

Standard Judicial Operating Procedures

During Easing of Pandemic Restrictions

Effective March 4, 2022

Honorable Kathryn Hens-Greco

Adult Section, Family Division
Court of Common Pleas, Allegheny County
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Pittsburgh, PA 15219

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Email: ejones@alleghencourts.us

Motions: order_proposal@alleghencourts.us

COMMUNICATING WITH THE COURT

If you have questions about court procedure, you may direct them to the Judge’s secretary, tipstaff or law clerk. During this time of transition, the best way to communicate is by emailing the Judge’s secretary at ejones@alleghencourts.us or calling chambers at 412-350-6284.

If you have questions about your case, the correct way to request that something be done is to file a motion or written document and send it to the other side (opposing party or parties) following the Rules of Civil Procedure. In legal words, this is called “serving” the other side. If you are not represented by a lawyer, you should speak to the Self-Help Center located on the first floor of the Family Law Center. There is also a lot of information available online at the website for the Fifth Judicial District, particularly if you click on the tab for “Family” at the top of this page: www.alleghencourts.us.

HOW TO CONDUCT YOURSELF IN COURT

Whether in Person or Online

When you are in Court, whether in person or online, you must conduct yourself in a dignified, polite, and respectful manner. You must direct your arguments or objections to the Court, not to other people in the court proceeding. This Court has a zero-tolerance policy toward rudeness to anyone, including the staff and court personnel. Observers who talk during court sessions will be asked to leave.

Part of being respectful means turning off or putting on silent your cell phones or pagers or other electronic devices before going into a court proceeding or courtroom.

If you leave the courtroom or become unavailable online or by phone, depending on the way your case is being presented, you must let the Court or court staff know.

When proceedings are online, all participants should dress and otherwise present professionally, as if appearing physically in a courtroom, and should be stationary in a quiet location with proper lighting and no external distractions. Virtual backgrounds should not be used, and all participants should refrain from eating, smoking, or viewing other matters during the proceeding. Any other person present with a participant at the remote location must be identified and should be visible throughout the proceeding. No person may attempt to communicate, electronically or otherwise, with any testifying witness, unless the witness is granted leave of court to confer privately with counsel. Any off-camera coaching of a testifying witness is prohibited and cause for the imposition of sanctions.

Working Out Agreements in Person

This Court encourages and tries to assist in settling disputes because sometimes, you might come to an agreement with the other side. In other words, you might reach consent. If you are in Court in person, blank consent forms are available from the court staff. You may use the hallway and other appropriate public areas of the Family Law Center (FLC) to try to work out your disagreements. Please do not do this when in a courtroom or online proceeding. So that you will not miss the calling of your case when attempting to resolve issues, please alert the tipstaff of what you are doing, and the Court will make every effort to call your case promptly when it's your return.

How to Handle Yourself in Court in Person

In the actual courtrooms, there are tables closer to the front that are for lawyers and their clients or persons representing themselves. Do not go sit at those tables unless it is time for your case, and your case is called by the Court or staff.

What to Do If You Have Children

Ordinarily, children should not attend sessions of court. If you have a case in court, it is up to you to make sure that you and any of your witnesses have child-care arrangements. When you are in court in person, the Children's Room on the first floor of the FLC can be a valuable resource for those with children. If the Court wishes to speak with children involved in a proceeding, special arrangements should be made, and a responsible adult should be prepared to supervise the children until they are called in to speak with the Court.

Lawyers With Clients at Purely Legal Proceedings

If clients are with you during legal presentations such as legal argument about a motion, you should tell the Court that you have clients present. It is your job as the attorney to make sure your clients following the rules of proper conduct in a court session.

Safety Concerns When in Court

A court proceeding must be a safe environment. If you feel that having a sheriff's deputy present at an in-person proceeding will make for a safer situation, please tell the Court or court staff as far ahead of time as possible.

SCHEDULING AND BEING PROMPT

Be On Time

The Court will make every effort to begin at the appointed time. Lawyers or unrepresented persons and witnesses must be on time. If you are late, you risk what are called sanctions, meaning you risk fines or other penalties such as having to pay the lawyer fees for the other side. Proceedings might begin without waiting for latecomers.

