



BIOGRAPHY and COURT PRACTICE SENIOR JUDGE WILLIAM L. STANDISH

The Honorable WILLIAM L. STANDISH received his B.A. Degree in 1953 from Yale University and his LL.B. Degree in 1956 from the University of Virginia.

In 1956, Judge Standish joined the firm of Reed Smith Shaw & McClay. He began as a law clerk and left in 1980 as a general partner specializing in civil litigation. From 1980 to 1987 he was a Judge of the Court of Common Pleas of Allegheny County. In 1987, he was appointed to the United States District Court for the Western District of Pennsylvania. He is a member of professional associations including the American Judicature Society, the American Bar Association, Pennsylvania Bar Association, the Academy of Trial Lawyers of Allegheny County and the Pittsburgh Chapter of the American Inns of Court. He is an honorary member and former Governor and

Treasurer of the Academy of Trial Lawyers of Allegheny County.

Judge Standish is a Trustee of the Western Pennsylvania School for the Deaf and the YMCA of Sewickley, and he is a former Trustee of the Staunton Farm Foundation. He is a Trustee and a former Director and Secretary of the YMCA of Sewickley, a former Trustee of the Leukemia Society of America, a former Trustee and President of its Western Pennsylvania Chapter, a former Director and President of the Yale Club of Pittsburgh, a former Regional Representative of the Association of Yale Alumni, a former Trustee and Treasurer of the Laughlin Children's Center, and a former Corporator and Secretary of Sewickley Cemetery.

Judge Standish is married to Marguerite Hillman Oliver. He has four children.

**PRACTICES AND PROCEDURES OF
JUDGE WILLIAM L. STANDISH**

I. GENERAL MATTERS

A. Communications with the Court

Judge Standish discourages correspondence with the court in lieu of motions. Judge Standish feels that, if important, correspondence with the court should be formal (i.e., in motion form). In dealing with pro se cases, Judge Standish will treat correspondence as a motion. Unless an important matter is being discussed which the Judge should know about, he prefers not to be copied on correspondence among counsel.

B. Communications with Law Clerks

Judge Standish permits communication with his law clerks except on matters dealing with the merits of a particular case.

C. Telephone Conferences

Judge Standish routinely holds conferences by telephone. If addressing motions, Judge Standish prefers to hear from counsel in person. Conferences may be scheduled with Judge Standish's Deputy Clerk, David Simpson.

D. Pro Hac Vice Admissions

Judge Standish routinely grants pro hac vice motions. Counsel do not have to present the motion in person.

E. Comment to the Media

Judge Standish has no rule regarding comments to the media. The Judge noted that he has never issued a "gag order."

II. MOTIONS PRACTICE

A. Oral Argument

Judge Standish reserves every third Friday at 9:30 a.m. for arguments on discovery motions. The Judge does not require responses to discovery motions to be in writing. In an appropriate situation, the Judge will address a discovery motion by a telephone conference.

Judge Standish will schedule an oral argument on a motion to dismiss or a motion for summary judgment if the issues presented are complicated or he believes that oral argument will be helpful in deciding a

motion. Otherwise, he will rule on the motion without argument. If a motion to dismiss appears to present an issue of fact outside the pleadings, the motion will be denied without prejudice to the right of the defendant to renew the issues presented in a motion for summary judgment after the completion of discovery relating to those issues.

Judge Standish tries to decide most motions within sixty days. If the motion raises complicated issues, the time for a decision may be ninety days.

B. Briefs

Briefs are not required for discovery motions. Judge Standish observed that most moving parties file a brief. No response brief is required.

As to all other motions, if a brief is not filed with the motion, the Judge will issue an order scheduling briefing.

Judge Standish usually prefers to have only an initial brief and a response brief. Judge Standish will let the parties know if he wants reply or surreply briefs. Judge Standish will usually order a brief to be filed within ten days of the filing of the motion. Responses to motions are usually due ten days after the moving party's brief is due.

C. Chambers Copies of Motions Papers

Judge Standish does not want to receive chambers copies of motion papers.

D. Scheduling

See II.B., above.

E. Magistrate Judge's Report and Recommendation

Judge Standish rarely schedules argument on objections to a magistrate's recommendation. Judge Standish indicated that he has usually agreed with the Magistrate Judges' recommendations, but has occasionally disagreed.

