

Standard Operating Procedures

for practice before, and in the chambers of,

The Honorable Eleanor L. Bush

440 Ross Street, Suite 507
Pittsburgh, Pennsylvania 15219
Tel: (412) 350-1368
Fax: (412) 350-1370

Judge Bush requests that all participants attending an in-person hearing wear a mask.

I. CONTACT WITH CHAMBERS

- A. **Chambers.** The Judge's Chambers is open and staffed from 9:00 a.m. to 4:30 p.m.
- B. **Ex Parte Communication.**
1. Unless specifically requested by the Court, the Court will not entertain e-mails, letters or telephone calls requesting action of any kind. All matters should be presented to the Court by Motion, Petition, or Consent Order. Unsolicited letters will be returned, unread. This is true even if the opposing counsel or party has been carbon-copied. This form of communication is ex-parte and prohibited unless requested by the Court.
 2. Counsel¹ and parties shall not engage in ex-parte communication concerning a pending case with the Court or its staff. This communication may be deemed grounds for sanctions or referral to disciplinary authorities.
- C. **Staff.** Inquiries concerning court procedures should be directed to the following Court staff:
1. **Legal Assistant:** Kelly Boland – kboland@alleghecourts.us

¹ *Pro se* litigants shall follow all procedures required of "Counsel" by these Standard Operating Procedures.

2. **Tipstaff:** Diane Wolford – dwolford@alleghencourts.us
3. **Law Clerk:** Emily Zacherl – ezacherl@alleghencourts.us

II. **ADVANCED COMMUNICATION TECHNOLOGY**

A. For certain proceedings, the Court will be using advanced communication technology, specifically the TEAMS application from Microsoft. In order to do so:

1. It is critical 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. Email addresses and cell phone numbers should be provided on cover sheets for motions and other pleadings.
2. Download and be familiar with Microsoft TEAMS technology. Please practice using the TEAMS application prior to any remote scheduled matters.

B. **Remote proceedings.**

1. Parties will be notified in advance if their proceeding is being held remotely via Microsoft TEAMS.
2. If parties want to request that a proceeding be held remotely, they must make that request at least one week prior to the scheduled event.

III. **ADULT SECTION MOTIONS**

A. All motions shall be heard in person. The Court may permit remote participation by special request in advance.

B. **Pro-Se Motions Court.**

1. Pro Se Motions Court typically begins at 9 am on the date published on the Court website, <http://www.alleghencourts.us>, and in the Pittsburgh Legal Journal.

2. The Court will only entertain pro-se motions and cases with the suffix 001.
3. The Court starts Pro-Se Motions Court at the scheduled time and reserves the right to grant, deny, or refuse to hear a motion until next Motions Court, if any of the parties arrives late or fails to show.
4. Pro se litigants shall follow these Standard Operating Procedures as well as all rules of court.
5. Pro se litigants who have an existing case in the Family Division and are seeking to file a motion with the Court should appear at the Information Desk located on the first floor of the Family Law Center, 440 Ross Street, between the hours of 8 am and 12 noon to meet with staff in the Client Service Center. Pro se litigants may call 412-350-5600 or email 1stFOP@PACSES.com with questions about court procedures.
6. Pro se litigants shall not discuss substantive matters with the Court's staff.

C. Attorney Motions.

1. Scheduling.

- a. **Start Time.** Regular Motions Court typically begins at 10 am on the date published on the Court website and in the PLJ.
- b. **Publication.** The Motions Court schedule is published both in the Pittsburgh Legal Journal and on the Court website, <http://www.alleghencourts.us>

2. Deadlines.

- a. **Contested Motions.** Contested motions must be submitted and signed up by noon the day before motions are scheduled. This is also the deadline for all responsive motions, answers, and briefs.