Even if court is delayed because another case has run over, you must still be on time. This will allow the session to begin as close to the start time as possible and prevent other cases from backing up further. This can be an inconvenience, but it can also be a help to you if everyone assists in keeping the cases for the day moving along without avoidable delays.

Lawyers should be aware that except in rare circumstances, this Court will not consider counsel's attendance at another proceeding to be a valid excuse for lateness. Please contact chambers if you will be unavoidably delayed.

Trying to Settle Your Case Right Before Trial

As stated before, Judge Hens-Greco encourages settlement. If counsel for all parties believe that meeting with the Court on the day of a trial or hearing prior to the proceeding may help resolve the dispute, counsel should inform the tipstaff as early as possible. Any such meeting will be scheduled so as not to delay the trial or hearing. For example, whether your case is online or in person, if trial is supposed to start at 9:30 a.m., you should try to schedule the meeting at or before 9 a.m.

Respecting the Amount of Time Set Aside for Your Case

You should always plan carefully to use the time set aside for your court case wisely and efficiently whether you are a lawyer or an unrepresented person. This is especially true in custody cases. Bear in mind that if you run out of time, additional trial time may not be available for several months.

Lawyers or unrepresented persons should always inform the Court's secretary immediately about a change in the date for a case by giving the Court's secretary a copy of any orders scheduling or changing dates.

If you settle your case before your trial, inform the Court as soon as possible, so that your case can be removed from the Court's schedule.

Postponing or Continuing Your Case

A continuance is the legal word for postponement. With only rare exceptions, continuances, even when you have agreed to them with the other side by consent, will not be granted if your case is inside 30 days of a scheduled hearing date. If you want an exception, you must have good cause for it and explain your reasons thoroughly in a motion for a continuance.

MOTIONS AND GOING PAPERLESS

You can present matters to the Court with a motion. Sometimes, the Court can make a decision from the papers that are filed, and sometimes, it is helpful to hear each side present their position through argument before the judge. Every person or party is responsible for filing their own motions and responses to motions and other pleadings.

Before going on, please understand that our offices would like to go paperless. We want you to submit your documents to our offices by email and not with actual papers.

The Motion Admission Form

All motions **must** include the **Motion Admission Form** that can be found on the Fifth Judicial District website at www.alleghenycourts.us. No motions will be accepted without the Motion Admission Form.

All motions must be marked with the appropriate numerical suffix indicating the assigned judge at the end of the case number (ex: FD-20-0000-004). In other words, the full case number must appear on the document, including the last three numbers that match with a particular judge. If there is no suffix with this number, the party presenting the motion must first go to the Department of Court Records/Family Division or Docket Clerk located on the third floor of the Family Law Center to have the staff there assign that suffix, or proper case number, to the motion. This motion should then be presented to the appropriate judge. If you do not follow this procedure, you might find that the Court will direct you to take that motion and present it again before the appropriate assigned judge and further delay your requested relief.

Submitting Motions for Decision on the Paperwork Alone

If each side agrees that a motion can be decided without argument, email the motion to order_proposal@alleghenycourts.us. All motions must be properly sent (meaning served) on all lawyers for other parties or on any party who is not represented by a lawyer in accordance with the Court Manual, the Pennsylvania Rules of Civil Procedure and the Domestic Relations Code.

Consent Motions (Motions Where All Parties Agree) and QDROs (Qualified Domestic Relations Orders)

You must email a copy of the motion (if any) and the signed consent order to the Court at the following email address: order_proposal@alleghenycourts.us. If this is your motion, you must state in the email that you have spoken with the lawyer for the other side or sides, or to the

other side directly if there is no lawyer, and that all parties agree to the motion and consent order. You must attach a PDF copy of the consent order that has been signed by all parties.

Your email must include: (1) the complete motion; (2) your signed consent order of court; (3) the telephone numbers of all parties; and (4) the email address of all parties.

If you meet all these conditions, the Court will enter an order and email a copy of the order to all the parties and/or their lawyers. The Court will file the original order with the Department of Court Records.

If the plan administrator of your QDRO requires an original signed order, please contact the Judge's secretary to request instructions as to how to proceed. Otherwise, the QDRO will also be processed electronically.

