

# Standard Operating Procedures

*for practice before, and in the chambers of,*

## The Honorable Eleanor L. Bush

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Pittsburgh, Pennsylvania 15219  
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### I. CONTACT WITH CHAMBERS

A. **Chambers.** The Judge's Chambers is open and staffed from 9:00 a.m. to 4:30 p.m.

B. **Ex Parte Communication.**

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 should be presented to the Court by way of Motion or Petition. Unsolicited letters will be returned, unread. This is true even if the opposing Counsel or party has been carbon-copied. This form of communication is ex-parte and prohibited unless requested by the Court.
2. Counsel<sup>1</sup> and Parties shall not engage in ex-parte communication concerning a pending case with the Court or its staff. This communication may be deemed grounds for sanctions or referral to disciplinary authorities.

C. **Staff.** Inquiries concerning court procedures should be directed to the following Court staff:

1. Legal Assistant: Kelly Boland
2. Tipstaff: Diane Wolford
3. Law Clerk: Adam Rosen

### II. MOTIONS

A. **Pro-Se Motions Court.**

1. The Court will hear pro-se motions one hour prior to regular motions.

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<sup>1</sup> *Pro se* litigants shall follow all procedures required of "Counsel" by these Standard Operating Procedures.

2. The Court will only entertain pro-se motions and cases with the suffix 001.
3. The Court starts Pro-Se Motions Court at the scheduled time and reserves the right to grant, deny, or refuse to hear a motion until next Motions Court, if any of the parties arrives late or fails to show.
4. *Pro se* litigants shall follow these Standard Operating Procedures as well as all Rules of Court.
5. *Pro se* litigants shall only submit motions through the *Pro se* Litigant Program (located on the first floor of the Family Law Center). We will not accept pro-se motions submitted directly to chambers.
6. *Pro se* litigants shall not discuss substantive matters with the Court's staff and staff is prohibited from giving legal advice.

**B. Regular Motions Court.**

**1. Motion Scheduling.**

- a. **Start Time.** Regular Motions Court typically begins at 2pm Monday through Thursday, and 10am on Friday.
- b. **Publication.** The Motions Court schedule is published both in the Pittsburgh Legal Journal and on the Court website, <http://www.alleghenycourts.us>
- c. **Rescheduling.** Occasionally, motions may be moved to another day or time. This change will be announced in the PLJ and on the Court website. Except in the case of an extreme emergency, these changes will be made seven days in advance. The Court will make reasonable efforts to post these changes around the Family Division Courthouse. Accordingly, Counsel should always check the schedule prior to notifying opposing Counsel of presentation.

**2. Deadlines.**

- a. **Contested Motions.** The Court will not accept contested motions after 12pm the day before Motions are scheduled; this is also the deadline for all responsive motions, answers, and briefs.
- b. **Uncontested and Consent Motions.** Uncontested and consent motions will continue to be accepted any time.

3. **Delivery, Format, and Listing of Motions.**

- a. **Mail or Personal Delivery Allowed.** Motions may either be mailed or delivered to the Court prior to the time scheduled for motion.
- b. **Faxes Not Accepted.** The Court does not accept faxed motions.
- c. **Electronic Filing.** When Counsel files a motion electronically, Counsel shall also file a physical copy of the motion with the Court in accordance with these Standard Operating Procedures.
- d. **Listing.** The motion will be placed on the list when received.
- e. **Format and Drafting.**
  - i. The motion or cover letter should clearly indicate the date of presentation. Failure to indicate the date of presentation may result in the motion being placed at the end of the list or not being placed on the list at all.
  - ii. Cover letters should not contain any substantive information about the underlying case or matter.
  - iii. The Court will not schedule motions that are dropped off without an appropriate cover letter or without being listed on the sign-up sheet.
  - iv. The Judge's numerical suffix, or a sufficient explanation for the lack thereof, should be clearly marked on all motions. Failure to follow this procedure may result in the motion being placed at the end of the list.
  - v. Proposed orders scheduling a conference or hearing of any kind should include proper notification language (*i.e.* "If the 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 that party").
  - vi. Counsel shall attach a proposed order to all motions.

