

STANDARD JUDICIAL OPERATING PROCEDURES

THE HONORABLE THOMAS E. FLAHERTY
COURT OF COMMON PLEAS—FAMILY DIVISION
703 CITY-COUNTY BUILDING
PITTSBURGH, PA 15219

Revised August 14, 2006

CONTACTS WITH OFFICE

1. All matters will be presented to the court by way of motion or petition. The Court will not entertain emails, faxes, letter or telephone calls requesting action.
2. Counsel should not correspond with the Court by email, unless invited to do so.
3. Counsel and/or parties shall not engage in ex-parte communication concerning a pending case with the Court or the staff.

MOTIONS

1. Beginning September 1, 2006, all motions, including Pro Se Motions, will be heard in Courtroom 3 on the 7th Floor of the City County Building. Pro Se Motions will be heard starting at 1:00 PM and attorney Motions at 1:30 PM. This information will be published in the Pittsburgh Legal Journal and is also available on the Court website, which is <http://www.alleghenycourts.us>
2. Listing Motions for Argument: The sign-up list for argument will be available at least seven (7) days prior to the argument date. On days when motions are heard at 1:30 PM., the sign-up list will remain available until 9:30 AM on the argument date. On days when motions are heard at 9:30 AM, the sign-up list will remain available until 12:00 PM on the day prior to the argument date. Any answers or other responses must be filed by this

time as well. Any motions listed after this time will be heard at the discretion of the Court. Uncontested and consent motions will continue to be accepted any time.

3. Motions may be mailed or delivered to the Court prior to the time scheduled for motion. The Court will **not** accept motions delivered by fax. 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. The motion will be placed on the list when received. If the motion is withdrawn or consented to after sign-up, please notify either the Court's staff immediately so that the Court does not waste time reviewing those motions prior to the 9:30 A.M. start time. If a motion is withdrawn, the motion should be removed and the name deleted from the list.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 with prejudice.
4. Should counsel choose to send their motion to the Court via mail or otherwise, the cover letter should not contain any substantive information. Any and all pertinent matters should be contained in the motion itself. Any information contained in cover letters will not be considered.
5. If a motion is being presented on a case with which the Court is familiar, counsel should notify either the Tipstaff or the Law Clerk so that the Judge's file may be brought to Motions Court.
6. Motions may be presented at a scheduled conciliation, but only upon proper notice to opposing counsel, or with the consent of opposing counsel.
7. All motions should be clearly marked with the appropriate numerical suffix indicating which Judge the case has been assigned to, or should contain some explanation (by post-it-note, etc.) as to why no suffix has been added (case commenced by PFA, a pre-1997 case, etc.).

8. The Court will not entertain motions or matters assigned to another Judge unless that matter is a consent motion **and** does not involve enforcement or calendar control issues. The Court may, at its discretion, hear emergency matters involving cases assigned to another Judge, however, counsel is forewarned that the matter must be a true emergency and it will be this Court's policy to enter only a temporary order until such time as the matter can be heard by the Judge assigned to the case. It is not an emergency if counsel is not available when the assigned Judge is scheduled.
9. The Court will sign consent orders prior to the beginning of Motions Court. In the event there is any problem with the consent motion or proposed order, it will be dealt with in Motions Court. Counsel should not assume that the order will be signed and should be available in the event the Court has questions.
10. It is recommended that proposed orders scheduling a conference hearing of any kind should include proper notification language, such as, "if a party fails to appear at a conference and/or hearing as directed by this Order of Court, the Court may issue a bench warrant for the arrest of said party."
11. Discovery Motions: The Court will only entertain discovery motions that comply with the requirements of the Court Manual. This includes a completed chart of questions and responses. Should counsel fail to comply with the requirements of the Court Manual, the Court retains discretion to refuse to hear the matter.
12. Counsel should be aware that once the motion is filed with the Prothonotary, all pages of the motion, including exhibits and other attachments, will be scanned and published on the Prothonotary's website. Accordingly, counsel should be particularly careful about attaching documents of a sensitive nature and/or documents with social security numbers or financial information.

In the event such information is pertinent to the matters contained in the motion, but counsel does not want this information on the Prothonotary's website, counsel should

submit this information separately, but simultaneously, with the motion. In no circumstances should counsel or the party wait until the motion is being argued to submit pertinent documents.

13. Counsel should be familiar with all Administrative Orders and local rules, including, but not limited to, the rule concerning continuance within thirty (30) days of a scheduled date. Continuances, even if consented to, will not be granted within the 30-day period, except for good cause that is appropriately pled in the motion for continuance.
14. Counsel should provide, as expeditiously as possible, the Court's secretary with a courtesy copy of any orders scheduling or changing a date which 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.

COURT SCHEDULE

1. It is the Court's expectation that counsel will fully comply with **all** Orders of Court prior to attendance at a conciliation. Failure to timely file necessary, essential, or appropriate documents such as stipulations, inventories, summaries, offers, pretrial statements, etc., **will** result in a cancellation of the conciliation and/or counsel fees.
2. Counsel should make themselves familiar with this Court's standard orders for conciliations and pretrials, which may differ from orders utilized by other Family Division Judges. Standard orders accompany the Court's scheduling orders, but such orders are also available by calling the Tip Staff, Law Clerk, or Secretary.
3. Court, including conciliations and arguments, shall begin at the appointed time. Lateness may result in the proceedings beginning without counsel, and, in extreme cases, fines and/or counsel fees. Promptness is expected of parties and witnesses. Any scheduling conflict should be resolved in advance of any appearances.
4. Except in rare circumstances, attendance in another hearing or courtroom, which delays counsel, will not be considered an excuse.

