

**NASSAU COUNTY YOUTH PART
District Court Room 268**

PART RULES & PROCEDURES

Acting Supreme Court Justice: **HON. NORMAN ST. GEORGE**
Principle Law Clerk: **WILLIAM BODKIN, ESQ.**
Secretary: **MARIANNE ADRIAN**

Phone: **(516) 493-4166**
Courtroom: **(516) 493-4344**
Fax: **(516) 572-2507**

The Nassau County Youth Part of the Supreme Court of the State of New York has been created pursuant to Chapter 59 of the Laws of 2017 (Raise the Age Legislation) to hear and determine Felony cases involving Adolescent Offenders (16 Year Olds as of October 1, 2018, and 17 Year Olds as of October 1, 2019) and Juvenile Offenders (13, 14 and 15 Year Olds).

All Felony Arraignments involving Adolescent Offenders (AO's) and Juvenile Offenders (JO's) will be conducted by the Youth Part Judge or an Accessible Magistrate. AO/JO Arraignments will take priority over all other Arraignments. In the event that an Arraignment is conducted by an Accessible Magistrate, the case will be adjourned to the Youth Part on the next business day at 2:15 pm. The Youth Part will be open five (5) days a week from 9:30 am to 5:00 pm. After the first appearance in the Youth Part, adjourned cases will be scheduled only on Tuesdays at 2:15 pm.

The following rules and procedures apply to Youth Part cases:

I. COURT APPEARANCES

Calendar Call for all cases will commence at 2:15 p.m. Attorneys and AO's/JO's must be present in the Courtroom at 2:15 p.m. on each and every Court date, unless otherwise directed by the Court. Late appearances will not be permitted without good cause. Final Calendar Call will be at 2:45 p.m. Issued Bench Warrants will not be recalled.

Attorneys must sign their cases in with the Courtroom Clerk prior to the Calendar Call. All cases should be conferenced with the District Attorney's office and Probation before the Court date. Cases may be conferenced with the Assistant District Attorney in the Courtroom between 2:00 p.m. and 2:15 p.m. Conferences with the Court will be conducted at the Bench during Calendar Call. Attorneys appearing on each Court date must be fully familiar with the case and all of the outstanding issues regarding the case.

On the initial Court date, a Bench conference will be conducted to determine whether the case will be sent to Family Court or Probation for adjustment. If the case cannot be resolved on the initial Court date, the case will be adjourned as follows:

a. For Violent Felonies and Class A Felonies (except Murder and cases involving Controlled Substances), the case will be adjourned to the sixth (6th) day from the arraignment date for a hearing on whether the case involves the Display or Use of a Weapon, a Sex Offense, or Significant Physical Injury;

b. For Non-Violent Felonies and Felonies involving Controlled Substances, the case will be adjourned to the thirtieth (30th) day from the arraignment date for the D.A. to determine whether they will make a motion to prevent removal.

After thirty (30) days from the arraignment date, all cases not removed to Family Court or Probation for adjustment will proceed in the Youth Part as a Felony. Cases will next be marked as Held for the action of the Grand Jury. Upon an Indictment, the case will be expeditiously scheduled for motions, discovery, hearings, and then trial.

II. ADJOURNMENTS

A. Court Dates:

1. No adjournments of Court dates will be accepted or effective without the prior approval of the Court. No adjournment or modification of a Court date will be granted unless based on unforeseeable or extraordinary circumstances.

2. A request for an adjournment of a Court date shall be made by an Attorney conference call to Chambers no later than 3:00 p.m. on the business day immediately preceding the scheduled Court date.

3. All Attorneys must be advised of and consent to proposed adjournment requests and agree upon proposed adjournment dates.

4. Upon approval by the Court of an adjournment request, the requesting Attorney must immediately forward a confirmation letter to the Court (via fax and first class mail), and notify all Attorneys, by phone call and letter (via fax and first class mail), that the Court has adjourned the Court date on consent of all of the parties. Each Attorney is responsible for notifying his/her respective client.

5. Upon denial of an adjournment request by the Court, all Attorneys and AO's/JO's must appear in Court on the scheduled Court date.

6. Unless an adjournment request is specifically granted by the Court prior to the Court date, all parties must appear in Court on the scheduled Court date.

