

STANDARD OPERATING PROCEDURES

THE HONORABLE PAUL E. COZZA
FAMILY DIVISION
440 ROSS STREET, SUITE 5019.1
PITTSBURGH PA 15219
PHONE (412)350-7308 FAX (412) 350-7315

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CONTACT WITH OFFICE

Unless specifically requested by the Court, the Court will not entertain e-mails, telephone calls or letters requesting action of any kind. Any party wishing to address a matter must do so by 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.

Counsel and/or the parties shall not engage in ex parte communication concerning a pending case with the Court or staff.

The Judge's chambers is staffed from 8:00 A.M. to 4:00 P.M. On most days, staff goes to lunch between 1:00 P.M. and 2:00P.M. The Court discourages deliveries and/or visits except during the time that the office staff is available.

MOTIONS

Regular Motions Schedule

The Motions Court schedule is published in the Pittsburgh Legal Journal and is also available on the Court website <http://www.alleghecourts.us>.

Regular Motions Court is usually scheduled at 2:00 P.M. Monday through Thursday and 10:00 A.M. on Fridays.

In addition, on rare occasions, motions may be moved to another day or may be scheduled at a different time. This change will be reflected in the PLJ and the court website. The change will be made at least seven (7) days in advance, except in the case of an extreme emergency. In the event this occurs, the Court will also attempt to post any changes around the Family Division Courthouse and at the elevators. Accordingly, counsel should check the schedule prior to notifying opposing counsel of presentation.

Contested motions must be delivered or received by mail by 2:00 P.M. the day before Motions are scheduled. The Court requires any responses and/or answers to motions be

filed by that time as well. The Court will NOT accept motions delivered by fax or email. Uncontested motions may be delivered at anytime.

The Court will post instructions at the sign-up table for each Motions Court date regarding the deadline for filing motions and responses. Responses received after the deadline MAY not be considered by the Court. This does not apply to responses to emergency motions.

The motion or cover letter should CLEARLY indicate the date of presentation. Failure to indicate such date will result in the motion not being placed on the list at all. Mailed motions will be placed on the list when received. Motions that are “dropped off” without an appropriate cover letter or without being listed on the sign-up sheet will not be scheduled.

The sign-up sheets are placed outside chambers seven days prior to the scheduled motions court date. Motions will be accepted prior to that time but they still MUST clearly indicate the time and date of presentation.

If a motion is withdrawn or consented to after sign-up, please notify the tipstaff immediately. If a motion is withdrawn, the motion should be removed and name deleted from the list. If a motion is not removed and no one appears in Court, the Motion will be denied with prejudice.

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.

Motions may be presented at a scheduled conciliation, but only upon proper seven (7) days notice to opposing counsel, or with the consent of opposing counsel. The original motion shall be delivered to the Court twenty-four (24) hours prior to the conciliation.

The Court will generally not entertain motions without a docket number. Counsel or party should always acquire a docket number prior to presentation. All motions should be clearly marked with the appropriate numerical suffix indicating which judge the case has been assigned, or should contain some explanation as to why no suffix has been added. This Court recognizes that there are some instances in which the case may not have a docket number assigned yet.

Proposed order scheduling conference hearing of any kind should include proper notification language, such as “if 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 said party”.

Counsel should be familiar with all Administrative Orders and local rules, including, but not limited to, the rule concerning continuance within 30 days of a scheduled date. Continuances, even if consented to, shall not be granted within the 30 day period, except for good cause, appropriately pled in the motion for continuance.

Emergency Motions and Motions Assigned to Other Judges

The Court will not entertain motions or matters assigned to another judge unless that matter is a consent motion and does not involve enforcement of calendar control issues. The Court will entertain motions or matters assigned to another judge in the event of 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 judge assigned to the case can hear the matter. It is not an emergency if counsel simply is not 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 unavailable when this Court is scheduled to be on Motions.

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.

