

# **RULES FOR THE CONDUCT OF CIVIL TRIALS**

**Before the Honorable Paul F. Luty, Jr.  
Judge of the Court of Common Pleas  
Fifth Judicial District, Allegheny County, Pennsylvania**

## **I. Pre-Trial**

- A. 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. Any attorney presenting such a motion will provide the Court with a proposed order and cover sheet.
- B. Judge Wettick hears discovery issues on Fridays; however, if the case has been listed for trial, the Calendar Control judge hears them.

## **II. Pre-Trial Conciliations**

- A. The parties shall provide the trial judge with copies of all Pre-Trial Statements.
- B. Counsel for Plaintiff and Defendant must bring their respective clients. 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 insured, a representative of the insurance carrier with "check 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.
- C. All other Pre-Trial Rules published by this Division shall be followed as long as same are not in conflict with the above.

## **III. Jury Selection**

- A. The Calendar Control judge handles all issues arising from jury selection.

## **IV. Trial**

- A. Motions in Limine — The trial judge handles these motions immediately before trial. All counsel should resist the temptation to conduct the trial by Motions in Limine.

- B. Settlement Conference — The trial judge will attempt to settle the case. All parties should have with them a principal and insurance representative(s) who have settlement authority.
- C. Witness List — At the commencement of trial, counsel for each party shall provide a complete list of potential witnesses to the court reporter and the Court. The list should also include the name of any witness whose testimony will be presented by deposition or videotape and the approximate length of that testimony.
- D. Opening Statements — 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. *War and Peace* is a novel, not an opening.
- E. Exhibits — Plaintiff shall identify exhibits with Arabic numerals, and Defendant shall use letters.
- F. Counsel may approach a witness without asking the Court's permission to do so.
- G. Objections During Trial — Counsel shall briefly describe any objection made within the hearing of the jury. The Court may rule at that time. If counsel disagrees with a ruling, believes that the objection or the issue was not correctly understood, or wishes to place an explanation on the record to preserve the issue, counsel should then ask to approach the bench.

Whenever an objection is stated, examination of a witness shall be suspended and shall not continue until the objection is resolved or counsel is directed to go forward.

This procedure is not intended to discourage parties from fully stating on the record their objections to or disagreements with the Court's rulings. It is intended only to have such matters conducted outside the hearing of the jury.

- H. Counsel seeking the use of prior deposition transcripts to impeach a witness should first advise all counsel of which deposition(s) and page and line number(s) he/she intends to use and then provide the witness with a copy before commencing to question the witness on same.
- I. Trial Motions — Motions for Non-Suit, etc. may be oral, but a writing is preferred.
- J. Charge
  - 1. The Court will hold a charging conference.
  - 2. Counsel for each party must submit a proposed verdict slip, or one verdict slip agreed on by all counsel may be submitted.
  - 3. All counsel shall submit written points for charge as soon as possible.

4. The Court will give parties a proposed charge, subject to changes and revisions.

K. Closing Statements — The Court will make every effort not to limit the time for closing statements but may have to do so in a case with multiple parties.

L. Miscellaneous/Trial Matters

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

2. All counsel shall provide the tipstaff with land and cell telephone numbers for quick contact once the verdict is returned.

M. Post-Trial Motions — Post-Trial Motions shall be filed within the time periods prescribed by and in accordance with the Pennsylvania Rules of Civil Procedure, as amended.

## **V. General**

A. The above rules are in addition to and supplement the applicable Pennsylvania Rules of Civil Procedure, as amended, and the Local Rules of Civil Procedure, as amended.