

**STANDARD OPERATING PROCEDURES OF  
THE HONORABLE WILLIAM P. MAHON**

**I. EMERGENCY RELIEF**

Requests for preliminary injunctions or other emergency relief may be presented at any time by making the appropriate arrangements with my secretary (610.344.4490) between 8:30 a.m. and 4:30 p.m. weekdays. Ex Parte relief is not favored and will not be granted unless counsel establishes good faith efforts to notify and to obtain the presence in chambers of opposing counsel. If opposing counsel is unable to participate in person, participation by telephone must be obtained if feasible. Unrepresented opposing parties must be notified directly.

No emergency motion, petition, or application may be presented, either orally or in writing, where the underlying case has been assigned to another judge, unless someone from the assigned judge's staff verifies that the assigned judge will not be available to dispose of the matter within a time frame deemed necessary by a reading of the allegations in the pleading. The converse is also true. *Counsel should not take any matter assigned to my list to the emergency judge merely because I am not immediately available.*

**II. COMMUNICATION WITH CHAMBERS**

- A. Counsel should contact the appropriate courthouse office and not my secretary or law clerk concerning legal/procedural questions or filings, and counsel should ensure complete research into any question raised **before** contacting any office. **It is expected that you will have familiarized yourself with Commonwealth and local rules before making any such communication.** Scheduling questions should be directed to the Court Administrator's Office or pre-trial clerks, unless of the type where scheduling contact should be made with my secretary (e.g., administrative, pre-trial, and settlement conferences).
- B. I will not accept faxes from attorneys or parties unless it is an emergency and prior approval is granted. If a party seeks relief, the appropriate motion or petition should be filed. The Court will not necessarily take any action on requests made via fax or letter. **This applies equally to requests for continuances in civil matters.** Formal continuance requests should be made by written motion or orally before the Court and will only be granted for good cause. Defense continuance requests in criminal matters can be presented by the Assistant District Attorney assigned to my courtroom if there is no objection to the request.

### III. PRE-TRIAL AND MISCELLANEOUS MATTERS

#### A. Pre-Trial Conferences

1. Pre-trial conferences will be held as deemed necessary by the Court or as requested by counsel and arranged with my secretary by counsel. See C.C.R.C.P. 212.1.
2. Pre-Trial settlement conferences are encouraged. However, the Court will only schedule such conferences upon written notification that all parties are willing to participate in a conference with the goal of settlement. I will make myself available to counsel where my involvement is desired **by all parties** as a means to increase the likelihood of settlement or remove impediments to the ultimate resolution of the matter. A settlement conference will not delay trial. **Counsel shall make the Court aware if the case is to be tried without a jury prior to any request for a pre-trial settlement conference.** Once the matter is called for trial, my efforts will be devoted to ensuring that trial is conducted as scheduled. It is my intention that all matters on my list will move toward ultimate resolution with all deliberate speed. No matter will knowingly be permitted to remain inactive on my list.

#### B. Motions and Petitions Generally

1. Counsel should familiarize themselves with and follow the procedures set forth in C.C.R.C.P. 206, et. seq.
2. Please note that this Court has adopted the alternative procedure authorized by Pa.R.C.P. No. 206.4. See C.C.R.C.P. 206.4. Counsel must familiarize themselves with these procedures. No petition and rule shall be served unless it has been filed with the Prothonotary of this Court.
3. The name of the moving party and the moving party's counsel and the nature of the filing shall be prominently stated.
4. It is the obligation of each party to develop the legal theories and to marshal the legal authorities supportive of that party's prayer for relief. The failure to meet this obligation shall constitute a waiver of every issue and authority other than those to which express reference is made.
5. Whenever a written memorandum of law or brief is required or submitted, the written argument shall include as an appendix thereto, photocopies of the full text of all statutory, decisional, and secondary sources cited, except: reported opinions of this Court which have appeared in a bound volume of the Chester County Reports; reported opinions of the Pennsylvania Courts of Common Pleas which have appeared in a bound volume of the District & County Reports 2<sup>nd</sup> through 4<sup>th</sup> series; reported

opinions of the appellate courts of the Commonwealth of Pennsylvania; and Statutes of the Commonwealth of Pennsylvania enacted into law more than twelve (12) months prior to the date of the Appendix. The full text of all other cited authorities including without limitation any opinions of Courts of the United States or of another state, any statute of the United States or of any other state, any provisions of a Restatement; and any local ordinance or regulation shall be included in the Appendix.

