

## ***Civil Term - Part Rules, Part 63, Courtroom 23***

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Hon. William A. Viscovich, A.J.S.C.  
Supreme Court, Queens County  
88-11 Sutphin Boulevard, Jamaica, NY 11435

Courtroom Telephone 718-298-1094  
Secretary to the Judge: Rita Herman  
Principal Law Clerk: Maura Curtin Vance  
**Email: [QSCPart63@nycourts.gov](mailto:QSCPart63@nycourts.gov)**

### **COMMUNICATION:**

1. All Attorneys and/or Pro Se Parties must be included on any call or email. No *ex parte* emails will be read.
2. Part 63 email is to be used for requesting an adjournment, advancement or a conference call only - unless otherwise directed by the court.
3. If requesting a conference, briefly state the reason for the call or email (i.e., need to make a motion, notification a case has settled and a request to advance for settlement). Do not state any substantive facts or include arguments. Do not attach any document other than a signed stipulation adjournment dates or advancement dates, unless requested by the Court.
4. ***DO NOT CALL CHAMBERS UNLESS DIRECTED TO DO SO BY THE COURT.***

### **APPEARANCES:**

1. THIS IS A MANDATORY APPEARANCE PART - WHETHER IN PERSON OR ON A VIRTUAL CONFERENCE. . Unless otherwise directed by the Court, appearance of Counsel and their clients is mandatory on all matrimonial matters, including, but not limited to motion calendar calls, preliminary conferences, compliance conferences, emergency applications, TRO's and all other Court ordered conferences.
2. Calendar call is at 9:30 a.m. All parties/counsel are to check in with the Part by 10:00 a.m. Second calendar call is at 10:30 a.m., unless the matter is scheduled for a time certain.
3. Please adhere to the time of the TEAMS virtual conferences.
4. Please be prompt for all appearances. Failure to appear or check in with the Part may result in dismissal or default.
5. A notice of appearance shall be properly filed in the Office of the County Clerk and the Matrimonial office with a courtesy copy to the part clerk.
6. Upon withdrawal of an attorney, there must be a properly filed Consent to Change Attorney or termination of Attorney properly filed with the Clerk's office and a copy to the part clerk.
7. Two business cards are to be submitted to the Court at the first appearance on all matters or upon the substitution of an attorney.

## **VIRTUAL CONFERENCES:**

1. When Counsel receives a TEAMS invitation, please share with your clients. Counsel and parties should identify themselves at the beginning of the conference,
2. Courtroom rules and decorum apply. One person speaks at a time. No interruptions. Microphones should be muted when not in use.
3. Recording is prohibited by anyone other than the Official Court Reporter.
4. Counsel and parties should make every effort to appear via video.

## **ADJOURNMENTS:**

1. Requests for adjournments shall be made 24 hours in advance and no later than 12:00 p.m. by contacting Part 63 email. Do not call Chambers concerning adjournments. After contacting all parties, counsel shall prepare a stipulation including the caption and index number of the case, the appearance date, several available adjourn dates, and a brief reason for the adjournment. The Court will respond via email.
2. If no dates are supplied the Court will select a date. Stipulations requesting an adjournment, will only be accepted if signed by all parties or their attorneys, including the attorney for the child if one has been appointed. If a stipulation is not received then the adjournment will not be granted.
3. The stipulation shall be emailed to Part 63 at least one day prior to and no later than 12:00 p.m. the day before the scheduled appearance.

### **TRIAL DATES WILL NOT BE ADJOURNED BARRING EXCEPTIONAL CIRCUMSTANCES APPROVED BY THE JUDGE.**

4. All adjournments are subject to final approval by the Judge in advance of the court date. Counsel/parties are required to confirm all adjournment requests. If you do not receive confirmation, then you are expected to appear.
5. All adjournments on the grounds of engagement of counsel shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts. Affirmations must be emailed to the Court and the Adversary at least one day prior to the Court appearance.
6. Litigants represented by Counsel must communicate with Chambers through Counsel only.
7. Minor children are not permitted in the courtroom, except by permission of the Court.

## **ORDERS OF PROTECTION:**

The Court SHALL be notified of any Orders of Protection at check in or the calendar call.

