



## **BIOGRAPHY and COURT PRACTICE SENIOR JUDGE MAURICE B. COHILL, JR.**

The Honorable MAURICE B. COHILL, JR. was born in Ben Avon Borough, near Pittsburgh on November 26, 1929. A widower, he is the father of four children and has six grandchildren and five great grandchildren.

Following graduation from Princeton University, he served for two years in the Marine Corps with the Second Marine Air Wing and was discharged as a captain. He graduated from the University of Pittsburgh Law School where he was on the Pitt Law Review and then engaged in the general practice of law until he was appointed Judge of the Juvenile Court of Allegheny County by Governor William Scranton on July 20, 1965. He was elected to a full ten-year term on November 1, 1965. Because of the 1968 Pennsylvania Constitutional Amendments, he became a judge in the Family Division of the Court of

Common Pleas of Allegheny County on January 1, 1969. On November 4, 1975, he was retained by the electorate for another ten-year term.

On June 1, 1976, he resigned from the Court of Common Pleas and was appointed by President Gerald Ford to the United States District Court for the Western District of Pennsylvania. He became Chief Judge of that Court on July 2, 1985 and served in that capacity for seven years. On December 1, 1994, he took senior status but remains active with the court.

He is the Chairman of the Board of Fellows of the National Center for Juvenile Justice, which he established in Pittsburgh in 1973. He is a former Vice President of the National Council of Juvenile and Family Court Judges and continues to serve on many of its committees. He is Past President of the Pennsylvania Council of Juvenile Court Judges, the Board of Directors of Pennsylvania George Jr. Republic in Grove City, Pennsylvania, and the Allegheny County Bar Association.

## **PRACTICES AND PROCEDURES OF JUDGE MAURICE B. COHILL**

### **I. GENERAL MATTERS**

#### **A. Communications with the Court**

Judge Cohill has a strong preference for communications to be in the form of a motion so that they can be docketed.

#### **B. Communications with Law Clerks**

Judge Cohill permits communications with his law clerks concerning the administration but not the merits of any case. Counsel may inquire of the clerks as to the status of pending motions.

#### **C. Telephone Conferences**

Judge Cohill has a strong preference for personal contacts with counsel. He will accommodate out-of-town counsel with phone conferences, but if all counsel are in town, conferences should be in person. When Judge Cohill is sitting in Erie, he will permit conferences on Pittsburgh matters to be held by phone.

#### **D. Pro Hac Vice Admissions**

Judge Cohill wants pro hac vice admissions to be by motion. The motion need not be made in writing.

#### **E. Comment to the Media**

Judge Cohill has never issued a gag order. He has had conferences to caution counsel about trying their cases in the media.

### **II. MOTIONS PRACTICE**

#### **A. Oral Argument**

Judge Cohill has no set practice as to the types of motions on which he holds oral arguments. He does not distinguish between merits versus discovery motions. His distinctions are based on the complexity of the issues. He has limited argument. Judge Cohill does not have a “happy hour” or any particular set time for hearing arguments on motions.

#### **B. Briefs**

Judge Cohill expects briefs with respect to all motions except discovery motions. He will permit reply and surreply briefing, but he asks that counsel provide notice to his chambers that additional briefing is going to be provided. He does not have any page limits established for briefs.

#### **C. Chambers Copies of Motion Papers**

For matters in Erie, there must be two copies of all matters filed with the Court (1 for

Pittsburgh, 1 for Erie). Judge Cohill prefers a courtesy copy of filings for his own files, but such courtesy copies are not required.

**D. Scheduling**

On some occasions, Judge Cohill issues an order to which he expects a response within two weeks. If counsel expect to be more than two weeks in responding, Judge Cohill requests that they so advise the Court's clerk.

Judge Cohill prefers that a brief be filed at the time that a motion is filed.

**E. Magistrate Judge's Report and Recommendation**

If a Magistrate Judge makes a recommendation on a dispositive motion, Judge Cohill approves the recommendation if there are no objections to it. If there are objections to the recommendation, Judge Cohill reviews it de novo.

