

STANDARD JUDICIAL OPERATING PROCEDURES

THE HONORABLE DWAYNE D. WOODRUFF

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INTRODUCTION

All counsel appearing in Judge Woodruff's courtroom are to be professional and courteous to one another at all times. This Court maintains a zero tolerance policy towards incivility. Attorneys are to remember that the issues before the Court are the issues of the clients, not the attorneys. Attorneys are to treat each other in a civil, professional and courteous manner at all times. The conduct of the attorneys shall uphold the dignity and decorum of the courtroom at all times. It is expected that counsel will adhere to the Code of Civility (204 Pa. Code § 99).

CONTACTS WITH OFFICE

- 1.) All matters requesting action by the Court shall be presented in the form of a Motion or Petition. The Court will not entertain emails, faxes, letters or telephone calls requesting action. Unsolicited letters will be returned, unread.
- 2.) Counsel shall not correspond with the Court by email unless specifically requested to do so or as otherwise stated within these Operating Procedures.
- 3.) Counsel and/or the parties shall not engage in ex parte communication concerning a pending case with the Court or its staff. Such communication may be deemed a cause for referral to the disciplinary authorities and/or appropriate sanctions.
- 4.) Inquiries concerning the Court's procedures should be directed to a member of the Court's staff.

MOTIONS

- 1.) All Motions, including Pro Se Motions, will be heard at the Family Law Center 440 Ross Street, Pittsburgh, PA 15219.

- 2.) In addition to the regular rotating Motions scheduled by the Family Division, Judge Woodruff will hear weekly Motions every Thursday at 9:00 A.M. in Room 3026 of the Family Law Center, 440 Ross Street, Pittsburgh, PA 15219.
- 3.) **PRO SE MOTIONS, MATTERS INVOLVING PRO SE LITIGANTS, UNASSIGNED CASES AND EMERGENCY MOTIONS ON CASES ASSIGNED TO OTHER JUDGES SHALL NOT BE HEARD AT JUDGE WOODRUFF'S WEEKLY THURSDAY MORNING MOTIONS. THE THURSDAY MORNING MOTIONS ARE FOR 009 CASES ONLY WHERE BOTH PARTIES ARE REPRESENTED BY COUNSEL.**
- 4.) Please refer to the PLJ for the dates, times and locations of the regular Family Division Rotation schedule.
- 5.) Motions Sign-Up Procedures
 - a.) When Motions are scheduled at 1:30 P.M., the sign-up sheets are placed in the hall outside of Room 5065 of the Family Law Center by 9:00 A.M. one week prior to the scheduled Motions. **ALL CONTESTED MOTIONS SHALL BE DELIVERED BY 1:30 P.M. ON THE DAY BEFORE THE SCHEDULED MOTIONS. CONTESTED MOTIONS DELIVERED AFTER THAT TIME WILL NOT BE ENTERTAINED. THE COURT WILL ALSO EXPECT ANY RESPONSES AND/OR ANSWERS TO MOTIONS TO BE FILED BY THAT TIME.**
 - b.) When Motions are scheduled at 1:30 P.M., all Uncontested Motions shall be delivered and signed up by 12:00 P.M. on the day of the scheduled Motions.
 - c.) When Motions are scheduled at either 9:00 A.M. or 9:30 A.M., the sign-up sheets are placed in the hall outside of Room 5065 of the Family Law Center by 9:00 A.M. one week prior to the scheduled Motions. **ALL CONTESTED MOTIONS SHALL BE DELIVERED BY 12:00 P.M. ON THE DAY PRIOR TO THE SCHEDULED MOTIONS. CONTESTED MOTIONS DELIVERED AFTER THAT TIME WILL NOT BE ENTERTAINED. THE COURT WILL ALSO EXPECT ANY RESPONSES AND/OR ANSWERS TO MOTIONS TO BE FILED BY THAT TIME.**
 - d.) When Motions are scheduled at 9:00 A.M. or 9:30 A.M., all Uncontested Motions shall be delivered and signed up by 8:30 A.M. on the day of the scheduled Motions.
 - e.) 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 the

Motion prior to Motions Court. 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 for the Motion, the Motion will be denied with prejudice.

