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PRELIMINARY CONFERENCES:

Preliminary conferences will be scheduled within 45 days of filing of an RJI, as required by 22 NYCRR §202.12(b). The first preliminary conference will be scheduled with Judge Keane and will be returnable at Part 20, 3rd Floor, 25 Delaware Ave., Buffalo, NY, 14202. ***CLIENTS MUST ATTEND THE FIRST PRELIMINARY CONFERENCE WITH THE COURT. NO EXCEPTIONS!***

For the first conference, each party shall submit to the Court the following:

1. A completed DRL 236B financial affidavit as set forth in 22 NYCRR §202.16(b);
2. A copy of the most recently filed income tax returns;
3. Proof of the party's most recent income;
4. A completed Preliminary Matrimonial Information Sheet (which is mailed to the parties in their notice of first conference date and is also available on the 8th Judicial District website);

5. An executed written Retainer Agreement and Statement of Client's Rights and Responsibilities;
6. A copy of the Summons with Notice, together with Affidavit of Service.

The SECOND court conference shall occur in front of a Court Attorney Referee on the 5th Floor at 25 Delaware Avenue, Buffalo, NY in the Expedited Matrimonial Part. Counsel and/or parties will be expected to provide to the Court and opposing counsel/party, copies of the following:

7. Copy of the party's lifetime Social Security earnings statement;
8. The Plaintiff's Verified Complaint, including relief being sought;
9. The Defendant's Verified Answer (and counterclaim, if desired), including the relief being sought.

The Preliminary Conference Order will set forth, if applicable, an amount of temporary child support and temporary spousal maintenance as recommended by the Court and as stipulated to by the parties.

When one or both parties are continuing to reside in the marital residence, and the costs of same are to be paid by one or both spouses, the parties must then complete the "Monthly" Expense Sheet Addendum", which will also be attached as an addendum to the Preliminary Conference Order. In the event that no stipulation as to temporary payments can be agreed upon, the Court will entertain motion practice, including an application for motion costs and counsel fees, if it is determined consent was unreasonably withheld during the Preliminary Conference.

MOTIONS:

Motions may be made returnable on any business day by appointment, beginning at 9:30 a.m. Please contact the Court Clerk for exact dates and times prior to scheduling motions. Allow one hour for motions, especially on newly filed cases. Orders to show cause are not required where the motion is served upon at least 8 days' notice, as set forth in CPLR 2214.

Please note that temporary injunctive relief will not be granted in the absence of prior notice to the opposing counsel or party, as required by 22 NYCRR § 202.7(f), unless the moving party can demonstrate significant prejudice from providing such notice. Live testimony of the moving party may be required prior to signing an order to show cause containing temporary injunctive relief.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution. The Court is available to assist parties in resolving discovery issues, without resort to motion practice, by scheduling an informal “Discovery Oversight Conference” (DOC). Counsel should communicate with opposing counsel to select a mutually agreeable date and time to meet in Part 20 and then schedule a conference through Chambers.

ATTORNEY FOR CHILDREN APPOINTMENTS AND PARENTING PLANS:

The Court encourages the appointment of an Attorney for Child(ren) (AFC) in cases involving minor children, where access is unresolved. Orders pertaining to issues of custody and access should be drawn by the AFC and circulated to the parties for review. Additionally, the AFC will be asked to draft a final Parenting Plan concerning a final custody/access agreement and to work with the parties to have the custody/access portion of the case resolved as soon as possible.

Prior to trial, the parties will be afforded the opportunity for a Settlement Conference, the objective of which is to reach a fully executed agreement signed by the parties on that day. Counsel must therefore come to the conference with clients with a written settlement agreement that was previously circulated to opposing counsel for review with their client. Counsel and parties should allow two hours for the Settlement Conference.

If there is no signed agreement prior to the date for trial, then counsel must supply a Statement of Proposed Disposition pursuant to 22 NYCRR § 202.16(h). Parties are asked to follow the outline supplied by the Court. The Proposed Disposition is due one week prior to trial. At the start of the trial, the Court will ask the parties to place on the record any subjects on which they have reached agreement, and to delineate those issues remaining for judicial resolution. Parties are encouraged to sign a partial agreement in such cases.

Exhibits for trial must be marked by the court reporter prior to the start of trial listed on a form supplied by the court. Counsel must supply one copy for each attorney and one for the court. For lengthy exhibits, only the pages at issue need to be copied. The Court will ask the parties to stipulate all exhibits into evidence at the start of trial. Parties are encouraged to stipulate to as many facts as possible to expedite the proof. In addition, parties are encouraged to stipulate to summaries or charts of agreed-upon issues, in lieu of bulky documents.

It is the Court's general policy that there shall be no expert witnesses called on the first day of trial. Counsel are reminded of the requirements as to expert witnesses and their reports, as provided in Court Rule 22 NYCRR §202.16(g).

At the conclusion of the testimony, the parties will be asked to supply a Post-Trial Submission, to summarize the items be judicially determined and to summarize the reasons supporting each party's position on those items. The Court encourages the parties to resolve issues concerning attorney fees. Where *Quantum Meruit* applications are made, the parties must indicate in advance whether they have stipulated to have such applications decided on papers only, without a hearing on that issue.

APPEARANCES AND ADJOURNMENTS:

Parties must be personally present for the settlement conference, trials and such other court dates as the court shall direct. If a party cannot be present at any such required appearance, counsel for such party will immediately notify opposing counsel before the appearance.

Minor children are not to be brought to the courthouse absent a direction of the court requiring their presence.

Short adjournments of motions or report back conferences may be obtained based upon consent of opposing counsel, by contacting Chambers or Expedited Matrimonials, depending on where the conference is scheduled. If consent is denied, the Court has a liberal adjournment policy for motions, especially when made on minimum notice, unless the relief sought is emergency in nature. Counsel should keep in mind the Standards of Civility (22 NYCRR §1200, Appendix A). Motions must be adjourned to a specific date and must include notice to the Attorney for Children, if applicable. Trial dates are firm and adjournments are seldom granted.

SUBMIT OR APPEAR DATES:

When counsel believes they have reached agreement in principle, the next appearance may be to "submit or appear". The signature page of the agreement should be faxed to Chambers prior to the submit date. If the agreement is not forthcoming, the Court may set a mandatory appearance by clients or may schedule a trial, if it appears the parties are unable to reach resolution.

ORDERS:

All orders and other papers for signature (except orders to show cause) must first be circulated to opposing counsel or pro se party for comment and approval. Orders and judgments will not be signed without proof that opposing counsel or the pro se party had the opportunity to review them. Proof of opposing counsel's consent by letter or e-mail is preferred.

JUDGMENT OF DIVORCE PAPERS:

Once the parties have submitted a signed settlement agreement resolving all issues in the case, the parties are granted 30 days to submit the remaining judgment of divorce papers, which are reviewed by the Court Attorney Referees. Due to a heavy influx of such papers at the end of each year, counsel is asked to be mindful of the deadlines noted for such submissions.