the case has been listed for trial, all such matters are heard by the Calendar Control judge.

Discovery issues are dealt with by Judge Wettick on Fridays unless the case has been listed for trial, in which event such matters are heard by the Calendar Control judge.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Preliminary Objections are handled by the Motions Judge. Motions for Summary Judgment, Judgment on the Pleadings or similar Motions are placed on the argument list; said arguments are heard by a designated judge. If the case has been listed for trial, all such matters are heard by the Calendar Control judge.

Discovery issues are dealt with by Judge Wettick on Fridays unless the case has been listed for trial, in which event such matters are heard by the Calendar Control judge.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

If a party or counsel does not attend a scheduled conciliation, they shall be subject to the fines, penalties, and attorney fees set forth in Local Rule 212.3 (4), (5), as well as the Administrative Order entered at 2007-08481.

2. Do you require the parties to appear for the pre-trial conciliation?

Counsel for Plaintiff and Defendant must bring with them their respective clients and/or an individual from their respective clients if same are business entities that have the authority to settle the case. If a party is insured, a representative of the insurance carrier with “check writing and signing” authority shall be present. The Court requires the physical attendance of the aforementioned individuals. Only on the very rarest of occasions will the physical attendance of a said representative(s) be excused. Do not call or email chambers requesting that a party or representative be excused from attending a Pre-Trial Conference. The only acceptable excuse for non-attendance is a written settlement agreement.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

The parties shall provide the trial judge with copies of the Pre-Trial Statements seven (7) days prior to the conciliation. We have found that the Plaintiff’s Pre-Trial Statements are usually in the files, but many times the Defendant’s Pre-Trial Statements are not. This occurs when the Department of Records sends the files to the Court several weeks or so in advance and the Defendant’s Statements are subsequently filed, but not sent up to the Court.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Settlement Conference - The trial judge will attempt to settle the case. All parties should have a principal and an insurance representative(s) with them that have settlement authority.

IV. TRIAL PRACTICES

b. General Trial Procedures

1. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Trial Motions - Motions for Non-Suit, etc. may be oral, but a writing is preferred.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Motions in Limine - These Motions are handled by the trial judge immediately before trial. All counsel should resist the temptation to conduct the trial by Motions in Limine.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Opening Statements - The trial judge will make every effort not to limit these statements unless there are multiple parties which may require limiting such statements. Same applied to Closing Statements.

Counsel shall not testify during opening statements, but they are to give an overview of their case.

Use of exhibits, e.g. photos, records, explanatory statements, etc. during openings are prohibited, as the jury may not see any documents, photo, etc. which has not been admitted into evidence unless all counsel agree to the contrary.

THE HONORABLE ALAN D. HERTZBERG

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2. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

Counsel may approach a witness without asking the Court's permission to do same.

e. Deposition Testimony

1. Do you have any particular practices regarding reading material into the record?

Counsel seeking the use of prior deposition transcripts to impeach a witness should first make all counsel aware of the deposition, page and line number he/she intends to use and then provide the witness with a copy of same before commencing to question the witness on same.

f. Computers, Exhibits and Visual Aids

1. Do you require exhibits to be pre-marked?

Exhibits - Plaintiff shall identify its exhibits with Arabic numerals and Defendants shall use letters. The party offering the exhibit shall bring copies of said exhibits to the Court and opposing counsel.

2. Do you have any special rules regarding how exhibits are presented?

Exhibits - Plaintiff shall identify its exhibits with Arabic numerals and Defendants shall use letters. The party offering the exhibit shall bring copies of said exhibits to the Court and opposing counsel.

g. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Jury Selection - All issues arising therefrom are handled by the Calendar Control judge.

Points for Charge - These should be submitted to the Court before the close of first day of trial. A charging conference will be held by the court. Make sure each party submits a proposed verdict slip or one that all counsel have agreed on. All counsel shall submit written points for charge; an oral request of the Court for "standard points" is unacceptable.

2. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Counsel shall agree as to what exhibits, photos, etc. shall go out with the jury.

V. WORDS OF WISDOM

1. Do you have any other practice or procedure that lawyers practicing before you should know?

All counsel shall provide the tip-staff with his/her land and cell telephone numbers for quick contact once the verdict is returned.

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

March 14, 2005

2. What was your legal experience prior to ascending to the bench?

I began practicing law in October of 1983 and continued to do so until taking the bench.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Undergraduate Degree from Union College, Law Degree from the University of Pittsburgh School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Member of the ACBA and the PBA

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes; one copy.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

If a party wants action taken on the motion, including the scheduling of argument on a hearing, one copy should be furnished to my chambers.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

As soon as possible.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes

5. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

As soon as possible.

6. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes

b. Presentation

1. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes - contact my chambers.

2. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

No; argument on motions for post-trial relief is scheduled at my discretion.

3. Do you impose time constraints on oral arguments on motions?

Ordinarily, no, but when argument becomes too lengthy, I will ask counsel to conclude.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Whatever is required by local or PA rules.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Whatever local or PA rules require.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, if a true emergency.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

The other Judge must have received a copy of the motion and given one permission to handle it, if it is possible to get permission.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

It should be scheduled with chambers unless I am sitting as Motions Judge.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Consent orders signed by all counsel of record can be submitted directly to chambers; all other motions must be presented with appropriate notice to all other parties.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Not unless a stenographer happens to be present in the courtroom because it is a motion made during a trial or a hearing.

2. Do you have a court reporter available during Motions Court?

It depends on how strictly "available" is defined. If one is needed, we contact the Court Reporter's Office and a reporter usually arrives in 15-30 minutes.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When required by the rules of procedure or other authority.

2. Will you hold an evidentiary hearing upon request?

If required by the rules or other authority.

f. Briefs

1. Do you require briefs to be submitted with motions?

If the motion is contested as to the law, yes.

2. When do you require briefs to be filed?

See 1.

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

The shorter the time frame, the better.

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Interrupting opposing counsel; arguing with opposing counsel.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No, as long as whoever appears is familiar enough with the case to make decisions in relation to settlement.

2. Do you require the parties to appear for the pre-trial conciliation?

Yes, unless permission is received for them to be excused.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

I usually meet collectively first, then move to individual meetings.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

I rarely communicate with the parties. If a party is pro se, I communicate with the party, otherwise, it would be unusual.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

If a party requested that I conciliate a case during trial, I would do so. If it were a non-jury trial, I would not have ex parte meetings unless all parties and counsel agreed to it.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Preliminary injunctions usually are given around two hours, but more time will be scheduled if the circumstances warrant.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

I will accept depositions; the decision on live or by deposition is up to counsel.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

If warranted, I will grant expedited discovery; time frame will depend on hearing date, amount of discovery, and type of discovery.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Hearings are scheduled via the Motions Court Clerk.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

The more complex the issues, the more inclined I would be to accept proposed findings.

b. General Trial Procedures

1. How do you address scheduling conflicts?

I try to find a resolution that will work for all parties and the jury.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 a.m. to 4:00 p.m. In a non-jury trial if all parties wish to work late, I will work late.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

In complex cases or where there are disputes on what is the applicable law, I prefer trial briefs. I would prefer having any briefs as soon as the case is assigned to me for trial.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

No

3. Are there any restrictions on presenting in limine motions prior to or during trial?

As much notice as possible should be given to the opposing party.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

If I can rule when the motion is presented; often I must defer until I hear some testimony.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

I permit sidebar conferences but want them minimized, which can be done with motions in limine.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

I do not impose limitations on time for openings and summations.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Yes

4. Are there any circumstances under which you will personally question a witness?

I often question witnesses when the party calling the witness is pro se; otherwise, I infrequently ask questions of witnesses; if I do, it is because I do not understand or hear an answer.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No special procedures for videotape.

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes, I permit it.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

I prefer it, but do not require it.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

Plaintiff's Exhibits are labeled with numbers; Defendant's with letters.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, they are permitted to use visual aids.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

I will accept copies if counsel wants the originals.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

No

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes. 24 hours before it is anticipated I will be charging the jury.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

I usually have a conference on points in chambers; if more convenient, I may hold the conference in the courtroom

3. Do you impose any restrictions upon requests for offers of proof during trial?

No.

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

I do not require proposed findings.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

No

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Yes, if counsel agrees all exhibits go to the jury, I will allow it unless I find any exhibits inappropriate for the jury.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

No

ALLEGHENY COUNTY

THE HONORABLE PHILIP A. IGNELZI

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8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes, the jury is instructed to write down questions. I then go over the questions with counsel and my proposed response.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No. Counsel needs to be within ten minutes away and able to be reached by telephone.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes

V. WORDS OF WISDOM

1. Do you have any other practice or procedure that lawyers practicing before you should know?

I try to give great consideration to the sacrifice made by jurors who serve for de minimus pay. I try to be efficient with their time between 9:00 a.m. and 4:00 p.m. and avoid forcing them to work overtime.

2. What words of wisdom do you have for young lawyers?

There are no dumb questions. If you have questions, ask my staff or myself. I can usually tell when an attorney is inexperienced and I avoid embarrassing them and am patient.

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

November 2009; commencing January 2010

2. What was your legal experience prior to ascending to the bench?

*1988-2009 Partner, Ogg Cordes Murphy & Ignelzi, LLP
1984-1988 Assistant U.S. Attorney, Western District of Pennsylvania
1982-1984 Law Clerk, Honorable Donald E. Ziegler, Western District of Pennsylvania
1981-1982 Accountant Tax Department, Touche Ross & Company*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

JD 1981, University of Pittsburgh School of Law; B.S., B.A. Accounting 1978, University of Dayton; CPA Certificate, 1982

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Allegheny County Academy of Trial Lawyers; Board of Governors; Federal Practice Program Committee; Membership Committee; Allegheny County Bar Foundation Fellow; Allegheny County Bar Association; Judiciary Committee; Board of Governors; Federal Court Section; Criminal Practice Subcommittee; Committee on Criminal Justice Act Malpractice Insurance; Pennsylvania Bar Association; St. Thomas Moore Society; National Association of Criminal Defense Lawyers; Pennsylvania Trial Lawyers Association; Medical Malpractice Section; Western Pennsylvania Trial Lawyers Association; Allegheny County Court of Common Pleas Special Master; The Best Lawyers in America; Pennsylvania Super Lawyers; Coroner’s Office of Allegheny County Hearing Master; Million Dollar Advocates Forum; Aquinas Academy Board Member

6. Is there any other information that you would like to share?

Adjunct Professor at University of Pittsburgh School of Law

7. Do you have any other practice or procedure that lawyers practicing before you should know?

Judge Ignelzi is attorney-friendly and will attempt to accommodate parties and counsel to facilitate settlement.

ALLEGHENY COUNTY

THE HONORABLE BETH LAZZARA

509 Criminal Courthouse
436 Grant Street
Pittsburgh, PA 15219
412-350-5981

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

November 2005

2. What was your legal experience prior to ascending to the bench?

1991-2005 Plaintiff personal injury lawyer

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

University of Pittsburgh, B.A. 1988; University of Pittsburgh, J.D. 1991

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

*Academy of Trial Lawyers of Allegheny County; Pennsylvania Conference of State Trial Judges;
University of Pittsburgh adjunct professor*

6. What type of recreational activities do you enjoy?

Running, biking

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes – 1

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At the time they are filed

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least 7-10 days before the scheduled event.

5. Do you have a preference as to how courtesy copies are provided to chambers?

No

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

If it is something unusual, see my law clerk or minute clerk.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

File a continuance and bring it to my minute clerk.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Don't be repetitive. Be respectful to the court and your opponent.

5. Do you impose time constraints on oral arguments on motions?

No, just don't be repetitive.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Yes

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When there is a contested evidentiary issue germane to the case.

2. Will you hold an evidentiary hearing upon request?

Sometimes

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

On post-trial motions

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No - just don't be repetitive.

7. Do you have a preference for the time frame for filing briefs?

In sufficient time so that we can review it prior to argument (7-10 days at least).

8. Do you have any special formatting requirements for briefs?

No

III. CONFERENCE AND CONCILIATIONS

a. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

I will inquire as to whether an agreement can be reached. I will conciliate if requested to do so.

In civil cases, I will absolutely attempt to conciliate before trial and during (if it appears that it would be helpful).

IV. TRIAL PRACTICES

a. General Trial Procedures

1. How do you address scheduling conflicts?

File a motion for postponement/continuance.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9-4:30. Yes, I will work late if required.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

I do not require them. I will accept and read them if counsel wants to submit one. No page limits. File in advance of trial (7-10 days).

b. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Prefer written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Depends on the circumstances.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes... no special rules.

c. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No time limits.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes... yes

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

d. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

e. Computers, Exhibits and Visual Aids

1. Do you place a restriction on the number of exhibits that may be entered at trial?

No

2. Do you require exhibits to be pre-marked?

Yes

3. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

4. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

5. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

6. Do you have any special rules regarding how exhibits are presented?

No

7. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes - I would encourage visual aids!

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

I will keep exhibits until after the appeal period expires. Then counsel may come get them.

f. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?
Yes - jury instructions 1 week prior, verdict forms on the first day of trial.
2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?
Yes... in chambers
3. Do you impose any restrictions upon requests for offers of proof during trial?
No.
4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?
No, they are a waste.
5. Are there any circumstances under which you will give the jury a copy of your instructions?
Yes, in accordance with the Rules of Criminal Procedure.
6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?
Exhibits will go to the jury after counsel and I confer regarding them.
7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?
Yes, if necessary
8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?
Yes, the court will deal with written questions from the jury in the presence of counsel.
9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?
No - we just need contact numbers.
10. Do you permit counsel to conduct post-verdict interviews with jurors?
Yes, if the jurors wish to speak to counsel.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?
Tom Murphy, John Gismondi, Bill Goodrich, Livingstone Johnston
2. What are your pet peeves about lawyers you see in your courtroom?
Lack of preparation; arguing with the judge; arguing with opposing counsel
3. What are the most common mistakes you see made by young lawyers?
Lack of preparation; no use of demonstrative evidence; giving up on objections
4. Do you have any other practice or procedure that lawyers practicing before you should know?
Just please be prepared, on time, and ready to go.
5. What words of wisdom do you have for young lawyers?
Your name and reputation are the most important assets that you have as a lawyer. Make sure that yours remain untarnished. Judges talk, as do other lawyers. You do not want to have your misdeeds spread.

ALLEGHENY COUNTY

THE HONORABLE PAUL F. LUTTY, JR.

City-County Building
414 Grant Street, Suite 814
Pittsburgh, Pennsylvania 15219
412-350-5468

I. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes; motions filed with the Court should also include a cover page and proposed order.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

The Motions Judge handles Preliminary Objections. Motions for Summary Judgment, Judgment on the Pleadings or similar motions are placed on an argument list. A designated judge hears these arguments.

II. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes; if the clients are business entities, individuals from the business entities who have the authority to settle the case must attend in person. If a party is insurance, a representative of the insurance carrier with "check and writing and signing" authority must be physically present. The Court requires the physical attendance of all persons mentioned in this paragraph and will excuse such attendance only under emergency circumstances.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

The trial judge will meet with all involved and attempt to settle the case.

IV. TRIAL PRACTICES

a. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

The trial judge will make every effort not to limit the time for opening statements but may have to do so where there are multiple parties.

b. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Yes

2. Do you have any particular practices regarding reading material into the record?

Counsel shall advise all counsel which page and line number he/she intends to use and then provide the witness with a copy of same prior to commencing questioning.

c. Computers, Exhibits and Visual Aids

1. Do you require exhibits to be pre-marked?

Yes; plaintiffs shall identify exhibits with Arabic numerals and defendants shall use letters.

