



Standard Operating Procedures for The Honorable Julie Capone

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COURT PERSONNEL

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BEGINNING IMMEDIATELY, ANY MATTER SUBMITTED TO THE COURT, INCLUDING, BUT NOT LIMITED TO, MOTIONS, RESPONSES, MARITAL ASSET SUMMARIES, CUSTODY FORMS, ETC. MUST HAVE COUNSEL'S PREFERRED EMAIL ADDRESS ON THE COVER SHEET. IN THE EVENT PARTIES ARE SELF-REPRESENTED, HIS OR HER PREFERRED EMAIL ADDRESS MUST BE LISTED.

Important Updates and Common Issues at a Glance

- **CONSENT ORDERS** shall be sent to caponechambers@alleghenycourts.us
- **ALL MOTIONS**, whether contested or uncontested, including **EMERGENCY MOTIONS** shall be sent to caponemotions@alleghenycourts.us
- If all parties consent to a party appearing remotely, leave of Court must still be sought to approve the remote testimony. **FAILURE TO FOLLOW THIS PROCEDURE COULD RESULT IN A WITNESS' TESTIMONY BEING REFUSED BY THE COURT.**
- Orders which are attached to motions should be the **final page**, and follow all exhibits and certificates of service and compliance. The orders should have the correct year date.
- All filings, which are not consented to, shall include a draft order in word form. The filings should have the correct year date. Failure to attach a draft order in word form will result in your filing being returned to you.
- **NO CELLPHONES** are permitted to be out in the Courtroom. They must be put away and on silent. **NO RECORDING WHATSOEVER.** If a cellphone is seen in the courtroom, it will be taken immediately. A \$50 donation to the Children's Room of the Family Law Center shall be made before the cellphone is returned.
- **NO ATTORNEYS OR PARTIES** shall enter the Judge's Chambers. If you need to speak with Chambers about a matter, please call 412-350-7134 or email caponechambers@alleghenycourts.us. If you have an order to drop off to Chambers, please place it in the mailbox on the table outside of Chambers and contact Chambers.
- **ANY AND ALL** scheduled conciliations will be held **IN-PERSON**. Conciliations are no longer being held remotely.

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I. Communication with the Court

- A. Judge Capone’s staff may address scheduling and administrative matters only. The best way to do this is to send an email to caponechambers@alleghenycourts.us or call the Judge’s chambers at (412) 350-7134. You may also leave a voicemail with

chambers at that number, and it will be reviewed in a timely manner. **Please do not enter Judge Capone's chambers.**

B. Ex Parte Communication

- a. 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.
- b. Counsel 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. The Court cannot give you legal advice about your case. If you do not have an attorney, you are highly encouraged to contact the Allegheny County Lawyer Referral Service at (412)-261-5555.

D. All opposing parties or their attorneys **MUST** be copied on any email or communication sent to the Court. The Court will not consider documents or communications sent from one party without verification that it was also sent to the opposing party or their attorney.

E. Information about general court procedures and forms can be found at <https://www.alleghenycourts.us/family/departments>.

II. Submission of Documents

A. All pleadings that are submitted to Judge Capone **MUST** contain the -005 suffix at the end of the docket number. Pleadings without a docket number in the proper format may be returned.

B. All submissions should have page numbers where appropriate.

- C. When submitting a document by email, please use the full case name and docket number as the subject for the email (*e.g.*, Mary Smith v. John Smith, FD-24-xxxxxx-###).
- D. All submissions shall have **NO HANDWRITING**. Failure to do this will result in your submission being returned for correction. If there are corrections, please redo the document. Also, please make sure all documents have the correct date (month and year).
- E. Additionally, please name all files and documents you send to the court with the full case name listed **first** (*e.g.*, Mary Smith v. John Smith, Proposed Order).
 - 1. Also be sure to number all pages of each document or exhibit before they are submitted to the Court. The Court has numerous cases and must be able to efficiently address and keep track of case filings. **Failure to do this may result in your submission being returned for correction.**
- F. In all documents submitted to the Court, the use of terms like Husband, Wife, Partner, Mother, or Father are preferred over terms like Plaintiff, Defendant, Petitioner, or Respondent. Please alert the Judge's staff as soon as possible if you or your client objects to the use of these terms or would prefer that the Court use a specific term.
- G. The Court is able to sign and date PDF documents. Proposed Orders that are consented to by all parties may be submitted in PDF format. Proposed Orders that are not consented to by all parties must be submitted in Word format.
 - 1. Please make sure to have the correct dates on orders. **Failure to do this may result in your submission being returned for correction.**

III. General Court Conduct

A. **ENTRY OF APPEARANCE.** Attorneys must officially enter a Praecipe of Appearance in each case they appear in before the Court. Failure to officially withdraw your appearance when necessary may result in disciplinary action.

