

HON. ANTHONY R. MOLÉ, J.F.C.

FAMILY COURT PART RULES

PUTNAM FAMILY COURT

20 COUNTY CENTER, CARMEL, NY 10512

COURTROOM 306

FAMILY COURT CLERK PHONE: (845) 208-7805

FAMILY COURT FAX: (845) 431-1935

CHAMBERS PHONE: (845) 208-7850

SECRETARY: TERESA MURPHY

COURT ATTORNEY: MO ZAHEERUDIN, ESQ.

I. GENERAL RULES

- A.** All attorneys are expected to be familiar with the **Uniform Rules for The Family Court** (Part 205 [22 NYCRR 205.1 *et seq.*]), which is applicable to all proceedings in the Family Court.
- B. Compliance:** Attorneys and parties are so advised that these Part Rules must be scrupulously adhered to and shall be strictly enforced. Be guided accordingly.
- C. Filing Documents:** Documents may be filed with the Family Court by mail, the Electronic Document Delivery System (EDDS), or submission via virtualputnammulticourt@nycourts.gov.
- i.** EDDS: Information for filing through the EDDS system can be found at <https://iappscontent.courts.state.ny.us/NYSCEF/live/edds.htm> and <https://portal.nycourts.gov/knowledgebase/article/KA-01056>.
 - ii.** All electronic documents must be submitted as a PDF file (portable document format).
- D. Correspondences:** All correspondences submitted and filed with the Court, especially submission by virtualputnammulticourt@nycourts.gov, shall be in PDF letter format.
- i.** Correspondence addressed to the Court must be copied to all counsel (or a pro se party); and shall prominently indicate the **file number and next appearance date**.
 - ii.** Unless so directed, the Court must **not** be copied on any correspondence between/amongst counsel.
 - iii.** The Court's filing mechanism through email, virtualputnammulticourt@nycourts.gov, shall be used **solely for filing purposes**. It shall **not in any way** be used to correspond and communicate with the Court, attorneys, or parties, including but not limited to notifications, advisements, adjournment requests, the obtaining of consent, or settlement discussions, etc. In other words, email correspondence in this manner of any kind is absolutely prohibited.

- iv. **Litigation by Letter**: The Court does **not** permit litigation by letter whatsoever. The Court shall not entertain litigation by letter or email correspondence in any fashion.
- v. Correspondence that does not conform with the above rules will not be considered and may be appropriately rejected or disregarded.

E. Engagements / Unavailability: Attorneys who are engaged in cases in various Courts must be familiar with the **Uniform Rules for the Engagement of Counsel** (22 NYCRR 125.1) concerning all scheduling matters. Adjournment requests due to an actual engagement must be filed with an accompanying affirmation of actual engagement in conformance with 22 NYCRR 125.1 and shall be filed as soon as the conflict is known.

F. Appearances: All attorneys who appear before this Court must be fully familiar with the case and authorized to enter into agreements as to both substantive and procedural matters on behalf of their clients. Attorneys covering or appearing *of counsel* to the attorneys of record shall be held to the same requirements.

- i. All counsel and self-represented parties must promptly be on time for the scheduled court appearances.
- ii. Counsel must make a diligent, good-faith effort to narrow or resolve issues **prior** to the scheduled appearance.
- iii. Failure of a party to appear, including a self-represented litigant, may result in the entry of default, unless otherwise excused for good cause.

G. Adjournment Requests: Granting adjournments are within the discretion of this Court. All adjournment requests must be made **at least three (3) business days** prior to the scheduled appearance, absent an emergency.

- i. Any attorney or self-represented party requesting an adjournment must first obtain **prior consent of all counsel or a self-represented party before contacting the Court for approval**; or promptly advise that such consent was requested and denied.
- ii. All adjournments must be affirmatively granted by the Court irrespective of mutual consent. All parties and counsel must appear as scheduled if the Court does not approve the adjournment request.
- iii. The Court may impose a future appearance date if the parties or attorneys are unable to mutually select a convenient date and time.

H. Virtual/Hybrid Appearances: The Court shall not conduct virtual appearances absent an emergency or exceptional circumstances which require an accommodation. The Court may request written documentation to substantiate such prior to granting approval.

- i. The person requesting a virtual appearance must initially obtain **prior consent of all counsel or a self-represented party before contacting the Court requesting such an approval**; or promptly advise that such consent was requested and denied. The Court may still decline to conduct or convert an appearance in a virtual or hybrid fashion.