F. Evidentiary Hearings

Judge Standish addresses any motions which raise evidentiary issues at the final pretrial conference which is held one day before trial or during the trial, in the absence of the jury, if more appropriate.

G. In Limine Motions

Judge Standish will tell counsel which motion in limine he will hear before trial and which he will hold for consideration during trial.

III. CIVIL CASES

A. Pretrial Procedures

1. Pretrial Conferences

Judge Standish usually holds a case management conference within 60 to 90 days after an answer is filed. A second conference is held after all pre-trial proceedings are completed to address what needs to be done before trial. Judge Standish schedules a trial date at the second conference and also discusses settlement with the parties. He will tell counsel when he thinks the trial will commence and will try to accommodate counsel in scheduling the trial. Judge Standish requests that counsel tell him well in advance of any scheduled trial about conflicts in schedules (e.g., vacation). Judge Standish usually holds more than two case management conferences in complex cases.

2. Settlement

Judge Standish usually discusses settlement with the parties during every case management and pretrial conference. In appropriate cases, he will appoint a mediator to assist in settlement negotiations. In non-jury cases, Judge Standish refers settlement conferences to a magistrate judge, another district judge or a neutral mediator.

Judge Standish supports ADR techniques. He will recommend arbitration, or direct mediation, in appropriate cases.

3. Extensions and Continuances

Judge Standish liberally grants motions for extensions or time or continuances unless the extension affects the trial list.

B. Discovery Matter

1. Length of Discovery Period and Extensions

Judge Standish usually grants extensions if the extension does not affect the trial schedule.

2. Expert Witnesses

Judge Standish will usually, if requested, permit depositions of expert witnesses after the filing of pretrial statements and expert witness reports.

3. **Deposition Disputes**

Judge Standish will hear argument by telephone about discovery disputes during depositions, if he is available.

4. **Stay of Discovery**

Generally, Judge Standish will not stay discovery, even where a Motion to Dismiss is pending. If the Judge believes the motion has merit and that discovery will be extensive and burdensome, he may impose some restrictions. Judge Standish will allow discovery while jurisdictional motions are pending on the theory that, even if he dismisses or transfers the case, it will be litigated somewhere else.

5. **Limitations on Discovery**

Judge Standish rarely restricts the scope of interrogatories or discovery.

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

Judge Standish has no general policy regarding Rules 11 or 37. He rarely grants such motions but occasionally assesses costs. His general rule is that if discovery material is withheld, it cannot be used at trial by that party. Judge Standish also utilizes the "one bite" rule. He will usually not assess costs in connection with an initial motion for sanctions. If counsel for a party is in violation of an existing order, he is more likely to impose counsel fees and costs.

C. **Injunctions and TROs**

Judge Standish is reluctant to grant ex-parte TROs. He usually requires that service be made on opposing parties before considering a motion for a TRO. An exception to this procedure is when a statute provides for an immediate restraining order.

D. **Trial Procedures**

1. **Scheduling of Cases**

Judge Standish uses a trailing docket for civil cases, listing the cases to be called for trial during each one month or six week period. If a case settles, another case on the list will be called for trial.

2. **Trial Hours/Days**

Judge Standish's trial day is from 9:30 a.m. to 4:30 p.m. Judge Standish holds case management conferences in other cases at 4:30 p.m. on most days.

3. **Trial Briefs**

Judge Standish does not usually require trial briefs.

4. **Voir Dire**

Judge Standish usually asks for voir dire questions to be submitted a few days before the final pre-trial conference. Judge Standish asks for points for charge on the day the jury is picked. Judge Standish writes his charge while the trial is going on and gives it to counsel before the charge conference. Judge Standish also gives the jury a written copy of the charge after the oral charge is given.

Judge Standish conducts voir dire himself in criminal cases. For individual questions, he will bring jurors into chambers. David Simpson, the Judge's Deputy Clerk, conducts voir dire in civil cases. Judge Standish is usually not in the courtroom during voir dire in civil cases. He is available to rule on motions to strike jurors. Where voir dire questions are permitted in addition to those required by the court's local rules, they will usually be submitted to the jury in a written questionnaire in criminal and civil voir dire.

