

*MAGISTRATE JUDGE M. FAITH ANGELL*

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Magistrate Judge Angell is a graduate of Mount Holyoke College (A.B. 1959), Bryn Mawr College (M.S.S. 1965) and Temple University School of Law (J.D. 1971). She began her professional career as a social worker in child welfare, primarily in medical and community organization settings. While attending evening law school, she worked as the Director of the Social Service Department at Wills Eye Hospital and later as Chief Social Worker for the newly-created Family Court Division of the Defender Association of Philadelphia.

In 1971, Judge Angell was appointed as an Assistant District Attorney for the City of Philadelphia. In 1972, she was appointed as an Assistant Attorney General and, in 1974, as a Deputy Attorney General and Chief of the Division of Civil Litigation for the Eastern Regional Office of the Pennsylvania Department of Justice. In 1978, Judge Angell joined the Interstate Commerce Commission as Regional Counsel. In 1980, she became Regional Director and a member of the United States Senior Executive Service. In 1988, Judge Angell was appointed as an Administrative Law Judge in the Office of Hearings and Appeals of the Social Security Administration. From 1973 to 1994, she served as an Adjunct Professor and taught in the clinical program at Temple University School of Law.

On May 14, 1990, Judge Angell was appointed as a United States Magistrate Judge of the United States District Court for the Eastern District of Pennsylvania. She was reappointed in May 1998.

Judge Angell is a former President of the Philadelphia Chapter of the Federal Bar Association and Master in the Temple American Inn of Court. She served as Co-Chair of the Commission on Gender of the Third Circuit Task Force on Equal Treatment in the Courts.

## **PRELIMINARY GENERAL MATTERS**

### ***1. Correspondence with the Court***

Judge Angell permits correspondence from counsel on all matters. If the occasion demands, counsel will be instructed to file a formal motion in lieu of prior correspondence.

### ***2. Communication with Law Clerks***

Judge Angell permits counsel to speak directly with her law clerks with the understanding that counsel must carefully observe ethical considerations and avoid discussion of the merits of a pending case. Attorneys should not attempt *ex parte* communication on matters of substance. Joint calls by counsel for all parties are preferred.

### ***3. Telephone Conferences***

Judge Angell encourages the use of telephone conferences for handling matters such as discovery disputes, scheduling changes and extensions of time. It is counsel's responsibility to arrange such conference calls and to contact Judge Angell when all counsel are on the line. However, Judge Angell prefers in-chambers conferences for settlement discussions and complex issues.

### ***4. Oral Arguments and Evidentiary Hearings***

Judge Angell permits oral arguments and non-jury evidentiary hearings to be scheduled by her law clerks who will attempt to accommodate the schedules of counsel.

### ***5. Pro Hac Vice Admissions***

Judge Angell prefers that an application for *pro hac vice* admission be made by formal motion filed prior to the day the attorney to be admitted first appears in Court. She will permit an oral motion to be made at the time of the attorney's first appearance, but counsel will be directed to prepare an appropriate order to memorialize the *pro hac vice* admission.

## **CIVIL CASES**

### **Pretrial Procedure**

#### ***1. Pretrial/Status Conferences***

Judge Angell regularly conducts pretrial/status and settlement conferences in cases pending before her.

Pretrial/status conferences, where appropriate, are scheduled promptly upon referral of

the case to Judge Angell. One day every month is reserved for initial pretrial conferences in civil cases. The agenda for an initial pretrial/status conference usually includes: (1) establishing dates for the completion of discovery, the filing of dispositive motions, the final pretrial conference and trial; (2) discussion of outstanding motions and problems and encouragement of practical solutions to any disputes; and (3) exploration of settlement possibilities. A sample of the form of a Scheduling Order often used by Judge Angell is attached; however, Judge Angell will sometimes use the pretrial orders of the various District Court Judges to whom the case is assigned.

Settlement conferences are encouraged and will be scheduled at the request of the parties.

## **Continuances and Extensions**

### ***1. General Policy***

Judge Angell will normally consult counsel before establishing a briefing schedule, oral argument, evidentiary hearing, discovery deadline or trial date. When possible, Judge Angell tries to accommodate counsel with regard to requests for reasonable changes.

### ***2. Requests for Extensions and Continuances***

Judge Angell does not impose any specific requirement as to how far in advance of a scheduled event counsel must request a continuance or extension. However, she expects such a request to be made as soon as the need becomes apparent.

If counsel have agreed on a continuance or an extension, ordinarily a letter to Judge Angell will suffice. The letter should state that all parties agree to the extension, the reasons for the request and the reasonable amount of additional time that counsel believe is necessary.