C. Time for Filing Motions and Petitions

1. Motions in Limine should be filed in advance of trial with sufficient time to allow the Court to consider those motions. Generally, this is two (2) weeks prior to the commencement of trial, but this may depend on the complexity of issues involved. Complex issues known in advance by the party seeking relief will not be entertained the morning the trial is scheduled to commence.
2. **Pending motions**, including but not limited to motions in limine and motions for summary judgment, **will not delay trial**. If a case is called to trial and motions are outstanding, if oral argument was not requested, or was requested and already heard, the Court will decide the motion immediately prior to the commencement of trial and proceed accordingly. If oral argument was requested and has not been heard when trial is scheduled to begin, the Court will hold oral argument immediately prior to the commencement of trial, rule on any outstanding motions, and proceed accordingly.

D. Oral Argument

1. Counsel should be prompt, professionally attired, and well prepared for oral argument.
2. Generally the moving party will speak first and each side will be limited to fifteen (15) minutes. However, counsel should be prepared to engage in a colloquy with the Court, rather than to make a set argument.
3. Oral argument is not routinely a proceeding of record. If a party desires a record of an oral argument, counsel must make prior arrangements to have my court reporter present at the argument and will be responsible for payment for the court reporter's services.

E. Minors/Wrongful Death Claims

1. Approval of Minors/Wrongful Death Claims should be scheduled through Court Administration. Notice must be given to defendants and their insurance companies. School-aged minors must be present in Court.

F. Settlement of Trial

1. Counsel should immediately inform the Court in writing of settlement of any case on the trial list and file a praecipe to settle, discontinue, and end. Any case that remains on the trial list after informing the Court of settlement shall proceed to trial.

G. Administrative Conferences

1. A telephone administrative conference will be scheduled upon request after receiving the six-month letter. The administrative conference will usually be conducted at 8:45 a.m. Counsel for the requesting party shall be responsible for the initiation of the call with all parties. Counsel should comply with C.C.R.C.P. 249.1.

**IV. SUMMARY TRIAL**

- A. Counsel are encouraged to actively pursue all procedures available for the simplification of issues in dispute and the accomplishment of greater efficiency at trial. These procedures include stipulations, requests for admission pursuant to Pa.R.C.P. No. 4014, presentation of the matter as a case submitted on stipulated facts pursuant to Pa.R.C.P. No. 1038.1, motions for judgment on the pleadings and motions for summary judgment (or partial summary judgment), and motions in limine.
- B. In addition, I am a proponent of summary trial procedures and any party interested in exploring such alternative means of dispute resolution should request of my chambers the additional materials I have prepared on that subject. In brief, if all parties are in agreement and the matter appears to be appropriate for such submission, then, following limited and focused discovery, the matter may be tried before a panel of up to six jurors using a streamlined procedure in which counsel for each side presents within a limited period of time a summary of the documentary and testimonial evidence favorable to that party's position. These presentations are followed by my instructions and the jury's deliberations. The verdict reached may be, as the parties have previously agreed, advisory, dispositive, or binding. The matter may be bifurcated so as to submit only the issue of liability or of damages to the jury.

**V. TRIAL PROCEDURE**

A. Preliminary Conference

1. Counsel shall meet with the Court prior to jury selection to provide the Court with witness lists for voir dire and to discuss timing of witnesses and evidentiary issues and the Court's rulings on any previously filed Motions in Limine.
2. At the preliminary conference, counsel should have already provided the Court and opposing counsel with a trial brief, questions for voir dire,

proposed jury instructions and a proposed verdict slip. (See infra at D.1, J.1.)

