

**JUSTICE JODI ORLOW  
RULES FOR MATRIMONIAL PART 51  
SUPREME COURT, QUEENS COUNTY  
COURTROOM 21  
88-11 Sutphin Blvd.  
Jamaica, N.Y. 11435  
Chambers: 718-298-1104  
Email: [QSCPart51@nycourts.gov](mailto:QSCPart51@nycourts.gov)**

**Court Attorney: Scott Fridkin, Esq.  
Secretary to Judge: Samantha Freeman**

### **Court Filings**

- All filings shall be through the NYCEF system. If not already converted, all prior non e-filed cases must be converted if both parties are represented by counsel.
- The conversion to NYCEF removes the need to serve paper copies on your adversary and the Court.
- If one party is unrepresented and they consent to e-file, then all filings shall be through NYCEF.
- If an unrepresented party refuses e-filing, then the attorney can e-file, but the unrepresented litigant cannot be forced to utilize NYCEF and will be permitted to file everything in paper format. If an unrepresented litigant refuses e-filing, opposing counsel must provide the litigant with paper copies as was the norm prior to the pandemic.
- If an Attorney for the Child(ren) is appointed, they must be added as a party to the action for e-filing purposes. The Attorney for the Child shall also be responsible to e-file all their paperwork through NYCEF.
- All filings must include the index number and email information for counsel and self-representing parties, for the Court to send Microsoft Teams invitations.

### **Appearances**

- There are no in person appearances until further notice from the Court.
- All conferences are being conducted virtually using Microsoft Teams.
- All conferences are scheduled at a time certain. Please sign onto the remote conference 10 minutes before the conference so it may be held promptly.
- All attorneys must be present at every remote appearance unless specifically excused by the court. Clients will only be present with advance consent of the court.
- A link for the remote conference will be sent to counsel and pro se litigants in advance. If you do not receive the link, email the Part at the above email address for another link.

- A notice of appearance shall be filed in the Office of the County Clerk prior to an appearance.

### **Adjournments**

- Requests for adjournments shall be made 24 hours in advance and no later than 1:00 p.m. by emailing the Part.
- All requests must include your adversaries and the Attorney for the Child, if appointed.
- Do not contact chambers by phone concerning adjournments.
- Do not fax or mail requests for adjournments to the court.
- **All requests for adjournments are subject to denial by the Judge.**

### **Communications**

- All correspondence shall be made to the Part email and shall include your adversary and the Attorney for the Child, if one is appointed.
- All litigants who are represented by Counsel must communicate with Chambers staff through their Counsel only.

### **Orders of Protection**

- If an order of protection has been issued by another court, please email the Part a copy of the Order of Protection.

### **Motions and Orders to Show Cause**

- If you have an open motion pending, it must be converted to e-file.
- All Notice of Motions shall be scheduled for a return date on a **Thursday**.
- If the case already has a date scheduled in the future, the motion may be made returnable on that previously assigned date and time, even if it is not a regularly scheduled motion day.
- **All motion papers (including opposition and reply) must state the motion sequence number on the first page.**
- To reduce the need for motion practice, counsel is strongly encouraged to contact the Court by emailing [qscpart51@nycourts.gov](mailto:qscpart51@nycourts.gov) to schedule a remote conference prior to filing a motion, for the Court's assistance to resolve the conflict.
- Copies of the Family Court petition and any existing orders must be submitted with applications to consolidate.
- Initial post-judgment applications shall be brought by Order to Show Cause.

## **Motion Decisions/ Judgments**

- The court as a courtesy will email all parties a copy of any order and/or decision rendered, including the judgment.
- A Notice of Entry must be served to the opposing party.
- If an official or certified copy of the order, decision or judgment is needed, it must be obtained from the clerk's office.

## **Inquests**

- All inquests will be held remotely with a court reporter.
- When you have a fully executed stipulation of settlement, it must be forwarded to the Part email.
- The Court will so-order the stipulation if the settlement agreement includes a caption with the index number listed.
- A date for an inquest will be scheduled only after the Part receives the fully executed stipulation.
- A Note of Issue must be filed prior to the Inquest with proof emailed to the Part.
- The Stipulation of Settlement must be filed with the judgment papers within 60 days of the inquest.

## **Preliminary Conference**

Please refer to the Matrimonial Preliminary Conference Part Rules located on the court's website.

## **Pre-Trial Conferences**

Please refer to the Pre-Trial Conference Order which will be filed prior to the Pre-Trial date.

