

AMENDED PART RULES
As of August 19, 2022
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX
Part IDV
265 EAST 161st STREET
BRONX, NY 10451

Hon. Llinét M. Rosado, JSC

Courtroom: 420

Telephone: 718 618-1067

Part Clerks: Roy Creekmur
Michael Rosado
Aiyisha Robinson
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Principal Law Secretary: Mary Yamagata
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The Integrated Domestic Violence Court (IDV) of the Supreme Court of the State of New York has been created to hear and determine cases in which Criminal Court charges of domestic violence among family members are pending, and there is simultaneously pending a civil case in the Supreme and/or Family Court involving the same persons (22 NYCRR 141.1 et seq.). It is the goal of this Court to adjudicate cases as quickly and efficiently as possible. The respective cases will be scheduled to enable counsel, and the parties, in the separate cases to appear on the same date and time in IDV.

As we continue to expand in-person court operations, I wanted to update you on the current protocols for in-person and virtual appearances in Part IDV-Bronx County. Please note, that these protocols might be amended as time goes on and we figure out what works best for all parties while implementing virtual and in-person court operations.

In keeping with how the part functioned prior to virtual court operations, Family and Matrimonial Matters will be scheduled for time certain appearances. If a case is scheduled for a virtual appearance, a Microsoft TEAMS invitation containing the login information for the virtual conference will be sent to the parties prior to the appearance. If you have a case that is on the calendar and did not receive a Microsoft TEAMS invitation for the virtual appearance, or if you did receive an invitation but have an issue attending the appearance, please email the Court immediately (rcreekmu@nycourts.gov; mrosado@nycourts.gov; airobinso@nycourts.gov; and mreveren@nycourts.gov) with all parties copied on the correspondence. All parties are directed to check E-Courts, WebCriminal or WebFamily for up to date scheduling.

In an effort to streamline this process and make sure we are following the directives of the Chief Judge; we have set forth the following guidelines for part IDV:

PROTOCOL: TEAMS HEARINGS AND/OR CONFERENCES

Please note that Microsoft TEAMS is the only platform which can be used for the remote/virtual hearings and/or conferences.

1. All lawyers and litigants should make every effort to appear via video.
2. All lawyers and litigants should identify themselves at the beginning of each appearance.
3. All microphones should be muted when not speaking.
4. All video cameras should be on and engaged.
5. Courtroom rules apply- speak one at a time and do not interrupt other speakers, including the Judge.
6. Maintain courtroom decorum. Background noise should be eliminated.
7. Recording the proceeding by anyone other than the Judge, Court Reporter or Court Personnel is **PROHIBITED**.
8. Our permanent BFC-IDV link info is <https://notify.nycourts.gov/meet/0azbxg>.

ON THE RECORD VIRTUAL APPEARANCES

a. Family Court Cases: Virtual on-the-record appearances for Family Court will take place as directed by the Court. If you need to contact the court regarding any scheduling issues, please email the part clerks, Roy Creekmur (rcreekmu@nycourts.gov), Michael Rosado (mrosado@nycourts.gov), Aiyisha Robinson (airobinso@nycourts.gov), and Maribel Reveron (mreveren@nycourts.gov), with my court attorneys copied on the email (myamagat@nycourts.gov and kokano@nycourts.gov). Please make sure that all parties are copied on the correspondence.

b. Matrimonial Cases: Virtual on-the-record appearances for Matrimonial matters will take place as directed by the Court. If you need to contact the Court regarding any scheduling issues, please email the part clerks, Roy Creekmur (rcreekmu@nycourts.gov), Michael Rosado (mrosado@nycourts.gov), Aiyisha Robinson (airobinso@nycourts.gov), and Maribel Reveron (mreveren@nycourts.gov), with my court attorneys copied on the email (myamagat@nycourts.gov and kokano@nycourts.gov). Please make sure that all parties are copied on the correspondence.

c. Matters with Pro Se Litigants: Virtual on-the-record appearances for cases

involving pro se litigants can only take place if the pro se party has TEAMS capability. If you are involved in a case that involves a pro se litigant, please let the Court know as soon as possible so we can inquire with the pro se party to determine if they have TEAMS capability.

d. Criminal Cases: Virtual on-the-record appearances will continue, as directed by the Court, through Microsoft TEAMS. As in person court operations continue to expand, in person appearances will be calendared in the discretion of the Court. ADAs, and defense counsel, will appear, with the defendant, at the time certain directed by the Court.

ADVANCING CASES

- a. Represented Parties:** If you have identified a matter that you believe should be conferenced by the Court prior to the next scheduled appearance, please email the case information to my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) with all parties copied on the correspondence. We will review the request and decide if the case should be advanced. Once this determination is made, we will provide further direction to the parties.
- b. Pro Se Litigants:** If you have identified a matter that should be conferenced by the Court prior to the next scheduled appearance and it involves a pro se litigant, please email the case information to my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) with all parties, including the pro se litigant, copied on the correspondence. Your correspondence should indicate that the matter involves a pro se litigant so the clerk can inquire with the pro se party to determine if they have TEAMS capability. If the pro se litigant does not have TEAMS access, the case cannot be put on the calendar until in-person court operations resume. The Court will nonetheless review the request to determine if any further action needs to be taken by the Court.

