

Court Rules of the Honorable James E. Walsh, J.S.C.

Law Clerk: Daniel J. Kopach, Esq.
Secretary: April C. McNab
Address: Supreme Court Chambers
Saratoga County Courthouse
30 McMaster Street
Ballston Spa, New York 12020
Phone: 518-451-8805
Email: chambersjwalsh@nycourts.gov

Communications:

Chambers hours are: 8:30 a.m. until 4:30 p.m. Voicemail will take messages at all other times.

Requests to schedule a conference should be done by email and should include the reason for the conference.

Unless specifically requested, the Court does *not* wish to be copied on contentious correspondence between counsel. Rather, if assistance is needed in resolving an issue, counsel may either request a conference or file a motion.

E-Filing:

All cases required to be filed electronically are to be filed through the New York State Courts E-filing System (NYSCEF). All submissions to the Court, including proposed Order, proposed Judgments and correspondence must be electronically filed. The Court does not require courtesy copies.

Parties involved in e-filed cases shall familiarize themselves with the statewide E-Filing Rules available online at www.nycourts.gov/efile. General questions about E-Filing should be addressed to the E-Filing Resource Center at (646) 386-3033 or nyscef@nycourts.gov

Motions at a Glance:

Pre-Motion Conference: None, except for discovery motions.

Oral Argument: May be held at the discretion of the Court. The Court does not have Special Term return dates.

Submission of Motion Papers:

Motions may be made returnable any weekday in accordance with CPLR filing requirements.

All motions will be accepted on submission with oral argument held at the discretion of the Court. **Please indicate if oral argument is requested.**

In those cases which are not e-filed, original motion papers should be filed with the appropriate County Clerk, accompanied by the requisite filing fee, if applicable. The Clerk will then forward the original papers to Chambers. Original opposition and reply papers should be sent directly to Chambers. **Do not submit courtesy copies to Chambers.**

In those cases which are e-filed, all motion papers should be filed via NYSCEF.

Absent express permission obtained in advance from the Court, which shall be granted only upon a showing of good cause, memoranda of law shall be limited to 30 pages (exclusive of cover page and table of contents), and affirmations and affidavits shall be limited to 25 pages. Papers submitted in violation of this rule may not be considered by the Court in deciding the motion without prior notice to the party that submitted the papers.

Counsel and self-represented parties are reminded that the CPLR does not provide for the submission of sur-reply papers, however denominated, or the presentation of papers or letters to the Court after the return date of a motion. Nor is motion practice by correspondence permitted. Any counsel or self-represented parties who receive a copy of such materials submitted in violation of this rule shall not respond in kind.

Absent express permission obtained in advance from the Court, motion papers may *not* be submitted via email.

Papers should be timely served on all counsel in accordance with CPLR 2214(b). In the event papers are not served in a timely manner, the Court reserves the right to adjourn the return date of the motion.

Requests to Adjourn Motions:

Adjournment requests shall be made to the Court in writing at least 48 hours (exclusive of weekends and holidays) before the scheduled return date of the motion.

The requesting counsel should confer with opposing counsel prior to making the request and specifically indicate if the request is on consent.

Adjournments are limited to sixty (60) days in accordance with the Uniform Rules for Trial Courts (22 NYCRR) §202.8 (e) (1).

Discovery Motions:

No discovery motion may be filed unless counsel personally confer to resolve the discovery issue in accordance with Uniform Rules of Trial Courts (22NYCRR) § 202.7 and, further, the motion papers demonstrate compliance with that section. A conference with the Court may also be conducted.

Contempt Motions:

Contempt motions must be commenced by Order to Show Cause with personal service required.

Matrimonial Actions:

The County Clerk requires a Certificate of Dissolution be filed prior to the entry of a signed Judgment of Divorce.

Order to Show Cause:

For an Order to Show Cause that seeks a preliminary injunction or Temporary Restraining Order pending the return date, Uniform Rules for Trial Courts (22 NYCRR) § 202.7 (f) must be followed by giving notice to the opposing party or, alternatively, submitting an affirmation to demonstrate that prejudice would result from the giving of notice.