ALLEGHENY COUNTY

THE HONORABLE ARNOLD I. KLEIN

Family Division
Room 5020
400 Ross Street
Pittsburgh, PA 15219
Phone: 412-350-4373

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected in November 2009

2. What was your legal experience prior to ascending to the bench?

Twenty two years as a trial attorney for Bacharach and Klein

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

B.A. – University of Pittsburgh – Economics; J.D. – University of Pittsburgh School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

SIDS/Cribs for Kids – board member; Champion Enterprise – board member; Greentree Rotary

6. Do you have any hobbies?

Basketball, golf, weightlifting

7. What type of recreational activities do you enjoy?

Playing with my children; riding bicycles; going to my children's sporting events

8. Is there any other information that you would like to share?

No

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Original Motions are delivered to Chambers for Motions Day.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

No

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

No

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

N/A

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

There is no fixed time frame but counsel should provide copies at least a day before the date of Motions Court.

7. Do you have a preference as to how courtesy copies are provided to chambers?

Mail or hand delivery

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, if the motion is to be presented on a Motions Court day and if there is not an order specially scheduling argument.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

None beyond normal professional courtesy.

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Seven days notice for regular motions and three days notice for emergency motions.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Mail or hand delivery.

3. Will you hear emergency motions if the notice requirement cannot be followed?

No, except for special circumstances.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes; a courtesy copy should be provided to the judge of record.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

On motions day normally, unless a conciliation or hearing is behind held on that day.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Yes

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Decided on a case by case basis

2. Will you hold an evidentiary hearing upon request?

Each request for a hearing is considered on the merits.

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

Only when they are required by the local rules or when requested by Judge Klein.

3. Do you permit briefs to be filed when not specifically requested?

I do not prohibit it.

4. Does you allow for reply and sur-reply briefs?

Only with permission.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No but shorter is normally preferable.

7. Do you have a preference for the time frame for filing briefs?

I have no standard practices.

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failure to attach prior pertinent orders of court to the Motion.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

I prefer to have the Motions as soon as possible because I read all Motions prior to the date of presentation.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No, but I prefer it.

2. Do you require the parties to appear for the pre-trial conciliation?

Yes, but in certain situations telephone participation is acceptable.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Normally I meet with counsel collectively but I have no fixed practice.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Normally I do not communicate directly with the parties during conciliations, but I will do so with the approval of counsel if I deem it useful to do so.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

I would always do it if I thought it were useful to do so.

IV. TRIAL PRACTICES

a. General Trial Procedures

1. How do you address scheduling conflicts?

Counsel are encouraged to address scheduling with the Docket Clerk.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

The traditional trial hours are 9:00 a.m. to 4:00 p.m. but they are extended in appropriate circumstances.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

I normally do not require trial briefs but I will accept them.

b. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written motions are preferred.

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

I have no fixed practice on this.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, I permit sidebar conferences but have no special rules regarding them.

c. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Not as a general rule

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

I permit re-direct and re-cross examination. Examination beyond that stage may be allowed, but it is not automatic.

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes, if requested for a proper reason.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

d. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

I have no regular practice on this issue.

2. Do you have any particular practices regarding reading material into the record?

No

e. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

I permit computer use but have no standard practice regarding their use in my courtroom.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Yes, counsel are required to exchange exhibits prior to trial.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, visual aids are allowed but I do not have any special rules regarding them.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Generally exhibits are returned to counsel after trial once the court has made a copy.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

My grandmother, who escaped from the Holocaust, and my parents.

2. What are your pet peeves about lawyers you see in your courtroom?

Chewing gum, talking loudly to their clients, making facial expressions and verbal sounds.

3. What are the most common mistakes you see made by young lawyers?

Continuing to say "thank you;" not responding to opposing counsel's objections; and asking too many questions.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

No

5. What words of wisdom do you have for young lawyers?

Get right to the point; speak up; prepare your witnesses; watch veteran lawyers; and be courteous to your fellow counsel.

ALLEGHENY COUNTY

THE HONORABLE MICHAEL MARMO

**Family and Juvenile Court Facility
440 Ross Street, Suite 5028
Pittsburgh, Pennsylvania 15219
412-350-5699**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Appointed to the Bench in July 2009.

2. What was your legal experience prior to ascending to the bench?

Private practice including but not limited to real estate, probate, estate planning, business law and municipal law. Served as a Special Master on the Board of Viewers of Allegheny County handling assessment appeals and eminent domain cases. Deputy Recorder of Deeds of Allegheny County, various solicitorships, Real Estate Associate, Emsworth Borough Tax Collector, Municipal Services Representative, Grantsman/Planner, Program Manager.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Juris Doctor, Duquesne University School of Law, Pittsburgh, PA

Master of Public Administration, Graduate School of Public and International Affairs, University of Pittsburgh, Pittsburgh, PA

Bachelor of Arts, College of Arts and Sciences, University of Pittsburgh, Pittsburgh, PA

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Allegheny County Bar Association, Rotary Club of Pittsburgh, Amen Corner, Matrimonial Inns of Court, Faculty Sponsor-Family Law Society of Duquesne Law School, Duquesne Law School Alumni Association, University of Pittsburgh Alumni Association, Italian Sons & Daughters of America Lodge #70, National Council of Jewish Women, Pittsburgh

6. Do you have any hobbies?

Playing the accordion

7. What type of recreational activities do you enjoy?

Golf and boating

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No, the original motion is usually provided to my staff, so I do not require a courtesy copy. If a motion is presented to another judge on one of my cases (e.g., in an emergency situation), then I request a courtesy copy be delivered to my chambers.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

Only if it is a motion on one of my cases that is being presented to another judge, which typically only happens in an emergency situation.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

When the motion is initially provided to the Court.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes, copies of all responses should be provided to my chambers as soon as possible, and no later than by noon at least 2 business days prior to the scheduled Motions Court date. Responses delivered after this deadline may not be reviewed prior to argument (except in the case of an emergency).

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

See response to question 4 above.

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

By noon at least 2 business days prior to the scheduled Motions Court date. Responses delivered after this deadline may not be reviewed prior to argument (except in the case of an emergency).

7. Do you have a preference as to how courtesy copies are provided to chambers?

By mail or hand delivery.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

I have a specific set of rules and procedures that govern the manner in which motions are presented. These procedures are subject to change at any time, however, the most current procedures are always available on the sign-up table outside my chambers. All motions and responses must be mailed or delivered to my chambers by noon at least 2 business days prior to the scheduled Motions Court date. I do not accept motions by facsimile. My staff places a sign-up sheet outside my chambers one week prior to the scheduled Motions Court date. I do not accept motions prior to this time. Motions must be accompanied by a cover letter which clearly indicated the time and date of presentation.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Parties are always permitted to reschedule oral argument on a motion as long as all parties are in agreement. The parties would simply notify my staff that the motion will be presented at another time and comply with the procedures for rescheduling the motion for the appropriate date and time.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes, oral argument is permitted on all motions.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

All attorneys shall remain in the hallway until their case is called. I have a preference that attorneys remain seated while making oral argument. Of course, I also require that all parties be cordial to one another.

5. Do you impose time constraints on oral arguments on motions?

No, all parties are provided with sufficient time to make their arguments to the Court. There is no specific time limitation.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Seven days

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

I only require compliance with the applicable Rules of Civil Procedure.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Only in the case of a true emergency.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Only in the case of a true emergency. Each judge has his/her own procedures in the Family Division, so the parties must comply with the specific procedures of the judge assigned to the case as well.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

It must be scheduled with my chambers and in accordance with my Standard Operating Procedures.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Even if it is uncontested, it still must be scheduled through my chambers. I will consider consented to motions (with original signatures from both parties) at any time.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Not typically. Only in extraordinary circumstances or when required by applicable Rules of Procedure.

2. Do you have a court reporter available during Motions Court?

No, but we have a recording system available at all times.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

As a general rule, I do not require evidentiary hearings unless required by law. However, there are some exceptions that occur on a case-by-case basis.

2. Will you hold an evidentiary hearing upon request?

It depends on the case and the relief requested. I try to comply if the request is reasonable and would assist the court in making a decision.

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

I only require briefs to be filed when required by law and when a legal issue arises where the court would benefit from receiving input in the form of a brief from each party.

3. Do you permit briefs to be filed when not specifically requested?

Yes. As long as they are submitted in a timely manner and copied to the opposing party.

4. Does you allow for reply and sur-reply briefs?

Yes, as long as they are timely submitted.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

Not as a general rule, but I do impose page limitations from time to time when I deem necessary.

7. Do you have a preference for the time frame for filing briefs?

Not as a general rule. This is more on a case-by-case basis.

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

The most common mistake in motions practice is not signing up motions in a timely manner. It seems there are attorneys coming into chambers every month trying to sign up motions after the deadline. Other common mistakes include (i) arguing with opposing counsel instead of arguing to me, (ii) including too much paperwork, and (iii) seeking relief that is not appropriate in motions court (such as asking me to change primary custody in motions).

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Better communication with each other. The attorneys should try to work things out if possible.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No
2. Do you require the parties to appear for the pre-trial conciliation?

Yes
3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Initially, I meet with counsel to discuss the case.
4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Yes, I will communicate directly with the parties.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

I always try to conciliate a matter at least one time, even if it is the day of the trial. I firmly believe it is always better for parties in the Family Division to attempt to amicably resolve matters, especially matters involving custody.
2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Yes. If I believe a settlement is possible, I will recess a trial and/or actively participate in conciliating a settlement. It is never too late for a settlement in my courtroom.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

I typically ask both parties how much time they will need for the hearing and attempt to comply with their requests. I will allow additional time on a case-by-case basis.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

N/A
3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Very limited, yes. There are no standard time frames.
4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Yes, Yes (a written motion is necessary).
5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Yes
6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, No.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Resolve it individually.
2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 a.m. to 5:00 p.m.
3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

No

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written motions
2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

At the onset

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

I typically try to rule on each motion as it is presented.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, No.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Reasonable time.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes, yes

4. Are there any circumstances under which you will personally question a witness?

Yes, I do this frequently.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No, live testimony

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes, no

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

None

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Judge Michael Musmanno

2. What are your pet peeves about lawyers you see in your courtroom?

They are impatient.

3. What are the most common mistakes you see made by young lawyers?

Too long-winded, repeating information

4. What words of wisdom do you have for young lawyers?

Relax

ALLEGHENY COUNTY

THE HONORABLE JOHN T. McVAY, JR.

440 Ross Street, Room 5049

Pittsburgh, PA 15219

412-350-3779

I. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

The day prior

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

If there are unique questions of law or fact

4. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

The day prior

5. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

The day prior

6. Do you have a preference as to how courtesy copies are provided to chambers?

Hand delivered

7. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Give other party or counsel 7 days notice

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Notify other party and Court 24 hours in advance if possible

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Conducted in a dignified, formal and respectful manner. All argument and objections be addressed by the Court.

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

7 days

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, if a true emergency and notice provided to other party and counsel

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

The Court will sign uncontested motions and consent orders of another Judge provided that they are not routine matters and do not affect the Court schedule of another Judge. The Court will consider a motion on a case assigned to another Judge if it is determined to be a true emergency.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Can be presented the day the Court is hearing motions so long as opposing party is given 7 days notice or consents

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Scheduled for presentation

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Yes, tape recorded

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

The court will schedule court report if it determines one is needed

e. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

After oral argument when taken under advisement.

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

The shorter the better

6. Do you have a preference for the time frame for filing briefs?

Only if court requires party to file briefs

7. Do you have any special formatting requirements for briefs?

No

f. Common Mistakes

1. What are the most common mistakes made in motions practice?

Attorneys want to present evidence

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Have attorneys talk prior to presenting motions

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Meet counsel collectively

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Yes, with both counsel / all parties present

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes, will conciliate prior to hearing on the day of scheduled hearing

IV. TRIAL PRACTICES

a. General Trial Procedures

1. How do you address scheduling conflicts?

Will move case if need be; schedule cases on chamber days or otherwise try to accommodate counsel schedules

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9 a.m. to 5 p.m.; will proceed until hearing is complete

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Do not require; parties can file prior to hearing

b. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

Depends if a separate hearing date is requested

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Yes, but depends

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes

c. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No, but prefer brief

2. Do you permit Defendants to defer the opening statement until the start of their cases?

No

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Yes, sometimes

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes, to accommodate schedules

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

Will normally permit phone testimony especially if court is familiar with the expert

d. Deposition Testimony

1. Do you have any particular practices regarding reading material into the record?

No

e. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Exhibits should be exchanged prior to trial, with pre-trial statements

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

All cases are non-jury

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

We accept copies of exhibits into evidence.

ALLEGHENY COUNTY

THE HONORABLE KATHLEEN MULLIGAN

Family and Juvenile Court Facility
440 Ross Street, Suite 5045
Pittsburgh, Pennsylvania 15219
412-350-4146

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

December 1993

2. Are you affiliated with any professional organization? If yes, please list the professional organizations.

National Organization for Women Judges; Pennsylvania Bar Association; Women's Bar Association of Western Pennsylvania; Charter Fellow, Allegheny County Bar Foundation; National Council of Juvenile and Family Court Judges; Allegheny County Bar Association

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Original motions should be signed up with the Court at 12:00 noon the day before motions are scheduled. Do not provide additional courtesy copies.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

12:00 noon the day before motions are scheduled

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of procedure, regarding the scheduling of oral argument on a motion?

The Motions Court schedule is published in the Pittsburgh Legal Journal and is available at www.alleghencourts.us.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Motions may be presented on the date that Judge Mulligan is next hearing motions.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Seven days notice must be provided in accordance with the Local Rules.

2. Will you hear emergency motions if the notice requirement cannot be followed?

Only if the motion is a true emergency

3. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Judge Mulligan will sign uncontested motions and consent orders of other judges' cases provided they are purely routine matters and do not affect the court schedule of the other judge. The court will consider a motion on a case assigned to another judge if it is determined to be a true emergency.

4. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

The motion should be signed up at 12:00 noon on the day before motions are scheduled.

5. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Judge Mulligan will consider signing a consent order if brought to Chambers and she is available to sign it. Consent orders and uncontested motions will be considered at any time during motions court while the judge is on the bench.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No

2. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Judge Mulligan meets with both attorneys without the parties.

IV. TRIAL PRACTICES

a. General Trial Procedures

1. How do you address scheduling conflicts?

Continuances, even if consented to, will not be granted within thirty (30) days prior to the scheduled proceeding absent compelling reasons. Except in very rare circumstances, counsel's attendance at another proceeding is not a valid excuse for lateness.

ALLEGHENY COUNTY

THE HONORABLE LAWRENCE O'TOOLE

**Orphans' Court
1700 Frick Building
437 Grant Street
Pittsburgh, PA 15219
412.350.7124 | 412.350.1925 fax**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

I was appointed in March 1993 and elected to a full term in the fall of 1993.

2. What was your legal experience prior to ascending to the bench?

My legal career began as a trial attorney with the Office of the Public Defender of Allegheny County. In 1977, I took a position as an associate with Kyle & Ehrman. After three years there, I opened my own firm where I specialized in complex criminal litigation, municipal law and litigation and appellate matters.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Undergraduate from LaSalle University in 1972 and Juris Doctor from Duquesne in 1975.

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Allegheny County Bar Association

6. Do you have any hobbies?

Golf

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes, one copy

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

2-3 days prior to presentation

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes, one copy

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least one day prior to presentation

5. Do you have a preference as to how courtesy copies are provided to chambers?

One copy

6. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Scheduling of oral argument on a motion is done pursuant to local Orphan's Court rules and practices.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, contact my staff and arrange another date.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes, if requested.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Per local rule, 10 days notice is required.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Per local rule.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, if necessary.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

It can be scheduled on Tuesday, Wednesday, and Thursday when the Court is the Motions Judge.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Can be submitted directly to chambers.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Depends on the complexity of the motion.

2. Do you have a court reporter available during Motions Court?

Usually, or if requested by counsel.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

If counsel wants the argument recorded, counsel should contact my chambers to ensure that a reporter is present.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

If there are disputed facts or if requested by counsel.

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

Not all motions.

2. When do you require briefs to be filed?

If there are complex legal issues.

3. Do you permit briefs to be filed when not specifically requested?

Yes.

