

Standard Operating Procedures

The Honorable Patrick A. Sweeney

525 Family Courts Building
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Pittsburgh, Pennsylvania 15219

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COMMUNICATION WITH THE COURT.

Communication with the court shall be for scheduling and administrative matters only.

Communication may be through email to chambers, or by contacting chambers at (412) 350-0552. Every effort will be made to return telephone calls and emails as timely as possible. When emailing to the court, regardless of the issue, please copy opposing counsel or the *pro se* litigant.

GENERAL CONDUCT BEFORE THE COURT.

When appearing before the court, whether in person or virtually, counsel and litigants must be courteous and respectful. Proper courtroom decorum and demeanor shall be observed at times.

Please ensure that all cellular telephones, watches, and other electronic devices are silenced while in the courtroom. During motions court proceedings, the court will not object to counsel utilizing cellular telephones or similar devices to monitor emails, text messages, or similar communications related to counsel's practice.

During virtual proceedings, unless otherwise directed by the court, only counsel or *pro se* litigants shall be present. No third parties shall be present off-camera. Virtual

backgrounds will not be permitted for TEAMS conferences or conciliations. Smoking is prohibited during remote proceedings.

Children should not be present in the courtroom, whether in person or virtually, unless a child's presence is directed by the court. If it is necessary to bring a child to court because of the unavailability of daycare, please use the Children's Room on the first floor of the family courts building.

Microsoft TEAMS will be the only platform used for virtual proceedings. For information regarding the downloading of the TEAMS app and its use, please link to www.microsoft.com/en-us/microsoft-teams/download-app.

Prior to participating in any proceeding before the court, or appearing before the court, counsel must have entered his or her appearance. Counsel will be expected to appear on behalf of his or her client on all matters until the time that counsel's appearance has been withdrawn by praecipe for withdrawal, substitution of counsel, or an order allowing for withdrawal.

Please make every effort to be on time for every court proceeding. In the event of an emergency, please contact court staff at your earliest convenience. The court is aware of the nature of practice in the family division, and will make every effort to accommodate a reasonable request for lateness or tardiness.

SELF REPRESENTED PARTIES.

A self-represented party who has an existing case and who wishes to present any motion or a responsive pleading to a motion must appear at the Client Services Center on the first floor of the Family Courts Building, 440 Ross Street, Pittsburgh, Pennsylvania 15219 between 8:00 a.m. and 12:00 noon on Mondays through Thursdays.

REGULAR MOTIONS.

All contested motions must adhere to the meet and confer requirements and must include the meet and confer certification. Service of a motion upon opposing counsel will not satisfy the meet and confer requirement, regardless of the seven day service rule. A motion that sets forth the service date and the meet and confer date will not be considered by the court. Any motion electronically filed with the court that does not contain the meet and confer certificate will be returned to the submitting counsel.

When submitting motions by electronic mail, the subject line shall include, in the following order: case caption, docket number, and the designated motion or pleading.

Motions that are submitted electronically should be presented to the court no later than 12:00 noon on the day prior to the scheduled motions date. Should counsel be unable to forward a motion electronically, a sign-up sheet will be on a table in front of the court's chambers. On certain occasions, and for good cause, the court will entertain motions that are signed up before noon on the day of motions. Those motions will be placed at the end of the argument list.

When filing a response or a reply to a motion, it is not necessary to comply with the standard civil practice of admitting or denying each averment. It is preferable that your reply simply sets forth a narrative that supports your counterargument to the original motion.

EXHIBITS: Please be judicious in attaching exhibits to your motions.

- A. If you are presenting a motion to compel discovery, please do not attach the original discovery documents that you served on the opposing party. If you plead that you served requests on a specific date, we will accept that as a true and factual representation.**
- B. If you plan to attach an exhibit that contains protected personal, financial or health information, please be mindful that the motion must be filed as either a confidential document, or a document that contains confidential information. Please attach the exhibit separate from the motion, or present it to the court at the time of argument.**

The court reserves the right to call the order of motions at its discretion. As such, the timeliness of signing up or submitting a motion will not dictate the order in which the motion is called. The court will endeavor to consider the most efficient time considerations for both counsel and litigants in determining the order of call.

