

Practices of Judge Alan Hertzberg, Civil Division

816 City-County Building
414 Grant Street
Pittsburgh, PA 15219
412-350-6333
412-350-0336 (Fax)

January 3, 2024

Purpose

We hope dissemination of Judge Hertzberg's practices will help attorneys, litigants and others prepare for proceedings with Judge Hertzberg. Judge Hertzberg tends to use the practices described below most of the time, but he may not do so in unusual circumstances. Of course, the Rules of Court of Allegheny County, the Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Evidence and other appropriate rules and laws will apply.

Communications and Document Delivery

1. You may call chambers at 412-350-6333 to speak with a staff person, or, if none is available, to leave a voicemail message.
2. Documents may be hand delivered or sent by U.S. Mail to 816 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.
3. Please send electronic communications to shawna.strom@alleghencourts.us
4. Do not send email directly to Judge Hertzberg unless authorized to do so by Judge Hertzberg or staff.
5. When communicating with the Court via email, **ALL** parties must be included on the email unless directed otherwise. The email addresses of the other parties/opposing counsel must be included in either the "To" or the "CC" boxes

so that they are visible to the Court. Please do NOT “BCC” the other parties/opposing counsel on your communications.

6. Please send all documents in PDF or Microsoft Word Format. **Proposed orders should be attached separately in PDF format.**
7. The parties (and not Judge Hertzberg or his staff) are responsible for filing their pleadings, motions, briefs, pre-trial statements, etc. with the Department of Court Records, whether it be in-person or electronically.
8. The filing of a document with the Department of Court Records, however, will not result in Judge Hertzberg being aware of the filing. To make Judge Hertzberg aware, the document must be hand delivered, sent by U.S. Mail or emailed as described in paragraphs 2 and 3 above.

Conciliations

Please contact one of Judge Hertzberg’s staff if the date or time scheduled for the conciliation must be changed. For each party in the case, counsel and an individual with authority to settle must be present for the conciliation. Please be punctual. When necessary, the conciliation may take longer to complete than the time allotted on the schedule. Attorneys located in Allegheny County are notified of Pre-Trial Conciliation Conference dates and times exclusively by publication in the Pittsburgh Legal Journal. Dates and times of Pre-Trial Conciliation Conferences also are entered on the electronic docket.

Trials

1. Judge Hertzberg usually meets with counsel in chambers before the jury is sworn in for a jury trial. He will attempt to decide any bona fide Motions in Limine at that time. Motions in Limine should be served on the opposition sufficiently in advance of trial to allow time for counsel and the parties to attempt to resolve the issue on their own.
2. Trial usually will run from 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m. There will be a lunch recess from Noon to 1:00 p.m. and a ten minute recess in the middle of the morning and afternoon sessions. This schedule is not set in stone but will apply generally and unless otherwise indicated.
3. Judge Hertzberg's opening instruction to the Jury will include portions of Pennsylvania Suggested Standard Civil Jury Instruction ("PaSSJI") No. 1.01, and the concluding portion of the charge to the Jury will be Pa.SSJI No. 12.00. In Non-jury trials, counsel should ask Judge Hertzberg whether to give an opening or summation. At times Judge Hertzberg is sufficiently familiar to not need an opening and/or summation.
4. If depositions will be read or videotaped depositions played during a jury trial, counsel shall attempt to resolve any objections between themselves. Counsel shall notify Judge Hertzberg if any objections cannot be resolved, and he will decide whether to overrule or sustain.
5. When making objections to questions or testimony during trials, the basis for the objection shall be described briefly. Argument concerning

objections shall be conducted outside of the hearing of the jury and/or witnesses, usually at sidebar.

6. Plaintiff exhibits should be marked by number, and Defendant exhibits should be marked by letter.
7. Proposed points for charge and verdict forms should be submitted at the earliest feasible point in the trial and may be supplemented or amended up until the charging conference. In preparing proposed points for charge and verdict forms, please know that Judge Hertzberg wishes to utilize the PaSSJIs whenever possible and not be repetitious. Counsel will have to convince Judge Hertzberg that language from caselaw is not included in the PaSSJIs.

Self-represented/pro se litigants

The most common error made by self-represented litigants involves cross examination of witnesses. This is not the time to testify, and self-represented litigants must be careful to only ask questions during cross examination. Self-represented litigants have the opportunity to testify or give their side of the story at another point in the trial other than when they are cross examining witnesses.

Please consider the benefits of obtaining an attorney. Do not wait until the last minute to get an attorney as most attorneys will have scheduling conflicts unless they have advance notice of a trial. Here are sources that may be helpful to you in finding an attorney:

Neighborhood Legal Services: 412-255-6700
Allegheny County Bar Association Pro Bono Center: 412-402-6677
Allegheny County Bar Association Lawyer Referral Service: 412-261-6161

The internet website, palawhelp.org, has a directory for finding an attorney and provides basic information on some areas of the law.

Post-Trial Motions

A copy of a post-trial motion must be served on Judge Hertzberg. The post-trial motion must contain a copy of the request for the transcript of the trial testimony, and whoever is the moving party must promptly see that the Court Reporter is timely paid for preparing the transcript.

Abandoned and Blighted Property Conservatorships

1. Judge Hertzberg will not schedule the hearing on whether a property is abandoned and blighted until after proper service of the petition on the owner (as well as others) and posting of the notice of filing on the property. This often results in the hearing being scheduled more than 60 days after the filing of the petition. Petitioners must demonstrate proper service of the petition and posting of the notice by filing one or more affidavits of service (see definition of affidavit in Pennsylvania Rule of Civil Procedure 76) with the Department of Court Records.
2. A “rule to show cause” order will not ordinarily be issued by Judge Hertzberg in scheduling the hearing on whether a property is abandoned and blighted.
3. Pre-trial statements are not required for hearings unless ordered by Judge Hertzberg. Orders requiring pre-trial statements may be requested of Judge Hertzberg’s staff or may be entered if the Judge finds them necessary.
4. After a conservator is appointed and fully rehabilitates the property, Judge Hertzberg requires the filing of a “Disclosure Statement” 30 days before the hearing on the Conservator’s application to transfer or sell the property. The

“Disclosure Statement” shall contain a recent appraisal of the property and a statement disclosing whether the Conservator will be asking Judge Hertzberg to extinguish any delinquent or liened property taxes.