4. Does you allow for reply and sur-reply briefs?

Yes.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No.

7. Do you have a preference for the time frame for filing briefs?

No.

8. Do you have any special formatting requirements for briefs?

No.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Improper notice or no notice to opposing parties.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No

2. Do you require the parties to appear for the pre-trial conciliation?

In some situations (i.e. if settlement is more likely if parties are present.)

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Collectively.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Not usually. If requested by counsel, I will hold the conciliation in open court with the parties present.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

No.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

I do not have jury trials in Orphans' Court.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

I do not impose time restrictions.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Yes. No, I do not have preference.

3. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No.

4. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, No preference.

b. General Trial Procedures

1. How do you address scheduling conflicts?

I ask the lawyers to attempt to work out the conflict; If the matter is not an emergency, I will usually continue the case if the lawyer has a conflict.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30 and 4:30 with a lunch break; Yes, if there are out of town witnesses or if it is an emergency.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

I do not require trial briefs; I review them if they are submitted. There is no page limit. It should be filed at least a few days prior to trial so that I have an opportunity to review it.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

No

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

I usually rule on the motion when it is presented.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes; No.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Yes

4. Are there any circumstances under which you will personally question a witness?

Yes, if counsel has left an issue unclear to me.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes; No

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No

ALLEGHENY COUNTY

THE HONORABLE JILL E. RANGOS

County Courthouse
436 Grant Street, Suite 5073
Pittsburgh, Pennsylvania 15219
412-350-4346

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No; however, all exhibits should be exchanged between counsel prior to trial.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No.

7. Do you have any special rules regarding how exhibits are presented?

No.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes; No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

I usually retain my exhibits until I have written my opinion. A copy is acceptable.

g. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

I do not always require it, however if counsel requests an opportunity to submit Findings and Conclusions, I grant it. I accept separate Findings.

V. WORDS OF WISDOM

1. What are your pet peeves about lawyers you see in your courtroom?

Lack of preparation; not supplying all counsel and the Court with copies of Exhibits

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Appointed to the bench

2. What was your legal experience prior to ascending to the bench?

Federal law clerk for Honorable Maurice B. Cohill, Jr.; Attorney with Thorp, Reed and Armstrong; Attorney with Babst Calland Clements and Zomnir

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

B.A. - Dickinson College, 1981 - English and Political Science; J.D. - Catholic University, Columbus School of Law, 1984

4. Did you serve in the military?

No

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Original motions and one copy should be supplied to the Court contemporaneous with filing at the Clerk of Courts office.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Contemporaneous with filing at the Clerk of Courts office.

3. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes, it should be provided at the time of argument.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

c. Transcribing Arguments

1. Do you place motions arguments on the record?

Yes

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

d. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

As necessary to dispose of all issues

e. Briefs

1. Do you require briefs to be submitted with motions?

No, but they may be submitted with any motion.

2. When do you require briefs to be filed?

Contemporaneously with any motion

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

III. TRIAL PRACTICES

a. General Trial Procedures

1. How do you address scheduling conflicts?

They should be resolved prior to the date of trial.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

Standard hours are 8:30 a.m. to 4:00 p.m. and the Court will hear cases later in the day upon request as permissible.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Trial briefs are not required but will be accepted.

b. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Opening Statements and summations are not subject to specific time constraints, however, this Court may intervene upon an unduly long oration.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Examination of witnesses is governed by the Rules of Criminal Procedure

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Deposition testimony is governed by the Rules of Criminal Procedure

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes, when possible

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Exhibits should be exchanged prior to trial

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Post-trial handling of exhibits are the responsibility of the parties

g. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Proposed jury instructions are encouraged but not required

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes

3. Do you impose any restrictions upon requests for offers of proof during trial?

Governed by the Rules of Criminal Procedure

4. Are there any circumstances under which you will give the jury a copy of your instructions?

Governed by the Rules of Criminal Procedure

V. WORDS OF WISDOM

1. What words of wisdom do you have for young lawyers?

Attorneys should be prepared to proceed to trial at 8:30 a.m. on the day the case is listed. Civility and candor with the Court is expected at all times.

ALLEGHENY COUNTY

THE HONORABLE KEVIN G. SASINOSKI

Criminal Division
436 Grant Street
507 Courthouse
Pittsburgh, PA 15219
412-350-2910

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

2000 Magisterial District Court

2. What was your legal experience prior to ascending to the bench?

2007 Common Pleas; Won the May Primary 2007; Appointed early July 2007.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Penn State B.A. 1981; Duquesne J.D. 1985

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Women's Bar Association; Allegheny County Bar Association

6. Do you have any hobbies?

CISV, an international peace organization for children

7. What type of recreational activities do you enjoy?

Biking, white water rafting

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

Emergency Motions to Other Judges; One copy

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

By 9:30 a.m. day of, if motions are scheduled in the afternoon; by noon day prior when motions are scheduled in the morning.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

See No. 2 above

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

See No. 2 above

7. Do you have a preference as to how courtesy copies are provided to chambers?

No

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Original must be presented

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

See (a)(3) above.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Motions are scheduled by Court Administration; only by special circumstance would a motion be heard at any other time.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Civility

5. Do you impose time constraints on oral arguments on motions?

Only as to practicality

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

7

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Pursuant to PaRCP or agreement of parties

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, Courtesy copy to Judge

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Presented on Motions Day or conciliation, unless there is a special reason and upon prior approval

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Uncontested – motions day

Consented to – motions day or chambers

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No, unless requested by party

2. Do you have a court reporter available during Motions Court?

Usually

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

Up to parties

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Factual issues in dispute

2. Will you hold an evidentiary hearing upon request?

Usually

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

If needed

3. Do you permit briefs to be filed when not specifically requested?

Prefer not

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

No, must be attached

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

Case by Case

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Arguing facts; too emotional

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Averments that the attorney attempted to resolve themselves

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Together

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Case by Case

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Case by Case

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

All are non-jury; If parties requested and agreed

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Case by Case; need emergency as in "fast track" child custody cases

2. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

No

3. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, usually request them

b. General Trial Procedures

1. How do you address scheduling conflicts?

Up to court scheduler

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

8:30 to 4:00; very rare

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Only pre-trial statements

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

As presented

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Occurs very rarely; no jury

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Keep it brief; never multi-party action

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes, rarely and for good cause

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes, if needed

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

Only those of PaRCP; allow them to be taken out of order to save litigants money

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No procedure; case by case

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

N/A

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Must do before introduced

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

All non-jury

7. Do you have any special rules regarding how exhibits are presented?

Hand to tipstaff; pre-label

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Yes

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Older lawyers and judges

2. What are your pet peeves about lawyers you see in your courtroom?

Not wearing a jacket (male or female)

3. What are the most common mistakes you see made by young lawyers?

*Rude to other lawyers; overzealous
Don't see the forest for the trees*

4. What words of wisdom do you have for young lawyers?

Don't drink your client's poison. There are always 2 sides to every story, if not more; I need to hear them, especially if children are involved.

ALLEGHENY COUNTY

THE HONORABLE DONALD R. WALKO, JR.

440 Ross Street, Room 5080

Pittsburgh, PA 15219

412-350-3944

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected in November 2009

2. What was your legal experience prior to ascending to the bench?

*General Practice for roughly 5 years; for 3 years, I was associated with Alan D. Hertzberg & Associates
Served in the Pennsylvania House of Representatives for 15 years. Member of the Judiciary
Committee for 13 years, Chairman of the Subcommittee on Courts for the last 3 years of my
tenure in the House.*

*I worked with Correction officials, the Sentencing Commission and other stakeholders in enacting
sentencing reform.*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Pennsylvania State University, B.S. Accounting; Dickinson School of Law, J.D.

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

No.

6. Do you have any hobbies?

Playing various sports with my children; minimal golf; yard work

7. Is there any other information that you would like to share?

*I was proud to be on the architects of legislation that provided for an expansion of Pennsylvania's
prescription drug programs for older Pennsylvanians by nearly 250,000 people.
I was also proud to develop a law empowering citizens to seize blighted property to enable them to
restore it to a useful condition. The law is part of a larger anti-blight package of laws that provide
numerous tools for communities confronting blight.*

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

*No. When emergency motions are presented in cases that are assigned to other judges, a copy must be provided to the assigned judge.
See Standard Judicial Operating Procedures.*

2. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes, follow my Standard Judicial Operating Procedures.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Be brief, get to the point, since I review all motions in advance.

5. Do you impose time constraints on oral arguments on motions?

No, just be reasonable.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

7 days notice

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Mail or personal delivery

3. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, but assigned judge must be copied

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Any day the court is hearing motions

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Scheduled for presentation

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Occasionally

2. Do you have a court reporter available during Motions Court?

Family Division taping

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When there are factual disputes

2. Will you hold an evidentiary hearing upon request?

Depends

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. Do you permit briefs to be filed when not specifically requested?

Yes

3. Does you allow for reply and sur-reply briefs?

Yes

4. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

No

5. Do you have a preference for the time frame for filing briefs?

No

6. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Being late

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Brevity

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Usually

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Collectively

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

In limited circumstances where the communication would sew-up settlement

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes, one last stab at settlement

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

If both parties are ready to stop and settle

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, I usually request them in complex factual cases

b. General Trial Procedures

1. How do you address scheduling conflicts?

Court Administration schedules trials

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30 a.m. until 4:30 p.m.; hours will be extended if needed within reason

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

No

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written

2. Do you have a preference as to whether the motion is written or oral?

Prefer written

3. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes; No

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes to both

4. Are there any circumstances under which you will personally question a witness?

Yes, when the record is scant

5. Do you permit counsel to examine witnesses out of sequence?

No, unless there is a pressing time issue

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No, but that is preferred

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do you have any special rules regarding how exhibits are presented?

No

7. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

No

8. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

The court retains exhibits; I will accept copies into evidence.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Judge Thomas E. Flaherty; Judge Alan D. Hertzberg

2. What are your pet peeves about lawyers you see in your courtroom?

Those who talk over each other; Lawyers who are late for trial.

ALLEGHENY COUNTY

THE HONORABLE CHRISTINE WARD

City-County Building
414 Grant Street, Suite 817
Pittsburgh, Pennsylvania 15219
412-350-5793

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

November 2003 - Court of Common Pleas of Allegheny County

2. What was your legal experience prior to ascending to the bench?

*Served in the Family Division of the Court for 4 years until June of 2007.
Practiced law for 20 years at Dickie, McCamey & Chilcote and Schnader, Harrison, Segal and Lewis, LLP, concentrating on complex civil litigation and labor law.
Instructor for the National Institute of Trial Advocacy.
Arbitrator with the American Arbitration Association.*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Washington and Jefferson College - summa cum laude; University of Pittsburgh Law School - with honors

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Member of the Board of Directors of WQED Multimedia; Member of the Salvation Army of Greater Pittsburgh; Member of the University of Pittsburgh Law Alumni Association; Serves on the Ethics Committee; Chair of the Civil Judge's Section of the State Court Trial Judge's Conference

II. MOTIONS PRACTICE

a. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Counsel may request through chambers

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes - through chambers

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Generally

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No, but argument should not be repetitive or belabored.

b. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Reasonable and/or practicable under circumstances

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

No.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Chambers.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Submitted directly

c. Transcribing Arguments

1. Do you place motions arguments on the record?

Generally not if not dispositive

2. Do you have a court reporter available during Motions Court?

If needed

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

d. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When needed

2. Will you hold an evidentiary hearing upon request?

Yes, if needed

e. Briefs

1. Do you require briefs to be submitted with motions?

Generally yes

2. When do you require briefs to be filed?

With motion

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

No

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Not meeting and conferring with opposing counsel

2. Is there anything you would like to see more often from attorneys concerning motions practice?

More meeting and conferring with opposing counsel

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Prefer

2. Do you require the parties to appear for the pre-trial conciliation?

For the most part

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Both

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Generally not, but I have

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

If counsel request it

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

If requested by counsel

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Reasonable time as necessary

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Yes. No preference, but I do not like to have depositions read to me.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

I grant motions for expedited discovery as a matter of course.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

I hear motions as they arise.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Generally, yes.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes. I love them.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Lawyers agree to schedule.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30-4:30 (or at a natural break point).

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Prefer briefs - schedule agreed upon by counsel.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes.

2. Do you have a preference as to whether the motion is written or oral?

Prefer written.

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Generally reserve rulings.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

As counsel may agree.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes.

4. Are there any circumstances under which you will personally question a witness?

In a non-jury proceeding, yes.

5. Do you permit counsel to examine witnesses out of sequence?

Yes.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No, but I do not like a great deal of repetition.

7. Do you have any special practices or procedures with respect to expert witnesses?

No.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Situation hasn't arisen.

2. Do you have any particular practices regarding reading material into the record?

No.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes - it must be made available to opposing counsel.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No.

3. Do you require exhibits to be pre-marked?

No.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

As agreed by counsel.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

N/A.

7. Do you have any special rules regarding how exhibits are presented?

No.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Exhibits are returned.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

N/A - I handle only business cases.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

N/A.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

As agreed by counsel.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Chambers.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No.

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Yes - separate.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

I have no standard practices regarding jury trials.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

David Fawcett, David Armstrong, Clayton Sweeney

2. What are your pet peeves about lawyers you see in your courtroom?

Lack of civility.

3. What are the most common mistakes you see made by young lawyers?

I will occasionally try to help a young lawyer and they will not pick up on it.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

I have written practices on website.

5. What words of wisdom do you have for young lawyers?

Try to pick up cues from judge. Cases are won with advocacy; not aggression. Do your best to appear reasonable before the judge.

ALLEGHENY COUNTY

THE HONORABLE DWAYNE D. WOODRUFF

**Family and Juvenile Court Facility
440 Ross Street, Suite 5065
Pittsburgh, Pennsylvania 15219
412-350-6281**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected in November 2005

2. What was your legal experience prior to ascending to the bench?

Partner at Woodruff, Flaherty & Fardo, LLC

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Degree in Business Finance - University of Louisville; Juris Doctor - Duquesne University School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Allegheny County Bar Association; Pennsylvania Bar Association; Homer S. Brown Law Association; Pennsylvania House of Delegates; Allegheny County Bar Association Judiciary Committee; Urban Impact Foundation; Child Watch of Pittsburgh; Sigma Pi Phi (Boule) Fraternity; NAACP; Board of Governors for Duquesne University School of Law

6. Do you have any hobbies?

Service to local youth

7. What type of recreational activities do you enjoy?

Football

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes. The original motion should be placed in the bin outside of Room 5065 of the Family Law Center at least 5 days prior to the presentation.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Yes. Motions should be signed up at least 5 days prior to the date of presentation.

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes. Responses and/or Answers to Motions should be signed up at least 5 days prior to the date of presentation.

4. Do you have a preference as to how courtesy copies are provided to chambers?

Yes. Place the Motion or Response/Answer in the bin outside of Room 5065 of the Family Law Center.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

If an advance copy is not provided in the time frame specified above, the Motion will not be entertained.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Yes. Motions should be signed up at least 5 days prior to presentation. Motions may also be mailed or faxed to the Court. The accompanying cover letter should clearly indicate the date of presentation and whether the Court is being asked to place the Motion on the appropriate sign-up sheet.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

If the Motion is going to be presented at another date or withdrawn, the Tipstaff should be notified immediately.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes. All contested motions are subject to oral argument on the dates and times scheduled by Family Court Administration.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Counsel, not their paralegals, must be present in Court for all matters, including Consent Motions and Uncontested Motions. Counsel should not assume that any proposed Orders will be signed, and Counsel must be available to respond in the event that the Court has any questions. Although clients are permitted in the courtroom, they are not permitted to address the Court unless requested by the Court. No recordings of any type are permitted.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Pursuant to the Local Rules, the notice requirement is seven days unless the Court is inclined to hear an Emergency Motion which the Court deems to be a true emergency.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No

3. Will you hear emergency motions if the notice requirement cannot be followed?

If the motion is a true emergency

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

The Court will hear Emergency Motions on another Judge's case if it is a true emergency. The Court's policy will be to enter a Temporary Order until such time as the matter can be heard by the Judge assigned to the case.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Motions will be heard only during times as set forth in the Family Court Motions schedule published in the Pittsburgh Legal Journal and available at www.allegheycourts.us.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Contested or Consent Motions should be signed up as such for a time when the Court is entertaining Motions. Counsel may drop off Settlement Agreements or Domestic Relations Orders with Tipstaff in Room 5065. Upon signature by Judge Woodruff, Counsel will be contacted to retrieve the signed document.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

If Counsel believes a Court Reporter is necessary for a particular proceeding, Counsel must notify the Tipstaff so that arrangements can be made, subject to the Court's approval.

e. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

If difficult questions of law or evidence are anticipated, counsel should alert his or her opponent, and the Court should be supplied with a Memorandum of Law in duplicative, five days prior to the time it is anticipated that the question will arise.

