

Standard Judicial Operating Procedures

Revised as of March 31, 2023

Honorable Chelsa Wagner
Adult Section, Family Division
Court of Common Pleas, Allegheny County
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**** The overarching principle of Chambers and these SOPs is that persons should be afforded actual “access to justice” in an efficient, economical way. This means that most tasks should be accomplished via email, without requiring persons to incur the time, expense, and inconvenience of personally appearing in the courthouse. Thus, if you are in doubt about what to do, sending an email and an attachment to Judge Wagner’s law clerk at bkorinski@alleghencourts.us is going to be the right answer more often than not.**

**** 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. If you really need to get a hold of someone ASAP, feel free to send a text message to the law clerk at 412-760-7848. (You are welcome to call as well, though a text will probably prove the easiest route).**

I. COMMUNICATION WITH THE COURT

- Communications with Judge Wagner’s staff may address scheduling and administrative matters. 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 or send a text message. Don’t abuse the cell phone!
- The Court cannot give legal advice. 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/departments/client-services-center.
- Information about all court procedures can be found at www.alleghencourts.us. Lots of good information for practitioners and litigants can be found there. If you are a Pro Se litigant, you need to go to the website, find the Family Division tab, click on it, and then spend 30-45 minutes reviewing all the resources available on the both the website and in the Family Division. This is important stuff!

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.
- All lawyers must enter a Praeceptum of Appearance in each case. 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.**
- Lawyers and litigants appearing before Judge Wagner are expected to **e-mail** communications and correspondence to the Court and opposing parties whenever possible. If you have a case before Judge Wagner, you are expected to check your email! Email is the most efficient way of conducting Court business. With all due respect to the U.S. Postal Service, other than QDROs needing a “live” signature, it is difficult to think of situations where counsel and litigants should put anything in the mail for the Court.
- Name/identify **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.
- 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 must visit and become familiar with the Allegheny County Court of Common Pleas website: www.alleghenycourts.us. 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 inquiries to chambers.
- Please ensure that the Court has your phone number and email address by emailing your name, docket number and cell phone number to wagnerchambers@alleghenycourts.us. **JUDGE WAGNER REQUIRES ALL PARTIES APPEARING BEFORE HER TO SUBMIT THEIR EMAIL ADDRESSES. 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.alleghenycourts.us. You should list the designated date in your notice of presentation.

- All motions **must** be emailed to the Court on the same day that notice is being given to the opposing party.
- 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.
- The Motion must indicate to the other party that, if they oppose the Motion, they need to file a written response to the Court by Noon on the day prior to the Motions' Day. (In other words, if the Motions' Day is Wednesday, October 28th, then any written response is due no later than Noon on the 27th). All written responses shall be sent to the Court via email at bkorinski@alleghenycourts.us.
- **A copy of the motion shall be emailed** to the Court at: bkorinski@alleghenycourts.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 counsel or the Pro Se party; (4) the email addresses of counsel or the Pro Se party. If your email was successfully received, then you will receive an email response of "Received." 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 to have oral argument or whether you wish to have the Motion decided remotely on the documents submitted.
- **If you are opposing the motion**, you must submit a written response explaining your position to bkorinski@alleghenycourts.us by Noon on the day prior to the scheduled motions date. (This will remain the rule even if Motions' Day occurs on a Sunday). When filing the response, please indicate whether you wish for the Court to rule upon the Motion remotely or whether you seek oral argument.
- As to Oral Argument, **please note that** Oral Argument is the "default" option for all Motions. Judge Wagner is **required** to give anyone who wants it Oral Argument. (Personally, Judge Wagner does not find oral argument to be all that edifying in most cases, but she does recognize that certain situations certainly call for oral argument). However, in all cases, Judge Wagner is ready, willing, and able to decide Motions based upon the documents submitted by the parties.
- If there is no written response in opposition filed, then there will be no oral argument or oral presentation of the Motion. In other words, **if your opposing party has not filed a response**

by Noon on the day prior to Motions' Day, then neither party should come to the courthouse! In that situation, the Court will decide the Motion remotely based upon the documents submitted as of deadline for the written response.

