

HONORABLE THOMAS J. RUETER
United States Magistrate Judge
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Judge Rueter was born on July 12, 1955 in Philadelphia, Pennsylvania. He graduated *summa cum laude* from the University of Scranton in 1977 and in 1980 received a J.D. from Dickinson School of Law of the Pennsylvania State University, where he was Notes Editor of the Law Review. From 1980 to 1982, he was a law clerk for the Honorable Joseph L. McGlynn, Jr., United States District Court for the Eastern District of Pennsylvania.

He was an associate of the Philadelphia law firm of White and Williams from 1982 to 1985. From 1985 to 1994, Judge Rueter was an Assistant United States Attorney in Philadelphia, and from 1990 to 1994, he served as Chief of the Narcotics Section. Judge Rueter was appointed as a United States Magistrate Judge on February 22, 1994.

PRELIMINARY GENERAL MATTERS

1. Correspondence With the Court

Judge Rueter permits correspondence from counsel on all matters. Judge Rueter sometimes permits letter motions in lieu of formal motions.

2. Communications With Law Clerks

Judge Rueter permits counsel to talk with his law clerks regarding procedural matters, but never on the merits of the case. He encourages his law clerks to call counsel, for example, to determine whether a response will be filed to a motion.

3. Telephone Conferences

Judge Rueter prefers that counsel come to his chambers for conferences. When counsel cannot be present, he encourages the use of telephone conferences.

4. Oral Arguments and Evidentiary Hearings

Judge Rueter does not set aside any special days or times for oral arguments or evidentiary hearings.

5. Pro Hac Vice Admissions

Judge Rueter permits oral motions for *pro hac vice* admissions on the day that the attorney to be admitted first appears. A written motion before that time is not necessary. However, counsel should prepare an appropriate order to memorialize the *pro hac vice* admission.

CIVIL CASES

Pretrial Procedure

1. Pretrial Conferences

Judge Rueter conducts status conferences, settlement conferences, and final pretrial conferences, but not on any fixed schedule. He will normally schedule a pretrial conference at the request of counsel. The agenda for these conferences varies greatly and, therefore, Judge Rueter does not issue a standard agenda for them.

Judge Rueter uses a standard form of pretrial order that varies depending on the issues of each case.

Continuances and Extensions

1. General Policy

Judge Rueter's general policy on continuances for briefing schedules, oral arguments, evidentiary hearings, and discovery deadlines is to be accommodating at the initial stage of the case and to become less obliging as trial approaches. For trial dates, Judge Rueter is guided almost entirely by the District Court Judge to whom the case is assigned. He does not have any fixed requirements on how far in advance of a due date counsel should submit a request for an extension of time or a continuance.

2. Requests for Extensions and Continuances

For extensions and continuances, Judge Rueter prefers a stipulation when possible. Judge Rueter does not require a formal motion, and he will accept a letter for such requests. Judge Rueter suggests that letters of this type be submitted after an agreement is reached among counsel.

General Motion Practice

1. Oral Argument on Motions

Judge Rueter generally will grant oral argument on motions if it is requested by counsel.

2. Reply and Surreply Briefs

Judge Rueter permits reply briefs and surreply briefs, but requests counsel to notify the Court of the party's intention to file such a brief.

3. Chambers' Copy of Motion Papers

Judge Rueter prefers to receive a courtesy copy of all motion papers.

Discovery Matters

1. Length of Discovery Period and Extensions

Judge Rueter has no general policy on the amount of time allowed for discovery. The length of the discovery period is dictated by the complexity of the case.

2. Discovery Conferences and Dispute Resolution

Judge Rueter will hold a discovery conference at the request of an attorney or the District Court Judge and initiates follow-up conferences when he believes they will be helpful. Judge Rueter will permit telephone conferences to resolve discovery disputes that arise during depositions.

3. Confidentiality Agreements

Judge Rueter permits stipulated confidentiality agreements to be submitted for his approval when the reasons for these proposed agreements are clearly articulated.

4. Expert Witnesses

Judge Rueter prefers written expert reports and expert depositions, but he neither requires nor prohibits either. He prefers that the parties identify experts as early as possible and, in any event, no later than the date of the final pretrial conference.

Settlement - Consent Cases

1. General Approach to Settlement and Non-jury Cases

Judge Rueter will not take part in settlement discussions when there will be a non-jury trial. When the trial will be by jury, Judge Rueter will participate, but will not place undue pressure on counsel to settle.

2. Settlement - Jurisdiction Remains With the District Court

When a case is referred to Judge Rueter for settlement only, he will conduct a settlement conference whether the trial is jury or non-jury. Judge Rueter does not require a pretrial memoranda or any written synopsis of the case by counsel for the conference, although he welcomes any submission by counsel. The clients need not be present. However, counsel is expected to attend the conference with settlement authority and have the client available by telephone.

3. Referral of Settlement Negotiations to Another Magistrate Judge

Judge Rueter occasionally refers settlement negotiations to another Magistrate Judge, if it is a non-jury case in which he is the trial judge.