FILINGS

- a. Matrimonial Cases:** Please direct all new filings, motions, orders to show cause, etc. on matrimonial matters to the Supreme Civil Court Clerk and send a courtesy copy of the submission to (myamagat@nycourts.gov; kokano@nycourts.gov and Bxsupcrim-partIDV@nycourts.gov). Any other correspondence can be sent to my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) with all parties copied on the email.
- b. Other Matters:** In response to the Covid-19 health emergency, the Unified Court System has implemented the use of the Electronic Document Delivery System (“EDDS”) for the filing of documents in matters where the New York State Courts Electronic Filing System (NYSCEF) is not available. To submit documents

electronically using EDDS, please visit [EDDS: Getting Started](#) and send a courtesy copy of the submission to (myamagat@nycourts.gov and kokano@nycourts.gov). **PLEASE NOTE** that the EDDS system may not be used for filing in matters where New York State Courts Electronic Filing System (NYSCEF) is available on either a mandatory or consensual basis. Please use the assigned IDV docket number.

FACT FINDING HEARINGS

Part IDV will be conducting fact-findings in person. Attorneys are to provide their business cards to the court on the date of the hearing.

If your matter has been scheduled for a fact-finding, please be advised that both electronic and physical copies of all exhibits/submissions should be forwarded to the court prior to the appearance. All hearings will be preceded by a conference where the parties exhibits will be marked for identification. Physical copies of all submissions should be sent to the part:

265 East 161st Street, Courtroom 420
Bronx, New York 10451

INQUESTS

Part IDV will be conducting inquests in person. If your matter has been scheduled for an inquest, please be advised that both electronic and physical copies of all exhibits/submissions should be forwarded to the court prior to the appearance. Physical copies of all submissions should be sent to the part:

265 East 161st Street, Courtroom 420
Bronx, New York 10451

Attorneys are to provide their business cards to the court on the date of inquest.

IN PERSON APPEARANCES

In-person appearances will take place on a limited basis in accordance with current court directives. In-person appearances will generally be reserved for hearings, inquests, sentences, pleas, trials, etc. The part clerks, Roy Creekmur (rcreekmu@nycourts.gov), Michael Rosado (mrosado@nycourts.gov), Aiyisha Robinson (airobinso@nycourts.gov), and Maribel Reveron (mreveron@nycourts.gov), have been directed to advise all parties of the details of the in-person appearance as soon as the in-person appearance is confirmed. If you do not hear from the part clerks, please email the case information to my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) with all parties copied on the correspondence, for details.

IN-PERSON HEARINGS AND TRIALS

Attorneys are directed to provide their business cards to the Court on the dates of hearings and trials.

If a hearing or trial is scheduled to take place in-person and needs to be continued to a subsequent date, please be advised that the in-person appearances will take place as directed by the Court, until completion.

DECISIONS AND ORDERS

- a. **Family Cases:** All Family Court decisions and Orders are sent to the part clerks on the date the decision is rendered and/or order indicated on the record. The clerks are directed to enter the decision and/or order into the system and send them to the parties. If you have not received a decision/order on your case, please contact the part clerks, Roy Creekmur (rcreekmur@nycourts.gov), Michael Rosado (mrosado@nycourts.gov), Aiyisha Robinson (airobinso@nycourts.gov), and Maribel Reveron (mreveren@nycourts.gov), with my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) copied on the correspondence.
- b. **Criminal Cases:**
 - i. **Orders of Protection:** All Orders of Protections must indicate the IDV file numbers, and should be forwarded to the part clerks, immediately following an appearance. Orders of Protection are signed and returned to the part for entry and to be provided to the parties on the same date they are received. If you have not received an order for your case, please contact the part clerks, Roy Creekmur (rcreekmur@nycourts.gov), Michael Rosado (mrosado@nycourts.gov), Aiyisha Robinson (airobinso@nycourts.gov), and Maribel Reveron (mreveren@nycourts.gov), with my court attorneys (myamagat@nycourts.gov and kokano@nycourts.gov) copied on the correspondence.
 - ii. **Decisions:** The parties will be emailed a copy of all decisions rendered by this court on the date of the scheduled appearance.
 - iii. **Pleas:** Pre plea information sheets must be completed, signed, and submitted for the Court's review no later than 10 days prior to the adjourn date. Please see the last page of these Rules for the sample pre plea information sheet.

- c. **Matrimonial Cases:** All Matrimonial Decisions and Orders are sent to the County Clerk for filing on the date a decision is rendered.

MATRIMONIAL ACTIONS

PRELIMINARY CONFERENCE

The preliminary conference will be held on a date selected by the Court. The conference must be held within 45 days of the filing of the RJI. The party seeking judicial intervention is required to notify the opposing party of the preliminary conference date. If the opposing party is self-represented, the Court will send out the notification. There will be no adjournments of the preliminary conference beyond the 45 days from the filing of the RJI without express permission from the Court.

