



Standard Operating Procedures for Judge Hugh F. McGough

Revised on 7/25/22 in compliance with the **Fifth Judicial District Emergency Operations Plan**.
For more information, please visit www.allegheycourts.us/administration/EmergencyOperations.aspx

Important Updates

As of **July 25, 2022** the procedures for self-represented parties changed. A self-represented party 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** in the Family Law Center at 440 Ross Street between 8:00 AM and 12:00 PM to meet with staff in the **Client Service Center**. In addition, self-represented parties may call **(412) 350-5600** or email 1stFOP@pacs.com with questions about court procedures. No legal advice will be given.

As of **July 1, 2022**, parties requesting an equitable distribution hearing before a Divorce Hearing Officer must obtain an **Order of Court Approving Grounds for Divorce** before a hearing can be scheduled. Please see Section X below for more information.

On **April 1, 2022**, Judge McGough's **motions procedure** changed. The timing for when motions will be heard has moved from a week-to-week schedule to hearing motions on pre-assigned days determined by the Docket Clerk. **Argument is now required for all contested motions**. Please carefully review the new procedure in Section V below.

Contact Information

Judicial Chambers

533 Family Law Center, 440 Ross Street, Pittsburgh, PA 15219

Fax: (412) 350-6561

Judicial Administrative Assistant

Lorraine Kennedy, (412) 350-6556, lkennedy@allegheycourts.us

Judicial Tip Staff

Jeffrey King, (412) 350-6558, jking@allegheycourts.us

Law Clerk

Matthew Oas, (412) 350-6557, moas@allegheycourts.us

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I. Communication with the Court

- A. Judge McGough's staff may address scheduling and administrative matters only. For questions about court procedure, you may speak with the Judge's Administrative Assistant, Tip Staff, or Law Clerk. The best way to do this is to send an email to lkennedy@alleghenycourts.us or call the judge's chambers at (412) 350-6556. You may also leave a voicemail with chambers at that number, and it will be reviewed in a timely manner.
- B. The Court cannot give you legal advice about your case. If you do not have an attorney, you are highly encouraged to use the services of the **Client Services Center** located on the first floor of the Family Law Center at 440 Ross Street in downtown Pittsburgh. More information about the Court's self-help services can be found at www.alleghenycourts.us/family/selfhelpcenter.aspx.
- C. All opposing parties/attorneys **MUST** be copied on any email sent to the Court. The Court will not consider documents or communications sent from one party without verification that it was also sent to the opposing party.
- D. Information about all court procedures can be found at www.alleghenycourts.us.

II. Submission of Documents

- A. **All pleadings that are submitted to Judge McGough MUST contain the -005 suffix at the end of the docket number.** Pleadings without a docket number in the proper format may be returned.
- B. When submitting a document by email, please use the case name as the subject for the email (e.g., John Smith v. Jane Smith).
- C. Additionally, please name all files and documents you send to the court with the case name listed **first** (e.g., John Smith v. Jane Smith – Proposed Order).
 - 1. Also be sure to number all pages of each document or exhibit before they are submitted to the Court. The Court has numerous cases and must be able to efficiently address and keep track of case filings. **Failure to do this may result in your submission being returned for correction.**
- D. In all documents submitted to the Court, the use of terms like Husband, Wife, Partner, Mother, or Father are preferred over terms like Plaintiff, Defendant, Petitioner, or Respondent.
- E. The Court is now able to sign and date PDF documents. Proposed Orders that are not consented to by all parties must still be submitted in Word format.

III. General Court Conduct

- A. The Court is using the **Microsoft Teams** application to conduct much of its work, including most **conciliations, motions hearings**, and some **juvenile matters**. See Section IV below for more information.
- B. 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.
- C. **ENTRY OF APPEARANCE.** Attorneys must officially enter a Praecipe of Appearance in each case they appear in before the Court. In Juvenile Court, this must be done electronically through PACFile. Failure to officially withdraw your appearance when necessary may result in disciplinary action.

