



Family Law Center  
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# Standard Operating Procedures *for* Judge Hugh F. McGough

*In compliance with the Fifth Judicial District Emergency Operations Plan*

Revised: 8/5/2020

## **NOTE: SELF-REPRESENTED PERSONS WITH EXISTING CUSTODY CASES:**

Refer to the Fifth Judicial District website. **All self-represented litigants must go through the Pro Se Department to ensure proper form and proper service.** Ensure that the court has your cell phone number and email address by emailing your name, docket number and cell phone number to McGoughProposedOrder@allegheycourts.us. If you have an existing case with the Court you will be contacted through your information to determine the next steps. Non-emergency motions will be held for seven (7) days to allow for response. **THE COURT MAY RULE ON THE MOTION WITHOUT ARGUMENT. THE COURT WILL DETERMINE IF ARGUMENT IS NECESSARY.**

### **Emergency Custody Motions:**

emergencycustody@allegheycourts.us, 412-350-1500

### **Non-emergency Custody Questions:**

custodydepartment@allegheycourts.us

## **COUNSEL:**

The Court will be using advanced communication technology to conduct much of its work, specifically, the TEAMS application from Microsoft. In order to do so:

1. Check the Fifth Judicial District's website **regularly** for updates to the family division and this Court's procedures. Changes are on-going and it is your responsibility to make sure you are aware of the latest procedures in place.
2. It is important for the court to have email addresses and cell phone numbers of parties and lawyers. In the event of a technology failure you may need to be contacted.
3. Name all files and documents you send to the court with the case name listed **first**. The Court has numerous cases and must be able to efficiently address and keep track of case filings. You do not need to put the entire case name and/or FD# in the name of the doc. Failure to do this may result in your emails being returned for correction
4. Use the case name in the subject line of any email
5. Number **all** of the pages of each document or exhibit before it is submitted to the Court.
6. Download and be familiar with Microsoft TEAMS technology. Look below for a couple of troubleshooting tips to avoid issues with TEAMS. It is important that you practice using the TEAMS application and read the "TEAMS TIPS" at the end of this document **PRIOR** to any conciliations or hearings. It may be that you need an add-on app to have your acceptance of a TEAMS invite automatically populate your calendar with the invite and the details included therein. If not, you must accept the invite and copy and paste the invite into your calendar so that you do not 'lose' the invite and have to call staff to have the invite resent.
7. The Court is now able sign and date a PDF doc. A word doc **MUST** still be provided for the proposed Order if it is not a consent order so that the Court can make changes to the doc.

8. **The MEET AND CONFER rule is still in effect.** If you will need a hearing to disagree with each other –such as a Master’s Hearing – simply provide the Judge an Order directing you to that hearing. Do not engage in a battle of the motions when you know you are going to end up with a referral to a Discovery Master. It is a waste of the Court’s energy and time. More often than not, counsel can consent to an Order sending the parties to a hearing. Attempt to do so.

## **REMOTE TRIALS:**

**EXHIBITS-** Develop a plan to be able to electronically provide the Court with a PDF file which is tabbed or bookmarked for each exhibit. If possible, the Judge requests that a hard copy be provided to the Court by the Monday prior to your hearing date. You should plan to hold any rebuttal or impeachment exhibits in a folder so that you can email them to the Court and opposing counsel during the hearing , when and if you need to offer them. The Court will not file exhibits, so counsel should arrange to file them if necessary.

**WITNESSES-** Plan to have your witnesses join the trial by forwarding the TEAMS invite to them or have them on standby for you to notify them to come in. They should have the free TEAMS app downloaded in advance and know how to work it. It is counsel’s responsibility to forward the TEAMS invitation. You **MUST** retain the email with the invitation so it can be forwarded to your witnesses. Do not expect judicial staff to manage your trial for you.

**SETTLEMENT** – Do not use your trial date as a place holder for you and your opponent to reach settlement. The Court is facing a backlog and it is wasteful to take up a day of judicial resources when another case – one as important as yours – could be scheduled for that day.

## **MOTIONS**

All Regular Motions not coming through the Pro Se department must be accompanied by the “ATTORNEY MOTION FOR ELECTRONIC SUBMISSION AND JUDICIAL REVIEW,” and by a “Meet and Confer” certification, and must be served upon all other parties.

**EMERGENCY MOTIONS.** Emergency Motions requesting a decision by the end of business today shall be emailed to the Court at the following email address: [EmergencyMcGough@alleghencourts.us](mailto:EmergencyMcGough@alleghencourts.us). This email address is for submissions regarding true emergencies only. Concurrent with the submission of an Emergency Motion, counsel must notify Chambers by telephone ((412) 350-6556) of the emergency submission. Failing to allocate sufficient time for a Response does not constitute an emergency. The Court will, in its discretion, determine whether to rule on the matter immediately or whether to await a response from the opposing party. Any party opposing an Emergency Motion shall immediately submit any response to [EmergencyMcGough@alleghencourts.us](mailto:EmergencyMcGough@alleghencourts.us).