## **Trial/Hearings**

- At this time, all trials and hearings will be held remotely. This may change at any time based on the local rules of the court.
- All participants shall recognize that a Virtual Trial is a formal proceeding. Thus, all evidentiary rules and principles that guide In-Person Courtroom Trials remain applicable. Of equal importance are the disciplinary rules and requirements of civility amongst lawyers and litigants alike. All participants are to have proper attire, there should be no consumption of food or drink or smoking during the proceedings.
- Judges, attorneys, witnesses, and participants should appear via both video and audio with their cameras always on and operational unless otherwise instructed. Counsel and witnesses are to attend the Virtual Trial from quiet and appropriate locations without background distractions. All participants shall use best efforts to eliminate all visual and auditory distractions. All parties must display their actual backgrounds, which should always remain professional and dignified. The use of

virtual backgrounds should be prohibited. As in In-Person Courtroom proceedings, only one person may speak at a time. The Court Reporter is required to take down an accurate contemporaneous record of the proceeding. Therefore, participants shall not speak over one another and there should be no colloquies between Counsel during the Virtual Trial. Non-speaking participants should always activate the mute microphone function.

- Any and all objections must be made audibly. In addition, Counsel should physically raise their hands and/or use the “raise hand” function in Microsoft Teams. Once objections are resolved by the Court, exceptions will be duly noted on the record.
- At any time during the proceeding, Counsel may request that the Virtual Trial be paused to allow Counsel to consult with his/her client. If Counsel and the client are in different locations, the Court may permit the use of the Breakout Room feature on Microsoft Teams to facilitate this discussion. Upon a pause of the Virtual Trial the Court should direct all parties to remain on mute and disable video; leave the Virtual Trial and rejoin at a time certain; or provide other appropriate instructions to ensure that ex-parte communications among the Court, attorneys, parties and witnesses do not take place.
- It is the attorney’s obligation to forward the link for the trial to the parties and their witnesses.
- Nobody shall record or video tape any portion of the trial. Any unauthorized recording of the Virtual Bench Trial shall be considered a violation of the Court’s Order.
- Should a participant in the Virtual Bench Trial, including Counsel, choose to be in the same location as another participant, Counsel shall have a separate camera available for each individual so that the Court can see Counsel and all participants at all times simultaneously. Participants should not share the same camera or screen. No one participating in the Virtual Trial should be off screen or turn their computer camera off without the express prior permission of the Court.

## **EVIDENCE**

- One week prior to the trial, the attorneys shall send to the Part email a list of all witnesses who you intend to call, as well as a list of all evidence that you intend to admit. The evidence list shall be marked as Plaintiff Exhibit 1,2,3 and Defendant Exhibit A,B,C... Further, the list must indicate whether each exhibit is consented to be admitted into evidence or marked for Identification.
- Prior to sending the evidence to the Part email, the attorneys shall confer among themselves and decide which evidence is being consented to admit and which evidence will be marked for identification.
- If you intend to question a witness with an exhibit admitted into evidence, the exhibit must be sent to the witness prior to testifying.

## **WITNESSES**

- Witnesses must be in the waiting room prior to to being called to testify. If the witness is not in the waiting room, then the court will deem the witness unavailable to testify.
- If an interpreter is necessary for a party or a witness, notice to the court must be given at least one week prior to the trial.
- It is the attorney's obligation to forward the link for the trial to the parties and their witnesses.
- Witnesses must be instructed by Counsel, and should be admonished by the Court, that written or oral communications of any kind, via electronic means or otherwise, between a witness or party and Counsel for the witness during the Virtual Trial testimony is strictly prohibited.
- During the Virtual trial, Counsel and parties may not speak with a witness until the witness's testimony has been completed. Counsel must ensure that a remote witness is not being coached, assisted, or signaled in any way.
- Witnesses must be instructed by Counsel, and should be admonished by the Court, that they are not permitted to read or refer to any Exhibit, image, document, or other writing of any kind (e.g., notes, e-mails, texts, pdf's, or digital communications of any kind) during their Virtual Trial testimony other than Exhibits, images, documents or other writing provided to them by Counsel in the course of direct or cross examination. In addition, there shall be no information available to the witness whether written or otherwise out of the sight of the Court. There shall be no other computer monitor, screen, TV screen, cell phone or the like in the room wherein the witness is testifying. The room that the witness is testifying from shall be displayed to the Court and all Counsel prior to the testimony beginning and periodically thereafter. Any document or other writing which the witness is permitted to refer to shall be published to the computer's camera being used by the witness.
- Witnesses must be instructed by Counsel, and should be admonished by the Court, that no other individual may be present, either physically or electronically, in the same room as the witness or so near the witness as to be seen and/or heard by the witness. The witness should be advised that if there is a need for another person to be present to help with the audio or video, permission must be granted by the court in advance of the witness' testimony.
- All trials will continue day to day until the conclusion.
- No adjournments will be granted for any trial scheduled, except for emergency situations.
- A Note of Issue must be filed prior to the trial date.

## **Judgments**

- All judgments must be e-filed.
- All judgments shall include a completed copy of the Matrimonial Clerk's Office's contested judgment checklist, indicating all necessary attachments.

- Pursuant to 22 NYCRR 202.48, proposed judgments with proof of service on all parties must be submitted for signature, within sixty (60) days of the inquest, unless otherwise directed by the court.