

# Standard Judicial Operating Procedures

*Effective June 16<sup>th</sup>, 2014*

Honorable Alexander P. Bicket

Adult Section, Family Division

Court of Common Pleas, Allegheny County

440 Ross Street, Suite 5069

Pittsburgh, PA 15219

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## COMMUNICATING WITH THE COURT

If you have questions about court procedure, you may direct them to the Judge's secretary, tipstaff or law clerk.

If you have questions about your case, the correct way to request action is to file and serve on the opposing party (the other side) a motion or other written submission in accordance with the Rules of Civil Procedure.

## COURT DECORUM

All Court proceedings shall be conducted in a dignified, formal, and respectful manner. All argument and objections shall be addressed directly to the Court. Counsel and pro se litigants should rise when addressing the Court.

This Court maintains a zero tolerance policy toward incivility. This includes all communication with judicial staff and court personnel. This Court encourages and seeks to facilitate settlement of disputes. Blank consent forms are available from the tipstaff or secretary. You may use the hallway and other appropriate public areas of the Family Law Center (FLC), to attempt to reach agreement. Please do not use the courtroom for this purpose, as observers who talk during court proceedings will be asked to step outside. So that you will not miss the calling of your case when attempting to resolve it, alert the tipstaff in advance and the Court will make every effort to call your case promptly when you return.

All cell phones, audible pagers, or other electronic devices must be turned completely off before entering the courtroom.

Counsel table is reserved for lawyers and their clients, unless the Court states otherwise.

Ordinarily, children should not attend sessions of court. Litigants and witnesses are responsible for making appropriate child care arrangements. The Children's Room on the first floor of the FLC can be a valuable resource for litigants 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.

If clients are present during motions or arguments on exceptions, counsel should so advise the Court. It is counsel's responsibility to ensure that clients observe the Court's rules regarding court decorum.

The FLC strives to ensure that the public and court staff will be safe and secure during court proceedings. If you feel that a sheriff's deputy's presence might be advisable at an upcoming proceeding, please notify the tipstaff as far in advance of the proceeding as possible.

## SCHEDULING

Court will begin at the appointed time. Counsel, parties, and witnesses are expected to be prompt. Lateness may result in the imposition of sanctions, including fines and/or counsel fees, or beginning the proceedings without waiting for latecomers.

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.

Judge Bicket 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, if trial is to start at 9:30 a.m., counsel should endeavor to schedule the meeting at or before 9:00 a.m.

In all cases, but particularly in custody cases, counsel should be mindful of the time allotted for trial and should plan accordingly. Additional trial time may not be available for several months.

Counsel should immediately provide the Court's secretary with a courtesy copy of any orders scheduling or changing the date of an appearance directly before the Court.

In the event a matter is settled prior to trial, counsel shall promptly notify the Court so the matter can be removed from the Court's calendar.

Continuances, even if consented to, will not be granted within 30 days of a scheduled hearing date, except for good cause properly set out in a motion for continuance.

## MOTIONS PRACTICE (for attorneys)

### Schedule and Sign-up Procedure

The Motions Court schedule is published in the Pittsburgh Legal Journal (PLJ) and is also available on the court website at <http://www.alleghenycourts.us>.

Motions Court is scheduled at 2:00 p.m. on Monday through Thursday and at 10:30 a.m. on Fridays. On rare occasions, motions may be moved to another day and/or may be scheduled at 10:00 a.m. Except in emergencies, these scheduling changes will be made at least seven (7) days in advance, and will be published in the PLJ and on the court website. Counsel should check the schedule prior to notifying opposing counsel of the date of presentation.

When Motions Court is scheduled for 2:00 p.m., all contested and uncontested motions must be delivered to the Court by 2:00 on the preceding day. Contested and uncontested motions delivered after that time will not be heard that day.

When Motions Court is scheduled for 10:30 a.m., all contested and uncontested motions must be delivered to the Court by 10:30 a.m. on the preceding day. Contested and uncontested motions delivered after that time will not be heard that day.

Motions sign-up sheets are continuously available outside Judge Bicket's chambers. The motions list is removed at 1:00 p.m. on the preceding day for the Monday-Thursday Motions Court and at 10:00 a.m. on Thursday for the Friday Motions Court. The sign-up sheets for the next motions date will be available at 9:00 a.m. the following day. Motions are to be hand-delivered to the Court. The Court is not responsible for signing up motions and will not entertain motions delivered via fax. If a motion you believe to be contested is withdrawn or consented to after sign-up, please notify the tipstaff immediately. If a motion is withdrawn, the motion should be removed and the caption deleted from the list.

All motions should be clearly marked with the appropriate numerical suffix indicating the assigned judge (009). If no suffix appears, the party presenting the motion must first go to the Department of Court Records/Family Division (DCR/FD) to have a judicial suffix assigned. The motion should then be presented to the appropriate judge. Failure to follow this procedure may result in the Court directing the movant to present the motion again before the assigned judge on his/her next scheduled Motions Court date.

In the event that an emergency motion in a case assigned to Judge Bicket must be presented to a different judge, a copy of the emergency motion must be also provided to Judge Bicket.

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

## Emergency Motions Before Judge Bicket in Cases Assigned to Other Judges

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.

