



Family Law Center
Room 532, 440 Ross Street
Pittsburgh, PA 15219
Telephone: 412-350-5798

Standard Operating Procedures for Judge Cathleen Bubash

In compliance with the Fifth Judicial District Emergency Operations Plan

COURT PERSONNEL

Judicial Administrative Assistant

Nancy Heidenreich 412-350-5798
nheidenreich@alleghenycourts.us

Tipstaff

Maria King 412-350-5781
mking@alleghenycourts.us

Law Clerk

Sean Audley 412-350-5632
Seanaudley@alleghenycourts.us

(Revised 9.12/2022 *CHANGES TO STANDARD OPERATING PROCEDURES

(See highlighted below)

NOTICE: IT IS A CRIME TO RECORD A VIRTUAL MEETING WITHOUT PERMISSION- NEVER RECORD WITHOUT PERMISSION. A VIOLATION WILL BE REFERRED TO THE DISTRICT ATTORNEY FOR PROSECUTION.

NOTE: SELF-REPRESENTED PERSONS: WITH EXISTING CASES:

Non-emergency questions: custodydepartment@alleghenycourts.us No motions should be filed here

MOTIONS: Any self-represented (Pro Se/Litigant without an Attorney) who has an existing case in the Family Division and is seeking to file a Motion with the Court should appear at the Information Desk, Family Law Center, 440 Ross Street, between the hours of 8 am and 12 noon to meet with staff in the Client Service Center. In addition, self-represented litigants/pro se litigants may call 412-350-5600 or email 1stFOP@PACSES.com with questions about court procedures. NO LEGAL ADVICE WILL BE GIVEN.

CASES WITH LAWYERS

***Important note: Change in Docket Clerk's email:** patricia.harpur@alleghenycourts.us.

COUNSEL:

The Court will be using advanced communication technology to conduct much of its work, specifically, the TEAMS application from Microsoft. In order to do so:

1. Check the Fifth Judicial District's website **regularly** for updates to the family division and this Court's procedures. Changes are on-going and it is your responsibility to make sure you are aware of the latest procedures in place.
2. It is important for the court to have email addresses and cell phone numbers of parties and lawyers. In the event of a technology failure, you may need to be contacted.
3. Name **EACH file and document** you send to the court with the **case name listed first**. I.E.: Smith, Mom's Motion for Special Relief. The Court has numerous cases and must be able to efficiently find, address and keep track of case filings. You do not need to put the entire case name and/or FD# in the name of the doc. **Failure to do this will result in your emails being returned for correction**
4. Use the case name in the **subject line** of any email. I.E.: Smith, Mom's motions for special relief.
5. Download and be familiar with Microsoft TEAMS technology. Look below for a couple of troubleshooting tips to avoid issues with TEAMS. It is important that you practice using the TEAMS application and read my "TEAM TIPS" at the end of this document PRIOR to any conciliations or hearings. It may be that you need an add-on app to have your acceptance of a TEAMS invite automatically populate your calendar with the invite and the details included therein. If not, you must accept the invite and copy and paste the invite into your calendar so that you do not 'lose' the invite and then have to call staff to 'resend' the invite.
6. The Court is able sign and date a PDF doc. Also provide a word doc. for the order so that the Court can modify it if it determines it necessary.
7. If you know you will need a hearing, PLEASE just say so and ask for a date. Agreeing to a consent order to schedule a hearing during the 'Meet and Confer' process is a civil way to resolve the other party's motion or request and DOES NOT mean that you are not defending your client.
8. DIVORCE MASTERS are now referred to as Divorce Hearing Officers, hereinafter DHOs.
9. **The MEET AND CONFER rule is still in effect.** If you will need a hearing to resolve a disagreement – such as a DHO's Hearing – simply give me a scheduling Order directing you to that hearing. Do not engage in a battle of the motions when you know that, inevitably, you will need to be

sent to a hearing. It is a waste of the Court's energy and time. More often than not, counsel can consent to an Order sending the parties to a hearing. Attempt to do so.

Merely sending an email to opposing counsel is not considered a sufficient attempt to 'meet and confer'.

Not responding to opposing counsel's email, is also totally inappropriate. Please work to actually meet and confer with an eye toward resolution.

10. **Scheduling orders:** Please provide a SEPARATE/ALTERNATIVE order if you need to have something scheduled. This allows an order that contains provisions which need to be on the docket to be timely filed and not buried in an order that may have to wait for a date.

