

## JUDGE JAMES T. GILES

Judge Giles was born on January 31, 1943 in Charlottesville, Virginia. He received a B.A. from Amherst College in 1964 and an LL.B. from Yale University in 1967. During 1967, Judge Giles served as an attorney with the National Labor Relations Board, Region 4. From 1968 until his appointment, November 17, 1979, Judge Giles was in private practice in Philadelphia with the law firm, Pepper, Hamilton & Scheetz. He assumed the Bench of the United States District Court for the Eastern District of Pennsylvania on January 3, 1980. Judge Giles was Chief Judge of the Court from January 1, 1999 to January 1, 2006.

### PRELIMINARY GENERAL MATTERS

#### 1. Electronic Case Filing

Judge Giles requires the use of Electronic Case Filing (ECF). It provides greater efficiency and timeliness in the filing of pleadings, automatic e-mail notice of case activity, as well as electronic storage of documents for remote access by the Court, the bar, and the litigants. Attorneys are urged to register as Electronic Case Filing (“ECF”) Filing users in accordance with Rule 5.1.2. of the Local Rules of Civil Procedure, referencing the Procedural Order on Electronic Case Filing.

#### 2. Correspondence with Court

Judge Giles discourages correspondence from counsel except when it communicates a joint request or reports the settlement of a case.

#### 3. Communications with Law Clerks

Judge Giles has a policy against counsel speaking with his law clerks. On occasion, a law clerk, at Judge Giles’ instruction, will communicate with counsel to set up a telephone conference with the Court.

#### 4. Telephone Conferences

Judge Giles encourages the use of telephone conferences to resolve discovery disputes and to settle cases. Requests for such may be made through the secretary to the Judge.

#### 5. Oral Arguments and Evidentiary Hearings

Judge Giles does not set aside certain days for oral arguments or evidentiary hearings. Such arguments or hearings are established through conferences, as needed.

6. Pro Hac Vice Admissions

Judge Giles is amenable to oral motions for *pro hac vice* admissions on the day the attorney to be admitted first appears. The movant must present a proposed order along with the written motion. Evidence of the payment of the pro hoc vice fee must accompany the motion for admission

CIVIL CASES

Pretrial Procedure

1. Pretrial Conferences

Judge Giles regularly conducts status conferences and final pretrial conferences. The latter are held shortly before the trial unless the parties specifically request that the conference be held sooner. Within the guidelines discussed below, Judge Giles will hold settlement conferences if requested by all the parties in a case. He does not use a standard agenda for the typical pretrial conference, but he consistently encourages practical solutions to discovery problems and suggests ways of settling jury cases. He does not have a standard form of pretrial order which issues in each case.

Continuances and Extensions

1. General Policy

Judge Giles grants continuances and extensions of briefing schedules and discovery deadlines if the established trial date remains unaffected. Once a trial date is set, continuance of the date should not be expected. He often decides motions on the briefs, but will grant oral arguments upon request by all counsel. Scheduled evidentiary hearings and trial dates are strictly enforced, and continuances of the same are unlikely.

2. Requests for Extensions and Continuances

Requests for continuances of briefing schedules and discovery deadlines must be made reasonably in advance of the due date. Requests for extensions of oral argument and evidentiary hearings must be made at least two weeks before the scheduled date. Requests for extensions of trial dates must be made at least a month prior to the trial date. Requests for extensions may be made by stipulation or by motion. Letter requests are not accepted.

## General Motion Practice

### 1. Oral Argument on Motions

Judge Giles usually does not schedule oral argument on motions. A party may request such argument by motion.

### 2. Reply and Surreply Briefs

Upon motion, Judge Giles may permit the parties to file reply and surreply briefs.

### 3. Chambers Copies of Motion Papers

Judge Giles prefers that counsel mail courtesy copies of motion papers to the chambers. Courtesy copies are discouraged where motions or responses have been filed electronically, unless exhibits are voluminous.