5. Under usual circumstances, the Court will hear Exceptions arguments in order listed in the P.L.J. From time to time, the Court may move an argument to the beginning of the list, for good cause. However, such procedure will be the exception and will be dealt with on a case-by-case basis. Counsel should note that Exceptions are often withdrawn or continued, so that the list in the P.L.J. may not be accurate. Counsel should appear at 9:30 a.m. If counsel fails to appear at 9:30 a.m. because the case is listed late in the list, counsel does so at their own peril.
6. In the event that a matter is settled prior to a proceeding, including a conciliation, the Court expects that an appropriate Order shall be submitted, including the appropriate “consented to” language and signatures by both parties and/or their representatives.
7. If counsel believes that a court reporter is necessary for a particular proceeding, then counsel must notify the Tip Staff so that arrangements may be made, subject to the Court’s approval.
8. If counsel believes that a meeting with the Court, on the day of the proceeding, prior to a trial or hearing may be helpful or necessary, both counsel should inform the Tipstaff as early as possible. If counsel requests such a meeting, it is the Court’s policy to meet with both counsel in chambers at the time set for the trial. However, if the meeting is to be protracted, every effort should be made to schedule it prior to the time set for the trial to commence. (For example, if trial is to start at 9:30 a.m., counsel should endeavor to schedule the meeting at 9:00 a.m. or before.)
9. In the event a matter is settled prior to trial, counsel shall be responsible for notifying the Docket Clerk **AND** this Court so that the matter can be removed from the Court’s calendar.

MISCELLANEOUS ITEMS

1. Counsel will be required to submit a proposed Order of Court either at the time of or prior to any trial or hearing.
2. Testimony via telephone is allowed by permission of the Court. Such permission should be obtained prior to trial or hearing.
3. In the event any equipment (audio, visual, recording, etc.) is necessary for a trial or hearing, counsel must make appropriate arrangements through the Bar Association or a third party. Except in rare circumstances, the Court does not have the capability to provide these services.
4. Pro Se Motions
 - a. Beginning September 6, 2006, the Court will not consider matters assigned to other Judges at Pro Se Motions. All Pro Se motions heard by this Court will be assigned to this Judge.
 - b. From time to time, because of the Court's familiarity with a particular case, the Court may elect to permit or require particular pro se litigants to appear at regular motions.
 - c. Pro Se Motions, except for the circumstances in b. above, will not be accepted prior to the date of presentation.
 - d. Pro Se Motions will be heard at 1:00 PM on the days that attorney motions are scheduled according to the motions schedule published in the Pittsburgh Legal Journal.

COURTROOM DECORUM

1. No food or drink is permitted in the Courtroom.
2. No ringing cell phones or audible pagers are permitted in the Courtroom.
3. Any proceeding in the Courtroom, whether motions, arguments, or trial, shall be conducted in a dignified and formal manner.
4. This Court maintains a zero tolerance policy toward incivility. Colloquy between counsel is permitted only 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's staff or opposing counsel in any manner.
5. Only counsel and parties may sit at counsel table, unless the Court permits otherwise. In appropriate circumstances, the Court may permit counsel to bring a Paralegal Assistant to the counsel table.
6. At trial or at hearings, witnesses and parties should be instructed to wear appropriate attire. In addition, witnesses and parties should be instructed as to proper behavior when Court is in session.
7. Children who are the subject of the litigation or who are in any way involved in the litigation, are **under no circumstances** to be present in the Courtroom during any proceeding unless requested by the Court. Counsel should advise clients to make appropriate child care arrangements. Counsel and parties should be familiar with the Children's Room hours of operation.
8. Counsel should advise clients that, while they are certainly welcome to attend Motions or arguments on Exceptions, they are **not permitted to address the Court** unless requested by the Court to do so. In such cases, counsel are requested to advise the Court that their clients are present in the Courtroom.

TRIAL PROCEDURES

1. In all cases, but particularly in custody cases, counsel should be mindful of the time allotted for trial and should plan their presentations accordingly. Additional trial time may not be available for several months.
2. Difficult Legal Issues—If difficult questions of law or evidence are anticipated during the trial, counsel should alert his or her opponent, and this Court. Additionally, counsel shall provide the Court with appropriate case law or a very brief Memorandum of Law.
3. Exhibits—When counsel intends to enter a document into evidence and/or present a document to the Court, counsel should provide copies to opposing counsel and to the Court. The Court and its staff are not equipped to make copies for counsel.
4. Rise when addressing the Court or making objections.
5. Witnesses, including the opposing party should be treated with fairness and consideration. They should not be shouted at or ridiculed in any manner.
6. 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.
7. Counsel will be required to submit a proposed Order of Court and proposed Findings of Fact to the Court either at the time of or prior to trial.

SUBMISSION OF DOCUMENTS

In all documents submitted to the Court, use of the terms “Husband” and “Wife” are preferred over “Plaintiff” and “Defendant” or “Petitioner” and “Respondent.”

All original pleadings and other filings should be filed with the Family Court Prothonotary, with a courtesy copy provided to the Court.

AMENDMENT

It is anticipated that these procedures will be amended from time to time.