



BIOGRAPHY and COURT PRACTICE MAGISTRATE JUDGE ILA JEANNE SENSENICH

Magistrate Judge ILA JEANNE SENSENICH was born in Pittsburgh, Pennsylvania on March 6, 1939. The daughter of Louis E. and Evelyn H. Sensenich. She graduated from Westminster College in 1961 and the Dickinson School of Law in 1964, where she served on the Law Review. She practiced law in Greensburg with her father's law firm of Stewart, Baldwin, Sensenich & Herrington from 1964 to 1970, when she was appointed First Assistant Public Defender of Westmoreland County. She took the oath of office of United States Magistrate on March 15, 1971, when the United States Magistrate system replaced the commissioner system in the district. She will retire on March 6, 2004 and will be recalled to continue her service on the court with a reduced caseload on a year to year basis.

She was appointed Visiting Fellow in the Daniel and Florence Guggenheim Program in Criminal Justice at Yale Law School, New Haven, Connecticut, for the 1976-1977 academic year and was an Adjunct Professor of Law at Duquesne University School of Law from 1982 to 1987. Since 1975, she has been a member of the faculty of the Federal Judicial Center, Washington, D.C. speaking at training seminars for United States Magistrates. She has addressed seminars in Washington, D.C.; Chicago; Denver; St. Petersburg; Atlanta; Boston; and San Francisco.

She is the author of a Compendium of the Law on Prisoners' Rights which was published by the Federal Judicial Center in 1979 and a supplement which was published in 1981.

In 1974, she was selected by Chief Justice Burger as one of three U.S. magistrates in the country to travel to London, England to study the English Master System. In November 1987 she was one of three magistrates in the country appointed by Chief Justice Rehnquist to the Magistrates Committee of the Judicial Conference of the United States.

She is a former president of the Federal Magistrate Judges Association. She is a member of the Allegheny County, Westmoreland County, Pennsylvania, and American Bar Associations, the American Judicature Society, the National Association of Women Judges, and the Women's Bar Association of Western Pennsylvania.

She was awarded an honorary J.D. degree by Dickinson School of Law in 1994.

**PRACTICES AND PROCEDURES OF
MAGISTRATE JUDGE ILA JEANNE SENSENICH**

I. GENERAL MATTERS¹

A. Communications with the Court

Magistrate Judge Sensenich objects to any *ex parte* communication with the court relating to anything other than procedural matters.

B. Communications with Law Clerks

Magistrate Judge Sensenich does not permit her law clerks to speak with counsel. Her law clerks are not involved in case management. It is her courtroom deputy, who is not a lawyer, who tracks the status of cases, answers questions about the status of cases, and calls counsel when they are delinquent.

C. Telephone Conferences

Magistrate Judge Sensenich generally does not hold telephone conferences except for discovery disputes arising during depositions. Further, whether or not she will permit a lawyer to participate in a conference by phone depends on the nature of the conference. She does not permit parties to participate in settlement conferences by phone.

D. Pro Hac Vice Admissions

Magistrate Judge Sensenich permits oral motions for admissions pro hac vice to admit lawyers not admitted to the Western District to practice before her, however attorneys must also be admitted pro hac vice by the district judge handling the case.

E. Comments to the Media

Magistrate Judge Sensenich has no policy on comments by counsel to the media regarding pending cases, except that she expects them to exercise good judgment.

II. MOTIONS PRACTICE

A. Oral Argument

Magistrate Judge Sensenich sometimes has oral argument on dispositive motions and announces her recommendation and the reasons for it from the bench. She also frequently has oral argument on discovery motions and sometimes lists a number of them for argument at one time in a "happy hour" format. However, she requires counsel to meet in her conference room prior to the oral argument and attempt to resolve the motion or at least narrow the issues.

B. Briefs

Magistrate Judge Sensenich requires briefs to be filed with all dispositive motions. The motions are to be accompanied with a brief when filed. She does not require briefs with discovery motions but does permit them if the legal issues are complex. Responsive briefs are required to be filed within ten (10) days. She has granted permission for the filing of reply and surreply briefs if requested.

¹Note: Magistrate Judges' duties in the Western District are governed by LR 72.1

- C. Chambers Copies of Motion Papers**
Magistrate Judge Sensenich prefers that a copy of motion papers and/or briefs be sent to her chambers.
- D. Scheduling**
Magistrate Judge Sensenich issues a scheduling order for responsive briefs and argument upon receipt of a dispositive motion. With regard to discovery motions, she requires responses within ten (10) days.
- E. Magistrate Judge's Report and Recommendation**
N/A.
- F. Evidentiary Hearings**
With regard to pretrial motions that require an evidentiary hearing, Magistrate Judge Sensenich prefers to schedule the evidentiary hearing prior to the trial date.

III. CIVIL CASES

- A. Pretrial Procedures**
 - 1. Local Rule 16.1**
Magistrate Judge Sensenich utilizes a standard pretrial order. A copy of her standard pretrial order follows this summary.
 - 2. In Limine Motions**
Magistrate Judge Sensenich prefers to handle in limine motions prior to trial. She usually rules on the motions at the pretrial conference.
 - 3. Pretrial Conferences**
Magistrate Judge Sensenich uses an individualized method of case management. She may schedule different types of conferences depending on the complexity of the particular case. In cases in which there may be a possibility of resolution, she may permit a short period of discovery limited to a particular issue, and then schedule a settlement conference following the shorter discovery period.
 - 4. Settlement**
Magistrate Judge Sensenich conducts preliminary settlement conferences with just counsel present, and full scale settlement conferences with the parties present. She requires a principal to be present for full scale settlement conferences. She generally schedules a settlement conference for a few weeks before trial. She does not handle settlement negotiations in cases to be tried non-jury. She explores the possibility of mediation in appropriate cases.
 - 5. Extensions and Continuances**
Magistrate Judge Sensenich has no special procedures regarding extensions and continuances except that they must be by written motion. She generally will grant one extension as a matter of course, but is reluctant to grant further extensions.

B. Discovery Matters

1. Length of Discovery Period and Extensions

Generally, Magistrate Judge Sensenich permits 120 days for discovery but will permit a longer period depending on the complexity of the case. After the first extension she will usually require the parties to file a discovery plan, identifying specific dates for all depositions and other discovery to be sought.

2. Expert Witnesses

Magistrate Judge Sensenich generally permits discovery depositions of expert witnesses.

3. Deposition Disputes

Magistrate Judge Sensenich will entertain telephone calls from attorneys during a deposition to resolve a dispute.

4. Stay of Discovery

Magistrate Judge Sensenich usually will not stay discovery during the pendency of a dispositive motion.

5. Limitations on Discovery

Magistrate Judge Sensenich has no general rules or any restrictions concerning the number of interrogatories or depositions other than those provided in the Federal Rules.

6. Rule 11 Motions - Rule 37 Sanctions

Magistrate Judge Sensenich will usually defer ruling on Rule 11 motions or Rule 37 sanctions until she disposes of related matters in the case. She has infrequently awarded attorneys fees.

C. Injunctions and TROs

Magistrate Judge Sensenich has no particular or extraordinary practices with regard to injunctions. Unless it is a consent case she will file a report and recommendation to the District Court Judge after conducting an evidentiary hearing. She will permit expedited discovery if warranted.

D. Trial Procedures

1. Scheduling of Cases

Magistrate Judge Sensenich assigns a date certain for the cases which she tries. In setting the trial date she considers other obligations of counsel and of the parties and witnesses.

2. Trial Hours/Days

Generally, Magistrate Judge Sensenich will hold trial between the hours of 9:00 a.m. and 12:30 p.m. for the morning session. She will resume at 1:30 p.m. and continue until there is a natural break point. She will continue until after 5:00 if necessary.

- 3. Trial Briefs**
Magistrate Judge Sensenich generally requires trial briefs to be filed prior to the pretrial conference. There are no page limitations.
- 4. Voir Dire**
Magistrate Judge Sensenich conducts voir dire and also permits counsel to conduct limited voir dire when jurors answers to the voir dire questions she poses to them require follow-up. Proposed questions for voir dire must be submitted prior to the pretrial conference.
- 5. Notetaking by Jurors**
Magistrate Judge Sensenich is receptive to the practice of permitting jurors to take notes.
- 6. Side Bars**
Magistrate Judge Sensenich permits, although discourages, side bar conferences. She tries to eliminate the necessity for side bar conferences by meeting with the attorneys prior to trial in the morning and before and after recesses.
- 7. Examination of Witnesses Out of Sequence**
Magistrate Judge Sensenich permits examination of witnesses out of sequence if there is a good reason for it.
- 8. Opening Statements and Summations**
Magistrate Judge Sensenich does not limit the amount of time taken by counsel for opening statements and summations but believes that concise statements are more effective.
- 9. Examination of Witnesses or Argument by More Than One Attorney**
Magistrate Judge Sensenich will permit examination of a witness or conduct of trial proceedings by more than one attorney when the attorneys represent different parties.
- 10. Examination of Witnesses Beyond Direct and Cross**
Magistrate Judge Sensenich permits redirect and recross but generally does not permit examination beyond redirect and recross.
- 11. Videotaped Testimony**
Magistrate Judge Sensenich has no special procedures or requirements with respect to the use or admission of videotaped testimony. She prefers to rule on objections in advance.
- 12. Reading of Material into the Record**
Magistrate Judge Sensenich has no particular practices regarding the reading into the record of deposition testimony, stipulations, pleadings, or discovery materials.

- 13. Exhibits**
Magistrate Judge Sensenich has no special rules regarding marking, exchange, or submission of exhibits or demonstrative evidence. She has no special rules regarding use of visual aids during trial or opening statements. She requires that exhibits be marked, but not that they be offered into evidence before testimony is given.
- 14. Directed Verdict Motions**
Magistrate Judge Sensenich has no standard requirements regarding directed verdict motions or motions to dismiss in non-jury trials.
- 15. Jury Instructions and Verdict Forms**
Magistrate Judge Sensenich generally requires counsel to submit joint proposed jury instructions with separate submissions of points on which counsel cannot agree. She requires proposed jury instructions and verdict forms to be submitted prior to the pretrial conference. She will make preliminary rulings at the pretrial conference. She will give counsel her proposed jury instructions at the beginning of trial, but will reserve final ruling until after the testimony is closed.
- 16. Proposed Findings of Fact and Conclusions of Law**
Magistrate Judge Sensenich generally does not require or invite the submission of proposed findings of fact and conclusions of law. If counsel submits them, she will read them but usually will not use them.
- 17. Offers of Proof**
Magistrate Judge Sensenich has no particular restrictions upon requests for offers of proof.
- 18. General Courtroom Rules**
Counsel, witnesses and litigants must be courteous to each other.

E. Jury Deliberations

- 1. Written Jury Instructions**
Magistrate Judge Sensenich now has a practice of giving each juror a copy of the instructions after she has given the charge.
- 2. Exhibits in the Jury Room**
Magistrate Judge Sensenich generally permits exhibits to be provided to the jury for their deliberations.
- 3. Jury Requests to Read Back Testimony or Replay Tapes During Deliberations**
Magistrate Judge Sensenich has no general practice regarding the request for reading of trial testimony or replaying videotaped testimony.
- 4. Jury Questions**
Magistrate Judge Sensenich has no general practice regarding the handling of jury questions or requests during trial, but would confer with counsel regarding such requests.

5. Availability of Counsel During Jury Deliberations

Magistrate Judge Sensenich does not permit trial counsel to remain in the courtroom during jury deliberations.

6. Interviewing the Jury

Magistrate Judge Sensenich will advise the jurors that they are not required to talk to the attorneys or representatives of the parties following their verdict. She also will ask counsel to wait until the jurors have left the courtroom before attempting to approach them.

F. General

1. Special Types of Cases

Magistrate Judge Sensenich does not have oral argument in social security cases.

2. Other Individual Practices/Procedures

With regard to individual practices that she would like to advise counsel about, Magistrate Judge Sensenich requires a proposed order to accompany all motions as required by Local Rule 7.1 B. She may deny a motion that does not have a proposed order attached.

IV. CRIMINAL CASES

A. Motions

Magistrate Judge Sensenich disposes of motions in criminal cases prior to trial.

B. Pretrial Conferences

Magistrate Judge Sensenich schedules a pretrial conference in criminal cases. The pretrial conference is scheduled shortly prior to trial.

C. Guilty Pleas

Magistrate Judge Sensenich has no particular rules regarding guilty pleas. She has no deadline for accepting or rejecting plea bargains. She does follow a written format with regard to the entry of guilty pleas that is in the form of a questionnaire. This written questionnaire is given to counsel when they indicate their client intends to plead guilty.

D. Voir Dire

Magistrate Judge Sensenich handles voir dire in criminal cases in the same manner as she handles voir dire in civil cases.

E. Trial

Magistrate Judge Sensenich only handles criminal trials in misdemeanor cases, i.e., cases in which the sentence is one year or less. She does not handle multi-defendant criminal cases. She will grant requests for sequestration of witnesses. She has no policy regarding the use of transcripts in cases where the government introduces tape-recorded conversations. She does permit defense counsel to determine when to present his or her opening statement. She has no practice with regard to the submission of special interrogatories to juries in criminal cases. She has no practice with regard to when and how waivers of defendant's rights are placed on the record.

F. Sentencing Memoranda

Magistrate Judge Sensenich does not require, but permits, the submission of sentencing memoranda. They should be submitted at some point prior to the actual sentencing.

