

Standard Judicial Operating Procedures

Effective August 1, 2022



Honorable Sabrina Korbel
Adult Section, Family Division
Court of Common Pleas, Allegheny County
Room 534, 440 Ross Street
Pittsburgh, PA 15219
412-350-1677
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****Effective January 17, 2022: All cases assigned to Judge Daniel Regan are re-assigned to Judge Sabrina Korbel. On any Family Division calendar or docket, where Judge Regan is listed, please substitute Judge Korbel.**

****Effective November 1, 2022, many court matters have return to being held in-person in the Family Court Center. To confirm whether your matter is in-person or remote, please refer to the information below or contact Judge Korbel's Chambers with any questions.**

****Effective July 25, 2022, the procedures for self-represented parties changed. Please see more information below about these new procedures.**

I. COMMUNICATION WITH THE COURT

- Communication with Judge Korbel'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 e-mail to ajohnston@alleghencourts.us or call chambers at 412-350-1677.
 - You may also leave a voicemail with chambers, and it will be reviewed in a timely manner.
 - All opposing parties/attorneys must be copied on emails to the Courts.
 - All attempts will be made to answer any questions about court procedure completely and fully or ensure that the questions are referred to the proper individuals or departments.
- For questions about your case, you **must** either file a written motion or court pleading (document) and serve it (send it) to the other party or their lawyer, if they are represented. All of this must be done following the Pennsylvania Rules of Civil Procedure and the procedures listed below.

- Please know that the Court cannot give legal advice about your legal 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 <https://www.alleghenycourts.us/family/departments/client-services-center/>
- Information about all court procedures can be found at www.alleghenycourts.us

II. GENERAL COURT CONDUCT AND INFORMATION FOR ALL CASES

- While the Fifth Judicial District currently does not have a mandatory mask policy in place, it is important that everyone respect individual choices of each person regarding masking.
 - 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.
- The Court is using the Microsoft TEAMS application to conduct its remote work as outlined below. Microsoft TEAMS can be downloaded on most computers and mobile devices. More information can be found at <https://www.microsoft.com/en-us/microsoft-teams/download-app>
- **Under No Circumstances Is the Recording of A Virtual Proceeding or Matter Before the Court Permitted. Only Court Personnel Are Authorized to Generate an Official Recording/Transcript of Evidentiary Proceedings**
- 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. 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.
- When interacting with or appearing before this Court, you must be courteous and respectful. This Court has a zero-tolerance policy toward rudeness.
- Always silence your cell phone or other electronic devices when in a courtroom or during a court proceeding.
- The court staff will advise you when your case is ready or is called. Virtual backgrounds are not permitted for remote court proceedings. Smoking is prohibited whether the court proceeding occurs remotely or in the courtroom.
- All persons present in the court proceeding (whether remote or in person) must be identified and visible.
- Generally, children should not attend court. If you appear in court and childcare arrangements are necessary, please use the Children's Room on the first floor whenever possible. For instances where the court will speak with children involved in legal cases, special arrangements should be prior to the court proceeding.

- Always be on time for your court proceeding. Lateness may and can result in a failure to hear your argument and testimony, penalties and/or the dismissal of your legal case. If for some reason there is an emergency and you are going to be late or must leave early, you must contact court staff and let them know about the reason for your special request.

III. ADULT FAMILY SCHEDULING PROCEDURES

- This applies to all scheduling matters, whether your court documents are signed orders of court or praecipes: 1. Scan the signed court order/praecipe to save the document as a PDF file. (If you don't have access to a scanner, but have access to a smart phone, a free app called "Tiny Scanner" or similar app, allows you to take a picture of documents and turn them into a PDF file.)
- Send the PDF of the signed court order/praecipe to the Court Scheduling Clerk, at the following email address: **adultjudicialscheduling@alleghecourts.us**.
- The Docket Clerk will assign the date. If you would like to speak to the Docket Clerk about possible dates for the court case being scheduled, please call (412) 350-0144. The Docket Clerk is only available by phone 8:30 a.m. – 4:00 p.m.
- The Docket Clerk will send back the court order/praecipe with the date through the email address you provide. If the scheduling matter requires an attached court order, the Docket Clerk will also send those completed orders via the same email.
- Unless otherwise noted, the Court will file the court order/praecipe with the date at the Department of Court Records in the City-County Building.
- You are not responsible for serving the Judge of Record with the court order/praecipe. The Docket Clerk will serve the Judge of Record.
- Reasonable scheduling changes will be accommodated due to illness, family emergencies, school closures, difficulty accessing remote conferencing, conflicts with previously scheduled court appearances, or the like. **However, parties should coordinate dates of availability with opposing counsel/party as much as possible.**

IV. SELF-REPRESENTED PERSONS WITH EXISTING CASES

As of July 25, 2022, the procedures for self-represented litigants changed.