**F. Pretrial Motions Requiring Evidentiary Hearings**

Judge Cohill has no set practice with respect to scheduling evidentiary hearings in civil matters. In criminal cases, he usually schedules evidentiary hearings on the trial date or very close to the trial date.

**G. In Limine Motions**

Judge Cohill usually does not rule on such motions until the issue comes up at trial, but he does not mind the motions being filed before trial.

**III. CIVIL CASES**

**A. Pretrial Procedures**

**1. Local Rule 16.1**

Judge Cohill issues a simple Rule 16.1.1 scheduling order. A copy of the order (Exhibit III.A.1.2) follows this summary.

**2. Pretrial Conferences**

Judge Cohill does not have a general practice of scheduling conferences other than the initial Local Rule 16.1.1 Case Management Conference, except if an issue arises or a request for a conference is made by counsel. A copy of this Case Management Order issued after the conference (Exhibit III.A.1.3) follows this summary.

**3. Settlement**

Consistent with Local Rule 16.1.1(D), Judge Cohill requires that counsel have their client present or have authority to settle or have the client available by phone to participate in settlement discussions. He prefers that the parties be present for settlement discussions. Judge Cohill often talks to parties and their

counsel, ex parte, if the parties agree to that format.

Judge Cohill will discuss settlement in a non-jury case, but he will not discuss unliquidated damages. If for any reason he is uncomfortable with participating in the settlement discussions, he will refer the matter to another Judge.

Judge Cohill generally discusses the possibility of ADR. He has arranged for mini-presentations by counsel to executives of opposing parties and has found that to be helpful in encouraging resolution.

4. **Extensions and Continuances**

Judge Cohill has no special rules governing extensions and continuances. Occasionally he places restrictions on further extension when the case is not moving. He wants motions to be filed seeking such extensions or continuances. He is much less liberal with respect to extending dates for court appearances than for extending other dates.

B. **Discovery Matters**

1. **Length of Discovery Period and Extensions**

Judge Cohill has no set policy governing the length of time permitted for discovery. He will set limits if he believes there is potential for abuse. He will grant extensions if there is no abuse.

2. **Expert Witnesses**

Judge Cohill permits discovery depositions of expert witnesses under certain circumstances.

3. **Deposition Disputes**

Judge Cohill does not like to resolve discovery disputes that arise during a deposition by telephone call during the deposition. He prefers resolution by motion after the deposition.

4. **Stay of Discovery**

Judge Cohill will usually stay discovery during the pendency of a motion to dismiss, if requested to do so.

5. **Limitations on Discovery**

Judge Cohill does not place any restrictions on discovery as to the number of interrogatories or depositions or other discovery procedures.

6. **Rule 11 Motions - Rule 37 Sanctions**

Ordinarily, Judge Cohill will not rule immediately on such a motion. He will tell people if he wants briefs. If there is a claim of frivolous pleading, he will expect

briefing. He will award attorneys' fees in some circumstances.

**C. Injunctions and TRO's**

Judge Cohill handles requests for injunctions or TROs very expeditiously. He will contact counsel and try to set a schedule. He will permit expedited discovery.

**D. Trial Procedures**

**1. Scheduling of Cases**

Judge Cohill has a trial list in which he sets the trial for a period and not for a particular date. The Deputy Clerk tries to keep counsel apprized of movement on the list.

**2. Schedule for Trial and Evidentiary Hearings**

Arguments before Judge Cohill are scheduled for 9:00 - 9:30 a.m. His trial day is 9:30 - 12:30 with one break, and 1:45 - 4:45 with one break. Pittsburgh is a 4-day trial week. Erie trials are Monday to Thursday. Judge Cohill normally works Monday through Thursday.

**3. Trial Briefs**

Judge Cohill rarely requires trial briefs. He does permit them. He prefers them before trial in a complex case. He has no filing date or page limit restrictions on such briefs.