6.) Consent Orders

- a.) Consent Orders that have been signed by both parties do not need to be presented to the Court during Motions Court.
 - b.) Consent Orders requesting scheduling changes must contain an explanation or reason for the requested change.
 - c.) When an Order is consented to by both parties, and both parties have signed the Order, counsel may drop off the Consent Order with the Tipstaff in Room 5065 at the Family Law Center. Upon signature by Judge Woodruff, counsel will be contacted to pick up the Order.
 - d.) Counsel not located in the Downtown Pittsburgh area may mail the Consent Order to the Court, with a self-addressed stamped envelope for return of the signed Order. The Order will be mailed to counsel upon signature by Judge Woodruff.
 - e.) Counsel are responsible for filing these Orders with the Department of Court Records.
- 7.) The Court prefers to receive a courtesy copy of any Motion at the time that it is delivered to opposing counsel. The Motion or cover letter should clearly indicate the date of presentation.
- 8.) Motions may be mailed, hand-delivered, emailed or faxed to the Court prior to the time scheduled for Motions Court. If counsel mails, delivers, emails or faxes a Motion prior to the time scheduled for Motions Court, the Motion or cover letter should clearly indicate the date of presentation and whether the Court is being asked to place the Motion on the appropriate sign-up sheet. Motions may be emailed to: ATTORNEY_PROPOSAL@court.allegheny.pa.us.
- 9.) Counsel are to leave the original Motion and Proposed Order in the area next to the sign-in sheets. If Motions have been faxed or emailed to the Court, the original Motion must be brought to Motions Court by counsel. The Court will not entertain copies of Motions.
- 10.) The cover letter transmitting the Motion should not contain any argument or substantive information. Any information contained in cover letters will not be entertained, as all pertinent matters should be contained in the Motion itself.

- 11.) The regular rotating Family Court Motions schedule is published in the Pittsburgh Legal Journal and is also available on the Court website at <http://www.allegheycourts.us>. These Motions are usually scheduled at 1:30 P.M., except for Motions on Fridays, which are scheduled for 9:30 A.M. Judge Woodruff will also hear weekly Motions every Thursday at 9:00 A.M. for cases assigned to Judge Woodruff that do not involve pro se litigants. **PRO SE MOTIONS, MATTERS INVOLVING PRO SE LITIGANTS, MOTIONS ON UNASSIGNED MATTERS AND EMERGENCY MOTIONS ON CASES ASSIGNED TO OTHER JUDGES SHALL NOT BE HEARD AT THURSDAY MORNING MOTIONS COURT. THE THURSDAY MORNING MOTIONS ARE FOR 009 CASES ONLY WHERE BOTH PARTIES ARE REPRESENTED BY COUNSEL.**
- 12.) Counsel, not their paralegals, must be present in Court for all matters, including Consent Motions and Uncontested Motions. Counsel should not assume that any proposed Orders will be signed, and Counsel must be available to respond in the event that the Court has questions.
- 13.) If exhibits are referenced in a Motion, copies of the exhibits must be attached to the Motion for the Court's review.
- 14.) If a Motion is being presented on a case with which the Court is familiar, counsel should notify the Tipstaff so that the Judge's file may be brought to Motions Court.
- 15.) Motions may be presented at a scheduled conciliation, but only upon proper notice to opposing counsel, or with the consent of opposing counsel. The original Motion shall be delivered to the Court by Noon on the day prior to the conciliation.
- 16.) All Motions should be clearly marked with the appropriate suffix indicating to which Judge the case has been assigned, or should contain some explanation as to why no suffix has been added. Failure to follow this procedure may result in the Motion being placed at the end of the list.
- 17.) Judge Woodruff does not necessarily hear Motions in the order on which they are placed on the sign-up list. Counsel is, therefore, advised to be present when Motions Court begins.
- 18.) Emergency Motions
 - a.) The Court may, at its sole discretion, hear emergency matters involving cases assigned to another Judge in the event of a true emergency. Counsel are forewarned that the matter must be a true emergency, and that 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 is not available when the assigned Judge is scheduled to hear Motions. The Court will make every effort to discuss the Motion with the assigned Judge prior to Motions Court.