**REGULAR MOTIONS.** A copy of the Motion shall be emailed to the Court at: [motionsmcgough@alleghencourts.us](mailto:motionsmcgough@alleghencourts.us). These Motions will be accepted until 4:00 p.m. every Friday. Any Responses must be submitted to the same email address no later than the following Friday by noon. If a Motion is submitted on a day other than a Friday, the Response is not due until the Friday at least seven (7) days past the day the Motion is submitted. As an example, if a Motion is submitted on Wednesday, July 8, the Response is not due until Friday, July 17. Once a Motion and Response are submitted, further Replies/Responses are not permitted absent leave of Court. The Court will decide the matter based on the written submissions unless Chambers notifies the attorneys/parties otherwise. Understand that you may not receive a decision on the date that the Response is due.

**CONSENT MOTIONS:** The Court will address any Consent Motions as soon as possible. Include in the subject line of the transmission email “CONSENT MOTION” along with the case caption. A copy of the Motion with signatures reflecting all consents shall be emailed to the Court at: [motionsmcgough@alleghencourts.us](mailto:motionsmcgough@alleghencourts.us).

**QDROs:** You may also follow the same procedure for QDROs as for Consent Motions. However, if the institution requires an original ink signature, you may mail the QDRO to Chambers along with a self-addressed stamped envelope.

**EXCEPTIONS:** Refer to the Fifth Judicial District's Website for the new procedures for Exceptions. The Court will decide all exceptions on the filings and transcripts, unless the Court determines that oral argument is needed. In that case, counsel will be notified of a remote TEAMS argument date.

**CUSTODY CONCILIATIONS AND TRIALS:** The Court will contact you if necessary to convert your matter to a TEAMS event. Please download and be familiar with TEAMS. See TEAMS TIPS at the end of this document.

The court will be conducting all conciliations through TEAMS. Any necessary documents, such as Marital Asset Summaries, etc., MUST be filed electronically seven (7) days prior to the conciliation. If neither party files the proper documentation, the conciliation may be canceled and will only be rescheduled upon Motion. If one party fails to provide the necessary documentation the conciliation will proceed, however, the Court may impose sanctions on the non-compliant party.

Pre-Trial Statements and all other required documents should be emailed to the Judge's staff at [McGoughProposedOrder@allegheycourts.us](mailto:McGoughProposedOrder@allegheycourts.us) as set forth in the pre-trial order you receive from chambers. **Follow the instructions in your pre-trial order.**

#### **NEW CUSTODY CONCILIATIONS/TRIALS:**

Parties with matters before the Court may submit a Motion to [MotionsMcGough@allegheycourts.us](mailto:MotionsMcGough@allegheycourts.us) to schedule a Judicial conciliation/trial. Unless the motion is a consent, it will be held for seven (7) days to allow for response. Note the number of days of trial requested. Choose the **least** number possible, as the Court's resources are limited at this writing. The court will schedule these conciliations/trials according to the court's schedule and you will receive instructions for the teleconference. Follow the instructions you receive.

If it is a scheduling matter, the Court may issue an appropriate Scheduling Order. (See the Family Court scheduling rules attached below). Consider settling your case, understanding that it may be more than a few months before a trial date is available. Alert the Court if the matter is time sensitive (school choice or relocation, for example).

**REQUESTS FOR CONTEMPT OR ENFORCEMENT:** Submit an Order to [McGoughProposedOrder@allegheycourts.us](mailto:McGoughProposedOrder@allegheycourts.us) directing the case to the HO if it is contempt of custody and for Master if it is enforcement of an MSA. The Court will split the cost of the Master's hearing unless otherwise requested/determined. Unless the motion is a consent, it will be held for seven (7) days to allow for response. Upon receipt of the signed Order, follow the Master's directions to get a date. Please submit an Order directing the case to the Master and, upon receipt of the signed Order, follow the Master's directions to get a date.

**EQUITABLE DISTRIBUTION CONCILIATION:** If you believe a case is ripe for ED, submit a motion to [McGoughProposedOrder@allegheycourts.us](mailto:McGoughProposedOrder@allegheycourts.us). In your motion, you MUST demonstrate that the matter is ripe for conciliation. You may go directly to the Master. Unless the motion is a consent, it will be held for seven (7) days to allow for response. Include an Order directing the case to the Master and, upon receipt of the signed Order, follow the Master's directions to get a date. The Court will split the cost of the Master's hearing unless otherwise requested/determined.

If need be, request a judicial conciliation. The Court will determine if it is appropriate and schedule conciliations according to the Court's schedule and you will receive instructions for the teleconference.