- b. **Uncontested and Consent Motions.** Uncontested and consent motions may be submitted at any time.
3. **Delivery, Format, and Listing of Motions.**
- a. **Mail or Personal Delivery Allowed.** Motions may be mailed or delivered to the Court prior to the time scheduled for motions.
 - b. **Faxes and Electronic Filings Not Accepted.** The Court does not accept faxed motions or emailed motions. All motions must be hard-copy and signed up outside of chambers.
 - c. **Listing.** The motion will be placed on the list when received.
 - d. **Format and Drafting.**
 - i. The motion or cover letter should clearly indicate the date of presentation. Failure to indicate the date of presentation may result in the motion being placed at the end of the list or not being placed on the list at all.
 - ii. Cover letters should not contain any substantive information about the underlying case or matter.
 - iii. The Court will not schedule motions that are dropped off without an appropriate cover letter or without being listed on the sign-up sheet.
 - iv. Counsel shall attach a proposed order to all motions.
 - v. Counsel shall comply with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* by submitting either a Certificate of Compliance, Confidential Information Form, and/or Confidential Document form with all motions. These forms are available on the Fifth Judicial District's website.

vi. All motions should be submitted in duplicate.

4. **Meet and Confer.**

a. See Administrative Order 225 of 2015. A copy of the Order is available on the Fifth Judicial District's website.

5. **Withdrawn and Settled Motions.**

a. If the motion is withdrawn or consented to after sign-up, please notify the Tipstaff or Legal Assistant immediately so the Court does not waste time reviewing the motion.

b. If a motion is withdrawn, the motion should be removed, and the name deleted from the list. If a motion is not removed and no one appears in Court, the motion will be denied.

6. **Alternative Presentation at Conciliation.** With either seven days' notice or consent of opposing Counsel, motions may be presented at a scheduled conciliation.

7. **Emergency Motions.**

a. When a true emergency requires another Judge to hear this Court's assigned case, movants and respondents shall provide a copy of the emergency motion to both this Court and the Court hearing the emergency motion.

b. Unavailability of Counsel or Parties on the assigned Judge's motion day does not constitute an emergency under these provisions.

8. **Consent Orders.**

a. The Court permits Consent Orders to be dropped off for the Court's signature. Counsel is responsible for retrieving and filing the signed Consent Order.

- b. Consent orders are not automatically signed. When deemed necessary, the Court may require parties to appear in motions to request approval of the proposed consent order.

D. Miscellaneous Procedures.

1. **Sheriff's Presence.** The Court does not routinely request a Sheriff's presence during exceptions or adult Motions Court. If you feel a Sheriff's presence might be advisable, please notify the Tipstaff in advance - err on the side of caution.
2. **Local and Administrative Rules.** Counsel should be familiar with all Administrative Orders and Local Rules, including, but not limited to, the rule concerning continuances within 30 days of a scheduled date. Even if consented to, continuances will not be granted within the 30-day period, except for appropriately pled good cause.
3. **Orders Changing Scheduled Date with Judge.** Counsel should immediately provide the Court's Legal Assistant with a courtesy copy of any order scheduling or changing a date that 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.

IV. SPECIAL IMMIGRANT JUVENILE (“SIJ”) MATTERS

- A. **Custody.** All custody motions involving youth that will require a Special Immigrant Juvenile Status hearing shall first be submitted to Judge Bush prior to the filing of the custody complaint.
 1. **Submission and Presentation.**
 - a. The Motion shall be signed up as an adult motion and presented on Judge Bush's scheduled adult motions day.
 - b. Counsel shall appear in person for Motion presentation but is permitted to have the petitioner, child, and appropriate interpreter available remotely via Microsoft TEAMS.

- c. Any request for a remote SIJ hearing must be specifically stated on the cover sheet of the motion.
- d. To secure an interpreter, Counsel can contact Court Administration at (412) 350-1254 or Courtaccess@allegheycourts.us.
- e. The interpreter request form and related information can be found at <https://www.allegheycourts.us/administration/idr.aspx>.

2. **Proposed Orders.**

- a. The Motion shall include a proposed preliminary SIJ motions order.
- b. Proposed orders shall be formatted to reflect the Court's standard preliminary order.
- c. If Counsel does not know the standard preliminary order format, Counsel shall contact Court staff for a copy of the form order.

3. **Judicial Assignment.**

- a. Final hearings for custody motions requiring an SIJ determination will be heard by either Judge Bush or Judge Henry-Taylor.
- b. The preliminary SIJ motions order will indicate whether the final hearing shall be scheduled before Judge Bush or Judge Henry-Taylor.

