



JUDGE J. BRIAN JOHNSON

PRESIDENT JUDGE

LEHIGH COUNTY COURTHOUSE

455 HAMILTON STREET

ALLENTOWN, PA 18101-1614

610.782.3122

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CUSTODY PROCEDURES
FOR CASES ASSIGNED TO JUDGE J. BRIAN JOHNSON

(April 1, 2025)

NOTE: Wherever the word “counsel” appears, it shall also include self-represented parties acting as their own counsel.

A. GENERAL AND PRE-TRIAL PROCEDURES

- 1. MOTIONS AND PETITIONS.** All motions and petitions will be decided in accordance with the Pennsylvania Rules of Civil Procedure (“Pa.R.C.P.”) and the Lehigh County Court of Common Pleas Family Court Division Rules of Court (“Leh.R.C.P.”). If a pending motion or petition becomes moot or is to be withdrawn, counsel for the moving party must file a praecipe withdrawing the motion. Otherwise, the Court will proceed to address the motion or petition.
- 2. CORRESPONDENCE.** The Court will not entertain or respond to letters requesting relief. All requests for relief must be presented to the Court by motion, petition or stipulation. When corresponding with Judge Johnson, do so either by mail or facsimile, not both and not via e-mail. However, motions, pleadings, briefs or other documents may not be faxed; they must be e-filed.
- 3. CONTINUANCES.** Continuance requests will only be entertained when submitted either: through use of a Lehigh County Court of Common Pleas Application For Continuance form which is fully completed and contains the signatures of all counsel and/or parties, which the Court will accept via e-filing. Notwithstanding any local rules to the contrary, all Applications For Continuance must contain handwritten signatures of counsel/parties. Typed names with or without “/s/” or script-like font will not be considered signatures. A continuance will only be granted upon good cause shown; the timing of the request is a factor the Court will consider in deciding the request. The Application For Continuance form can be found on the Court’s website at www.lccpa.org.

- 4. ATTENDANCE AT COURT APPEARANCES.** Counsel or self-represented parties must appear for all court appearances unless express permission otherwise has been granted by the Court and shall be prompt, professionally attired and well-prepared.

5. PRE-TRIAL CONFERENCE.

- a. Trial Counsel must attend the Pre-Trial Conference (“PTC”) and shall arrive fifteen (15) minutes prior to the scheduled time. The Court may permit substitute counsel to appear, but only upon advance written request and only if exceptional cause is shown and Trial Counsel represents in writing that the substitute has full knowledge of the case and full settlement authority.
- b. At the PTC, the Court will discuss logistics and legal trial matters, will collect the completed Statements Of Fact, and will discuss settlement options. Therefore, counsel must be prepared to articulate their settlement positions.
- c. You are strongly encouraged to work hard to try to settle your case before the conference and or trial. The Court should decide cases only after the parties have made a good faith effort to come to a mutual agreement. If you reach a settlement before the conference or trial, you must either present a written stipulation containing the original signatures of the parties to the Court or e-file it. If you reach a settlement at the conference or trial, the Court will make a record of the settlement.
- d. Statement of Facts must be completed in full and presented to the Court at the conference. **DO NOT FILE THE STATEMENT OF FACTS.** These will be used to inform the Court as to settlement discussions as well as preparation for trial. Failure to comply with this may constitute an indication that the party may be unable or unwilling to comply with the Court’s orders and may affect the Court’s ultimate decision in the case.

6. JUDICIAL STAFF AND FACILITIES.

- a. Counsel are not permitted to have correspondence faxed to them in care of Chambers and the Court will not accept deliveries on behalf of counsel or the parties. Counsel are responsible for all of their documents, exhibits and equipment and shall not store such items in the courtroom except upon prior approval of the Court. During a multi-day trial, the parties will usually be permitted to leave their files and equipment, but not personal valuables, in the courtroom overnight.
- b. The court reporter, court crier and tipstaves are employed by, and assist, the Court. Counsel may not issue instructions to or make requests of these individuals. Counsel shall direct any requests to the Court and, if appropriate, the Court will issue instructions to the appropriate staff member.

- 7. INTERPRETERS.** If a party or witness for a party requires the use of an interpreter at any court proceeding, that party is responsible for making arrangements for an interpreter.

Only certified court interpreters will be permitted to serve. A list of certified court interpreters is available from the Family Court Administrator's Office.

B. TRIAL PROCEDURES.

1. COURT SCHEDULE.

- a. Trial will usually be held from approximately 9:30 a.m. to approximately 4:30 p.m. rarely going past 5:00 p.m. with a fifteen (15) minute morning break, a one (1) hour lunch break and a fifteen (15) minute afternoon break.
- b. The Court will make every effort to commence proceedings at the time set. Promptness is expected from counsel, the parties and witnesses.
- c. If a witness was on the stand at a recess or adjournment, the witness should be on the stand ready to proceed when court is resumed.
- d. Counsel must make sure that they do not run out of witnesses. If a party is out of witnesses and there is more than a brief delay, the Court may assume that the party has rested. If there will be a problem with the scheduling of any witness, counsel shall inform the Court as early as possible, preferably at the Pre-Trial Conference, but no later than the Trial Conference.