4. **Withdrawn and Settled Motions.**

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

- b. 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. **Alternative Presentation at Conciliation.** With either seven days notice or consent of opposing Counsel, motions may be presented at a scheduled conciliation.
- 6. **Emergency Motions.**
  - a. The Court may, at its discretion, hear emergency matters involving cases assigned to another Judge. The matter, however, must be a true emergency. In these cases, the Court will only enter temporary orders, so that the assigned Judge may make the final decision on the matter.
  - b. When a true emergency requires another Judge to hear this Court's assigned case, movants and respondents shall provide a copy of the emergency motion to both the assigned Court and the Court hearing the emergency motion.
  - c. Unavailability of Counsel or Parties on the assigned Judge's motion day does not constitute an emergency under these provisions.
- 7. **Consent Orders.**
  - a. If time permits, the Court will sign consent orders before the start of Motions Court. In the event there is any problem with the consent motion or proposed order, it will be dealt with in Motions Court. Counsel should not assume that the order will be signed and shall be available at Motions Court in the event the Court has questions.
  - b. The Court will occasionally permit Consent Orders to be dropped off for the Court's signature. Counsel is responsible for retrieving and filing the signed Consent Order.
- 8. **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.
- 9. **Sensitive Information in Motions.**
  - a. In light of the fact that all pages of a motion, including the attachments and exhibits, will be scanned and published on the Prothonotary's website, Counsel should be particularly careful about

attaching documents of a sensitive nature and documents containing social security numbers and financial information.

- b. In the event such information is pertinent to the matters contained in the motion, but Counsel does not want this information published on the Prothonotary's website, Counsel should submit this information separately, but simultaneously, with the motion. In no circumstances should Counsel or the party wait until the motion is being argued to submit pertinent documents.

C. **Miscellaneous Motions Procedures.**

1. **Sheriff's Presence.** The Court does not routinely request a Sheriff's presence during Exceptions or regular Motions Court. If you feel a Sheriff's presence might be advisable, please notify the Tipstaff in advance. Err on the side of caution.
2. **Local and Administrative Rules.** Counsel should be familiar with all Administrative Orders and Local Rules, including, but not limited to, the rule concerning continuances within 30 days of a scheduled date. Even if consented to, continuances will not be granted within the 30-day period, except for appropriately pled good cause.
3. **Orders Changing Scheduled Date with Judge.** Counsel should immediately provide the Court's Legal Assistant with a courtesy copy of any order scheduling or changing a date that 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.

III. **JUDICIAL CONCILIATIONS**

- A. **Compliance with Orders.** Counsel shall comply with all Orders of Court prior to attendance at conciliation. Failure to timely file appropriate documents (*i.e.* stipulations, offers, pre-trials, etc.) will result in a continuance of the conciliation and/or the imposition of fines and counsel fees.
- B. **Marital Asset Summaries.** In situations where a second or third conciliation has been scheduled and amended marital asset summaries are ordered, Counsel shall file amended marital asset summaries. A failure to file amended marital asset summary may be subject to sanctions.

IV. **COURT SCHEDULE**

- A. **Timeliness.** Court will begin at the scheduled time. The Court expects all Counsel, Parties, and Witnesses to arrive on time for all proceedings. When Counsel is late or

absent, the Court reserves the right to begin proceedings without Counsel and, in extreme cases, impose fines and/or counsel fees.

- B. Time Conflict with Other Proceedings.** Except in rare circumstances, Counsel's attendance at another hearing or in another courtroom will not be considered a valid excuse for delaying this Court's proceedings.
- C. Exceptions.**
  - 1. The Court will hear exception arguments in the order listed in the PLJ. The Court, however, reserves the right to move an argument to the beginning of the list for good cause – these situations will be dealt with on a case-by-case basis.
  - 2. 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.
- D. Settlement Prior to Proceeding.** In the event a matter is settled prior to any proceeding, including conciliations, Counsel shall provide the Court with an appropriate order.
- E. Court Reporters.** If Counsel believes a Court Reporter is necessary for a particular proceeding, Counsel shall notify Tipstaff so that arrangements may be made. All arrangements for the use of a Court Reporter are subject to Court approval.
- F. Exhibits.** The Court will retain exhibits until 40 days after a final decision or order is entered. If an appeal is filed, the Court will retain documents until 5 days after the Court's Opinion to the Appellate Court is filed. Absent a request by Counsel to return exhibits, the Court will destroy all documents and or exhibits after those time periods.
- G. Final Pre-Trial.** The Court will hold a final pre-trial conciliation seven days prior to any hearing or trial. Counsel shall submit pre-trial statements at the start of the final pre-trial conciliation.
- H. Settlement Prior to Trial.** If a case is settled prior to Trial, Counsel shall notify the Court and the Docket Clerk so the matter can be removed from the Court's calendar.

