

Standard Judicial Operating Procedures

Effective October 1, 2019

Honorable Mary McGinley

Adult Section, Family Division
Court of Common Pleas, Allegheny County
440 Ross Street, Suite 5019.1
Pittsburgh, PA 15219
412-350-1484 (tel.) 412-350-1483 (fax)

EXPECTATION OF CIVIL CONDUCT

- Counsel shall always conduct themselves with courtesy and civility. The Court will not tolerate demonstrations of hostility, discrimination or bias of any kind. All parties and party representatives are also expected to conduct themselves in a similarly appropriate manner.

SETTLEMENT

- At every conciliation and at each stage of the litigation, the Court will explore the possibility of resolving the case short of continued litigation. Counsel and the parties are expected to be prepared to provide and discuss proposals for potential resolution accordingly.

ENTRY/WITHDRAWAL OF APPEARANCE

- Counsel must officially enter an appearance on the docket in each case before appearing in Court. Failure to properly withdraw or substitute an appearance may result in sanctions and/or disciplinary action.

CONTACTS WITH OFFICE

- 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.

- Any cover letter directed to the Court shall not contain any substantive information but should state the date and time of the proceeding to which the submission relates.
- Counsel and/or the parties shall not engage in *ex-parte* communication concerning a pending case with the Court or staff. Such communication may result in sanctions and/or disciplinary action.
- Inquiries concerning Court procedures should be directed to the Secretary, Tipstaff, or Law Clerk.
- The Judge's Chambers is staffed from 8:30 a.m. to 4:00 p.m. On most days, staff goes to lunch from 12:00 p.m. to 1:00 p.m. The Court discourages deliveries and/or visits except during the times staff is available.

COURTROOM RULES AND DECORUM

- Please rise when addressing the Court or making objections.
- It must again be emphasized that the Court maintains a zero-tolerance policy toward incivility. Colloquy between counsel is only permitted to expedite matters. Argument between counsel is strictly prohibited and will be reprimanded. All remarks should be addressed to the Court, while standing. Counsel should never act or speak disrespectfully to the Court, the Court's staff, or opposing counsel in any manner.
- Counsel should advise clients that while they are 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.
- Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or abused in any manner.

- No ringing cell phones or audible pagers are permitted in the Courtroom.
- No food or drink (except water) is permitted in the Courtroom.
- Any proceeding in the Courtroom, whether motions, arguments or trial shall be conducted in a dignified and formal manner.
- Only counsel and parties may sit at counsel table, unless the Court permits otherwise.
- 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.

PRO-SE LITIGANTS/PRO-SE MOTIONS

- The Court will hear pro-se motions at 1:00 p.m. when motions are scheduled for 2:00 p.m., and 9:30 a.m. when motions are scheduled for 10:30 a.m. The Court will, for the most part, adhere to the order in which motions are received by the Court, but the Court may alter the order for the sake of efficiency or for other reasons.
- The Court will only entertain pro-se motions in cases which are assigned to this Court.
- All parties are forewarned that the Court starts pro-se motions court promptly at the scheduled time. Failure to appear at the time scheduled may result in a motion 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.
- Pro-se litigants shall comply with all rules of court and with this Court's Standard Judicial Operating Procedures.
- Pro-se motions shall not be provided directly to the Judge's Chambers, but rather must be submitted through the pro-se litigant program, even if the party has not used an attorney through the program.
- Pro-se litigants are not permitted to call and discuss substantive matters with the Court's staff. Further, staff is not permitted to give legal advice of any kind.

- Pro-se litigants shall not appear at the Judge's Chambers.

MOTIONS

- The motions court schedule is published in the Pittsburgh Legal Journal and is also available on the Court website which is <http://www.alleghencourts.us>. The parties are reminded of the meet and confer obligations required before filing and/or presenting motions in the Family Division.
- Regular motions court is usually scheduled at 2:00 p.m. Monday through Thursday and is scheduled at 10:30 a.m. on Fridays. However, on rare occasions, motions may be moved to another day and/or may be scheduled at a different time. Accordingly, counsel should check the schedule prior to notifying opposing counsel of presentation.
- The original and one copy of all motions, conspicuously stamped or marked as such, are to be received by the Court no later than 4:00 p.m. two (2) court operating days before the presentation date of motions court. This means that if motions are scheduled to be heard on a Friday, the Court must receive the original and one copy of the motion no later than 4:00 p.m. on the preceding Wednesday. If motions are scheduled for a Monday, the Court must receive the original and one copy of the motion no later than 4:00 p.m. on the preceding Thursday. The Court will not accept motions sent via fax. Absent a true emergency, motions received after the deadline will not be heard.
- Even in the case of a true emergency, unless the moving party can establish that pertinent legal authority permits otherwise, every effort must be made to notify the respondent of the presentation of the motion so that the respondent has an opportunity to be heard.
- 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.
- The motion or cover letter should clearly indicate the date of presentation. If the motion is withdrawn or consented to after sign-up, please notify the Court's staff immediately so

that the Court does not waste time reviewing those motions prior to the start of motions court.

