



**Surrogate's
Court
New York County
31 Chambers Street
New York, New York 10007**

**Hon. Hilary Gingold
Surrogate**

PART RULES EFFECTIVE March 1, 2024

Hon. Hilary Gingold, Surrogate
New York County Surrogate's Court
Courtroom 509
646-386-5550

Diana Sanabria
Chief Clerk
Room 303
646-386-5352

1. Part 207 of the Uniform Rules

Parties are directed to familiarize themselves with the Uniform Rules for Surrogate's Court, found in Part 207 of the Uniform Rules for the New York State Trial Courts. The Part 207 Rules for Surrogate's Court shall apply to the New York County Surrogate's Court unless explicitly directed otherwise in these Part Rules.

2. Communication With The Court

A. Correspondence

Correspondence to the Court and the Chief Clerk shall be copied to all parties that have appeared and must set forth the name and file number of the case to which it pertains. Correspondence between attorneys and/or self-represented litigants shall not be copied to the Court unless otherwise directed, or where there is some specific judicial purpose to be served by transmitting copies to the Court. Correspondence should not be submitted, and will not be considered, in determining motions, etc. The Court will only act upon appropriate application or proceeding and does not permit litigation by correspondence.

B. Ex Parte Communications

Ex parte communication with the law department and chambers is strictly prohibited, except where an Order to Show Cause is submitted for signature, or with the prior consent of all parties during settlement negotiations.

3. Court Calendar Calls and Conferences

The Court's process and motion calendars are regularly called at 10:00 a.m. on Tuesdays and Fridays of each month assigned to Hon. Gingold. If a conference is deemed necessary, it will occur either immediately following the call of the calendar or at an alternate time scheduled by the Court. All parties are to be present or available by telephone at all pretrial and settlement conferences, unless otherwise directed by the Court.

4. Appearances

A. Knowledge and Authority

All counsel who appear before the Court must be familiar with the case and be fully authorized to enter into agreements/stipulations as to both substantive and procedural matters on behalf of their client(s). Attorneys appearing of counsel to the attorney of record shall be held to the same requirement. Failure to comply with this rule may be regarded as a default and dealt with appropriately. All counsel and self-represented litigants must be on time for all scheduled appearances.

B. Virtual Appearances

The Court requires in-person appearances. As an accommodation, the Court is permitting optional virtual appearances on certain calendar calls and conferences. All virtual appearances will be conducted via Microsoft TEAMS. Anyone appearing virtually, must appear via video and audio and are prohibited from appearing via audio only. Anyone who is unable to appear via video will be given a future in-person appearance date. It is the responsibility of those appearing virtually to ensure that their equipment is properly functioning prior to start time of the calendar or conference. Court matters conducted virtually are formal proceedings and are akin to in-person appearances. Parties and counsel should be dressed appropriately and guided accordingly.

C. In-Person Appearances

In-person appearances are required:

- (1) on the return date of all orders to show cause;
- (2) on the return date of all motions;
- (3) where oral argument has been requested;
- (4) the return date of all orders to attend and be examined;
- (5) the return date of all orders to compel production of a will; and
- (6) pretrial conferences

D. Interpreters/Hearing Impaired

When a party or witness requires the services of an interpreter of a foreign language or services for the hearing impaired, please notify the Court by contacting the chief clerk or the Office of Language Access at (646) 386-5670 or Lisa O'Connor at 646-386-5800 at least seven (7) days in advance.

E. Substitution/Withdrawal of Counsel

All substitutions of counsel must be in writing, signed by the client, the incoming and outgoing attorneys, filed with the Court, and served on all other parties in accordance with the CPLR before the outgoing attorney is relieved and discharged from the matter. In any matter where an attorney seeks to be relieved and discharged and there is no proposed incoming attorney, a motion for that relief must be made by Order to Show Cause on notice to the client and all other parties. In such event, the moving attorney will remain the attorney of record pending determination of the motion to be relieved.

5. Urgent Matters and Orders to Show Cause

A. Affidavit/Affirmation of Urgency

A matter will not be deemed urgent unless an affidavit/affirmation of urgency is filed. The filing

may occur at any point during the pendency of the proceeding. A copy of the NYSCEF Confirmation Notice must be filed with the correct department if efiled.

B. Orders to Show Cause

Simultaneously with filing in the correct department, a courtesy copy of Orders to Show Cause and all relevant papers must be emailed to:

hgchambers_staff@nycourts.gov

All Orders to Show Cause must also include an affidavit/affirmation of urgency.

6. Motions

A. All Motions – Discovery/Disclosure/Summary Judgment

Before filing any motion, the moving party must request a conference by emailing Lisa Barbieri, Esq. at lbarbieri@nycourts.gov and include all parties on such emailed request.

B. Motions Relating Specifically to Disclosure and Discovery

The parties shall confer in good faith regarding any discovery disputes and attempt to resolve them informally.

Any motions filed with respect to disclosure or discovery must include an affirmation of good faith and must otherwise comply with all aspects of 22 NYCRR 202.7.

7. Service of Process

Uniform Rule § 207.7(c) will be strictly enforced. All proofs of service must be filed two (2) days prior to the return date. Proofs filed late may not be reviewed prior to the return date. Further, late filings may necessitate an additional appearance at a future court day and delay the issuance of decisions and decrees.

8. General Procedures

A. Self-Addressed Stamped Envelopes

Filers requesting any documents must provide the Court with self-addressed stamped envelopes bearing adequate postage for the return. The Court will not mail documents back to the filer without such properly stamped envelopes.

B. Email Address

All petitions, other pleadings and notices of appearance must contain a valid email address for the attorney of record or self-represented litigant.

C. Sur-reply

Sur-replies will not be accepted or considered, unless otherwise directed by the Court.

D. Withdrawal of Motions

If a matter has been resolved and the parties no longer require a decision from the Court, counsel

or self-represented litigants are directed to immediately notify the Court in writing with notice to all interested parties.

E. Settled And Discontinued Cases

Counsel and self-represented litigants shall immediately provide the Court with written notice whenever a case has been settled or otherwise disposed. Following the initial notification, counsel or self-represented litigants shall file a true copy of the fully executed stipulation of settlement or discontinuance with the clerk's office.

9. Guardians ad Litem

In order to be eligible for appointments to serve as a guardian ad litem, counsel must qualify for and appear on the Part 36 list promulgated by the Office of Court Administration. Guardians ad litem are directed to file timely reports and interim reports when appropriate. Those who wish to be considered for appointments are encouraged to write to Surrogate Gingold as to their interest, qualifications and hourly rate.