3. Do you permit briefs to be filed when not specifically requested?

Yes, see above.

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you have a preference for the time frame for filing briefs?

Five days prior to the time that the anticipated question will arise.

III. TRIAL PRACTICES

a. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial?
Do you have any particular procedures regarding this practice?

In the event that any equipment is necessary for a trial or hearing, Counsel must make appropriate arrangements through the ACBA or a third party. Except in rare circumstances, the Court does not have the capability to provide these services.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes. Plaintiff's counsel is expected to use numbers and defense counsel is expected to use letters.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

When documents are to be entered into evidence and/or presented to the Court, Counsel should provide copies to opposing counsel and the Court. When submitting Pretrial Statements, Counsel SHOULD NOT attach copies of exhibits to the Court's copy; however, Counsel SHOULD provide copies to opposing counsel.

5. Do you have any special rules regarding how exhibits are presented?

Yes. Plaintiff's counsel is expected to use numbers and defense counsel is expected to use letters.

ARMSTRONG COUNTY

THE HONORABLE JAMES J. PANCHIK

**500 East Market Street
Kittanning, PA 16201
724-548-3244**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected, 2007.

2. What was your legal experience prior to ascending to the bench?

Twenty-five years of essentially solo practice of a general nature in Armstrong County, Pennsylvania.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

I.U.P., B.A.; Duquesne University School of Law, J.D.

4. Did you serve in the military?

No.

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

Most definitely, particularly in the case of an unusual or complicated matter.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Two days in advance.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No.

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

Yes, if a copy of the motion is provided, then if possible, a response would be encouraged.

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

One day.

7. Do you have a preference as to how courtesy copies are provided to chambers?

Mail.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No, argument is conducted during Motions Court.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, argument could be scheduled at the Motions Court by simply walking to the Court Administrator's office for a date.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No.

5. Do you impose time constraints on oral arguments on motions?

Not formally. Counsel will be moved along if necessary.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

As per local rules, two business days.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Not generally, except PFA evictions, on the record.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Not normally.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Motions Court.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

May be submitted by mail.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No.

2. Do you have a court reporter available during Motions Court?

No.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. Will you hold an evidentiary hearing upon request?

No. It must be scheduled.

f. Briefs

1. Do you require briefs to be submitted with motions?

No.

2. Do you permit briefs to be filed when not specifically requested?

Yes.

3. Does you allow for reply and sur-reply briefs?

Yes.

4. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes.

5. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No.

6. Do you have any special formatting requirements for briefs?

No.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Inadequate notice.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Better preparation.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No.

2. Do you require the parties to appear for the pre-trial conciliation?

Yes.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Collectively.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

No, however, if all parties agreed, and it is not a bench trial, I may consider it.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

If it appears appropriate.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Only in a jury trial.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Generally 30 minutes.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Generally, live testimony, however, supporting documents may be admitted.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

I will accept, but do not require, proposed findings.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Hopefully by agreement.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 to 4:30.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Preferred, not required.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes.

2. Do you have a preference as to whether the motion is written or oral?

Written.

3. Are there any restrictions on presenting in limine motions prior to or during trial?

Prefer prior to jury selection, definitely before opening arguments.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

As soon as possible.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

This is generally not necessary, but may be considered on a case by case basis.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Redirect and re-cross are permitted, nothing beyond re-cross.

4. Are there any circumstances under which you will personally question a witness?

Not generally.

5. Do you permit counsel to examine witnesses out of sequence?

Yes.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

One attorney per witness.

7. Do you have any special practices or procedures with respect to expert witnesses?

No.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No special procedures.

2. Do you have any particular practices regarding reading material into the record?

No.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Have not yet.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No.

3. Do you require exhibits to be pre-marked?

Pre-marking is preferred.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No.

7. Do you have any special rules regarding how exhibits are presented?

No.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

This should be discussed pre-trial.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Exhibits go to the Clerk of Courts.

g. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, this is discussed at the pre-trial conference.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No.

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

No.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

Not yet.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Yes, yes.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Yes.

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes, questions from the jury are accepted. There is no standard practice.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

Counsel must remain in the courthouse.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

My president judge, of course.

2. What are your pet peeves about lawyers you see in your courtroom?

Any unprofessional conduct.

3. Do you have any other practice or procedure that lawyers practicing before you should know?

Be courteous to the judge.

5. What words of wisdom do you have for young lawyers?

Be kind to the judge.

ARMSTRONG COUNTY

THE HONORABLE KENNETH G. VALASEK

500 E. Market Street, Suite 210

Kittanning, PA 16201

724-548-3284

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected November 1991

2. What was your legal experience prior to ascending to the bench?

Seventeen years in a private general practice of law.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

BA in Economics from the University of Pittsburgh in 1971. Juris Doctorate from the University of Pittsburgh School of Law in 1974.

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

No

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No. However, the answers to the remainder of Part II Subpart A Motions Practice are distinguishable between motions presented in Motions Court pursuant to L.R.C.P. No. 208.3(a). Motions and petitions where an evidentiary hearing is being sought are mailed to the Clerk of Courts with the appropriate order issuing a rule to show cause, pursuant to L.R.C.P. No. 206.4(c). Preliminary objections, motions for judgment on the pleadings, or for summary judgments are distinguishable and are governed by L.R.C.P. Numbered 1028(c), 1034(a), and 1035.2(a), respectively.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

One courtesy copy is appreciated only when the legal issue of the motion presented at Motions Court is complex.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

72 hours in advance

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No.

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

If time permits the filing of a response in advance of Motions Court, a courtesy copy of the response will be appreciated if the matter is legally complex

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Any time in advance of Motions Court.

7. Do you have a preference as to how courtesy copies are provided to chambers?

fax to 724-548-3310.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No. The original copy will suffice.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Motions, as the term is used in this Subpart b, includes preliminary objections, motions for judgment on the pleadings or for summary judgments or motions for special relief where no interim relief is being sought pending a hearing upon the same. Refer to L.R.C.P. Numbered 1028(c), 1034(a), 1035.2(a), and 206.4(c).

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

If a motion to continue is not consented to by opposing counsel, the motion should be presented at a scheduled session of Motions Court pursuant to L.R.C.P. 208.3(a).

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Opportunity to argue for all motions is provided.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Motions presented at Motions Court pursuant to L.R.C.P. No. 208.3(a) require at least 2 business days advanced notice. Motions merely seeking a rule to show cause for the scheduling of an oral argument require no advanced notice before they are mailed to the Clerk of Courts or presented to the Court in any other fashion.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Motions presented at Motions Court pursuant to L.R.C.P. 208.3(a) may be by either first class mail or fax.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, and as much advanced notice if possible is appreciated. Such notice can be given by telephone to the Court, of course, to opposing counsel or to the unrepresented parties, if possible.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Emergency motions may be presented at any time in chambers in accordance with the above.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

A motion not opposed may be presented directly to chambers by personal delivery or by mail.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No argument on a motion is on the record unless it is preceded by an evidentiary hearing.

2. Do you have a court reporter available during Motions Court?

Usually.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Motions presented at Motions Court pursuant to 208.3(a) are intended to be of such a nature that no evidentiary hearing will be necessary. Motions, petitions, applications, etc. which are known to require a hearing may be delivered to the Clerk of Courts with the appropriate rule or scheduling order attached.

2. Will you hold an evidentiary hearing upon request?

Rules to show cause are issued as of course and an evidentiary hearing is generally scheduled in the same order that issues the rule.

f. Briefs

1. Do you require briefs to be submitted with motions?

Briefs must be submitted with preliminary objections, motions for judgment on the pleadings or for summary judgment motions. The local rule should be followed.

2. When do you require briefs to be filed?

At the time the paper is filed.

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Generally yes.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

No

8. Do you have any special formatting requirements for briefs?

The Pennsylvania Rules of Civil Procedure generally require double spacing.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

For a scheduled session of Motions Court, the most common mistake is inadequate notice to the opposing counsel or to the unrepresented party. The second most common mistake is the filing of the motion with the Clerk of Courts prior to its presentation in Motions Court: the Clerk of Courts is present at Motions Court and will take any motion presented to a judge and will file it immediately after such presentation at Motions Court.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Timely arrival.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Lead counsel need not appear; however, the lawyer who does appear must be acquainted with the case and must have settlement authority.

2. Do you require the parties to appear for the pre-trial conciliation?

Generally, yes. Counsel should consult L.R.C.P. 212.3.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

The Court will meet with all lawyers to inquire into the nature of the case, length of trial, special evidentiary issues, etc. If the Court believes that a settlement is achievable, it may meet with the each lawyer individually in an attempt to mediate.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

No.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Many times the Court will conduct more than one pre-trial conference for a case. The Court will attempt to obtain a settlement at such conference. However, the Court usually will not delay the commencement of trial on the morning of jury selection.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

The Court would not attempt conciliation during a jury trial. On occasion the Court, during a non-jury trial, suggests a way to settle the matter after hearing some evidence.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

The Court will allow as much time as is reasonably necessary.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

The Court prefers live testimony.

3. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No. If a brief is submitted, it would be read in advance of the hearing.

4. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Proposed findings of fact are generally not required but are accepted at the conclusion of the hearing.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Continuances are governed by L.R.C.P. No. 216.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 a.m. to 4:00 p.m. with a 1 hour break for lunch. The Court will consider lengthening the trial day in exceptional circumstances to accommodate its own schedule or that of important witnesses, etc.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Trial briefs are not required unless the parties are directed to submit one at the pre-trial conference.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

A deadline for filing motions in limine will usually be determined during pre-trial conference. If no specific deadline is set, the Court strongly prefers any motions in limine to be submitted at least 1 week prior to trial.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

This depends upon the motion. If the Court is able to rule on the motion as it is presented, it will do so. If the motion requires the Court to hear evidence before a ruling can be made, ruling will be deferred until the relevant evidence has been presented.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, sidebar conferences are permitted. No, there are no specific rules governing sidebar conferences.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Not usually

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Redirect and re-cross are generally permitted. Examination beyond this point is discouraged unless absolutely necessary.

4. Are there any circumstances under which you will personally question a witness?

Yes, the Court will frequently question witnesses either to clarify the witness' testimony or to ensure a complete record.

5. Do you permit counsel to examine witnesses out of sequence?

While this is discouraged, it is permitted when necessary.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

Only one attorney should question each witness.

7. Do you have any special practices or procedures with respect to expert witnesses?

None beyond the rules of evidence.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Videotaped depositions are permissible as of course. Live testimony only is preferred on such videotapes.

2. Do you have any particular practices regarding reading material into the record?

No.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Counsel and/or experts are permitted to utilize computers in the courtroom during trial, but should note that the Court has very limited technical support available.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

During trial, opposing counsel and the Court should each be presented with a copy of the exhibit then being viewed and/or commented upon by the testifying witness.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Visual aids are permitted, but should always be viewed by opposing counsel prior to their intended use. If no agreement can be reached on their use, the Court will decide the issue prior to commencement of trial.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Following trial, exhibits are retained by the Clerk of Courts along with the case file. After expiration of the applicable appeal periods, originals may be returned upon petition. Copies of exhibits may be permitted with leave of Court.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Generally, no.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Generally, no.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, counsel are generally required to submit points for charge and proposed verdict slips prior to trial at a time designated by pre-trial order.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes, discussions regarding points for charge/verdict slips are conducted prior to and during trial in chambers.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Proposed findings of fact and conclusions of law are generally not required unless the Court specifically orders the parties to prepare the same at the close of trial. When they are requested, each party is expected to submit his or her own document.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

No

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Unless there is an objection, the jury has possession of trial exhibits during deliberation.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Generally, no.

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes, only during deliberation.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes

V. WORDS OF WISDOM

1. What are the most common mistakes you see made by young lawyers?

Failure to comply with Pa.R.C.P. 204.1 regarding formatting of pleadings, specifically the double spacing of text. The Court also frequently receives briefs and other documents without page numbers.

Failure to mark exhibits in advance.

Questions evoking the contents of a writing asked before the writing has been admitted into evidence. Failure of the opposing party to object to the same.

BUTLER COUNTY

THE HONORABLE MARILYN J. HORAN

Butler County Courthouse
123 W. Diamond Street
Butler, PA 16003
724-284-1447

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

June 7, 1996, by appointment; Elected 1997 and Retained 2007

2. What was your legal experience prior to ascending to the bench?

Private practitioner, partner in the law firm of Murrin, Taylor, Flach and Horan, Butler, PA. 1979-1996. General practice of law.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Penn State University, BS, 1976; University of Pittsburgh, School of Law, JD 1979

4. Did you serve in the military?

no.

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Pennsylvania Bar Association; Butler County Bar Association; Women's Bar Association of Western PA

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

In cases with lengthy or complex motions, if i have one courtesy copy in advance, I review the materials and possibly the court file before motions court so that I am familiar with the case, motion, and relevant law. This results in a more meaningful motion court presentation and I am better prepared to ask any questions while counsel are present.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Common sense suggests that the courtesy copy should arrive in time for me to fairly review it. Motions start at 9:00 on Wednesdays, so by Tuesday, early in the day, at the latest is usually sufficient, depending on my docket schedule.

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

If the response is lengthy or complex, I appreciate the copy so that I can give both sides the same opportunity for me to read the same before they are argued in motions court.

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

See 3 above.

5. Do you have a preference as to how courtesy copies are provided to chambers?

No

6. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

It is not necessary. I will review the original when it is handed to me during Motions court, or I will review when time permits after Motions court.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No. I usually hear all motions and arguments during my weekly scheduled Motions court session.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

It would depend. If desired, counsel would have to file a motion.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Generally, counsel come to Motions court and present their arguments then. It is up to counsel if they want to argue their motions.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No. Just proper and professional decorum and attire.

5. Do you impose time constraints on oral arguments on motions?

No; but, I expect counsel to exercise common sense and to be prepared and as brief as the issues permit.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Our local rules provide for 5 days.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

See local rules.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, as the emergency dictates. Confer with Court Administration to coordinate in these cases.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

See 3 above.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

For cases assigned to me, all motions can be presented at Motions Court. Otherwise, see 3 above.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Consented to motions can be sent directly to chambers for consideration, without need to come to Motions Court.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Yes

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When there is a need for fact finding or a record is appropriate.

2. Will you hold an evidentiary hearing upon request?

It depends.

f. Briefs

1. Do you require briefs to be submitted with motions?

For Preliminary Objections, Motions for Summary Judgment, and Motions for Judgment on the Pleadings. All other cases are case and issue dependent.

2. When do you require briefs to be filed?

In sufficient time for me to read them before arguments. Orders directing briefs usually set out time lines for filing briefs. Also, see local rules.

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

See 2 above

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failure to serve other side with notice of presentation.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Discuss issues with opposing counsel in advance of Motions Court. If arrive at a basis for consent orders or resolution, you can save a trip for Motion Court session.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No, but it does make for a more meaningful pre-trial in relation to settlement discussions when lead counsel are present.