Please be advised that 22 NYCRR 202.16 was amended as of July 1, 2022. You are directed to comply with the statutory requirements. You must complete, and submit the most recent preliminary conference order, which you will find at the end of the statute. Furthermore, please be reminded that pursuant to 22 NYCRR 202.16(f)(1), the sworn net worth statements are to be filed with the Court no later than 10 days prior to the preliminary conference date. They are to be accompanied by the items listed in said section which include the attorney's retainer statements, the parties' recent pay stubs, the end of year pay stubs for the previous calendar year, as well as W-2 statements, 1099's and K-1 forms.

COMPLIANCE CONFERENCE

The date of the compliance conference will be selected by the Court at the preliminary conference.

Counsel should not wait until the date of the compliance conference to bring to the Court's attention their adversary's failure to comply with preliminary conference directives and/or discovery orders. Such failure must be addressed prior to the compliance conference either by motion or conference call to chambers. Failure to timely comply with court-ordered discovery may result in the imposition of sanctions and/or counsel fees.

PRE-TRIAL CONFERENCE

The note of issue shall be filed prior to the pre-trial conference and in accordance with the compliance order. At the pre-trial conference, counsel, or pro se litigants, will provide the Court with statements of proposed disposition, (*See*, 22 NYCRR 202.16[h]), updated net worth statements with the last three years of tax returns and a child support worksheet, if applicable. All exhibits will be marked at this conference. Counsel, and pro se litigants, shall present all motions *in limine* at this conference.

Once a case has been assigned a trial date, it is presumed ready for trial. No consent adjournments will be accepted. Failure to proceed will result in default relief being granted or the action being dismissed. In the event the action is resolved prior to the Court date, counsels are expected to notify Chambers immediately.

TRIAL

The Court is to be provided with the following no later than 30 days prior to the first day of trial:

1. Marked pleadings;
2. Updated sworn statements of net worth, statements of proposed disposition, and child support worksheets, if not provided at the pre-trial conference;
3. A witness list, expert reports not previously filed, and any pre-trial memorandum of law;
4. A list of all proposed exhibits;
5. A list of documents which counsel may stipulate into evidence; and
6. A written list of facts to which the parties can stipulate in advance of trial. Said stipulation shall be read into the record at the commencement of the trial.

Counsels are reminded that pursuant to 22NYCRR 202.16(g), all expert's 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 and filed no later than 30 days before said date.

Sanctions and/or costs may be imposed for failure to comply with any rules set forth herein.

The Court is to be provided with duplicates of all items marked into evidence.

The Court may direct one or both parties to order the transcript and allocate the costs.

Attorneys are directed to provide their business cards to the court on the date of trial.

MISCELLANEOUS

All judgments shall include a completed copy of the Matrimonial Term Clerk Office's contested judgment check list indicating all necessary attachments. All judgments must be submitted within 60 days, or the action will be deemed abandoned and dismissed. All QDROs must be submitted within 45 days of the signing of the judgment and must be accompanied by written plan approval. Counter judgments must be submitted within the statutory time limit, or they will be rejected.

All vouchers for payment shall be submitted to the part clerk for approval. Attorneys who are appointed via Part 36 are reminded of their obligation to send a copy of the order of appointment to the Fiduciary Clerk.

PLEASE BE ADVISED THAT ANY EX PARTE COMMUNICATION WILL BE DISREGARDED BY CHAMBERS STAFF

REPRESENTED PARTIES ARE PROHIBITED FROM INDEPENDENTLY COMMUNICATING WITH, OR SENDING DOCUMENTS TO THE COURT

PLEA INFORMATION SHEET

*** * * JUDGE MUST REVIEW THIS SHEET BEFORE THE CASE IS DOCKETED * * ***

Date: _____ Docket#: _____ Calendar #: _____

Defendant's Name: _____

Assigned A.D.A.: _____ Defense Attorney: _____

Original Top Charge: _____ Pleading To: _____

Level/Type of Disposition Charge? _____

Is charge a felony elevated by prior conviction? _____

What are details of prior conviction _____

Specific language for factual allocution?

Proposed Sentence: _____

Is there a jail alternative (if probation or program sentence)? _____

What is final disposition if defendant successfully completes program? _____

Criminal record (NY): # of Felonies _____ # of Misds. _____

Criminal record (Out-of-state): # of Felonies _____ # of Misds. _____

Predicate? _____ Violent Predicate? _____

Predicate Statement Prepared? _____ Post Release Supervision Applicable? Specify: _____

Defendant's D.O.B.: _____ YO Eligible? _____

Family Court History? _____

If People offering YO and probation, has defendant been interviewed for a program (such as CASES, Fortune Society) post plea/pending sentence? _____

D.A. Supervisor Initials: _____ (For A.D.A.: [] Witness forms completed)

Defense Attorney Initials: _____ Judge Approval: _____