TRIALS: This Court prefers to conduct business via TEAMS. Anytime a case is scheduled in person, you are encouraged to consent to a remote hearing. MOVING FORWARD, the Court anticipates ALWAYS conducting Child interviews via TEAMS. Some cases will be hybrid so you will continue to see a Microsoft teams invite.

EXHIBITS- Develop a plan to electronically provide the Court with One PDF file which is tabbed or bookmarked for each exhibit. You will most likely have to subscribe to Adobe Acrobat in order to access the features that allow this. You should plan to hold your rebuttal and impeachment exhibits in a folder so that you can email them to the Court and opposing counsel during the hearing, when and if you need to offer them. The Court will not file exhibits. File them separately.

Alternatively, if you are unable to make a tabbed PDF with Adobe, you may offer one PDF with all of your exhibits. Each exhibit must have a clear label at the top so that we do not have to scroll to the bottom of the page to see the exhibit label and then, scroll back up to the start of the exhibit.

WITNESSES- Plan to have your witnesses/clients join the trial by forwarding the TEAMS invite to them or have them on standby for you to notify them to come in. They should have the free TEAMS app downloaded in advance and know how to work it. It is counsel's responsibility to forward the TEAMS invitation. You MUST retain the email with the invitation so it can be forwarded to your witnesses. Explain to them that if they "accept" the invite it will disappear from their emails list, and they may have trouble finding the invite. Do not expect judicial staff to manage your trial for you. If your client will be in your office that is ok, but you cannot write notes to each other or text each other.

SETTLEMENT/ POSTPONEMENTS – Do not use your trial date as a place holder for you and your opponent to reach settlement. The Court CONTINUES to face a backlog and taking up a day of judicial resources when another case – one as important as yours – could be scheduled for that day is irresponsible. IF A CONSENT POSTPONEMENT OF A TRIAL IS PRESENTED WITHIN 30 DAYS OF THE SCHEDULED DATE – YOU **MUST** PROVIDE THE REASONS FOR THE REQUEST.

NEW RULES FOR OBTAINING DATES ON SCHEDULING ORDERS FOR DRO OR CUSTODY HEARING OFFICER

1. Go to the Custody Department – 1st Floor, Room 130 Family Law Center
2. READ and follow the instructions on the drop box
3. Place the original ORDER to get a scheduled date for the Generations program, mediation, Custody Hearing Officer, or custody conciliation in the drop box
4. File your original MOTION with the Department of Court Records – 1st Floor, City County Building after you get your date.

EMERGENCY MOTIONS/PARTIES WITH COUNSEL

Email to: Emergencybubash@alleghenycourts.us. The party presenting the Motion must use the Court's motion form which is located on the website to indicate the following information:

1. Have you contacted and/or spoken to the other side and if so, on what date?
2. If you seek to cancel any hearing that is to occur within 14 days of your request, please label it as **Emergency as to time**.
3. Is the motion:
 - an emergency and why?
 - unopposed by the other side?
 - consented to by the other side?
 - Opposed by the other side?

The Motion shall include a proposed order. The Court is able sign and date a PDF doc. A word doc is often helpful if the Order needs modified. **MAKE every effort to email the other side unless there is a safety concern.**

Emergency motions are not intended to give you a pass on the meet and confer rule.

ANSWERS/RESPONSES: Indicate specifically to what you are admitting or denying. The Court does not have the motion on paper and toggling b/n the filings electronically is burdensome.

The Court will generally **NOT** file Orders with the Department of Court Records because things were being filed that should have been redacted. The Court will email signed and dated copies of the Petition and/or the Order to counsel to be filed with your petition/motion. If you see the DCR on an email- that means the Court has filed the documents. **THE COURT MAY RULE ON THE MOTION WITHOUT ARGUMENT. THE COURT WILL DETERMINE IF ARGUMENT IS NECESSARY.**

REGULAR MOTIONS/ PARTIES WITH COUNSEL

The Court is mandating that you refrain from presenting Motions until you have vigorously worked to resolve the matter beforehand. This, obviously, requires that you and opposing counsel actively respond and manage your clients to reach consensus. You will be on both sides of the table, so PLEASE, cooperate to resolve issues.

The Court cannot micromanage your cases or your client's demands. There may be times where the Court will not rule on a motion, and you will be informed as to why that is via email. We are receiving too many frivolous motions that should not have been filed or that could have been worked out or that appear to manage the case in a piecemeal manner.

