

STANDARD OPERATING PROCEDURES FOR JUDGE KIM BERKELEY CLARK

440 Ross Street—Suite 531
Pittsburgh, PA 15219
(412) 350-0269

Executive Assistant—Ms. Reneé Giles
Law Clerk—Ms. Gabrielle Campbell, Esq.

Secretary—Ms. Christine Oliver
Tipstaff—Mr. Callen Taylor

I. CONTACT WITH CHAMBERS

- A. **INQUIRIES**—Inquiries concerning Court procedures and the appropriate method for contacting or communicating with the Court should be directed to the Secretary, Executive Assistant, Tipstaff, or Law Clerk.
Judicial staff are prohibited from answering inquiries regarding substantive and legal matters.
- B. **EMAIL CORRESPONDENCE**—Counsel and/or the parties should not correspond with the Court by e-mail unless specifically invited to do so or as permitted by these Standard Operating Procedures.
- C. **EX PARTE COMMUNICATION**—Counsel and/or the parties shall not engage in *ex parte* communication concerning a pending case with the Court or staff. Such communication may be deemed a cause for referral to the disciplinary authorities, or other appropriate sanctions.
- D. **HOURS OF OPERATION**—The Judge’s Chambers is staffed from 9:00 AM to 4:30 PM. On most days, staff goes to lunch from Noon to 1:00 PM.

II. CUSTODY, SUPPORT, & OTHER DOMESTIC RELATIONS MATTERS

A. MOTIONS

- 1) **Attorney Motions**—When all parties are represented by counsel, motions shall be presented electronically by sending a copy of the motion to the court via email at: Motionsclark@allegheycourts.us. The Motion shall include a proposed order. **Motions must be served on opposing counsel.** Motions shall be properly filed with the Department of Court Records. A copy of the motion shall also be e-mailed to: gcampbell@allegheycourts.us, coliver@allegheycourts.us, rgiles@allegheycourts.us and ctaylor@allegheycourts.us.
- 2) The party presenting the motion must indicate in the email that they have conferred with opposing counsel and/or the other parties and, whether opposing counsel

and/or the other parties have an objection to the motion, have no objection to the motion, or consent to the motion.

- 3) If a party consents to or does not object to the motion, the court will enter an order and email the copies of the Order to counsel and/or the parties. The court will file the original Order with the Department of Court Records.
- 4) If a party does not consent to or opposes the motion, the Court will schedule a remote hearing on the motion through **Microsoft Teams**. The Court and the parties shall follow the protocol for remote hearings, set forth below.
- 5) **Unrepresented parties**—If a party is not represented by counsel, motions shall be presented in open court on any day that Judge Clark is on the bench. **Motions shall be served upon counsel and the other parties personally or via 1st class mail. The Motion shall contain notice of the date and time for presentation of the Motion.** The party presenting the motion shall contact the chambers of Judge Clark at (412) 350-0269 to obtain a date and time for presentation of the motion. If the motion is an emergency, and judge Clark is unavailable to hear the motion, then the Motion shall be presented to a judge that is hearing Family Division Motions. The motions court schedule is available on the Court website at <http://www.alleghencycourts.us>.
- 6) A copy of the motion shall be provided to the court via email at: Motionsclark@alleghencycourts.us. The Motion shall include a proposed order. Motions shall be properly filed with the Department of Court Records. A copy of the motion shall also be e-mailed to:
gcampbell@alleghencycourts.us
coliver@alleghencycourts.us
rgiles@alleghencycourts.us
ctaylor@alleghencycourts.us.
- 7) The party presenting the motion must indicate in the email that they have conferred with opposing counsel and/or the other parties and, whether opposing counsel and/or the other parties have an objection to the motion, have no objection to the motion, or consent to the motion.