When a request for a continuance or extension is contested, the letter must state this fact.

## **General Motion Practice**

### ***1. Oral Argument on Motions***

Judge Angell will schedule oral argument on a motion if it appears likely to be helpful to the Court. Counsel should request oral argument if they consider it necessary.

### ***2. Reply and Surreply Briefs***

Judge Angell does not permit the filing of reply and surreply briefs, unless leave of Court is granted. Before requesting permission to file a reply or surreply brief, counsel should evaluate carefully whether such a brief is necessary.

### ***3. Chamber Copies of Motion Papers***

Judge Angell expects a courtesy copy of all motion papers to be sent directly to her chambers.

## **Discovery Matters**

### ***1. Length of Discovery Period and Extensions***

Judge Angell normally permits from ninety to one hundred and twenty days for the completion of discovery; however, she will consider the informed view of counsel as to the time that will be required for discovery in a particular case. More time is allowed in complex cases or on a specific showing of need at the initial pretrial/status conference.

### ***2. Discovery Conferences and Dispute Resolution***

Judge Angell expects the parties to resolve most discovery disputes without court intervention. If, however, counsel are unable, in good faith, to resolve their dispute, Judge Angell encourages the use of telephone conferences or a letter to Chambers to identify discovery disputes.

The use of motion practice in discovery is strongly discouraged. When a discovery dispute is identified, Judge Angell will promptly schedule a telephone conference, in-person conference or hearing, as appropriate.

### ***3. Confidentiality Agreements***

Judge Angell encourages counsel to develop confidentiality agreements, when appropriate. As a general rule, she will not entertain stipulated confidentiality orders submitted for court approval.

### ***4. Expert Witnesses***

The disclosure of the identity of experts who are to testify at trial is required as soon as they are known to the respective parties, and no later than the end of the discovery period. If necessary, Judge Angell will allow additional time for expert discovery for good cause.

Expert reports are to be exchanged on or before the dates set by the Scheduling Order.

Beyond the requirements of the Federal Rules of Civil Procedure, Judge Angell does not have a special policy as to when the depositions of expert witnesses will be permitted.

## **Settlement**

### ***1. General Approach to Settlement and Non-Jury Cases***

Judge Angell actively encourages settlement discussions and makes herself available to discuss settlement if all parties wish her to be involved.

Each attorney appearing for a party at a settlement conference must have authority to settle on behalf of his/her client. The parties are expected to be present or available by telephone.

### ***2. Referral of Settlement Negotiations to Another Judge***

In non-jury cases where the parties have consented to trial before Judge Angell, she will

refer settlement negotiations to another Magistrate Judge.

## **Arbitration**

### ***1. General Approach to Arbitration Cases***

Judge Angell has no special practices or procedures for arbitration cases that differ from those set forth in Local Rule 53.2.3.

### ***2. Scheduling of Trial De Novo from Arbitration***

When a demand for trial *de novo* is filed after arbitration, Judge Angell promptly schedules a status conference to explore the possibility of settlement and, if necessary, to schedule a trial date.

## **Proposed Final Pretrial Memoranda**

### ***1. Required Form of Pretrial Memoranda***

Unless specifically provided for by separate order in a particular case, Judge Angell requires the use of the short form pretrial memorandum described in Rule 16.1 of the Local Rules of Civil Procedure. In addition, she requires a stipulation of uncontested facts as described in Local Rule 16.1(d)(2)(b)(2)(A) through (E).

## **Injunctions**

Judge Angell will promptly list any injunction matters assigned to her. The scheduling of injunction matters will depend upon the circumstances of the case and will be determined at an initial conference to be attended by all counsel.

## **Trial Procedure**

### ***1. Scheduling of Cases***

Judge Angell's normal practice is to assign a date certain for trial.

### ***2. Conflicts of Counsel***

Counsel should notify Judge Angell, and opposing counsel, promptly of any professional or personal conflicts that may affect the trial schedule. Such notice may be given by telephone.

### ***3. Parties or Witnesses***

When possible, Judge Angell attempts to adjust the trial schedule as necessary to give consideration to out-of-town attorneys, parties and witnesses.

#### ***4. Notetaking by Jurors***

Judge Angell generally discourages notetaking by jurors, but will consider permitting it in an appropriate case.

#### ***5. Trial Briefs***

Judge Angell generally discourages the submission of trial briefs, except in unusual or complex cases and in cases where novel evidentiary problems are anticipated.

#### ***6. Voir Dire***

Judge Angell conducts *voir dire* in civil cases. Counsel may submit proposed *voir dire* questions at the final pretrial conference and may, when appropriate, conduct supplemental *voir dire* following Judge Angell's questions.

