

Honorable Gail B. Rice

**Westchester County Family Court
420 North Avenue
New Rochelle, New York 10801
Chambers Fax: (914)-831-6588**

Secretary: Lawanna Bishop
(914)-831-6587
E-mail: ltbishop@nycourts.gov

PART RULES

1. GENERAL

Parties and counsel should make every effort to be on time. A petition may be dismissed if there is no appearance by the petitioner or petitioner's counsel by the scheduled time.

On an emergency basis - if an attorney or his/her client is running late for a court appearance, please call Judge Rice's secretary, Lawanna Bishop at (914) 831-6587 or email her at ltbishop@nycourts.gov so that she may advise Judge Rice.

2. CORRESPONDENCE/COMMUNICATION WITH THE COURT

Communication with the Court shall be made in writing. Such correspondence must be copied to all counsel, including the Attorney for the Child, and any pro se litigants. Any correspondence sent to the Court should include a family unit number and an e-mail address, telephone number, and street address of the sender (unless there is a court order of confidentiality as to the sender). The court does not expect to be copied on correspondence between counsel and/or pro se litigants. Any and all ex parte communication will be returned to the sender.

3. ADJOURNMENTS

All adjournments must be approved by the Court even when the parties and counsel have consented to the adjournment. Any request for an adjournment should be made in writing by facsimile to chambers at (914) 831-6588, or filed with the Clerks' office. Requests should be made at least seventy-two (72) hours in advance of the scheduled date and must indicate the reason that the adjournment has been requested and whether the other interested parties, including the Attorney for the Child, consent or object. Adjournment requests made upon consent of all parties and counsel must include at least three future dates that are acceptable to all. If an adjournment request is granted, the requesting party must notify all interested parties, including the Attorney for the Child and any pro se litigants of the adjourned date and send

confirming notification of the new date. **Only in an emergency** will the court grant an adjournment made less than seventy-two (72) hours before the scheduled date.

Adjournments for Preliminary Proceedings

Petitioners **will not** be granted an adjournment for Preliminary Proceedings unless extraordinary circumstances exist. Respondents requesting an adjournment of a Preliminary Proceeding must acknowledge service and waive any defects in service and follow the above procedure for scheduling a court appearance, which will then be placed on the court calendar for a conference. All temporary orders will be extended through the next court date.

Please note that if a written request for an adjournment or confirmation of the adjournment is sent to chambers by facsimile, the original correspondence is NOT required to follow by mail.

4. ENGAGEMENT OF COUNSEL

Adjournment requests due to attorney engagement in another court must be made pursuant to 22 NYCRR §125.1. Adjournment requests are not automatic and will be evaluated by Judge Rice on a case by case basis. Notice to the Court must be made as soon as a conflict is discovered.

Each adjournment request based on engagement of counsel shall be proved by affidavit or affirmation, filed with the court together with proof of service on all parties, setting forth:

- (i) the title of the action or proceeding in which counsel is engaged;
- (ii) its general nature;
- (iii) the court and part in which it is scheduled or, if it is a proceeding conducted pursuant to rule 3405 of the CPLR, the court in which the underlying action was commenced;
- (iv) the name of the judge or panel chairman who will preside over it; and
- (v) the date and time the engagement is to commence, or did commence, and the date and time of its probable conclusion.

Please note that priority of actions and proceedings shall be in accordance with 22 NYCRR §125.1(c).

5. PETITIONS/ORDER TO SHOW CAUSE/ORDERS

All Petitions, Orders and Orders to Show Cause must be filed with the Clerk's office. If an attorney is directed to prepare a final order, notice of settlement shall be set at a maximum of two weeks, unless otherwise agreed upon.

6. MOTIONS

Motions must be filed with the Clerk's office. Ordinarily, an appearance on a motion is not required. However, if an attorney is requesting an appearance on the motion, same should be noted in the Notice of Motion. The Court, in its discretion, may schedule an appearance on the motion and, if it does so, will notify the parties of the appearance date and time. Decisions on motions may be rendered from the bench or done in writing. Written decisions will not be sent to counsel unless they have provided the court with a self-addressed stamped envelope with sufficient return postage.

7. NOTICE OF ASSIGNMENT

Questions regarding notice of assignment should be directed to Cynthia Webb via email at cywebb@nycourts.gov.

8. VOUCHERS

Questions regarding vouchers should be directed to Lawanna Bishop at (914) 831-6587 or at lbishop@nycourts.gov. Be sure to include the family unit number, name of the case and the date(s) in question. All vouchers submitted must include the original voucher and two copies. Each set must be properly stapled or paper clipped together. Any incomplete or incorrectly submitted vouchers will be returned.

9. INTERPRETERS

If a party requires the services of a non-Spanish speaking interpreter, counsel should notify the Court as soon as possible so that appropriate arrangements can be made. Please make an effort to notify the Court at least two weeks before the interpreter is needed. Attorneys may submit an order for an interpreter to assist them in communicating with their clients outside of court.

10. TRIAL PROCEDURE

When a matter is scheduled for trial, parties should appear ready to proceed with the trial at the scheduled time. Trial time may NOT be used for settlement discussions. Any settlement discussions should take place and be completed outside of court time. Accordingly, DO NOT appear at the time a trial is scheduled to begin and expect to proceed with settlement discussions. If counsel or a pro se litigant is not ready to proceed on the date of trial, the matter might be dismissed.

Motions In Limine: Counsel shall advise the court in writing of any issues of which they are aware in advance of trial which may require a ruling by the court during trial.

Exhibits: Before trial begins, counsel shall provide the court and other counsel or pro se litigants with a list of exhibits. Counsel shall pre-mark all exhibits before trial. With respect to any court documents of which counsel is requesting that judicial notice be taken, counsel shall provide a separate list of those documents to the court and other counsel or pro se litigants. Those documents shall be numbered as "Court Exhibits."

Evaluations: Parties requesting mental health/forensic evaluations should agree upon the evaluator and to the report being admitted into evidence at trial subject to cross-examination. If the parties cannot agree, they shall each submit the name and CV of the evaluator they propose and the court will choose the evaluator from those suggested. Either party (at his or her expense) may call the evaluator as a witness for purpose of cross-examination regarding the report.

The reports of any court-approved evaluator (or other expert) are not to be provided to the litigants, but may be provided to counsel upon their filing a Non-Disclosure Affidavit. Litigants are permitted to review reports under the supervision of their attorneys, but may not make any reproductions of the report in full or part. Pro-se litigants may review reports in the Clerk's office.

Subpoenaed documents: Subpoena Duces Tecum shall be filed with the Clerk's office and not with Chambers. Subpoena Duces Tecum shall be made returnable to court at least three days before the first day of trial. Counsel shall review subpoenaed documents before the date of trial; trial time will not be allotted for counsel to review such documents. Any petitions withdrawn on a date for which the matter was scheduled for trial will be deemed withdrawn with prejudice.

11. DECISIONS AND ORDERS

If the Court issues a Bench Decision and a party would like a written decision or order, the party shall submit a proposed Order to the court, with Notice of Settlement, and a transcript of the proceedings at which the Bench Decision was rendered.