



817 City-County Building  
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Pittsburgh, PA 15219  
Telephone: 412-350-1484

# Standard Operating Procedures *for* Judge Mary C. McGinley (Civil Division)

(Effective as of March 1, 2024)

Please note that the below operating procedures are in addition to and supplement the applicable Rules of Civil Procedure and Local Rules, which should also be reviewed.

## GENERAL INFORMATION

- Except for matters relating to Housing Court (landlord-tenant cases), conferences relating to land use matters (addressed below), and exceptional circumstances, the Court's functions and proceedings are being conducted in person. Unless otherwise notified by the Court, counsel/the parties are expected to appear for arguments, trials, conciliations, conferences, *etc.* in person in Courtroom 817, City-County Building.
- When communicating with the Court via email about a particular case, ALL counsel/self-represented parties must be included on the email. The email addresses of other counsel/parties must be included either in the "To" or the "CC" boxes so that they are visible to the Court. Do NOT "BCC" any clients/parties/opposing counsel on your communications. Please note that communications through the Court's email addresses shall be limited to transmission of petitions/motions/other filed submissions and inquiry regarding administrative (scheduling) matters. Please do not copy the Court on other forms of communication, such as disagreements amongst the parties/counsel. Unless the Court has specifically authorized transmission of the communication, it shall be treated as *ex parte* and will not be considered.
- With respect to filings, note that the Court does not automatically receive copies of documents filed with the Department of Court Records and a courtesy copy must be provided to chambers at [mcginleysubmissions@allegheycourts.us](mailto:mcginleysubmissions@allegheycourts.us). Please send all documents in PDF or Microsoft Word format. **Proposed orders must be attached separately in Microsoft Word format to allow editing by the Court.**
- All documents must include attorney or party (if self-represented) contact information including a phone number and an email address.
- If counsel/a party has concerns or needs clarification about scheduling in a case, they should contact [MElder@allegheycourts.us](mailto:MElder@allegheycourts.us).

## PRETRIAL CONCILIATIONS

Counsel for each party 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.

## CIVIL JURY TRIALS

1. **Pretrial Conference** – Upon assignment as the trial judge, Judge McGinley will schedule a pretrial conference as soon as practicable. Counsel is expected to advise the Court on the status of settlement discussions. Counsel must also be prepared to identify and discuss the nature of the trial, any unusual legal or evidentiary issues, matters that must be decided prior to trial, plans for visual aids/technology, stipulations, other forms of evidence to be introduced at trial, and schedule.
2. **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. Immediately upon assignment as the trial judge, the parties shall deliver two (2) paper copies of any motions in limine and written responses thereto to Judge McGinley’s Chambers. The parties shall also meet and confer regarding resolution of any Motions in Limine prior to presentation to the Court.
3. **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.
4. **Exhibits** - Plaintiff shall identify exhibits with Arabic numerals, and Defendant shall use letters. At a minimum, the witness, opposing counsel and the Court must be provided with a copy. Exhibit binders are preferred. The proponent of the exhibit shall be its custodian and shall comply with Rules regarding retention, filing and other custodial responsibilities.
5. **Objections During Trial** – 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 jury and/or witnesses, usually at sidebar. 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.
6. **Videotaped Depositions/Transcripts** – 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 the Court if any objections cannot be resolved and the disputed matters will be decided.

7. **Prior Deposition Testimony** - 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.
8. **Trial Motions** - Motions for non-suit, *etc.* may be oral, but a writing is preferred.
9. **Charge/Verdict Slip** – Counsel shall confer on points for charge and a proposed verdict slip at the earliest feasible point so that a joint submission for each is submitted to the Court. A written supplement may be provided by each party to address points and matters upon which the parties are unable to agree. The Court will hold a charging conference to resolve any matters to which the parties have not agreed. Please note that the Court wishes to utilize PaSSJIs whenever possible.
10. **Miscellaneous/Trial Matters** - Counsel shall agree as to what exhibits, photos, *etc.* may go out with the jury. All counsel shall provide courtroom staff with telephone numbers for quick contact once the verdict is returned.

### **NONJURY TRIALS**

- Plaintiff shall identify exhibits with Arabic numerals, and Defendant shall use letters. At a minimum, the witness, opposing counsel and the Court must be provided with a copy. Exhibit binders are preferred.
- The Court may request submission of proposed Findings of Fact and Conclusions of Law and/or a proposed Order. These shall be submitted in word format to [mcginleysubmissions@allegheycourts.us](mailto:mcginleysubmissions@allegheycourts.us) with copy to opposing counsel.

### **POST-TRIAL MOTIONS**

- A copy of any filed post-trial motion must also be served upon the trial judge in chambers or electronically at [mcginleysubmissions@allegheycourts.us](mailto:mcginleysubmissions@allegheycourts.us). The Court will contact the parties about scheduling argument. The post-trial motion must contain a copy of the request for transcript of the trial testimony and the moving party must promptly see that the Court Reporter is timely paid for preparing the transcript.

### **HOUSING COURT MOTIONS**

Housing Court Motions will be scheduled for remote argument by Housing Court Staff. If you need to file a motion regarding a housing matter, please contact the Housing Court Help Desk by either:

Emailing your motion to: [HCHelpdesk@alleghecourts.us](mailto:HCHelpdesk@alleghecourts.us); or  
Calling: 412-350-4462

### **LAND USE MATTERS**

Consistent with past practice, Judge McGinley will schedule an initial remote conference on each land use appeal. Following conference, a case management/briefing schedule will issue. Briefs will be due simultaneously absent unique circumstances requiring deviations from this practice. Issues will be decided on the filed record and briefs. No additional evidence is accepted as a general rule. Judge McGinley will not schedule oral argument as a matter of course.

The Court requests that the parties provide two paper copies of filed briefs (not the record) to Chambers and courtesy copies may be emailed to [zoningmginley@alleghecourts.us](mailto:zoningmginley@alleghecourts.us). Motions/submissions/inquiries relating to land use matters may be emailed to [zoningmginley@alleghecourts.us](mailto:zoningmginley@alleghecourts.us). Please note that these cases are *not* subject to the Local Rule regarding mandatory mediation.

### **OTHER CASES SPECIALLY ASSIGNED TO JUDGE MCGINLEY**

For any other cases that are specially assigned to Judge McGinley through order of the Administrative Judge of the Civil Division, Judge McGinley will schedule an initial case management conference with the parties.

### **CONTACT INFORMATION**

You may contact Chambers through the following contact information for judicial staff:

- Maureen Elder – Administrative Assistant – 412-350-1484; [MElder@alleghecourts.us](mailto:MElder@alleghecourts.us)
- Rosemary Fehlner – Law Clerk – 412-350-1486; [RFehlner@alleghecourts.us](mailto:RFehlner@alleghecourts.us)