

HONORABLE ELIZABETH T. HEY
United States Magistrate Judge
Robert N.C. Nix Building
Ninth and Market Streets, Suite 219
Philadelphia, PA 19107
(267) 299-7670
Deputy Clerk/Secretary: Lara Karlson
Law Clerks: Ryan Watts and Anna Marie Plum

A. DISTRICT COURT JUDGE ASSIGNMENT:

Judge Hey is assigned to Judge Bartle, McLaughlin and Yohn.

B. CORRESPONDENCE WITH THE COURT

Judge Hey permits correspondence with the Court on scheduling and administrative matters.

C. COMMUNICATIONS WITH LAW CLERK:

Judge Hey permits communications, both written and oral, with her law clerks on procedural matters only.

D. CIVIL CASES

1. CONSENT TRIALS

a. PROCEDURE

Upon the consent of the parties to trial before a Magistrate Judge and referral by the District Court judge, Judge Hey holds a scheduling conference, usually telephonically. At that time, all deadlines are set and the case is listed for trial (see [Scheduling Order-Jury](#), [Scheduling Order-Bench](#)). Rather than utilizing a trial pool, Judge Hey sets a date certain for trial at the time of the scheduling conference. The deadlines that are set in the original scheduling order are subject to revision only by the court and only for good cause. A stipulation among counsel will not alter the Court's calendar.

b. STANDING ORDERS

Judge Hey has Standing Orders regarding the preparation of civil cases referred for jury and non-jury trials (see [StandingOrder-Jury](#), [StandingOrder-Bench](#)).

c. COURTROOM PROCEDURES

Judge Hey is assigned to Courtroom 6 of the Robert N.C. Nix Building at 9th and Market Streets.

Judge Hey conducts a final pre-trial conference on the day before trial or on the morning of trial. Judge Hey endeavors to hold jury selection as early as possible on the date the case is listed for trial. However, jury panels in the building are assigned on a seniority basis. Therefore, there are times when jury selection is not completed until the afternoon of the date the case is listed for trial. The judge conducts *voir dire*. Counsel may ask additional questions or follow-up questions once the court has concluded asking questions. Because some questions may involve private matters, the court welcomes the prospective jurors to answer such questions at sidebar.

Once questioning has been completed, and challenges for cause ruled upon, the Court will excuse all but the first 16 prospective jurors. Peremptory challenges will then be exercised by alternate strikes, plaintiff first, until each side has stricken 3 names. (The additional 2 jurors kept in the room during this phase is simply a precaution in case someone suddenly comes up with a reason why he/she must be excused.) In the event of multiple plaintiffs or defendants, the judge ordinarily does not permit additional peremptory challenges.

If time permits, Judge Hey will give her opening instructions to the jury immediately following jury selection and the case will proceed. Counsel should be prepared to present their opening statements on the day of jury selection.

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. Side bars are to be kept to an absolute minimum. During trial, Judge Hey is available, in chambers, both before and after court, and during the lunch break.

The jury is permitted to take notes once the opening statements are completed. Unless it is necessary to show a document to a witness, counsel should question either from counsel table or from the lectern. Counsel need not ask permission to approach a witness each time they do so. Once per trial is sufficient.

If counsel wishes to object to a question, a simple “objection” with grounds in three words or less is all that is necessary. If the Court needs more information in order to rule, it will ask. The Court permits one redirect and one-recross examination.

If more than one lawyer is representing a party, please decide who will examine each witness. Only one lawyer may speak per witness. (Of course, it is your choice and feel free to take turns.)

Counsel may move exhibits into evidence as they are identified, or at the close of a witness’s testimony. Do not, however, wait until the end of your case and then move everything. All exhibits that have been admitted into evidence are sent into the jury room during deliberations, together with a copy of the Court’s instructions.

After the jury has been discharged, the Court permits jurors who wish to do so to speak with counsel.

2. SETTLEMENT CONFERENCES

At the time a case is referred for settlement, an Order will be sent to counsel, scheduling the conference (see [Settlement-Schedule](#)). Judge Hey requires that a principal with settlement authority attend the conference and requires counsel for all parties to submit **confidential** position papers. In exceptional circumstances, Judge Hey will permit the principal with settlement authority to participate by telephone. However, such request should be made of the Court prior to the conference, and will not be considered until counsel has submitted the party’s conference memorandum.

E. CRIMINAL/MISDEMEANOR CASES

1. CRIMINAL DUTY MATTERS

When Judge Hey is assigned to criminal duty matters, she holds the hearings in Courtroom 5A in the United States Courthouse at 6th and Market Streets, at 1:30 p.m. Arraignments assigned by the District Court are held on Thursday morning at 10:30, in Courtroom 5A.

2. PRETRIAL SERVICES REPORT

Judge Hey permits counsel for the government and defense counsel to review the Pretrial Services Report. However, the recommendation made by the Pretrial Services Officer regarding custody is not to be shared with counsel.

3. PROBATION REPORT

Where there is no waiver of the presentence report, Judge Hey permits the defendant or defense counsel to review the Probation Department's written recommendation as to sentence.