

PART 9 PRACTICE GUIDELINES

Hon. Rashied H. McDuffie
Buffalo City Court – Part 9

APPEARANCES

Appearances are presumptively in person. Virtual appearances may be permitted only by prior Court approval or pursuant to an approved ADA accommodation request. Defaults may be considered one hour after the scheduled start of the 9:30 A.M. or 2:00 P.M. calendar.

Counsel who cannot personally appear shall arrange for substitute counsel familiar with the matter and authorized to address scheduling, settlement, and trial issues.

TRANSFERS FROM OTHER PARTS

Upon transfer to Part 9, counsel and parties shall be prepared to address the status of the matter, including any pending motions, hearings, trials, settlements, or other issues requiring Court action.

MOTIONS

Motions shall be made in accordance with the CPLR, RPAPL, Criminal Procedure Law, Uniform Rules, and any scheduling directives issued by the Court.

Where no interim relief is sought, a notice of motion may be used where authorized by law. Requests for immediate relief, stays, or expedited consideration shall be made by Order to Show Cause.

RECUSALS AND DISQUALIFICATIONS

Any request concerning judicial recusal or disqualification shall be brought promptly to the Court's attention and will be addressed in an appropriate manner consistent with applicable law and judicial ethics requirements.

ANSWERS

Pursuant to RPAPL § 743, respondents may answer orally or in writing. When an answer is made orally, the substance of the answer shall be recorded by the Court or court staff and maintained in the case record.

TRIALS AND EVIDENCE

Parties are expected to be prepared to proceed on scheduled trial dates. To the extent practicable, exhibits should be identified and exchanged in advance of trial.

Parties intending to introduce electronic media shall provide the equipment necessary to present such evidence in court.

STIPULATIONS AND SETTLEMENTS

All settlements and stipulations are subject to Court approval.

The Court may conduct an allocution of any stipulation resolving claims, defenses, counterclaims, possessory rights, monetary claims, or other substantive rights.

Unrepresented litigants may consult with an attorney before entering into any agreement, and all such agreements shall be recorded or otherwise memorialized.

ADJOURNMENTS

Requests for adjournment must be made in writing, on notice to opposing counsel, if any, and the Court no later than seventy two (72) hours prior to the scheduling appearance.

Parties may not stipulate to their own adjournment dates without consulting the Court. Every adjournment must be approved by the Court. Any off-calendar requests for adjournments must be in writing and include three (3) mutually agreed upon dates and times, unless otherwise directed.

EMAIL COMMUNICATIONS

All written communications with the Court shall include the case caption, index or docket number, and next scheduled appearance date, if applicable.

Ex parte communications are prohibited.

GENERATIVE ARTIFICIAL INTELLIGENCE (AI)

Attorneys and litigants who utilize generative AI remain responsible for verifying the accuracy of all factual and legal citations and for ensuring compliance with applicable ethical and professional obligations.

CRIMINAL MATTERS

When the Court is sitting in its criminal capacity, proceedings shall be governed by the Criminal Procedure Law and any applicable scheduling directives of the Court.

CONDUCT AND DECORUM

The Court expects all parties, counsel, and litigants to conduct themselves with professionalism, civility, and respect toward the Court, court staff, opposing parties, opposing counsel, and other court users.

GENERAL PROVISIONS

These guidelines are intended to summarize the Court's procedures. The Court may issue additional directives or scheduling orders as necessary in individual cases.

These guidelines are subject to modification, amendment, or suspension by order or direction of the Court.