Consent orders and agreements are strongly encouraged. Should your contested motion become consented to or uncontested, please contact court staff immediately upon arrival for motions court.

Should counsel feel the need to have his or her client attend motions, the client shall remain in the hall until the motion is called. Clients shall remain in the gallery and shall not be present at counsel table. Counsel shall inform the court of the client's presence, and identify the client to the court. In the event that the court may have questions of the client, the client may then be seated at counsel table.

Once the court has signed an order either granting or denying the motion, the presenting counsel will be responsible for filing the original motion, with a copy of the order to opposing counsel, to the Department of Court Records. The original of a responsive pleading shall be filed with the Department of Court Records by opposing counsel. The court will not be responsible for electronically filing with nor transmitting motions to the Department of Court Records.

EMERGENCY MOTIONS.

The court reserves the right to determine the emergency nature of any motion or petition. Counsel is encouraged to undertake thoughtful analysis of the emergency prior to asking the court for immediate emergency relief.

When submitting a motion or petition as an emergency, it must be emailed or presented in-person to chambers by 12:00 noon with notice to opposing counsel or a *pro se* litigant. The court will delay ruling on the matter until sufficient time has elapsed to provide the opposing party to file a responsive pleading. In every case, the court will attempt to address the motion by the end of business day if received by 12:00 noon. At the very least, the court will endeavor to have a decision by the next business day.

Should the court determine that the matter is not a true emergency, the motion will be returned to counsel as denied, with leave for presentation on the next scheduled motions date.

If emailing an emergency motion, it shall be transmitted to the court at JSweeneyemergency@alleghenycourts.us.

SELF REPRESENTED PARTIES AND *PRO SE* MOTIONS.

If you are representing yourself, you must prepare and submit your motion at the Information Desk in the rotunda in the Family Law Center, 440 Ross Street, Pittsburgh, PA 15219. Self-prepared motions may be dropped off any business day that the Court is open, generally Monday through Friday, from 8am to 12pm. Please keep in mind that as a *pro se* client, you are acting as an attorney, who must comply with the legal process.

Court staff in the Family Law Center are not permitted to provide you with legal advice. A resource sheet is available at the Information Desk with agencies that may be able to assist you. When submitting a completed *pro se* motion, please be aware of the following:

1. Your motion must be in the proper legal format, including a cover page (with a caption and your Family Division docket number), a motion asking for specific relief, a proposed order, and any relevant attachments (for example, if you are asking to change an order on your case, attach a copy of that order).

2. You will be asked to complete a demographic information sheet.

3. You will be given a Notice of Presentation after your motion is scheduled, with the date, time, and location of your motions hearing where you must appear before this Court. You will be required to serve this motion on the other party, so they have notice of the court date. You will also be required to file your motion with the Department of Court Records, 1st Floor City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

Motions must be presented to this court if your docket number ends in 017. If the other party is represented by an attorney, you will also be required to notice and serve their attorney. If you are represented by an attorney, you will not be permitted to go through the Information Desk to submit your prepared motion, as your attorney of record will be required to follow the guidelines outlined in these Standard Operating Procedures for attorney motions.

If your motion is not properly and promptly served, promptly filed with the Department of Court Records, and/or not in the proper form, please be advised that the court may deny your motion. If you have an emergency (this is generally defined as a time-sensitive or child safety issue), you may submit and file your self-prepared motion on the same day to the Information Desk at the days and times stated above. The staff will provide you with further information about how your emergency motion will be heard. Please be advised that this means the other party will not have notice or time to contest your motion, which means the court is unlikely to grant the relief unless there are compelling and special circumstances. Except in rare situations, the court will likely deny the emergency same day motion and require you to re-present it with proper notice to the other party.

CONSENT ORDERS.

Consent orders may be either transmitted electronically to the court or presented in person to chambers.

The cover sheet for any consent order must set forth both the mailing address and the email address for each counsel and/or *pro se* litigant.

Please be aware that submitting a consent order does not necessarily mean that the court will automatically approve and sign the consent order. The court reserves its discretion to approve any consent order.

