

CHANGE OR WITHDRAWAL OF ATTORNEYS

A. A party's attorney may be replaced by new counsel by executing a consent to change attorney form which must be served and filed.

B. An attorney may not be replaced by a party *pro se* by means of a consent to change attorney form. Where such action is contemplated, the attorney must seek leave of the Court to withdraw from the action pursuant to CPLR § 321(2). The application must be made by Order to Show Cause or by application in open Court at an appearance where **all** counsel and parties are present.

MOTIONS

A. **All** applications for relief, except cross-motions, must be made by Order to Show Cause unless otherwise directed by the Court. All applications for ex parte relief must comply with § 202.7 of the Uniform Civil Rules for the Supreme and County Courts. To reduce the need for motion practice, counsel are encouraged to contact the Court by conference call prior to filing a motion.

Applications for **Child Support** or **Spousal Support** will not be accepted unless accompanied by a completed New York State Case Registry Filing Form.

B. All applications, affidavits and exhibits that are not **tabbed** will be **rejected**.

C. Counsel and the parties must appear on the return date for all Orders to Show Cause unless otherwise directed by the Court.

D. A courtesy copy of any responsive papers due before the return date of a motion must be filed in the courtroom or with chambers.

E. A completed child support standards act worksheet must be submitted with all applications seeking or opposing child support. On the return date of an Order to Show Cause seeking child support, a party appearing to oppose it must submit a current child support standards act worksheet and current Statement of Net Worth, whether or not any other responsive papers are then due.

F. After argument has been heard, sur-replies, letters, and other responses addressed to the substance of motions will not be considered unless first authorized by the Court.

G. Allegations of fact submitted to the Court, including allegations contained in an affidavit or the complaint, must be certified by counsel in the form prescribed by the Chief Administrative Judge.

H. All applications to consolidate Family Court actions must include a copy of the petition and any currently effective orders.

I. Copies of decisions and orders will be mailed, emailed or faxed to counsel and self-represented litigants.

J. Counsel and parties may not communicate with the Court by letter, email or fax

without prior approval by the Court. Any documents mailed, faxed or emailed without approval will be ignored.

K. Correspondence between counsel is not to be copied to chambers.

ORDERS OF PROTECTION

Applications for Orders of Protection will be heard on the day of submission or on the next day the Court is in session. The party seeking the order and counsel, if any, must be available to appear when the matter is presented to the Court. Applications for Orders of Protection will not be accepted unless accompanied by a completed Family Protection Registry Information Sheet and Family Protection Registry Information Sheet Addendum forms.

PRELIMINARY CONFERENCE

Counsel's attention is called to § 202.16(f) of the Uniform Rules For the New York State Trial Courts with respect to documents that **must** be produced at the Preliminary Conference. Failure to file the Statement of Net Worth, including all required attachments, will subject a party and/or counsel to sanctions, including the imposition of attorney's fees.

SUBMISSION OF PROPOSED NEUTRALS

The following procedure is to be strictly followed when complying with a direction to submit proposed neutrals to the Court:

- A. Use a blank piece of paper instead of law firm letterhead so that submissions can be kept anonymous.
- B. Include the caption of the case and index number.
- C. State the subject of the expert's testimony.
- D. Submit up to three names of experts for each subject, together with their telephone numbers and their addresses, and enclose a resume, if available, or a statement of prior experience.
- E. Include the proposed neutral's required retainer, hourly rate, and total projected cost.
- F. Send a copy of the submission to the judge, opposing counsel and, where appropriate, the attorney for the child, and write the words "cc: opposing counsel/attorney for the child" on the submission to the Court.
- G. For submission to the judge, use an envelope that has no return address. Do not write "personal and confidential" on the envelope.
- H. After the submission date, the Court will appoint a neutral from the names then submitted, or, if none are suitable, the Court will appoint one of its own choosing.

COMPLIANCE CONFERENCE

Counsel are directed to bring to the Court's attention by conference call or Order to Show Cause any failure to comply with discovery orders **prior to the compliance date**. The failure to do so may result in the forfeiting of the right to discovery.

PRE-TRIAL CONFERENCE

The Court will issue a pre-trial conference order in advance of the pre-trial conference date. **Full compliance with the pre-trial conference order is required.** In particular, all exhibits to be introduced on each party's affirmative case should be pre-marked.

TRIAL

A. Adjournments of trial dates will very rarely be granted. Unless an adjournment has been granted, failure to proceed to trial as scheduled may result in relief being granted on default or dismissal of the action.

B. Counsel shall notify chambers immediately if the action is resolved prior to the trial date.

C. Trial summations, **which must include post-trial proposed findings of fact and conclusions of law**, are to be made by written submission with copies on computer disk or Word Perfect formatted email attachment. Counsel should also submit child support worksheets if child support is requested.

SANCTIONS AND/OR COSTS MAY BE IMPOSED FOR FAILURE TO COMPLY WITH THESE RULES.

(Promulgated March 2008)