A self-represented party, with an existing case, who wants to file an Emergency Motion, a Regular Motion or a Response/Answer to a Motion with the Court should appear at the Client Services Center on the first floor of the Family Law Center at 440 Ross Street, between 8:00 a.m. and Noon.

Judge Korbel will not accept Motions submitted directly from self-represented parties. Self-represented parties who submit Motions directly to the Judge will be referred to the Client Services Center for assistance.

All self-represented parties may call 412-350-5600 or email 1stFOP@pacs.com with questions about court procedures. No legal advice will be given.

V. 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 calendar published at Family Division Calendar - Fifth Judicial District of Pennsylvania (alleghenycourts.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 Division Forms - Fifth Judicial District of Pennsylvania (alleghenycourts.us). No motions will be accepted without the Motion Admission Form.
- All motions must be marked with the appropriate numerical suffix that indicates the assigned Judge at the end of the case number (ex. FD 22-0000-009). If there is no suffix, the party presenting this motion must first go to the Department of Court Records/Family Division or Docket Clerk located on the third floor of the Family Law Center to have a suffix, or proper case number, assigned to the case. The motion should then be presented to the assigned judge.
- All motions **must** include the "Meet and Confer" certification.
- 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 22-0000-009 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 e-mailed to the other parties at least seven days prior to this Court's scheduled motion's 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: **MotionsKorbel@alleghenycourts.us**. Your email must include (a) the complete motion; (b) your proposed order of court with requested relief, which you must attach separately in Word format; (3) the telephone numbers of all parties and counsel; (4) the email address of all the parties and counsel; and (5) the Attorney Motions Submission Form, which must

indicate whether you are requesting an oral argument or that a decision be made based on review of the pleadings alone. If your email was successfully received, then you will receive an email response of “Received.”

- If you do not oppose the requested relief in the motion, but are not submitting a written response, you can and should email the Court at **MotionsKorbel@alleghencourt.us** with a statement, “I do not contest this Motion.”
- If you are opposing the motion, you must submit a written response explaining your position, along with the Attorney Motions Submission Form and send it to **MotionsKorbel@alleghencourts.us**. All Responses must be saved with (a) the case name; (b) the FD number; and (c) the title of the Response (i.e. Smith v Smith FD 22-0000-009 Response to Petition for Special Relief).
- **All Motions, Responses and Motions Submission Forms will be accepted by the Court via email until Noon the business day prior to 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.
- Once a Motion and 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 may lead to the Motion being postponed – to be re-presented at a later date and time.
- If an oral argument is requested, **the argument will occur in person. Judge Korbel’s first in-person argument date will be on November 14, 2022.**
- 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. 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.

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: **EmergencyKorbel@alleghencourts.us**. This email address is 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

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 also submit the Emergency Motion Submission Form and notify Chambers by telephone ((412) 350-1677) of the emergency submission.
- Failing to allocate sufficient time for a Response does not constitute an emergency. The Court will, in its discretion, determine whether to rule on the matter immediately or whether to await a response from the opposing party. Any party opposing an Emergency Motion shall immediately submit any response to **EmergencyKorbel@alleghencourts.us**.
- It is not an emergency because counsel is (or was) unavailable when this Court is scheduled to be on Motions.

C. CONSENT MOTIONS: This Court will address any Consent Motions as soon as possible. Include in the subject line of the transmission email “CONSENT MOTION” along with the case caption. A copy of the Motion with signatures reflecting all consents shall be emailed to the Court at: **MotionsKorbel@alleghencourts.us**.

D. CONTEMPT MOTIONS: Accompanying any Motion for Contempt/ Enforcement shall be an order directing the case to be scheduled by a Custody Hearing Officer in the event the matter relates to custody or by a Divorce Hearing Officer if the matter relates to enforcement of a Marriage Settlement Agreement or equitable distribution. Unless agreed upon by the parties, this Court will require the moving party to pay the full cost of the Hearing Officer’s fees, subject to possible reallocation by the Hearing Officer. Standard Operating Procedures for the Divorce Hearing Officers can be found at Divorce - Fifth Judicial District of Pennsylvania (alleghencourts.us)

E. MISCELLANEOUS: When presenting motions, the parties and counsel should be cognizant that once the motion is filed, all pages of the motion, including the attachments and exhibits, will be scanned, and published on the Department of Court Record’s (“DCR”) website. The parties and counsel must strictly adhere to the Statewide Case Records Public Access Policy of the United Judicial System of Pennsylvania and the DCR’s requirements regarding confidential documents and information.