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.

Consent Orders

The Court will entertain consented to motions prior to the beginning of Motions Court if time permits.

The Court may sign consented to motions prior to the scheduled Motions hearing date. However, the parties are NOT permitted to drop off motions in Chambers when the judge is unavailable.

Counsel will be responsible for filing the signed consent order. Under no circumstances will the Court be responsible for filing the order or for mailing back a signed order.

Consent orders requesting scheduling changes must contain an explanation or reason for the requested change.

Pro Se Motions

The Court will hear pro se motions one hour prior to regular motions. The Court will hear pro se motions in the order in which it sees fit. The Court will only entertain pro se motions or cases which are assigned to this Court.

All parties are forewarned that the Court starts pro se motions 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 are expected to follow all rules of court and also comply with the Court's Standard Operating Procedures.

Pro se motions must be submitted through the Pro Se Motions Office. The Court will not hear Pro Se motions unless they have been reviewed and scheduled through the Pro Se Motions Office.

COURT SCHEDULE

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, etc will result in a continuance of conciliation and/or the imposition of fines and counsel fees. In situations where a second or third conciliation has been scheduled and amended marital asset summaries are ordered, an amended marital asset summary must be filed. Counsel or parties who fail to file an amended marital asset summary and then inform the Court that "nothing has changed" will be fined or sanctioned and/or the matter continued.

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.

The Court will hear Exception arguments in the order listed in the PLJ. From time to time, 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 a case is later on the list is done at counsel's or party's peril.

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

If counsel believes that a court reporter is necessary for a particular proceeding, they must notify the tipstaff immediately so that arrangements may be made subject to the Court's approval.

If counsel believes that a meeting with the Court on the day of the proceeding may be helpful or necessary, both counsels should inform the tipstaff as early as possible. If the meeting is to be protracted, every effort should be made to schedule it prior to the time set for the trial to commence.

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.

MISCELLANEOUS

The Court's orders requiring counseling and/or therapy in custody cases shall be enforced unless the party seeks appropriate relief. In the event either party fails to comply, counsel fees and/or sanctions will be imposed.

Counsel will be required to submit a proposed Order of Court either at the time of or prior to any trial or hearing.

Testimony via telephone is only allowed by permission of the Court. Such permission should be obtained prior to trial by court order.

In the event that any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, counsel must 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.

Exhibits- The Court will retain exhibits until forty (40) days after a final decision or order is entered if no appeal 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 periods, if counsel or the parties do not request return of the documents, they will be destroyed.

PFA procedures- PFA cases with the 003 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 expeditiously as possible.

Courtroom Decorum

No food or drink (except water) is permitted in the courtroom.

All cell phones, pagers and electronic devices are to be turned off prior to entering the courtroom.

Any proceeding in the courtroom whether motions, arguments or trial shall be conducted in a dignified and formal matter.

The Court maintains a zero policy toward incivility. Colloquy between counsels is only permitted to expedite matters. Argument between counsels 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 matter.

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 neat, clean, and appropriate attire. In addition, witnesses and parties should be instructed as to proper behavior when Court is in session.

Children who are the subject of the litigation or who are in any way involved in the litigation, are under **NOT** to be present in the Courtroom during a proceeding unless requested by 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 their hours of operation.

Counsel should advise clients that while they are certainly 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.

Trial Procedures

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 time may not be available for several months.

Court procedures shall begin promptly at scheduled times. Trial shall end at approximately 4:30 P.M.

Counsel should cooperate in the scheduling of expert's testimony.

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.

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.

Rise when addressing the Court or making objections.

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.

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, and petitioner/respondent. Original pleadings and submission should be file with the Family Court Prothonotary, with a courtesy copy provided to the Court.

Amendment

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

JUDICIAL STAFF

SECRETARY- Roxanne Costa
LAW CLERK- Sarra Holt, Esquire
TIPSTAFF-George DelGreco