

Standard Operating Procedures

for practice before, and in the chambers of,

The Honorable Eleanor L. Bush

440 Ross Street, Suite 507
Pittsburgh, Pennsylvania 15219
Tel: (412) 350-1368
Fax: (412) 350-1370

I. CONTACT WITH CHAMBERS

- A. **Chambers.** The Judge's Chambers is open and staffed from 9:00 a.m. to 4:30 p.m.
- B. **Ex Parte Communication.**
 - 1. Unless specifically requested by the Court, the Court will not entertain e-mails, letters or telephone calls requesting action of any kind. All matters should be presented to the Court by Motion, Petition, or Consent Order. Any other form of communication is ex-parte and prohibited unless requested by the Court.
 - 2. Counsel¹ and parties shall not engage in ex-parte communication concerning a pending case with the Court or its staff. This communication may be deemed grounds for sanctions or referral to disciplinary authorities.
- C. **Staff.** Inquiries concerning court procedures should be directed to the following Court staff:
 - 1. **Administrative Assistant:** Gemma Janicky—gjanicky@alleghenycourts.us
 - 2. **Tipstaff:** Diane Wolford — dwolford@alleghenycourts.us

¹ *Pro se* litigants shall follow all procedures required of "Counsel" by these Standard Operating Procedures.

3. **Law Clerk:** Emily Zacherl – ezacherl@alleghenycourts.us

II. **ADVANCED COMMUNICATION TECHNOLOGY**

- A. For certain proceedings, the Court will be using advanced communication technology, specifically the TEAMS application from Microsoft. In order to do so:
1. It is critical for the Court to have email addresses and cell phone numbers of parties and lawyers. In the event of a technology failure, you may need to be contacted. Email addresses and cell phone numbers should be provided on cover sheets for motions and other pleadings.
 2. Download and be familiar with Microsoft TEAMS technology. Please practice using the TEAMS application prior to any remote scheduled matters.
- B. Microsoft TEAMS Invitations.
1. For its own convenience, the Court routinely sends out Microsoft Teams invitations for proceedings which will be held in-person. Receipt of a TEAMS invitation does not indicate that the proceeding will be held remotely.
- C. **Remote proceedings.**
1. Parties will be notified in advance if their proceeding is being held remotely via Microsoft TEAMS.
 2. Unless otherwise notified, all proceedings will be in-person.
 3. If parties want to request that a proceeding be held remotely, they must make that request at least one week prior to the scheduled event.

III. **ADULT SECTION MOTIONS**

- A. All motions shall be heard in person. The Court may permit remote participation by special request in advance.

B. Pro-Se Motions Court.

1. Pro Se Motions Court typically begins at 9 am on the date published on the Court website, <http://www.alleghenycourts.us>, and in the Pittsburgh Legal Journal.
2. The Court will only entertain pro-se motions and cases with the suffix 001.
3. The Court starts Pro-Se Motions Court at the scheduled time and reserves the right to grant, deny, or refuse to hear a motion until next Motions Court, if any of the parties arrives late or fails to show.
4. Pro se litigants shall follow these Standard Operating Procedures as well as all rules of court.
5. Pro se litigants who have an existing case in the Family Division and are seeking to file a motion with the Court should appear at the Information Desk located on the first floor of the Family Law Center, 440 Ross Street, between the hours of 8:00 am and 11:00 am to meet with staff in the Client Service Center. Pro se litigants may call 412-350-5600 or email 1stFOP@PACSES.com with questions about court procedures.
6. Pro se litigants shall not discuss substantive matters with the Court's staff.

C. Attorney Motions.

1. **Scheduling.**
 - i. **Start Time.** Regular Motions Court typically begins at 10 am on the date published on the Court website and in the PLJ.
 - ii. **Publication.** The Motions Court schedule is published both in the Pittsburgh Legal Journal and on the Court website, <http://www.alleghenycourts.us>

2. **Deadlines.**

- i. **Contested Motions and SIJS Motions.** Contested motions and SIJS Motions must be submitted and signed up by noon three (3) business days before motions are scheduled. This is also the deadline for all responsive motions, answers, and briefs.
- ii. **Uncontested and Consent Motions.** Uncontested and consent motions may be submitted at any time.
 - a. The Court does not consider SIJS Motions to be uncontested.