Uncontested Motions (Motions Where There is No Objection but No Agreement)

You must email a copy of the motion to the Court at the following email address: order_proposal@allegheycourts.us. If this is your motion, you must state in the email that you have spoken with the lawyer for the other side or sides, or to the other side directly if there is no lawyer, and that there is no objection to the motion. In other words, you must write in the email that you spoke to all parties or list all of the attempts you have made to speak to all parties, and that you have not received any objection to the motion and the result you are requesting. You must put the result you are requesting in a proposed Order.

Your email must include: (1) the complete motion; (2) your proposed order of court that you are requesting, which you must attach separately in Word format; (3) the telephone numbers of all parties; and (4) the email address of all parties.

If you meet all these conditions, the Court will enter an order and email a copy of the order to all the parties and/or their lawyers. The Court will file the original order with the Department of Court Records.

Contested Motions (Motions Where There is No Agreement)

You must email a copy of the motion to the Court at the following email address: order_proposal@allegheycourts.us. If this is your motion, you must state in the email that you have spoken with the lawyer for the other side or sides or to the other side directly if there is no lawyer. You must include in the email whether the lawyer or other side objects to the motion, consents to the motion being submitted by paper only, or opposes the motion.

Your email must include: (1) the complete motion; (2) your proposed order of court that you are requesting, which you must attach separately in Word format; (3) the telephone numbers of all parties; and (4) the email address of all parties.

Remember: To use this procedure, all parties must consent to having the Court decide the motion based on everyone's paperwork and without argument.

If you are opposing the contents of the motion, you must file a written response explaining your position and send it to the same email address: order_proposal@allegheycourts.us. The Court will consider everyone's submissions and make a ruling. The Court will then email a copy of the order to the lawyers or unrepresented parties and file the original with the Department of Court Records.

If the motion deals with an emergency and **fewer than 7 days' notice** has been given to the opposing counsel or party, then the opposing counsel or party will have **24 hours** to submit a response.

In all other cases, meaning cases that are not emergencies, the Court will not review the motion or take any action on it until 7 days have passed. Anyone opposing the contents of the motion must file and submit their response within those 7 days.

What To Do If a Party Wants the Court to Hear Argument on the Motion

If any party does not consent to the motion being decided on the paperwork alone, this party must submit a request to the Court to hold an argument, which might be done online.

If you want to have argument, you must request this in your email to order_proposal@allegheycourts.us. The Court will then decide whether to allow argument and, if it is allowed, will notify the parties involved of the date, time, and place or method for the argument.

Motions of Unrepresented Persons

Motions by people without a lawyer are called *Pro Se* motions. If you have a low income and no lawyer, you can seek assistance at the Pro Se Motions Department and/or Self-Help Center of the Court. You can also just write the motion yourself. You can contact the Pro Se Motions Department in person and by phone at 412-350-1502 between 8:30 a.m. and 4:00 p.m. or email at proseinfo@allegheycourts.us.

All pro se motions must be submitted to the Pro Se Motions Department in person or emailed to proseinfo@allegheycourts.us.

Even if you do not have a lawyer, you must still present your motion properly and meet all legal requirements. You can read more about this in this document of Standard Operating Procedures, and you can find information about proper preparation in the Family Division Court Manual or by going to the Court website at www.allegheycourts.us. If you click on the "Family" tab at the top, you will find many resources related specifically to Family Court.

Juvenile Motions

Judge Hens-Greco regularly hears motions in juvenile cases at 9 a.m. on any day she is scheduled to hear juvenile proceedings.

Juvenile motions are to be filed electronically on CPCMS and served to all parties, with a courtesy copy of all filings emailed to both the Judge's tipstaff and secretary. Please include a proposed order in Word format. Motions shall be emailed to the judge's staff with as much advance notice as possible to be reviewed by the Court prior to presentation.

If counsel are already scheduled before the Court for the first case of the morning, those attorneys should be present in person for oral arguments. If counsel are not otherwise scheduled before the Court for the first case of the morning on that date, they may attend motions remotely.

