

# STANDARD OPERATING PROCEDURES

HONORABLE JENNIFER STALEY MCCRADY  
COURT OF COMMON PLEAS 5<sup>TH</sup> JUDICIAL DISTRICT OF PA  
FAMILY DIVISION  
440 Ross Street, Suite 5032  
Pittsburgh, PA 15219  
412-350-6534

*(Revised May 2018)*

## CONTACTS WITH THE OFFICE

A. **Staff.** Inquiries concerning Court procedures should be directed to the following Court Staff:

1. Legal Secretary: Lara Carpenter (lcarpenter@alleghecourts.us)
2. Tipstaff: Jamie Henderson (jhenderson@alleghecourts.us)
3. Law Clerk: Leah Cullen (lcullen@alleghecourts.us)

B. **Ex parte communication.**

1. Unless specifically requested, the Court will not entertain e-mails, faxes, letters or telephone calls requesting action of any kind. All matters shall be presented in open Court by way of motion or petition *with proper notice to all parties*. Unsolicited letters will be returned, unread.
  - i. Given the emergent matters in Juvenile Division, this court will permit emails to the Court Staff (listed above) **ONLY** when:
    1. Alerting Court Staff to an outstanding order or scrivener's error in an order. Such emails should include all other counsel and parties, and shall not include any substantive information.
    2. Inquiring about future dates when the Judge may be available for a dependency hearing due to another party's unavailability. Emails are not permitted to address anything substantive about the case, and should only serve to expedite and facilitate efficient utilization of the court's resources. **Court staff WILL NOT continue juvenile court matters to future dates via e-mail communication unless every single party is represented by counsel and all counsel are in agreement.** All other requests should be made orally or in writing and presented to the court, with notice to all parties.

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.

## **JUVENILE COURT MOTIONS**

- A. **Motions on Dependency Cases.** Except in the case of an emergency, motions on dependency cases should be presented on a day when Judge McCrady is assigned to hear dependency cases. The party presenting the motion *must* serve the OCYF caseworker and/or caseworker supervisor with a copy of the motion and give notice of the date of presentation. **Motions on dependency cases MUST be emailed to Court Staff prior to presentation.**
- B. **Motions on Delinquency Cases.** Except in the case of an emergency, motions on delinquency cases should be presented on a day when Judge McCrady is assigned to hear delinquency cases. The party presenting the motion *must* serve the juvenile probation officer with a copy of the motion and give notice of the date of presentation. **Motions on delinquency cases MUST be emailed to Court Staff prior to presentation.**
- C. **Motions for Dual Supervision Cases.** Except in the case of an emergency, motions for dual supervision cases should be presented on Judge McCrady's dual day. The party presenting the motion *must* serve the parties on the delinquency *and* the dependency case, as well as the OCYF caseworker and the juvenile probation officer, with a copy of the motion and give notice of the date of presentation. **Motions on dual supervision cases MUST be emailed to Court Staff prior to presentation.**
- D. Parties should provide seven (7) days notice to opposing counsel or parties. **Juvenile Court Motions MUST be emailed to Court Staff prior to presentation.** There should be no substantive information provided in the email and/or cover letter, as this will be considered ex parte conversation and will not be entertained by the court.
- E. Any **Emergency Motion** should be titled as such, and counsel is required to include information within said Motion as to why this is an emergency. **All written emergency motions MUST be emailed to Court Staff prior to presentation.**
- F. **Consent Motions.** Counsel should not assume that the order from a Consent Motion will be signed and should be available in the event the Court has questions.
- G. **Continuances.** Absent compelling reasons, requests for continuances, even if consented to, will NOT be granted on the date of the hearing. If a party needs to

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

request a continuance on the day of the hearing, the request should be in the form of a written motion and presented at 8:30 a.m., when motions are presented.