B. Court Seating

1. Consistent with local practice, the Plaintiff's/Commonwealth's table is closest to the jury.
2. If there is a need for more than one table for all plaintiffs or all defendants, or there is any other special request for seating, counsel shall notify my chambers at least one week prior to trial to make the necessary arrangements.
3. Only counsel and parties shall sit at counsel table. Witnesses are to sit in the spectator section. If a party desires sequestration, that party must make a motion at the outset of trial. If sequestration is ordered, counsel will be responsible for informing non-party witnesses that they should remain outside of the courtroom until called to testify and that they shall not discuss their testimony with other witnesses until the trial is concluded. The Court will not monitor whether witnesses are complying with the sequestration order, but will respond accordingly if counsel makes the Court aware of non-compliance.

C. Decorum of Counsel

1. Counsel shall dress in an appropriate and professional manner. The trial shall be conducted in a dignified and formal manner at all times. Counsel shall address the Court and not opposing counsel. Public colloquy between counsel is not permitted during trial. All remarks should be addressed to the Court and counsel will rise when addressing the Court unless otherwise directed. Counsel shall not raise their voices any higher than is necessary to be clearly heard by the Court, the witnesses, and the jury.
2. Counsel shall be courteous and professional. Counsel shall not exhibit casual familiarity with the Court, parties, jurors or opposing counsel while Court is in session. During opening statements or closing arguments, no juror should be addressed individually or by name. Neither counsel nor the parties by their body language or facial expression shall convey any reaction to the testimony of a witness, or the questions or argument of opposing counsel.

D. Voir Dire

1. In civil cases, voir dire is conducted by counsel. Where a case is scheduled for trial on a date certain, attorneys should provide opposing counsel with the questions for voir dire at least one (1) week prior to trial. If

counsel are unable to provide questions for voir dire one week prior to trial, i.e. the case is called to trial with less than one week's notice, counsel should exchange voir dire questions the morning of the trial.

2. In criminal cases, the Court will conduct voir dire.
- E. Opening Statements
1. The purpose of the opening statement is to state briefly what counsel expects the evidence to show. Brief reference to the law will be permitted only to the extent that it will aid the jury to understand what counsel expects to prove.
- F. Objections to Questions
1. When objecting, counsel should state "objection" and then give a brief statement of the grounds for the objection. Counsel shall not argue the objection with opposing counsel, but shall address all remarks to the Court. Once the Court has ruled, counsel is to move on and not continue to argue the objection.
- G. Examination of Witnesses
1. It is counsel's responsibility to advise witnesses, in advance, regarding what behavior is expected in the courtroom, including compliance with sequestration orders, pre-trial rulings, and not mentioning certain evidence such as insurance in a civil case or suppressed evidence and excluded past crimes/bad acts in a criminal case.
  2. Counsel should ordinarily conduct examination of witnesses from the lectern or while seated at counsel table. If counsel is more comfortable standing, counsel may stand behind the counsel table. Do not approach a witness without specific permission. When permission is granted, please return to counsel table when the purpose of the permission is concluded.
  3. At the beginning of a witness' testimony, have the witness state and spell his or her name for the court reporter's benefit.
  4. If a witness is to be examined on the basis of prior written statements made by the witness, and these statements have not been received into evidence, the witness shall first be shown the statement and asked whether he or she acknowledges having made it.
  5. Witnesses should be treated with fairness and consideration; they should not be shouted at, ridiculed, or abused in any manner. Even tough cross-examination can be done in a civilized and professional manner.
  6. Allow the witness to finish answering before asking the next question. Do not speak over a witness' testimony.

