

## **JUDGE LLORET'S PRACTICES AND PROCEDURES**

Magistrate Judge Richard A. Lloret received his B.A. from Rutgers University, with honors, in 1979, and his J.D. from Rutgers-Camden School of Law, with honors, in 1982. He practiced as a civil litigator in New Jersey from 1982 to 1990. He joined the U.S. Attorney's office in Roanoke, Virginia in 1991 and served there as an AUSA and Managing AUSA until 1998. He joined the U.S. Attorney's office in Philadelphia in 1998, where he served variously as Senior Litigation Counsel, Assistant Director of the Department of Justice's National Advocacy Center, Deputy Chief of the Violent Crime and Firearms Section, and Chief of the Health Care and Government Fraud Section. He received the Department of Justice's Director's Award for superior performance in 2006, and the ATF Director's Award for outstanding service in 2009. Judge Lloret began serving as a United States Magistrate Judge in May of 2014.

### **GENERAL MATTERS**

**1. *Communications with Law Clerks.*** Counsel should communicate with the judge's law clerks only about procedural matters.

**2. *Communications between Counsel.*** Counsel should be courteous and reasonable with each other.

### **CIVIL CASES**

**Settlement Conferences.** At the time a case is referred for settlement, a notice will be sent to counsel, scheduling a settlement conference. The judge requires that a principal with full settlement authority attend the conference and requires counsel for all parties to submit confidential position papers. An example of the notice is attached. The settlement conference summary calls for a one-page synopsis. I do intend for the parties to use only one page to tell me what the case is about. If it is necessary for me to look at attachments – *e.g.*, crucial contract or policy language, or pictures of a damaged auto – just attach the crucial pages or pictures, not an entire contract or dozens of pictures.

**Scheduling Conferences.** After the consent of the parties and a referral of a case for trial, the judge will hold a scheduling conference, often by telephone. At that time, all deadlines will be set and the case listed for trial. An example of a scheduling order is attached.

**Pre-trial Procedure.** In lieu of pretrial memoranda or a final pretrial order, under Local Rule 16.1(d)(1) and (2), a pretrial stipulation must be submitted that follows the format of the attached example. Non-jury trials do not require proposed *voir dire* questions or jury instructions.

### **Trial Procedure**

**1. *Scheduling of Cases.*** In most cases, the judge will set a date certain for trial. Civil trials will take place in Courtroom #6 of the Nix Building, 900 Market Street. The judge

sits from 9:30 a.m. until 4:30 p.m., with an hour break for lunch and a brief recess in the morning and in the afternoon.

**2. Using the Lectern.** The judge prefers that counsel use the lectern during trial. Counsel need not ask permission to approach a witness each time they do so; once is enough.

**3. Note-taking and Questions by Jurors.** The jury may take notes. The jurors may propose questions during trial by writing them down and handing them to the judge, who will preview them with counsel.

**4. Voir Dire.** The judge conducts *voir dire* questioning. Counsel may ask additional questions after the judge has questioned the panel.

**5. Sidebars.** Sidebars are disfavored. If issues need to be addressed outside the presence of the jury, counsel should ordinarily do so before and after court sessions, or during breaks.

**6. Examination of Witnesses.** If more than one lawyer is representing a party, they must decide who will examine and handle objections to the examination of each witness: only one lawyer per witness. Ordinarily the judge permits only one redirect examination and one recross-examination.

**7. Objections.** When objecting, counsel may indicate briefly the nature of the objection, *e.g.*, “irrelevant,” “unduly prejudicial,” “hearsay,” but should not launch into argument. If the judge needs more information he will ask for it.

**8. Exhibits.** Counsel should confer and stipulate to the admission of exhibits, whenever possible. At the time such exhibits are introduced counsel should note they are admitted by stipulation. Non-stipulated exhibits should be moved into evidence when they are introduced. Any objections or proposed limitations on the use of an exhibit must be aired at the time the exhibit is introduced.

## **Jury Deliberations**

**1. Exhibits in the Jury Room.** Exhibits that have been admitted into evidence are made available to the jury during deliberations, together with a copy of the court's jury instructions.

**2. Interviewing the Jury.** After the jury has been discharged, counsel should check with the judge before speaking with jurors.

## **CRIMINAL CASES**

Criminal duty hearings, including arraignments, are normally held in Courtroom 5A at 1:30 p.m. Ordinarily pre-trial detention motions should be filed by 10:30 a.m. the day the hearing is scheduled.