- The Court appreciates excellent written advocacy. If you put in the time to write it, the Court will read it. That is a promise. Though, that is not an invitation to submit “War and Peace.” As an astute law professor once observed, “think more, write less.”
- Once a Motion and a Response are submitted, further Replies/Responses are not welcome unless permission is granted by the Court.
- 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, MOTIONS WILL HAVE ORAL ARGUMENT EXCEPT WHEN:
 - (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.

B. EMERGENCY MOTIONS

- Emergency Motions shall be emailed to the Court at the following email address: emergencywagner@alleghencourts.us AND bkorinski@alleghencourts.us. You should only do this for submissions regarding **true emergencies**. This Court has discretion to determine the nature of any motion designated as an “emergency.”
- Emergency Motions submitted weekdays before the noon hour are eligible for same-day decision, with Responses being due by 3 p.m. that day. Emergency Motions submitted after the noon hour 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.
- Emergency Motions do not receive Oral Argument.

C. CONSENT MOTIONS. This Court will review any Consent Motions as soon as it is able to do so. Send the Motion and proposed order to the Court at bkorinski@alleghencourts.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 be conducted remotely via Microsoft TEAMS unless an order expressly provides otherwise. Chambers will send a TEAMS invitation for participation to counsel/the parties.
- You must adhere to the Scheduling Order specifying the documents to be filed prior to a Conciliation and the filing deadlines. 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.
- Motions can be presented at a scheduled 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 have them during the proceeding. You can deliver the binding on the day of the trial/hearing.

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.** Absent objection, 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.
- **Child Witnesses.** If the parties believe the testimony of a child is necessary, it is the Court's strong preference and practice to have that testimony occur at the conclusion of all testimony and evidence, so that the child is effectively the final witness. Please schedule accordingly. You are to notify the Court if you wish the child witness to be called earlier. At least one (1) day before the testimony, please provide the Court with questions and topics that you wish for the Court to address with the child during the judicial interview. No child witnesses will testify remotely.
- **Accomplishing the Trial in the Time Scheduled.** The Court cannot stress this enough: it is the responsibility of the parties and counsel to complete the trial or hearing in the time allotted. Counsel must communicate and cooperate with each other during the proceeding for this to occur. Please be cognizant of the fact of time limits. If you have a two (2) day trial, in essence each party will have one (1) day to present their case-in-chief. Sacrifices may need to be made to get your case in during the time allotted. For instance, while it is certainly your right to object to every question, please realize that those interminable objections may come at the expense of your client's testimony later. The same applies to cross-examination. Please be efficient with how you get testimony before the Court. The Court will read and review and consider all evidence properly put before it.

The Court does not wish to micro-manage trials and hearings. You know your case best! But the Court cannot be in the position of scheduling additional days for proceedings. It is your responsibility to present your case within the time allotted. The Court is willing to start early and work through lunch if necessary. In return, you must be prepared to work efficiently and productively.

A Pre-Trial Conference will be held before trial. Please use that time to address any legal or scheduling issues. Unless there is an emergency, the morning of the day of trial should be used for evidence and testimony and the parties should be prepared to hit the ground running.

VII. EXCEPTIONS

- The Court will decide all Exceptions on its designated “Exceptions Day” on the calendar published at www.alleghenycourts.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.

VIII. QUALIFIED DOMESTIC RELATIONS ORDERS AND THE LIKE

- In cases where a “live”/original signature are not required, please email the document to the Court at bkorinski@alleghenycourts.us. The document will then be reviewed, signed if appropriate, filed with the Department of Court Records, and emailed back to you. Please be sure not to place confidential information such as Social Security Numbers in the document if they are to be filed.
- If a “live”/original signature is required, you can mail or hand-deliver the document to chambers together with a self-addressed stamped envelope for return of the document. In this situation, the document will not be filed with the Department of Court Records. Alternatively, if you do not trust the postal service these days, Judge Wagner is happy to sign QDROs during her Motions’ Day. She does ask, however, that you notify chambers so that we know to expect you.
- As with most topics discussed in these SOPs, the preferred method is e-mail, which should also prove to be the most efficient method in most situations.

These Standard Operating Procedures are “STANDARD.” They may not fit every situation. If you have questions, contact chambers. Please let us know if you have any suggestions as to how procedures can be improved. As Oliver Wendell Holmes observed, “the life of the law has not been logic: it has been experience.” If you think there’s a better way to do it, we would honestly like to know!