## Consent Orders

If time permits, this Court will sign consent orders prior to the beginning of Motions Court. However, counsel should be present and prepared to present the consent order in Motions Court in the event there is a problem or question about the motion or proposed order.

Counsel may bring consent orders to chambers for the Court's signature. Counsel should consult with the Court's tipstaff or secretary to make arrangements for signing. Under no circumstances should consent orders be dropped off. Counsel is solely responsible for filing the signed consent order.

All custody consent orders or pleadings shall have attached, on a separate piece of paper, the birth date and/or social security number of the parties to facilitate the Court's compliance with mandatory criminal records review pursuant to 23 Pa C.S.A. § 5303. This information will be shredded after the criminal records review is completed.

## Pro Se Motions (for unrepresented litigants)

Pro se motions are written requests to the Court by litigants who are not represented by an attorney. Motions of low-income litigants may be prepared with the assistance of the Pro Se Motions Department. Litigants may also draft motions themselves.

Motions presented in Court must be properly prepared and meet all legal requirements. Information regarding preparation may be found in the Family Division Court Manual or on the court website at [www.alleghenycourts.us](http://www.alleghenycourts.us).

Pro se motions must be presented to the Pro Se Motions Department to secure a date to appear, and the moving party will be responsible for service. No pro se motions will be accepted in the Judge's chambers or on the contested/uncontested sign up sheets.

Judge Bicket will hear pro se motions at the conclusion of regular motions. Naturally, if a pro se litigant is appearing in response to a motion presented by counsel in regular motions court, the pro se litigant may be present in the courtroom during regular motions.

Pro se litigants will be checked in by the tipstaff in the hall outside the motions courtroom at 1:00 p.m. for Monday through Thursday sessions and at 9:00 a.m. for Friday sessions. Parties shall remain outside the courtroom until called.

Motions to amend or vacate a final PFA will be heard at the end of pro se motions and before attorney motions with each PFA motion heard individually. The petitioner must be present.

Pro se motions in which the responding party is represented by a county solicitor will be taken first. Pro se motions in which the responding party is represented by private counsel will be taken thereafter.

## Pro Se Motions Court Decorum

Due to limited seating, third parties may be asked to remain in the hall outside the motions courtroom.

No children are permitted in the courtroom. Proper childcare arrangements should be made. Cell phones, beepers, pagers and other electronic devices **MUST** be turned completely off before entering the courtroom.

Conversation should take place in the hall, not in the courtroom. Should you leave the courtroom before your case is called, please alert the tipstaff.

## CONCILIATIONS, PRE-TRIALS, AND TRIALS

Counsel should be familiar with the Court's standard orders for conciliations, pre-trials, and trials. Standard orders are available by contacting the Judge's secretary.

Counsel shall comply with all orders of court prior to attendance at conciliation. The filing of pre-trial statements is mandatory and may not be waived by consent. Failure to timely file appropriate documents, such as stipulations, offers, and pre-trials, will result in a continuance of the conciliation and may result in the imposition of fines and counsel fees.

Attendance at conciliations or pre-trial conferences is mandatory and may not be waived by consent. Appropriate sanctions, including continuance of trial and/or imposition of fines or counsel fees, will be entered for failure to appear. 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 entertain 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.

To assist counsel in planning their trial presentation, trials beginning at 9:30 a.m. will be conducted as follows, subject to modification at the Court's discretion:

At approximately 11:00 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 3:00 p.m., there will be a ten-minute break.

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

When exhibits are to be entered into evidence, counsel should mark them for identification and provide copies to opposing counsel. The Court will utilize the exhibits submitted with the pre-trial statements.

For the sole purpose of facilitating and expediting settlement, parties shall send to each other and to the Court an e-mail to the following address: \_\_\_\_\_ containing a draft settlement proposal in an attached Word file. Any such messages will remain unopened and unread until the parties pursue settlement, in which case the proposed settlement document may be retrieved from the court computer system. This procedure is adopted for the convenience of litigants only 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 conform to this rule shall be deleted.

## 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 brief to chambers at the same time as the original is filed with the Court.

## PFA PROCEDURES

Final PFAs with a 009 suffix are initially scheduled for a PFA Domestic Relations Officer conciliation in the PFA office within ten (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.

## SUBMISSION OF DOCUMENTS

Original pleadings and submissions should be filed with the Department of Court Records/Family Division (DCR/FD) on the first floor of the City-County Building.

Counsel should be aware that once a pleading is filed, all of it, including any attachments and exhibits, will be scanned and published on the DCR/FD website and is available for public viewing. Accordingly, 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.

In the event such information is pertinent to the matters contained in the filing, but counsel does not want this information on the DCR/FD website, counsel should submit this information separately to opposing counsel prior to the 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.”

If your motion, pleading or filing discusses or refers to a previously filed document in your case, please attach a copy of it.

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

Counsel 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@court.allegheny.pa.us](mailto:order_proposal@court.allegheny.pa.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 forty (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

An Order of Court permitting testimony via telephone should be obtained prior to the trial or hearing via the motions court. In the event any equipment (audiovisual, recording, etc.) is necessary for a trial or hearing, the requesting party must get permission from Court Administration to deliver the equipment to the assigned courtroom.