V. **COURTROOM DECORUM**

- A. Banned Items.**
  - 1. No food or drink, except water, is permitted in the Courtroom.
  - 2. All cell phones should be turned off or set to silent.

**B. Civility.**

1. All proceedings will be conducted in a dignified and formal manner.
2. The Court will allow zero tolerance for incivility. 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.
3. Counsel shall instruct all witnesses and parties to dress and behave appropriately.

**C. Presence of Parties.**

1. Only Counsel and Parties may sit at counsel tables or outside of the back seating area within the courtroom.
2. Counsel shall advise their client(s) that, while parties are welcome to attend Motions Court and arguments on exceptions, Parties shall not address the Court unless the Court requests them to do so.
3. If clients are present during Motions Court and arguments on exceptions, Counsel shall advise the Court of their presence.

**VI. TRIAL PROCEDURE**

**A. Start and End Time.** Court proceedings begin promptly at the scheduled time and end at approximately 4:30 PM.

**B. Scheduling of Experts.** Counsel shall cooperate in scheduling expert testimony. The Court, however, reserves the right to take expert testimony out of order.

**C. Difficult Legal and Evidentiary Issues.** If Counsel anticipates that difficult questions of law or evidence will arise during trial, Counsel shall alert opposing Counsel and supply the Court with a memorandum of law on the issue no later than one day prior to the date on which the anticipated issue will arise.

**D. Admission of Evidence.**

1. Counsel shall provide opposing Counsel a copy of all evidence that may be admitted and/or presented during Trial.
2. Counsel shall properly mark all exhibits.
3. 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.

**E. Presentation.**

1. Counsel shall stand when addressing the Court or making objections.
2. Counsel shall treat all witnesses, including the opposing party, with fairness and consideration.
3. Unless objecting, Counsel shall allow opposing Counsel to finish their statements without interfering or talking at the same time.
4. In all cases – especially custody cases – Counsel shall be mindful of the time allotted for trial and shall present their case accordingly, because additional trial time may not be available for several months.

**VII. PRESENCE OF CHILDREN**

- A. **Presence in Courtroom.** Children, who are the subject of, or in any way involved with, the litigation, should not be present in the Courtroom unless instructed otherwise by the Court and Counsel shall advise clients to make appropriate child care arrangements.
- B. **Children’s Room.** Counsel and parties should be familiar with the location of the Children’s Room and its hours of operation.

**VIII. FORMAT OF DOCUMENTS**

- A. **Identification of Parties:** The Court prefers litigants to use terms such as “Husband” or “Father” and “Wife” or “Mother” rather than “Plaintiff,” “Defendant,” “Petitioner,” and “Respondent.”
- B. **Standard Form Orders.** Counsel shall familiarize themselves with the Court’s standard orders for conciliations, pre-trials, and trials, which are different from the orders used by other Family Division Judges. While standard orders will accompany the Court’s scheduling orders, copies may also be obtained from the Court’s Tipstaff or Legal Assistant.
- C. **Original Copies.** Original pleadings and submissions should be filed with the Family Court Prothonotary, with a courtesy copy provided to the Court.

**IX. MISCELLANEOUS PROCEDURES**

- A. **Counseling/Therapy.** The Court shall enforce all orders requiring counseling and/or therapy in custody cases unless a party seeks appropriate relief. In the event either party fails to comply, counsel fees and/or sanctions may be imposed.

- B. Testimony by Telephone.** Testimony by telephone is only allowed with the Court’s permission, obtained prior to the trial or hearing by Court order.
- C. Multimedia Equipment.** In the event any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, Counsel shall make appropriate arrangements through the Bar Association or a third party. Except in rare circumstances, the Court does not have the capability to provide these services.
- D. Protection From Abuse (“PFA”) Hearings.** While Final PFA’s with the “001” docket 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 soon as possible following the conciliation.
- E. Amendments and Additions.** The Court reserves the right to amend these Standard Operating Procedures at any time.