2. Do you require the parties to appear for the pre-trial conciliation?

Yes. Exceptions to this are available if all counsel agree and the parties or adjuster are readily available by phone.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

It is case dependent. Usually, with consent of all counsel, I am available to meet with counsel individually to try to facilitate resolution of cases scheduled for jury trial.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Usually, I do not communicate directly with the parties. In exceptional circumstances, I may, upon request of all counsel meet with parties.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Cases are assigned in Butler from the initial filing of the complaint. So, this question does not apply here.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

I will with a jury trial. I WILL NOT facilitate settlement discussions with a non-jury trial.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Usually, there is very little time available for preliminary injunction hearings, one-half hour is the usual.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Either is fine, providing all parties concur. I have no preference.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Each case is unique and I will decide on a case-by-case basis.

4. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

It again would depend on the case.

5. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes I accept them; if I specifically want them I will direct them in the scheduling order.

b. General Trial Procedures

1. How do you address scheduling conflicts?

With an interest towards facilitating all issues that I can, while being responsible to my docket. Most scheduling occurs through our Court Administrators office. If a conflict is not brought to my attention by counsel until the last minute, and the conflict is not of an emergency nature, continuances of matters pending before me is VERY difficult to obtain.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 to 4:30. Yes I do work late and early and through lunch during jury trial terms, and those times may include counsel working as well.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

I will accept them. Get them to me in time for me to read and research as necessary. If they are filed at the last minute, i.e. just before trial or argument, I will not have time to adequately review their content, and then you will not have the benefit of my careful consideration of your work.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

No

3. Are there any restrictions on presenting in limine motions prior to or during trial?

I ask attorneys to present their motions, except for emergency ones or ones that arise for the first time during trial, at the latest, as of the time of jury selection. We select juries one week before trial term begins.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

It depends of the issues. I try to rule as early as I can.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes. No special rules—professional demeanor and preparedness.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Not usually. But, I expect counsel to be as brief as possible.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes, as necessary.

4. Are there any circumstances under which you will personally question a witness?

Yes, but such is very very rare.

5. Do you permit counsel to examine witnesses out of sequence?

Yes, as necessary and hopefully with opposing counsel consent.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

I like to have any objections within depositions addressed and decided before the commencement of trial, if possible. I like the written transcript in addition to the videotape for trial purposes.

2. Do you have any particular practices regarding reading material into the record?

No; but the reader needs to be careful to READ SLOWLY!!!

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes; no

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Not necessarily — counsel should confer with my court reporter in advance of trial for guidance to ease with exhibits.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No — see rules of civil procedure for pre-trial statements.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

If possible, those should be addressed in advance of trial commencement.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

Not really.

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, subject to prior review with the court and with consent of opposing counsel.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

All exhibits need to be presented to the court reporter in 8 1/2 x 11 format. Exhibits will not be returned after trial. On motion after final decision in the case, court order may issue for return.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

It depends of the position of all parties of this issue.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

It depends of the position of all parties of this issue.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes. I ask for these at the time of jury selection.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Generally they are held in chambers.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Yes. In non-jury cases. they are due at the commencement of the trial or hearing, subject to amendment once the record is developed.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

Generally no.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Yes the exhibits generally go back with the jury. Counsel are invited to confer on this point.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

No

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes. Yes they are delivered in writing through our tipstiffs in sealed envelopes.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No, but they must be readily available to be contacted by cell phone for their prompt return to the courtroom.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

If they ask permission of the court and of the jurors.

V. WORDS OF WISDOM

1. What are your pet peeves about lawyers you see in your courtroom?

When they are discourteous to the court and/or court staff, or to co-counsel or parties. When they are not adequately prepared for the matter that brings them before the court.

2. What are the most common mistakes you see made by young lawyers?

See 2 above. and young lawyers should seek out feedback from the court and counsel!! Sometimes they can advise the court in advance that they will welcome and ask for such feedback once the case has reached a final conclusion

3. Do you have any other practice or procedure that lawyers practicing before you should know?

BE PREPARED!!!

4. What words of wisdom do you have for young lawyers?

Seek out mentoring, ask questions, be brave, and give it a try. Every opportunity to be in court is an opportunity to learn. Enjoy our wonderful profession and be professional in all you do.

FAYETTE COUNTY

THE HONORABLE GERALD R. SOLOMON

Fayette County Courthouse
2nd Floor, Courtroom 1
61 East Main Street
Uniontown, PA 15401
Telephone: 724-430-1234
Fax: 724-430-1001

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected November 1997; Seated January 2, 1998

2. What was your legal experience prior to ascending to the bench?

Private Practice (general) November 1968 to December 1999; torts, contracts, real property, wills and trusts; domestic relations; solicitor for boroughs, townships and Fayette County Housing Authority

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

University of Pittsburgh; Temple University School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

No

6. Do you have any hobbies?

Yes, running, reading, gardening, doing whatever my granddaughter wants to do.

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Assuming the motion will be presented as required through motions court, not required. If it is a matter that will affect my calendar, a courtesy copy would be nice.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

See above, one copy.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At the time of filing;

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Unless I receive a courtesy copy of a filed response, I may not know one has been filed of record.

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

See above

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

See above

7. Do you have a preference as to how courtesy copies are provided to chambers?

No

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Generally, unless a motion has been presented through motions court, there will not be oral argument scheduled.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Follow Motions Court practice.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Follow Motions Court practice.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

No; where I believe oral argument will assist the court.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Be on time. Be prepared. Be aware that I have read the briefs and familiarized myself with the record prior to argument.

5. Do you impose time constraints on oral arguments on motions?

On occasion as needed.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

As a motion, follow Motions Court practice.

2. Will you hear emergency motions if the notice requirement cannot be followed?

Our Motions Court practice contemplates emergency motions.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

See above. Since it is an emergency motion, we understand that it may be presented in Motions Court before a Judge not assigned to the case.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Can be presented any day the Court is hearing motions.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

If consented to, can be presented as a routine motion in accordance with our Motions Court practice.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

In motions court, not on scheduled oral arguments.

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

I schedule.

2. Will you hold an evidentiary hearing upon request?

Generally

f. Briefs

1. Do you require briefs to be submitted with motions?

Not required, but I consider it good practice.

2. When do you require briefs to be filed?

If I deem that briefs are needed, I will hand down an Order setting forth a briefing schedule. I do not require briefs to be filed. Briefs should not be filed, only served on opposing counsel and submitted to the Court.

3. Do you permit briefs to be filed when not specifically requested?

See above. I certainly would accept a brief even if not requested, provided a copy is served on opposing counsel.

4. Does you allow for reply and sur-reply briefs?

If timely submitted and served on opposing counsel.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Never been asked.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

Not particularly.

7. Do you have a preference for the time frame for filing briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Not following our Motions Court rules. If you intend to practice here, follow our rules. It is to your benefit.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

See #1!

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Meet with all counsel initially, then individually, then follow whatever course the circumstances deem best.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Depends on the circumstances.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

If the parties agree that a settlement is likely.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

No time restriction.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

No

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

When needed; case by case.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

I am in Motions Court every Tuesday at 9:00 a.m. I then hand down orders on all motions presented and schedule hearings as needed and set briefing schedules as needed.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No, but I accept all help.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, usually required.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Only through a properly presented motion.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

Usually 9:15 to 12 and 1:30 to 4. Yes, as needed.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Prefer; No. In sufficient time prior to trial.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written only, except in extreme circumstances.

2. Do you have a preference as to whether the motion is written or oral?

Yes

3. Are there any restrictions on presenting in limine motions prior to or during trial?

So as to not delay trial.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Typically reserve unless the appropriate ruling is obvious.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

If kept to a minimum, professionally.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Only if there is a need; No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Rarely

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes, unless there is a valid objection.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

If an attorney calls a witness, the witness is his/her witness. If an opposing attorney makes an objection, or makes inquiry of the witness, the witness is his/her witness.

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No, I only require that a written transcript be provided to the Court. No preference.

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

No

2. Do you place a restriction on the number of exhibits that may be entered at trial?

Not as a general rule.

3. Do you require exhibits to be pre-marked?

Prefer.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Require counsel to meet prior to the pre-trial conference to discuss exhibits.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

Addressed at pre-trial conference.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes; No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

If admitted, remain part of the record; Will accept copies unless there is a valid objection

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

No, unless requested and ordered.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No, unless requested and ordered.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Proposed jury instructions at pre-trial conference. Timely as to verdict forms.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

If needed, outside the presence of the jury.

3. Do you impose any restrictions upon requests for offers of proof during trial?

Not usually.

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Not prior to verdict.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

No

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

All exhibits are provided in civil trials unless an objection to an exhibit is granted.

All exhibits are provided in criminal trials unless an objection to an exhibit is granted, or the exhibit is considered testimonial in nature.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

No

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes; request from foreperson.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No; No

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Do not stop.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

My father.

2. What are your pet peeves about lawyers you see in your courtroom?

Not prepared or wait until hearing to attempt to solve the matter.

3. What are the most common mistakes you see made by young lawyers?

Not prepared or wait until hearing to attempt to solve the matter.

4. What words of wisdom do you have for young lawyers?

Be prepared; protect the interest of your client; respect opposing counsel and the Court.

LAWRENCE COUNTY

THE HONORABLE DOMINICK MOTTO

Lawrence County Government Center
430 Court Street
New Castle, PA 16101
724-656-1925

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Appointed in January 1995; Elected in November 1995; Retained in 2005

2. What was your legal experience prior to ascending to the bench?

General practice with emphasis in civil and criminal litigation

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

BA – University of Pittsburgh; JD – University of Akron

4. Did you serve in the military?

Akron

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Pennsylvania Conference of State Trial Judges; Lawrence County Bar Association

6. Do you have any hobbies?

Gardening

7. What type of recreational activities do you enjoy?

Going to sons' ball games, skiing, exercising

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

If the motion is of unusual complexity, one copy should be provided in advance

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

No, but the day before is acceptable

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

If the motion is of unusual complexity

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

No, but the day before is acceptable

7. Do you have a preference as to how courtesy copies are provided to chambers?

Deliver or mail to secretary

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Must be given to the court at the time of presentation

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

Contested motions must be presented in Motions Court with notice to opposing counsel

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

If motion will require more than 20 minutes, a special presentation time should be arranged through court administration

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes; certain motions are scheduled for oral argument with a briefing schedule by Praecepte (i.e., summary judgment)

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

48 hours

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Only if necessary; must be arranged through court administration

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

It can be presented during times where the court is holding motions court.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Should be submitted to court administration

d. Transcribing Arguments

1. Do you place motions arguments on the record?

They are digitally recorded or a stenographer is present. It is always on the record.

2. Do you have a court reporter available during Motions Court?

Yes. If a court reporter is not available, a digital recorder is used.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Upon motion of a party.

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

If listed for formal oral argument, a briefing schedule is made.

3. Do you permit briefs to be filed when not specifically requested?

Yes.

4. Does you allow for reply and sur-reply briefs?

Yes.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No.

7. Do you have a preference for the time frame for filing briefs?

Moving party's brief should be filed 15 days before argument.

Non-moving party's brief should be filed 5 days before argument.

8. Do you have any special formatting requirements for briefs?

No.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Attorneys argue when it is apparent that a hearing should be scheduled.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

More concise summaries of the motion.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes.

2. Do you require the parties to appear for the pre-trial conciliation?

Yes.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Both initially and then separately.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

I will speak directly with a party if the attorneys request that I do so.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Not unless requested to do so.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Not unless requested to do so.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Initially 1 ½ hours but additional time will be added as necessary to complete.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Practitioners should follow the Rules of Evidence.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Cause must be shown. There is no standard time.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Hearings are scheduled to meet mandated time frames, if any, and to available openings. It is not geared to any motions schedule.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, they are appreciated.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Generally, whichever trial is first scheduled prevails but I will consider motions to continue with common sense.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:15 a.m. to 12:15 p.m. and 12:15 p.m. to 4:00 p.m. but I will work late to complete a witness.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

A trial brief is helpful for unusual evidentiary or other legal issues that would require substantial research.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes.

2. Do you have a preference as to whether the motion is written or oral?

Written.

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

As presented if possible.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, sidebar conferences are permitted. There are no special rules.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes, if a basis to do so exists.

4. Are there any circumstances under which you will personally question a witness?

If questions are necessary to clarify a point that I am not understanding.

5. Do you permit counsel to examine witnesses out of sequence?

Yes.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No.

7. Do you have any special practices or procedures with respect to expert witnesses?

No.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No, only live testimony is permitted.

2. Do you have any particular practices regarding reading material into the record?

No.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Computers are permitted; there are no particular procedures regarding this.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No.

3. Do you require exhibits to be pre-marked?

No.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No.

7. Do you have any special rules regarding how exhibits are presented?

No.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, visual aids are permitted. No special rules govern.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Exhibits are kept in the custody of the court stenographer. Copies may be substituted for original.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Yes.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Yes.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes. Prior to closing.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes. In chambers.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No.

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

No. Will accept.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

If agreed upon by counsel.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

By agreement of counsel or with exhibits that are proper to go out.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Not usually.

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes. Foreperson writes out the question and the tip staff gives it to me.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No. No.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Judge John F. Henderson (deceased); Attorney Richard J. Audino (retired); Judge/Attorney William R. Ralph

2. What are your pet peeves about lawyers you see in your courtroom?

Carrying on conversations while court is in session, particularly when the oath is being administered. Taking too much time to present motions.

3. What are the most common mistakes you see made by young lawyers?

Mishandling of exhibits. Lack of knowledge of courtroom conduct.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

No.

5. What words of wisdom do you have for young lawyers?

Always return phone calls. Be diligent in getting work done. Keep the client informed. Always maintain creditability with the court and other judges.

LAWRENCE COUNTY

THE HONORABLE THOMAS M. PICCIONE

430 Court Street
Courtroom #3
New Castle, Pennsylvania 16101
724-656-2158

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected

2. What was your legal experience prior to ascending to the bench?

Over thirty years of private practice

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

B.A. – Duquesne University; J.D. – Duquesne University School of Law; L.L.M. – Georgetown University School of Law

4. Did you serve in the military?

Yes – United States Army

5. What type of recreational activities do you enjoy?

Gardening

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

Yes, motions involving complex legal issues

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

No

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

Yes, motions involving complex legal issues

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

There is no specific time frame but attorneys should allow an appropriate amount of time for the court to review the pleading.

7. Do you have a preference as to how courtesy copies are provided to chambers?

No

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes, pursuant to the Local Rules

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, upon Motion

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

Loosely

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Pursuant to Local Rules except for emergencies

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Yes, pursuant to Local Rules

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, but the motion will generally be referred to the Judge assigned

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Any day that the court is hearing motions

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Presented in Motions Court

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Yes

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

At the preference of counsel

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

As required

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

Briefs are not required but are generally helpful where there are complex factual and legal issues involved

2. When do you require briefs to be filed?

Ten to twenty days prior to oral argument

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

No

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failure or lack of proper advanced notice

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Generally, yes

2. Do you require the parties to appear for the pre-trial conciliation?

Generally, yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Counsel collectively and individually

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Not generally but if it may be helpful, I will engage directly with the parties with the consent of counsel

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

If requested by counsel

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

If requested by counsel

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Thirty to sixty minutes; yes

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Yes; no preference

3. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Not required but it may be helpful

4. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, proposed findings are preferred

b. General Trial Procedures

1. How do you address scheduling conflicts?

The court will make an effort to address and accommodate all scheduling conflicts

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

Generally between 9:00 and 4:00; yes

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Not required

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written motions are preferred

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Generally at the appropriate time

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes; counsel must always act professionally and with proper respect to the court and other counsel.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

There is not a hard and fast rule.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

Yes

7. Do you have any special practices or procedures with respect to expert witnesses?

Yes

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No special procedures

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No, but preferred

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No special rules

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Generally all exhibits entered into the record are kept; however, in appropriate circumstances copies of originals can be substituted.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

No, with the consent of counsel

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No, with the consent of counsel

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?
Yes, prior to the completion of trial
2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?
Yes, generally in chambers
3. Do you impose any restrictions upon requests for offers of proof during trial?
No
4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?
Separated proposed findings of fact are accepted
5. Are there any circumstances under which you will give the jury a copy of your instructions?
Yes, as authorized by law
6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?
Yes, upon agreement of counsel
7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?
Yes
8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?
Yes, generally only if signed and dated by the foreman
9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?
No, but counsel should be available within fifteen minutes
10. Do you permit counsel to conduct post-verdict interviews with jurors?
Yes

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?
My family growing up
2. What are your pet peeves about lawyers you see in your courtroom?
The lack of / unintentional disrespect displayed toward opposing counsel and the court; irrelevant arguing; failure to stand when addressing the court; inappropriate interruptions of other counsel.
3. What are the most common mistakes you see made by young lawyers?
Unawareness of the Rules of Civil Procedure, state and local.
4. What words of wisdom do you have for young lawyers?
Remember that it is a profession first.