More specifically, the court will not entertain custody consent orders that contain ambiguous and non-specific terms and conditions. All custody consent orders shall set forth the specific days and times for custodial periods, as well as specific parameters for holidays and vacations. The court will not entertain custody consent orders that set forth custody parameters that are merely by the mutual agreement of the parties.

For all non-custody consent orders, whether for equitable distribution or other custody matters, the court will not entertain stand-alone consent orders. Every proposed consent order must be attached to a motion, petition, or similar pleading that sets forth the basis for the consent order.

The court will return any consent order, custody or otherwise, for correction or revision until it meets the satisfaction of the court.

Qualified Domestic Relations Orders (QDROs) must be presented to the court with original signatures and may not be presented electronically. QDROs may be presented directly to chambers, or on any day the court conducts motions. The court will return the original of the QDRO to counsel only if provided with a self-addressed, stamped envelope. Otherwise, counsel will be responsible for retrieving the original directly from chambers.

GROUND ORDERS.

All documents related to obtaining an order approving grounds shall be emailed to JSweeneychambers@alleghenycourts.us.

CONCILIATIONS.

All conciliations, whether custody or equitable distribution, will continue to be conducted through TEAMS. On occasion, the court may require a conciliation to take place in person.

For TEAMS conciliations, it is expected that counsel will have his or her client available either in person at counsel's office, or by telephone. Should the conciliation be in-person, it is expected that the client will be present to effect a more efficient and effective settlement discussion.

A proposed resolution of issues, along with a proposed order, shall be required for every conciliation. The submission of other pleadings, marital asset summaries, reports, and similar documents shall be consistent with the conciliation scheduling order.

Nevertheless, the court will not consider any submission that is transmitted to the court within 48 hours of the conciliation. Failure to comply with the submission parameters may result in the cancellation of the conciliation, with an award of appropriate counsel fees.

TRIALS.

A pretrial order shall issue for every trial scheduled before the court. Counsel and *pro se* litigants are expected to adhere to the parameters set forth in the pretrial order, particularly the time frame for filing pretrial statements. The filing date of pretrial statements may be extended by agreement of the parties, however no pretrial statement will be accepted within five (5) days of the date of trial.

Trial exhibits will be submitted to the court in paper format. For the immediate future, the court will not entertain exhibits that are presented electronically.

Counsel will present exhibits in a trial notebook, with each exhibit tabbed accordingly. Each trial book shall contain a table of contents, with a copy of the pretrial statement tabbed as the first exhibit. Trial notebooks shall be clearly marked to indicate that case name, docket number, and the submitting party. Counsel shall provide two (2) trial notebooks to the court, as well as a notebook to opposing counsel.

Trial notebooks shall be delivered directly to chambers no later than five (5) days prior to the trial date. The court will retain its trial notebooks, and will not return them to submitting counsel.

It is expected that all witnesses will be available for in-person testimony. If necessary, the court will schedule the testimony of certain witnesses by way of TEAMS.

Please do not use your trial date as the impetus to settle on that day. The court may attempt to conciliate prior to commencing with the trial, but all parties should be ready to proceed at the scheduled time and date.

Again, any settlement is encouraged. If you are able to settle prior to the trial date, please inform the court at your earliest convenience to allow the court the best use of its time.

EXCEPTIONS.

Please do not forward a copy of your original exceptions pleading to the court. It is not necessary.

Exceptions briefs shall be transmitted to the court at the same time the brief is submitted to the support exceptions department. Briefs to chambers shall be submitted at Jsweeneyexceptions@alleghenycourts.us.

STANDARD OPERATING PROCEDURES IN GENERAL.

These standard operating procedures represent a general framework for conducting business with the court. The court recognizes the fluid nature of family law practice, and will endeavor to accommodate all counsel and litigants as best as practicably possible. As such, the court may use its discretion of deviating from these procedures as the court deems necessary.

These procedures will continue to be updated and amended should circumstances necessitate. However, in all cases of uncertainty, please feel free to reach out to court staff with any questions or concerns.