#### ***7. Side Bars***

Judge Angell prefers to avoid side-bar conferences and encourages counsel to raise issues before trial begins or during recesses or adjournments. However, she will hold side bar conferences as the need arises.

#### ***8. In Limine Motions***

Motions *in limine* should be submitted at the final pretrial conference.

#### ***9. Examination of Witnesses Out of Sequence***

Judge Angell will generally grant a request by counsel to take the testimony of a witness out of turn for the convenience of the witness, subject to objection by opposing counsel.

#### ***10. Opening Statements and Summations***

Judge Angell encourages brevity in opening statements and summations. She will usually discuss with counsel the time needed and secure from all counsel an understanding as to an appropriate length of time.

#### ***11. Examination of Witnesses or Argument by More Than One Attorney***

Judge Angell will permit more than one attorney to examine different witnesses; however, only one attorney for a party may examine a particular witness. More than one attorney for a party may argue different points in a motion before Judge Angell.

## **12. Examination of Witnesses Beyond Redirect and Recross**

Permission to examine witnesses beyond redirect and recross depends on the particular facts and circumstances of the case. Judge Angell will sustain an appropriate objection to such further examination if it goes beyond the scope of the previous examination of opposing counsel.

## **13. Videotaped Testimony**

Before the final pretrial conference, Judge Angell requires counsel to view all videotaped depositions which will be offered at trial for the purposes of editing the videotape and resolving material objections. All objections to videotaped testimony which cannot be resolved between counsel must be raised at the final pretrial conference and will be ruled upon by Judge Angell at that time.

## ***14. Reading of Material into the Record***

Judge Angell has no special practice or policy for reading pleadings, or discovery material into the record. She will permit it when necessary; however, she encourages counsel to minimize the necessity for this by stipulating to as many facts as possible.

## ***15. Preparation of Exhibits***

Judge Angell requires all exhibits to be pre-marked and pre-exchanged. Counsel should provide the Court with one copy of each trial exhibit as well as an exhibit list.

## ***16. Offering Exhibits into Evidence***

Judge Angell prefers to have all exhibits offered into evidence at the close of the party's case-in-chief.

## ***17. Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings***

Judge Angell has no particular preference as to whether motions for judgment as matter of law (or motions for judgment on partial findings in non-jury trials) are submitted in writing or orally. Oral argument, if necessary, will be requested by the Court.

## ***18. Proposed Jury Instructions and Verdict Forms***

As set forth in her Standard Scheduling Order, Judge Angell requires counsel to submit *joint* proposed jury instructions, noting areas of agreement as well as any objections. Counsel are also required to *jointly* submit a proposed verdict form or proposed special interrogatories to be submitted to the jury. At the final pretrial conference, Judge Angell will rule on any objections.

Prior to giving the jury charge, counsel will be provided with a copy of the final jury instructions and verdict sheet (or special interrogatories) and will be given an opportunity to take

exception, make corrections or suggest additions.

### ***19. Proposed Findings of Fact and Conclusions of Law***

Judge Angell requires counsel to submit proposed findings of fact and conclusions of law in non-jury cases at the final pre-trial conference. She will permit supplementation later (at the close of trial or, in a complex matter, after trial) as necessary.

## **Jury Deliberations**

### ***1. Written Jury Instructions***

Judge Angell has never given the jury a copy of the jury instructions.

### ***2. Exhibits in the Jury Room***

Unless the parties request otherwise, Judge Angell generally permits all of the trial exhibits that have been admitted into evidence to go out with the jury.

### ***3. Handling of Jury Requests to Read Back Testimony or Replay Tapes***

Judge Angell permits testimony to be read back where the jurors identify the requested testimony with reasonable precision. Judge Angell recalls no instance where a jury has asked to have a videotape or audio tape replayed; however, she would probably permit replaying if such a request was made.

### ***4. Availability of Counsel During Jury Deliberations***

Judge Angell does not require counsel to remain in the courthouse during deliberations, but she does require that they be available on telephone notice.

### ***5. Taking the Verdict and Special Interrogatories***

Judge Angell has no usual practice regarding special or general verdicts. Judge Angell frequently submits interrogatories to the jury.

### ***6. Polling the Jury***

Upon request, Judge Angell will permit the jury to be polled.

### ***7. Interviewing the Jury***

Judge Angell does not usually permit counsel to interview jurors after the verdict is recorded and the jury has been discharged.

## **CRIMINAL CASES**

## ***1. Sentencing Memoranda***

When a pretrial sentencing report is utilized, Judge Angell permits the submission of sentencing memoranda by both counsel.