1. Self-represented parties must also enter their appearance as required by Pa.R.C.P. No. 1930.8. A form is available at www.pacourts.us/learn/representing-yourself/custody-proceedings

B. It is your responsibility to be aware of and follow the within procedures. The “Revised on” date on page 1 will be updated any time a revision is made. Please remember that judicial resources are limited and that the Court has a full docket. Therefore, cooperation and civility between attorneys is essential and required.

IV. Advanced Communication Technology

A. Remote proceedings

1. Moving forward, **all proceedings will be in-person.**
2. If parties want to request that a proceeding be held remotely because of special circumstances, they must make that request at least one week prior to the scheduled event (unless exigent circumstances exist and one week is not possible).
3. If under extreme circumstances remote testimony is granted, the Court will be using advanced communication technology, specifically the TEAMS application from Microsoft. Microsoft Teams can be downloaded on most computers and mobile devices. More information can be found at <http://www.microsoft.com/en-us/microsoft-teams/download-app>.

- i. It is critical for the Court to have email address and cell phone numbers of parties and lawyers. In the event of a technology failure, you may need to be contacted. Email address and cell phone numbers should be provided on cover sheets for motions and other pleadings.
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V. Consent Orders

A. General Information

1. All Consent Orders of Court can be emailed to this Court at caponechambers@alleghenycourts.us for signature. If additional documents are required to be completed and submitted alongside the consent order, failure to submit them may result in the Court rejecting it or taking no action.
 2. The Court will review and sign if appropriate. If the Order is signed, the Court will email it to the parties and file the original with the Department of Court Records.
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VI. Motions

A. General Information

1. The procedure for motions is different depending on whether the party filing the motion is represented by an attorney, self-represented, or if the matter is an emergency. Please review the following procedures carefully to ensure that your motion is heard in a timely manner.
2. All motions for Judge Capone must contain the **-[005]** suffix at the end of the docket number. **Pleadings without a docket number in the proper format may be returned.**
3. **All motions must be emailed to the Judge's chambers 4 business days ahead of the scheduled Motions court date.** Failure to do so will exclude you from Motions court.

B. Self-Represented Parties. Self-represented litigants who wish to have their motion considered by the Court must do so as follows. Failure to follow these procedures may result in the Court not taking any action.

1. All self-represented litigants must follow the instructions posted at the first floor Information Desk in the Family Law Center for dropping off and signing up a motion.
2. For assistance with a Protection from Abuse (PFA) motion, the self-represented party shall contact the PFA Department on the third floor of the Family Law Center.
3. For assistance with a divorce motion, the self-represented party shall contact the Divorce Department on the fourth floor of the Family Law Center.
4. For assistance with a child support motion, the self-represented party shall contact the Client Services Department on the first floor of the Family Law Center.
5. Responses are not required. Self-represented parties **responding to a motion** must submit their response by dropping off at the Information Desk on the first floor of the Family Law Center. Self-represented parties are responsible for filing their responses with the Department of Court Records before the date set for presentation to the Court.
 - Responses to motions are due by **12:00 PM one (1) business days** before the presentation date.
6. The Court will consider the motion on the date and time stated in the notice of presentation unless otherwise determined by the Court.
7. **Self-represented parties are NOT permitted to come directly to chambers to drop off motions, responses, and/or other documents.**

8. **Self-represented parties are not permitted to call or email to discuss substantive matters with the court's staff.** This would include questions about "interpretation" of an order or asking the staff to explain orders. The staff is strictly prohibited by law and legal ethics from providing legal advice. **Self-represented parties will be instructed to contact the Information Desk and/or the Allegheny County Law Library. Repeated violations of this rule will result in fines, sanctions, or referral to the Sheriff's Office.**
9. Self-represented parties do not have to comply with the local "Meet and Confer Rule" in order to have a motion heard but are certainly encouraged to try to resolve matters with opposing party prior to coming to court.
10. Self-represented parties are also prohibited from emailing staff directly any documents or other information unless it is outlined in a court order or specifically requested.
11. Motions must be submitted by **12:00 PM four (4) business days** before the scheduled motions day.