**4. Voir Dire**

Judge Cohill conducts voir dire. He does not permit counsel to address any questions to the panel as a whole. Particular jurors who are questioned at side bar may be asked questions by counsel. Judge Cohill always receives voir dire questions on or by the day of trial.

**5. Notetaking by Jurors**

Judge Cohill normally permits notetaking by jurors.

**6. Side Bars**

Judge Cohill does permit side bar conferences. He wants only one lawyer from one side to be spokesperson. He permits requests for side bars, but he does not always grant the requests.

**7. Examination of Witnesses Out of Sequence**

Judge Cohill will try to accommodate scheduling conflicts, and he does permit going out of sequence with witnesses.

**8. Opening Statements and Summations**

Judge Cohill does not place any limitations on the amount of time allowed for

opening statements or summations. He sometimes cautions counsel that opening statements are not argument.

9. **Examination of Witnesses or Argument by More Than One Attorney**

Separate lawyers may question separate witnesses. Only one lawyer for one party may question each witness. Each party has the right to have separate counsel question the witness.

10. **Examination of Witnesses Beyond Direct and Cross**

Judge Cohill permits redirect and recross and questioning until everyone is finished.

11. **Videotaped Testimony**

Judge Cohill does not have any special procedures or requirements with respect to the use or admission of videotaped testimony. He does request that counsel advise the Deputy Clerk in advance about setting up the necessary equipment.

12. **Reading of Material into the Record**

Judge Cohill has no particular requirement as to reading depositions or other matters into the record. He permits putting evidence in at the time that it is logical in the progression of the trial. In a non-jury case, he permits placing evidence into the record without reading it.

13. **Exhibits**

Judge Cohill has no special rules concerning the marking, exchange or submission of exhibits or demonstrative evidence. In a complex case, he does want major exhibits marked and placed in two notebooks, one for the Court, one for the Clerk. He also wants to be provided with a list of all exhibits.

Judge Cohill does not have any special rules about the use of visual aids during opening statements. He does permit their use during opening statements.

He prefers that an exhibit be offered after identification of the exhibit, but before there is any testimony about it.

14. **Directed Verdict Motions**

Judge Cohill does not have any standard requirements for directed verdict motions or motions to dismiss in non-jury trial. He expects the motion to be made at the end of the plaintiff's case. Most motions are denied before there is any response from plaintiff's counsel.

15. **Jury Instructions and Verdict Forms**

Judge Cohill usually relies on the standard jury instructions in Devitt and Blackmar. He uses other sources as well. It is his practice to provide to the lawyers a copy of what he uses as the standard instructions.

Counsel usually file proposed jury instructions and jury forms. When they do, Judge Cohill considers them. If there are special interrogatories, Judge Cohill wants proposals from counsel. His practice is to meet with counsel in conference in chambers with respect to these matters. Occasionally, Judge Cohill requests instructions before trial. Usually he asks for them towards the end of the trial.

16. **Proposed Findings of Fact and Conclusions of Law**

Judge Cohill requires submissions of proposed Findings of Fact and Conclusions of Law. It is usually after trial. The Court provides time for counsel to prepare them.

17. **Offers of Proof**

Judge Cohill does not impose any restrictions upon requests for offers of proof during trial. They are usually done at side bar.

18. **General Courtroom Rules**

Judge Cohill has no special courtroom rules regarding the conduct of attorneys at trial. He thinks that counsel are most effective standing at the end of the jury box, but counsel may choose to sit.

E. **Jury Deliberations**

1. **Written Jury Instructions**

Judge Cohill occasionally provides the jury with a copy of his instructions. He may give them the portion of the charge if the jury has questions. Before doing so, he will consult with counsel.

2. **Exhibits in the Jury Room**

Judge Cohill provides exhibits to the jury except for depositions, drugs and money.

3. **Jury Requests to Read Back Testimony or Reply Tapes During Deliberations**

Judge Cohill normally denies requests to read back testimony or reply tapes during deliberations.

4. **Jury Questions**

Judge Cohill does not permit the jury to ask questions during trial.

