



**JUDGE THOMAS M. CAFFREY**

LEHIGH COUNTY COURTHOUSE  
455 HAMILTON STREET  
ALLENTOWN, PA 18101-1614  
Phone: 610.782.3024  
Facsimile 610.871.2794

**POLICIES AND PROCEDURES FOR CIVIL CASES <sup>1</sup>**

**GENERAL MATERS**

**1. Interpreter**

Only certified court interpreters will be permitted to serve. If a party or witness requires an interpreter for a court proceeding, counsel shall notify the Lehigh County Interpreter Office so that appropriate arrangements can be made. The request form can be accessed at [www.pacourts.us/judicial-administration/court-programs/interpreter-program](http://www.pacourts.us/judicial-administration/court-programs/interpreter-program). Email the completed form to [interpretingunit@lehighcounty.org](mailto:interpretingunit@lehighcounty.org).

**2. Communication with Chambers**

- A. Communications with chambers personnel regarding scheduling and non-substantive matters is permitted. The contact information for Judge Caffrey's Assistant:

Lisa Yannuzzi  
Telephone: 610-782-3024  
FAX: 610-871-2794  
E-mail: [lisayannuzzi@lehighcounty.org](mailto:lisayannuzzi@lehighcounty.org)

- B. Under no circumstances shall counsel or a self-represented party communicate *ex parte* with chambers personnel regarding substantive matters.
- C. Do not mail, fax, e-mail or deliver requests for relief to chambers. All requests for relief must be in the form of a motion, petition, application, or stipulation.

**3. Continuances**

A party requesting a continuance shall use the "Application for Continuance—Civil Cases" form available on the Court's website at [www.lccpa.org](http://www.lccpa.org). The application must be fully completed and signed by all counsel and self-represented parties. The application may be e-filed. The application may also be faxed or e-mailed to chambers.

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<sup>1</sup> As used herein, "counsel" shall be interpreted to include "self-represented parties."

## **PRETRIAL PROCEDURE**

### **1. Status Conference**

The Court shall hold a Status Conference after the filing of the complaint. At the Status Conference the Court will discuss the facts of the case, procedural posture, scheduling deadlines, and the potential for settlement. At least five days prior to the Status Conference, counsel and self-represented parties shall e-file a Status Conference Memorandum, not exceeding three pages, that includes the following information: (i) concise statement of facts; (ii) legal causes of action; (iii) relief sought; and (iv) status of settlement negotiations. When service has not been made on a party, the party responsible for making service shall notify the Court by faxing or e-mailing a letter to chambers.

### **2. Case Management Order**

Following the Status Conference, the Court will enter a Case Management Order: (i) providing the deadlines for discovery, exchange of expert reports, and filing of dispositive motions; (ii) scheduling the Pretrial Conference and Trial; and (iii) outlining the required pretrial submissions.

### **3. Motions / Petitions**

- A. Motions and petitions shall be decided in accordance with the Pennsylvania and Lehigh County Rules of Civil Procedure.
- B. The regular day for presentation of a motion in a case assigned to Judge Caffrey is Friday at 9:00 AM.
- C. If a pending motion or petition becomes moot or is being withdrawn, the moving party shall e-file a praecipe to withdraw and serve a copy thereof on the opposing party.
- D. The Court will generally determine whether oral argument on a pending motion or petition is required, but counsel may request oral argument by submitting a written request when filing their motion or petition or the reply thereto.

### **4. Discovery**

- A. Counsel and self-represented parties are expected to work together in good faith to resolve any scheduling matters and discovery disputes before bringing them to the Court's attention.
- B. The Court may hold a telephone conference to resolve scheduling matters or discovery disputes. The Court will notify counsel and self-represented parties of the date and time for the telephone conference. Unless the Court notifies the parties otherwise, the moving party will be responsible for initiating the telephone conference and contacting the Court after all counsel and self-represented parties are present on the call.

## **5. Settlement**

- A. **Settlement During Litigation:** In the event of a settlement, Plaintiff and, in the event of a counterclaim, Defendant, shall fax or e-mail to chambers a letter advising the Court that the case is settled. Until the parties are notified by the Court that a proceeding has been cancelled, the parties must appear at all court proceedings as ordered. Plaintiff and, in the event of a counterclaim, Defendant, shall fax or e-mail to chambers a copy of the praecipe to discontinue that was filed with the Clerk of Judicial Records.
- B. **Settlement Conference:** The parties may e-file a stipulation requesting a settlement conference. The parties and their attorneys shall attend the Settlement Conference. A representative with full settlement authority of any entity responsible for paying any portion of a settlement shall either attend the Settlement Conference or be available by telephone.
- C. **Settlement Conference Memorandum:** At least one week prior to the settlement conference, the parties shall fax or e-mail to chambers a confidential Settlement Conference Memorandum.” The Settlement Conference Memorandum shall include the following information: (i) a concise discussion of the relevant facts; (ii) an itemization and discussion of damages; (iii) a statement of the status of settlement discussions; (iv) a candid discussion of the submitting party’s strengths and weaknesses in the case; and (v) a statement as to whether alternative dispute resolution is a viable alternative. The Settlement Conference Memorandum shall not exceed five pages.

