

## I. 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 so that arrangements can be made for an interpreter. The request form can be accessed at <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>. Email the completed form to [interpretingunit@lehighcounty.org](mailto:interpretingunit@lehighcounty.org). Only certified court interpreters will be permitted to serve.

### **A. GENERAL AND PRE-TRIAL PROCEDURES**

**1. MOTIONS AND PETITIONS:** The Court may hold oral argument or hearing or rule on papers as applicable for all filed contested motions and petitions. If a pending motion or petition is being withdrawn, counsel or the unrepresented party shall file a praecipe with the Court and serve a copy to the opposing side of the case. If a pending motion is resolved prior to argument or hearing, counsel and/or the unrepresented party shall sign a stipulation and file it along with a proposed order approving the stipulation for the judge to sign.

**2. CORRESPONDENCE:** Do not correspond with the Judge's Chambers by letter, fax or email to request a form of relief. All requests for relief must be filed with the Court.

**3. CONTINUANCES:** Use the Lehigh County Court of Common Pleas Application for Continuance found on the Lehigh County website:

<https://www.lccpa.org/forms/civil/General/ContinuanceForm-publicweb.pdf>

When the application is fully completed and signed by both counsel or unrepresented parties, all continuance requests shall be submitted to Court Administration by filing a proposed application for continuance through the Lehigh County Odyssey E-filing System.

<https://efilepa.tylertech.cloud/OfsEfsp>

In addition, the Court will accept the application via facsimile to chambers. If counsel is requesting the continuance due to an 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, and 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. Five days prior to the status conference, a status conference memo shall be provided to the Court and opposing counsel or unrepresented party. Do not file the status conference memo with the Clerk of Courts. Provide a copy to Judge Pavlack by either sending via email to [GinWhitman@lehighcounty.org](mailto:GinWhitman@lehighcounty.org) or by fax to 610-871-2870. The status conference memo should only be 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 and unrepresented parties shall file with the Clerk of Judicial Records, Civil Division; serve the opposing side; deliver a hard copy to Court Administration; and email [JudgePavlacktrialdocs@lehighcounty.org](mailto:JudgePavlacktrialdocs@lehighcounty.org) their trial submissions. The details for the requirements of the trial submissions will be contained in the Order of Case Management and Jury Trial Attachment.

No later than five (5) days prior to the Pre-Trial Conference, counsel and unrepresented parties shall file with the Clerk of Judicial Records, Civil Division; serve the opposing side; deliver a hard copy to Court Administration; and email [JudgePavlacktrialdocs@lehighcounty.org](mailto:JudgePavlacktrialdocs@lehighcounty.org) 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. Trial counsel of record and unrepresented parties must attend the Pre-Trial Conference. Parties represented by counsel and adjusters must appear or be available by telephone.

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

## **B. TRIAL PROCEDURES**

**1. TRIAL LIST:** At the time of the Pre-Trial Conference, counsel and unrepresented parties will receive information 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 and unrepresented parties prior to jury selection or the start of a 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 trial. Counsel and unrepresented parties 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, opposing counsel, and unrepresented parties during the trial conference, and if it is agreed to by opposing counsel and unrepresented parties.

**5. OBJECTIONS TO QUESTIONS:** Counsel and unrepresented parties shall state their objection and the specific ground for the objection. Counsel and unrepresented parties 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, redirect, and recross. Counsel and unrepresented parties shall treat witnesses with fairness and consideration and shall not shout at or abuse witnesses in any manner. Counsel and unrepresented parties are required to request permission to approach witnesses.

**7. COURTROOM AIDS:** As the Court does not provide any media equipment, counsel and unrepresented parties must make their own arrangements in advance of trial for video, audio, or other visual aid equipment that they need.

**8. Exhibits:** At the time of trial:

- a. All Trial Exhibits must be pre-marked and identified by exhibit numbers and include an index of exhibits. (Exhibits shall be referred to by exhibit number (e.g., P-1, D-1) but may include Bates stamps.)
- b. Counsel and unrepresented parties must provide:
  - (1) One single-sided hard copy of Trial Exhibits with exhibit stickers which include the exhibit number and the case number. This copy of Trial Exhibits is for witnesses and will become the filed exhibits if moved for admission at the conclusion of trial;
  - (2) One hard copy of Trial Exhibits for opposing side;
  - (3) One hard copy of Trial Exhibits **delivered** to Court Administration **and** one electronic copy of Trial Exhibits **emailed** to [JudgePavlacktrialdocs@lehighcounty.org](mailto:JudgePavlacktrialdocs@lehighcounty.org) for use by the Court. The electronic copy shall include each exhibit listed separately, clearly labeled, and identified by exhibit number and Bates range if applicable – e.g., P-1, Bates 0001-0101.
- c. 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.

**9. 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.

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

- 11. TRANSCRIPTS:** Counsel or unrepresented parties 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 located at: <https://www.lccpa.org/courtadmin/transcription.nex>
  
- 12. SETTLEMENT:** A case will not be removed from the trial list because it has settled unless a praecipe to settle, discontinue and end is filed or an application for continuance is submitted.