- b.) 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 that the case can be discussed with the Motions Judge. Again, it is not an emergency if counsel simply is not available when the assigned Judge is scheduled to hear Motions.
- 19.) Proposed Orders scheduling a conference hearing of any kind should include proper notification language, such as "If a 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 the party."
- 20.) Discovery Motions- The Court will not entertain discovery Motions that 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.
- 21.) When presenting Motions, counsel should be cognizant that, once the Motion is filed, all pages of the Motion, including the attachments and exhibits, will be scanned and published on the Prothonotary's website. Accordingly, counsel should be particularly careful about attaching documents of a sensitive nature and/or documents with social security numbers or financial information. Counsel may provide only the last four digits of an account number or Social Security number if the entire number is not needed for identification purposes or otherwise. In the event such information is pertinent to the matters contained in the Motion, but counsel does not want this information on the Prothonotary's website, counsel should submit this information separately, but simultaneously, with the Motion. Under no circumstances should counsel wait until the Motion is being argued to submit pertinent documents.
- 22.) The Court does not routinely request to have a Deputy Sheriff present at Exceptions or Motions Court. If you feel that a Deputy Sheriff's presence might be advisable, please notify the Tipstaff in advance. Err on the side of caution.
- 23.) Counsel should be familiar with all Administrative Orders and Local Rules, including, but not limited to, the Rule regarding continuances within thirty (30) days of a scheduled date. Continuances, even if consented to, will not be granted within the 30-day period without good cause shown, properly pled in the Motion for Continuance.
- 24.) Counsel should immediately provide the Court with a courtesy copy of any Orders scheduling or changing a date that has been scheduled directly before the Court. This is particularly true with regard to emergency matters, but this rule

applies to all scheduled matters before the Court, including conciliations, hearings and trials.

- 25.) Counsel should check the Pittsburgh Legal Journal (“PLJ”) for the appropriate Family Court Motions schedule. The dates for Motions may change from time to time, and Motions may be changed from 1:30 P.M. to 9:30 A.M.. Counsel are responsible for appearing at the appropriate time as listed in the previous day’s PLJ. Judge Woodruff’s weekly Thursday Motions will always begin promptly at 9:00 A.M.
- 26.) Counsel is expected to comply with the Local Rules regarding notice to an opposing party before presentation of any Motion.

PRO SE MOTIONS

- 1.) Pro Se Motions will be heard at 12:30 P.M. on the days of regularly scheduled Family Division Motions, except when those Motions are scheduled on Fridays. Friday Pro Se Motions Court will begin at 8:30 A.M. Cases involving private counsel will begin at 1:30 P.M., or soon thereafter on Mondays through Thursdays and at 9:30 A.M. on Fridays.
- 2.) Pro se litigants may **NOT** present their Motions at the weekly Thursday morning Motions before Judge Woodruff.
- 3.) All Pro Se Motions heard by Judge Woodruff must have first been processed through the Pro Se Motions office. Pro Se litigants must not present their Motions to this Court without first having had their Motions reviewed by the Pro Se Office and scheduled by the Pro Se Office.
- 4.) Pro se litigants shall not engage in ex parte communication with the Court. The Court’s staff will not respond to letters, phone calls, faxes and/or emails inquiring about their cases. All inquiries shall be made to (412) 350-5600.
- 5.) Pro se litigants are expected to dress, conduct themselves and behave in an appropriate manner when they are inside, or in the immediate vicinity of, Judge Woodruff’s courtroom.
- 6.) Pro se litigants are advised that Judge Woodruff does not permit children to be present in the courtroom, and they should make appropriate child care arrangements.

CONCILIATIONS

- 1.) When conciliations are scheduled before this Court, all necessary documents must be filed and/or provided to opposing counsel and the Court, pursuant to the Rules of Civil Procedure. If the necessary documents have not been filed prior to the

assigned date, this Court may continue the conciliation to a later date following the parties' compliance with the Rules of Civil Procedure.

- 2.) No later than five (5) days prior to the first scheduled Equitable Distribution Conciliation, counsel shall submit to the Court a Marital Asset and Liability Summary and a written proposal for equitable distribution. Failure to submit these documents to the Court may result in the conciliation being cancelled by the Court.
- 3.) Counsel may provide the Court with a proposed marriage settlement agreement and/or a proposed custody order for use during conciliation via e-mail. The agreement will be available for modification during discussions and may be used as a final Order in the event of settlement. Kindly use the client name to identify or name the document, and e-mail the proposal to: ATTORNEY_PROPOSAL@court.allegheny.pa.us.
- 4.) Counsel will not be permitted to continue or reschedule any proceedings that are scheduled by the Court and counsel during the conciliation due to a scheduling conflict.
- 5.) If counsel are able to settle the matter following the conciliation, they may drop off the consent agreement to the Court for the Judge's signature. Counsel will be contacted when the signed Order is ready to be picked up.