- Motions may not be presented at a scheduled conciliation, absent unusual circumstances.
- All motions should be clearly marked with the appropriate numerical suffix indicating the Judge to which the case has been assigned.
- This Court will not entertain motions without a docket number. Counsel or parties should always acquire a docket number prior to presentation.
- The Court will not entertain motions on a matter assigned to another Judge unless the matter is an emergency. 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.
- 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. It is not an emergency because counsel is (or was) unavailable when this Court is scheduled to be on motions.
- The Court will sign consent orders prior to the beginning of motions court. In the event there is any problem with the consent motion or proposed order, it will be dealt with in motions. Counsel should not assume that the order will be signed and should be available in the event the Court has questions.
- The Court will consider signing a consent order if brought to Chambers. However, the Court will carefully review any motion and accordingly counsel should not expect that an order will be signed immediately. Counsel should also not assume that an Order will be signed. The Court may require further explanation from counsel in motions court.
- The Court will not entertain discovery motions that do not comply with the requirements of the Court Manual. This includes a completed matrix of the questions and responses.

Failure to comply will result in the Court's refusal to hear the matter.

- When presenting motions, the parties and 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 Department of Court Records' website. The parties and counsel must strictly adhere to the Statewide Case Records Public Access Policy of the United Judicial System of Pennsylvania and the DCR's requirements regarding confidential documents and information.
- Counsel should be familiar with all Administrative Orders and local rules, including, but not limited to, the rule concerning continuance within thirty (30) days of a scheduled date. Continuances, even if consented to, will generally not be granted within the 30-day period, except for good cause, appropriately pled in the motion for continuance.
- 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.

COURT SCHEDULE

- It is the Court's expectation that counsel shall comply with all Orders of Court prior to attendance at matters before the Court. Failure to timely file appropriate documents, such as stipulations, offers, pre-trials, marital asset summaries, etc., will result in a continuance of the conciliation or other matter and/or the imposition of fines and counsel fees.
- 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.
- 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.

- 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.
- 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.
- In the event a matter is settled prior to a proceeding, counsel shall be responsible for providing an appropriate Order and notifying the Docket Clerk and the Court's Secretary or Tipstaff so that the matter can be removed from the Court's calendar.

TRIAL PROCEDURE

- In all cases, but particularly in custody cases, counsel must 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.
- Court procedures shall begin promptly at the scheduled times. Trial shall end at approximately 4:30 p.m. Counsel should be mindful that the Court often has prior obligations during the day, so that reduction of the lunch break may not always be possible to give additional time for trial testimony. Plan accordingly. Counsel should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.
- Testimony via telephone is discouraged and is only allowed by permission of the Court. Such permission should be obtained prior to trial or hearing.
- In the event any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, counsel must make appropriate arrangements.
- 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.

TRIAL EXHIBITS/EVIDENTIARY ISSUES

- Exhibits must be marked prior to the time of trial with plaintiff utilizing a number sequence (Ex. 1, 2, 3, etc.) and defendant utilizing a letter sequence (Ex. A, B, C, etc.). Counsel must provide copies to opposing counsel and to the Court. In the event a party intends to introduce more than ten (10) trial exhibits, an exhibit binder (with number or letter tabs as appropriate) containing all exhibits that a party intends to introduce must be provided to the Court and to any opposing party in advance of trial. The Court will not make copies of exhibits for the parties. The parties must also be compliant with additional requirements contained in any pretrial order.
- In addition to exploring settlement, at the outset of each trial day the Court will set aside time to discuss trial/evidentiary matters with counsel or pro-se parties. Counsel and pro-se parties must be prepared to discuss any anticipated evidentiary issues and provide any pertinent legal authority to the Court regarding the issues.
- The Court will retain exhibits until forty (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 five (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 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.

EXCEPTIONS

- Generally, the Court will hear argument on exceptions in the order in which they are listed in the PLJ, but from time to time, the Court may change the order. Counsel should note that exceptions are often withdrawn or continued, so the list can move more quickly than anticipated.

- The Court requires the exceptant to deliver a courtesy copy of the transcript and brief to Chambers at the same time as the original is filed with the Court. The responding party is likewise expected to deliver a courtesy copy of the response to Chambers at the same time as the original is filed with the Court.

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 two (2) days prior to the time it is anticipated that the question will arise.

CHILDREN AS PARTICIPANTS

- The Court will take special care when children are participants in any proceeding. The Court will make every effort to minimize the disruption to a child's daily life. The Court will make every effort to shield the child from harassment or embarrassment. Counsel should ensure that questions are stated in a form that is appropriate to the witness's age or cognitive level, including the use of appropriate language, grammar and sentence structure. The Court will intervene to ensure that questioning is not misleading, age-inappropriate, or repetitive.
- 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 its operation.

MISCELLANEOUS PROCEDURES

- In all documents submitted to the Court, use of terms such as Husband/Father, Wife/Mother and Parent 1/Parent 2 are preferred over Plaintiff/Defendant, Petitioner/Respondent, etc. Original pleadings and submissions should be filed with the DCR-Family Division, with a courtesy copy provided to the Court.

- 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.
- 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.
- A Certificate of Service shall accompany each submission, or it will not be considered by the Court.

AMENDMENT

- It is anticipated that these procedures will be amended from time to time and the parties and counsel are expected to adhere to the most recent amendments.

COURT PERSONNEL

412-350-1484

Secretary

Maureen R. Elder

Tipstaff

R. (Mickey) Sanders

Law Clerk

Michael J. Zagari