### **ADULT FAMILY DIVISION MOTIONS**

- A. **Schedule.** The Family Division Motions Court schedule is published in the Pittsburgh Legal Journal and is also available on the Court website at <http://www.alleghenycountycourts.us>.
- B. **Pro se Motions.** *Pro se* motions should be presented on Judge McCrady's motions day.
- C. **All adult family motions MUST be emailed** seven (7) days prior to the next scheduled motion date to following court staff: [lcarpenter@alleghenycourts.us](mailto:lcarpenter@alleghenycourts.us) and [lcullen@alleghenycourts.us](mailto:lcullen@alleghenycourts.us). This court does not utilize a sign-up sheet for motion presentation. 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 constitutes ex-parte communication.*
- D. **Emergency Motions.** If less than seven (7) days notice is given, counsel shall advise the Court as to the nature of the emergency or of opposing counsel's consent to shorter notice.
1. Judge McCrady's assigned cases may be presented to another Judge in cases of a **true emergency**. When doing so, a copy of the motion **MUST be emailed** to the following court staff: [lcarpenter@alleghenycourts.us](mailto:lcarpenter@alleghenycourts.us) and [lcullen@alleghenycourts.us](mailto:lcullen@alleghenycourts.us). If it is over a holiday period, special care should be taken to ensure that chambers is aware of the motion, even if that includes dropping a hard copy off to Court Staff in chambers.
  2. If there is an issue on a case assigned to Judge McCrady that cannot wait until Judge McCrady's motion day, Judge McCrady would prefer counsel call chambers to schedule.
  3. **This 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. This Court may sign uncontested motions and consent order of other judges' cases provided they are purely routine matters and do not affect the court schedule of the other judge.

## E. Miscellaneous Motions Procedures.

1. **Motions may be presented at a scheduled conciliation** but only upon proper seven (7) day notice to opposing counsel and/or consent of counsel, with a copy of said motion emailed to the following Court Staff: [lcarpenter@allegheycourts.us](mailto:lcarpenter@allegheycourts.us) and [lcullen@allegheycourts.us](mailto:lcullen@allegheycourts.us).
2. **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 (e.g., post it note) as to why no suffix has been added (e.g. case commenced by PFA, pre-1997 case, etc...). Failure to follow this procedure will result in the motion being placed at the end of the list. This court will not entertain motions without a docket number. Counsel or pro se litigants should **always** acquire a docket number prior to presentation.
3. **The Court, as time permits, will sign Consent Orders prior to the beginning of Motions Court.** Counsel should inform the Tipstaff that they have a consent order. Counsel should not assume that the order will be signed and should be available in the event the Court has questions.
4. **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 (commonly called the “discovery matrix.”)
5. **When presenting motions, Counsel MUST ENSURE compliance with the redaction rules relating to sensitive information under the Right to Know Act.**
6. **Orders Changing Scheduled Date with Judge.** Counsel should **immediately** provide the Court’s Staff with a courtesy copy of any order scheduling or changing a date that has been scheduled directly before the Court by email or hand delivery. This rule is particularly true with regard to emergency matters, but it covers all scheduling matters before the Court.

## COURTROOM SCHEDULE AND PROCEDURES

- A. **Timeliness.** Court will begin at the scheduled time. The Court expects all Counsel, Parties, and Witnesses to arrive fifteen (15) minutes before their scheduled proceedings.
  1. Please alert the Judge’s Tipstaff upon your arrival.
  2. 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.

3. Please indicate to the Judge's Tipstaff **at the time of checking in** if there are any parties participating by phone and/or parties who have been transported from the ACJ or Shuman.
  
- B. **Time Conflict with Other Proceedings.** Except in very rare circumstances, Judge McCrady will not consider counsel's attendance at another proceeding to be a valid excuse for lateness. Please inform the Judge's Tipstaff on the day of the proceeding if you have any scheduling conflicts for that day.
  
- C. **Litigants are encouraged to confer prior to the filing and/or presentation of any motion before the Court and are to attempt, in good faith, to reach amicable resolution of the issues involved.** This includes Counsel and Parties in both Juvenile and Adult Division matters.
  
- D. **Settlement Prior to Proceeding.** In the event an Adult Division matter is settled prior to any proceeding, counsel shall be responsible for notifying the Docket Clerk and Judge McCrady's Court Staff so that the matter can be removed from the court's calendar and an appropriate order shall be submitted for signature to Judge McCrady, including "consented to" language and signatures by both parties and/or their counsel.
  
- E. **Court Reporters.** If Counsel believes a Court Reporter is necessary for a particular proceeding, Counsel shall notify the Judge's Tip staff seven (7) days in advance so that arrangements may be made. All arrangements for the use of a Court Reporter are subject to Court approval.
  
- F. **List of witnesses.** Judge McCrady prefers that each party submit a list of all potential witnesses (with correct spelling of names) prior to the start of a trial. Witness slips are also required in Juvenile Dependency and Delinquency Matters.
  