4. Counsel shall strictly follow the issued Court orders. Failure to do so may result in delays or continuances.

B. **Private Dependency Applications/Petitions.** Private Dependency Applications/Petitions for youth requesting both a dependency adjudication and a Special Immigrant Juvenile Status hearing may be filed by making appropriate arrangements with Amanda Rose at

RoseA@allegheycourts.us. Communications with Ms. Rose regarding these matters **must** include information on the youth's date of birth in the subject line of the email. A courtesy copy of the email to Ms. Rose and the Application/Petition may also be sent directly to the Judge's Legal Assistant at KBoland@allegheycourts.us and the Judge's Law Clerk at EZacherl@allegheycourts.us.

- C. **Scheduling.** The Court will promptly address Special Immigrant Juvenile matters on a case-by-case basis after being notified in the above manner. The Court generally can schedule SIJ hearings three (3) days per month. Counsel should make every effort to file SIJ matters promptly, as the Court has extremely limited ability to schedule expedited hearings.

V. **JUDICIAL CONCILIATIONS**

- A. **Remote Proceeding.** All conciliations shall be conducted remotely using Microsoft TEAMS unless specifically requested otherwise.
- B. **Compliance with Orders.** Counsel shall comply with all Orders of Court prior to attendance at conciliation. Failure to timely file appropriate documents (*i.e.* stipulations, offers, pre-trials, etc.) may result in a continuance of the conciliation and/or the imposition of fines and counsel fees.

VI. **JUVENILE COURT MATTERS**

- A. **Motions.**
 - 1. Generally, all motions shall be heard in person. Counsel who only have a motion scheduled before the Court and no other court appearance may appear remotely for motion presentation. Counsel shall notify Court staff if they plan to appear remotely and need to request a Microsoft TEAMS link.
 - 2. Juvenile motions are to be properly filed on PACFile and a courtesy copy either hand-delivered or sent to the Court's Legal Assistant at KBoland@allegheycourts.us and the Court's Tip staff at DWolford@allegheycourts.us

3. Motions in Dependency and Termination of Parental Rights (“TPR”) matters will be heard at 8:30 AM on the weekly dependency day.
4. Motions in Juvenile Delinquency matters will be heard at 8:30 AM on the weekly delinquency day.

B. Hearings.

1. See attached Procedures for Juvenile Section Hearings.

VII. COURT SCHEDULE

- A. **Timeliness.** Court will begin at the scheduled time. The Court expects all Counsel, Parties, and Witnesses to arrive on time for all proceedings. Counsel shall check in with Court staff upon arrival. When Counsel is late or absent, the Court reserves the right to begin proceedings without counsel and, in extreme cases, impose fines and/or counsel fees.
- B. **Time Conflict with Other Proceedings.** Counsel shall notify court staff immediately of any scheduling conflicts. Except in rare circumstances, counsel’s attendance at another hearing or in another courtroom will not be considered a valid excuse for delaying this Court’s proceedings.
- C. **Exceptions.** All Exceptions should be appropriately filed with the Exceptions Clerk. Once filed, exceptions will generally be scheduled to be heard on the next Adult Motions day following the submission of both parties’ briefs.
- D. **Settlement Prior to Proceeding.** In the event a matter is settled prior to any proceeding, including conciliations, Counsel shall immediately notify the Court and shall provide the Court with an appropriate order. If a case is settled prior to trial, in addition to notifying the Court, Counsel shall also notify the Docket Clerk so the matter can be removed from the Court’s calendar.
- E. **Exhibits.** The Court will retain exhibits until 40 days after a final decision or order is entered. If an appeal is filed, the Court will retain documents until 5 days after the Court’s Opinion to the Appellate Court is filed. Absent a request by Counsel to return exhibits, the Court will destroy all documents and or exhibits after those time periods.

VIII. COURTROOM DECORUM

A. **Banned Items.**

1. No food or drink, except water, is permitted in the Courtroom.
2. All cell phones should be turned off or set to silent.

B. **Civility.**

1. All proceedings will be conducted in a dignified and formal manner.
2. The Court will allow zero tolerance for incivility. 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.
3. Counsel shall instruct all witnesses and parties to dress and behave appropriately.

C. **Presence of Parties.**

1. Only counsel and parties may sit at counsel tables or outside of the back seating area within the courtroom.
2. Counsel shall advise their client(s) that, while parties are welcome to attend Motions Court and arguments on exceptions, Parties shall not address the Court unless the Court requests them to do so.
3. If clients are present during Motions Court and arguments on exceptions, Counsel shall advise the Court of their presence.