## **INTERPRETERS:**

Notification for Court Interpreter Services shall be made to the Court upon the initial filing of the Request for Judicial Intervention or Motion or any other application to the Court, but not less than 48 hours prior to the first appearance. At check in or calendar call, the Court shall be reminded of the need for an interpreter.

## **ALTERNATIVE DISPUTE RESOLUTION/MATRIMONIAL MEDIATION**

Link: [Alternative Dispute Resolution \(ADR\) | NYCOURTS.GOV](#). The Queens County Supreme Court's Matrimonial Mediation Program links divorcing couples to trained mediators to help them reach agreements on parenting and economic matters. The Court mediation program is designed ONLY for litigants who already have a case pending in Court before a Judge in a Contested Matrimonial Part in Queens County.

## **AUTOMATIC ORDERS:**

Pursuant to Domestic Relations Law §236 (B)(2)(b), when serving a summons, a copy of the automatic orders must also be served and noted separately in the affidavit of service.

## **PRELIMINARY CONFERENCE:**

Please refer to the Matrimonial Preliminary Conference Part Rules located on the Court's website. Do not contact Part 63 to request an adjournment of the Preliminary Conference.

## **COMPLIANCE CONFERENCES:**

1. Compliance conferences shall be held on **Wednesdays**, unless otherwise directed by the Court. The calendar call is at 9:30 a.m.
2. Before the call of the compliance calendar, Counsel and/or prose litigants must complete the Compliance Conference Order for conference with the Court or Law Secretary.
3. Counsel attending the conference must be fully familiar with and authorized to settle, stipulate or resolve or dispose of any issues or the action.
4. Counsel and their clients must appear at the compliance conference unless absence is authorized by the Court.
5. A Note of Issue shall be filed in accordance with the Compliance Conference Order or other Order of the Court.

## **PRE-TRIAL CONFERENCES:**

1. Pretrial conferences will be held on **Mondays**, unless otherwise directed by the Court. All attorneys participating in the pretrial conference must be fully familiar with and authorized to settle such action. All counsel must provide the Court with the following:
  - a. Pre-proof filing of Note of Issue
  - b. Statements of proposed disposition
  - c. Updated net worth statements with 3 immediately prior years of tax returns
  - d. Child support worksheet if applicable
2. In the event the matter remains unresolved at the conclusion of the pretrial conference, the matter will be set for a firm trial date before this Court or any other part assigned to hear the trial. Once a case has been assigned a trial date, it is presumed ready for trial.
3. Pursuant to 22 NYCRR 2-216(g), all expert reports are to be exchanged and filed with the Court 60 days before the date set for trial. Reply reports, if any, shall be exchanged no later than 30 days before the trial date.
4. Both sides must comply with Section 202.16 of the Uniform Rules for the New York State Trial Courts no later than 30 days prior to trial unless otherwise directed by the Court.
5. Both sides must comply with the Court's Pretrial Orders in a timely manner or may be subjected to sanctions.

## **MOTIONS:**

1. Motions shall be heard on **Tuesdays**. The calendar call is at 9:30 a.m. and as scheduled for virtual conferences.
2. To reduce the need for motion practice, counsel are strongly encouraged to contact the Court by conference call prior to filing a motion, for the Court's assistance to resolve the conflict.
3. All motions must conform to the Uniform Court Rules, 22 NYCRR 202.5(a). Motions shall be made returnable only on the party's motion day. All motion papers (including opposition and reply) must state the sequence number on the first page.
4. Counsel and parties are required to appear personally on all motions. Oral argument is required on all motions.
5. Pursuant to the CPLR, after argument of an application or submission of a motion, surreplies, memoranda and letters addressed to the substance of the pending action will not be considered without prior permission of the Court.
6. If a motion has been brought by Order to Show Cause, affidavits of service are required.
7. Any Notice of Motion that is brought without the Court's approval shall be subject to the Court's calendar availability and may be adjourned as the Court deems just and proper.
8. Copies of the Family Court petition and any existing Orders must be submitted with applications to consolidate.
9. Any pending motions will be deemed withdrawn upon the settlement of the case unless explicit provisions are made for its preservation.
10. All papers shall be bound and exhibits shall be clearly marked and tabbed or the papers will be rejected and returned.