3. **Delivery, Format, and Listing of Motions.**

- i. **Mail or Personal Delivery Allowed.** Motions may be mailed or delivered to the Court prior to the time scheduled for motions.
 - a. **Listing.** Mailed motions will be placed on the list when received.
- ii. **Faxes and Electronic Filings Not Accepted.** The Court does not accept faxed motions or emailed motions. All motions must be hard-copy and signed up outside of chambers.
- iii. **Format and Drafting.**
 - a. The motion should include a notice of presentation and comply with the seven (7) day notice requirement. Failure to indicate the date of presentation may result in the motion being placed at the end of the list or not being placed on the list at all.
 - b. Any cover letters should not contain any substantive information about the underlying case or matter.
 - c. The Court will not schedule motions that are dropped off without being listed on the sign-up sheet.

- d. Counsel shall attach a proposed order to all motions.
- e. Counsel shall comply with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* by submitting either a Certificate of Compliance, Confidential Information Form, and/or Confidential Document form with all motions. These forms are available on the Fifth Judicial District's website.
- f. All motions should be submitted in duplicate.

4. **Filing.**

- i. Motions and responses submitted to the Judge must also be filed with DCR (without proposed orders) before the date set for presentation. Failure to do so may result in the Court taking no action.

5. **Meet and Confer.**

- i. See Administrative Order 225 of 2015. A copy of the Order is available on the Fifth Judicial District's website.

6. **Withdrawn and Settled Motions.**

- i. If the motion is withdrawn or consented to after sign-up, please notify the Tipstaff or Administrative Assistant immediately so the Court does not waste time reviewing the motion.
- ii. If a motion is withdrawn, the motion should be removed, and the name deleted from the list. If a motion is not removed and no one appears in Court, the motion will be denied.

7. **Alternative Presentation at Conciliation.** With either seven days' notice or consent of opposing Counsel, motions may be presented at a scheduled conciliation.

8. **Emergency Motions.**

- i. When a true emergency requires another Judge to hear this Court's assigned case, movants and respondents shall provide a copy of the emergency motion to both this Court and the Court hearing the emergency motion.
- ii. Unavailability of Counsel or Parties on the assigned Judge's motion day does not constitute an emergency under these provisions.

9. **Consent Orders.**

- i. The Court permits Consent Orders to be dropped off for the Court's signature. Counsel is responsible for retrieving and filing the signed Consent Order.
- ii. Consent orders are not automatically signed. When deemed necessary, the Court may require parties to appear in motions to request approval of the proposed consent order.

D. **Miscellaneous Procedures.**

- 1. **Sheriff's Presence.** The Court does not routinely request a Sheriff's presence during exceptions or adult Motions Court. If you feel a Sheriff's presence might be advisable, please notify the Tipstaff in advance - err on the side of caution.
- 2. **Local and Administrative Rules.** Counsel should be familiar with all Administrative Orders and Local Rules, including, but not limited to, the rule concerning continuances within 30 days of a scheduled date. Even if consented to, continuances will not be granted within the 30-day period, except for appropriately pled good cause.
- 3. **Orders Changing Scheduled Date with Judge.** Counsel should immediately provide the Court's Administrative Assistant with a courtesy copy of any order scheduling or changing a date that has been scheduled directly before the Court. This rule is particularly true with regard to emergency matters, but it covers all scheduling matters before the Court – conciliations, hearings, and trials.

IV. **SPECIAL IMMIGRANT JUVENILE (“SIJ”) MATTERS**

A. **Custody.** All custody motions involving youth that will require a Special Immigrant Juvenile Status hearing shall first be submitted to Judge Bush prior to the filing of the custody complaint.

1. **Submission and Presentation.**

- i. The Motion shall be signed up as an adult motion and presented on Judge Bush’s scheduled adult motions day.
- ii. Counsel shall appear in person for Motion presentation. Clients are permitted, but not required, to attend.
- iii. If a client will be attending Motion presentation, counsel shall request an appropriate interpreter. To secure an interpreter, Counsel should submit an interpreter request form to Court Administration at courtaccess@alleghenycourts.us. For questions, counsel can contact Court Administration at (412) 350-1254.
- iv. The interpreter request form and other related information can be found at <http://www.alleghenycourts.us/general-information/ada-language-services/>
- v. Any request for a remote SIJ hearing must be specifically stated on the cover sheet of the motion.

2. **Proposed Orders.**

- i. The Motion shall include a proposed preliminary SIJ motions order.
- ii. Proposed orders shall be formatted to reflect the Court’s standard preliminary order.
- iii. If Counsel does not know the standard preliminary order format, Counsel shall contact Court staff for a copy of the form order.

