

HONORABLE ELIZABETH T. HEY

United States Magistrate Judge

3038 U.S. Courthouse

601 Market Street

Philadelphia, PA 19106

(267) 299-7670

Deputy Clerk/Secretary: Lara Karlson

Chambers_of_Magistrate_Judge_Elizabeth_Hey@paed.uscourts.gov

A. DISTRICT JUDGE ASSIGNMENTS:

Judge Hey is paired with Judges Bartle, Surrick, Kearney, and Pappert for referrals in civil cases. Judge Hey also co-leads the Court's STRIDES Program with Judge Lloret and handles all scheduling and discovery in Judge Robreno's asbestos cases.

B. CORRESPONDENCE WITH THE COURT

Judge Hey permits correspondence with the Court on scheduling and administrative matters via Chambers email above. Parties who are pro se (do not have counsel) may only communicate by mail or email, unless otherwise directed.

C. COMMUNICATIONS WITH LAW CLERK:

Judge Hey permits communications, both written and oral, with her law clerks on procedural matters only. Parties who are pro se (do not have counsel) may only communicate by mail or email, unless otherwise directed.

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 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.

Settlement conferences will be handled by Judge Hey or another magistrate judge after consultation with the parties.

b. STANDING ORDERS

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

c. COURTROOM PROCEDURES

Judge Hey is assigned to Courtroom 3-I for all civil cases.

Judge Hey conducts a final pre-trial conference approximately a week prior to 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*. Judge Hey prefers to address follow-up question individually at side-bar, where counsel may ask additional questions or follow-up questions once the court has concluded asking questions.

Once questioning has been completed, and challenges for cause ruled upon, peremptory challenges will be exercised by alternate strikes, plaintiff first, until each side has stricken 3 names. 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, and Plaintiff's counsel should have witnesses ready to be called.

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 during the presentation of evidence. 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, counsel should state only an objection with grounds in three words or less. 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 testimony. Do not, however, wait until the end of your case and then move everything. Judge Hey's general rule is that 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 the case is referred for settlement a Notice will be filed advising the parties of the following procedures:

1. All communications with chambers regarding settlement should be directed to:
Chambers_of_Magistrate_Judge_Elizabeth_Hey@paed.uscourts.gov
2. Judge Hey requires that parties and representatives with authority participate in settlement conferences, settlement conferences are being conducted remotely (by video where possible) during the time in which the Court's activities are affected by the Covid 19 outbreak.

3. If the referring Judge has specified a time frame for the settlement conference, Judge Hey's chambers will contact counsel to schedule the conference within that time frame.
4. If the parties jointly request a settlement conference, they shall contact chambers and request a settlement conference within their agreed-upon time frame and must do so at least 45 days prior to the requested date absent unusual circumstances. If the parties have agreed that certain discovery should take place prior to the conference, they must complete that discovery before the conference. Then parties should not request or agree to a date without being confident that they can complete the required discovery sufficiently far in advance of the conference to be prepared.
5. If there is no joint request for a settlement conference, the party seeking a settlement conference may submit an ex parte letter to chambers requesting a telephone conference with Judge Hey to discuss settlement.
6. If the parties have not been in contact with Judge Hey respecting a settlement conference prior to the end of all discovery, they shall provide a status report respecting settlement to Judge Hey by that date.

Judge Hey will issue a settlement conference Order (see-Settlement Schedule) setting forth the procedures and required submissions for the conference.

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.

2. PRETRIAL SERVICES REPORT

Judge Hey permits counsel for the government and defense counsel to review the Pretrial Services Report.

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.