

GENERAL RULES FOR NON-JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT

THE FOLLOWING RULES APPLY TO ALL NON-JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT (EXCLUDING MATRIMONIAL TRIALS) UNLESS OTHERWISE ORDERED BY THE IAS JUSTICE

NOTE: If the IAS Justice requires paper copies of e-filed documents, then you must provide those to the IAS Justice within two business day of the time they are e-filed.

1. **Final Pre-trial Conference**

The IAS Justice will hold a final pre-trial conference at least one week before the trial date. Counsel must be prepared to discuss settlement, witness and exhibit lists, scheduling of witnesses, identity of expert witnesses, motions *in limine*, EBT transcripts, videotaped testimony, proposed findings of fact and conclusions of law and stipulations. If an attorney does not have settlement authority, then his/her client and/or insurance adjuster must be personally present at the pre-trial conference.

2. **Trial Hours**

Generally, the trial will be conducted between **9:00 a.m. and 4:00 p.m.** each day, with an hour break for lunch. The starting time of the trial may be delayed on the IAS Justice's motion day.

3. **Motions *in limine***

Motions *in limine* must be filed and served at least **two weeks** prior to the trial date. Opposing papers, if any, must be filed and served at least **one week** prior to the trial date. Motions *in limine* are to be made returnable in chambers at **9:30 a.m. on the trial date**.

4. **Pre-trial Memorandum**

Counsel must file and serve a pre-trial memorandum at least **one week** prior to the trial date. The pre-trial memorandum should be short (i.e., generally not more than five pages in length) and provide a brief overview of the facts, law and anticipated evidentiary issues.

Note: The IAS Justice also may require counsel to file and serve proposed findings of fact and conclusions of law at least **one week** prior to the trial date.

5. **Exhibits**

A list of all exhibits, except those exhibits to be used solely for credibility or rebuttal, must be filed and served at least **one week** prior the trial date. The exhibit list must include a

brief description of each exhibit. Counsel shall consult in good faith to agree upon the exhibits that will be offered into evidence without objections. The exhibits are to be marked immediately following the final pre-trial conference and prior to commencement of trial, subject to the availability of the assigned court reporter. Plaintiff's exhibits shall be marked with numbers and defendant's exhibits shall be marked with letters.

6. **Use of EBT Transcripts and Videotaped Testimony**

If counsel intends to read EBT testimony into evidence, then at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the portions of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, at least **one full business day** prior to the final pre-trial conference, the party opposing admissibility must provide the IAS Justice with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

If counsel intends to use videotaped testimony, then at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the videotape accompanied by a written transcript of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference, counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, at least **one full business day** prior to the final pre-trial conference, the party opposing admissibility must provide the IAS Justice with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

7. **Stipulations**

Be prepared to discuss possible stipulations at the pre-trial conference.

8. **Date Certain and Scheduling of Witnesses During Trial**

The trial date is a **date certain**. Trial adjournments will be granted ONLY upon good cause shown. Once the trial is commenced, it will proceed without interruption until all parties rest. However, the Court will allow witnesses to testify out of order, as necessary.

9. **Interpreters and other Special Trial Needs**

At the earliest possible time, but no later than **three weeks** prior to the trial date, counsel must advise the Court if they need an interpreter or any other special trial accommodations.

10. **Post-Trial Findings of Fact and Conclusions of Law**

Post-trial findings of fact and conclusions of law must be filed and served within **30 days** of receipt of the trial transcript. These items must be submitted to the Court in electronic form in Microsoft Word format and, if required by the IAS Justice, in paper format.

THESE ARE THE GENERAL RULES FOR NON-JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT. PRIOR TO TRIAL COUNSEL MUST CONSULT WITH CHAMBERS OF THE IAS JUSTICE TO DETERMINE WHETHER S/HE HAS ANY SPECIAL TRIAL RULES.