



Family Law Center
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Pittsburgh, PA 15219
Telephone: 412-350-5798

Standard Operating Procedures for Judge Cathleen Bubash

COURT PERSONNEL

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(EFFECTIVE NOVEMBER 1, 2022 *MAJOR CHANGES TO STANDARD OPERATING PROCEDURES (See highlighted below)

NOTICE: IT IS A CRIME TO RECORD ANY MEETING WITHOUT PERMISSION. VIOLATIONS WILL BE REFERRED TO THE DISTRICT ATTORNEY FOR PROSECUTION.

NOTE: SELF-REPRESENTED PERSONS: WITH EXISTING CASES:

Non-emergency questions: custodydepartment@allegheycourts.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 of the Client Service Center, 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.*

EFFECTIVE NOVEMBER 1, 2022 *The court will resume IN-PERSON for all exceptions hearings, motions and trials and hearings (children and other witnesses may be via TEAMS). The court's motions will continue to be submitted electronically.*

CASES WITH LAWYERS

IMPORTANT: We will resume IN-PERSON protocol for all matters, with the following deviations, effective November 1, 2022.

MOTIONS: The Judge will be in person in the assigned courtroom during the time scheduled for Motions. All motions shall continue to be submitted *electronically* to motionsbubash@alleghenycourts.us or emergencybubash@alleghenycourts.us, if the motion is an emergency. If you have a consent motion or both sides agree to have the motion heard on paper (i.e., you do not need to appear) you should inform the court. It is highly recommended that you bring a hard copy of your motion and responses to Court. Any Orders will be emailed to you for you to file with the DCR.

Cutoff for submission of motions is 12 noon the day prior to the scheduled Motions date. Motions shall be submitted electronically.

EXCEPTIONS: The Judge will be in person in the assigned courtroom during the time scheduled for Exceptions. If you agree to the court hearing your exceptions on the briefs only (i.e., you do not need to appear), you should inform the Court.

CONCILIATIONS: Attorneys and clients may be remote. The judge will be in the office. If you request an in-person conciliation, please let the court know and it will be granted. As per pre-pandemic procedure, the court will entertain the scheduling of a telephone conference call with counsel to handle discrete substantive matters or ministerial matters efficiently.

HEARINGS AND TRIALS: Attorneys and their Clients must be IN-PERSON in the courtroom during the trial. Ancillary witnesses may be via TEAMS, much like witnesses may have been called via telephone in the past. If there is a good reason for a Party to appear remotely, please request it of the Court.

The Court will always do interviews of children via TEAMS, unless otherwise decided.

***** NOTE RE: CANCELLATION/POSTPONEMENT OF ANY CONCILIATION OR HEARING BEFORE THE JUDGE OR OTHER BODY:** If you request any Order from the Judge which POSTPONES/CANCELS a hearing or review in front of the Judge, a DHO (Ferguson,

Newsome, O'Bara) a custody DRO (Ross, Biasca), Generations, or a support DRO or HO, you must inform the appropriate person of the cancellation immediately so as to not waste court resources. (Would that this would happen magically!) For example, merely stating that a matter is cancelled in the body of a special relief request does not automatically telegraph to anyone that it is not moving forward. So, the matter remains on the calendar and that time is not able to be used for another family that is waiting. Court Orders drive action in our building (If, we see them) and also keep the docket clear.

Please remember to include the postponement/cancellation of the matter in your proposed Order to make it clear that another matter is being cancelled. Then send it to the appropriate person so that it can be removed from the calendar for that person.

Docket Clerk's email: Patricia Harpur: patricia.harpur@alleghenycourts.us.

COUNSEL:

1. 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.**
2. Use the case name in the **subject line** of any email. I.E.: Smith, Mom's motions for special relief.
3. 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.
4. DIVORCE MASTERS are now referred to as Divorce Hearing Officers, hereinafter DHOs.
5. **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.

6. **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.

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- If a witness will be remote, plan to have them 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.

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@alleghencourts.us. The party presenting the Motion must use the Court's motion form which is located on the website to indicate the following information: **Emergency motions are to be presented in person to the Judge on her assigned motions date.**

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?

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 as things were being filed that should have been redacted. So that they may be redacted, the Court will either hand a signed document to you to file or email signed and dated copies of the Petition and/or the Order to counsel to be filed with the petition/motion. If you see the DCR on an email - that means the Court has filed the documents.

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.

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@alleghencourts.us

You should notice your motions for In-person presentation to the Court on its assigned Motions date.

Motions shall be submitted electronically.

ANSWERS/RESPONSES: Indicate specifically to what you are admitting or denying. The Court may not have the motion on paper and toggling b/n the filings electronically is burdensome. **If you have a response/answer to a motion that you have not submitted electronically to the court before the deadline (12 noon the day before) bring a hard copy to the Court**

NON-EMERGENCY MOTIONS, EXCEPTIONS, QDROs, UNOPPOSED AND CONSENT

ORDERS: E-mail to: motionsbubash@alleghencourts.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?

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 email the QDRO 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

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@allegheycourts.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@allegheycourts.us.

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 conciliation by using the consent form. Include a consent 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 hearings unless otherwise requested/determined. For a trial, THE CASE MUST BE RIPE – Grounds must be formally established before you go to a DHO hearing.

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., unless in-person conciliation is requested 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.

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.

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.