B. HEARINGS & TRIALS

- 1) Hearings and trials will be in person. Attorneys and Parties are expected to appear in person.
- 2) Parties may appear remotely with the permission of the court.
- 3) Witnesses may appear remotely upon agreement of counsel or the parties.
- 4) **Any person appearing remotely, must appear by video, unless participation by telephone is approved by the court.**

- 5) Everyone entering Judge Clark's courtroom will be treated with dignity and respect and Judge Clark expects anyone who enters the courtroom to be respectful. Therefore, appropriate behavior is expected.
 - a) All electronic devices shall be turned off or placed on silent.
 - b) Texting, tweeting, emailing, and internet surfing are not allowed.
 - c) Only attorneys at counsel table are permitted to use laptop computers. If you need to use your cell phone or an electronic device, please quietly leave the courtroom.
 - d) Please do not read newspapers or magazines in the courtroom.
 - e) If you are an attorney waiting for your case, you may *quietly* review your files while seated in the courtroom.
 - f) Food and drink (except water) are generally not permitted.
- 6) Appropriate dress is also required. The following clothing is not permitted: shorts; halter tops; tank tops; t-shirts with inappropriate writing, pictures, or logos; undershirts; midriff tops; bare bellies; or other inappropriate or revealing clothing.
- 7) In the interest of the health and safety of all, the Court may require participants to wear masks. Please comply with this request.
- 8) **It is the responsibility of counsel to instruct their clients and witnesses on appropriate behavior and dress.**
- 9) When documents are to be entered into evidence and/or presented to the court, counsel should provide copies to opposing counsel and to the Court Except in extraordinary circumstances, court staff will not make copies of exhibits or documents. Exhibits should be pre-marked.

II. JUVENILE COURT MATTERS (INCLUDING TERMINATION OF PARENTAL RIGHTS)

A. MOTIONS

- 1) Motions shall be presented electronically by sending a copy of the motion to the court at Judge Clark's email address. The Motion shall include a proposed order. A copy the motion shall be emailed to all counsel. **All motions shall be filed electronically through PACFile.** A copy of the motion shall also be emailed to jkapsha@alleghecourts.us and ctaylor@alleghecourts.us.
- 2) A copy of the motion shall be e-mailed to the caseworker in dependency matters and the juvenile probation officer in delinquency matters. **For dual supervision cases, both the caseworker and the probation officer shall be served as well as counsel for the parties in both the dependency and delinquency case.** If a court-

appointed advocate (CASA) has been appointed, a copy to the motion shall be sent to CASA via e-mail.

- 3) The party presenting the motion must indicate whether opposing counsel and/or the other parties have an objection to the motion, have no objection to the motion, or consent to the motion.
- 4) If a party consents to or does not object to the motion, the Court will enter an order through CPCMS/PACFile.
- 5) Motions requiring argument or a hearing may be presented in court at 9:00 AM on any day that Judge Clark is hearing juvenile cases. If a full hearing is needed, the Court will schedule a hearing for a date and time certain.
- 6) If the motion is an emergency, and judge Clark is unavailable to hear the motion, then the Motion shall be presented to the judge who is hearing Juvenile Motions.

B. HEARINGS & TRIALS

- 1) Unless otherwise specified, hearings and trials will take place in Courtroom 220 of the Family Law Center, 440 Ross Street/550 Fifth Avenue, Pittsburgh, PA 15219.
- 2) Hearings and trials will be in person. Attorneys and Parties are expected to appear in person.
- 3) Parties may appear remotely with the permission of the court.
- 4) Witnesses may appear remotely upon agreement of counsel or the parties.
- 5) **Any person appearing remotely, must appear by video, unless participation by telephone is approved by the court.**
- 6) Everyone entering Judge Clark's courtroom will be treated with dignity and respect and Judge Clark expects anyone who enters the courtroom to be respectful. Therefore, appropriate behavior is expected.
 - a. All electronic devices shall be turned off or placed on silent.
 - b. Texting, tweeting, emailing, and internet surfing are not allowed.
 - c. Only attorneys at counsel table are permitted to use laptop computers. If you need to use your cell phone or an electronic device, please quietly leave the courtroom.
 - d. Please do not read newspapers or magazines in the courtroom.
 - e. If you are an attorney waiting for your case, you may *quietly* review your files while seated in the courtroom.