- G. **Exhibits.** When documents are to be entered into evidenced and/or presented to the Court, in Juvenile or Adult Division matters, Counsel/Parties should provide copies to opposing Counsel/Parties and ensure they are properly labeled.
  
- H. **Cognizance of Time.** In all cases, but particularly custody cases, counsel should be mindful of the time allotted for trial and should plan his or her presentation accordingly. Should additional time be required, it is possible the next date will not be for several weeks. Should counsel ask for continuance of a matter that was specially scheduled for a larger time block, counsel should be sure to include that information in the oral or written request to the Court as soon as possible, so that time can be appropriately released and available for other matters.
  
- I. **Submission of Documents.** In all documents submitted to the Court for Adult Division matters, use of terms such as Husband/Father and Wife/Mother are preferred over Plaintiff/Defendant or Petitioner/Respondent. Original pleadings and submissions should be filed with the Family Court Department of Court Records, with a courtesy copy provided to the Court.

- J. **Audio Recording.** Because the Division utilizes audio recording, Judge McCrady will direct the lawyer to speak, respond, or call a witness so that the record is clear as to who is speaking.
1. When beginning the direct examination of a witness, please ask the witness to state and spell his or her name.
  2. If there are more than two attorneys (or *pro se* litigants), please state your name when making an objection.
  3. **Please do not interrupt Judge McCrady when she is speaking. You are free, however, to make an objection to a question that Judge McCrady might ask.**
- K. **Telephone Testimony.** Testimony via telephone is only allowed by permission of the court. Such permission should be obtained via motions court and obtained prior to hearing. If all parties consent to telephone testimony, Judge McCrady will entertain an oral motion for telephone testimony during the proceeding but the parties are on notice that Judge McCrady may not permit telephone testimony even if all parties agree. **Please contact the Judge's Tipstaff to make arrangements in advance, as all names and phone numbers must be provided to the Tipstaff prior to the start of the proceeding.**
- L. **Video Testimony.** Testimony via video is only allowed by permission of the court. Such permission should be obtained via motions court and obtained prior to hearing. If all parties consent to video testimony, Judge McCrady will entertain an oral motion for telephone testimony during the trial but the parties are on notice that Judge McCrady may not permit telephone testimony even if all parties agree. **Please contact the Judge's Tipstaff to make arrangements at least seven (7) days in advance.**
- M. **Entry of Appearance.** It is imperative that Counsel officially enters a Praecipe of Appearance in each case before you appear in court. In Juvenile Court, this must be done electronically through Pac-File. Failure to officially withdraw your appearance may result in disciplinary action. In other words, you are in until given permission to withdraw and you are not in until you enter your appearance.
- N. **Sheriff's Presence.** The Court does not routinely request a Sheriff's presences during regular Adult Motions Court. If you feel a Sheriff's presence might be advisable, please notify the Tipstaff in advance. There is a Sheriff present for Juvenile Court proceedings; however, if there are safety concerns such that additional Sheriff presence may be needed, this must be communicated to the Tip Staff prior to the start of the proceeding.

## **COURTROOM DECORUM**

- A. **Civility.** All proceedings will be conducted in a dignified and formal manner. This Court maintains a zero tolerance policy toward incivility. Counsel should never act or speak disrespectfully to the Court, the Court's staff other parties or witnesses, or opposing counsel in any manner.
1. Unless objecting, Counsel shall allow opposing Counsel to finish their statements without interrupting.
  2. Counsel shall instruct all witnesses and parties to dress and behave appropriately.
- B. **Presence of Parties.** Only Counsel and Parties may sit at counsel tables or in the back seating area within the courtroom.
1. 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.
  2. If clients are present during Motions Court and arguments on exceptions, Counsel shall advise the Court of their presence.
  3. If there are any children present, who are the subject of Adult Division litigation, parties must inform the Tipstaff prior to the start of the proceeding. The Tipstaff will ascertain from the Court whether the children are permitted to be present in the Courtroom during a proceeding.
  4. In the case of dependency hearings in Juvenile Court, children are expected to be present unless the court has entered an order pursuant to a Motion requesting that their appearance be waived for good cause and/or entered a prior order waiving their appearance for that hearing.
- C. **Banned Items.**
1. Please make sure your cellular phone is turned off or on silent. No audible pagers unless it is the pager from the Children's Room in the Courthouse.

## **AMENDMENT**

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