3. **Judicial Assignment.**

- i. Final hearings for custody motions requiring an SIJ determination will be heard by either Judge Bush, Judge Henry-Taylor, Judge Sizemore, or Judge Middleman.
 - ii. The preliminary SIJ motions order will indicate the judicial assignment for the final hearing.
4. Counsel shall strictly follow the issued Court orders. Failure to do so may result in delays or continuances.

B. **Private Dependency Applications/Petitions.** Private Dependency Applications/Petitions for youth requesting both a dependency adjudication and a Special Immigrant Juvenile Status hearing may be filed by making appropriate arrangements with Amanda Rose at RoseA@alleghenycourts.us.

1. Communications with Ms. Rose regarding these matters **must** include information on the youth's date of birth in the subject line of the email.
2. Counsel shall include within the email information regarding the requested language(s) for interpretation services.
3. A courtesy copy of the email to Ms. Rose and the Application/Petition shall also be sent directly to the Judge's Administrative Assistant at GJanicky@alleghenycourts.us and the Judge's Law Clerk at EZacherl@alleghenycourts.us.

C. **Scheduling.** The Court will promptly address Special Immigrant Juvenile matters on a case-by-case basis after being notified in the above manner. Judge Bush generally can schedule SIJ hearings two (2) days per month. Judge Henry-Taylor can schedule SIJ hearings one (1) day per month. Judge Sizemore and Judge Middleman may provide additional capacity as available.

1. Counsel should make every effort to file SIJ matters promptly, as the Court has extremely limited ability to schedule expedited hearings.

V. **JUDICIAL CONCILIATIONS**

- A. **Remote Proceeding.** All conciliations shall be conducted remotely using Microsoft TEAMS unless specifically requested otherwise.
- B. **Compliance with Orders.** Counsel shall comply with all Orders of Court prior to attendance at conciliation. Failure to timely file appropriate documents (*i.e.* stipulations, offers, pre-trials, etc.) may result in a continuance of the conciliation and/or the imposition of fines and counsel fees.

VI. **JUVENILE COURT MATTERS**

A. **Motions.**

- 1. Generally, all motions shall be heard in person. Counsel who only have a motion scheduled before the Court and no other court appearance may appear remotely for motion presentation. Counsel shall notify Court staff if they plan to appear remotely and need to request a Microsoft TEAMS link.
- 2. Juvenile motions are to be properly filed on PACFile and a courtesy copy either hand-delivered or sent to the Court's Administrative Assistant at GJanicky@allegheycourts.us and the Court's Tipstaff at DWolford@allegheycourts.us
- 3. Motions in Dependency and Termination of Parental Rights ("TPR") matters will be heard at 8:30 AM on the weekly dependency day.
- 4. Motions in Juvenile Delinquency matters will be heard at 9:00 AM on the weekly delinquency day.

B. **Hearings.**

- 1. All hearings will be conducted in-person unless notified otherwise by the Court.
- 2. The following types of hearings may remain fully remote unless an in-person hearing is requested:

- i. Show up termination of parental rights, only if the hearing is scheduled without an associated permanency review hearing.
- ii. Aggravated Circumstances Petitions, only if the hearing is scheduled without an associated permanency review hearing.
- iii. Bypass hearings, as scheduled by court administration.
- iv. Adoption hearings, as scheduled by court administration.
- v. Any dependency or delinquency proceeding where all parties have agreed to a continuance in advance of the hearing. If there is an unrepresented litigant on the case, the unrepresented litigant must be able to participate via Microsoft Teams to participate in the continuance request. All other requests for continuance should be made by Motion.
- vi. Other proceedings or hearings as determined by the Court.

VII. **COURT SCHEDULE**

- A. **Timeliness.** Court will begin at the scheduled time. The Court expects all Counsel, Parties, and Witnesses to arrive on time for all proceedings. Counsel shall check in with Court staff upon arrival. When Counsel is late or absent, the Court reserves the right to begin proceedings without counsel and, in extreme cases, impose fines and/or counsel fees.
- B. **Time Conflict with Other Proceedings.** Counsel shall notify court staff immediately of any scheduling conflicts. Except in rare circumstances, counsel's attendance at another hearing or in another courtroom will not be considered a valid excuse for delaying this Court's proceedings.
- C. **Exceptions.** All Exceptions should be appropriately filed with the Exceptions Clerk. Once filed, exceptions will generally be scheduled to be heard on the next Adult Motions day following the submission of both parties' briefs.
- D. **Settlement Prior to Proceeding.** In the event a matter is settled prior to any proceeding, including conciliations, Counsel shall immediately notify the Court and shall provide the Court with an appropriate order. If a case is settled prior to trial, in addition to notifying the Court, Counsel

shall also notify the Docket Clerk so the matter can be removed from the Court's calendar.