C. **Attorneys.** Attorneys must submit motions and responses directly to the Judge by email to caponemotions@alleghenycourts.us. **Failure to follow these procedures may result in the Court not taking action.**

1. The Court only accepts motions for the next scheduled motions day. The Motions Court schedule is available on the Fifth Judicial District Website at www.alleghenycourts.us/family/calendar/.
2. Motions must be submitted by **12:00 PM four (4) business days** before the scheduled motions day.
 - **Please note that regardless of when a motion is submitted to the Court, it must still comply with all requirements regarding notice to the opposing party. Seven (7) days' notice of presentation of any motion is required unless it is an emergency.**

- 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.
 - Responses are not required in order to argue a contested motion.
3. Once a motion and response have been submitted, further replies/responses are not permitted. Parties are discouraged from raising new matters in their response to a motion.
- If you are not contesting a motion, please notify by email to caponemotions@alleghenycourts.us as soon as possible.
4. **Counsel and self-represented parties on contested motions are expected to appear for argument in-person on the noticed Motions Court day. No parties and/or counsel shall appear remotely for Motions Court.** Parties represented by attorneys are not required to appear if their attorney will be present for argument. When appearing for argument, parties should check-in with the Judge's staff and remain in the courtroom until their motion presentation is concluded.
- Counsel should notify the Court if a matter is uncontested or withdrawn prior to presentation.
 - Attorney motions on uncontested or routine issues may be resolved prior to Motions Court and the Court will provide an order prior to the scheduled presentation.
5. Attorneys are expected to fully comply with the Pennsylvania Rules of Civil Procedure and Local Rule 1930 where applicable. As a reminder:
- Motions must include a **Notice of Presentation** and **Certificate of Service** unless presented by consent. The Notice of Presentation and Certificate of Service should be on a separate page of the motion or

petition following the cover sheet. **The Notice must specifically state the date, time, and location of argument on the motion.**

- Attorneys are required to **MEET and CONFER** with the opposing party before filing a motion. Please see Administrative Order 225 of 2015 for more information.
- Attorneys are required to complete and submit the [Attorney Motion Submission Form](#) with every motion.
- Motions must include a **proposed order**, which should be attached as a separate file in the **Microsoft Word** or .docx format.

D. Emergency Motions. The Court has discretion to determine the nature of any motion designated as an “emergency.” Failing to give the required seven (7) days’ notice does not constitute an emergency. A true custody emergency is where there is an immediate clear and present danger to a child.

1. **Attorneys** filing an emergency motion must email the motion directly to the Court at caponemotions@alleghencycourts.us and kwymard@alleghencycourts.us. **Attorneys must also call Katie Wymard at 412-420-9900. Please include “Emergency Motion” in the subject line of the email along with the case caption.** Counsel *must* send a copy to the opposing party when submitting their motion.
2. **Attorneys** responding to an emergency motion shall promptly submit a response to caponemotions@alleghencycourts.us and kwymard@alleghencycourts.us and call Katie Wymard at 412-420-9900. **Please include “Emergency Motion” in the subject line of the email along with the case caption.** Counsel *must* send a copy to the opposing party when submitting their response.
 - The Court will rule expeditiously.

- Along with the submission of an emergency motion, attorneys must notify the judge's law clerk, Katie Wymard, of the emergency submission by telephone call to (412) 420-9900.

- E. **QDROs.** You may follow the same procedure for QDROs as for Consent Motions. However, if the institution requires an original ink signature, you may mail or hand-deliver the QDRO to chambers along with a self-addressed, stamped envelope.
- F. **Discovery Motions.** Discovery motions require submission of a completed chart of questions and responses, commonly referred to as the "discovery matrix". Failure to submit the discovery matrix may result in the Court's refusal to hear the matter. Motions regarding complex discovery matters will generally be referred to the appropriate Hearing Officer for a conciliation if they cannot be ruled on based on the pleadings. Attorneys should submit a proposed order with their motion directing the case to the Hearing Officer and, upon receipt of the signed order, follow the Hearing Officer's Standard Operating Procedures to get a hearing date. The Court will require the moving party to pay the full cost of the Hearing Officer's hearing subject to possible reallocation by the Hearing Officer. Hearing Officer procedures can be found at www.alleghenycourts.us/family/departments/divorce/hearing-officers/

VII. Courtroom Decorum

- A. **NOTICE: It is a crime to record a remote proceeding, except for the purpose of the creation of the official court record. Any violations will be referred to the District Attorney for prosecution.**
- B. No cellphones or other audible devices are permitted in the courtroom. If cellphones or other audible devices are seen in the courtroom, they will be taken by the Sheriff's Office and a \$50 donation must be made to the Children's Room of the Family Law Center.
- C. All proceedings shall be conducted in a dignified and formal manner.

