

Part Rules

Part IDV

265 East 161st Street

Bronx, N.Y. 10451

Courtroom: Room 420

Courtroom Phone: (718) 618-1067

Courtroom fax: (212) 457-2663

Court Attorney: (718) 618-3181

IDV Office & Record Room: (718) 618-3145

ADJOURNMENTS:

Counsel, their clients and the District Attorney must appear at all scheduled court appearances unless the Court expressly directs otherwise. No adjournments will be granted unless counsel is actually engaged and has submitted an affidavit to that effect, or, upon a showing of exigent circumstances. Affidavits of actual engagement should be submitted to the Court no later than 10 a.m. on the day of the scheduled appearance. Affidavits may be submitted in person or by facsimile at the above number. No adjournments on consent will be accepted.

When the Court grants an adjournment, the party seeking the adjournment must notify the appropriate parties and counsel in all pending matters of the date of the adjournment.

Where the Court has scheduled a civil matter for a time certain and a party or counsel fails to appear and counsel is not actually engaged or has not otherwise secured a Court- approved adjournment, default applications will be entertained within 10 minutes of the scheduled time. In cases of inclement weather, there will be a 15-minute grace period. Counsel in criminal matters before the Court will have their case adjourned if they fail to appear as directed within the above-stated times.

Attorneys who are either late for a scheduled court appearance, hearing and/or trial, or who fail to appear and do not provide an affidavit of engagement in the manner described above, are subject to sanctions.

CONFERENCES:

Counsel must be prepared to discuss all aspects of a matter, including settlement, at any scheduled preliminary, compliance, pre-trial or other scheduled court appearance.

In family court matters, preliminary and compliance conferences are available to counsel upon request in matters where all the litigants are represented by counsel. Such requests may be made by contacting the Court Attorney at the above number in advance of the scheduled court appearance or on the actual date of the scheduled court appearance. All such conferences will be before the Court Attorney with counsel for all the parties. Counsel are encouraged to request conferences where appropriate to expedite the disposition of family court matters.

In matrimonial actions, preliminary conferences must be held within 45 days of the filing of the Request for Judicial Intervention. The RJ I must be filed in Supreme Court. When an Order to Show Cause in a matrimonial case is filed prior to the scheduling of a preliminary conference, the Court will hold the preliminary conference on the return date of the Order to Show Cause. Accordingly, counsel are required to appear with their clients on the return date. Counsel are also referred to the Court's separate matrimonial rules.

Pre-trial conferences shall take place in all civil matters. In matrimonial cases counsel or the pro se litigants must provide a statement of proposed disposition pursuant to 22 N.Y.C.R.R. 202.16(h), child support worksheet if applicable, an updated net worth statement and proof of filing of the Note of Issue in the Supreme Court.

MOTIONS:

Ex parte applications brought by Order to Show Cause and submitted after 1 p.m. will be placed on the calendar for consideration on the next business day. Oral argument is required on the return date of all Orders to Show Cause as well as proof of service. All Orders to Show Cause in matrimonial cases must first be processed through the ex-parte Motion Part, at Supreme Court. Applicable fees must be paid to the Supreme Court. All other motions must be filed with the IDV clerk in Room 423. Discovery motions in civil matters should not be made without the Court's permission. And where permission is granted, an affirmation of good faith is required.

The Court will not accept, either by facsimile or delivery any papers, for filing.

SUBPOENAS/VOUCHERS:

Vouchers and subpoenas will not be signed by the Court while the Court is in session. They may be left in the designated drop-off box in the courtroom. After being signed by the judge they will be left in the designated pick-up box for counsel to retrieve. The Court will reject any subpoenas that are not in accord with CPLR § 2305 (b); and 3120 as amended on September 1, 2003.