Emergency Motions

Judge Hens-Greco will be available to address emergency motions on scheduled motions days that need to be heard in person. Emergency motions should be submitted by email to order_proposal@allegheycourts.us. If the Court's review also determines that the motion represents an emergency matter, AND ARGUMENT IS REQUESTED AND WARRANTED THE ARGUMENT WILL OCCUR ON THE MOTIONS DAY at 9:30 (pro se motions) and/or 10:30 (attorney motions). Otherwise, the motion will be addressed at the Court's earliest convenience, which will be coordinated with the Court's staff.

Ordinarily, the Court will not entertain motions or matters assigned to another judge. Under rare circumstances, however, the Court may, at its discretion, hear emergency matters involving cases assigned to another judge. Counsel's unavailability at the time the assigned judge is scheduled to hear motions will not be deemed an emergency for these purposes. It is the Court's policy to enter only a temporary order until such time as the assigned judge can hear the matter.

Motions may be presented at a scheduled conciliation, but only upon proper notice to the opposing party and permission from the Court.

EXCEPTIONS

When you file exceptions, this Court requires you to provide the Court with a courtesy copy of the exceptions, transcript and brief by emailing them to order_proposal@allegheycourts.us. The same is true for any responses to exceptions. Remember to let the Court's staff know if you withdraw your exceptions.

CONCILIATIONS, PRE-TRIALS, AND TRIALS

Following the Rules and Appearing for Your Court Days

Counsel and unrepresented persons must comply with all orders of court before attending a conciliation. The filing of pre-trial statements is required, and you cannot skip this filing by agreement or consent with the other parties. If you do not file the appropriate documents on time

– such as stipulations, offers, and pre-trials – this failure will result in a continuance (postponement) of the conciliation and may result in getting fined or other penalties such as having to pay another party’s counsel fees.

Often, as a hearing or trial is scheduled and approaching, the Court will send out scheduling orders to the parties explaining what must be filed and when. You must take the time to read those scheduling orders carefully and follow them. If you do not, you can expect negative consequences like those mentioned above, such as getting fined, having your case postponed, having to pay another party’s counsel fees.

The same is true of attending conciliations and pre-trial conferences. You must attend and cannot skip attendance by agreement or consent with the other parties. If you do not appear for your conciliation and pre-trial conferences, you will face consequences like those just listed. Additionally, counsel of record must either withdraw or attend all court appearances, and clients represented by counsel must have their attorney at all court appearances.

The Court will not accept or make decisions about discovery motions that do not comply with the requirements of the Court Manual, the Pennsylvania Rules of Civil Procedure, and the Domestic Relations Code. This includes providing, when appropriate, a completed discovery chart of the questions put to the opposing party and any responses. Failure to comply may result in the Court’s refusal to hear the matter.

The General Schedule on Trial Days

To assist counsel and parties in planning their trial presentation, here is a general rule of thumb about a day’s schedule: trials begin at 9:30 a.m. and will be conducted as follows:

At approximately 11 a.m., there will be a ten-minute break.

At approximately 12:15 p.m., there will be a lunch break.

Following the lunch break, Court will reconvene at 1:30 p.m.

At approximately 3 p.m., there will be a ten-minute break.

Court will recess for the day at roughly 4:30 p.m.

This is a typical schedule, but it can be altered depending on the circumstances of each day and case.

When exhibits are to be entered into evidence, counsel or unrepresented parties should mark them for identification and provide copies to opposing counsel. The Court will use exhibits submitted with the pre-trial statements. Objections to the use of copies as exhibits shall be raised pre-trial/hearing. Please read more about exhibits below.

Proposed Settlements

Sometimes, the parties might be able to reach a settlement of their case. To help this process, the parties must send each other and the Court an email with their draft settlement proposals as an attached Word file to the following address: order_proposal@alleghencourts.us. The Court will not open and read these documents until the parties decide to try to settle the matter. Only then

will the Court open the message in the Court computer system. This procedure is for the convenience of the parties and may not be used for any other purpose. Documents e-mailed to this address have no legal force or effect and are not to be regarded as filed of record with the Court. Messages sent to this address may contain nothing but the case name, docket number, and date of conciliation, trial, or other proceeding to which the settlement proposal relates, together with the attached settlement document. Messages that do not follow these rules will be deleted. If a matter is settled before a proceeding, including a conciliation, the parties must submit a signed consent order to the Court.