**DISCOVERY MOTIONS:** Will be referred to the Master for resolution if they can't be ruled on based on the pleadings. Submit an Order directing the case to the Master and, upon receipt of the signed Order, follow the Master's directions to get a date. The Court will split the cost of the Master's hearing unless otherwise requested/determined.

**SUPPORT:** To be updated in the near future.

**Please Note – The following standard procedures for Judge McGough remain in effect and in place during this judicial emergency:**

### **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.

### **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.
2. 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.
3. In the event a matter is settled prior to a proceeding, including conciliation, the Court will expect an appropriate order.
4. 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.

### **COURTROOM DECORUM**

1. No ringing cell phones or audible pagers are permitted in the Courtroom.
2. All proceedings shall be conducted in a dignified and formal manner.
3. 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.
4. 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
5. 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.
6. Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or disrespected in any manner.
7. 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.
8. Counsel should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.

## **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.

## **GENERALLY**

It is counsel's responsibility to be aware of and follow the above procedures. Counsel should keep in mind that resources are limited at this time and that the Court has a full docket. Accordingly, cooperation and civility between counsel is more important than ever.

The Honorable Hugh F. McGough  
440 Ross St., Ste. 5069  
Pittsburgh, PA 15219  
(412) 350-6556  
Lorraine Kennedy, Secretary  
Joe Kennedy, Law Clerk  
Jeff King, Tipstaff

## **ADULT FAMILY SCHEDULING PROCEDURES**

Below you will find the scheduling procedures for the Adult Family Division. This applies to all scheduling matters, whether your court documents are signed orders or praecipies:

1. Scan signed order/praeipie to save the document as a PDF file. (If you don't have access to a scanner, but have access to a smart phone, a free app called "Tiny Scanner" or similar app, allows you to take a picture of documents and turn them into a PDF file.)
2. Send the PDF of the signed order or praecipie to the Docket Clerk at the following email address: [mrummell@allegheycourts.us](mailto:mrummell@allegheycourts.us).
3. The Docket Clerk will assign the date. If you would like to speak to the Docket Clerk about possible dates for the court case being scheduled, please call (412) 350-0144 to speak directly to the Docket Clerk. The Docket Clerk is only available by phone 8:30 – 4:00 p.m.
4. The Docket Clerk will send back the order/praeipie with the date through the email address you provide. If the scheduling matter requires an attached order, the Docket Clerk will also send those completed orders via the same email.
5. Print and file the order or praecipie with the date that was sent back at the Department of Court Records in the City-County Building. Then, serve all parties involved.
6. You are not responsible for serving the Judge of Record with the order/praeipie. The Docket Clerk will serve the Judge of Record.

## **ADULT FAMILY JUDICIAL ASSIGNMENTS**

If you are requesting a judicial assignment (assigning a judge to a new adult case or an existing case) for an Adult Division Judge, please email the Docket Clerk at [dcoles@allegheycourts.us](mailto:dcoles@allegheycourts.us).

Revised: 5/28/2020

## TEAMS TIPS

1. If you receive an error message that the ‘administrator has disabled video’ It could be a couple of things.
  - a. If you do not have Teams downloaded and are using an old browser or Internet Explorer on a Windows computer, that could be it. You should use Firefox, Chrome, or Microsoft Edge, as these browsers seem to work well.
  - b. You can try this workaround: open the email invite to join the TEAMS meeting. A screen will pop up that will say "join with the app" or "join on the web". Select "join on the web". Then, make sure you exit out of the app because there will be an echo if both TEAMS on the web and the app are open at the same time.
  - c. If the privacy settings under your control panel/system preferences has video or the Teams app disabled, Teams may be blocked from accessing the camera and might show that message.
  - d. If you work for a law firm that has an IT department that manages your computer (as opposed to you having downloaded the App to your personal computer), your IT Department could have a license for TEAMS, and video might be disabled on your end. The Court has it enabled for anyone who wants to use it, so it’s not coming from our end.
  - e. Last, if you can’t get it working, you can download Teams for free to their your Phone; although it’s a little smaller of a screen, it will let you get in on your Phone (even without a Teams account—as a guest) with the “remote hearing invite” that the Court sends.
2. If you have a cell phone, get help to set it up as a hotspot. This will provide backup in case you are kicked out of TEAMS due to high Internet traffic in or around your household or office.
3. If you can’t ‘hear’ people on a TEAMS call, check to see that TEAMS is using your computer’s ‘internal speakers’. This is a setting in the TEAMS App. If at some point you tried to use ear buds or headphone in the past, TEAMS may recognize and switch to those devices speaker by default without you knowing. When on your computer without other devices, you want TEAMS to use the computer’s internal speakers. Another workaround when you can’t ‘hear’ or when we can’t ‘hear’ you is to join the call with your cell phone and we will use that audio and the video will be from the computer with the computer’s sound muted to avoid reverb.

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