Arbitration

1. General Approach to Arbitration Cases

Judge Rueter does not use any special practices or procedures for arbitration cases.

2. Scheduling of Trial De Novo From Arbitration

Judge Rueter schedules a trial promptly when a demand for a trial *de novo* is filed after arbitration.

Proposed Final Pretrial Memoranda

1. Required Form of Pretrial Memoranda

Judge Rueter has no requirements for pretrial memoranda other than those set forth in Local Rule 21.

2. Common Deficiencies in Pretrial Memoranda

Judge Rueter does not observe any significant deficiencies in the pretrial memoranda submitted to him.

Trial Procedure

1. Scheduling of Cases

All of Judge Rueter's cases are specially listed for trial.

2. Conflicts of Counsel

Professional and personal conflicts of counsel are normally not a problem, since all trials are specially listed by Judge Rueter after consultation with counsel.

3. Cases Involving Out-of-Town Parties or Witnesses

Judge Rueter has no special policies for cases involving out-of-town parties or witnesses.

4. Notetaking of Jurors

Judge Rueter permits the taking of notes by jurors.

5. Trial Briefs

Judge Rueter encourages submission of trial briefs.

6. Voir Dire

Generally, Judge Rueter conducts *voir dire* himself after receiving proposed questions from counsel. After he has conducted *voir dire*, he affords counsel the opportunity to suggest questions he has not posed to the jury pool.

7. Side Bars

Judge Rueter permits side-bars, but on a complex motion or objection, he prefers to hold argument out of the hearing of the jury.

8. In Limine Motions

Judge Rueter prefers to receive *in limine* motions at least one week before trial, but he will accept them up to the time of trial.

9. Examination of Witnesses Out of Sequence

Judge Rueter will permit counsel to take witnesses out of turn for the convenience of the witnesses.

10. Opening Statements and Summations

Judge Rueter has no fixed rule on the time limits for opening statements or summations. Judge Rueter will grant a reasonable amount of time for counsel as dictated by the nature of the case.

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

More than one attorney for a party may examine different witnesses or argue different

points before Judge Rueter.

12. Examination of Witnesses Beyond Redirect and Recross

Judge Rueter generally does not permit further examination of witnesses after redirect and recross have been completed.

13. Videotaped Testimony

Judge Rueter has no special policy on the use of videotaped testimony.

14. Reading of Material Into the Record

Judge Rueter permits counsel to read stipulations and pleadings into the record. For depositions, he prefers that a witness respond to the questions of counsel in open court.

15. Preparation of Exhibits

Judge Rueter prefers that exhibits be pre-marked and he requires that they be pre-exchanged. Counsel should provide one copy of the exhibits to Judge Rueter.

16. Offering Exhibits Into Evidence

Judge Rueter has no preference as to when counsel should offer exhibits into evidence.

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

A written motion for judgment as a matter of law or motion for judgment on partial findings is not required, and Judge Rueter permits oral argument on these motions if requested by either party.

18. Proposed Jury Instructions and Verdict Forms

Judge Rueter prefers to receive proposed jury instructions only for difficult or novel areas of law. He will accept supplemental points prior to the delivery of the charge. Judge Rueter usually conducts a conference on proposed jury instructions.

19. Proposed Findings of Fact and Conclusions of Law

In non-jury cases, Judge Rueter prefers submission of proposed findings of fact and conclusions of law shortly after the trial, citing the trial transcript if it is available.

Jury Deliberations

1. Written Jury Instructions

In most cases, Judge Rueter gives a copy of his instructions to the jury.

2. Exhibits in the Jury Room

Exhibits are not automatically sent out to the jury. Judge Rueter seeks agreement from counsel on what to send out to the jury. When there is no agreement, he rules on the requests.

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

If the jury requests to have portions of testimony read back, the testimony is played back on the court's electronic court-reporting equipment. When audiotape or videotape recordings have been admitted into evidence, and the jury requests that they be replayed, Judge Rueter permits this, and it is done in the courtroom.

4. Availability of Counsel During Jury Deliberations

Counsel may return to their offices during jury deliberations, but they must be available on telephone notice.

5. Taking the Verdict and Special Interrogatories

Whether Judge Rueter takes a general or special verdict depends on the nature and facts of the case.

6. Polling the Jury

Judge Rueter will grant a request to poll the jury.

7. Interviewing the Jury

In civil cases, jurors may be interviewed by counsel, but only after the verdict has been recorded and the jury has been discharged.

Criminal Cases

1. Approach to Oral Argument and Motions

Oral argument in criminal cases is the rule rather than the exception for Judge Rueter.

2. Pretrial Conferences

Judge Rueter does not conduct pretrial conferences in criminal cases.

3. *Voir Dire*

Judge Rueter conducts all the *voir dire* in criminal cases.

4. Sentencing Memoranda

Judge Rueter permits, but does not require, submission of sentencing memoranda by both sides.

OTHER GENERAL MATTERS

Judge Rueter prefers to receive copies of the appellate briefs when a decision rendered by him is appealed.