Going Paperless: Documents and Exhibits

Remember that we want to be paperless as much as possible. Therefore, please send any required documents to order_proposal@allegheycourts.us. Please send any proposed orders in Word. Documents should be provided according to the deadlines in your scheduling order of court.

For **exhibits**, please email each exhibit to the court staff as a **separate** PDF document and not as one long PDF document including all exhibits. You must number each page of the exhibits. This is not the same as marking exhibits “1, 2, 3 or A, B, C,” which is what you must do during the hearing.

Trials and Hearings in Person in the Courthouse – Starting March 7, 2022

All trials and hearings will be held in person beginning March 7, 2022.

It is possible that a trial or hearing could be partially virtual, meaning a party or witness or some part of the hearing would be online. This can only occur if hybrid technology is available. If you believe you need to conduct part of your hearing or trial online after March 7, 2022, you must submit a motion to this Court and get an order of court permitting this to occur.

If the Court determines that a special circumstance justifies a remote (online) hearing or trial after March 7, 2022, the Court will notify all of the parties.

Virtual Preparation for Conciliations and Hearings

If you have a virtual conciliation or hearing before Judge Hens-Greco, which may have been schedule by a separate email, here is what to do to participate effectively:

1. Download the TEAMS application for Microsoft to your phone, laptop or computer. It is free.
2. The Court will send an email to you with a link to join the conciliation or hearing. If you have the TEAMS app, you can click or tap on the link to join.

3. If you do not have the TEAMS app, the link information will include a telephone number and a participation code. You can then join the conciliation or hearing by phone (not video).
4. It is the Court's expectation that you participate by video. However, if you experience technical difficulties, joining by telephone is an alternative.
5. Please keep track of the email invitation. With staff often working remotely, it is difficult to resend these.
6. **Conciliations** with represented litigants **will not include the litigants** unless specifically requested by the Court. The Court will allow time during the conciliation for counsel to consult with their clients.
7. The **hearing will include the litigants**. The Court will allow time during the hearing for counsel to consult with their clients when represented by attorneys.
8. Send any required documents to order_proposal@alleghecourts.us. Please send any proposed orders in Word. Documents should be provided according to the scheduling order of court deadlines.
9. For **exhibits**, email each exhibit to the Court's staff as a **separate** PDF document and not as one long PDF document including all exhibits. You must number each page of the exhibits. This is not the same as marking exhibits "1, 2, 3 or A, B, C," which is what you must do during the hearing.
10. Please do not wait until the last minute to download TEAMS or to learn how to use the program. It is difficult enough to conduct virtual proceedings, and the Court does not have time to educate counsel on the process as the conciliation or hearing proceeds.
11. All parties and witnesses must log-in or call in at least five minutes before the scheduled starting time of the hearing.
12. Please direct any procedural questions to Elida Jones at ejones@alleghecourts.us.

Teleconference Hearings

At least 48 hours before the scheduled hearing, the Court will give the Teams call information including the date and time of the hearing and the toll-free call-in number and the access code to counsel (or the parties in the case of self-represented or pro se litigants) and the court reporters' office.

For cases with lawyers, it is the responsibility of the attorneys to provide this information to their clients, caseworkers, probation officers, and their witnesses.

You must email witness lists to the Court's staff at nreese@alleghecourts.us and ejones@alleghecourts.us. Please include the case name and docket number in the subject line. You must number each page of the exhibits. This is not the same as marking exhibits "1, 2, 3 or A, B, C," which is what you must do during the hearing.

JUVENILE COURT MATTERS

Juvenile Motions

Motions will be heard at 9 a.m. on any day that Judge Hens-Greco is hearing juvenile cases. Court staff will send out a Teams invite to attorneys for each day. (See above for more information on Teams policies and submitting documents.) The access code associated with the Motions Teams invite is **only** for attorneys, caseworkers, and probation officers. **Do not share** this access code with litigants or witnesses. Email all motions to court staff prior to the motions date. Your email must include a proposed order in Word format.

