

ORDER PREPARATION GUIDELINES

A goal in preparing orders, as it should be for all of legal writing, is to use regular grammatical English as much as possible. A secondary goal is to use actual statutory language as much as possible, rather than changing or paraphrasing it, which runs the risk of changing its meaning. When you prepare proposed orders, please keep these principles in mind.

1: Case Caption

The full name of the case should be used in the caption of the proposed order.

2: Brief Descriptive Title

Every order must have a brief descriptive title [YCCiv 205.1 (a) (2)]

3: Date

Begin the order with the date: “This ____ day of _____, 201_, IT IS ORDERED...” .

4: Signature

Put a line for a signature below the text on the right side of the page, slightly lower than the date. Above the line put “By The Court”. Do not include anything else above the line. For example, do not include the phrase “It Is So Ordered” or anything similar.

Putting my name below the signature line is optional, but if you do, do not include anything other than my name. “Honorable,” “The Honorable,” or “Hon.” are forms of address and not part of my name. However, whether you include my name or not, the proper title to be included either directly below the line or directly following or beneath my name is “President Judge” or “Judge.”

5: And/Or

Try to avoid using “and/or.”

6: Superfluous Words and Phrases

Generally eliminate superfluous words. They serve no purpose. Examples of such words are: “hereby,” “herein,” “in and for,” “subject,” “that certain,” “now,” “that,” “undersigned,” “immediately,” “heretofore entered in this case,” “be, and hereby is,” “said”—the list goes on and on. Compare the meaning of “Now, therefore, it may be and is hereby ordered that:” with “It is ordered:”

A good opening line for an order would read something like: “This case came before the court on the motion of Pennsylvania Department of Transportation seeking summary judgment.” Referring to it as “this case” is the most accurate and succinct description. It is unnecessary to refer to it as “matter,” “proceeding,” “proceedings,” “that certain,” “subject,” or “above titled.”

In addition to superfluous words, watch for superfluous and wordy phrases. Examples include referring to a motion as “filed with the court” or an “order heretofore entered in this case.” How about “order?”

7: Multiple Page Orders

As a matter of form and as required by York County Rules of Procedure, if your order runs to more than one page, make sure that the last page contains more than just the court's signature and date.

8: Inappropriate Relief

Do not include in the actual order, things that the court is not ordering. Frequently, lawyers will include things that are factual determinations or are things the parties have agreed to. Those things really belong in a separate part before the order begins.

9: Undersigned

Rarely, if ever, use the word "undersigned."

10: Hearing

In a proposed order filed with a motion, do not include any reference to a hearing having been held, since there may not have been a hearing. If you are submitting an order after a hearing, then it would obviously be acceptable to refer to it.

11: Attachments

Avoid having attachments to orders. For one thing, attorneys frequently forget to include the attachment. In addition, they can be easily be separated from the order or even replaced. Most likely, an order with an attachment will not entered.

12: Plurals and Possessives

Keep plurals and possessives straight and consistent. Know when to use plaintiffs (plural), plaintiff's (singular possessive), and plaintiffs' (plural possessive). Make sure the verb matches the subject of the sentence.

13: Its and It's

Please use the possessive noun "its" and the contraction "it's" correctly.

14: Disposition

Make sure the relief granted is actually stated in the dispositive part of the order. Do not simply say "the motion is granted" or "the defendant's objection is overruled." Do not include as part of your relief anything which you did not request in the pleading.

**STEPHEN P. LINEBAUGH, PRESIDENT JUDGE
19TH JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS, YORK COUNTY**

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