



JUDGE THOMAS A. CAPEHART

LEHIGH COUNTY COURTHOUSE
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**FAMILY COURT PRE-TRIAL AND TRIAL PROCEDURES FOR
CASES ASSIGNED TO JUDGE THOMAS A. CAPEHART**

(February, 2022)

A. GENERAL AND PRE-TRIAL PROCEDURES

1. MOTIONS AND PETITIONS. All motions and petitions shall be decided in accordance with the Pennsylvania Rules of Civil Procedure and the Lehigh County Rules of Civil Procedure. If the case is assigned to another Judge, it should not be brought to Court before Judge Capehart.

Petitions requiring testimony and the proposed Rule Returnable must be e-filed with the Court.

If a pending motion or petition is being withdrawn, counsel or the pro se party shall e-file a praecipe for withdrawal and deliver a time-stamped copy to Family Court and to the opposing counsel or pro se party. If a pending motion is resolved prior to argument or hearing, counsel or the pro se parties shall e-file a fully executed stipulation along with a proposed order approving the stipulation for the judge to sign.

2. REQUESTS FOR RELIEF. All requests for relief must be in the form of a motion, petition, application, or stipulation and must be e-filed with the Court. Do not mail, fax, e-mail or deliver requests for relief.

3. CONTINUANCES. A request for continuance shall be submitted by use of the Family Court Division Application for Continuance form (available on the Lehigh County Court of Common Pleas website under General Family Court Forms). The Application must be fully completed and be signed by all counsel or self-represented parties. The completed application may be e-filed or sent to the Court via facsimile transmission. If counsel is requesting the continuance due to attachment in another court proceeding, a copy of the scheduling order/attachment for the other Court proceeding must be submitted along with the Application.

4. CUSTODY PRE-TRIAL CONFERENCE.

- a. The Court will issue a Scheduling Order providing the date, time, and location of a Pretrial Conference.
- b. Not less than five (5) days prior to the Pre-Trial Conference, counsel or self-represented parties shall e-file with the Court their completed Pre-Trial Statement and serve a time-stamped copy on the opposing counsel or opposing self-represented party. The details for the requirements of the Pre-Trial Statement are contained in the Pre-Trial Conference Scheduling Order.
- c. The parties and counsel (if applicable) must attend the Pre-Trial Conference. Do not bring children to the Conference. During the Pre-Trial Conference the Court will review the Pre-Trial Statements and discuss, among other things, the issues to be resolved, the logistics of the trial, and settlement of the case.

B. CUSTODY TRIAL PROCEDURES

1. TRIAL SCHEDULING ORDER. Following the Custody Pre-Trial Conference, the Court will issue a Trial Scheduling Order with the date, time, and location for the Trial.

2. COURT SCHEDULE. Trial will typically be held from 9:30 AM to 4:30 PM, with a 15-minute morning break, a one-hour lunch break, and a 15-minute afternoon break. The Court will hold conferences before and after trial on an as-needed basis. The Court will make every effort to start the proceedings at the scheduled time. Promptness is expected from counsel, the parties, and witnesses.

3. INTERPRETER. If a party or witness for a party requires the use of an interpreter at any Court proceeding, the party is responsible for notifying the Lehigh County Interpreter Office so that arrangements can be made for an interpreter. The request form can be accessed at <http://www.pacourts.us/judicial-administration/court-programs/interpreter-program>. Email the completed form to interpretingunit@lehighcounty.org. Only certified court interpreters will be permitted to serve.

4. COURTROOM PROCEDURES.

General Issues.

- a. Only counsel and parties may sit at counsel table. Witnesses must sit in the gallery area.
- b. No food or beverages may be brought into the courtroom. Water will be provided at counsel table.
- c. No gum chewing.
- d. All cell phones must be turned off prior to entering the courtroom. Cell phones may be turned on and accessed only with the Court's permission.
- e. All counsel, parties and witnesses shall wear proper courtroom attire. Counsel, parties and witnesses may not wear the following: shorts, jeans, sneakers, tee-shirts, sweat shirts, halters, tank tops or flip-flops.

Minor Children:

- a. Minor children shall remain outside the courtroom unless they are called to testify or be interviewed.
- b. The Court may, in its discretion, interview minor children in accordance with Pa.R.C.P. 1915.11(b).

Opening Statement/Closing Argument:

- a. An opening statement shall not be permitted.
- b. Closing argument shall be permitted only in the discretion of the Court.

Witnesses:

- a. Counsel or pro se party must request permission from the Court before approaching a witness.
- b. Witnesses shall at all times be treated respectfully by both counsel and parties. Counsel and self-represented litigants shall treat witnesses with fairness and consideration and shall not shout at, threaten, or abuse witnesses in any manner.

Objections:

- a. Counsel or a self-represented party shall state only that he or she is objecting and briefly state the specific ground(s) for the objection.
- b. Counsel and self-represented parties shall not use objections as an opportunity to offer argument, reiterate testimony, or guide a witness.

Exhibits:

- a. Counsel and pro se parties shall ensure that there are sufficient copies of exhibits for witnesses, the opposing side, and the Court.
- b. Parties must make their own arrangements in advance of Trial for

- audio, video or other visual aid equipment, and must set up any required equipment in advance of the Trial.
- c. Once an exhibit is admitted into evidence, it shall remain in the custody of the Court Reporter. Certain exhibits may require that special custodial arrangements be made.
 - d. When admitting an exhibit that is something other than an 8 ½ by 11-inch piece of paper, the Court must receive an 8 ½ by 11-inch paper version of the exhibit. This may mean a photograph of the exhibit or a reduced copy of a larger piece of paper.

Decorum:

Counsel and pro se parties must address all of their remarks to the Court, and must at all times act respectfully toward the Court, opposing parties and counsel, and anyone else in the courtroom.

- 5. TRANSCRIPTS.** A party wishing to obtain a transcript shall submit to the Family Court Division a fully completed “Request for Transcript or Copy” form (available on the Lehigh County Court of Common Pleas website under General Family Court Forms).