1. Self-represented parties must also enter their appearance as required by Pa.R.C.P. No. 1930.8. A form is available at www.pacourts.us/learn/representing-yourself/custody-proceedings
- D. It is your responsibility to be aware of and follow the within procedures. The “Revised on” date stated above will be updated any time a revision is made. Please remember that judicial resources are limited and that the Court has a full docket. Accordingly, cooperation and civility between attorneys is more important than ever.
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IV. Remote Proceedings

- A. The Court is using the **Microsoft Teams** application to conduct much of its work, including most **conciliations, motions hearings**, and some **juvenile matters**. Microsoft Teams can be downloaded on most computers and mobile devices. More information can be found at www.microsoft.com/en-us/microsoft-teams/download-app.
1. **NOTICE:** it is a crime to record a remote proceeding without permission from all parties. Any violations will be referred to the district attorney for prosecution.
 2. If you have a remote proceeding scheduled before the Court, you are expected to be familiar with Microsoft Teams and to appear by video from a quiet and private location.
 3. Invitations for remote proceedings will be sent out to the email addresses that the Court currently has on file. It is the responsibility of attorneys to be sure that the Court has an up-to-date email address and phone number for both themselves and their client well in advance of any remote proceeding.
- B. Any necessary documents, such as Marital Asset Summaries, etc., **MUST** be filed electronically seven (7) days prior to the conciliation. If neither party files the proper documentation, the conciliation may be canceled and will only be rescheduled by 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.

1. If both parties are represented by attorneys, the Court will meet with the attorneys without the parties present before involving the parties in the conciliation, if appropriate.
- C. **Trials and Hearings.** The Court will be scheduling trials and hearings to be in-person for attorneys, clients, and self-represented parties. Witnesses may appear by video as explained in subsection E below.
- D. **Juvenile Matters.** Attorneys, caseworkers, probation officers, and parties are to be present in the courthouse for proceedings unless otherwise notified by the Court. All other witnesses are to be remote. The following hearings will remain remote: (1) initial termination of parental rights; (2) aggravated circumstances; (3) bypass; (4) adoptions (if desired by adoptive family); (5) requests for continuances; and (6) other hearings as determined by the Court.
- E. **Witnesses.** Generally, witnesses will be permitted to appear remotely by video. Plan to have your witnesses join the trial by forwarding the Teams invitation to them or have them on standby for you to notify them to join. They should have the Microsoft Teams application downloaded in advance and be familiar with it. It is the party's responsibility to forward the Teams invitation. Witnesses appearing remotely should be instructed to be ready to appear by video in a private and quiet setting.
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V. Motions

A. General Information

1. The procedure for motions is different depending on whether the party filing the motion is represented by an attorney, self-represented, or if the matter is an emergency. Please review the following procedures carefully to ensure that your motion is heard in a timely manner.
2. All motions for Judge McGough must contain the **-005** suffix at the end of the docket number. Pleadings without a docket number in the proper format may be returned.
3. All motions **must** include the Motion Admission Form found on the Fifth Judicial District's website. The form is different for attorneys and self-represented litigants. Both forms can be found at www.alleghecourts.us/family/Default.aspx

B. **Self-Represented Parties.** A self-represented party 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 in the Family Law Center at 440 Ross Street between 8:00 AM and 12:00 PM to meet with staff in the Client Service Center. In addition, self-represented parties may call (412) 350-5600 or email 1stFOP@pacses.com with questions about court procedures. No legal advice will be given.

1. Self-represented parties must follow the above instructions to submit motions to the Court. The Judge cannot accept motions submitted directly from self-represented parties. Self-represented parties who submit motions directly to the Judge will be referred to the Client Service Center for assistance.
2. Self-represented parties responding to a non-emergency motion must submit their response to Client Service Center within **5 days** of when the motion is received. Responses can be emailed to 1stFOP@pacses.com or sent through U.S. mail to **Client Services Center, 440 Ross Street, Pittsburgh, PA 15219.**
 - a. Self-represented parties responding to an **emergency motion** must submit their response to the Client Services Center. Responses must be emailed to 1stFOP@pacses.com. Responses to motions submitted *before* 12:00 PM are due by **3:00 PM**. Responses to motions submitted *after* 12:00 PM are due by **12:00 PM** on the next business day.
3. Non-Emergency Motions will be scheduled for a brief, in-person argument. The parties are expected to appear at the Family Law Center in the scheduled courtroom and be prepared to explain their motion or response to the Judge and to answer any questions that the Judge may have. Parties may request to appear remotely by contacting the judge's chambers.