Entry of Appearances

Attorneys will notify the Court's staff when they have entered their appearance or been assigned to a case. Please send an email including the case name and docket number. Please make sure that the Court's staff has your current cell phone number.

Sharing Teams Notifications

Counsel must share the conference number and access code with caseworkers, probation officers, and parents for scheduled proceedings.

Parent Participation

Prior to the hearing date, counsel shall ensure that the court's staff has the parents' contact information if they are incarcerated, unrepresented or believe they may no longer have representation.

Calling Witnesses

Witnesses should be prepared and available to testify at the time scheduled for their respective cases. The witnesses shall not join the call until they are about to testify. Counsel shall ensure that the Court's staff has the witness contact information prior to the hearing date. Counsel may call or text their witness when to join, or the Court's staff will call the witness from the Teams app.

SUBMISSION OF DOCUMENTS TO THE DEPARTMENT OF COURT RECORDS

You must file your original pleadings and document submissions with the Department of Court Records/Family Division (DCR). Original pleadings and submissions should be filed with the Department of Court Records/Family Division (DCR) on the first floor of the City-County Building.

This is different from documents you submit to Judge Hens-Greco directly, and it is different from the goal of going paperless in submitting documents to Judge Hens-Greco. You can read more about what to do when turning your documents in to the Court above.

When filing documents with the Department of Court Records, be aware that once a pleading is filed, all of it, including any attachments and exhibits, will be scanned and published on the DCR website and is available for public viewing. Therefore, counsel and unrepresented parties should be particularly careful about attaching documents containing sensitive information such as social security numbers, financial information, or sensitive matters in custody cases. Motions to seal the record will be denied absent extraordinary circumstances.

If you have information that is important to what you are filing but do not want this information on the DCR website, you should submit this information separately to opposing counsel or unrepresented parties before a hearing and to the Court at the time of the hearing.

CONTENTS OF DOCUMENTS

The Court prefers that, in all documents submitted to the Court, the parties be described through the use of such terms as “husband” and “wife” or “father” and “mother,” rather than terms such as “plaintiff” and “defendant” or “petitioner” and “respondent.” The Court hears many different cases, and this is helpful in following along in what you put in your documents.

If you file a document like a motion or pleading and in it you discuss or refer to a document you filed in the past, attach a copy of that other document.

If you rely upon any authority not readily available through electronic legal databases, please attach a copy of it to your brief or motion.

All parties will be required to submit a proposed order of court either at the time of or prior to any trial or hearing. The proposed order shall also be sent via email to order_proposal@alleghecourts.us. In the event a matter is settled prior to a proceeding, including a conciliation, the litigants are to submit to the Court an appropriate draft order.

The Court may request briefing of any complex or novel legal issue that may arise in the course of a proceeding. Counsel is encouraged to bring such matters to the Court’s attention as soon as reasonably foreseeable to permit being briefed in a timely manner.

Exhibits submitted to the Court will be retained for 40 days after a final order is entered and no appeal is taken. After that time, if counsel or parties do not request return, the documents will be destroyed.

TESTIMONY REQUIRING SPECIAL ARRANGEMENTS

If you will be having an in-person trial or hearing, you need an order of court permitting testimony via telephone before the trial or hearing. You can get this order by filing a motion to get possible approval from the court. If you need any equipment (audiovisual, recording, etc.) for a trial or hearing, the requesting party must get permission from Court Administration to deliver the equipment to the assigned courtroom. Additionally, every case that involves the need for an interpreter (or other disability accommodation) may be unique. Contact court staff to discuss the most efficient and effective way to provide assistance.

CHILDREN'S PARTICIPATION AND TESTIMONY

The Court will take special care when taking testimony from a child to shield the child from harassment or embarrassment. Lawyers must form their questions in a manner appropriate for the child 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.

PFA PROCEDURES

Final PFAs with a 004 suffix are initially scheduled for a PFA Domestic Relations Officer conciliation in the PFA office within 10 days after the temporary PFA has been granted. If no agreement is reached, conciliation may be held with the Court. If no agreement is reached at the judicial conciliation and a final hearing on the record is necessary, the Court will conduct the hearing on that day or the next available date.