

# SUPREME COURT, CIVIL BRANCH NEW YORK COUNTY



## RULES OF THE SPECIAL REFEREES' PART (PART SRP)

**(1) Special Referees' Part (Part SRP):** Matters referred by a Justice to a Special Referee to hear and report or to hear and determine shall appear on the calendar of the Special Referees' Part (Part SRP) from which assignments shall be made to a Special Referee or a Judicial Hearing Officer ("JHO").

### **(2) Order of Reference; Prehearing Conference; Information Sheet:**

(a) The referring Justice, in his or her discretion, may include in the Order of Reference a provision directing that a conference be held before the assigned JHO/Referee prior to the commencement of the hearing. The procedures governing that conference and the fixing of the date of the hearing shall be those set forth in Rule 4 of the Uniform Rules of the Judicial Hearing Officers and the Special Referees.

(b) Unless otherwise provided in the Order of Reference, counsel must consult and, within 15 days from the date of the Order, the counsel for plaintiff/petitioner must submit to the Special Referee Clerk by fax (212-401-9186) or e-mail (spref@nycourts.gov) a copy of the Order of Reference and a fully completed Information Sheet. The Information Sheet is accessible on the court's website (the address of which is: [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

(c) It is vital that counsel set forth in the Information Sheet as accurately as possible the estimated length of the hearing and the number of witnesses to be called by each side; this information is required in order efficiently to assign the matter to a JHO/Special Referee. For the same reason, counsel shall state in the Information Sheet whether an interpreter of a language other than Spanish will be required for the hearing and, if so, what the language is; and, in a matrimonial case, whether the issue of custody has been resolved and whether there is or has been an order of protection in place. Upon receipt of the completed Information Sheet, the Special Referee Clerk will place the matter on the calendar of Part SRP for the earliest available date and will notify counsel of that date.

### **(3) Assignments from Part SRP; Commencement of Hearing or Prehearing Conference:**

Cases are assigned to a JHO/Special Referee upon their first appearance in Part SRP and the hearing or, in cases where the Order of Reference requires such, the prehearing conference will commence on the original appearance date. Therefore, on the day of the first appearance in Part SRP, all attorneys must be ready to proceed to the prehearing conference where that has been

ordered or, in other cases, must have their witnesses and exhibits present and be ready to proceed to the hearing, subject only to the procedures regarding adjournments set forth in Rule 4 hereof.

**(4) Adjournments:** One adjournment of the original appearance date in Part SRP (maximum four weeks) may be obtained on consent, by written stipulation of all parties. A copy of the stipulation must be submitted to the Special Referee Clerk in advance of the original Part SRP appearance date. Prior to execution of the stipulation, counsel must consult with the Special Referee Clerk and obtain an adjourned date that is an available hearing date in Part SRP. Where circumstances permit, in cases in which a prehearing conference has been ordered, the Clerk may adjourn the matter directly to the Part of the assigned JHO/Referee, in which case counsel shall appear in that Part on the adjourned date and be prepared to attend the conference at that time. In such instances, the Clerk will notify counsel of the name of the assigned JHO/Referee. The adjourned date given by the Clerk must be inserted in the stipulation. Copies of stipulations for an adjournment in compliance herewith shall be transmitted to the Special Referee Clerk by fax (212-401-9186) or e-mail (spref@nycourts.gov)(counsel for a party shall retain the original stipulation); if the adjournment is requested in compliance with these Rules, no appearance will be required. No other adjournments of the initial appearance for a prehearing conference or hearing will be allowed except upon a showing of special circumstances (e.g., sudden illness of counsel or a witness, or pursuant to Part 125 of the Rules of the Chief Administrator) on application in Part SRP or, if a prehearing conference has been adjourned to the Part of the assigned JHO/Referee, in that Part. If such an application is to be made, the applying attorney must notify all other attorneys in advance of the appearance date.

