

**CIVIL PRE-TRIAL AND TRIAL PROCEDURES FOR CASES ASSIGNED TO
JUDGE MELISSA T. PAVLACK**

NOTE: If a party or witness for a party requires the use of an interpreter at any Court proceeding, the party is responsible for notifying the Lehigh County Interpreter Office at 610-782-3387 so that arrangements can be made 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.

A. GENERAL AND PRE-TRIAL PROCEDURES

1. MOTIONS AND PETITIONS: Either oral argument or hearing will take place for all filed contested motions or petitions. If a pending motion or petition is being withdrawn, counsel or the pro se party shall file a Praecipe at the office of the Clerk of Judicial Records- Civil Division and deliver a time-stamped copy to Chambers and the opposing side of the case. If a pending motion is resolved prior to argument or hearing, counsel or the pro se parties shall sign a Stipulation and file it at the office of the Clerk of Judicial Records – Civil Division and deliver a time-stamped copy to Chambers and the opposing side of the case. The Court will enter an Order approving the Stipulation.

2. CORRESPONDENCE: Do not correspond with the Judge's Chambers by letters, faxes or emails. All requests for relief must be filed with the office of the Clerk of Judicial Records- Civil Division.

3. CONTINUANCES: Use the Lehigh County Court of Common Pleas Application for Continuance found on the website. When the Application is fully completed and signed by both counsel or pro se parties, the Court will accept the Application via facsimile to Chambers. If counsel is requesting the continuance due to attachment in another Court proceeding, the Scheduling Order for the other Court proceeding must be attached to the Application.

4. STATUS CONFERENCE: A Status Conference will be held after the filing of a Civil Complaint. At the Status Conference the Court will review issues regarding service of the Complaint, set dates for discovery, expert reports, dispositive motions, Pre-Trial Conference and Trial. Calendars for trial counsel shall be available so that the Court can facilitate scheduling. For the Status Conference, bring along a Status Conference Memo which is only provided to the Court and opposing counsel or pro se party. It is not filed of record. The

Status Conference Memo should be only two pages, double spaced, with a brief summary of the Factual Background, Legal Basis for the Cause of Action/ Defense, and the Settlement Demand.

5. PRE-TRIAL CONFERENCE: No later than fifteen (15) days prior to the Pre-Trial Conference, Counsel or pro se parties shall file with the office of the Clerk of Judicial Records- Civil Division their Trial Submission and serve a time-stamped copy on the opposing side. The details for the requirements of the Trial Submission will be contained in the Pre-Trial Conference Scheduling Order.

No later than five (5) days prior to the Pre-Trial Conference, Counsel or pro se parties shall file with the office of the Clerk of Judicial Records- Civil Division, and serve a time-stamped copy on the opposing side any of the following: Objections to Voir Dire Questions, Objections to Points for Charge, and Responses to any Motions in Limine.

At the Pre-Trial Conference, the Court will review all Trial Submissions and Trial Submission Responses, discuss the logistics of the case and conduct settlement discussions. Please be prepared to dedicate time to the effort of settlement. The parties to the action and the adjusters in the case are required to personally attend the Pre-Trial Conference.

By the time of the Pre-Trial Conference it will be expected that each side will have proffered a demand on behalf of their client.

B. TRIAL PROCEDURES

1. TRIAL LIST: Approximately two (2) weeks prior to the commencement of the Trial Term, counsel and pro se parties will receive a Trial List from the Court identifying the cases scheduled for that Trial Term and the order in which they will be called for Trial.

2. TRIAL CONFERENCE: A very brief conference will be held with counsel or pro se litigants prior to jury selection or the start of the non-jury trial. The purpose of this Conference is only to address outstanding procedural issues before the commencement of the trial.

3. JURY SELECTION: Jury selection will take place immediately prior to the commencement of the Trial. Counsel or pro se litigants are restricted to the proposed voir dire questions approved by the Court in advance, except for appropriate follow-up questions.

4. OPENING STATEMENTS: The purpose of the opening statement is to state briefly what counsel expects the evidence will show not to argue the case. Use of an exhibit during the opening statement will only be permitted if it has been provided to the Court and opposing counsel or pro se litigant during the Trial Conference and if it is agreed to by the opposing counsel or pro se litigant.

5. OBJECTIONS TO QUESTIONS: Counsel or pro se litigants shall state their objection and the specific ground for the objection. Counsel or pro se litigants shall not use objections as an opportunity to offer argument on the case, reiterate testimony or guide the witness.

6. EXAMINATION OF WITNESSES: Examination is limited to direct, cross, re-direct and re-cross. In jury trial, counsel shall stand at the end of the jury box to examine witnesses. Counsel and pro se litigants shall treat witnesses with fairness and consideration and shall not shout at or abuse witnesses in any manner. Counsel are required to request permission to approach witnesses.

7. EXHIBITS AND COURTROOM AIDS: Counsel or pro se litigants must make their own arrangements in advance of Trial for video, audio or other visual aid equipment that they need.

At the Trial Conference, counsel or pro se litigants shall supply the Court and the opposing side with a final list of Trial Exhibits, along with pre-marked copies of all exhibits. No exhibit will be admitted unless specifically identified on this list and a copy provided in advance of Trial to the opposing side. An exhibit may not be read or shown to the jury unless and until it has been admitted into evidence and a motion to publish it has been granted.

Once an exhibit is admitted into evidence, it remains in the custody of the court reporter. The only exceptions are for firearms, ammunition, or contraband, for which special storage arrangements may be required. If counsel wishes to retain an original exhibit, he or she shall obtain a stipulation from opposing counsel to replace the original with a copy and then seek such permission from the Court. 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. CHARGE CONFERENCE: The Court will hold a Charge Conference prior to closing arguments, at which time the parties' proposed jury instructions and verdict slips will be reviewed.

9. CLOSING ARGUMENTS: Each side will be permitted to present closing arguments to the jury or the Court in a non-jury trial.

10. TRANSCRIPTS Counsel or pro se litigants 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.