IX. TRIAL PROCEDURE

- ### A. **Time.** Court proceedings begin promptly at the scheduled time and generally end by 4:30 P.M. The Court reserves the right to proceed beyond 4:30 P.M. when necessary to complete a hearing.

- B. **Scheduling of Experts.** Counsel shall cooperate in scheduling expert testimony. The Court, however, reserves the right to take expert testimony out of order.
- C. **Difficult Legal and Evidentiary Issues.** If Counsel anticipates that difficult questions of law or evidence will arise during trial, Counsel shall alert opposing Counsel and supply the Court with a memorandum of law on the issue no later than one day prior to the date on which the anticipated issue will arise.
- D. **Presentation.**
 - 1. Counsel shall treat all witnesses, including the opposing party, with fairness and consideration.
 - 2. Unless objecting, Counsel shall allow opposing Counsel to finish their statements without interfering or talking at the same time.
 - 3. In all cases – especially custody cases – Counsel shall be mindful of the time allotted for trial and shall present their case accordingly, because additional trial time may not be available for several months.

X. **PRESENCE OF CHILDREN**

- A. **Presence in Courtroom.** Children, who are the subject of, or in any way involved with, the litigation, should not be present in the Courtroom unless instructed otherwise by the Court and Counsel shall advise clients to make appropriate childcare arrangements.
- B. **Children’s Room.** Counsel and parties should be familiar with the location of the Children’s Room and its hours of operation.

XI. **FORMAT OF DOCUMENTS**

- A. **Identification of Parties:** The Court prefers litigants to use terms such as “Husband” or “Father” and “Wife” or “Mother” rather than “Plaintiff,” “Defendant,” “Petitioner,” and “Respondent.”

XII. **MISCELLANEOUS PROCEDURES**

- A. **Remote Testimony.** Counsel and parties are expected to be present in the courtroom unless they are experiencing symptoms of illness and/or are in quarantine. Counsel should inform the Judge of any client or witness requesting to appear remotely due to illness/quarantine. Remote appearance by video on Microsoft Teams is strongly preferred in such situations. Pre-trial orders shall address arrangements for remote participation.
- B. **Multimedia Equipment.** In the event any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, Counsel shall notify Court staff at least two weeks in advance of the scheduled proceeding so that appropriate arrangements can be made. Except in rare circumstances, the Court does not have the capability to provide these services.

JUDGE BUSH PROCEDURES FOR JUVENILE SECTION HEARINGS

General:

- Participants aged two years old or older must be wearing a mask to enter the courtroom. Masks are to be worn at all times unless instructed by the Judge.
- Any party/participant, including lawyers, who is experiencing symptoms of illness or is in quarantine should remain at home and participate remotely. Attorneys should request/inform the Judge in advance or as soon they become aware of any party, participant, client, witness or lawyer requesting or required to appear remotely due to illness/quarantine.
- Until the Children's Room reopens, children other than juvenile defendants are not expected to appear unless needed for a specific case or the child desires to be present.
- Participants at the ACJ are expected to participate virtually.
- The tipstaff will remain in the courtroom. The tipstaff will page cases but will not be roam the building to look for people. The caseworker and PO should check in with tipstaff when the case is ready. Tipstaffs will communicate with each other as needed when trying to determine attorney availability.
- Paper should be kept to a minimum and will continue with all documents to be provided electronically. Tipstaff will not be making copies for individuals.

Expectations for Hybrid Hearings:

Lawyers, caseworkers, probation officers and parties (i.e., parents and children in Dependency; juveniles in Delinquency) to be present in the court room, unless one of the above general principles applies.

All other witnesses may participate remotely. Remote participants are expected to be in a quiet location and able to participate by video. If a person does not have wifi access, phone will be accepted, but that will be the exception not the rule.

Hearing types that will remain remote:

Show up termination of parental rights if not attached to a permanency review

Aggravated Circumstances if not attached to a permanency review

Bypass

Adoption if desired by the adoptive family

Continuances if known in advance

Other hearings, if specifically determined by the Judge

TEAMS INVITATIONS:

Teams invitations for hearings will continue to be forwarded to the Lawyers only. All other witness not required in the courtroom but needed by the lawyer to testify are to be forwarded invites by the lawyers.