If it is apparent that a hearing should be scheduled - provide an Order directing that or, even better, provide a consent ORDER. Agreeing to go to a hearing does NOT mean that you agree you are wrong. It is a means to resolve a problem that you are part of. Refusing to consent to have a hearing when a matter cannot be resolved otherwise is unacceptable.

Lastly, evaluate whether your client needs to file a Modification of Custody to proceed properly. Forcing the Court to research whether you need a mod is not OK. When requesting ANY change in custody your motion should inform the court of the current Order or, if there is no order, where the parties are in the Generations process. Do not ask for substantial changes in custody to be made in motions court, absent an emergency. Remember that from the Court's view and experience, the best practitioners, whom the Court knows have huge caseloads, rarely appear in motions court. Endeavor to run your practice as they do, not through motions court. Do not tell the Court that your client 'demanded' that you file a motion when you know better as a licensed practitioner and as an Officer of the Court.

Email motions to: motionsbubash@alleghenycourts.us

You may notice your motions for presentation to the Court on a date certain that is 7 days in the future. We are doing rolling motions- When received, they are held for 7 days for a response and then forwarded to the Judge for consideration. You should state the date you are emailing the Motion to us and then the date for 8 days which is when the Court will rule unless a response is received earlier. The Motion shall include a proposed order. The Court is able sign and date a PDF doc. A word doc is still needed for the proposed Order if not consented to or will need changes to the wording/provisions. Regular Motions will be held seven (7) days to allow for response. Any response MUST be provided within that time frame, or the Court will presume that no answer is forthcoming. If you need something scheduled, separate that order and give it to the Court with your submission.

Whenever possible, also notify the other side by email.

ANSWERS/RESPONSES: Indicate specifically to what you are admitting or denying. The Court does not have the motion on paper and toggling b/n the filings electronically is burdensome.

After the matter is resolved the Court will email copies of the Order to counsel and/or the parties so that they can file it along with their filings. If the motion is a scheduling matter, the Court will send the Order to counsel who shall then convert it to a PDF and go to the appropriate docket clerk electronically for scheduling. THE COURT MAY RULE ON THE MOTION WITHOUT ARGUMENT. THE COURT WILL DETERMINE IF ARGUMENT IS NECESSARY.

NON-EMERGENCY MOTIONS, EXCEPTIONS, QDROs, UNOPPOSED AND CONSENT ORDERS: E-mail to: motionsbubash@alleghenycourts.us The party presenting the Motion must use the Court's form to indicate the following information:

1. Have you contacted and/or spoken to the other side and if so, on what date?
2. Is the motion:
 - unopposed by the other side?
 - consented to by the other side?
 - Opposed by the other side and if so, what is the date that their response is required?

If unopposed or consented to, the Court will email signed and dated copies of the Order to counsel and/or the parties who should then file them along with their pleadings. If it is a scheduling matter, the Court will send it to counsel who shall then convert it to a PDF and go to the appropriate docket clerk electronically for scheduling.

3. If the motion is opposed, the Motion will be held for 7 days before submission to the Court to allow for response. The Court will determine whether or not to schedule a teleconference hearing or conciliation on the matter. **The Court may choose to dispose of the motion based on the filings only.** The Court is **now able sign and date a PDF doc.** A word doc is still needed for the proposed Order if not consented to. ALL email addresses must be provided to the Court.

LEGAL CUSTODY FOR DISCRETE ISSUES OR SCHOOL CHOICE: These cases require a change in legal custody - ONE Party will be given legal custody to make the Decision. You **MUST** file a modification in order to begin the Generations process in these matters. **DO NOT** give the Court a consent Order asking it to schedule a school-choice hearing. Be aware, the filing of a mod and the Generations process may take more time than you have for the decision to be made. Please file the Mod at the earliest date you can. If you are out of time, you may file a Motion with the Court explaining why the filing is occurring so late

or in a manner that does not allow the time for the Generations program to kick in after the Mod in explanation as to why you need to go directly to a hearing.