C. **Attorneys.** Attorneys may submit motions and responses directly to the Court by hand-delivery to the box outside of the judge's chambers or by email to motionsmcgough@alleghencourts.us. **Attorneys are encouraged to hand-deliver motions that exceed ten (10) pages including any exhibits.**

1. Motions that are hand-delivered must be added to the list located outside of chambers at the time of delivery. Motions sent by email must cc the opposing party, if possible, and should be sent as a single file with the following information included in the email: (1) the names of both parties and counsel; (2) the docket number; (3) the date of presentation; and (4) whether the motion is contested or uncontested.
2. Motions and responses must be noticed for the Judge's next scheduled Motions Court day and must be submitted by **12:00 PM** on the *business day* before the scheduled motions day. The Motions Court schedule is available on the Fifth Judicial District's Website at www.alleghecourts.us/docupost/adult_motions.aspx. If in doubt about the deadline for a motion or response, please contact chambers.
 - a. **Please note that regardless of when a motion is submitted to the Court, it must still comply with all requirements regarding notice to the opposing party.** As explained below, seven (7) days' notice of presentation of any motion is required unless it is an emergency or a shorter notice period is consented to by all parties.
 - b. **Motions and responses submitted to the Court shall be filed with DCR before the date set for argument.**
3. Once a motion and response have been submitted, further replies/responses are not permitted unless the response specifically raises new matter or by leave of Court. Parties are discouraged from raising new matter in their response to a motion.
 - a. If you are not contesting a motion, please notify chambers by email to motionsmcgough@alleghecourts.us as soon as possible so that it can be removed from the argument list. **Failure to notify the Court of an uncontested motion may be grounds for future sanctions.**
4. Attorneys on contested motions are expected to appear for argument on the noticed Motions Court day. **Argument is currently being held remotely using Microsoft Teams and parties will receive an email with the invitation before the proceeding begins.**

- a. Attorney motions on uncontested or routine issues may be resolved prior to Motions Court and attorneys will be notified if there is no need to appear.
- 5. Attorneys are expected to fully comply with the Pennsylvania Rules of Civil Procedure and Local Rule 1930 where applicable. As a reminder:
 - a. Motions must include a **Notice of Presentation** and **Certificate of Service** unless presented by consent. The Notice of Presentation and Certificate of Service should be on a separate page of the motion or petition following the cover sheet. **The Notice must specifically state the date, time, and location of argument on the motion.**
 - b. Attorneys are required to **MEET and CONFER** with the opposing party before filing a motion. Please see Administrative Order 225 of 2015 for more information. Attorneys must include the Certificate of Compliance with each filing, preferably at the beginning of the document along with the certificate of service. The Certificate must specify the date that you contacted the opposing party and the way in which that party was contacted. This is required even if the opposing party is not represented by an attorney.
 - c. **Seven (7) days' notice** of presentation of any motion is required absent an emergency or consent by the opposing party to a shorter notice of presentation. Motions that have not been properly served on the opposing party will not be heard.
 - d. Motions must include a **proposed order**, which should be attached as the last page of the motion or petition. If submitting your motion by email, please attach your proposed order as a separate file in the **Microsoft Word** or .docx format.
- 6. If a motion is procedural, the Court may issue an appropriate Scheduling Order before the Motions Court date. Please alert the Judge's staff if a matter is time sensitive (school choice, relocation, etc.).
- D. **Emergency Motions.** The Court has discretion to determine the nature of any motion designated as an "emergency." Failing to allocate sufficient time for a response does not constitute an emergency. A true custody emergency is where

there is an immediate clear and present danger to a child. An emergency includes, but is not limited to, a risk that a parent has or will run away from the county with the child without a known destination, plans to remove the child from Pennsylvania with no intent to return, when neither parent is available to care for the child, or the child is at imminent and serious risk of physical, psychological, or emotional harm.

