



Family Law Center
440 Ross Street
Pittsburgh, PA 15219
Telephone: 412-350-1663

Standard Operating Procedures *for* Judge Jessel Costa

(Revised March 10, 2023)

NOTE: PLEASE REVIEW THESE OPERATING PROCEDURES IN THEIR ENTIRETY OFTEN, AS THEY MAY CHANGE FREQUENTLY IN RESPONSE TO THE ONGOING COVID-19 PANDEMIC. ALL RELEVANT ORDERS AND POLICIES RELATING TO THE GENERAL OPERATIONS OF THE FIFTH JUDICIAL DISTRICT ARE AVAILABLE AT <https://www.alleghenycourts.us>

Until further notice, in response to the COVID-19 pandemic, the Court will continue to use advanced communication technology, primarily Microsoft TEAMS, to conduct some of its work. Submissions to the Court shall continue to be made electronically and must comply with these Revised Standard Operating Procedures. Please note that it is critical for the Court to have email addresses and cell phone numbers of parties and lawyers.

Court Staff:

Tabatha Cramer – Administrative Assistant – TCramer@alleghenycourts.us – 412-350-1663

Aaron Klavon – Law Clerk – AKlavon@alleghenycourts.us – 412-350-1661

Lisa Giorgetti – Tipstaff – LGiorgetti@alleghenycourts.us – 412-350-1662

NOTICE: 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.

GENERAL RULES REGARDING COMMUNICATING WITH THE COURT VIA EMAIL

Parties/attorneys shall utilize the email addresses as referenced below and comply with the following instructions:

- Copy the opposing counsel or *pro se* party on any email to the Court.
- Include the case name and number in the subject line of any email.
- Attorneys should not copy their clients directly on e-mails to the Court, except as provided below (in the context of a motion to withdraw as counsel). Opposing parties represented by counsel should not be copied on emails to the Court. This may lead to inadvertent *ex parte* communication.
- The body of each email shall identify who is included on the correspondence and how they are involved in the case.
- Include with your Motion a “Motion Admission Form” which can be found at: www.alleghenycourts.us/family/
- The email addresses referenced below are intended to facilitate: (1) submissions that comply with rules of Court; and (2) information specifically requested by the Court. The Court will not and cannot consider other documents or communications, including arguments between the parties/counsel. **Failure to comply with this directive may result in sanctions.**

MOTIONS

- As of March 21, 2022, the Fifth Judicial District has rescinded its mandatory mask policy. This rule could change depending on discretion from Court Administration. Please be aware that the Fifth Judicial District rules may be more restrictive than the CDC rules.
- Any party/participant, including lawyers, who is experiencing symptoms or illness or is in quarantine should remain at home and participate remotely. Attorneys should inform the Judge's staff as soon as possible of any client or witness requesting to appear remotely due to illness/quarantine.

**Please note the following procedures vary depending upon the type of Motion, and whether or not the moving party is represented by counsel.

Generally

- Beginning **April 4, 2022**, Judge Costa will decide non-emergency Motions in person, on the days he is assigned to do so on the Motions Calendar. Please refer to the Motions Calendar located on the Fifth Judicial District's website for Judge Costa's Motions dates. Non-emergency Motions should be noticed for the next available Motions date on his calendar.
- Note that meet and confer requirements remain in effect.
- Once the meet and confer requirements are satisfied, electronic copies of Motions must be emailed to the Court at: MotionsCosta@alleghenycourts.us one week prior to Judge Costa's scheduled Motions date. Any Responses by the opposing party must be submitted to the same email address no later than 24 hours prior to Judge Costa's scheduled Motions Date. Once a Motion and Response are submitted, further Replies/ Responses are not permitted, absent leave of Court.
- The Court will rule on all Motions after hearing in-person oral argument; such oral argument will take place in person on the Court's regularly scheduled Motions Day.
- All resulting Orders will be issued on the first business day following the Court's scheduled Motions Day.