5. **Availability of Counsel During Jury Deliberations**

Counsel are not required to remain in the courtroom during jury deliberations but they must be someplace where they can be reached.

6. **Interviewing the Jury**

Judge Cohill does not have any special rules regarding interviewing jurors post-verdict. He always talks to the jurors himself. In high profile cases, he cautions the jury about talking to anyone.

F. **General**

Judge Cohill requires a standard RICO case statement. Most social security cases are decided on the basis of the record and briefs.

He does not have any other individualized practices and procedures which he expects for lawyers practicing before him

IV **CRIMINAL CASES**

A. **Motions**

Judge Cohill routinely grants motions for extensions of time to file pretrial motions where there is significant discovery material to be reviewed, recognizing that to do so is in the “interest of justice.” When counsel requests an extension, they should include language reflecting the reasons for granting the extension such as a long-planned vacation. He wants the extension order to expressly state that it is being granted in the “interest of justice” and that the time of the extension is being excluded in calculating the period for purposes of the Speedy Trial Act.

B. **Pretrial Conferences**

Judge Cohill’s usual practice is to schedule a pretrial conference immediately before trial.

C. **Guilty Pleas**

Judge Cohill does not have any special rules regarding guilty pleas.

He does not have any deadline or requirement for accepting or rejecting plea bargains.

He uses a form colloquy for the entry of guilty pleas, which is available for review.

D. **Voir Dire**

The Court conducts voir dire. Counsel may not address the panel as a whole. Particular jurors who are questioned at side bar may have questions asked by counsel. He always receives voir dire questions on or by the day of trial.

E. **Trial**

He permits one defense attorney for each defendant to question one witness when there are multi-defendant cases. He may cut off duplicative questioning.

If counsel requests sequestration of the witnesses, he will grant the request.

Judge Cohill permits the use of transcripts in cases where the government introduces tape-recorded conversations. He gives cautionary instruction to the jury that they should be guided by what they hear, not by what is transcribed.

Judge Cohill permits defense counsel to determine when to present his or her opening statement, i.e., whether to open immediately after the government's opening or in the defense case-in-chief.

Judge Cohill occasionally submits special interrogatories to a jury in a criminal case, but he has no problem with the suggestion.

He has not had the issue raised in proceedings before him as to waiver of the defendant's right to be at side bars. He does not make a record of it. He assumes that counsel makes the decision.

**F. Sentencing Memoranda**

He does not require sentencing memoranda, but he does permit them. He wants it shortly after receipt by the defendant of the presentencing investigation report.

**G. Sentencing Conference**

He does not hold a sentencing conference for cases under the Sentencing Guidelines prior to the actual imposition of sentence. Everything is done in open court.

**H. Other General Practices and Procedures**

Judge Cohill will make recommendations to the Bureau of Prisons regarding the federal institution that a defendant is to be sent to, if requested to do so by defense counsel.

Judge Cohill prefers that Jencks material be provided the night before. However, under the Act, 18 U.S.C. Section 3500(a), there is no requirement that material be given until after direct examination is completed so that the Court cannot compel the material until after direct testimony is completed.

Because a defendant's bond usually prohibits travel outside of the Western District, Judge Cohill expects that a formal motion for leave to travel be filed even if defense counsel and the United States attorney agree to the travel request.

Judge Cohill has no general policy on how to resolve conflicts between defense counsel and the defendant.

V. **BANKRUPTCY CASES**

N/A

VI. **BANKRUPTCY APPEALS (TO THE DISTRICT COURT)**

A. **Filing and Scheduling**

Judge Cohill has no particular requirements regarding the filing or scheduling of bankruptcy appeals.

B. **Oral Argument**

He entertains requests for oral argument in bankruptcy appeals. He decides whether to permit oral argument on a case-by-case basis.