QDROs: For an original signature, mail the Qdro to the Office with a self-addressed stamped envelope. The Court will sign it and mail it back to you. You may also present a motion requesting a signature if the plan will take an electronic signature. If you choose to drop a Qdro at the office, please include a self-addressed, stamped return envelope

EXCEPTIONS: Refer to the Fifth Judicial District's Website procedures for Exceptions. Please note this may be changing soon. The Court will decide all exceptions on the filings and transcripts, unless the Court determines that oral argument is needed. In that case, counsel will be notified of a remote TEAMS argument date.

CUSTODY CONCILIATIONS AND TRIALS: Please download and be familiar with TEAMS. See TEAMS tips at the end of this document.

Pre-Trial Statements should be emailed to the Law Clerk at motionsbubash@alleghenycourts.us as set forth in the pre-trial order you receive from chambers. **Follow the instructions in your pre-trial order.**

All other required documents should be emailed to the Court's secretary, Nancy Heidenreich at bubashchambers@alleghenycourts.us.

NEW CUSTODY CONCILIATIONS/TRIALS:

Submit a motion to motionsbubash@alleghenycourts.us to schedule a Judicial conciliation/trial (If appropriate). Any non-consent will be held for seven (7) days to allow for response. Note the number of days of trial requested. Choose the least number possible as the Court's resources are limited. The court will schedule these conciliations/trials according to the Court's schedule and you will receive instructions for the teleconference. Follow the instructions you receive.

If it is a scheduling matter, the Court will send it to counsel who shall go to the appropriate docket clerk electronically for scheduling. (See the Family Court scheduling rules, ABOVE)

REQUESTS FOR CONTEMPT OR ENFORCEMENT: Submit an Order to motionsbubash@alleghenycourts.us directing the case to a DHO if it is enforcement of an MSA. The Court will split the cost of the DHO's hearing unless otherwise requested/determined. Unless the motion is a consent, it will be held for seven (7) days to allow for response. Upon receipt of the signed Order, follow the

DHO's directions to get a date. Please submit an Order directing the case to the DHO and, upon receipt of the signed Order, follow the DHO's directions to get a date.

REQUESTS FOR CONTEMPT: If it is for contempt of a custody Order you will be directed back through Generations to attempt resolution.

EQUITABLE DISTRIBUTION CONCILIATION: If you believe a case is ripe for ED, submit a Praecipe to the Docket clerk. In your motion, you MUST demonstrate that the matter is ripe for conciliation. You may go directly to the DHO by using the consent form. Include an Order directing the case to the DHO and, upon receipt of the signed Order, follow the DHO's directions to get a date. The Court will split the cost of the DHO's hearing unless otherwise requested/determined. THE CASE MUST BE RIPE FOR THE DHO - ALL CONSENTS AND AFFIDAVITS MUST HAVE BEEN FILED BEFORE YOU REQUEST THE DHO.

If need be (And the case is ripe), request a judicial conciliation. The Court will determine if it is appropriate and schedule conciliations according to the Court's schedule and you will receive instructions for the teleconference. The court will be conducting all conciliations through TEAMS. Any necessary documents such as Marital Asset Summaries etc., MUST be filed electronically five (5) days prior to the conciliation to bubashchambers@allegheycourts.us. The documents submitted **must be named with case name 1st** followed by what it is (Smith, Fathers proposed order) If neither party files the proper documentation, the conciliation will be canceled and will only be rescheduled upon Motion. If one party fails to provide the necessary documentation the conciliation will proceed, however, the Court may impose sanctions on the non-compliant party.

DISCOVERY MOTIONS: Will be referred to a DHO for resolution if they can't be ruled on based on the pleadings. Submit an Order directing the case to the DHO and, upon receipt of the signed Order, follow the DHO's directions to get a date. The Court will split the cost of the DHO's hearing unless otherwise requested/determined.

SUPPORT: When you are requesting a support related conference or hearing, the Court will process any and all orders with support as the subject. This could apply to Motions or Exceptions decisions. The Court will electronically sign the order and email the order (along with the electronic Motion) to: Alleghenyjudgessupportorders@pacs.com

When the pleading/ order is received, Family Division docketing staff will:

1. Fill in any dates needed if the order involves obtaining a conference / hearing date such as continuances etc.
2. Docket the order
3. Serve all parties with a copy of the order (please include addresses / email addresses of other parties so we may serve them with the order)
4. Schedule the matter if it involves scheduling
5. Update PACSES / modify wage attachments etc. if necessary (particularly involving Exceptions decisions)

Please Note – The following standard procedures for Judge Bubash remain in effect:

ENTRY OF APPEARANCE

1. It is imperative that Counsel officially enters a Praecipe of appearance in each case before they appear in Court. In Juvenile Court, this must be done electronically through Pac file.
2. Failure to officially withdraw your appearance may result in disciplinary action. In other words, once you are in, you are in until given permission to withdraw and you are not “in” until you enter your appearance.