MERCER COUNTY

THE HONORABLE FRANCIS J. FORNELLI

North Diamond Street
Mercer, PA 16137
724-662-3800 ext. 2521

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected 1982.

2. What was your legal experience prior to ascending to the bench?

General practice with emphasis on litigation. Some criminal, but mostly civil.

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

University of Notre Dame; NYU Law School; Attended Universidad de Concepcion, Chile

4. Did you serve in the military?

Yes

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Mercer County Bar Association; Pennsylvania Bar Association; Pennsylvania Conference of State Trial Lawyers; American Judges Association; The American Judicature Society

6. Do you have any hobbies?

Jogging; Reading

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes, one copy

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least one day prior to hearing

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least one day prior to hearing

5. Do you have a preference as to how courtesy copies are provided to chambers?

No

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Arranged through Court Administrator's office

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

The motion should be presented before the bench while standing.

5. Do you impose time constraints on oral arguments on motions?

Generally 15 minutes maximum

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

One. Generally five days, absent emergency motions.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, notice to other Judge as soon as possible

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Motion should be scheduled through Court Administrator's office.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

May be submitted directly to chambers

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Generally no

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

See (2) above

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Depends on the nature of the hearing

2. Will you hold an evidentiary hearing upon request?

Depends on the nature of the hearing

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. Do you permit briefs to be filed when not specifically requested?

Yes

3. Do you allow for reply and sur-reply briefs?

Yes

4. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

5. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

6. Do you have a preference for the time frame for filing briefs?

See local rules on matters scheduled for argument court, otherwise no.

7. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failure to attach a proposed Order; Lack of research and preparation; Failure to present motion to the Court Administrator for scheduling

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Avoid mistakes in No. 1

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Generally yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

All counsel are met with initially and then may be met with individually during the conciliation hearing.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Generally no. Rarely and only if there are extraordinary circumstances.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Yes; No

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Depends on the nature of the hearing

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Not generally, unless all parties agree. I prefer live.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Expedited discovery will be granted on good cause. No standard time frames.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Yes, generally upon a written motion and if a delay to the next available motions court is inappropriate.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

I have no preference on whether proposed findings of fact are submitted, but will accept them if offered.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Matter first scheduled takes priority

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30 a.m. to 4:30 p.m. with morning and afternoon recesses of 15 minutes and one hour to one and one half hour lunch break

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

I prefer but do not require trial briefs. There are no restrictions on page limits. There is no requirement, but trial briefs should be submitted in adequate time for the Court to consider and research content.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Motions in Limine must be in writing and must be submitted five days prior to the first day of trial term.

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Depends on nature of motion.

4. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes; No

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

There is no general time limit for openings; Summations are by agreement of the Court and counsel but should not ordinarily exceed 25 minutes, absent extraordinary circumstances; No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Yes

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Generally, yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No restrictions on number of attorneys for direct examination; cross-examination should be by only one attorney per witness.

7. Do you have any special practices or procedures with respect to expert witnesses?

No, but the Court will limit the number of cumulative expert witnesses.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No, will accept video where written transcript is shown beside the videotaped testimony.

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes, there is court-provided technology and instructions are given prior to trial

2. Do you place a restriction on the number of exhibits that may be entered at trial?

Generally, no

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

, but exchange is encouraged.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

Generally, no

7. Do you have any special rules regarding how exhibits are presented?

They should be marked prior to trial; Exhibits must be shown on court-provided screen to avoid passing them among jurors.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes, generally no, subject to (7) above.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Admitted exhibits are retained by the court reporter until the case is over and a final order entered. Exhibits will not be returned until all direct appeals are exhausted. Copies of exhibits may be substituted upon approval of the Court.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Generally, yes

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Generally, yes

V. WORDS OF WISDOM

1. What are the most common mistakes you see made by young lawyers?

*Lack of preparation. Failure to stand when addressing the Court
Failure to show an exhibit to opposing counsel prior to offering it into evidence
Failure to prepare their case, particularly as to procedure
Failure to analyze and anticipate the defensive strategy of opposing counsel
Failure to anticipate and research evidentiary issues*

4. Do you have any other practice or procedure that lawyers practicing before you should know?

Be prepared on the law and procedure.

5. What words of wisdom do you have for young lawyers?

*Know the local rules.
Thoroughly prepare your case and your opponents.
Know the rules of evidence applicable to your case.*

WASHINGTON COUNTY

THE HONORABLE KATHERINE B. EMERY

**1 South Main Street
Suite 2001
Washington, PA 15301
Primary Phone: 724-228-6823**

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected in 1995, for a term beginning January 1, 1996.

2. What was your legal experience prior to ascending to the bench?

*Solicitor of Washington County. Director of Human Resources of Washington County.
Part-time general private practice. Juvenile Court of Allegheny, parental counsel.*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

*Penn State University - Bachelor of Arts in Economics. University of Dayton - Juris Doctorate.
University of Dayton - Master of Business Administration.*

4. Did you serve in the military?

No.

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

National Association of Women Judges. National Juvenile Court Judges' Association.

6. What type of recreational activities do you enjoy?

Reading, Boating, and Swimming.

7. Is there any other information that you would like to share?

Married, one child.

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

Yes, if the matter is complex, then (1) copy (3) days in advance.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

3 days

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No.

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

Yes, if the matter is complex.

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

(1) day if possible.

7. Do you have a preference as to how courtesy copies are provided to chambers?

Mail, no faxes accepted.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, come to Motions Court Tuesday through Friday at 9:15 a.m.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Yes, if you intend to present something that the other side has not seen, please give them a copy as soon as you enter the courtroom. Do not hand something to counsel during argument and expect them to read it and listen at the same time.

5. Do you impose time constraints on oral arguments on motions?

No, but 5 minutes is a good guide.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

3 business days.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Only in rare and extreme circumstances.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Only with the other Judges' permission. The motion should be taken to the Judge that it is assigned to, and if their staff cannot be of assistance, take the motion to the Court Administrator.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Motions do not need to be scheduled with the court and can be presented Tuesday through Friday at 9:15.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

All motions must be presented in Motions Court.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No except in rare circumstances.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

Only if it is absolutely necessary. The Court rarely places argument on the record.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When the parties request it.

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

No. When briefs are filed, the Court would like a courtesy copy.

2. When do you require briefs to be filed?

When the parties feel it is necessary to clarify a complex matter of law. The court will set up the briefing schedule.

3. Do you permit briefs to be filed when not specifically requested?

Yes.

4. Does you allow for reply and sur-reply briefs?

Yes, if the parties request time to field a reply.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

In conformity with the local rules.

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failing to give opposing parties (3) days notice.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Yes, talk to the other side before coming to Court. Often times the parties come before the Court and are able to resolve the issue. Communicate with the opposing counsel and you may not need to come to Court.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes, all parties including INSURANCE ADJUSTERS must be present, in person.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

The Court will meet with counsel first, and then may choose to meet with the parties and counsel separately.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Yes, if the Court will not be the trier of fact. In a non-jury trial cases, the Court may meet with the parties if appropriate.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes, especially if the parties believe it will be productive.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Yes, if the parties believe a resolution is possible. It would be on a case by case basis.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Preliminary Injunctions should be brought to motions court and then the Court will set a schedule for the hearing.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Witnesses should be present in the Courtroom and ready to proceed immediately if the Court chooses to engage in the hearing following the presentation of the motion. The Court prefers live testimony.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

When the parties agree. No.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Every hearing is scheduled by presenting a written motion in Motions Court.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Not required, but will be accepted.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes, the Court will direct the parties if findings are necessary and articulate a time frame.

b. General Trial Procedures

1. How do you address scheduling conflicts?

The Court gives a date certain. If there is a conflict, a motion for continuance must be presented.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30 to 4:30. Yes, on a case by case basis.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

The Court prefers trial briefs on legal issues. No limit. Day of trial.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written.

3. Are there any restrictions on presenting in limine motions prior to or during trial?

The Court will set a deadline for when Motions in limine must be filed.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Motions will be argued prior to trial and the Court will issue a ruling within a reasonable time prior to trial.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, but do not abuse them. Counsel may request a sidebar and should keep their voices down and should not make any physical gestures so as to indicate emotion. Counsel should on request a sidebar when it is absolutely necessary and should argue general objections from counsel table.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Rarely, but is more likely in a multi-party action.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Yes

4. Are there any circumstances under which you will personally question a witness?

Rarely in a jury trial, but more likely a non-jury trial.

5. Do you permit counsel to examine witnesses out of sequence?

Sometimes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

One attorney per witness.

7. Do you have any special practices or procedures with respect to expert witnesses?

No.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Counsel is responsible for providing all equipment to show video testimony. Otherwise, the Court has no preference. The Court needs a transcript to incorporate the testimony into the record.

2. Do you have any particular practices regarding reading material into the record?

Provide the Court Reporter with a copy if it is a lengthy transcript.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes. Alert the Court staff prior to trial.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No, keep exhibits in sequential order. Plaintiff-numbers; Defendant-letters.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Yes, communicate with opposing party to coordinate joint exhibits and to exchange all exhibits to be used at trial.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Exhibits will be held until the appeal period has expired and then all exhibits will be returned to counsel.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Case by case, but not generally.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Case by case, but not generally.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, the Court will set a deadline in pre-trial order.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?
Yes, in chambers.
3. Do you impose any restrictions upon requests for offers of proof during trial?
No, but discourages them.
4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?
Case by case. Generally, in non-jury cases, the court requires findings of facts conclusions of law from each side.
5. Are there any circumstances under which you will give the jury a copy of your instructions?
No.
6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?
Case by case basis, determined by the Court.
7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?
Rarely, as it tends to highlight that portion unfairly.
8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?
Yes, All questions are transmitted by a signed writing from the jury foreperson to the tipstaff. The Court will discuss it with counsel prior to the bringing the jury in.
9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?
No. The Court Staff will collect cell phone numbers of counsel.
10. Do you permit counsel to conduct post-verdict interviews with jurors?
Yes, in the hallway and only if the jurors consent.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?
Early in my career, Judge Wettick, Judge Novak, and Attorney Carol McCarthy.

2. What are your pet peeves about lawyers you see in your courtroom?
*Asking for a continuance at the last minute when counsel knew well in advance a new date would be necessary.
Attorneys that don't talk with each other in person prior to approaching the bench.
Attorneys continuing to argue after a ruling, even by the prevailing party.
Settling a matter and not informing the Court.*
3. What are the most common mistakes you see made by young lawyers?
*Not having copies all exhibits.
Not requesting enough discovery.*
4. Do you have any other practice or procedure that lawyers practicing before you should know?
No specific practice out of the ordinary. The court requires professional and polite conduct with opposing counsel and the Court.
5. What words of wisdom do you have for young lawyers?
The practice of law is an honorable profession; treat it with the respect it deserves. Do pro bono work, because it will not only benefit the client, but will provide you with excellent courtroom experience.

WASHINGTON COUNTY

THE HONORABLE DEBBIE O'DELL SENECA

Washington County Courthouse
1 South Main Street
Suite 2002
Washington, PA 15301
724-228-6830

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Elected November 1991

2. What was your legal experience prior to ascending to the bench?

Assistant District Attorney; Law Clerk to Judge John F. Bell; Assistant Defender; Private Practice, own firm

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

*1974 - West Virginia University, Magna Cum Laude, Political Science
1977 - Duquesne University School of Law*

4. Did you serve in the military?

No.

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

PA Conference of State Trial Judges; National Association of Women Judges; PA Bar Association; Washington Bar Association; National Judicial College - Faculty; Washington & Jefferson College - Adjunct Professor

6. Do you have any hobbies / recreational activities?

Hiking, reading, cooking, fishing, traveling, sailing

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No.

2. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

No, Court obtains the Prothonotary file; If original is brought to Motions Court, then it is handed up to the Bench.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No. Adhere to local and state rules of procedure.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

By consent of the parties / attorney presented in motions court.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Summary judgment, judgment of the pleadings, preliminary objections and motions in limine; obtain argument date through motions practice.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

See above.

5. Do you impose time constraints on oral arguments on motions?

Schedule oral arguments every half hour.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

See local rules.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, per local rules.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, we have a coverage policy. The judge who is unavailable must make provisions for coverage with another judge and notify Court Administrator.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

No.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Motions Court per sign in sheet.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Not in Motions Court, no stenographer.

2. Do you have a court reporter available during Motions Court?

Not usually, because complex arguments should be specifically scheduled.

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

See number 2 above.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When applicable.

2. Will you hold an evidentiary hearing upon request?

Yes.

f. Briefs

1. Do you require briefs to be submitted with motions?

No.

2. When do you require briefs to be filed?

When I ask for them or when Rules require them.

3. Do you permit briefs to be filed when not specifically requested?

Yes.

4. Does you allow for reply and sur-reply briefs?

Only when necessary on sur-reply.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

See Rules, otherwise I tell counsel from the bench.

7. Do you have a preference for the time frame for filing briefs?

See Rules.

8. Do you have any special formatting requirements for briefs?

See Rules.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Incivility.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Follow the code of conduct.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes and with authority.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Both.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Only upon counsel's request.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

If requested by counsel.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Not usually.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

½ day; Yes if significantly complex.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

I have; No.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Depends on case and agreement of counsel. The last time was due to a living meso plaintiff with a short time to live.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

I have motions court every week.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

See Rules – yes.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

When I ask for same.

b. General Trial Procedures

1. How do you address scheduling conflicts?

If just cause, I grant continuances.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:30 to 4:30; During jury trials, I usually do. As P.J., I usually work from 4:30 to 7:00 p.m. for administrative work.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Yes, 3 pages, see my pre-trial order.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes.

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

See Pre-Trial Order.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Depends on motion.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, limited.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Sometimes.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes; Not usually.

4. Are there any circumstances under which you will personally question a witness?

Yes, see jury instruction.

5. Do you permit counsel to examine witnesses out of sequence?

When agreed.

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

Yes, lead counsel does majority and the rest cross as to their clients.

7. Do you have any special practices or procedures with respect to expert witnesses?

See Rules.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

Both.

2. Do you have any particular practices regarding reading material into the record?

No, see Rules

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes, no noise to interfere with testimony, etc.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No – pre-marked and exchanged prior to trial.

3. Do you require exhibits to be pre-marked?

See 2 above.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

See 2 above.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

More worked in advance between counsel the better.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No.