7. Witnesses and parties should be instructed to wear proper attire to court. Witnesses may wear work clothes as long as they are neat and clean. Shorts, tank-tops and undershirts are unacceptable. Hats, with the exception of religious garb, must be removed before entering the courtroom. It is the responsibility of counsel to advise clients and witnesses of the dress requirements. Witnesses or parties not properly attired may be excluded from the courtroom.
  8. Avoid the use of argumentative questions. Keep your questions clear and to the point.
  9. If a witness was on the stand at a recess or adjournment, the witness should be on the stand and ready to proceed when Court is resumed. Neither counsel nor anyone else may discuss a witness' testimony with the witness during a break in the witness' examination, and counsel must so instruct such a witness. Counsel shall ensure that counsel does not run out of witnesses. If counsel is out of witnesses and there is more than a brief delay, the Court may determine that the party presenting evidence has rested. If there is going to be a problem with the scheduling of any witness(es), inform the Court at the pre-trial conference and at the beginning of that day's proceedings.
  10. Cell phones, pagers, and like communication equipment must be turned off in the courtroom and counsel shall so instruct those persons affiliated with counsel's case.
- H. Exhibits
1. Prior to trial, counsel should arrange with the court reporter to have the exhibits marked at a time when it will not delay the proceedings. Counsel should not ask the court reporter to give up his or her break to mark exhibits or address other matters.
  2. Copies of all exhibits should be provided to opposing counsel, except where impracticable. The jury should not see an exhibit before it has been admitted into evidence and/or the Court has permitted its publication.
  3. Counsel are reminded that exhibits may be moved into evidence at any time during a party's own case.
  4. Counsel should refer to exhibits by number.
  5. If special accommodations are required for the presentation of evidence, e.g. a monitor, projector, smart screen, or similar devices, counsel should make the necessary arrangements prior to trial.
- I. Side Bar Conferences

1. Side bar conferences should be infrequent and sought only when necessary. Counsel should advise the Court and the court reporter whether it is requested that the side bar be on the record.
- J. Points for Charge and Closing Arguments
1. A charging conference will be held prior to closing arguments. Standard jury instructions are generally given. However, if special or unusual issues of law arise, written points for charge should be submitted, with citations of authority for each point. Points for charge as well as a proposed verdict slip should be submitted two (2) weeks prior to trial. Where it is impossible to file points for charge and a proposed verdict slip prior to trial, counsel should submit them on the morning of trial.
- K. Miscellaneous
1. Detailed Findings of Fact are very helpful in civil non-jury trials, are highly encouraged, and may be required by the Court.
  2. In civil cases, counsel should exchange their lists of experts and the substance of their testimony prior to the beginning of trial or risk having such expert(s) barred from giving testimony. Prepare your expert examination, including questions intended to establish a proper factual foundation. On critical issues, experts should be specifically asked if they hold their opinions to a reasonable degree of certainty within their fields of expertise.
  3. During jury deliberations, counsel shall provide the tipstaff on duty with their telephone numbers and expected locations, and shall be available, with their clients, to return to the Court on five minutes' notice.
  4. From the time the jury is selected until it is discharged, counsel shall avoid all forms of contact with the individual jurors, and shall advise their parties and witnesses to do the same.
  5. Do not copy the Judge on correspondence between counsel. If there is a discovery dispute, the Judge will only entertain a formal motion.
  6. Judicial admissions, pleading averments, requests for admissions of parties, etc., can be very useful to the presentation of a case. However, they are not part of the evidence unless moved into evidence and admitted as such.
  7. If use of videotape is planned for use in Court, please rewind them to the starting point and review any objections made on the videotapes with counsel and the Court, if necessary, ahead of time. Videotapes shown to juries must be edited to delete inadmissible testimony and unnecessary

questions or statements by counsel. Counsel is responsible for making arrangements to bring in video equipment and a videographer.

8. Although jury views are not encouraged, they may be done with advance arrangements by counsel with the Court. Highly detailed photographs are preferred and can prove just as informative.

L. Court Reporter

1. The court reporter is not under the control of the parties or counsel. Counsel should not issue instructions or make requirements of the reporter. Counsel should direct their requests to the Court and, if appropriate, the Court will issue instructions to the reporter. During trial, be conscious of the speed at which you and your witnesses speak so that the reporter can accurately transcribe the statements and testimony. In cases, such as medical malpractice cases, which require the use of complicated terminology, please provide the reporter with a glossary of terms that you plan to use throughout the trial.