1. **Self-Represented Litigants** must file emergency motions and responses to emergency motions with the Client Services Center as explained in Subsection A above.
 2. **Attorneys** filing an emergency motion must email the motion directly to the Court at emergencymcgough@alleghecourts.us. This email address is for submissions regarding true emergencies *only*. Emergency motions submitted weekdays **before 12:00 PM** will generally be ruled on the same day. Emergency motions submitted **after 12:00 PM** will generally be ruled on the next business day.
 - a. Along with the submission of an emergency motion, attorneys must notify the judge's chambers of the emergency submission by **telephone call to (412) 350-6556**.
 3. **Attorneys** responding to an emergency motion shall submit a response to emergencymcgough@alleghecourts.us. Responses to motions submitted *before* 12:00 PM are due by **3:00 PM**. Responses to motions submitted *after* 12:00 PM are due by **12:00 PM** on the next business day. Parties must send a copy to the opposing party when submitting their response.
- E. **Consent Motions.** Attorneys may submit motions consented to by all parties directly to the Court by email to motionsmcgough@alleghecourts.us. Consent motions will be accepted at any time. Please include "CONSENT MOTION" in the subject line of the email along with the case caption. The Court will attempt to address consent motions in a timely manner.
1. **QDROs.** You may follow the same procedure for QDROs as for Consent Motions. However, if the institution requires an original ink signature, you may mail or hand-deliver the QDRO to chambers along with a self-addressed, stamped envelope.

- F. **Discovery Motions.** Discovery motions must comply with the requirements of the Court Manual. Motions regarding complex discovery matters will generally be referred to the appropriate Hearing Officer for a conciliation if they can't be ruled on based on the pleadings. Attorneys should submit a proposed order with their motion directing the case to the Hearing Officer and, upon receipt of the signed order, follow the Hearing Officer's Standard Operating Procedures to get a hearing date. The Court will require the moving party to pay the full cost of the Hearing Officer's hearing subject to possible reallocation by the Hearing Officer. Standard Operating Procedures for the Divorce Hearing Officers can be found at www.alleghenycourts.us/family.
- G. **Motions for Contempt or Enforcement.** Motions regarding contempt or enforcement may be referred to the appropriate Hearing Officer for resolution. Attorneys are specifically encouraged to submit a proposed order with their motion directing the case to the Hearing Officer if it involves enforcement of a MSA or ED/Divorce Consent Order. The Court will require the moving party to pay the full cost of the Hearing Officer's hearing subject to possible reallocation by the Hearing Officer. Standard Operating Procedures for the Divorce Hearing Officers can be found at www.alleghenycourts.us/family.
- H. **Equitable Distribution.** If you believe a case is ripe for an Equitable Distribution conciliation or hearing, submit a motion to motionsmcgough@alleghenycourts.us. In your motion, you MUST demonstrate that the matter is ripe for the requested proceeding. If grounds for divorce have been established, you may go directly to the Hearing Officer. Unless the motion is consented to by all parties, it will be held for seven (7) days to allow for response. Include a Proposed Order directing the case to the Hearing Officer and, upon receipt of the signed Order, follow the Hearing Officer's procedures to have the matter scheduled for a conciliation. The Court will split the cost of the hearing unless otherwise requested/determined.

VI. Courtroom Decorum

- A. Any party/participant, including an attorney, who is experiencing symptoms or illness or is in quarantine should remain at home and participate remotely. Attorneys should inform the Judge of any client or witness requesting to appear remotely due to illness/quarantine.
- B. No ringing cellphones or other audible devices are permitted in the courtroom.
- C. All proceedings shall be conducted in a dignified and formal manner.

