

STANDARD OPERATING PROCEDURES

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ENTRY OF APPEARANCE

1. It is imperative that Counsel officially enters a praecipe of appearance in each case before they appear in Court. In Juvenile Court, this must be done electronically through Pac file.
2. Failure to officially withdraw your appearance may result in disciplinary action. In other words, once you are in, you are in until given permission to withdraw and you are not “in” until you enter your appearance.

CONTACTS WITH OFFICE

1. Unless specifically requested by the Court, the Court will not entertain e-mails, letters or telephone calls requesting action of any kind. All matters shall be presented to the Court by way of motion or petition. Unsolicited letters will be returned, unread. This is true even if opposing counsel or party has been carbon copied on the correspondence. Such communication is still ex-parte and prohibited unless requested by the Court.
2. Counsel should not correspond with the Court by e-mail unless specifically requested to do so.
3. Counsel and/or the parties shall not engage in ex-parte communication concerning a pending case with the Court or staff. Such communication may be

deemed a cause for referral to the disciplinary authorities, or other appropriate sanctions.

4. Inquiries concerning Court procedures should be directed to the Tipstaff or Law Clerk.

5. The Judge's Chambers is staffed from 8:30 AM to 4:00 PM. On most days, staff goes to lunch from Noon to 1:00 PM. The Court discourages deliveries and/or visits except during the times staff is available.

MOTIONS

1. The Motions Court schedule is published in the Pittsburgh Legal Journal and is also available on the Court website at <http://www.alleghencycourts.us>. Regular Motions Court is scheduled at 2:00 PM Monday through Thursday and is scheduled at 10:30 AM on Fridays. Pro-Se Motions are at 1:00 PM Monday through Thursday and at 9:30 AM on Fridays

2. On rare occasions, Motions may be moved to a different day and/or may be scheduled at 9:30 AM. This change will be reflected in the PLJ and the Court website. The change will always be made at least seven (7) days in advance, except in the case of an extreme emergency. In the event this occurs, the Court will also attempt to post any changes around the Family Division Courthouse and at the elevators. Accordingly, counsel should check the schedule prior to notifying opposing counsel of presentation.

3. The Court will not accept contested motions after 9:30 AM on the day of the Motion (or Noon on days prior to the date when Motions are scheduled at 9:30 AM. The Court also requires any responses and/or answers to motions to be filed by that time.

4. If a motion is withdrawn or consented to after sign-up, please notify the Tipstaff immediately so that the Court does not waste time reviewing those

motions prior to start time. If a motion is withdrawn, the motion should be removed and the name deleted from the list. If a motion is not removed and no one appears in Court, the motion will be denied with prejudice.

5. Sign up sheets are placed outside chambers the day after Motions are heard (at least 7 days prior to the next scheduled Motion date), motions may be dropped off any time during that time and should be listed on the sign up sheet. **Each Motion MUST also be emailed to the Law Clerk, Wendy Duchene at Wendyduchene@gmail.com.** Motions which are dropped off without being listed on the sign up sheet or which are mailed without an appropriate cover letter listing date and time of presentation will not be scheduled.

6. Cover letters transmitting a motion should not contain substantive information. Any and all pertinent matters should be contained in the motion itself. **Substantive information contained in cover letters will not be considered and is an ex-parte communication.**

7. If a motion is being presented on a case with which is particularly complicated, counsel should notify the Tipstaff so that the Judge's file may be brought to Motions Court.

8. Motions may be presented at a scheduled conciliation, but only upon proper seven (7) days notice to opposing counsel, or with the consent of opposing counsel.

9. All motions should be clearly marked with the appropriate numerical suffix indicating which Judge the case has been assigned to, or should contain some explanation (by post-it note, etc.) as to why no suffix has been added (case commenced by PFA, a pre-1997 case, etc.). Failure to follow this procedure may result in the motion being placed at the end of the list.

10. This Court will not entertain motions without a docket number. Counsel or parties should ALWAYS acquire a docket number prior to presentation

11. The Court will not entertain motions or matters assigned to another Judge unless that matter is a consent motion and does not involve enforcement or calendar control issues. The Court may, at its discretion, hear emergency matters involving cases assigned to another Judge, however counsel is forewarned that the matter must be a true emergency and it will be this Court's policy to enter only a temporary order until such time as the matter can be heard by the Judge assigned to the case. It is not an emergency if counsel simply isn't available when the assigned Judge is scheduled.

12. This Court's assigned cases may be presented to another Judge in cases of **true emergency**. When doing so, a copy of the motion should be provided to this Court so it can be discussed with the Motions Judge. If it over a holiday period special care should be taken to ensure chambers is aware of the motion. It is not an emergency when counsel is (or was) unavailable when this Court is scheduled to be on Motions.