COURT SCHEDULE

1. 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, proposed orders, etc., may result in a continuance of the conciliation and/or the imposition of fines and counsel fees.
2. 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.
3. In the event a matter is settled prior to a proceeding, including conciliation, the Court will expect an appropriate order.
4. 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.

COURTROOM DECORUM.

1. No ringing cell phones, or audible pagers are permitted in the Courtroom.
2. All proceedings shall be conducted in a dignified and formal manner.

3. This Court maintains a zero-tolerance policy toward incivility. Colloquy between counsel is only permitted to expedite matters. Argument between counsel 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 manner.
4. 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
5. 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 trial time may not be available for several months.
6. Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or abused in any manner.
7. 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.
8. Counsel should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.

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, petitioner/respondent, etc.

GENERALLY

It is counsel's responsibility to be aware of and follow the above procedures. Counsel should keep in mind that resources are limited and that the Court has a full docket. Accordingly, cooperation and civility between counsel is more important than ever.

.....

TEAMS TIPS

1. IF you keep 'losing' your TEAMS invite, get in the habit of forwarding the email to yourself when you first get it. Once you 'accept' an invite, the email 'goes away'. This way you will have a copy of the invite in your email.

2. When you receive a TEAMS invite, you can open it and right-click on “join the meeting”. This will allow you to select the link and copy it. You can then paste it wherever you want to save it. The Court recommends that you paste it into your calendar appointment that you most likely have set up to remind you of the conciliation or hearing.
3. Ideally when you ‘accept’ an invite, you should have your technology set up so that the TEAMS conference and all the info contained within, ‘drop’ into your calendar as an appointment. You would want the invite to drop into your work calendar and not a Google or personal calendar on your computer, which is the default.
4. If you receive an error message that the ‘administrator has disabled video’ It could be a couple of things.
 - a. If you don’t have Teams downloaded and are using an old browser or Internet Explorer on a Windows computer, that could be it. You should use Firefox, Chrome, or Microsoft Edge, as these browsers seem to work well. It is ALMOST ALWAYS better to download TEAMS from the Appstore as opposed to going into TEAMS with the web browser
 - b. You can try this workaround: open the email invite to join the TEAMS meeting. A screen will pop up that will say "join with the app" or "join on the web". Select "join on the web". Then, make sure you exit out of the app because there will be an echo if both TEAMS on the web and the app are open at the same time.
 - c. If the privacy settings under your control panel/system preferences has video or the Teams app disabled, Teams may be blocked from accessing the camera and might show that message.
 - d. If you work for a law firm that has an IT department that manages your computer (as opposed to you having downloaded the App to your personal computer), your IT Department could have a license for TEAMS, and video might be disabled on your end. The Court has it enabled for anyone who wants to use it, so it’s not coming from our end.
 - e. Last, if you can’t get it working, you can download Teams for free to your Phone; although it’s a little smaller of a screen, it will let you get in on your Phone (even without a Teams account—as a guest) with the “remote hearing invite” that the Court sends.
5. If you have a cell phone, get help to set it up as a hotspot. This will provide backup in case you are kicked out of TEAMS due to high Internet traffic in or around your household or office.
6. If you can’t ‘hear’ people on a TEAMS call, check to see that TEAMS is using your computer’s ‘internal speakers’. This is a setting in the TEAMS App. If at some point you tried to use ear buds or headphone in the past, TEAMS may recognize and switch to those device’s speakers by default without you

knowing. When on your computer without other devices, you want TEAMS to use the computer's internal speakers.

7. When TEAMS says, "video has been disabled by the administrator", and the user is in the TEAMS app, exit the call and go back to the TEAMS invitation. Once you click "join conversation" on the invitation, there is an option to join through the web. Select "join on the web instead", rather than the app, and the video should be enabled through the web browser if it has been disabled through the app for some reason.
8. Another workaround when you can't 'hear' or when we can't 'hear' you is to join the call with your cell phone, and we will use that audio and the video will be from the computer with the computer's sound muted to avoid reverb.
9. A computer will generally be preferred to an iPad or a phone.