VIII. COURTROOM DECORUM

A. Banned Items.

1. No food or drink, except water, is permitted in the Courtroom.
2. All cell phones should be turned off or set to silent.

B. Civility.

1. All proceedings will be conducted in a dignified and orderly manner.
2. The Court will allow zero tolerance for incivility. All remarks should be addressed to the Court. Counsel should never act or speak disrespectfully to the Court, the Court's staff, or opposing Counsel.
3. Counsel shall instruct all witnesses and parties to dress and behave appropriately.

C. Presence of Parties.

1. Only counsel and parties may sit at counsel tables or outside of the back seating area within the courtroom.
2. Counsel shall advise their client(s) that, while parties are welcome to attend Motions Court and arguments on exceptions, Parties shall not address the Court unless the Court requests them to do so.
3. If clients are present during Motions Court and arguments on exceptions, Counsel shall advise the Court of their presence.

IX. **TRIAL PROCEDURE**

- A. **Time.** Court proceedings begin promptly at the scheduled time and generally end by 4:30 P.M. The Court reserves the right to proceed beyond 4:30 P.M. when necessary to complete a hearing.
- B. **Scheduling of Experts.** Counsel shall cooperate in scheduling expert testimony. The Court, however, reserves the right to take expert testimony out of order.
- C. **Difficult Legal and Evidentiary Issues.** If Counsel anticipates that difficult questions of law or evidence will arise during trial, Counsel shall alert opposing Counsel and supply the Court with a memorandum of law on the issue no later than one day prior to the date on which the anticipated issue will arise.
- D. **Presentation.**
 - 1. Counsel shall treat all witnesses, including the opposing party, with fairness and consideration.
 - 2. Unless objecting, Counsel shall allow opposing Counsel to finish their statements without interfering or talking at the same time.
 - 3. In all cases – especially custody cases – Counsel shall be mindful of the time allotted for trial and shall present their case accordingly, because additional trial time may not be available for several months.

X. **EXHIBITS**

- A. **Custody of Exhibits in Court Proceedings.**
 - 1. Please review Local Rule 5101.4 Family Division Custody of Exhibits at the following web address:
<https://www.alleghenycourts.us/wp-content/uploads/2024/05/New-Local-Rule-on-Exhibits-Family-Divison.pdf>
 - 2. This rule applies to all proceedings. The party proponent of the exhibit is the court designated custodian of the exhibit. The only

exception to this is when the proponent of the evidence is a self-represented (Pro Se/Litigant without an Attorney) litigant, in which case judicial staff will serve as the custodian of the exhibit.

XI. **PRESENCE OF CHILDREN**

- A. **Presence in Courtroom.** Children, who are the subject of, or in any way involved with, the litigation, should not be present in the Courtroom unless instructed otherwise by the Court and Counsel shall advise clients to make appropriate childcare arrangements.
- B. **Children's Room.** Counsel and parties should be familiar with the location of the Children's Room and its hours of operation.

XII. **FORMAT OF DOCUMENTS**

- A. **Identification of Parties:** The Court prefers litigants to use terms such as "Husband" or "Father" and "Wife" or "Mother" rather than "Plaintiff," "Defendant," "Petitioner," and "Respondent."

XIII. **MISCELLANEOUS PROCEDURES**

- A. **Remote Testimony.** Counsel and parties are expected to be present in the courtroom unless they are experiencing symptoms of illness and/or are in quarantine. Counsel should inform the Judge of any client or witness requesting to appear remotely due to illness/quarantine. Remote appearance by video on Microsoft Teams is strongly preferred in such situations. Pre-trial orders shall address arrangements for remote participation.
- B. **Multimedia Equipment.** In the event any equipment (audio visual, recording, etc.) is necessary for a trial or hearing, Counsel shall notify Court staff at least two weeks in advance of the scheduled proceeding so that appropriate arrangements can be made. Except in rare circumstances, the Court does not have the capability to provide these services.