7. Do you have any special rules regarding how exhibits are presented?

Pre-marked and shown to opposing counsel.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes; No.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Stay with stenographer; sometimes.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Depends on whether there are consents and/or cross-claims.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Yes, at least initially, see #1 above.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?
Yes, pre-trial order issued.
2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?
Yes, both but jury not present.
3. Do you impose any restrictions upon requests for offers of proof during trial?
Not usually.
4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?
Sometimes, depends on the case.
5. Are there any circumstances under which you will give the jury a copy of your instructions?
Have done so under the new rules.
6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?
Yes; Yes
7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?
Have not had that happen. However, it depends on the rules and also consent of counsel if the rules permit.
8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?
Yes
9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?
No, but it is preferred. No, but why would an attorney want to give the jurors the impression that the client was disinterested in the case?
10. Do you permit counsel to conduct post-verdict interviews with jurors?
Yes.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?
*Role Models: Clarence Darrow; John Adams; Justice Day-O'Connor
Mentors: Ralph Cappy; Louis Manderino; Kevin Koss and Carol Los Mansmann*
2. What are your pet peeves about lawyers you see in your courtroom?
Being disingenuous, dishonest and/or uncivil
3. What are the most common mistakes you see made by young lawyers?
*Being late, being unprepared;
Disrespectful to other lawyers;
Not addressing the court, but agreeing with counsel*
4. Do you have any other practice or procedure that lawyers practicing before you should know?
No
5. What words of wisdom do you have for young lawyers?
Prepare! Prepare! Prepare! If you make a mistake, admit it and the Court will work with you.

WASHINGTON COUNTY

THE HONORABLE PAUL POZONSKY

Washington County Courthouse
1 South Main Street
Suite 1004
Washington, PA 15301
724-228-6826

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

*1983 - Magisterial District Judge - District 27-3-06
1997 - Court of Common Pleas - Washington County*

2. What was your legal experience prior to ascending to the bench?

MDJ - Fourteen years; 17 years private practice

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

WVU - BA - 1977; Duquesne University - JD - 1980

4. Did you serve in the military?

No.

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

PA Conference of State Trial Judges

6. Do you have any hobbies?

Hunting, golf

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

No.

2. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

No.

3. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes - by personal appearance at Motions Court

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Yes.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Remain courteous and professional to opposing counsel

5. Do you impose time constraints on oral arguments on motions?

Yes

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

3 days minimum

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

First class mail.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Rarely

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Rarely

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Motions Court - not chambers

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Motions Court - not chambers

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

Not for motions.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

Depends on the motion

2. Will you hold an evidentiary hearing upon request?

Yes

f. Briefs

1. Do you require briefs to be submitted with motions?

Yes

2. When do you require briefs to be filed?

Seven days prior to arguments

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Do you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

Seven days prior to argument on hearing

8. Do you have any special formatting requirements for briefs?

No.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Notice - failing to properly notify opposing counsel/party

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Courtesy & discussing motion with opposing counsel prior to presentation

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

In chambers with all counsel present

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

No, not with parties

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Yes

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Depends on facts.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Live testimony preferable

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Depends on facts of case - usually 30 days

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Yes, written motion necessary.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes - proposed findings always requested

b. General Trial Procedures

1. How do you address scheduling conflicts?

Yes

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9-4

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Not required.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written motions

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Reserve rulings until appropriate

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, courteous

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No; Yes

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes

4. Are there any circumstances under which you will personally question a witness?

Yes

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No / Live testimony preferred

2. Do you have any particular practices regarding reading material into the record?

No.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes; No

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Always request exchange prior to trial

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes; No

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

No special rules

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

No

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes

3. Do you impose any restrictions upon requests for offers of proof during trial?

No

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Yes

5. Are there any circumstances under which you will give the jury a copy of your instructions?

No

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

No

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

No

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes / In open court with all parties present

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Baseball coach

2. What are your pet peeves about lawyers you see in your courtroom?

Not prepared or courteous

3. What are the most common mistakes you see made by young lawyers?

Preparation

4. What words of wisdom do you have for young lawyers?

Treat all parties/litigants/court personnel/deputies with courtesy and respect

WESTMORELAND COUNTY

THE HONORABLE MICHELE G. BONONI

Westmoreland County Courthouse

2 North Main Street, Courtroom 8

Greensburg, PA 15601

Phone: 724-830-3365

Fax: 724-830-3090

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

2009

2. What was your legal experience prior to ascending to the bench?

Associate law firm in the State of New Jersey; Associate law firm in Pittsburgh; Partner - law firm in Greensburg, PA; IV-D attorney for Domestic Relations; Hearing Officer for Domestic Relations

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Seton Hall University - undergraduate; Ohio Northern University - J.D.

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Pennsylvania Bar Association; Westmoreland County Bar Association; Rotary International; Westmoreland Chamber of Commerce; Norwin Chamber of Commerce; Domestic Relations Association of Pennsylvania;

6. Do you have any hobbies?

Yes running; gardening; reading; attending sports events

7. What type of recreational activities do you enjoy?

Running; going to Steeler games; gardening, going to Penguin games; going to Pirate games, bicycling, walking dogs, attending plays and shopping.

8. Is there any other information that you would like to share?

No

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes, 1 copy for review beforehand.

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Requested when the Motion is scheduled. All motions are prescheduled.

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Doesn't require per se, but it is appreciated.

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Before the motion is presented.

5. Do you have a preference as to how courtesy copies are provided to chambers?

No, they are mainly delivered by fax.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Request can be made to the Judge's secretary who will check with the other side to see if they are in agreement. If there is an agreement then it will be more than likely be rescheduled. If there is no consent, Judge will make the final determination.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Normally provide oral argument.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Depending on the nature of the motion may do motion in chambers where the Judge will try to get the attorneys to come to an agreement if the issue is not that complicated.

5. Do you impose time constraints on oral arguments on motions?

No strict time constraints that is why the motion is requested before hand and prescheduled. It allows a review to see how long it will take and court then adjusts the time. Judge will cut off an attorney if they are going on too long and there is no merit.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

According to the Rules of Civil Procedure there is a four day notice requirement which we adhere to unless there is an emergency motion filed or both sides consent to waive that notice requirement. Emergencies are normally only heard on custody issues where there is potential harm to a child(ren).

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No, just so the attorney presenting the motion can verify that notice was given.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, see answer above.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

If a Judge is not available and there is an emergency on a custody case, I have heard emergency custody cases. I normally will only put a temporary Order and reschedule the matter for a further hearing before the other Judge's case.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

All motions uncontested can be brought over to chambers at any time for signature. Normally do not sign other Judge's uncontested motions unless the parties need the Order immediately.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No, depends on the nature of the motion.

2. Do you have a court reporter available during Motions Court?

Yes always

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When there is a dispute as to the facts or positions.

2. Will you hold an evidentiary hearing upon request?

Depends on the circumstance.

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

When requested, although I will review it if submitted.

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes normally if they are filed, court will give judicial notice to the filing.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

No

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Attorneys failing to contact the other side to see if there is an agreement.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

A concerted effort to work with one another and bring a legal and logical solution to the issue presented in the motion.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

No

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Meet with counsel collectively.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Depends. I first meet with counsel. Very often after this meeting I will meet with the parties and their counsel. Counsel normally tells where the issues are and provides guidance as to how a possible settlement may be reached if the Court presents it.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

I am always open to doing a conciliation if I feel it may settle a matter.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

I am assigned to Family Court and Juvenile Court. There are no jury trials.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

A Master in Family Court hears this issue and makes a Recommendation. I may only grant a preliminary injunction pending this hearing if it is presented in a Motion.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

See the above answer.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Not really an issue that I deal with. Discovery issues if there are any are normally worked out through Motions and will follow the Rules of Civil Procedure/Criminal Procedure.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Not applicable. We have weekly motions.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

No

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Normally do not.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Normally before a matter is scheduled the secretary checks with the attorneys or parties to set the date. If the Court has a scheduling conflict the secretary contacts the attorneys or parties and reschedules it to the next available date.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

8:30 until it is done. I am not opposed to working late if it prevents the matter from being rescheduled or a witness is being paid or not available at another time.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

In custody trials, I require a pre trial statement which is a form. It needs to be filed twenty days before the trial by both sides.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Not really an issue in Family Court.

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

Have never had one presented. I would consider it if it came up at trial.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Depends on the issue presented. I try to rule on it immediately.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, no special rules although I expect the attorneys to act civil.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Not normally unless a specific request is made and find the reason underlining it is very relevant.

4. Are there any circumstances under which you will personally question a witness?

I do in certain juvenile cases when I am placing a child.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No, although to save money I am extremely liberal in letting them be called out of turn.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No so long as they are relevant.

3. Do you require exhibits to be pre-marked?

Yes

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

N/A since my trials are non jury.

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

If a request is made and there is no objection I might consider allowing the copies to be used. Depends on the nature of the exhibit and the facts surrounding it.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Sandra Day O'Connor; Ronald Reagan and most important my father who never graduated from high school and kept on me to keep working and make something out of myself.

2. What are your pet peeves about lawyers you see in your courtroom?

Not being civil to each other; Not telling their clients that their expectations are unrealistic; not trying to attempt to resolve a matter.

3. What are the most common mistakes you see made by young lawyers?

Young lawyers need to understand that as Judges we understand they are young and just learning. Never come into a Courtroom when you don't know what you are doing and have an attitude when it is pointed out that they are wrong. Try to call about a procedure. My secretary who used to be the Family Court Administrator will always assist one with procedure. The Court will always without prejudicing a side, give guidance. Listen to it and don't be afraid to ask for help.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

Nothing not covered.

5. What words of wisdom do you have for young lawyers?

Family comes first. Take time to enjoy life. The practice of law can be all consuming. Enjoy it but have outside interests.

WESTMORELAND COUNTY

THE HONORABLE GARY P. CARUSO

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Greensburg, PA 15601
Phone: 724-830-3815
Fax: 724-830-3930

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

November 1985

2. What was your legal experience prior to ascending to the bench?

General practice of law for 13 years

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Waynesburg College and Duquesne University School of Law

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

Westmoreland County Bar Association; Pennsylvania State Trial Judges Conference.

6. Do you have any hobbies?

Yes, jogging, swimming and weight lifting

7. What type of recreational activities do you enjoy?

Same as above and officiating PIAA basketball

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Not necessary but will read if provided. Appreciated if the motion is complex.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

If the motions are complex.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Hopefully at least 48 hours before the motion will be presented.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Not required but will be accepted.

5. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least 24 hours before the motion is to be presented.

6. Do you have a preference as to how courtesy copies are provided to chambers?

No

7. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Not necessary but if taken under advisement one will be necessary.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

The local rule of Westmoreland County control.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes, with notice to all interested parties and the court.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Argument permitted on all motions.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

No

5. Do you impose time constraints on oral arguments on motions?

No, however if they are too long I will ask that it be concluded.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Four days.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

See our local rules.

3. Will you hear emergency motions if the notice requirement cannot be followed?

So long as there is 24 hours notice by telephone. See our local rules.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes but only if absolutely necessary.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

See local rules

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

See local rules. If there is a certification by counsel that the motion is consented to then I will accept it at any time in any manner.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

If they want one. I will make the final decision however.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When necessary.

2. Will you hold an evidentiary hearing upon request?

Only if I believe the same is necessary.

f. Briefs

1. Do you require briefs to be submitted with motions?

Not unless I request them.

2. When do you require briefs to be filed?

Yes

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

See local rules

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failing to follow the local rules regarding presentation. Particularly the failure to attach proper certifications of consent and or prior consultation on motions to compel.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

No

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Both

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Sometimes if I feel it will be productive.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Yes, however, if it is a jury trial the recess will not be more than 1/2 day.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

As much as needed.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Yes I would accept deposition testimony. I don't like affidavits unless there is a stipulation from other counsel that they be accepted.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

If I believe it is necessary. The time frame will vary.

4. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Not required but appreciated if necessary to understand the issues involved.

5. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

I prefer what I call written closing arguments that address the facts and the law in the case.

b. General Trial Procedures

1. How do you address scheduling conflicts?

I try to accommodate the parties.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 a.m. to 4:00 p.m.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Prefer but not required.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

Must be presented at the pretrial conference or at the latest 2 weeks before trial. Hate those presented on the day of trial.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

I may schedule a day to argue them and make the rulings at that time.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes. No special rules.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes. I will permit it to go beyond the scope if it is in the interests of justice and judicial economy.

4. Are there any circumstances under which you will personally question a witness?

Yes if I feel there is a need for clarification in a jury trial. In a non jury trial I will ask many questions.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

I prefer only one attorney to conduct the exam.

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No

3. Do you require exhibits to be pre-marked?

No, but it is preferred.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

No

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

They are kept with the file at the Prothonotary's office. I will return if requested after the appeal period has run.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

Not usually

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

Not usually

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, at least a day before closing arguments.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes. In camera.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

No

5. Are there any circumstances under which you will give the jury a copy of your instructions?

If requested I would consider it.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

If they request an exhibit I will provide it.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Only if I feel it is absolutely necessary.

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Judge Larry Kaplan. Judge Richard E. McCormick. Judge Gilfert Mihalich

2. What are your pet peeves about lawyers you see in your courtroom?

Lack of preparation, particularly of their witnesses.

3. What are the most common mistakes you see made by young lawyers?

They take things much too casual and do not prepare adequately.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

No

5. What words of wisdom do you have for young lawyers?

Be prepared!! Then you are as good as any lawyer.

WESTMORELAND COUNTY

THE HONORABLE ANTHONY G. MARSILI

Westmoreland County Courthouse
2 North Main Street, Courtroom
Greensburg, PA 15601
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Fax: 724-830-3681

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

January 3, 2000

2. What was your legal experience prior to ascending to the bench?

Private practice from 1978 until 1982. Assistant District Attorney from 1982 to 1990 in the trial and administrative division and returned to private practice from 1990 to 2000 in the general practice of law, concentrating on litigation, personal injury and criminal law

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Indiana University of Pennsylvania - 1973; Duquesne School of Law, Evening Division – 1978

4. Did you serve in the military?

No

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

The Westmoreland County Bar Association, the Pennsylvania Bar Association, the Academy Trial Lawyers of Westmoreland County, the Pennsylvania Conference of State Trial Judges, the Westmoreland County Criminal Justice Advisory Board, and the Domestic Relations Procedural Rules Committee.

6. Do you have any hobbies?

Reading

7. What type of recreational activities do you enjoy?

Golf and walking.

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Yes. 1 copy

2. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least 3 days prior

3. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Yes.

4. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

At least 1 day prior.

5. Do you have a preference as to how courtesy copies are provided to chambers?

No

6. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

Yes. Proper notice and according to the Court's schedule

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

No. Oral Argument on Summary Judgment Motions, Judgment on the Pleadings and Post Trial Motions

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Rules of civility

5. Do you impose time constraints on oral arguments on motions?

No

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

Four

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

No.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, but notice has to be given to opposing parties, even if it is less than 4 days due to the emergency

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, only if the judge is unavailable. No.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Any day the Court is hearing motions

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Consented to motions may be submitted directly to chambers on any date.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

No

2. Do you have a court reporter available during Motions Court?

No

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

As per the requirements of the Rules of Civil Procedure.

2. Will you hold an evidentiary hearing upon request?

Yes, based upon information received by the Court at Motions.

f. Briefs

1. Do you require briefs to be submitted with motions?

No

2. When do you require briefs to be filed?

Motions for Summary Judgment and Judgment on the Pleadings

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

Yes

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No

7. Do you have a preference for the time frame for filing briefs?

No preference, but if possible within 14 days.

8. Do you have any special formatting requirements for briefs?

No

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Failure to give proper notice

2. Is there anything you would like to see more often from attorneys concerning motions practice?

Efforts by the attorneys to resolve the matter prior to motions day. Large percentage of contested motions conclude with some type of agreed upon order.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Yes

2. Do you require the parties to appear for the pre-trial conciliation?

Yes

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

Initially, collectively. Subsequently, individually.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

Yes, only with attorneys being present

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Only if the parties request to do so.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

Only if all parties and the Court determine that based upon the evidence presented at the trial, that a settlement now is more likely.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

Half a day. Depending on the complexity, could be a full day.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

Only as permitted by the Rules of Civil Procedure

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Only as permitted by the Rules of Civil Procedure

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

No. A written motion is necessary for the scheduling of any hearing.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Yes

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Yes. Preference would be that they do file proposed findings of fact.

b. General Trial Procedures

1. How do you address scheduling conflicts?

Determining which case has priority.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9:00 to 4:00. In particular, on the last day of the trial to stay until the jury reaches a decision.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

The Court has no preference, nor does it require trial briefs. However, trial briefs should be short and as to specific issues. The brief should be filed immediately prior to or at the time of the start of the trial.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Yes

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

No

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

Each motion as presented

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes. No specific rules

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

Depends on the complexity of the case and how many attorneys are involved in the case.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes, defendants can defer their openings until the start of their case.