- I. Motions:** All motions and proposed orders to show cause must be in conformance with the requisite statutory requirements, including but not limited to CPLR 2214 and 22 NYCRR 205.11. Any proposed order to show cause seeking a stay or temporary injunctive relief must comply with 22 NYCRR 202.7 (f).
- i.** All motions must be made returnable on a **Tuesday or Thursday, excluding holidays**; and shall comply with the timing provisions set forth in CPLR 2214. The movant must file proof of service of the motion papers upon the opposing party (or his or her counsel).
 - ii.** Motions are generally on submission unless the Court directs otherwise (*see* 22 NYCRR 205.11 [“Service and filing of motion papers”]).
 - iii.** Should it determine that oral argument is necessary on an issue, the Court may accordingly fix an appropriate date and time notifying all counsel and/or parties (*see generally* 22 NYCRR 205.11 [d]).
 - iv.** Legal arguments must be supported by the law — i.e., case or statutory.
 - v.** Extensions of briefing schedules or submitting late papers should be made on prior consent. Absent good cause, the Court may deny filing extensions or acceptance of late papers.
- J.** Counsel and any self-represented party must directly address any questions about scheduling, adjournments, and all other miscellaneous matters to the Part Clerk via telephone or email at virtualputnammulticourt@nycourts.gov.
- i.** All filings including letters, motions, proposed orders, etc. shall be submitted and filed with the Clerk. Such documents shall not be sent to Chambers Staff unless otherwise authorized.
 - ii.** Chambers Staff should not be copied on correspondence between/amongst counsel unless or as is directed by the Court.
- K. Proposed Orders:** All proposed temporary, interim, or final orders shall be submitted with Notice of Settlement in accordance with 22 NYCRR 202.48, unless explicitly waived on the record or in writing. Any proposed counterorder shall be timely filed prior to the date of the proposed order that is noticed for settlement. Proposed orders that do not accurately reflect the record may be modified *sua sponte*, directed to be resubmitted by the filer, or remain unsigned.
- L. Ex Parte Communications:** *Ex parte* communications are strictly prohibited except with respect to scheduling matters or where otherwise permitted by law.
- M. Communications with Represented Parties:** Counsel are directed to inform their clients that under no circumstances shall any represented party engage in any conversation or exchange any communication with Court staff (*see* CPLR 321 [a]).
- N. Self-Represented Parties:** The Court is not authorized to provide legal advice in any respect. No greater rights are afforded to a *pro se* litigant. A *pro se* party is always free to consult with and retain counsel for legal assistance.

II. PROTOCOLS FOR FACT-FINDING HEARINGS

The following protocols shall apply to all hearings and trials conducted in Family Court.

- A. At least one (1) week prior to the hearing, a copy of the trial book shall be exchanged by the parties and a copy shall be emailed to VirtualPutnamMultiCourt@nycourts.gov. Counsel may mail or drop off a hard copy of the trial book to Chambers, addressed to the attention of the Hon. Anthony R. Molé.¹
- B. During the pretrial conference, the Court will review the procedures to be followed before and during the hearing. At the pretrial conference, counsel shall be prepared to inform the Court as to the anticipated time needed to conduct the hearing and to address any pretrial matters that necessitate a determination by the Court.
- C. At least one (1) week prior to the beginning of the hearing date, the parties shall submit copies of their exhibit and witness lists via **email** to the Court at VirtualPutnamMultiCourt@nycourts.gov and to the opposing party(ies). The parties shall submit copies of all proposed exhibits in digital PDF format. Petitioner(s) shall use numbers for exhibits and Respondent(s) shall use letters for exhibits.² Each exhibit shall be pre-marked by the party submitting the document and include any certifications necessary for any issues of admissibility. Any exhibits to be offered to the Court to take judicial notice of must also be listed separately. Following submission of the exhibits, the parties shall make a diligent good faith effort to agree upon a stipulation as to the documents that will be deemed admitted into evidence. All proposed exhibits shall be deemed marked for identification at the commencement of the hearing or shall be admitted into evidence in accordance with the stipulation between the parties.
- D. Counsel also are directed to make a diligent good faith effort to agree upon stipulated facts before the hearing begins and to place the stipulated facts on the record at the commencement of the proceeding.
- E. During the hearing, if a document marked for identification is offered into evidence and a proper foundation for the admission of the exhibit has been laid, the Court will deem the exhibit admitted into evidence. The court reporter will make the appropriate notation of the admission of the document in her exhibit list. If legal argument must occur on the record regarding the admissibility of the exhibit, only

¹ If dropping off, a hard copy of the trial book shall be left at the respective Clerk's Office in the Putnam County Courthouse.

² A party's designation as petitioner or respondent shall depend on the date which the first/initial underlying petition was filed.

one attorney/party is to speak at a time and there shall be no speaking over each other, yelling, or commentary during legal argument.

- F. Counsel and parties are reminded that proper courtroom demeanor is to be employed and appropriate attire must be worn at all times during the proceedings in the courtroom.
- G. **Ordering of Transcripts**: For all Article 6, 8, or 10 proceedings where a full and plenary fact-finding hearing commences, including combined hearings with other proceedings, and which concludes with the Court reserving final decision, **counsel and/or any self-represented litigant(s) shall order the complete transcript of the entire hearing**. Alternatively, the Court may, on its own initiative, have the full transcript ordered with copies to be provided to the Court, attorneys, and any self-represented litigant(s), with costs to be equally allocated among the parties.
- H. Counsel and any self-represented litigant shall be fully familiar with these rules in addition to New York procedures, the rules of evidence, objections, and the proper questioning of a witness.
- I. Parties and counsel are urged to speak slowly and clearly and shall not speak at the same time while others are speaking, including the Judge or any member of the court staff. The court reporters cannot create an accurate record unless one person is speaking at a time.
- J. During the hearing, the Court may question witnesses or otherwise intervene in the ensuing proceedings in order to elicit important facts or relevant answers, clarify an issue, or to facilitate the orderly and expeditious progress of the hearing.
- K. Counsel must be adequately prepared to proceed on all scheduled hearing dates. Oral applications for adjourning the hearing will not be entertained. An adjournment of a scheduled hearing date shall only be granted for good cause.

THESE RULES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE.

THE COURT APPRECIATES YOUR COOPERATION.

(REVISED OCTOBER 5, 2023)