Judge Standish will allow limited voir dire questions by counsel in criminal and civil cases, but limits such questions to the subject of the particular voir dire inquiry.

5. **Notetaking by Jurors**

Judge Standish permits jurors to take notes during trial sessions. Note books are left with the Deputy Clerk when the court is not in session. The jurors are permitted to refer to their notes during deliberations.

6. **Side Bars**

Judge Standish does not permit objections to be argued at any length before the jury, nor does he

want the trial to be delayed by asking the jurors to leave the courtroom while an objection is argued. He prefers to rule on objections out of the hearing of the jury at lunch time or after the trial day. Judge Standish allows side bars for counsel but does not like too many of them.

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

Judge Standish allows questioning of witnesses out of sequence.

8. **Opening Statements and Summations**

Judge Standish does not presently have any rules regarding opening statements or closing arguments. He has not had any problems with opening statements. Judge Standish will ask counsel during the charge conference about the time projected for a closing argument.

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

Judge Standish does not permit more than one lawyer for a party to question a witness.

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

Judge Standish does not permit examination beyond redirect and recross.

11. **Videotaped Testimony**

Judge Standish has no special rules regarding videotaped testimony. He requests that counsel have the equipment available and be ready to go. Judge Standish observed that there is video equipment in the Court House which can be used by counsel. Counsel should inquire of the Deputy Clerk since the equipment is not always available.

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

Judge Standish requires that testimony be either videotaped or that someone read the deposition from the witness stand during the trial.

13. **Exhibits**

Exhibits are covered in Judge Standish's case management order (attached). Judge Standish appreciates proficiency in the handling of exhibits (e.g., identifying the exhibit and offering foundation testimony before it is offered

or its substance disclosed to the jury). Plaintiff's exhibits should be premarked with numbers and defendant's exhibits with letters. Judge Standish appreciates agreements or stipulations regarding exhibits.

14. **Directed Verdict Motions**

Pursuant to the amended rule of civil procedure, motions for judgment as a matter of law do not have to be in writing.

15. **Jury Instructions and Verdict Forms**

Judge Standish uses standard instructions, as well as instructions from prior cases. Judge Standish instructs the jury prior to the closing arguments of counsel.

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

Judge Standish may request that proposed findings of fact and conclusions of law be submitted prior to the conclusion of trial in non-jury cases.

17. **Offers of Proof**

Judge Standish has no restrictions regarding offers of proof.

18. **General Courtroom Rules**

Judge Standish has no general rules for his courtroom apart from requesting that counsel behave courteously. Judge Standish does not appreciate indignation or rudeness by counsel to others.

E. **Jury Deliberations**

1. **Written Jury Instructions**

Judge Standish lets the jury take the written charge to the jury room.

2. **Exhibits in the Jury Room**

Exhibits go out with the jury. Money, weapons and drugs do not go to the jury room. If unwieldy, some exhibits will not go out with the jury but the jury will be allowed to look at the exhibits in the courtroom.

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

Judge Standish tells the jurors in his preliminary instructions that transcripts of testimony will

not be available to them during deliberations. In rare instances, if requested by the jury, a transcript, if available, may be submitted to the jurors.

4. **Jury Questions**

If Judge Standish receives questions from the jury, he will confer with counsel in person or by telephone. He will then prepare a written response and send it back to the jury after informing counsel.

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

Judge Standish requires counsel to be available in person or by telephone during jury deliberations.

6. **Interviewing the Jury**

After the verdict, Judge Standish tells jurors that they do not have to talk to lawyers but does not prohibit such communications.

F. **General**

1. **Special Types of Cases**

Judge Standish has specific procedures for RICO cases, etc. In class actions, Judge Standish holds a conference after the motions for class certification. He has no particular courtroom procedures for these types of cases.

2. **Other Individual Practices/Procedures**

Judge Standish likes complex cases to be identified early and handles them differently from the beginning of the case. This general procedure applies to class actions, cases with multiple parties, RICO, ERISA, etc. He usually follows these cases more carefully and has more case management conferences.

IV **CRIMINAL CASES**

A. **Motions**

Judge Standish grants motions for extensions of time to file pretrial motions. He believes that ten days is often too short a time to require counsel to prepare these motions.