SETTLEMENT AGREEMENTS/ DOMESTIC RELATIONS ORDERS

- 1.) Settlement Agreements that have been signed by both parties and other Domestic Relations Orders do not need to be presented to the Court during Motions Court.
- 2.) Counsel may drop off the Settlement Agreement or Domestic Relations Order with the Tipstaff in Room 5065 of the Family Law Center. Upon signature by Judge Woodruff, counsel will be contacted to pick up the Agreement/Order.

COURT SCHEDULE

- 1.) When scheduling a case for a trial date before Judge Woodruff, counsel is required to provide a realistic estimate of the number of days required to try the case. This Court is heavily scheduled, and extra or additional trial dates are not often available for months.
- 2.) It is the Court's expectation that counsel shall comply with all Orders of Court prior to attendance at a conciliation. Failure to timely file appropriate documents, such as stipulations, offers, pre-trials, etc., may result in a continuance of the conciliation and/or fines and counsel fees at the sole discretion of the Court.

- 3.) Counsel should make themselves familiar with this Court's standard Orders for conciliations and pre-trials, which may differ from the Orders utilized by other Family Division Judges.
- 4.) All matters before this Court, including motions, 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. Scheduling conflicts should be resolved in advance of any appearances.
- 5.) Except in very rare circumstances, attendance in another hearing or courtroom, which delays counsel, will not be considered a valid excuse without prior notification to this Court. Counsel should schedule his or her day accordingly and should immediately notify this Court of any potential conflict with another Judge's schedule.
- 6.) Under normal circumstances, the Court will hear Exception arguments in the order listed in the PLJ. 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 the case is later on the list is done at counsel's peril.
- 7.) In the event that a matter is settled prior to a proceeding, including a conciliation, the Court expects that an appropriate Order will be submitted, including "consented to" language and signatures by both parties and/or their representatives.
- 8.) If counsel believes that a court reporter is necessary for a particular proceeding, counsel must notify the Tipstaff so that arrangements can be made, subject to the Court's approval.
- 9.) 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 counsel should inform the Tipstaff as early as possible. If counsel requests such a meeting, it is the Court's policy to meet with both counsel, at the time set for trial. However, if the meeting is expected to take more than thirty (30) minutes, every effort should be made to schedule the meeting prior to the time set for the trial to commence. (For example, if trial is to start at 9:30 A.M., counsel should schedule the meeting at or before 9:00 A.M.)
- 10.) In the event a matter is settled prior to trial, counsel must notify the Court so that the matter can be removed from the Court's calendar.

- 11.) When conciliations are scheduled before this Court, all necessary documents must be filed and/or provided to opposing counsel and the Court, pursuant to the Rules of Civil Procedure. If the necessary documents have not been filed prior to the hearing, this Court may continue the conciliation to a later date following the parties' compliance with the Rules of Civil Procedure.

MISCELLANEOUS PROCEDURES

- 1.) When submitting Pre-Trial Statements to the Court, counsel **SHOULD NOT** attach copies of exhibits. However, copies of exhibits should be provided to opposing counsel.
- 2.) The Court's Orders requiring counseling and/or therapy in custody cases shall be enforced unless a party seeks appropriate relief. In the event that either party fails to comply, counsel fees and/or sanctions will be imposed.
- 3.) Counsel will be required to submit a proposed Order of Court either at the time of, or prior to, any trial or hearing.
- 4.) Testimony via telephone is only allowed by permission of the Court. Such permission should be obtained prior to the trial or hearing.
- 5.) In the event any equipment (audio-visual, recording, etc.) is necessary for a trial or hearing, counsel must make appropriate arrangements through the Allegheny County Bar Association or a third party. Except in rare circumstances, the Court does not have the capability to provide these services.
- 6.) Final PFAs with the "009" suffix are usually scheduled for a conciliation before the Court. The Court will make all possible efforts to schedule a hearing, if necessary, on the same day as the conciliation. If the Court cannot schedule the final hearing on the same day as the conciliation, the Court will attempt to schedule the hearing as expeditiously as possible.