- D. This Court maintains a zero-tolerance policy toward incivility. During proceedings, discussion between attorneys is only permitted to expedite matters; argument between attorneys is strictly prohibited. All remarks should be addressed to the Court. **ATTORNEYS AND SELF-REPRESENTED PARTIES SHOULD NEVER ACT OR SPEAK DISRESPECTFULLY TO THE COURT, THE COURT'S STAFF, OR OPPOSING COUNSEL IN ANY MANNER.**
- E. Witnesses, including the opposing party, should be treated with fairness and consideration. Witnesses should not be shouted at, ridiculed, or disrespected in any manner.
- F. In all cases, but particularly in custody cases, attorneys should be mindful of the time allotted for trial and should plan their presentation accordingly. **Additional trial time may not be available for several months.**
- G. Attorneys should cooperate in the scheduling of an expert's testimony. The Court will always consider taking expert testimony out of order.
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VIII. Trials and Hearings

- A. All instructions and guidelines will be set forth in a Pre-Trial/Hearing Order that the Court will provide prior to a scheduled trial or hearing.
- B. Parties must provide the Court with a binder of all exhibits for Trial. A binder must be supplied to the opposing party, for anyone on the witness stand, and for the Court.
- C. Custody of Exhibits in Court Proceedings
- a. The party requesting the exhibit be admitted is the designated custodian of the exhibit. The only exception to this is when the proponent of the evidence is

self-represented (Pro Se/Litigant without an Attorney) litigant, in which case judicial staff will serve as the custodian of the exhibit.

- b. Any party seeking to admit evidence must have each exhibit clearly labeled **PRIOR** to the proceeding. The party proponent of the evidence must be prepared to provide a copy of the exhibit.
- c. The party proponent of the exhibit must also keep an index of the exhibits. This index must list all of the party proponent's exhibits and must be filed with the Department of Court Records (DCR) **within five (5) business days upon the conclusion of the hearing**. This index list must indicate whether the exhibit was admitted or rejected into evidence and provide a description or identification of the exhibit. The proponent is required to email Court staff at caponechambers@alleghenycourts.us once this has been completed, as required by rule.
- d. It is the responsibility of the proponent/custodian of the exhibits to maintain a copy of their exhibits, maintain a copy of the index/exhibit list, and to comply with this rule for all proceedings.

IX. Divorce

A. Hearings. Parties must obtain an Order of Court approving grounds for divorce as set forth in Pennsylvania Rule of Civil Procedure 1920.42 before scheduling a hearing with the Divorce Hearing Officer. The statutory requirements for grounds to be established are set forth in 23 Pa.C.S.A. §3323(9).

- 1. For reference, a blank Praeceptum for Order Approving Grounds for Divorce can be found on the Fifth Judicial District's Website at <https://www.alleghenycourts.us/family/departments/divorce/court-order-approving-grounds-for-divorce/>. It can be submitted along with a proposed Order Approving Grounds for Divorce to the Judge by emailing it to caponechambers@alleghenycourts.us. **Please include "Order Approving Grounds" in the subject line of the email along with the case caption.**

X. Exceptions

A. Please refer to the Fifth Judicial District's Website for the procedure to file exceptions to a Hearing Officer's report and recommendation.

1. Procedures for exceptions in **custody** matters can be found at <https://www.alleghenycourts.us/family/departments/child-custody/filing-exceptions>.
2. Procedures for **child support** matters can be found at <https://www.alleghenycourts.us/family/departments/support/support-exceptions>.
3. Procedures for **divorce** matters can be found at <https://www.alleghenycourts.us/family/departments/divorce/hearing-officers/filing-exceptions-to-the-divorce-hearing-officer/>.

B. General Procedures

1. Unless otherwise noted, you have **20 days** from the date of the mailing/emailing/or receipt of an order to file exceptions.
2. Before filing exceptions, you must order the transcript of the hearing by contacting the Office of the Court Reporter.
3. Argument on exceptions will be scheduled and parties will be notified of the argument date.