Consent Motions: The Court will address any Consent Motions on a rolling basis. The subject line of the transmission email for a Consent Motion must include "CONSENT MOTION" along with the case caption. A copy of the Consent Motion with signatures reflecting each party's consent shall be emailed to the Court at: MotionsCosta@alleghenycourts.us. This procedure shall also apply for QDRO's. However, if the institution or entity requires an original ink signature, the moving party may mail the QDRO to Chambers along with a self-addressed stamped return envelope.

Contested Motions/Petitions: Every contested petition or Motion must contain:

1. A certificate of compliance with Rule 1930(a)(7) (re: meet and confer);
2. A certificate of service, appearing on a separate page;
3. A Proposed Order, which shall be affixed as the last page to the petition or motion.

****FOR PRO SE LITIGANTS**:**

- The Pro Se Department can facilitate the scheduling of Pro Se Motions between the Pro Se litigant and the Court, and can connect self-represented litigants to volunteer attorneys and/or law students.
- Please refer to the Fifth Judicial District website for more information regarding filing and service: www.alleghenycourts.us/family/.

Emergency Motions

- Emergency Motions should be filed ONLY in situations involving *immediate* danger to a Child, or in the event a Child's health and safety are threatened. These situations include:
 - The Child is suffering a serious or life-threatening injury or condition which requires immediate medical treatment;
 - The Child is at risk of being removed from the jurisdiction (I.e. The Child is being taken across state lines);
 - A custodial parent is experiencing a current drug relapse; or
 - A custodial parent is charged with or convicted of a violent crime, such as homicide, aggravated assault, strangulation, terroristic threats, stalking, false imprisonment, arson, or child abuse.
- Emergency Motions shall be emailed to the Court at the following email address: EmergencyCosta@alleghenycourts.us.
- Motions deemed to be true emergencies submitted before noon on weekdays are eligible for same-day decision. Emergency Motions submitted after noon will not be ruled on prior to the end of the next business day.
- Where possible, counsel is urged to serve the respondent via email. The Court has discretion to permit same-day decisions on emergency Motions involving pro se respondents.

Withdraw as Counsel: Counsel shall submit the motion to withdraw to MotionsCosta@alleghenycourts.us. The email correspondence should include the client and opposing counsel or the other party. Additionally, counsel seeking withdrawal shall provide all contact information for the client including email address, phone number, and mailing address directly in the proposed order.

Contempt Motions

Accompanying any Motion for Contempt/Enforcement shall be an Order directing the case to be scheduled by a Hearing Officer in the event the matter relates to custody or by a Master if the matter relates to marital assets.

EXCEPTIONS

The Court will decide all exceptions based upon the filed exceptions and briefs, unless the Court determines, in its discretion, that an in-person argument is necessary. Exceptions shall be short, direct statements identifying matters complained of. Briefs shall be a detailed explanation of the matters complained of supported by fact and/or law. Failure to comply with any rules set forth in these procedures will result in dismissal of the exceptions. All questions or concerns regarding exceptions should be sent to Aaron Klavon at AKlavon@alleghenycourts.us or the appropriate docket clerk. The Allegheny County Court Manual can be found at the following link: <https://www.alleghenycourts.us/family/CourtManual/Adult.aspx>.

Custody Exceptions: Parties and attorneys shall comply with the instructions provided by the custody exceptions clerk. Deadlines for ordering a transcript and filing briefs must be strictly followed. Questions may be directed to the custody exceptions clerk, Linda McAfee, at lmcafee@alleghenycourts.us.

Support Exceptions: Parties and attorneys shall follow the Court Manual, Section II, Subsection P, Page 22-23 regarding all support exceptions. This includes ordering a transcript, filing briefs, and communicating with the exceptions clerk. Questions may be directed to the Support Exceptions Clerk at familyinfoemails@pacs.com or by calling 412-350-5600.

Equitable Distribution Exceptions: Parties and attorneys shall comply with all rules found within the Pennsylvania Rules of Civil Procedure and Allegheny County Court Manual, Section III, Subsection N-5, page 11. In addition to the parties' right to Praecipe for Oral Argument, the Court, upon its own discretion, may schedule the parties for oral argument. Any Praecipe for Oral Argument should be filed with the docket clerk and a copy of said Praecipe shall be sent to CostaSubmissions@alleghenycourts.us. Questions may be directed to the E.D. Exceptions clerk.