- f. Food and drink (except water) are generally not permitted.
- 7) Appropriate dress is also required. The following clothing is not permitted: shorts; halter tops; tank tops; t-shirts with inappropriate writing, pictures, or logos; undershirts; midriff tops; bare bellies; other inappropriate or revealing clothing.
- 8) In the interest of the health and safety of all, the Court may require participants to wear masks. Please comply with this request.
- 9) **It is the responsibility of counsel to instruct their clients and witnesses on appropriate behavior and dress.**
- 10) When documents are to be entered into evidence and/or presented to the court, counsel should provide copies to opposing counsel and to the Court. If possible, exhibits should be sent to counsel and the court via email prior to the hearing/trial. Exhibits should be pre-marked. Except in extraordinary circumstances, court staff will not make copies of exhibits or documents. Exhibits should be pre-marked.

III. PROTOCOL FOR REMOTE PARTICIPATION IN HEARINGS

A. GENERAL PROVISIONS

- 1) Hearings and trials will be in person. Attorneys and Parties are expected to appear in person.
- 2) Parties may appear remotely with the permission of the court.
- 3) Witnesses may appear remotely upon agreement of counsel or the parties.
- 4) **Any person appearing remotely, must appear by video, unless participation by telephone is approved by the court.**

B. PROTOCOL BEFORE THE HEARING

- 1) As soon as possible, after a matter is scheduled, but no later than twenty-four (24) hours before the scheduled hearing, the Court shall send an invitation to the hearing through **Microsoft Teams** to counsel, the caseworker or probation officer, court staff, and CASA.
- 2) If a witness or party (as specified above) is to participate remotely, it is the responsibility of the attorneys to provide the information to their clients and their witnesses via the remote hearing notice below.

- 3) **All parties and witnesses should join or enter the hearing least five minutes before the scheduled starting time of the call.**
- 4) If the hearing is delayed, the court will send an email informing those participating remotely of the delay with instructions. Please make sure to check your email prior to joining the hearing or if you have joined and the hearing has not begun on time.

C. PROTOCOL DURING THE HEARING

- 1) Persons participating remotely must utilize a device with a working camera (unless otherwise given permission by the Court).
- 2) Persons participating remotely must turn their cameras on at the beginning of the hearing and the camera shall remain on unless given permission by the Court to turn the camera off. The camera must be on during the testimony of any witness.
- 3) Persons participating remotely shall identify whether anyone else is with them in the room during their testimony. The court may require persons to leave who are not parties or witnesses.
- 4) **Persons participating remotely must be in a quiet private place. Persons participating remotely may not participate in a moving vehicle or outdoors.**
- 5) Microphones should be muted until the person participating remotely is asked to speak.
- 6) Remote participation is the same as physically being in the courthouse, therefore the procedures with respect to behavior and dress, set forth above, apply to remote participation.
- 7) It is the responsibility of counsel or a party presenting a witness remotely, to explain these rules to their witnesses/clients who are participating remotely.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
NOTICE OF REMOTE HEARING

Family Division

Case Caption: _____

Docket Number: _____

A _____ hearing is scheduled before Judge Kim Berkeley Clark for the _____ day of _____ 20____ at _____.

You may participate in the hearing through Microsoft Teams.

To join the meeting by video or audio, please follow the instructions below. Please call in or connect 5 minutes before the scheduled time of the hearing. **Please understand that another hearing may still be in progress and that you may have to wait until others join the hearing. We ask for your patience and that you stay on the line until we have concluded the previous hearing.**

INSTRUCTIONS

TO JOIN THE HEARING BY VIDEO:

If you received an email invitation, you can join by video using a smart phone, iPad or tablet, or a laptop or computer with a camera and a microphone.

To join the meeting by video you must use Microsoft Teams. The email invitation you receive will contain a link to the meeting with instructions on using Teams. Teams is available over the web or by installing an app on your phone, iPad, tablet, or laptop.

If you are using Teams on an iPhone or iPad, You should download the Microsoft Teams App from the App Store.

For more information on using Teams, please connect to the tutorials through this link:
https://support.office.com/en-us/article/microsoft-teams-video-training-4f108e54-240b-4351-8084-b1089fod21d7?wt.mc_id=otc_home

TO JOIN THE HEARING BY AUDIO ONLY WITH YOUR PHONE (No email invitation required):

Dial: **1-412-677-0645**

When prompted, put in the following Conference ID Number following by #:

This Conference ID Number is also listed in the email invitation you received.