2. COURTROOM LOGISTICS.

- a. If there is a request for more than one counsel table for all plaintiffs or all defendants, counsel shall notify the Court at the Pre-Trial Conference.
- b. Only counsel and parties may sit at counsel table. Witnesses, paralegals and interns shall sit in the gallery only.
- c. No food, beverage or gum may be brought into the courtroom. Water will be provided upon request. All cell phones **must** be turned off completely before entering the courtroom. Counsel shall ensure that all their clients, witnesses, and others comply with this.
- d. The courtroom has an easel with a large tablet and markers available for use by counsel. However, the Court does not provide video or audio equipment.
- e. Counsel must make their own arrangements in advance of Trial for video, audio or other visual aid equipment that may be needed. If such items are used, they must be set up in the courtroom at times when the Court is not in session. Counsel should inform the Court if they are using such equipment at the Pre-trial Conference and the Court will make the courtroom available for such equipment to be set up at the beginning of Trial.

- f. All counsel, parties and witnesses shall wear proper courtroom attire. Counsel shall wear appropriate formal business attire. Male counsel shall wear business suits and ties or appropriate jacket and tie. Female counsel shall wear business suits or dresses or a combination of top and skirt or pants. Counsel shall instruct all witnesses and parties to wear appropriate attire in court. Business casual dress is required for parties and witnesses. Men should wear an appropriate jacket and tie and appropriate accompanying clothing. Men must wear socks. Women should wear an appropriate suit or dress or combination of top and skirt or pants. Counsel, parties and witnesses may **not** wear the following: shorts, jeans, sneakers, tee-shirts, sweat shirts, halters, tank tops or flip-flops.

3. DIFFICULT TRIAL ISSUES.

If counsel has reason to anticipate that a difficult question of law or evidence may arise during the Trial, counsel must alert his/her opponent and supply the Court with a memorandum of law as early as possible, preferably at the Pre-Trial Conference, but, in the event of a surprise, no later than one (1) day prior to the time it is anticipated that the question will arise.

4. DECORUM.

- a. The Trial shall, at all times, be conducted in a dignified, formal, professional, and civil manner.
- b. Counsel shall stand when addressing the Court.
- c. Conversations between counsel are permitted only to expedite the Trial. Argument between counsel is not permitted; all remarks shall be addressed to the Court. Counsel are never to act or speak disrespectfully to the Court, opposing counsel or anyone else in the courtroom.
- d. Counsel shall not exhibit familiarity with the Court, the parties, witnesses, or opposing counsel and shall not use first names; all participants shall be referred to by their last names.

5. OBJECTIONS.

- a. When objecting, counsel shall stand and state that counsel is objecting and, if counsel chooses, the specific ground of objection. For example, "Objection" or "I object," followed by a single word, phrase or sentence stating the specific ground of objection such as "Hearsay," "Leading," or "Irrelevant." Counsel shall not use objections to make a speech, recapitulate testimony, or attempt to guide the witness. Argument on an objection will not be heard unless permission is given or argument is requested by the Court.

- b. If counsel knows, or should know, in advance of Trial that opposing counsel will seek to introduce objectionable evidence, counsel should be prepared with applicable law to hand up to the Court.

6. EXAMINATION OF WITNESSES.

- a. Counsel may conduct examination of witnesses from any location in the courtroom, provided counsel does so in a professional manner. Counsel shall treat witnesses with fairness and consideration and shall not shout at or abuse witnesses in any manner.
- b. Counsel are not required to request permission to approach witnesses. However, in the event the Court is of the opinion that counsel's behavior in doing so is inappropriate, the Court will direct counsel to step back and might state, on the record, that counsel's behavior is inappropriate.
- c. Except for good cause shown, counsel shall be limited in the examination of a witness to direct, cross, redirect and re-cross.
- d. If there are two or more trial attorneys for a party, only one of those attorneys may be involved in the examination of a witness. The first attorney to speak when a witness is on the stand, whether by question or objection, is the attorney who must handle that witness on behalf of the party.

7. EXHIBITS.

- a. When counsel refers to an exhibit, they shall refer to its exhibit number. Witnesses should be directed to do the same.
- b. Once an exhibit is admitted into evidence, it remains in the custody of the court reporter. If counsel wishes to retain an original exhibit, he or she must obtain a stipulation from opposing counsel to replace the original with a copy and then seek such permission from the Court.
- c. When admitting any exhibit that is something other than an 8½ by 11- inch piece of paper, counsel must present the Court with an 8½ by 11- inch piece of paper version of the exhibit. This may mean a photograph of the exhibit or a reduced copy of a larger piece of paper.

- 8. TRANSCRIPTS.** If a transcript is desired, counsel shall complete a Request For Transcript Or Copy pursuant to Pa.R.J.A. 4007(A). The form may be found on the Court's website at www.lccpa.org.

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