- D. This Court maintains a zero-tolerance policy toward incivility. During proceedings, discussion between attorneys is only permitted to expedite matters; argument between attorneys is strictly prohibited. All remarks should be addressed to the Court. Attorneys should never act or speak disrespectfully to the Court, the Court's staff, or opposing counsel in any manner.
 - E. Witnesses are expected to be in a quiet and private location and able to participate by video. If a person does not have Wi-Fi access, a party may request that a witness be able to participate by phone, but that request should be made before the hearing begins. Attorneys or the parties are responsible for explaining how to access the proceeding to their witnesses.
 - F. Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or disrespected in any manner.
 - G. In all cases, but particularly in custody cases, attorneys should be mindful of the time allotted for trial and should plan their presentation accordingly. Additional trial time may not be available for several months.
 - H. While many proceedings are of an emotional nature, attorneys are expected to allow opposing counsel to finish their statements without interfering (other than objections) or talking at the same time.
 - I. Attorneys should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.
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VII. Court Schedule

- A. **The scheduling procedure for the Adult Family Division has recently changed.** More information on the updated procedures can be found at: www.alleghecourts.us/downloads/Family/AdultFamilySchedulingProceduresOnline.pdf
- B. It is the Court's expectation that attorneys shall comply with all Orders of Court prior to attendance at conciliation or trial. Failure to timely file appropriate documents, such as stipulations, offers, pre-trials, proposed orders, etc. may result in a continuance of the proceeding and/or the imposition of fines and counsel fees.

- C. Court proceedings, 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.
- D. Parties with matters before the Court may submit a Motion to motionsmcgough@alleghenycourts.us to schedule a judicial conciliation/trial. Please note the number of days of trial requested in the motion. Parties are advised to choose the least number possible, as the Court's resources are limited. The Court will schedule conciliations/trials according to the Court's schedule and you will receive notice when the matter is scheduled.

VIII. Custody Trials

- A. **Pre-Trial Statements** and all other required documents should be emailed to the Judge's staff at mcgoughproposedorder@alleghenycourts.us as set forth in the pre-trial order you received from Judge McGough. **Follow the instructions in your pre-trial order.**
- B. **Witnesses.** Generally, witnesses will be permitted to appear remotely by video. Plan to have your witnesses join the trial by forwarding the Teams invite to them or have them on standby for you to notify them to join. They should have the Microsoft Teams application downloaded in advance and be familiar with it. It is the party's responsibility to forward the Teams invitation. You **MUST** retain the email with the invitation so it can be forwarded to your witnesses. Do not expect judicial staff to manage your trial for you.
- C. **Settlement.** Do not use your trial date as a place holder for you and your opponent to reach settlement. The Court is facing a backlog and it is wasteful to take up a day of judicial resources when another case could be scheduled for that day.
 - 1. In the event a matter is settled prior to a proceeding, including conciliation, the Court will expect an appropriate order. In the event a matter is settled prior to trial, attorneys shall be responsible for notifying the Docket Clerk and the Court so that the matter can be removed from the Court's calendar.

2. All proposed custody settlement orders should conclude with the following language: This is a Final Order of Court. Notice as required by Rule 236 shall be sent by the Department of Court Records.
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IX. Child Support

- A. **Exceptions.** Please refer to the Fifth Judicial District's Website for the procedure to file exceptions to the Hearing Officer's report and recommendation in child support matters.
 1. You have **20 days** from the date of the mailing of the report to file Exceptions. Exceptions should be substantially in the form as provided for under Pennsylvania Rules of Civil Procedure 1910.12(f).
 2. Before filing Exceptions, you must order the transcript of the hearing by contacting the Office of the Court Reporter.
 3. The Court will generally decide all exceptions after a review of the record, the filings, and the transcript. If the Court determines that an argument would aid the Court in making its decision, then the parties will be notified, and a hearing will be scheduled.
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X. Divorce

- A. **Hearings.** Parties must obtain an Order of Court approving grounds for divorce as set forth in Pennsylvania Rule of Civil Procedure 1920.42 before scheduling a hearing with the Divorce Hearing Officer. The statutory requirements for grounds to be established are set forth in 23 Pa.C.S.A. §3323(9).
 1. For reference, a blank Praeceptum for Order Approving Grounds for Divorce is available at www.alleghenycourts.us/family. It can be submitted along with a proposed Order Approving Grounds for Divorce to chambers by emailing it to motionsmcgough@alleghenycourts.us.