Proposed Order and Judgments:

If an Order or Judgment is submitted for signature with respect to an oral or written decision, the submitting party shall do so in a timely fashion. Unless otherwise directed by the Court, such order shall first be submitted for approval of its form and content to all other counsel. Once submitted for signature, it shall be accompanied with a letter from the submitting counsel stating that all counsel has approved the same as to form and content. In the absence of approval as to form and content, the notice of settlement procedure provided in the Uniform Rules for Trial Courts (22 NYCRR) § 202.48 shall be used. The Judge's signature line should not be on a page by itself without a header.

Requests to Adjourn Conferences:

Adjournment requests shall be made to the Court **in writing** at least 48 hours when possible (*exclusive of weekends and holidays*) before the scheduled date of the conference.

The requesting counsel should confer with opposing counsel prior to making the request and specifically indicate if the request is on consent. The requesting counsel should provide a reason for the adjournment and how much time is needed.

Settled or Discontinued Cases:

If a case has been settled or is otherwise being discontinued, counsel shall promptly advise the Court in writing and include a notice of discontinuance or stipulation of discontinuance – whichever is applicable – shall be filed within 60 days.

Trial Rules and Special Directives:

Unless otherwise ordered by the Court, expert disclosure shall be provided by Plaintiff(s) 90 days before trial. Expert Disclosure shall be provided by Defendant(s) 60 days before trial.

A list of required trial hand-ups will be provided via a letter sent to counsel approximately two (2) months prior to the trial date. Motions *in limine* are to be fully submitted fourteen (14) days before trial. Counsel/parties are to be present at the Courthouse ready to begin any trials at 9:30 a.m.

All fact witnesses will be excluded from the courtroom until such time as they testify. Expert witnesses are generally exempted from this exclusion requirement. If any experts testify, they must bring their original files with them. Also, at the time that any expert testifies, provide the Court a copy of the expert's response or the expert's report. In respect to objections, it is my preference that when you make an objection to stand and tell me the basic legal ground for the objection. I will make a ruling and we will move on. You automatically have an exception to any ruling is made.

I usually conference any trial matters that arise at 9:00 a.m. and begin testimony at 9:30 a.m. Please have witnesses scheduled and present in advance. Counsel/parties are asked to cooperate, in the event that any witnesses are to be taken out of order so that the trial will continue to move along.

Please contact the Supreme Court Clerk directly in advance of trial should you intend to present any video or audio evidence. The Court has a large television screen; however, counsel is responsible for providing their own laptop. Any records that have been subpoenaed and are now in the possession of the Court Clerk may be reviewed by counsel/parties but may not be removed from the Court Clerk's Office.

All exhibits: those to be used in your direct case and those which you believe you may use in cross-examination, shall be pre-marked with stickers commonly used by the Supreme Court Reporters. Plaintiff's exhibits are to be numbered and

defendant's exhibits are to be lettered. Counsel/parties must confer before the conference in respect to stipulating to their exhibits' admissibility.

Contact the Supreme Court Clerk to arrange meeting with the assigned court reporter to pre-mark exhibits prior to trial. Contact Chambers for permission to review any subpoenaed records prior to trial.

Non-Jury Trials – Proposed Findings of Fact and Conclusions of Law:

In non-jury cases, each party shall submit post-trial proposed findings of fact and conclusions of law. Citations within the proposed findings will be to the record. The proposed findings of fact and conclusions of law shall be submitted in writing in Microsoft Word via email to chambersjwalsh@nycourts.gov. Memoranda of law may also be requested.

Summary Jury Trials:

In conducting these types of trials, the Court utilizes the Summary Jury Trial Program in the Supreme Court, Eighth Judicial District. Information on this Program is available online at: <http://www.nycourts.gov/courts/8jd/sjt.shtml#Manual>