CONCILIATIONS

Conciliations will continue to be conducted via Microsoft TEAMS. Chambers will send a TEAMS invitation for participation to counsel/the parties. The Court may schedule a pretrial conference via TEAMS to discuss trials that will be conducted remotely.

Any documents that are requested by the Court in connection with a conciliation, such as Marital Asset Summaries, must be submitted at least five (5) days in advance of the conciliation to CostaSubmissions@alleghenycourts.us.

TRIALS

Beginning April 4, 2022, the Court will schedule trials and hearings to be in-person for both attorneys and parties unless otherwise directed by the Court, or upon consent of all Parties.

Witnesses: Generally, witnesses are permitted to appear remotely using Microsoft TEAMS. Counsel is responsible for ensuring each witness is able to use Microsoft TEAMS and has received the email invitation to the proceeding.

Exhibits: Parties shall provide the Court with all Exhibits that the party intends to use at trial. This can be done electronically, or by providing a hard copy in person.

DEPENDENCY

1. Chambers will provide counsel (or the parties in the case of self-represented or *pro se* litigants) with the hearing information, including the date and time of the hearing, and the Microsoft TEAMS invitation for remote access.
2. It is the responsibility of the attorneys to provide all hearing notices and information to their clients and to their witnesses, and to make sure that all participants are familiar with these protocols.
3. It is the responsibility of self-represented (*pro se*) litigants to provide all hearing notices and information to their witnesses and to make sure all participants are familiar with these protocols.
4. At least 24 hours before the hearing, the attorneys shall provide all counsel, the Court, and the Office of the Court Reporters with a single, consolidated witness list, which shall include the case caption and docket number, the type of proceeding or hearing, and the names of all prospective witness (correct spellings of first and last names) on that case.
5. Witness lists may be emailed to the Office of the Court Reporters at the following email address: gkushner@alleghenycourts.us.
6. Witness lists and proposed exhibits and stipulations as provided for below may be emailed to Court Staff at the following email addresses: CostaSubmissions@alleghenycourts.us and copied to AKlavon@Alleghenycourts.us.
7. Self-represented litigants shall not be required to provide a witness list.
8. All proposed exhibits must be provided to all parties or their counsel at least 48 hours prior to the hearing for review and approval. A single, joint exhibit list and all exhibits which are agreed to by the parties shall be provided to the Court at least 24 hours prior to the hearing. Exhibits should be identified as follows:

CM_____ = Commonwealth

CYF_____ = Children Youth and Families

PD_____ = Public Defender

CC_____ = Conflict Counsel

PAM_____ = Parent Advocate Mother

PAF_____ = Parent Advocate Father

KV_____ = Kids Voice

PC_____ = Private Counsel (use additional letters or numbers if more than 1)

PS_____ = Pro se (use additional letters or numbers if more than 1)

9. If there are stipulations to be presented to the Court, the parties shall cooperate with one another to submit a joint set of stipulations at least 24 hours prior to the scheduled hearing.
10. All motions shall be submitted on PACFile. Additionally, all motions shall be submitted to court staff at: CostaSubmissions@alleghenycourts.us and copied to AKlavon@alleghenycourts.us. If an attorney presenting a Motion is requesting a conference

call or video conference, the attorney shall include this request in the email to Court personnel. The Court, upon its own discretion, may schedule any Motion for a conference call or video conference. Court personnel will then arrange the conference.

11. **All parties and witnesses must join the remote hearing at least five minutes before the scheduled starting time of the hearing.** All participants should be cognizant of the scheduled time of their hearings and please understand that another hearing may still be in progress and that you may have to wait for others to join the hearing. We appreciate your patience. We ask that you join the hearing at the appropriate time and that you mute your phone or computer and stay on the line until we have concluded the previous hearing.

CONTACT

You may leave voicemails with Chambers at 412-350-1663. Voicemails are reviewed frequently. You may also send mail to Chambers, however electronic submission remains the most expedient way to communicate with the Court.