C. **Other General Practices/Procedures**

He is reasonable in granting requests for modification of the briefing schedule and other requirements set in the Federal Rules of Bankruptcy Procedure.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 1993, it is ORDERED, ADJUDGED and DECREED that:

1. In accordance with Local Rule 16.1.1, an initial case management conference shall take place on \_\_\_\_\_ 1994 at \_\_\_\_\_ A.M./P.M. in Courtroom No. 3, United States Courthouse and Post Office, Pittsburgh, Pennsylvania 15219;
2. Each party not appearing *pro se* shall be represented by an attorney who shall have full authority to bind the party in all pretrial matters and shall have authority to discuss settlement of the action;
3. Attorneys shall ensure that the parties are available for consultation in person or by telephone.

\_\_\_\_\_  
United States District Judge

cc: All Counsel of Record

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

IT IS ORDERED that the above-captioned civil action shall proceed under Local Rule 16.1 of this Court, for pretrial proceedings. All provisions of the Rule will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all case management, status or pretrial conferences in order to obtain authority for the purpose of participating in settlement negotiations to be conducted by the court. Counsel are encouraged to appear with their principals at all such conferences, or instruct the principals to be available by telephone to facilitate the amicable resolution of all litigation.

IT IS FURTHER ORDERED that compliance with the provision of Local Rule 16.1.2 shall occur as follows:

1. After consultation with the parties we find that this action is a Track I/Track II case.
2. The parties have/have not elected to have the case referred for voluntary arbitration.
3. The parties shall move to amend the pleadings or add new parties on or before \_\_\_\_\_ 19 \_\_\_\_.
4. The parties shall complete discovery on or before \_\_\_\_\_ 19 \_\_\_\_\_. All interrogatories, depositions, requests for admissions and requests for production shall be served within sufficient time to allow responses to be completed and filed prior to the close of discovery.
5. Plaintiff's pretrial narrative statement shall comply with Local Rule 16.1.4 A and be filed on or before \_\_\_\_\_ 19 \_\_\_\_\_. Counsel shall specify the material facts including damages to be proved at trial. Proof of material facts not specified may be excluded at trial upon objection or by the court sua sponte.
6. Defendant's pretrial narrative statement shall comply with Local Rule 16.1.4 B and be filed on or before \_\_\_\_\_ 19 \_\_\_\_\_. Counsel shall specify the material facts to be proved at trial. Proof of material facts not specified may be excluded at trial upon objection or by the court sua sponte.
7. Within 20 days of the filing of defendant's pretrial statement, counsel for any third-party defendant shall file a brief narrative statement meeting the requirements of Local Rule 16.1.4 C.
8. The parties shall file motions for judgment on the pleadings, for summary judgment, or to dismiss, if appropriate, on or before \_\_\_\_\_ 19 \_\_\_\_\_. All such motions shall be accompanied by a brief. Responses to such motions shall be accompanied by briefs and filed within twenty (20) days of the service of the motion. Any reply briefs shall be due five days thereafter.
9. The court shall conduct a pretrial conference on \_\_\_\_\_ 19 \_\_\_\_\_, at \_\_\_\_\_.
10. Subsequent to the pretrial conference, counsel for all parties may be ordered by the court to meet at a mutually convenient place to complete a pretrial stipulation to further delineate the legal and factual issues involved.
11. The case shall be presumptively called for trial on \_\_\_\_\_ 19 \_\_\_\_\_. Counsel are instructed to review the provisions of Local Rule 16.1.
12. It is estimated that the trial will take \_\_\_\_\_.
13. Any exhibit which has not been identified by counsel in a pretrial narrative statement, except an exhibit to be used solely for impeachment purposes, shall not be admitted as evidence.
14. Any depositions or any portion thereof to be read into evidence shall be identified at the pretrial conference. Objections to the admissibility of any portion thereof shall be identified and submitted to the court at the pretrial conference. This order does not include video taped qualifications of experts.
15. The anticipated absence of any witness shall not be sufficient cause to delay the trial. Video tape deposition service is available through the Clerk of Court.

\_\_\_\_\_  
United States District Judge

cc: All Counsel of Record