13. The Court, if time permits, will sign consent orders prior to the beginning of Motions Court if brought to the Court at that time. Counsel should inform the tipstaff that it is a consent order.

14. Proposed orders scheduling a conference hearing of any kind should include proper notification language, such as: "If party fails to appear at a conference and/or hearing as directed by Order of Court, the Court may issue a bench warrant for the arrest of said party."

15. Discovery Motions - The Court will not entertain discovery motions, which do not comply with the requirements of the Court Manual. This includes a completed chart of the questions and responses. Failure to comply may result in the Court's refusal to hear the matter.

16. When presenting motions, counsel **must** ensure compliance with the redaction rules relating to sensitive information under the Right to Know Act.

17. The Court does not routinely request to have a sheriff present during Exceptions or regular Motions Court. If you feel that a sheriff's presence might be advisable, please notify the Tipstaff in advance. Err on the side of caution.

18. Counsel should be familiar with all Administrative Orders and local rules, including, but not limited to, the rule concerning continuance within 30 days of a scheduled date. Continuances, even if consented to, will not be granted within the 30-day period, except for good cause, appropriately pled in the motion for continuance.

19. Counsel should immediately provide the Court's secretary with a courtesy copy of any orders scheduling or changing a date, which has been scheduled directly before the Court. This rule is particularly true with regard to emergency matters, but it covers all scheduling matters before the Court - conciliations, hearings, and trials.

PRO-SE MOTIONS

1. The Court will hear pro-se motions at 1:00 PM when Regular Motions are scheduled for 2:00 AM and 9:30 AM when Motions are scheduled for 10:30 AM. The Court will hear pro-se motions in the following order.

Motions to amend or vacate PFA's.

Requests for in forma pauperis status/waiver of fees.

Motions with private counsel opposing the motion.

Motions involving the County Solicitor.

All other motions.

2. The Court will only entertain pro-se motions in cases, which are assigned to this Court (008 suffix).

3. The Court starts pro-se motions court promptly at the scheduled time. Failure to appear at the time scheduled may result in the motions being denied or

granted without a party being present. In the event both parties fail to timely attend, the Court may refuse to hear a motion until the next motions court.

4. Pro-se litigants are expected to follow all rules of court and also shall comply with this Court's Standard Judicial Operating Procedures.

5. Pro-se motions shall not be provided directly to the Judge's chambers, but rather must be submitted through the pro-se litigant program in the self-help center on the first floor, even if the party has not used an attorney through the program.

CONSENT ORDERS

1. The Court will consider signing a consent order if brought to Chambers and the Judge is available to sign it. Consent orders may be dropped off for signature. Consent orders will be considered at any time during motions court while the judge is on the bench.

2. Continuances, even if consented to, will not be granted within thirty (30) days of a scheduled matter.

3. Counsel is responsible for filing Consent Orders with the Prothonotary. Under no circumstances will the Court be responsible for filing the order.

COURT SCHEDULE

1. It is the Court's expectation that counsel shall comply with all Orders of Court prior to attendance at conciliation. Failure to timely file appropriate documents, such as stipulations, offers, pre-trials, proposed orders, etc., may result in a continuance of the conciliation and/or the imposition of fines and counsel fees. In situations where a second (or third) conciliation has been scheduled and amended marital asset summaries are ordered, an amended marital asset summary must be filed. Counsel (or parties) must file amended marital asset summaries

with updated information. Parties shall try to file joint asset summaries whenever possible.

2. Counsel should be familiar with the Court's standard orders for conciliations, pre-trials, and trials, which may be different from the orders utilized by other Family Division Judges. Standard orders accompany the Court's scheduling orders, but such orders are also available by calling the Tipstaff or Secretary.

3. Court, including conciliations and arguments, shall begin at the appointed time. Lateness may result in proceedings beginning without counsel, and in extreme cases, imposition of fines and/or counsel fees. Promptness is also expected of parties and witnesses.

4. Except in very rare circumstances, attendance in another hearing or courtroom, which delays counsel, will not be considered a valid excuse. Counsel should schedule his or her day accordingly.

5. The Court will hear Exception arguments in the order listed in the PLJ. From time to time, the Court may move an argument to the beginning of the list, for good cause. However, such a procedure will be the exception and will be dealt with on a case-by-case basis. Counsel should note that Exceptions are often withdrawn or continued, so the list in the PLJ may not be accurate. Failure to appear at the scheduled time because a case is later on the list is done at counsel's or the party's peril.

6. In the event a matter is settled prior to a proceeding, including conciliation, the Court will expect an appropriate order.