## Discovery Matters

### 1. Length of Discovery Period and Extensions

Usually, Judge Giles permits no more than 90 days of discovery from the date the issue is joined. In complex cases, he sets the length of the discovery period in accordance with the issues. In all instances, the schedule is set after conference with counsel.

### 2. Discovery Conferences and Dispute Resolution

Judge Giles does not normally hold discovery conferences other than the usual Rule 16 conference. He permits telephone conferences to resolve discovery disputes that arise during depositions.

### 3. Confidentiality Agreements

Judge Giles requires that proposed stipulated confidentiality agreements be submitted to him for approval prior to filing.

### 4. Expert Witnesses

Judge Giles requires the parties to exchange written expert reports. He does not prohibit depositions of experts. Usually, parties must identify experts before the end of fact discovery. He may allow additional time for expert discovery, if the established trial date can

remain unchanged.

### Settlement

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

Judge Giles encourages settlement in all cases. He will not become involved in negotiations in non-jury matters unless all parties request him to do so.

#### 2. Referral of Settlement Negotiations to Another District Court Judge

Judge Giles does refer settlement negotiations to the Magistrate Judge assigned to him and encourages use of the court's annexed mediation program.

### Arbitration

#### 1. General Approach to Arbitration Cases

Judge Giles does not have any special practices or procedures for arbitration cases that differ from cases certified as involving more than \$150,000.

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

Judge Giles endeavors to list the matter for trial *de novo* shortly after the appeal from arbitration.

### Proposed Final Pretrial Memoranda

#### 1. Required Form of Pretrial Memoranda

Judge Giles usually requires the short form of final pretrial memoranda. In complicated cases, managed over a substantial period of time, he often requires the long form pretrial memoranda believing that substantial stipulations can be achieved.

#### 2. Common Deficiencies in Pretrial Memoranda

Judge Giles encourages stipulations of fact. Stipulations shorten trial time and permit the jury to focus upon the issues to be decided.

## Injunctions

### 1. Scheduling and Expedited Discovery

Judge Giles gives priority treatment to preliminary injunction motions. Permanent injunction motions are not given such priority treatment. Judge Giles attempts to get the parties to agree to an expedited discovery schedule. If they cannot so agree, he will direct that appropriate discovery be taken quickly.

### 2. Proposed Findings of Fact and Conclusions of Law

Judge Giles requires the submission of proposed findings of fact and conclusions of law two days before the hearing in all injunction cases.

## Trial Procedure

### 1. Scheduling of Cases

By written order Judge Giles gives the parties notice of a date on which he plans to commence trial with the understanding that the case will be called shortly thereafter if it is not reached on the date specified.

### 2. Conflicts of Counsel

Judge Giles will consider any reason advanced by counsel affecting the Court's trial schedule so long as that reason is set forth in a motion. However, once set, trial dates seldom are changed.

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

Judge Giles does not have any special policy for the trial of cases involving out-of-town parties or witnesses.

### 4. Notetaking by Jurors

Judge Giles allows notetaking by jurors.

### 5. Trial Briefs

Judge Giles requires the submission of trial briefs.

6. Voir Dire

When he is conducting the *voir dire*, Judge Giles permits counsel to submit proposed questions to him. When he is not conducting the *voir dire*, the Deputy Clerk is present in the courtroom, and all disputes are brought to Judge Giles in Chambers for resolution. He sets no specific time limits on *voir dire*, but he tries to get an understanding among counsel as to the time the *voir dire* will take before the process starts. He holds counsel to that time.

7. Side Bars

Judge Giles discourages side-bar conferences.

8. In Limine Motions

Judge Giles discourages *in limine* motions. However, if a party believes pretrial resolution of an issue is feasible and helpful, a request should be made for a conference at which time the Judge may set a schedule for the motion and oral argument.

9. Examination of Witnesses Out of Sequence

Judge Giles will permit counsel to take witnesses out of turn for the convenience of the witnesses, if no prejudice is caused to the opposing side.

