

SPECIAL REFEREES' RULES - - SPECIAL REFEREES' PART (PART SRP) AND INDIVIDUAL REFEREES' RULES

**RULES OF THE SPECIAL REFEREES' PART (PART SRP)
AND LIST OF JUDICIAL HEARING OFFICERS AND SPECIAL REFEREES**

RULES GOVERNING REFERENCES

The Special Referee Assignment Calendar will be called promptly at 9:30 AM in Room 112 at 80 Centre Street, unless otherwise posted. There is no second call of the calendar.

Order of Reference; Information Sheet: Issues referred to a JHO/Special Referee are limited to those specifically set forth in the Order of Reference. Unless otherwise provided in the Order, counsel must consult and, within 15 days from the date of the Order, the counsel for plaintiff/petitioner must submit a fully completed Information Sheet to the Special Referee Clerk, General Clerk's Office, Room 119M, at 60 Centre Street, by fax (212-401-9186) or e-mail (spref@courts.state.ny.us). The Information Sheet is accessible on the court's website (the address of which is: www.nycourts.gov/supctmanh) at the "References" link under "Courthouse Procedures". **It is vital that counsel set forth in the Information Sheet as accurately as possible the estimated length of the hearing and the number of witnesses to be called by each side; this information is required in order efficiently to assign the matter to a JHO/Special Referee.** Upon receipt of the completed Information Sheet, the Special Referee Clerk will place the matter on the calendar of Part SRP for the earliest available date. Cases are assigned to a JHO/Special Referee upon their first appearance in Part SRP and the hearing will commence on the original hearing date. Therefore, **all attorneys must have their witnesses and exhibits present and be ready to proceed to the hearing on the first appearance in Part SRP, subject only to the following procedures regarding adjournments.**

Adjournments: One adjournment (maximum four weeks) may be obtained on consent. A copy of a stipulation of all parties must be submitted to the Special Referee Clerk *in advance of the original Part SRP appearance date*. Prior to execution of the stipulation, counsel must consult with the Special Referee Clerk and obtain an adjourned date that is an available hearing date in the Part. That date must be inserted in the stipulation. No other adjournments will be allowed except upon a showing of extraordinary circumstances (e.g., sudden illness of counsel or a witness) on application in Part SRP. If such an application is to be made, the applying attorney must notify all other attorneys *in advance of the appearance date*.

Hearings: The hearing will be conducted in the same manner as a trial before a Justice without a jury (CPLR 4318, 4320 (a))(the proceeding will be recorded by a court reporter, the rules of evidence apply, etc.) Unless otherwise directed by the JHO/Special Referee for good cause shown, **hearings shall proceed from day to day until completion.** To comply with this requirement, counsel must arrange their own schedules and those of their witnesses accordingly and, if needed, adjourn the commencement date of the hearing on consent as above provided.

Restoration to Calendar: A reference may be marked off, but only where a compelling reason is shown (e.g., bankruptcy stay (general scheduling preferences of counsel do not constitute such a reason)), or in the event of no appearance by either side. If the reference is marked off due to non-appearance, a new order from the assigned Justice will be required to restore the reference to the calendar. Counsel must serve upon the Special Referee Clerk a copy of any stay order or order lifting a stay previously directed.

Mechanics of Obtaining Adjournments and Restorations: Copies of stipulations for an initial adjournment in compliance herewith may be transmitted to the Special Referee Clerk by fax (212-401-9186) or e-mail (spref@courts.state.ny.us)(counsel for a party shall retain the original stipulation); if the said adjournment is requested in compliance with these Rules, no appearance will be required in these instances. As to restorations that do not require an order of the assigned Justice, contact the Special Referee Clerk.

E-Filing: Cases before a Referee may be e-filed matters since many cases in this court are subject to mandatory e-filing. In any such cases, attorneys must upload transcripts to the New York State Courts Electronic Filing System.

Communications Regarding References: Please direct all inquiries to the Special Referee Clerk, General Clerk's Office, Room 119M. E-mail is preferred (spref@courts.state.ny.us). Phone: 646-386-3028.