## **6. Motion for Summary Judgment**

- A. **Moving Party:** A motion for summary judgment must be accompanied by a separate statement, in numbered paragraphs, of the material facts that the moving party contends are undisputed. Only those facts relevant to the issues in the case shall be included. Each factual assertion shall be accompanied with a citation to the portion of the record that supports the assertion, including the exhibit, page, and line number. When a factual assertion cites to a deposition transcript, counsel shall attach a copy of the entire deposition transcript.
- B. **Non-Moving Party:** The non-moving party shall file a separate statement responding to the numbered paragraphs in the moving party’s statement of undisputed facts and shall either concede the facts as undisputed or state that a genuine dispute exists. The non-moving party shall cite to the portion of the record that creates the dispute, including the exhibit, page, and line number. The non-moving party shall also set forth, in numbered paragraphs, any additional facts that the non-moving party contends preclude summary judgment. All facts set forth in the moving party’s statement of undisputed facts shall be deemed admitted unless controverted.

- C. Reply Briefs: Reply briefs may be submitted without leave of Court in support of a motion for summary judgment or other dispositive motion. Reply Briefs shall not exceed seven pages and should address only issues raised in the opposition to the motion, without repeating arguments made in the initial brief. Replies shall be submitted no later than seven days after the opposition is filed. A sur-reply may only be filed with permission of the Court upon good cause shown and may not exceed five pages.

**7. Pretrial Conference:**

- A. Pretrial Submission in Jury Trial: Not less than fifteen days prior to the Pretrial Conference, the parties shall e-file the following separate documents:
- (i) A Pretrial Statement that complies with Pa.R.C.P. 212.2(a) and also includes the status of settlement negotiations, estimated length of trial, and the name, address, telephone number, and email address of trial counsel and self-represented parties.
  - (ii) Proposed *voir dire* questions.
  - (iii) Proposed Points for Charge in accordance with Leh.R.C.P. 226. The proposed points for charge shall conform to the Pennsylvania Suggested Standard Jury Instructions unless there is a compelling argument for deviation. Proposed points for charge which do not conform to the Pennsylvania Suggested Standard Jury Instructions shall be supported by proper legal authority with a citation to the specific pages relied upon.
  - (iv) Proposed verdict slip.
  - (v) Any motions *in limine*.
- B. Pretrial Submission in Non-Jury Trial: Not less than fifteen days prior to the Pretrial Conference, the parties shall e-file the following separate documents: (i) Pretrial Statement that complies with Pa.R.C.P. 212.2(a) and also includes the status of settlement negotiations, estimated length of trial, and the name, address, telephone number, and email address of trial counsel and self-represented parties; and (ii) motions *in limine*. In addition, the parties shall e-mail to [lisayannuzzi@lehighcounty.org](mailto:lisayannuzzi@lehighcounty.org) proposed findings of fact, conclusions of law, and supporting legal memorandum in “Word” format.
- C. Settlement Discussions: At the Pretrial Conference, the Court shall discuss the logistics of trial and conduct settlement negotiations. Counsel must be prepared to articulate their settlement positions, have full settlement authority, and have their clients available by telephone during the Pretrial Conference.

## **8. Exhibit Binder**

Not less than five days prior to the commencement of trial, each party shall deliver to the Court Administrator's Office a USB Drive containing: (i) an Index of the party's exhibits (in Word format); and (ii) digital copies of the party's pre-marked exhibits that are labeled consecutively (e.g., P-1, P-2, etc.).

## **TRIAL PROCEDURE**

### **1. Trial List**

Approximately two weeks prior to commencement of the two-week trial term, the Court will fax or e-mail a Trial List to the parties. The Trial List will identify the cases in the order in which they will be called for trial during the two-week trial term. The Court will fax or e-mail to the parties an updated Trial List as cases are completed. The parties may also call chambers for information regarding the status of a case on the Trial List.

### **2. Courtroom Logistics**

- A. The Plaintiff shall use the counsel table closest to the jury box.
- B. Only the parties and counsel may sit at counsel table.
- C. The courtroom is not a technology-equipped courtroom. The parties must, in advance of trial, make their own arrangements for the use of audio-visual equipment or other electronic devices that they need for trial.

### **3. Decorum**

- A. The parties and counsel shall rise when the judge and the jury enter and leave the courtroom.
- B. Counsel shall stand when addressing the Court, address their remarks only to the Court, and at all times act respectfully toward the Court, opposing parties and counsel, and witnesses.
- C. The parties, counsel, and witnesses shall wear proper courtroom attire at all times during the course of the trial. Shorts, tank tops, etc. are not permitted.
- D. No food or beverages may be brought into the courtroom.
- E. All cell phones must be turned off prior to entering the courtroom. Cell phones may be turned on and accessed only with the Court's permission.