B. **Pretrial Conferences**

Judge Standish does not routinely schedule pretrial conferences in criminal cases. Any issues raised by

motions in limine as well as requests for voir dire are usually handled immediately before jury selection.

C. **Guilty Pleas**

Judge Standish has no general rules regarding the taking of guilty pleas. He has a standard colloquy which he makes available to counsel upon request.

D. **Voir Dire**

Any requested special voir dire questions should be submitted to the Judge before jury selection begins.

E. **Trial**

In multi-defendant cases, Judge Standish permits all counsel to examine a witness but requests that they not question repetitively on areas previously covered.

Judge Standish sequesters witnesses pursuant to Rule 615. Judge Standish permits the use of transcripts in cases where the government introduces tape recorded conversations. This subject is usually dealt with as a pre-trial matter.

Judge Standish permits a defendant to open either after the government or at the beginning of his case in chief.

Judge Standish has ruled that special interrogatories to the jury are not permissible in criminal cases.

Judge Standish requests that, when a defendant is not present for any conference among counsel and the court, the defendant's right to be present be waived on the record by the defendant.

F. **Sentencing Memoranda**

Judge Standish permits sentencing memoranda and generally follows Local Rule 32.1. He makes tentative findings and has a hearing on any issues in dispute before he makes his tentative findings.

G. **Sentencing Conferences**

Judge Standish always issues tentative findings as required by Local Rule 32.1 after objections are filed to the presentence report by a party and a conference is held among the parties and the probation officer pursuant to 32.1.

H. **Other General Practices and Procedures**

Judge Standish does make recommendations to the Bureau of Prisons regarding the specific institution, drug therapy, and health issues where he feels that special attention is required to these issues. He may also make recommendations regarding incarceration of a defendant at an appropriate minimum security institution.

Judge Standish usually requires the United States Attorney to provide Jencks material two to three days in advance of trial.

Judge Standish will permit a defendant to travel outside the jurisdiction if there is agreement by the U.S. Attorney.

Judge Standish has no general policy on how conflicts between defense counsel and a client defendant are handled.

V. **BANKRUPTCY CASES**

N/A

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

Judge Standish has no special rules of procedures regarding bankruptcy appeals.

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

_____,)
)
Plaintiff,)
)
vs.) Civil Action No. _____
)
_____,)
)
Defendant.)

ORDER

AND NOW, this ___ day of _____, 200__, _____ has
filed a motion to _____ in the above-captioned case. It is
hereby ORDERED that the motion shall be presented to the court at
_____ m. on _____, Courtroom No. 6, Sixth Floor, USPO
& Courthouse, Pittsburgh, Pennsylvania; at which time the court
shall consider the motion and the response thereto of any party
opposing the same.

William L. Standish
United States District Judge

cc:

EXHIBIT II.A.

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

_____,)
)
Plaintiff,)
)
vs.) Civil Action No. _____
)
_____,)
)
Defendant.)

CASE MANAGEMENT ORDER

AND NOW, this _____ day of _____, it is hereby ORDERED as follows:

1. Local Rule LR 16.1. The above-captioned civil action is hereby placed under Local Rule LR 16.1 of this court. All provisions of the Rule will be strictly enforced.

2. Settlement Negotiations. Counsel for the parties shall confer with their clients before all case management, status or pretrial conferences to obtain authority to participate in settlement negotiations conducted by the court. Counsel are encouraged to appear with their individual clients or with principals of corporate or other clients at all such conferences or to instruct such clients or principals to be available by telephone at the time of such conferences to facilitate settlement negotiations.

3. Pretrial Procedures. Compliance with the provisions of Local Rule LR 16.1 shall be completed as follows:

(A) The parties shall complete discovery on or before _____. For purposes of this paragraph 3(a), the term "discovery" shall include all methods of discovery referred to in Fed.R.Civ.P. 26(a). Interrogatories to parties pursuant to Fed.R.Civ.P. 33, requests for production of documents and things pursuant to Fed.R.Civ.P. 34, and requests for admission pursuant to Fed.R.Civ.P. 36 shall be served at least **30 days prior to** _____.