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes

4. Are there any circumstances under which you will personally question a witness?

Rarely and only for clarification purposes.

5. Do you permit counsel to examine witnesses out of sequence?

Yes, in particular with expert witnesses

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

No

7. Do you have any special practices or procedures with respect to expert witnesses?

No

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

No

2. Do you have any particular practices regarding reading material into the record?

No

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes. No, other than informing the Court prior to the start of trial

2. Do you place a restriction on the number of exhibits that may be entered at trial?

Generally no, unless the number of exhibits become too overwhelming.

3. Do you require exhibits to be pre-marked?

Preferably, yes.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

All attorneys must abide by the Rules of Civil Procedure.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

No

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No

7. Do you have any special rules regarding how exhibits are presented?

No

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes. No.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

All exhibits admitted must stay of record for 30 days. If no appeal, they may be obtained from the Prothonotary's Office with an Order of Court releasing the exhibits.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

If remaining parties do not object, no.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No, with no objection

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, prior to the start of the trial.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes, either at chambers or in the courtroom prior to the jury entering the courtroom.

3. Do you impose any restrictions upon requests for offers of proof during trial?

No

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Only on Non-Jury cases.

5. Are there any circumstances under which you will give the jury a copy of your instructions?

None that this Court is aware of.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Yes. No, as long as any objections are noted for the record.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Yes

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes, they are to provide written requests or questions to the courtroom personnel, with the written document then presented to the Court, which the Court reviews with the attorneys of record, on the record.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

If not remaining in the Courtroom, for example over the lunch hour, they have to provide notice of where they are and their cell phone number so they may be summoned back to the Courtroom if necessary.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Yes

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Retired civil court judges that I practiced in front of when I was an attorney.

2. What are your pet peeves about lawyers you see in your courtroom?

Lack of civility towards each other

3. What are the most common mistakes you see made by young lawyers?

Remaining focused on technicalities instead of attempting to find a solution, either to the specific issue in controversy or as to the overall case.

4. Do you have any other practice or procedure that lawyers practicing before you should know?

No

5. What words of wisdom do you have for young lawyers?

Be nice to the Court's staff.

WESTMORELAND COUNTY

THE HONORABLE RICHARD McCORMICK, JR.

Westmoreland County Courthouse
2 North Main Street, Courtroom
Greensburg, PA 15601
Phone: 724-830-3492

I. BIOGRAPHICAL INFORMATION

1. When were you elected or appointed to the bench?

Appointed by Governor Robert Casey, 1990; Elected, November 1991

2. What was your legal experience prior to ascending to the bench?

*Partner, Stewart, McCormick, McArdle and Son, Greensburg, PA
Chief Trial Counsel, Westmoreland County Public Defender
Solicitor, City of Greensburg, PA*

3. Where did you receive your undergraduate and law degrees? Do you hold any other degrees?

Duquesne University - B.S. Education, 1972; Duquesne University School of Law, 1980

4. Did you serve in the military?

No.

5. Are you affiliated with any professional organization? If yes, please list the professional organizations.

PA State Trial Judges

6. What type of recreational activities do you enjoy?

Golf

II. MOTIONS PRACTICE

a. Chamber Copies of Motions

1. Do you require or request courtesy copies of motions filed with the Court to be provided to chambers? If so, how many copies?

Request 1 courtesy copy.

2. If you do not require courtesy copies of motions to be provided to chambers in all instances, are there any circumstances under which you would appreciate courtesy copies? If so, how many?

In all instances.

3. If courtesy copies of a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

2 days before presentation, if possible.

4. Does the Judge require that parties opposing the motion provide courtesy copies of any responses to chambers?

Not required - appreciated.

5. If you do not require courtesy copies of responses to motions in all instances, are there any circumstances under which you would appreciate courtesy copies?

In all instances.

6. If courtesy copies of a response to a motion are delivered to the Court, is there a time frame by which those copies should be delivered?

Previous day of presentation.

7. Do you have a preference as to how courtesy copies are provided to chambers?

No.

8. If an advance copy of a motion or response is not provided to chambers, does the Judge request that a copy be brought at the time of any oral argument?

Yes.

b. Presentation

1. Do you have any specific requirements, outside of the applicable Rules of Procedure, regarding the scheduling of oral argument on a motion?

No.

2. Are the parties permitted to reschedule oral argument on a motion and, if so, what is the procedure for rescheduling the oral argument?

By motion.

3. Do you permit oral argument on all motions? If not, for which specific types of motions do you permit oral argument (i.e., dispositive, pre-trial, etc.)? If you do permit oral argument on all motions, what is the procedure for requesting oral argument for motions (where the applicable Rules of Procedure do not apply)?

Permit brief argument at time of presentation.

Request at one of presentations or by properly presented motion.

4. Do you have any specific rules or requests regarding an attorneys' presentation of oral argument (i.e., courtroom demeanor, etc.)?

Treat others as you would want to be treated, unless you are a masochist.

5. Do you impose time constraints on oral arguments on motions?

No, but brevity is the soul of wit.

c. Notice and Scheduling

1. How many days notice must be given to the opposing attorney or party prior to presentation?

4 days per Westmoreland County local rule.

2. Do you require notice to be provided through any specific means (i.e., mail, fax, e-mail)?

Per the rule.

3. Will you hear emergency motions if the notice requirement cannot be followed?

Yes, with earliest attempt at notice.

4. Will you hear emergency motions on another Judge's case? If so, are there any procedures which must be followed concerning the Judge assigned to the case?

Yes, in the unavailability of that judge, as long as they wouldn't object.

5. Should the motion be scheduled for presentation with chambers or can it be presented any day that the Court is hearing motions?

Present on scheduled motions by Fridays, usually.

6. If the motion is uncontested or consented to, should it be scheduled for presentation or should it be submitted directly to chambers?

Submit directly to chambers.

d. Transcribing Arguments

1. Do you place motions arguments on the record?

Not normally.

2. Do you have a court reporter available during Motions Court?

Yes

3. Are there any situations which require counsel to schedule a court reporter for Motions Court?

No.

e. Evidentiary Hearings

1. When do you require an evidentiary hearing to be held?

When circumstances or the rules require.

2. Will you hold an evidentiary hearing upon request?

Only if necessary.

f. Briefs

1. Do you require briefs to be submitted with motions?

Not required - appreciated.

2. When do you require briefs to be filed?

Don't require

3. Do you permit briefs to be filed when not specifically requested?

Yes

4. Does you allow for reply and sur-reply briefs?

Yes, but don't make it a ping pong match.

5. Do you allow parties to incorporate by reference motions or briefs that have been previously filed?

No.

6. Do you have a page length requirement on briefs for dispositive and non-dispositive motions?

No, but keep it short.

7. Do you have a preference for the time frame for filing briefs?

1 set - the time frame if briefs are required.

8. Do you have any special formatting requirements for briefs?

No.

g. Common Mistakes

1. What are the most common mistakes made in motions practice?

Presuming that I know everything you know. Presuming that I don't know anything. Allowing personal animosities to intrude into an argument. Not learning from past practice and outcome.

2. Is there anything you would like to see more often from attorneys concerning motions practice?

More attempts towards reconciliation/consent. Admitting when you don't have much of an argument, if any. More attempts at streamlining and simplifying matters.

III. CONFERENCE AND CONCILIATIONS

a. Pre-Trial Conciliations

1. Do you require lead trial counsel to appear for the pre-trial conciliation?

Usually, unless their absence can't be avoided.

2. Do you require the parties to appear for the pre-trial conciliation?

The rule requires their presence. I will consider excusing their presence under the right circumstance.

3. In what manner do you conduct the pre-trial conciliation? Do you meet with counsel collectively or individually to determine settlement positions?

I meet both collectively and individually, as the circumstances require.

4. Do you directly communicate with the parties during conciliation? If you do not generally communicate with the parties during conciliation, are there any circumstances under which this may occur?

I don't normally communicate directly with the litigant, but I will do so if it will facilitate the settlement.

b. Conciliations During Trial

1. Once a case has been assigned to you, do you attempt an additional conciliation between the parties prior to opening statements?

Yes, I'm available for serious attempts at conciliation at any time in the course of the litigation.

2. Are there any circumstances under which you would recess a trial to facilitate negotiations or actively participate in conciliating a settlement? Does this practice change depending on whether the case is jury or non-jury?

See above. At this stage in my career I'm capable of retaining my objectivity throughout, jury or non jury.

IV. TRIAL PRACTICES

a. Special and Preliminary Injunctions

1. How much time do you allow for an evidentiary hearing on a motion for preliminary injunction? Are there any situations where additional time may be granted?

As much time is necessary for the development of relevant issues.

2. In an evidentiary hearing on a motion for preliminary injunction, do you accept depositions or affidavits in lieu of live testimony? Do you have a preference on whether the testimony is live or through depositions or affidavits?

I prefer live testimony, but I will consider other forms, when necessary.

3. Under what circumstances will you grant motions for expedited discovery? When a motion for expedited discovery is granted, do you have any standard time frames that you will impose?

Expedited discovery may be granted when circumstances require it. I will set the time frames according to the case.

4. Do you schedule hearings in advance of the next month's motions schedule? Under what circumstances does this occur? Is a written motion necessary?

Written motions are necessary.

5. Do you require a brief in advance of a hearing for a motion for preliminary injunction?

Not required, but appreciated.

6. Do you accept proposed findings of fact following a hearing? Do you have a preference on whether or not proposed findings of fact are submitted?

Proposed findings of fact will be required when appropriate.

b. General Trial Procedures

1. How do you address scheduling conflicts?

On a case by case, circumstance by circumstance basis.

2. What are the standard hours during which you hold trial? Are there any circumstances under which you will work late?

9 a.m. to 12 noon. 1:15 p.m. to 4 p.m.

If I can efficiently complete a phase of trial, we might work late, but its not normally required.

3. Do you prefer or require trial briefs? If you accept trial briefs, are there any restrictions on page limits? At what date should the trial brief be filed?

Prefer trial briefs - file at least one week prior to trial.

c. Motions in Limine and Hearings Outside the Jury

1. Do you accept written and/or oral motions in limine?

Written

2. Do you have a preference as to whether the motion is written or oral?

Written

3. Are there any restrictions on presenting in limine motions prior to or during trial?

Should be presented prior to trial, unless occasioned during the trial.

4. Do you typically reserve rulings until the appropriate time or do you rule on each motion as it is presented?

I make rulings as is appropriate.

5. Do you permit sidebar conferences? Are there any special rules about how counsel are to conduct themselves during or request sidebar conferences?

Yes, but only in limited circumstances. Sidebars are to be kept at a minimum.

d. Opening Statements, Summations, and Examining Witnesses

1. Do you impose any time limits on the amount of time counsel may use for opening statements or summations? Does this practice change when the case is a multi-party action as opposed to a single-party action?

No specific time limits are imposed.

2. Do you permit Defendants to defer the opening statement until the start of their cases?

Yes

3. Do you permit redirect and re-cross examination? Do you permit examinations beyond redirect and re-cross?

Yes, if called for.

4. Are there any circumstances under which you will personally question a witness?

Yes, to aid the jury.

5. Do you permit counsel to examine witnesses out of sequence?

Yes

6. Do you have any particular practice regarding either the examination of a witness or the areas of examination by more than one attorney?

Examination of a witness is limited to one attorney.

7. Do you have any special practices or procedures with respect to expert witnesses?

No.

e. Deposition Testimony

1. Do you have any special procedures or requirements regarding the use or admission of videotaped testimony? Do you prefer that the videotape contain only the live testimony of the witness or do you prefer and/or accept video where the written transcript is shown beside the videotaped testimony?

It depends upon the ability to understand the entirety of the testimony.

2. Do you have any particular practices regarding reading material into the record?

No - don't take things out of context.

f. Computers, Exhibits and Visual Aids

1. Do you permit counsel and/or their experts to use computers in the courtroom during trial? Do you have any particular procedures regarding this practice?

Yes. Don't be distracting or interruptive of the court or jury.

2. Do you place a restriction on the number of exhibits that may be entered at trial?

No.

3. Do you require exhibits to be pre-marked?

Exhibits must be marked by my court personnel.

4. Do you have any particular practice or procedure regarding exchanging exhibits between parties prior to trial?

Exhibits should be exchanged before trial, if possible.

5. Do you have any particular practices or procedures regarding noting objections to exhibits prior to trial?

By written or limine.

6. Do these practices or procedures change depending on whether the case is a jury or non-jury matter?

No.

7. Do you have any special rules regarding how exhibits are presented?

No.

8. Are attorneys permitted to use visual aids during trial? Do you have any special rules or procedures regarding how attorneys are to use visual aids or at which time they may use visual aids?

Yes. Don't be misleading or argumentative in the use of visual aids.

9. What is your practice regarding post-trial handling of exhibits? Once a trial is over, will you return exhibits to counsel of record? If you do not return exhibits to counsel of record, will you accept into evidence copies of exhibits so that counsel may retain the original?

Once an exhibit is admitted it is permanently part of the record and will not be returned. If an original must be retained as a record, a copy may be substituted.

g. Joint Tortfeasor Release

1. Do you require a party who has executed a joint tortfeasor release to appear at trial?

No.

2. Do you require an attorney representing a released joint tortfeasor to appear at trial?

No.

h. Jury Instructions, Verdict Forms, and Questioning

1. Do you require counsel to submit proposed jury instructions and verdict forms? If yes, at what point in trial do you require these documents?

Yes, at least one week before start of trial.

2. Do you hold conferences outside the presence of the jury about jury instructions and verdict forms? Are these conferences held in chambers, at sidebar, or through some other manner?

Yes, held whenever is necessary.

3. Do you impose any restrictions upon requests for offers of proof during trial?

Only where appropriate

4. Do you require counsel to submit proposed findings of fact and conclusions of law? If yes, do you accept separate proposed findings of fact and conclusions of law from each party, or will you only accept an agreed upon document?

Only where appropriate

5. Are there any circumstances under which you will give the jury a copy of your instructions?

Only when rules and/or case law would require.

6. Are there any circumstances under which you will provide the jury with all of the exhibits that have been entered into evidence? Does this action require an agreement of counsel?

Usually all exhibits are provided to the jury.

7. Upon request from the jury, will you read back testimony or replay tapes during deliberations?

Won't read back testimony - will replay tapes used in evidence.

8. Will you accept requests or questions from the jury? Do you have any standard practice regarding this matter?

Yes.

9. Do you require lead counsel to remain in the courtroom during jury deliberations? If you do not require lead counsel, do you require counsel for a party to remain in the courtroom during jury deliberations?

No, require counsel to be available within 5 minutes of a verdict or question to be answered.

10. Do you permit counsel to conduct post-verdict interviews with jurors?

Once a jury is dismissed, they have free will returned. If they want to speak to you, have at it.

V. WORDS OF WISDOM

1. Who are/were your role models and mentors?

Hon. Richard E, McCormick, Sr.

Hon. Donetta Ambrose

2. What are your pet peeves about lawyers you see in your courtroom?

Unprepared

Unrealistic

Without manners

Dressed inappropriately

3. What are the most common mistakes you see made by young lawyers?

Not being thoroughly prepared.

Presuming that this is easier than it is.

Over-complicating

Being overly aggressive with a witness, opposing counsel or the court.

4. What words of wisdom do you have for young lawyers?

Justice is what we are all about.

Allegheny County
Bar Association

*Raising the Bar
on Legal and Community Service*

***2010-2011 Bar Leadership Initiative Class
Young Lawyers Division***