## ***2. Additional Matters***

At all "criminal duty week" proceedings, counsel, once appointed or retained, must be present to permit the proceeding to go forward.

Once the Court has ordered that a defendant be detained or has set conditions of release, any proposed changes thereto must be submitted to the Court by written motion.

While Judge Angell has no power to designate the pretrial detention facility, she does encourage counsel to alert her to any special needs, especially a defendant's medical needs, which may be addressed by Order.

Judge Angell does not favor the dual representation of defendants by a single attorney at any criminal proceeding, apart, perhaps, from the initial appearance.

Judge Angell requires that all relevant documents be delivered to Chambers in advance of court. Counsel may contact her clerk if there are questions regarding the matters before the Court.

## **OTHER GENERAL MATTERS**

Unless requested, Judge Angell prefers not to receive copies of appellate briefs when a decision rendered by her is appealed.

Judge Angell expects counsel to be on time when appearing before her and to be courteous with each other, both in the presence of the Court and otherwise.

In general, Judge Angell expects counsel to discuss matters with opposing counsel before bringing them to her attention.

Counsel should not hesitate to contact Judge Angell's law clerks if they have a question about her courtroom practices or procedures.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

vs. ) CIVIL ACTION  
)  
)  
)  
) NO.

SCHEDULING ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2000, it is  
ORDERED:

1. Pretrial procedure will follow the Federal Rule of Civil Procedure 16 and the Local Rule of Civil Procedure (LRCP) 16.1.

2. Discovery, consistent with LRCP 26.1, is to be completed by \_\_\_\_\_. (30, 60 or 90 days from date of Order)

3. Expert interrogatories and depositions are to be completed by \_\_\_\_\_. (30 days from the close of discovery).

4. All dispositive motions are to be filed by \_\_\_\_\_. (30 days from the close of expert discovery). All responses to dispositive motions are to be filed by \_\_\_\_\_. (30 days from the filing of dispositive motions).

5. Pretrial Memoranda, prepared consistent with LRCP 16.1(c), are to be filed with the Court by \_\_\_\_\_. (2 weeks before trial date) The listing of witnesses will be subject to LRCP 16.1(d)1(b).

6. Trial exhibits are to be pre-marked and exchanged by \_\_\_\_\_ (at least 5 days prior to trial) with the authenticity subject to LRCP 16.1(d)1(a).

7. A final pre-trial Order, if required, will be prepared consistent with LRCP 16.1(d)2 and submitted by counsel for plaintiff to Chambers at least three (3) days prior to the scheduled final pretrial conference.

8. The final pretrial conference will be held on \_\_\_\_\_ (2 - 4 days before trial) and conducted consistent with LRCP 16.1(d)3.

9. The trial will be held on \_\_\_\_\_, in Courtroom \_\_\_\_\_.

10. In a jury trial, the parties shall submit proposed voir dire questions, joint proposed jury instructions and joint proposed verdict forms on or before \_\_\_\_\_, (at least 5 days prior to trial) consistent with LRCP 16.1(d)4.

11. In a non-jury trial the proposed findings of fact and conclusions of law are to be submitted by all parties at the final pre-trial conference.

12. A joint stipulation of uncontested facts consistent with LRCP 16.1(d)2(b)(2) is to be submitted at the final pre-trial conference, unless a final pre-trial Order which includes the stipulation has been required for submission prior to the conference.

13. All requests by counsel are to be in writing, filed with the Clerk of Court and in Motion form, consistent with LRCP 7.1, unless directed otherwise by the Court.

BY THE COURT:

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M. FAITH ANGELL  
UNITED STATES MAGISTRATE JUDGE

## REVISION LOCATIONS

Bio - 3<sup>rd</sup> and 4<sup>th</sup> paragraph

Preliminary General Matters

1. Correspondence with the Court
5. Pro Hac Vice Admissions

Civil Cases

Pretrial Procedure

1. Pretrial Conferences

Continuances and Extensions

2. Requests for Extensions and Continuances

General Motion Practice

2. Reply and Surreply Briefs

Discovery Matters

1. Length of Discovery Period and Extensions
2. Discovery Conference and Dispute Resolution
3. Confidentiality Agreements
4. Expert Witnesses

Arbitration

1. General Approach to Arbitration Cases

Proposed Final Pretrial Memoranda

1. Required Form of Pretrial Memoranda
14. Reading of Material Into the Record
16. Offering Exhibits Into Evidence

Criminal Cases

1-3 deleted

4. Sentencing Memoranda
5. Additional Matters

Scheduling Order

- 1, 2, 5, 6, 7, 8, 9, 10, 12, and 13