(B) Plaintiff's pretrial narrative statement shall be filed on or before _____. Defendant's pretrial narrative statement shall be filed on or before _____. Plaintiff's pretrial narrative statement shall comply with Local Rule LR 16.1.4.A.1-6. Defendant's pretrial narrative statement

shall comply with Local Rule LR 16.1.4.B.1-6. [Third-party defendant's pretrial narrative statement shall comply with Local Rule LR 16.1.4.C.]

(C) On or before _____, any party may file a motion for summary judgment which shall be accompanied by a supporting brief, and such affidavits and other supporting documentation as may be appropriate. Any responding party may file an opposing brief, together with such affidavits and opposing documents as may be appropriate on or before _____. No further briefs or materials supporting or opposing a motion for summary judgment shall be filed without leave of court. Any party failing to respond to a motion for summary judgment shall be deemed not to oppose the motion.

4. Pretrial Conference. A PRETRIAL CONFERENCE is scheduled at 4:30 p.m. on _____, Room 605, United States Courthouse, Pittsburgh, Pennsylvania 15219.

5. Pretrial Stipulation. After the pretrial conference, counsel for the 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 in the action.

6. Presumptive Trial Date. The above-captioned action shall presumptively be listed for trial on the _____ trial list. Counsel are instructed to review the provisions of Local Rule LR 16.1.

7. Track I Designation. The above-captioned action is designated a Track I action pursuant to Local Rule LR 16.1.2.C.

8. Arbitration. The parties are advised of the availability of arbitration in certain cases pursuant to this court's Local Rule LR 16.2.

9. Contents of Pretrial Statements. As provided in Local Rule LR 16.1.4 of this court, the parties' pretrial statements shall set forth the information hereinafter described:

(A) Factual and Legal Contentions. A brief but full exposition shall be made of the legal theories that will be pursued at trial and a statement shall be made, in narrative form, of the material facts that will be offered at trial.

(B) Damages. An itemized list shall be set forth of all damages claimed, including the method of calculation and how damages will be proved.

(C) Witnesses. Each party shall list those witnesses to be called at trial other than those contemplated to be used for impeachment or rebuttal purposes.

(1) Witnesses shall be identified by their full names and addresses.

(2) Witnesses shall be separately listed and designated as to liability and damages.

(3) All witnesses who will testify as experts shall be designated as such. The report of each witness designated as an expert shall be attached to the pretrial statement. The testimony of an expert witness will be confined to those matters set forth in his or her report.

(4) A copy of each report containing the findings and conclusions of any physician who has treated or examined or who has been consulted in connection with any injury complained of and whom a party expects to call as a witness at trial must be attached to the party's pretrial statement. The testimony of each such witness will be confined to the scope of his or her report.

(D) Exhibits. Each party shall specifically identify and list each exhibit that will be offered at trial.

(1) Each exhibit must be identified by number or letter on the party's pretrial statement. Plaintiffs shall use numbers, and defendants shall use letters.

(2) The pretrial statement shall indicate the parties' agreement or disagreement as to the authenticity and admissibility of each exhibit.

(3) Each party shall designate every issue that he or she considers unusual in the case.

(E) Amendment of Pretrial Statements. The parties shall not amend or supplement their pretrial statements without leave of court.

(F) Sanctions. At trial, each party shall be limited to those factual and legal issues contained in his or her pretrial statement. All evidence, except evidence offered for impeachment, that does not relate to a factual or legal issue set forth in the pretrial statement or disclosed at the pretrial conference shall be excluded unless the parties otherwise agree or the court orders otherwise.

10. Additional Pretrial Requirements. In addition to the foregoing requirements relating to pretrial statements, the parties shall also comply with the following pretrial requirements:

(A) Discovery Depositions. A party intending to use a discovery deposition in its case-in-chief shall:

(1) Identify the deposition by the name of the deponent and date of his or her deposition;

(2) Designate to the court and to the opposing party the pages and lines that will be offered at trial; and

(3) Opposing counsel shall counter-designate those lines and pages of the same deposition that will be offered at trial.

(B) Settlement Negotiations. The parties shall extensively pursue settlement negotiations and advise the court of their status. At the conference scheduled by paragraph 4 hereof, the parties shall be prepared to discuss settlement and have the appropriate authority to settle the case.

(C) Trial Time. The parties shall be prepared to state at the conference scheduled by paragraph 4 hereof an estimate of the number of days required for trial.

William L. Standish
United States District Judge

cc: