

Standard Judicial Operating Procedures

Revised as of October 26, 2022

Honorable Chelsa Wagner
Adult Section, Family Division
Court of Common Pleas, Allegheny County
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**** As a general principle, Judge Wagner wants her chambers to operate in as remote an environment as possible, since in almost all cases an email is more efficient and cost-effective than a trip into the courthouse. So, when in doubt about something, send an email with attachment to the Judge's Law Clerk at bkorinski@alleghencourts.us.**

**** Since Judge Wagner and her staff are often in rotating courtrooms and not inside their chambers, the best way to contact chambers is through email and, if necessary, by telephone. Emails and messages will be checked on the day they are received.**

**** All Hearings and Trials will be occurring in-person inside of the courthouse. As addressed below, Exceptions Arguments and Motions Arguments will be conducted in-person unless the parties opt-out of Oral Argument. Parties will also not receive a Motions Argument where the opposing party has failed to file a timely response. Judge Wagner will continue to conduct Conciliations in a remote environment. If you have a question about whether you need to come into the courthouse, send an email to the Judge's Law Clerk at bkorinski@alleghencourts.us.**

I. COMMUNICATION WITH THE COURT

- Communications with Judge Wagner's staff may address scheduling and administrative matters only. For questions about court procedure, you may speak to the Judge's Law Clerk. The best way to do this is to e-mail bkorinski@alleghencourts.us. In most cases, you will receive a response to your question on the same business day. You may also call chambers at 412.350.0392. If you need to speak to the Law Clerk about an urgent matter that does not lend itself to be adequately described in an email, you may call the Law Clerk on his cell phone at 412.760.7848. Don't abuse the cell phone!

- The Court cannot give legal advice about your case. If you do not have an attorney, you should speak with the Client Services Center (CSC). For more information about the court's self-help services, visit www.alleghencourts.us/family/selfhelpcenter.aspx.
- Information about all court procedures can be found at www.alleghencourts.us.

II. GENERAL CONDUCT AND INFORMATION FOR ALL CASES

- Under no circumstances is the recording of any proceeding or matter before the Court permitted. This includes all proceedings conducted via the TEAMS application. Only court personnel are authorized to generate an official recording/transcript of judicial proceedings.
- It is imperative that all lawyers enter a praecipe of appearance in each case before they appear in Court. Failure to officially withdraw your appearance may result in disciplinary action. In other words, once you are in, you are in the case until given permission to withdraw and you are not "in" until you enter your appearance.
- It is imperative for the court to have email addresses and phone numbers of parties and lawyers. In the event of a technology failure, you need to be contacted. Even though many proceedings have returned to in-person, it is still essential for the court to have readily accessible contact information.
- 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 follow this rule will cause the Law Clerk to become befuddled and irate.
- Use the case name in the subject line of any email. I.E.: Smith, Mom's Motion for Special Relief.
- All persons present in the court proceeding (whether remote or in person) must be identified and visible – this goes especially for in-person proceedings: no hiding!

III. SELF-REPRESENTED PERSONS WITH EXISTING CASES

- 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, 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.**
- **This Court will not act on any motion that has not been served or given proper notice to the opposing party.**
- All Pro Se litigants should first visit and familiarize themselves with the Court's new website: <https://www.alleghencourts.us/family/departments>. It is chock full of useful information. Even if it does not answer your questions, it will help you to ask a better question. Please read it before you direct a inquiry to chambers.

- Please ensure that the Court has your cell phone number and email address by emailing your name, docket number and cell phone number to wagnerchambers@allegheycourts.us. **JUDGE WAGNER REQUIRES ALL PARTIES APPEARING BEFORE HER TO SUBMIT THEIR EMAIL ADDRESSES AND A PERSONAL PREFERENCE FOR NOT USING EMAIL IS NOT AN ACCEPTABLE REASON NOT TO DO SO.**

IV. REGULAR MOTIONS (Presentation by an Attorney)

A. CONTESTED MOTIONS: All contested motions will be considered by this Court (whether on the paperwork alone or after an argument on this Court’s designated motions days as listed on the motions calendar published at www.allegheycourts.us. You should list the designated date in your notice of presentation.

- All motions **must** include the Motion Admission Form that can be found on the Fifth Judicial District website at www.allegheycourts.us.
- Motions must be saved with (a) the case name; (b) the FD number; and (c) the title of the Motion (i.e. Smith v. Smith FD 22-0000-017 Petition for Special Relief).
- All motions must be served upon all other parties **at least seven days prior to the scheduled motions day**; the motion must notify the other parties of the scheduled date when the motion will be considered by this Court. The motion must also be emailed to other parties at least seven days prior to this Court’s scheduled motions date. This Court will not act on any motion that has not been served or given proper notice to the opposing party.
- **A copy of the motion shall be emailed** to the Court at: motionswagner@allegheycourts.us AND bkorinski@allegheycourts.us. Your email must include (1) the complete motion; (2) your proposed order of court with requested relief, which you must attach separately in Word format; (3) the telephone number of all parties and counsel; (4) the email addresses of all parties and counsel; and (5) the request for oral argument form (found at www.allegheycourts.us) if you are requesting an argument. If your email was successfully received, then you will receive an email response of “Received.” **The Court will continue to receive Motions via email.** The Court will NOT have boxes in front of Chambers where Motions can be “signed up.” Your sign-up of your Motion shall be through email, **no exceptions**.
- **When filing the Motion with the Court, please indicate whether you wish for the Court to decide the Motion remotely on the documents submitted.**
- If you do not oppose the requested relief in the motion, you can and should email the Court to say “I do not oppose this Motion.”
- If you are opposing the motion, you must submit a written response explaining your position and the request for oral argument form (if requesting one) and send it to motionswagner@allegheycourts.us AND bkorinski@allegheycourts.us. All responses must be saved with (1) the case name; (2) the FD number; and (3) the title of the Response (i.e. Smith v. Smith FD 22-0000-017 Response to Petition for Special Relief).

- **All Responses will be accepted by email until Noon the business day prior to the scheduled motions date.** When this Court’s scheduled motions date falls on a Monday, the submission cut off will be Noon on the Friday prior to that Monday.
- **If a Response is not received within this deadline, the responding party will not be permitted to argue in opposition to the Motion.**
- **When filing your Response, please indicate whether you wish for the Court to decide the Motion remotely based upon the documents submitted.**
- Once a Motion and a Response are submitted, further Replies/Responses are not permitted absent leave of court. Any additional emails beyond the original submission email, “not contested” email, or the reply submission email will not be considered.
- This Court’s decisions will be made by Order of Court. Uncontested Motions and/or Motions where no Response is submitted by the designated submission deadline may be ruled upon prior to the scheduled motions date/time. All Orders of Court entered by this Court will be emailed to all counsel following consideration of the Motion. Once emailed (unless otherwise noted), this Court will file the original order of court with the Department of Court Records; Attorneys are responsible for filing the original Motion and Responses.
- Any Orders that require further scheduling by the attorneys and/or the docket clerk will not be filed with the Department of Court Records.
- IN SUMMARY, COUNSELED MOTIONS WILL HAVE ORAL ARGUMENT EXCEPT IN THREE (3) SITUATIONS:
 - (1) THE PARTIES AGREE TO HAVE THEIR MOTION DECIDED REMOTELY.
 - (2) THE MOTION IS UNOPPOSED OR THE RESPONDING PARTY HAS FAILED TO FILE A RESPONSE WITHIN THE DEADLINE.
 - (3) THE MOTION IS A CONSENTED TO MOTION.

B. EMERGENCY MOTIONS

- Emergency Motions requesting a decision by the end of business today shall be emailed to the Court at the following email address: emergencywagner@allegheycourts.us AND bkorinski@allegheycourts.us. You should only do this for submissions regarding **true emergencies** only. This Court has discretion to determine the nature of any motion designated as an “emergency.”
- Emergency Motions submitted weekdays before noon are eligible for same-day decision, with Responses being due by 3 p.m. that day. Emergency Motions submitted after noon are not eligible for same-day decision and will be not be ruled on prior to the end of the next business day, with responses being due by noon on the next business day.
- Concurrent with the submission of an Emergency Motion, counsel must notify chambers by telephone 412.350.0390 of the emergency submission.

C. CONSENT MOTIONS. This Court will address any Consent Motions as soon as possible. A copy of the Motion with signatures reflecting consents shall be emailed to the Court at motionswagner@allegheycourts.us AND bkorinski@allegheycourts.us.

D. PRO SE MOTIONS

- **All Pro Se Motions must be filed with the Client Services Center.**
- The Court will NOT accept Pro Se filings.
- Pro Se Motions shall be presented in-person at the Court's assigned Pro Se Motions' date and time. Please consult the calendar published at www.allegheycourts.us.

V. CONCILIATIONS

- Any conciliations (custody and equitable distribution) will continue to be conducted remotely via Microsoft TEAMS unless an order expressly provides otherwise. Chambers will send a TEAMS invitation for participation to counsel/the parties.
- Unless a Scheduling Order specifies different deadlines, any necessary documents, such as stipulations, offers, pre-trials, proposed orders, 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 cancelled 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 upon the non-compliant party.
- In the event a matter is settled prior to the conciliation, a consent Order of Court (signed by all the parties or their counsel) shall be presented to the Court. A copy shall also be provided to the docketing clerk, Patricia Harpur at patricia.harpur@allegheycourts.us so that the matter can be removed from the Court's calendar.
- Motions may also be presented at a scheduled Judicial Conciliation, but only upon proper notice to the opposing party.

VI. TRIALS/HEARINGS

- **Exhibits.** Please provide the Court with a binder of your exhibits so that the Court can identify and review your exhibits during the trial or hearing. The Court will not file exhibits. You are to file them separately.

Note: This Court will not view any exhibits including text messages and videos on mobile phones. Text messages, emails, and photos, if being submitted as exhibits, **MUST** be printed and submitted in accordance with the Rules of Evidence. Videos may be submitted electronically prior to the proceeding.

- **Witnesses.** Generally, non-party witnesses will be permitted to appear remotely by TEAMS during a trial/hearing. Plan to have your non-party witnesses join the trial by forwarding them the TEAMS invite or have them on standby so that you can notify them when 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 that it can be forwarded to your witnesses. Do not expect judicial staff to manage your trial for you.

- **Settlement.** Do not use your trial date as a placeholder 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. In the event a matter is settled prior to trial or hearing, counsel shall be responsible for notifying the docket clerk and the Court so that the matter can be removed from the Court's calendar.

VII. EXCEPTIONS

- The Court will decide all Exceptions on its designated "Exceptions Day" on the calendar published at www.alleghecourts.us. Unless otherwise notified by the Court, you should expect to show up on the assigned date. Failure to comply with filing deadlines, will result in the dismissal of Exceptions without any argument. Each party will receive a total of 10 minutes to argue their Exceptions. Parties can reserve time for rebuttal if they wish. Judge Wagner's questions will not count against your time limit.

These Standard Operating Procedures are "STANDARD." They may not fit every situation. If you have questions, contact chambers. These Procedures will continue to be updated and adapted as needed. It is the responsibility of all counsel and parties to review the above for any changes.