7. If counsel believes that a Court Reporter is necessary for a particular proceeding, notify the Tipstaff so that arrangements may be made, subject to the Court's approval.

8. If counsel believes that a meeting with the Court, on the day of the proceeding, prior to a trial or hearing, may be helpful or necessary, both counsels should inform the Tipstaff as early as possible. If the meeting is to be protracted, every effort should be made to schedule it prior to the time set for the trial to commence. For example, if trial is to start at 9:30 AM, counsel should endeavor to schedule the meeting at 9:00 AM or before.

9. In the event a matter is settled prior to trial, counsel shall be responsible for notifying the Docket Clerk and the Court so that the matter can be removed from the Court/s calendar.

MISCELLANEOUS PROCEDURES

1. The Court's orders requiring counseling and/or therapy in custody cases shall be enforced unless a party seeks appropriate relief. In the event either party fails to comply, counsel fees and/or sanctions will be imposed.

2. Counsel will be required to submit a proposed Order of Court either at the time of or prior to any trial, hearing, or conciliation.

3. Testimony via telephone is only allowed by permission of the Court. Such permission should be obtained prior to trial or hearing.

4. In the event any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, counsel must make appropriate arrangements through the Bar Association or a third party.

EXHIBITS

The Court will retain exhibits until 40 days after a final decision or order is entered if no appeal to the order is taken. If an appeal is filed, the Court will retain documents until 5 days after the Court's Opinion to the Appellate Court is filed.

After those time periods, if counsel or the parties do not request return of the documents, they will be destroyed.

PFA PROCEDURES

Final PFA's with the 008 suffix are usually scheduled for conciliation before the Court. A hearing may or may not be scheduled on the same day as the conciliation. If a final hearing is necessary, the Court will attempt to schedule the hearing as expeditiously as possible.

COURTROOM DECORUM

1. No food or drink (except water) is permitted in the Courtroom.
2. No ringing cell phones or audible pagers are permitted in the Courtroom.
3. All proceedings shall be conducted in a dignified and formal manner.
4. This Court maintains a zero tolerance policy toward incivility. Colloquy between counsel is only permitted to expedite matters. Argument between counsel is strictly prohibited. All remarks should be addressed to the Court. Counsel should never act or speak disrespectfully to the Court, the Court's staff or opposing counsel in any manner.
5. Only counsel and parties may sit at counsel table, unless the Court permits otherwise.
6. At trial or at hearings, witnesses and parties should be instructed to wear clean, neat, and appropriate attire. In addition, witnesses and parties should be instructed as to proper behavior when Court is in session.
7. Children, who are the subject of the litigation or who are in any way involved in the litigation, are under no circumstances to be present in the Courtroom during a proceeding unless requested by the Court. Counsel shall advise clients to make appropriate child care arrangements. Counsel and parties

should be familiar with the location of the Children's Room and their hours of operation.

8. Counsel should advise clients that while they are certainly welcome to attend Motions or arguments on Exceptions, they are not permitted to address the Court unless requested by the Court to do so. Counsel shall advise the Court that their clients are present in the Courtroom.

TRIAL PROCEDURE

1. In all cases, but particularly in custody cases, counsel should be mindful of the time allotted for trial and should plan his or her presentation accordingly. Additional trial time may not be available for several months.

2. Court procedures shall begin promptly at the scheduled times. Trial shall end at approximately 4:30 PM. Counsel should be mindful that the Court often has lunch meetings scheduled, so that reduction of the lunch break may not always be possible to give additional time for trial testimony. Plan accordingly.

3. Counsel should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.

DIFFICULT LEGAL ISSUES

1. If difficult questions of law or evidence are anticipated during the trial, counsel should alert his or her opponent and the Court should be supplied with a memorandum of law, in duplicate, at least one day prior to the time it is anticipated that the question will arise.

2. When documents are to be entered into evidence and/or presented to the Court, counsel should provide copies to opposing counsel and to the Court. Continual requests for copies because counsel did not anticipate use of the document will be frowned upon.

3. Rise when addressing the Court or making objections.
4. Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or abused in any manner.
5. Although most proceedings are of an emotional nature, counsel is expected to allow opposing counsel to finish their statements without interfering (other than objections) or talking at the same time.

SUBMISSION OF DOCUMENTS

In all documents submitted to the Court, use of terms such as Husband/Father and Wife/Mother are preferred over plaintiff/defendant, petitioner/respondent, etc. Original pleadings and submissions should be filed with the Family Court Department of Court Records, with a courtesy copy provided to the Court.

AMENDMENT

It is anticipated that these procedures will be amended from time to time.

COURT PERSONNEL – 412-350-5798

Secretary Nancy Heidenreich

Law Clerk Wendy Duchene

Tipstaff Maria King