#### **4. Court Schedule**

Trial will usually be held from approximately 9:00 AM to 4:30 PM, with a 15-minute morning break, a one-hour lunch break, and a 15-minute afternoon break. The Court will hold conferences before and after trial on an as-needed basis. The Court will make every effort to start the proceedings at the scheduled time. Promptness is expected from counsel, the parties, and witnesses.

#### **5. Trial Briefs**

The Court encourages the submission of trial briefs when difficult questions of law or evidence may arise during trial.

#### **6. Trial Conference**

The Court will meet with counsel immediately prior to jury selection or the commencement of a non-jury trial. The Court will address outstanding motions, *voir dire* questions, points for charge, verdict slips, and other trial matters.

#### **7. Jury Selection**

- A. The Court will welcome the jury panel, inform the jury panel of the expected length of the trial, inquire whether the expected length of trial creates a hardship for any panel members, explain the purpose of *voir dire*, and introduce counsel.
- B. The Court will permit counsel to conduct *voir dire*. Counsel are restricted to the *voir dire* questions approved by the Court in advance, except for appropriate follow-up questions.

#### **8. Opening Statement**

- A. The Court will discuss with counsel the length of time necessary and appropriate for the opening statement, but will give counsel reasonable latitude.
- B. The use of an exhibit during the opening statement shall be permitted only if all counsel agree that the exhibit may be admitted into evidence.

#### **9. Sidebar**

The Court discourages the use of sidebar conferences. Counsel are encouraged to raise particular evidentiary issues before trial or during recesses or adjournments.

#### **10. Jury Note Taking**

Jurors shall be permitted to take notes in accordance with Pa.R.C.P. 223.2.

#### **11. Examination of Witnesses**

- A. The rule of civility is paramount, and counsel shall treat witnesses with fairness and consideration during both direct and cross examination.

- B. Counsel should examine a witness from counsel table or the lectern unless counsel has obtained the Court's permission to examine the witness at another appropriate location in the courtroom.
- C. Counsel shall not approach a witness without first obtaining leave of court.
- D. Except for good cause shown, the examination of a witness shall be limited to direct, cross, re-direct and re-cross.
- E. If there are two or more attorneys for a party, only one of those attorneys may examine a witness.
- F. The Court will permit witnesses to be taken out of turn in appropriate circumstances.
- G. If a witness was on the stand at a recess or adjournment, the witness should be on the stand and ready to proceed when the trial resumes.

## **12. Videotaped Testimony**

- A. Videotaped testimony should begin with the witness being sworn.
- B. Counsel shall bring any unresolved objections to the Court's attention at the Trial Conference. After the Court rules on any objections, counsel should edit the videotape before offering the videotaped testimony at trial.

## **13. Objections**

- A. Counsel should only state "objection" and briefly state the rule or principle upon which the objection is based. Counsel shall not offer argument or use objections for the purpose of making a speech, reiterating testimony, or attempting to guide a witness.
- B. If the Court requires argument or explanation about an objection, the Court will ask counsel to approach for a side bar conference outside the hearing of the jury and witness.

## **14. Exhibits**

- A. Counsel are encouraged to reach agreement in advance of trial as to the admission of exhibits.
- B. Counsel shall ensure that a copy of an exhibit is available for use by witnesses.
- C. Exhibits may be moved for admission at any time during the party's case.
- D. An exhibit may not be read or shown to the jury unless it has been admitted into evidence and a motion to publish it has been granted.

- E. Once an exhibit is admitted into evidence it shall remain in the custody of the Court Reporter. Certain exhibits may require that special custodial arrangements be made.
- F. If an exhibit is something other than an 8.5 by 11 inch paper, the Court must receive an 8.5 inch by 11 inch paper version of the exhibit. This may mean a photograph of the exhibit or a reduced copy of a larger piece of paper.

**15. Charge Conference**

The Court will hold argument on the disputed points for charge and verdict slip at a Charge Conference prior to closing arguments. The Court will announce its rulings prior to closing arguments.

**16. Closing Argument**

- A. The Court will discuss with counsel the length of time necessary and appropriate for the closing argument, but will give counsel reasonable latitude.
- B. Plaintiff's counsel shall close first, followed by Defendant's counsel, followed by brief rebuttal by Plaintiff's counsel. Plaintiff's counsel must reserve time from his or her closing to use for rebuttal. The failure to reserve time for rebuttal will constitute a waiver of rebuttal.

**17. Jury Deliberations**

- A. During jury deliberations, counsel and the parties may leave the courthouse, but must leave their cell phone numbers with the Court Crier and be able to return to the courthouse within fifteen minutes.
- B. The Court will determine on a case-by-case basis what exhibits should be sent out to the jury during deliberations.

**18. Transcript**

A request for a transcript shall be submitted by use of the Civil Court Division "Request for Transcript or Copy" form available on the Court's website at [www.lccpa.org](http://www.lccpa.org).

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