G. Sentencing Conference

Magistrate Judge Sensenich generally does not hold a sentencing conference in the misdemeanor cases that she handles. She has no practice regarding the issuance of tentative fact findings and/or rulings on Sentencing Guideline issues.

H. Other General Practices and Procedures

Magistrate Judge Sensenich has no policy regarding the providing of Jencks Act material. She usually requires a formal motion to allow the defendant to travel outside the Western District. If a conflict arises between defense counsel and the defendant, ordinarily, she schedules a hearing on the matter.

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

Plaintiff)
vs.) Civil Action No.
) Judge
) Magistrate Judge Sensenich
Defendant)

BRIEFING ORDER

AND NOW, this _____ day of _____, 20__
;

IT IS HEREBY ORDERED THAT all dispositive motions, including but not limited to Motions for Summary Judgment, shall be filed by _____. Each Motion shall be accompanied by a proposed Order of Court (Local Rule 7.1.B). Each such motion shall be filed with the Clerk of Court together with a memorandum of law, not in excess of 25 pages. The responding party shall file its responsive memorandum, not in excess of 25 pages, within thirty (30) days. Within eleven (11) days, the movant may file a reply brief, not in excess of ten (10) pages.

Each Motion for Summary Judgment shall be accompanied by a separate Statement of Material Facts as to which the movant contends there is no genuine issue. The Statement of Material Facts shall be in numbered paragraphs, each of which shall contain only one fact. Each paragraph

shall include clear and explicit reference to the parts of the record upon which the movant relies to support the contention.

An Opposition to a Motion for Summary Judgment shall be filed within 30 days and shall be accompanied by a separate concise Statement of Material Facts, responding to the numbered paragraphs in the movant's Statement in like numbered paragraphs. The non-movant's Statement shall set forth all material facts as to which the non-movant contends there exists a genuine issue to be litigated. Each paragraph in which the non-movant asserts a genuine issue to be litigated shall include clear and explicit reference to the parts of the record upon which the non-movant relies to support the contention.

In determining any Motion for Summary Judgment, the Court shall assume the facts identified and supported by the movant in its Statement of Material Facts are admitted, unless such facts are specifically controverted in the Statement of Material Facts filed in opposition to the Motion. All parties shall attach to their Statements of Material Facts copies of the documents or portions of the record that support their Statements, clearly marked with index tabs.

All briefs and memoranda must be filed in pleading form. The Court will not consider informal letters as briefs.

All such matters should be made the subject of a formal Motion filed with the Clerk of Court.

Failure of a movant to comply with this Order may result in the denial of the Motion; failure of a respondent to comply may result in the granting of the Motion.

ILA JEANNE SENSENICH
U.S. Magistrate Judge

cc: All counsel of record

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

Plaintiff)
vs.) Civil Action No.
) Judge
) Magistrate Judge Sensenich
)
) TRACK _____
)
Defendant)

CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20____
;

IT IS HEREBY ORDERED that the above captioned civil action be and hereby is placed under Amended Local Rule 16 of this Court and 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 provisions of Rule 16 shall be completed as follows:

1. The parties shall move to amend the pleadings or add new parties on or before _____.

2. The parties shall complete discovery on or before _____. 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.

3. Non-dispositive Motions. Counsel shall confer to resolve any discovery or case management dispute without judicial intervention. Where the matter is resolved and requires modifications of an Order of Court, the parties shall file a consented order. Any dispute not resolved shall be presented by motion in accordance with Local Rule 7.1 and 16.1.2-G. For motions relating to discovery/case management matters, the responding party shall file its response within eleven (11) days. Discovery motions shall have annexed thereto copies of only those pertinent portions of depositions, interrogatories, demands for admission and responses, etc., which are the subject matter of the motion. All memoranda on discovery/case management issues shall be filed with the Motion or Response. Argument over contested discovery/case management motions will be scheduled as the

Court deems appropriate. **No briefing schedule will issue.**

The date for the filing of motions in limine shall be fixed by the Court at the pretrial conference.

IT IS FURTHER ORDERED THAT on or before _____
_ Plaintiff shall file a brief "Statement of Claims" which shall identify each claim and its supporting factual and legal basis;

IT IS FURTHER ORDERED THAT on or before _____
_ Defendant shall file a brief "Statement of Defenses" which shall identify each defense and its supporting factual and legal basis;

IT IS FURTHER ORDERED THAT the parties in this case shall appear, by counsel, for a status/preliminary settlement conference on _____.

The statements required herein shall not include supporting arguments nor cite cases. They should, however, cite controlling statutes where appropriate.

ILA JEANNE SENSENICH
U.S. Magistrate Judge

cc: all parties