VI. CONSENT ORDERS (not related to resolution of a Motion)

- All Consent Orders of Court that do not require a live signature can be emailed to this Court at **KorbelChambers@alleghencourts.us** for signature. This Court will sign the Order, email it to the parties and file the original with the Department of Court Records. For an original signature, Consent Orders can be dropped off at Chambers to be picked up later or with a self-addressed stamped envelope so Court can sign it and mail it back to you.

VII. CONCILIATIONS (A Court Meeting that is not on the record)

- Any Conciliations (custody and equitable distribution) will continue to be conducted remotely via Microsoft TEAMS unless there is a request by Counsel or Parties for it to occur in person and an order expressly provides otherwise. Chambers will send a TEAMS invitation for participation to counsel/the parties.
- Any necessary documents, such as stipulations, offers, pre-trials, proposed orders, Marital Asset Summaries, etc., **MUST** be sent electronically in accordance with the Scheduling Order of Court, or if no schedule is outlined in the Scheduling Order of Court, no later than five (5) days prior to the conciliation. If neither party files the proper documentation, the conciliation may 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.
- In the event a matter is settled prior to the conciliation, a consent Order of Court (signed by all parties or their counsel) shall be presented to this Court by sending it to **KorbelChambers@alleghecourts.us**. A copy shall also be provided to the Court's Scheduling Clerk, **adultjudicialscheduling@alleghecourts.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.

VIII. TRIALS

- Effective immediately, the Court will be scheduling trials and hearings to be in-person for attorneys and parties **UNLESS OTHERWISE DIRECTED BY THE COURT OR CONSENTED TO BY THE PARTIES**. Witnesses may appear by video as outlined below.
- **EXHIBITS** – Even with the return to in-person trials, you should still strive to develop a plan to be able to electronically provide this Court with One PDF file which is tabbed or bookmarked for each exhibit. You will most likely have to subscribe to Adobe Acrobat to access the features that allow this. If the hearing is in person, you may submit rebuttal exhibits in person. This Court will not file exhibits. 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** of the exhibit so that scrolling down to find that exhibit can be easily accomplished.
- **WITNESSES** – Generally, witnesses will be permitted to appear remotely by Microsoft TEAMS (video). Plan to have your non-party witnesses 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. Do not expect judicial staff to manage your trial for you. Witnesses,

including opposing parties, shall be treated with fairness and respect, and shall not be shouted at, ridiculed or abused in any manner.

- **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 – one as important as yours – could be scheduled for that day. In the event a matter is settled prior to trial, counsel shall be responsible for notifying the Docket Clerk and the Court so that the matter can be removed from the Court’s calendar.

IX. JUVENILE MATTERS

Beginning **March 7, 2022**, attorneys, caseworkers, probation officers and parties are to be present in the courthouse for proceedings, unless 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 the adoptive family); (5) requests for continuances; and (6) other hearings as determined by the Court.

- X. QUALIFIED DOMESTIC RELATIONS ORDER (QDROs)** For an original signature, QDROs can be dropped off at chambers with a self-addressed stamped envelope. The Court will sign it and mail it back to you. **If you do not require a live signature, you may email the document to the Judge for a signature at KorbelChambers@alleghencourts.us.**

- XI. DIVORCE:** Any party/counsel requesting a hearing on equitable distribution (the division of property) or economic matters, must first obtain an Order of Court approving grounds for divorce as set forth in Pennsylvania Rule of Civil Procedure 1920.42 before scheduling the Hearing before the Divorce Hearing Officer. The statutory requirements for grounds to be established are set forth in 23 Pa.C.S.A. §3323(9).

- a. For reference, a blank Praeipce for Order Approving Grounds for Divorce is available at Divorce - Fifth Judicial District of Pennsylvania (alleghencourts.us). The Praeipce can be submitted along with a proposed Order Approving Grounds for Divorce to Chambers by emailing it to KorbelChambers@alleghencourts.us.

- XII. EXCEPTIONS** Refer to the Fifth Judicial District’s Website for the new procedures for Exceptions. The Court will decide all Exceptions after first scheduling an **in-person oral argument** on the date/time set by the Court.

These Standard Operating 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.