**(5) Settlements or Other Action Affecting the Reference:** In any case in which an Order of Reference has been issued and the matter is to be assigned to or is pending on the calendar of Part SRP, counsel shall immediately notify the Special Referee Clerk if the issue referred or the entire case is settled or any other action occurs that affects the reference (e.g., the filing of a motion).

**(6) Call of the Assignment Calendar:** The Special Referee Assignment Calendar will be called promptly at 9:30 AM in Room 130 at 60 Centre Street, unless otherwise posted. There is no second call of the calendar.

**(7) Hearings:** Issues referred to a JHO/Special Referee are limited to those specifically set forth in the Order of Reference. Hearings shall proceed from day to day until completion unless otherwise directed by the JHO/Special Referee for good cause shown. Counsel must arrange their own schedules and those of their witnesses with the foregoing in mind.

**(8) Marking a Matter Off the Calendar; Restorations:** A reference may be marked off the calendar of Part SRP only where a compelling reason is shown (e.g., bankruptcy stay, disability or death of party or attorney) (general scheduling preferences of counsel do not constitute such a

reason) or in the event of no appearance by either side. If the reference is marked off due to non-appearance, a directive or new order from the assigned Justice will be required to restore the reference to the calendar. Counsel must serve upon the Special Referee Clerk a copy of any stay order or order lifting a stay previously directed. To obtain a restoration where an order of the assigned Justice is not required, counsel should contact the Special Referee Clerk.

**(9) Information on References:** Each referred matter will be assigned a Sequence Number (format “Seq. No. 008,” for example) in the court’s case history software program, the Civil Case Information System (“CCIS”). Sequence Numbers are also used to identify motions. So as to assure proper identification, any motion made with regard to a reference shall bear a Sequence Number other than that of the reference itself. The reference will be assigned initially to Part SRP and this will be noted in CCIS. After the matter has been assigned out of Part SRP to a JHO or Referee, a notation will be made to that effect in CCIS, displacing the previous assignment to Part SRP and identifying the Part of the JHO or Referee in question. A notation will also be made in e-filed cases in the e-filing application, the New York State Courts Electronic Filing System (“NYSCEF”), indicating the Part of the JHO or Referee to whom the reference has been assigned. To illustrate, a reference in a particular case might be assigned in CCIS Seq. No. 007 and that Seq. No. may be marked initially as assigned to Part SRP and subsequently to Part 87R. Almost all JHO/Referee Parts are given high numbers (in the 80's or 90's) followed by the letter “R,” which format identifies them as JHO/Referee Parts. Counsel should note that dates for a hearing or prehearing conference on a reference are distinct from appearance dates in the assigned Justice’s Part. Except in matrimonial and guardianship cases, information on the scheduling of matters referred can be obtained by consulting the *Supreme Court Records On-Line Library (Scroll)* on the website of this court ([www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)), which reports appearance and assignment information derived from CCIS. Users should look for the relevant Sequence Number in the “Motions” section of *Scroll*. E-mail notification of scheduled and adjourned dates in matters that have been assigned to a JHO/Special Referee can also be obtained at no charge through the court system’s case tracking and information service, *e-Track*, which is accessible at the following address:

<https://iapps.courts.state.ny.us/webcivil/etrackLogin>

Counsel seeking such information should utilize one of these methods to obtain it and should not contact the JHO/Referee. If answers are not available in *Scroll*, questions regarding the scheduling of references not yet assigned to a JHO or Special Referee shall be addressed to the Special Referee Clerk.

**(10) Communications Regarding References In General:** Please direct all inquiries to the Special Referee Clerk, General Clerk’s Office, Room 119, 60 Centre Street. E-mail is preferred ([spref@nycourts.gov](mailto:spref@nycourts.gov)). Phone: 646-386-3028.

**(11) Correspondence Between Counsel:** Copies of letters or e-mail messages between or among counsel shall not be sent to the Special Referee Clerk.

February 28, 2019