COURTROOM DECORUM

- 1.) Although clients are permitted in the courtroom during Motions and Exceptions arguments, they are not permitted to address the Court unless requested by the Court. Counsel shall advise the Court if their clients are present in the courtroom, and counsel will be responsible for the conduct of their clients when present. Counsel is advised to caution their clients to keep facial expressions, head nodding/shaking and the like to a minimum.
- 2.) No food or drink is permitted in the Courtroom. Water will be provided for counsel and witnesses during hearings and trials by the Court.

- 3.) Counsel shall remove their overcoats/outerwear upon entering the Courtroom.
- 4.) No ringing cell phones or audible pagers are permitted in the Courtroom. Violators will be escorted from the Courtroom. Repeat offenders may be jailed for contempt.
- 5.) Any proceeding in the Courtroom, whether motions, arguments or trial, shall be conducted in a dignified and formal manner.
- 6.) 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.
- 7.) Only counsel and parties may sit at counsel table upon request, unless the Court permits otherwise. In appropriate circumstances, the Court may permit counsel to have a paralegal assistant sit at counsel table.
- 8.) Counsel and parties should not have additional beverages on the table other than the water pitchers and cups provided by the court. Food items are not to be present at counsel tables.
- 9.) At trial or hearings, witnesses and parties should be instructed to wear clean, neat and appropriate attire. Witnesses and parties should be instructed as to proper behavior when Court is in session.
- 10.) 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 or unless specific permission has been granted by the Court. Counsel should advise clients to make appropriate child care arrangements. Counsel and parties should be familiar with the Children's Room's hours of operation.

TRIAL PROCEDURE

- 1.) Equitable Distribution Trials- Five (5) days prior to trial, counsel shall submit the Marital Property/Trial Issues chart to the court. This chart will be attached to the Pretrial Scheduling Order sent out by the Court. Counsel are to provide a comprehensive list of all assets and debts to be divided between the parties, the value of the property, and the proposed distribution. Counsel also shall provide a comprehensive list of all additional issues to be decided by the court, including requests for alimony and counsel fees.

- 2.) In all matters, but particularly in custody cases, counsel should be mindful of the time allotted for trial and should plan their presentations accordingly. Additional trial time may not be available for several months. Counsel should keep in mind that Judge Woodruff does not permit summarization of trial testimony of litigants, or any other adult members of the litigants' households, in a custody case.
- 3.) When submitting Pre-Trial Statements to the Court, counsel SHOULD NOT attach copies of exhibits. However, copies of exhibits should be provided to opposing counsel.
- 4.) Difficult Legal Issues- 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.
- 5.) 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. The Court and its staff are not a copying service for counsel.
- 6.) All evidence should be pre-marked. Plaintiff's counsel is expected to use numbers, and defense counsel is expected to use letters.
- 7.) Rise when addressing the Court or making objections.
- 8.) Witnesses, including the opposing party, should be treated with fairness, consideration and respect. They should not be shouted at, ridiculed or abused in any manner.
- 9.) Although most proceedings are of an emotional nature, counsel are expected to allow opposing counsel to finish their statements without interfering or talking at the same time.
- 10.) When an objection is made, please wait until there is a ruling before continuing questions or testimony.

SUBMISSION OF DOCUMENTS

- 1.) In all documents submitted to the Court, use of terms such as Husband/Father and Wife/Mother is preferred over Plaintiff/Defendant and Petitioner/Respondent. Original pleadings and submissions should be filed with the Family Court Prothonotary, with a courtesy copy provided to the Court.

- 2.) Documents submitted to the Court, including Motions, Pretrial Statements and Briefs, shall not contain inflammatory or derisive language regarding counsel or the parties.

AMENDMENT

These procedures are effective as of January 25, 2010, but will be amended from time to time.

COURT PERSONNEL

Tipstaff	Lou Ransom, Jr.	(412) 350-6283
Assistant	Lauren K.W. Williams	(412) 350-6281
Law Clerk	Ellen M. Burns	(412) 350-6282