10. Opening Statements and Summations

For both opening statements and summations, Judge Giles discusses the time needed with counsel prior to the speeches and secures from all counsel an understanding as to the length of time the speeches will take. He strictly enforces the principle that the speeches must meticulously exclude counsels' personal opinions about the evidence.

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

Judge Giles does not permit more than one attorney on a side to examine the same witness or to make legal argument.

12. Examination of Witness Beyond Redirect and Recross

Judge Giles does not have any general policy concerning examination beyond redirect and recross. Judge Giles will permit relevant new areas to be covered during such examination if necessary in the interest of justice.

13. Videotaped Testimony

Judge Giles requires counsel to view all videotaped depositions for the purpose of editing the videotape and resolving material objections.

14. Reading of Material into the Record

Judge Giles has no special practice on reading stipulations, pleadings, or discovery materials into the record.

15. Preparation of Exhibits

Judge Giles requires that exhibits be pre-marked and pre-exchanged. Counsel should provide him with one copy of trial exhibits.

16. Offering Exhibits into Evidence

Judge Giles has no preference as to when exhibits should be offered into evidence, but he believes that it is the better practice to offer exhibits into evidence at the close of the direct testimony of the witness testifying about those exhibits.

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

Judge Giles has no special policy or preference concerning whether motions for judgment as a matter of law (or motions for judgment on partial findings in non-jury trials) be written or oral. Judge Giles usually conducts oral arguments on these motions.

18. Proposed Jury Instructions and Verdict Forms

Judge Giles requires submission of proposed jury instructions on the substantive issues in every case. Judge Giles allows submission of supplemental proposed instructions and accepts them at any time before the charge conference. Judge Giles always conducts a conference on proposed jury instructions. Counsel should be careful to make sure to propose instructions which conform to the theories of the case.

19. Proposed Findings of Fact and Conclusions of Law

Judge Giles prefers that counsel in non-jury cases submit proposed findings of fact and conclusions of law.

### Jury Deliberations

1. Written Jury Instructions

Judge Giles does not normally give the jury a copy of his instructions.

2. Exhibits in the Jury Room

Unless the parties request otherwise, Judge Giles 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

If the jurors are specific in their request to have testimony read back, Judge Giles will arrange to have it read. He will allow the replaying of tape recordings and videotapes if requested by the jury.

4. Availability of Counsel During Jury Deliberations

Judge Giles requires counsel to remain in the courthouse during jury deliberations, usually in the attorneys' conference room.

5. Taking the Verdict and Special Interrogatories

It is Judge Giles' usual practice to take a special verdict. Judge Giles submits special interrogatories to the jury.

6. Polling the Jury

Judge Giles grants requests to poll the jury in criminal cases only.

7. Interviewing the Jury

Judge Giles does not allow counsel to interview jurors after the verdict, unless it is done in the courtroom in the presence of the Court and opposing counsel, if the jurors consent.

## CRIMINAL CASES

1. Approach to Oral Argument and Motions

Judge Giles permits oral argument when counsel request it and when it is necessary for an informed disposition of the motion.

2. Pretrial Conferences

Judge Giles does not routinely hold pretrial conferences in criminal cases.

3. Voir Dire

Judge Giles conducts the *voir dire* in criminal cases. He requires that all proposed questions be submitted prior to the start of *voir dire*. Counsel may suggest additional questions during *voir dire* and to the extent that jurors are individually questioned, counsel may ask questions directly on the topic then being discussed.

4. Sentencing Memoranda

Judge Giles permits the parties to submit sentencing memoranda.

OTHER GENERAL MATTERS

Judge Giles does not invite copies of appellate briefs if a decision he renders is appealed.

The matter In Re: Asbestos Products Liability Litigation (No. VI), Civil Action No. MDL 875 is assigned to Judge Giles. The Asbestos Law Clerk is Bruce Lassman, 267-299-7463.