

**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**

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

Court Filings

- All filings shall be through the NYSCEF system. If not already converted, all prior non-e-filed cases must be converted if both parties are represented by counsel.
- The conversion to NYSCEF 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 NYSCEF.
- If an unrepresented party refuses e-filing, then the attorney can e-file, but the unrepresented litigant cannot be forced to utilize NYSCEF 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 NYSCEF.
- 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

- All conferences will be conducted in person unless otherwise authorized by the court. The Court will send a link for any remote conferences.
- All conferences, whether in person or remote, are scheduled at a time certain. Please sign onto the remote conference or be outside the courtroom at least 10 minutes before the conference or hearing so it may be held promptly.
- A notice of appearance shall be filed by NYSCEF prior to the first appearance.
- All litigants must be present at every appearance whether remote or in person, unless specifically excused by the court. If the conference is held remotely, the following applies:

1. All remote conferences are initially conducted without the parties present unless a party is self-represented.
2. Links to the conferences must be sent to the litigants by their attorney so they can log on.
3. All litigants must stay in the waiting room while the case is first conferenced with the attorneys.
4. Thereafter, if the Court will address the litigants, they will be let into the conference from the waiting room.
5. All litigants must appear by video.
6. A link for the remote conference will be sent to counsel and self-representing litigants in advance. If a link is not received, email the Part at the above email address for another link.

Adjournments

- Requests for adjournments shall be made at least 24 hours in advance and no later than 1:00 p.m. on the previous day by emailing the Part.
- All requests must include all attorneys on the case and all self-represented parties.
- Do not contact chambers by phone concerning adjournments.
- Do not fax or mail requests for adjournments to the court.
- An Affirmation of Actual Engagement will not be accepted if the attorney only files it in NYSCEF. A request must first be made to the part email and accompanied by the affirmation.
- **All requests for adjournments are subject to denial by the Judge.**

Communications

- All correspondence shall be made to the Part email and shall include the name and index number of the case. Every attorney, self-representing litigant and the Attorney for the Child, if one is appointed, must be copied in all emails or it will not be read by the Court.
- 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 send the Part, by email, 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.
- If the case already has a date scheduled in the future, the motion should be made returnable on that previously assigned date and time, even if it is not a regularly scheduled motion day.

- The parties and their attorneys must appear in person to all motion return days.
- If the party making a motion puts in a return date that has not been assigned by the Court, it will be administratively adjourned to a new date.
- **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 to schedule a remote conference prior to filing a motion, for the Court's assistance to resolve the conflict.
- Copies of any Family Court petition and any existing orders must be submitted with applications to consolidate.
- All 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 both remotely and in person with a court reporter unless otherwise advised by the Court. If it is scheduled remotely, a link will be sent by the Court.
- The Court will so-order the Settlement Agreement after it is filed with NYSCEF, if it is requested, by emailing the part. Only Settlement Agreements containing the caption and index number will be so-ordered.
- A date for an inquest will be scheduled only after the Part receives a copy of the fully executed stipulation. If there is an available date for the Court before the next scheduled appearance, the Court will advance the date for Inquest.
- 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 emailed to all attorneys and/or self-represented litigants and filed prior to the Pre-Trial date.

Trial/Hearings

- Trials and hearings will be held in person, in the courthouse unless advised otherwise.
- The Virtual Evidence Courtroom shall be utilized for all trials, whether in person or remote.
- All trials will continue day to day until the conclusion.
- No adjournments will be granted for any trial scheduled, except for emergency situations.
- Note of Issue must be filed prior to the trial date.
- Trial memoranda must be submitted within 30 days of the conclusion of the trial, unless advised otherwise. It should include the following:
 1. Each issue that you are expecting the Court to decide.
 2. Indicate what evidence or testimony was presented to prove each issue.
 3. Indicate any law that may apply. You do not have to put in all the boilerplate law that is commonly known.
 4. List all issues that were stipulated or agreed to prior to the trial or during the trial.
 5. Do not include any issue that was not mentioned during trial or that no evidence was presented during the trial.
 6. No extensions will be granted, except for emergency situations.
- If the trial or hearing is held remotely the following rules apply:
 1. 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.
 2. Attorneys, witnesses, and participants should appear via both video and audio with their cameras always on and operational. 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 is 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.

3. 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.
4. 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.
5. It is the attorney’s obligation to forward the link for the trial to the parties and their witnesses.
6. 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.
7. 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**

1. Two weeks prior to the trial, the attorneys shall upload to the Virtual Evidence Courtroom (VEC), located in the case filing on NYSCEF, all evidence that you intend to admit during trial. The evidence shall be marked as Plaintiff Exhibit 1,2,3... and Defendant Exhibit A,B,C... All Court orders should be marked as a Court Exhibit.
2. Prior to the trial, the attorneys shall confer among themselves and decide which documents are being consented to admit into evidence and which documents will be marked for identification.
3. One week prior to the trial date, the attorneys shall email to the court a list of the documents to be admitted on consent and which documents are to be marked for identification.
4. If any document is not uploaded to VEC, it will not be admitted into evidence.

5. If you intend to question a witness with an exhibit marked into evidence, it may be shared on the monitor set up in the courtroom or if remote on the screen during trial.

- **WITNESSES**

1. 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.
2. If the trial or hearing is being held remotely the following rules apply:
 - a) It is the attorney's obligation to forward the link for the trial to the parties and their witnesses.
 - b) 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.
 - c) Witnesses must be in the waiting room prior to being called to testify. If the witness is not in the waiting room, then the court will deem the witness unavailable to testify.
 - d) 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.
 - e) 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 shared from the Virtual Evidence Courtroom.
 - f) 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.

Judgments

- All proposed judgments and all final papers 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.