11. Any application related to child support shall include a completed Child Support Standards Act Worksheet.
12. All emergency applications shall be heard by the Court upon proper notice pursuant to 22 NYCRR § 202.7
13. Initial post-judgment applications shall be brought by Order to Show Cause. Any Notice of Motion is subject to the Court's availability.
14. **Cross-motions shall not be considered as opposition to main motions. Papers proffered in opposition to the main motion shall be contained in a stand alone document and not subsumed in a cross-motion. Likewise, papers proffered in opposition to a cross-motion shall be in a stand alone document and not submitted in a reply. Failure to comply with the requirements of this section may result in rejection of the offending submission. No sur-replies will be considered without leave of the Court.**

### **EX-PARTE APPLICATIONS:**

1. Any application for temporary injunctive relief shall contain an affirmation demonstrating there will be significant prejudice to the party seeking the restraining order by giving notice. In the absence of a showing of significant prejudice, an affirmation must demonstrate that a good faith effort has been made to notify the party against whom the restraining order is sought in accordance with 22 NYCRR § 202.7.
2. Applications for an Ex Parte Orders of Protection are heard the same day they are filed and counsel shall be prepared to call witnesses if the Court deems it necessary.
3. Counsel are required to have their clients present, unless excused by the Court.

### **INQUEST:**

A Note of Issue must be filed prior to an inquest being held.

## **TRIAL:**

1. A Note of Issue must be filed prior to any trial.
2. All pleadings must be filed prior to trial.
3. Trials and hearings will be scheduled to be heard in the Part on Thursdays and Fridays or any other date set by the Court. Parties and children's attorneys may only use on their direct case evidence that is listed on their respective pretrial exhibits and witness lists in compliance with the Pretrial Order. Precluded evidence or non-compliance with the Pretrial Order is subject to further evidentiary rulings where appropriate.
4. Cases placed on the trial calendar with a firm date will not be adjourned unless counsel is actually engaged on trial and provides an affirmation pursuant to Court rules attesting to the fact. Failure to be ready to proceed to trial may result in a judgment of default or a dismissal.
5. **NOTIFY CHAMBERS IMMEDIATELY if the action is resolved prior to the scheduled trial date.** The Court will advance an inquest date if the action is resolved prior to trial. All stipulations of settlement must be: (a) in writing; (b) comport with the Domestic Relations Law; and (c) be signed by all parties. No requests to place oral stipulations of settlement on the record will be granted. No exceptions.
6. Copies of trial memoranda/decisions will be mailed to counsel and self-represented litigants. A self-addressed envelope is requested to be provided to the Court at completion of trial.

## **JUDGMENTS:**

1. All judgments shall include a copy of the Matrimonial Clerk's Office contested judgment checklist, indicating the necessary attachments.
2. **After trial, parties and the child's attorney, if any, shall submit post-trial proposed Findings of Fact and Conclusions of Law, with copies on computer disk or email attachment in Word Perfect format unless waived by the Court.**
3. Pursuant to 22 NYCRR §202.48, proposed Judgments with proof of service on all parties must be submitted for signature within 60 days unless otherwise directed by the Court.
4. Pursuant to the Domestic Relations Law, the Court will conduct statutory registry checks and advise counsel and parties of the results. If further inquiry is required, the Court may require an appearance by parties and counsel.

## **MISCELLANEOUS:**

1. Parties with emancipated children should be aware that the Judge may assign the parties to an approved mediation program.
2. All parties must be properly attired.
3. Electronic equipment such as beepers, cellular phones, radios, and any electronic or recording device must be turned off while in the courtroom.

4. If a party or counsel is required to appear in another courtroom, they must promptly advise the Court Officer or Part Clerk where they are going, how they can be reached, and when they will return. Failure to notify the Court of your absence may result in the Court taking the appropriate action that it deems proper.
5. Children of the parties are not permitted to observe their parents' contested matrimonial proceedings. Counsel must notify the Court if children are present in the courtroom.