Judicial Hearing Officers / Special Referees:

Hon. Ira Gammerman	Part 27 M	60 Centre St., Room 528	646-386-3245
Hon. Phyllis Gangel-Jacob, JHO	Part 91R	60 Centre St., Room 665	646-386-3205
Hon. Stanley L. Sklar, JHO	Part 93R	60 Centre St., Room 564	646-386-3165

Joseph P. Burke	Part 87R	80 Centre St., Room 475	646-386-5541
Louis Crespo, Jr.	Part 85R	71 Thomas St., Room 300	646-386-3794
Jeremy R. Feinberg	Part 84R	80 Centre St., Room 114	646-386-3207
Jeffrey A. Helewitz	Part 82R	60 Centre St., Room 562	646-386-3667
Lancelot B. Hewitt	Part 81R	80 Centre St., Room 321	646-386-3680
Sue Ann Hoahng	Part 89R	80 Centre St., Room 476	646-386-3676
Steven E. Liebman	Part 86R	60 Centre St., Room 641	646-386-3662
Phyllis Sambuco	Part 83R	60 Centre St., Room 240	646-386-3821
Marilyn T. Sugarman	Part 88R	60 Centre St., Room 651	212-256-7839

Uncontested matrimonial cases are heard in the same Part numbers listed above except that a "U" replaces "R" in the number.

6/27/14

SPECIAL REFEREES' RULES

RULES OF PART 82 R JEFFREY A. HELEWITZ, SPECIAL REFEREE

1. Ex parte communications with the Part are not permitted. Parties and/or their attorneys may not contact the Part by telephone, fax, e-mail, letter or any other method of communication, EXCEPT that conference calls, with all parties on the line, may be made between the hours of 9.00 A.M. and 9.30 A.M. only; telephone calls made after that time will not be answered, unless prior arrangement with the Part has been made. No prior arrangement for conference calls between the hours of 9.00 A.M. and 9.30 A.M. is needed. Any other attempt to contact the Part will not be addressed.
2. Correspondence, whether by mail, e-mail, fax or any other method of communication between counsel is not to be copied to the Part. If such communication is necessary for the Part to see, it must appear as an exhibit to a formal written motion.
3. The Part will not issue any oral ruling or any ruling based on oral representations, nor will it issue any written ruling based on the representations of only one party. Any request for a ruling must be in the form of a formal written motion, with appropriate opposition and reply papers, if necessary. The Part will not entertain any sur-reply papers and sur-reply papers will be rejected.
4. For matters that are referred to the Part to hear and report, with recommendations, no post-hearing briefs are permitted without prior leave of the Part.
5. For matters that are referred to the Part to hear and determine, post-hearing briefs may be submitted to the Part. The length of the brief and the time within which it must be submitted will be determined by the Part, on a case-by-case basis, at the last hearing date; no opposition or reply briefs are permitted.
6. Once a date has been set for a hearing, the hearing will continue day to day, and no consent adjournments will be accepted, without leave of the Part. In the event that the matter is resolved prior to the hearing date, the parties are expected to notify the Part immediately by telephone, between the hours of 9.00 A.M. and 9.30 A.M., and forward a signed stipulation of settlement to the Part forthwith.
7. All dates set by the Part for hearings, trials, motion papers, and so forth, are final and may not be adjourned by the parties without leave of the Part for good cause shown. Applications for an adjournment supported by a proper affirmation of actual engagement shall be granted, in accordance with Part 125 of the Rules of the Chief Administrator of the Courts; affirmations must be faxed to the Part at least one (1) day prior to the scheduled appearance.
8. Information regarding the scheduling of matters and the issuance of recommendations or determinations should be obtained by consulting the *Supreme Court Records On-Line Library* ("Scroll")(accessible under "Case Information" on the court's website at www.nycourts.gov/supctmanh) or by means of the court system's free e-mail notification service, *e-Track* (accessible at the *e-Track* link at www.nycourts.gov). Recommendations and determinations will be posted in Scroll unless the Referee directs otherwise and, in e-filed cases, will be filed with the e-filing system, with e-mail notification thereof provided immediately thereafter. If necessary, counsel may contact the Referee Clerk, but in any event shall not contact the Part directly.