7. In addition to the above procedure, adjournment requests based on the

unanticipated engagement of Counsel on another hearing or trial must be accompanied by an Affirmation of Engagement in conformity with 22 NYCRR § 125, specifying the Court the Attorney is engaged in, the name of the Judge, the name of the case, the type of case, whether the engagement is on a Hearing or Trial, and the expected duration of the engagement. The Affirmation must be forwarded to Chambers no later than 3:00 p.m. on the business day immediately preceding the scheduled Court date (via fax and first class mail). Attorneys are directed not to send their clients to Court with an Affirmation of Engagement without previously notifying Chambers of the engagement. Phone call notification to Chambers on the morning of the scheduled Court date is unacceptable.

B. Motions:

Applications to adjourn motion dates will follow the same procedure as adjournment requests for Court dates as indicated above.

C. Hearings and Trials:

Attorneys must be ready to proceed with scheduled Hearings and Trials. Hearings and Trials will continue day to day until completed. There will be no adjournments of Hearings or Trials without exceptional circumstances. Applications to adjourn Hearings and Trials will follow the same procedure as adjournment requests for Court dates, as indicated above.

III. MOTIONS

A. Pre-Motion Conferences:

1. Prior to making or filing any motions, including non-emergency Order to Show Cause applications, Counsel for the moving party must arrange for a conference call to be held with his/her adversary and the Court to discuss the issues involved and the possible resolution thereof. Counsel fully familiar with the matter and with authority to bind their client must be available to participate in the conference.

2. If the issue can be resolved during the conference call, an Order consistent with such resolution will be issued. If the issue cannot be resolved during the conference call, the Court will set a motion schedule for the motion.

3. There will be no oral arguments on motions or Order to Show Cause applications unless specifically indicated by the Court.

B. Submission of Motions:

1. Appearances of all Attorneys and AO's/JO's are required on all motions dates, unless otherwise indicated by the Court.

2. Motions are to be served and filed in conformity with C.P.L.R. §2214. In addition,

the various branches of the motion, as delineated in the Notice of Motion or Order to Show Cause, are to be preceded by a number or letter which corresponds to a number or letter in the supporting affirmations and affidavits containing the numbered paragraphs dealing with the particular relief sought. All exhibits must be clearly tabbed.

3. No sur-reply affidavit, affirmation, memorandum of law or letter will be accepted or considered by the Court without leave of the Court.

4. Attorneys are directed to provide the Court with self-addressed, stamped envelopes with the submitted papers in order to facilitate delivery of the Court's decision.

5. Motions not consistent with these rules will be rejected and returned to Counsel.

D. Interim Partial or Full Settlement:

If all or part of a submitted motion is settled, a written Stipulation signed by all of the Attorneys and parties, together with a proposed Order with Notice of Settlement (on at least ten [10] days notice), or a signed Waiver of Settlement, shall be submitted with a copy to be conformed along with a self-addressed, stamped envelope. In addition, the forgoing shall be accompanied by a letter setting forth the date the motion was submitted, what aspects of the motion have been settled and what issues, if any, remain to be decided. If the motion is resolved, in whole or part, on the record, Counsel shall submit a proposed order regarding same together with a copy of the minutes of the proceeding. Alternatively, the parties may submit a written Stipulation signed by all of the Attorneys and parties, and same shall be "So Ordered."

IV. COMMUNICATION WITH CHAMBERS

In all communications with Chambers by letter, the title of the action, the docket number, the next Court date the matter is on, and full names and addresses of the Attorneys and AO's/JO's shall be set forth, with copies simultaneously delivered to all Counsel. Ex parte communications with Chambers, whether by telephone, fax or otherwise, are improper and will be disregarded.

Copies of correspondence between Counsel shall not be sent to the Court. Such copies if received by the Court shall be discarded and not placed in the Court's file.

The Court will not accept fax communications or submissions without prior permission.

V. MISCELLANEOUS

Attorneys who have appeared in matters before the Court are required to make all appearances until either the conclusion of the case or they are relieved by the Court. A discharge of an attorney by his/her client will not relieve the attorney from appearing in Court unless the attorney is formally relieved by the Court.