

# Judicial Policies & Procedures

Judge Mia R. Perez  
United States District Court for the Eastern District of Pennsylvania

## I. General

Judge Perez permits communications with chambers by telephone or email regarding scheduling and other non-substantive matters. All other issues must be addressed by motion or other filing. Under no circumstances may any party or counsel communicate *ex parte* with any chambers personnel concerning substantive matters.

Inquiries should be directed to Judge Perez's Deputy Clerk. If the deputy is not available, then Judge Perez permits counsel to speak with the Judicial Assistant. If necessary, attorneys may speak to Judge Perez's law clerks regarding scheduling matters; however, law clerks may not render advice to counsel.

Courtroom Deputy:

Mia Harvey

Telephone: (267) 299-7589

Judicial Assistant:

Patrick Mountney

Telephone: (267) 299-7580

Chambers e-mail:

[Perez\\_Chambers@paed.uscourts.gov](mailto:Perez_Chambers@paed.uscourts.gov)

All writings submitted to Judge Perez's chambers should be written in 12-point Times New Roman font with 1-inch page margins.

## II. Pretrial matters

### A. Pretrial Conferences

Judge Perez will schedule a Rule 16 conference once an answer is filed, or in some instances, while a motion to dismiss or other preliminary motion is pending. All conferences will be held in person in Judge Perez's Chambers. Unless Judge Perez approves a substitution in advance, lead trial counsel must attend the Rule 16 conference and must enter his or her appearance prior to the conference. A scheduling order will be distributed at the conclusion of the conference.

Counsel must coordinate to prepare and submit a **joint** Report pursuant to Rule 26(f) prior to the deadline set forth in the Rule 16 Scheduling Order. Any reports

containing flawed or incomplete responses will be returned to counsel for revision and resubmission.

All motions to dismiss, transfer, or add parties and other threshold motions should be filed before the Rule 16 conference. Counsel should be prepared to present argument at the conference on any pending motions.

Judge Perez will hold a final pretrial conference two weeks prior to trial in all civil and criminal cases. A copy of all exhibits and any stipulations should be submitted to the court at or before this conference.

## **B. Motions**

Any motion and its supporting memorandum of law, as well as opposition briefs, shall not total more than 15 pages. In those rare instances in which counsel believes additional pages are necessary, counsel should seek leave to exceed the page limit by motion.

Civil cases: all motions should be filed in compliance with the Scheduling Order. Oral argument will be scheduled as needed by the Courtroom Deputy.

Criminal cases: All pre-trial motions should be filed no later than 90 days prior to trial. Any response shall be filed no later than 30 days after the filing of the motion. The Courtroom Deputy will promptly schedule a hearing upon receipt of all motions and responses as needed.

## **C. Guilty Pleas**

Before a defendant offers a guilty plea, the guilty plea memorandum, guilty plea agreement (if applicable), and acknowledgment of rights must be completed and reviewed with the defendant and must be provided to the Court two days prior to the change of plea hearing. The guilty plea memorandum should include: the elements of each offense to which the defendant will plead guilty and legal citations for the elements, the statutory maximum penalties for each offense, the terms of any plea agreement, and the factual basis for the plea.

# **III. Trial**

## **A. Scheduling**

Counsel shall comply with all deadlines set forth in the scheduling order. Counsel for cases in the trial pool must be prepared to commence trial upon 48-hours' notice. Any requests for a trial date extension must be submitted to Chambers in writing 30-days prior to trial.

**B. Jury Selection & *Voir Dire***

Counsel must discuss and agree upon *voir dire* questions. If necessary, disputes regarding *voir dire* questions can be submitted to Judge Perez for resolution. Prior to the final pretrial conference, counsel shall submit a joint neutral statement of the facts and joint questions for *voir dire*, highlighting only the disputed questions. *Voir dire* questions should not number more than 15.

**C. Exhibits**

Counsel shall provide to the Court a copy of all exhibits at or before the final pretrial conference.

During trial, counsel should meet each morning to discuss between themselves the order in which witnesses will be called and evidence will be presented and inform the court of such order.

Counsel will review the exhibits to determine which exhibits will go with the jury after the jury retires to deliberate. If counsel cannot agree, they should request a ruling immediately after the jury retires to the deliberation room.

**D. Opening and Closing Statements**

Counsel will be permitted a maximum of 30-minutes for opening statements and 45 minutes for closing statements.

**E. Objections & Sidebars**

Speaking objections are discouraged and should include only the word “objection” and the relevant rule number. Sidebars will be permitted only sparingly.

**F. Jury Instructions and Verdict Forms**

Counsel is expected to coordinate and submit agreed-upon jury instructions and verdict forms prior to closing. Proposed instructions should include only substantive issues regarding the elements of each cause of action or charged offense, and each defense. If counsel cannot agree, proposed alternative instructions must be submitted with authority for each instruction. Submission of proposed instructions does not constitute a waiver of objection.

**G. Sentencing**

All motions for downward departure, except motions filed under § 5K1.1 of the US Sentencing Guidelines, must be filed two weeks prior to sentencing. Such motions should include legal and factual support for the proposed departure. A government motion pursuant to § 5K1.1 must be filed at least one week prior to sentencing.

Both the government and the defendant must submit sentencing memorandum no later than one week prior to sentencing. If a defendant is responsible for restitution, the government must include sufficient information in its memorandum to enable the court of determine entitlement, the name and address of each victim, and the amount of loss for each victim. Documentary support for each amount should also be included.