

# **STANDARD OPERATING PROCEDURES**

## **Judge Valarie Costanzo**

1 South Main Street, Ste. 2003  
Washington, PA 15301  
(724)-228-6826

### **Contact with Office**

1. Unless specifically requested by the Court, the Court will not entertain emails, letters, or telephone calls requesting action of any kind. All matters shall be presented to the Court by way of motion or petition. Unsolicited letters will be returned, unread. This is true even if opposing counsel or the opposing party has been carbon copied on the correspondence. Such communication is still considered *ex parte* and is prohibited unless requested by the Court.
2. Neither counsel nor the parties shall correspond with the Court by email unless specifically invited to do so.
3. Counsel and/or the parties shall not engage in any *ex parte* communication concerning a pending case with the Court or staff. Such communication may be deemed a cause for referral to the disciplinary authorities, or other appropriate sanctions.
4. Questions concerning court procedures should be directed to the secretary or law clerk (contact information is provided on the last page of this document).
5. Judge Costanzo's chamber is staffed from 9:00 a.m. until 4:30 p.m. The office is closed for lunch from 12:00 p.m. until 1:00 p.m.

### **Courtroom Decorum**

1. No food or drink (except water) is permitted in the Courtroom.
2. All electronic devices are to be turned off in the Courtroom.
3. Counsel should be dressed in professional attire. Likewise, it is counsel's responsibility to instruct witnesses and parties as to proper behavior and dress when the Court is in session. At trial and at hearings, witnesses and parties should be instructed to wear clean, neat, and appropriate attire. No shorts, cutoffs, hats, sleeveless shirts, or flip-flops are permitted.
4. This Court maintains a zero tolerance policy towards incivility. Discourse between counsel/parties is only permitted to expedite matters. Argument between counsel/parties is strictly prohibited. All remarks should be addressed to the Court. Counsel/parties

should never act or speak disrespectfully to the Court, the Court's staff, opposing counsel/parties or witnesses.

5. Only counsel and the parties may sit at counsel table, unless the Court directs otherwise.
6. Children who are the subject of the litigation, or who are in any other way involved in the litigation are under **NO CIRCUMSTANCES** to be present in the Courtroom during a proceeding unless authorized by the Court. Counsel shall advise clients to make appropriate child care arrangements.
7. Counsel should advise clients that while they are certainly welcome to attend Motions Court, they are not permitted to address the Court unless requested by the Court to do so. Counsel **SHALL** advise the Court if their clients are present in the Courtroom.
8. The Court does not routinely request that a sheriff be present during court proceedings. If a sheriff's presence is deemed necessary, please notify court staff in advance.

## **Motions**

### **Listing Motions for Argument**

1. Motions may be mailed or personally delivered to the Court in accordance with the parameters set forth below. The Court will **NOT** accept motions delivered by fax. The motion or cover letter should **clearly** indicate the date of presentation, and whether the motion is contested or uncontested.
2. The sign-up sheet and Motions Inbox are located outside chambers on the Second (2<sup>nd</sup>) floor. Motions that are not timely listed on the sign-up sheet will **not be heard**.
3. A copy of the motion (**not the original**) with a proposed order attached shall be placed in the Motions Inbox. If the motion is withdrawn or consented to after sign-up, please notify the Court immediately to avoid needless review by the Court; withdrawn motions will be removed from the sign-up sheet.

### **Motions Schedule**

4. Motions shall be heard every Tuesday and Thursday at 9:15 a.m.
5. In addition, on rare occasions, and only in the case of **true emergencies**, motions may be heard at the Court's discretion. If the matter is an actual emergency, counsel/parties shall contact a law clerk for further instructions and scheduling. It is not an emergency if counsel/parties simply are not available on Tuesday or Thursday when the Court is scheduled for motions.
6. The moving party **SHALL** list the motion on the sign-up sheet and provide Judge Costanzo's office with a copy of the motion to be presented at least twenty-four (24) hours prior to the scheduled presentation date. Answers or responses shall be filed within

these time frames as well. Failure to follow this procedure will result in Judge Costanzo not entertaining the motion.

7. In civil matters, the moving party shall furnish a copy of the motion and proposed order to all other parties or counsel at least five (5) business days in advance of the presentation together with the notice of when presentation is to occur.
8. In criminal matters:
  - A. The moving party shall furnish a copy of the motion and proposed order to all other parties or counsel at least three (3) business days in advance of the presentation together with the notice of when presentation is to occur.
  - B. The three day notice may be waived for motions for continuances, requests for a hearing date on an omnibus pretrial motion, and motions to vacate bench warrants. Said motions shall contain the signature of the defense counsel or the self-represented defendant, as well as the signature of the attorney for the Commonwealth indicating whether the motion is or is not objected to by the Commonwealth. These motions may be dropped off in Judge Costanzo's office. If the Commonwealth objects to the motion, argument on the motion will be heard either during the following scheduled motions court or at the earliest convenience of the court. If the Commonwealth does not object to the motion, Judge Costanzo may sign the order and defense counsel or the self-represented defendant will be contacted to retrieve and file the signed order.
9. Further instructions for self-represented parties are as follows:
  - A. All parties are advised that the Court starts motions promptly at the scheduled time. Failure to appear at the scheduled time may result in the motion being denied or granted with only one party being present. In extreme cases, imposition of fines or counsel fees may be imposed. Promptness is also expected of the parties and witnesses. All parties shall enter the Courtroom and have a seat before the time scheduled. Your name will be called when Judge Costanzo is ready to hear your motion.
  - B. Like attorneys, self-represented parties are bound by all Pennsylvania Rules of Court, Evidence, and Procedure. Self-represented parties are also expected to familiarize themselves and follow this Court's Standard Operating Procedures, which are contained in this document.
  - C. Self-represented parties are not permitted to call or otherwise discuss legal matters with the Court's staff. **Court staff is NOT PERMITTED to give legal advice of any kind.**

### Judge of the Term Criminal Motions Schedule

10. When Judge Costanzo is Criminal Judge of the Term, she will hear general criminal motions during her regular scheduled motions court on Tuesdays and Thursdays at 9:15 a.m.
11. The moving party **SHALL** list the motion on the sign-up sheet and provide Judge Costanzo's office with a copy of the motion to be presented at least twenty-four (24) hours prior to the scheduled presentation date. Answers or responses shall be filed within these time frames as well. Failure to follow this procedure will result in Judge Costanzo not entertaining the motion.

### Consent Orders

1. Consent Orders will be accepted at any time and may be dropped off for Judge Costanzo's signature, provided the signatures of both counsel/parties are contained on the proposed order.
2. Counsel/parties are responsible for retrieving and filing the signed Consent Order. Under no circumstances will the Court be responsible for filing the order or for mailing back a signed Consent Order.

### Trial Procedure

1. In all hearings, counsel/parties 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.
2. All Court hearings shall begin promptly at the scheduled time. Trial shall end each day at approximately 4:30 p.m.
3. Counsel/parties should cooperate in the scheduling of expert testimony. The Court will always consider taking expert testimony out of order.
4. When documents are to be entered into evidence and/or presented to the Court, counsel/parties should provide copies to opposing counsel/parties and to the Court. Requests for copies because counsel did not anticipate the use of the document will be denied.

### Court Personnel:

The names of Judge Costanzo's staff members are listed below. You can contact any of her staff members at the following phone number: (724)-228-6826.

Secretary – Lori Thompson    Law Clerk – Alana Staniszewski    Court Crier – Jen Houpt