***[Caption]***

**PRETRIAL STIPULATION**

(a) **Agreed facts.** A conscientious effort should be made to narrow the areas of dispute.

(b) **Exhibits, marked for trial.** All objections to authenticity should be noted or will be considered waived. Exhibits are to be provided to the court in the form of two jointly prepared, loose leaf exhibit books, each book containing tabbed Joint Exhibits (where applicable), Plaintiff's Exhibits, and Defendant's Exhibits.

(c) **List of witnesses and the subject of their testimony.** Parties who intend to use video equipment to present the testimony of a witness should either supply that equipment or request, at least two weeks before trial, that the court reserve equipment for them.

(d) **Disputed factual and legal issues.** Parties should explain disputed factual and legal issues and supply authority for their positions on the legal issues.

(e) **Proposed *voir dire* questions, jury instructions, and jury verdict form.** Counsel must make a good-faith effort to agree upon as many of these items as possible. These items must be submitted on disk, in Word format, as well as in hard copy, at the time the Pretrial Stipulation is due.

(f) **The signed approval of trial counsel for each party.**  
It will be the responsibility of plaintiff's counsel to circulate a draft of this pretrial stipulation at least one week before it is due.

Stipulated on the dates listed below ***[signatures of trial counsel and dates]***

**[Caption]**

**SCHEDULING ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, it is

ORDERED

As follows:

1. All discovery requests and responses are to be completed by\_\_\_\_\_.
2. All dispositive motions shall be filed on or before\_\_\_\_\_.
3. All Motions in Limine shall be filed by\_\_\_\_\_. Responses to Motions in Limine shall be filed by\_\_\_\_\_.
4. A Pretrial Stipulation, in the form attached, signed by all counsel, shall be filed 14 days prior to the first day of trial. All objections to the authenticity of exhibits are waived unless noted in the Pretrial Stipulation.
5. JURY SELECTION will take place at \_\_ p.m. on \_\_\_\_\_. TRIAL will commence on \_\_\_\_\_.
6. At the time of filing of the Pretrial Stipulation, plaintiff will report in writing on counsels' settlement efforts. Any party may request a settlement conference.

**[Caption]**

**NOTICE**

A settlement conference in the above-captioned case will be held on **[INSERT DATE]**, at **[INSERT TIME]**, before the Honorable Richard A. Lloret, United States Magistrate Judge, in Courtroom 6, Robert N.C. Nix Federal Building, 900 Market Street, Philadelphia, PA 19107.

- **Please notify the court if settlement is not a real possibility.**
- **The conference will not be held unless counsel has clients with full and complete settlement authority physically present for the duration of the conference. Full and complete authority means the party's representative must possess authority consistent with the most recent demand.<sup>1</sup>**
- **If the defendant does not intend to make a settlement offer, or intends to offer nuisance value only, defendant should arrange a telephone conference with chambers and parties.**

Please complete the attached summary and e-mail it to Chambers at sheila\_mccurry@paed.uscourts.gov on or before **[INSERT DATE]**.

*/s/ Sheila McCurry*  
SHEILA MCCURRY  
Courtroom Deputy to the  
Honorable Richard A. Lloret  
U.S. Magistrate Judge  
267-299-7410

Date:

cc: **[INSERT ALL ATTORNEYS]**

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<sup>1</sup> Parties include all persons, corporations or other business entities, and insurance companies with an interest in the case, and each entity with an interest in the case must attend the conference. In the case of corporate or other business entities, the corporate official with ultimate settlement authority is required to attend. Where an insurance company is involved, a representative with full and complete settlement authority is also required to attend.

SETTLEMENT CONFERENCE SUMMARY

CAPTION: \_\_\_\_\_

DISTRICT COURT JUDGE: \_\_\_\_\_ JURY / NONJURY

(Circle One)

TRIAL/POOL DATE:

COUNSEL ATTENDING SETTLEMENT CONFERENCE:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Client: \_\_\_\_\_

CLIENT ATTENDING SETTLEMENT CONFERENCE:

Name of Individual with Ultimate Settlement Authority who will be present at the settlement conference (include company and position where applicable):

MOTIONS PENDING:

\_\_\_\_\_  
\_\_\_\_\_

OTHER RELEVANT MATTERS:

\_\_\_\_\_  
\_\_\_\_\_

PRIOR OFFERS / DEMANDS:

\_\_\_\_\_  
\_\_\_\_\_

ATTACH SYNOPSIS OF CASE (LIMITED TO ONE PAGE)