

Honorable Lori Currier Woods, J.F.C., A.J.S.C.

Orange County Family Court and Orange County Supreme Court
285 Main Street, Goshen New York 10924

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PART RULES

Below are basic part rules that the Court would ask counsel and parties to follow.

GENERAL

The parties / counsel should make every effort to be on time. A courtesy phone call is appreciated if anyone is running late. Parties / counsel should be prepared to proceed.

Children should never be brought for the purpose of the Court speaking to them unless the Attorney for the Child has so requested and an in camera has been scheduled.

CORRESPONDENCE / COMMUNICATION WITH THE COURT

All written correspondence directed to the Court's attention must be copied to all interested parties, including the Attorney for the Child. Otherwise, the Court will return the correspondence to the sender. Any correspondence sent to the Court should include a family file number or index number and a telephone number and / or address of the sender. The Court does not expect to be copied on correspondence between counsel and / or pro se litigants.

Pro se litigants as well as those that are represented by counsel must understand that the Court can not offer legal advice.

ADJOURNMENTS

All adjournments must be approved by the Court even where the parties / counsel have consented to the adjournment. Any request for an adjournment should be made in writing to the Court. Thus, a phone call will not suffice. Said request should be made no less than twenty-four hours in advance of the scheduled date and must indicate a good reason for why the adjournment has been requested, and whether other interested parties including the Attorney for the Child consent or object. Adjournment requests due to attorney engagement in another court must be made pursuant to 22 NYCRR §125.1. If the request for an adjournment involves a medical issue, a doctor's note must be provided to the Court. Adjournment requests will be evaluated on a case by case basis.

If an adjournment request is granted, the requesting party must notify all interested parties, including the Attorney for the Child, of the adjourned date and send confirming notification of the new date. If written requests for an adjournment or confirmation of the adjournment are sent to chambers by fax original correspondence is **NOT** required to follow by mail.

PETITIONS / ORDER TO SHOW CAUSE

All petitions / Order to Show Cause must be filed with the Clerk's office and not with chambers. If counsel is filing a petition / Order to Show Cause, the Court would ask that counsel include a list of dates that they are unavailable for a preliminary proceeding which is usually scheduled five to eight weeks from the filing date. This will assist with scheduling and hopefully avoid adjournment delays.

MOTIONS

Motions should be filed with the Clerk's office and not with chambers. Self-addressed, stamped envelope must be submitted with all motions.

There shall be compliance with the CPLR for bringing motions. A notice of motion should be filed with the motion papers. In the case of a discovery motion, an affirmation of good faith should also be included.

Ordinarily, an appearance on a motion is not required. However, if an attorney is requesting an appearance on the motion this should be noted in the notice of motion. The Court, in its discretion, may schedule an appearance on the motion and if it does so will notify the parties of the appearance date / time.

Do not send opposing or reply papers to the Clerk. They should be forwarded directly to Judge Currier Woods showing the motion return date at the top of the first page.

The court will not consider sur-reply papers or papers submitted after the return date without prior permission of the court.

A party moving to renew or reargue must attach copies of the papers submitted in connection with the underlying motion to the motion to renew or reargue.

Summary judgment motions must be made no later than 60 days from the date of the filing of the Note of Issue or the motion will be denied.

Motions in Limine shall be made returnable at least 15 days before the trial date.

Decisions on motions may be rendered from the bench or done in writing.

EVALUATIONS

Generally speaking, the request for a mental health / forensic evaluation should be made as early as possible in a given case. Questions regarding payment should be addressed at the time of the request.

a. Mental Health / Forensic

The Court will receive the original copy of any mental health / forensic evaluation. In the Court's discretion, copies of the report may be made available to counsel and the Attorney for the Child. However, these reports are never to be shown, provided or distributed to the client / litigant. Once an evaluation is conducted, it is admitted on the Court's motion.

b. Juvenile / PINS Matters - PDI

A diagnostic assessment and / or probation report will be available for review by the presentment agency and the Attorney for the Child / counsel pursuant to Family Court Act § 351.1.

INTERPRETERS

If a party requires the services of an interpreter, the Court should be notified as soon as possible so that appropriate arrangements can be made. This does take some time. Therefore, at least two weeks notice to the Court is required. Keep this in mind especially if a witness at trial will be in need of such assistance.

TRIAL PROCEDURE

1. Trial dates should be viewed by parties and counsel as firm dates. Pre trial conferences will be scheduled. Parties and counsel are strongly encouraged to use these date(s) to engage in meaningful settlement negotiations. If a matter has not resolved at a pre-trial stage, the Court will endeavor to provide parties / counsel with a time frame for the trial date.
2. Failure to appear at a trial readiness conference may result in sanctions, including striking the pleadings.
3. On the trial date, the Court will expect parties / counsel to be prepared to proceed. It is not the Court's intent to use a trial date to accept a settlement.
4. In Family Court matters only, the Court will call all matters ready for trial at 9:30 a.m. on the 1st Monday of a two-week trial term. At this time, the Court will accept settlements on the record or consent orders executed by all the necessary parties / counsel. If a matter has not resolved, parties / counsel will be given a trial date and time. Older cases, especially those with a petition filed more than six months prior, will be given a sooner trial date. Supreme Court trials (including IDV trials) will take place on Tuesdays at 1:30 p.m., Thursdays at 9:30 a.m., or as otherwise calendared by the Court.

a. Discovery

Counsel should make a good faith effort to resolve discovery issues before advising the Court of any problem. A motion regarding a discovery issue should include an affirmation of good faith so as to recite what efforts have been made to resolve the problem. In general, parties should comply with the CPLR in conducting discovery.

b. Subpoenas

Counsel are reminded that they may sign subpoenas duces tecum and subpoenas ad testificandum as officers of the Court pursuant to CPLR §2302. However, subpoenas to compel production of certain documents must be “So Ordered” by the Court pursuant to CPLR §2306 and §2307. Special provisions are made concerning the issuance of subpoenas for hospital records and medical records of a department or bureau of a municipal corporation or of the state, and books, papers, and other things of a library, department, or bureau of a municipal corporation or of the state. The Court would ask counsel to review CPLR §2306 and §2307 before submitting any subpoenas for signature so as to ensure full compliance.

Subpoena duces tecum shall be made returnable to the Clerk of the Court at 9:00 a.m. three days before the beginning of the trial. Counsel and pro se litigants will be allowed pre trial inspection of the subpoenaed material. No foundation witness is necessary if the party / counsel comply with CPLR §2307 and §3122-a.

The Court’s issuance of a “So Ordered” subpoena shall not preclude a challenge to the subpoena or the admissibility of the subpoenaed documents.

c. Exhibits

All exhibits should be pre-marked for identification prior to commencement of the trial. Mental health / forensic evaluations ordered by the Court will be admitted into evidence on consent, subject to cross-examination or upon motion of the court. Any party who wishes to cross-examine the forensic evaluator, as permitted by the Uniform Rules, shall bear the cost of the his or her services in preparing such testimony, traveling and testifying unless the Court directs otherwise prior to commencement of the evaluator’s services.

d. Pre-Trial Submissions

Each party shall disclose to the other parties:

1. The names of witnesses that a party intends to call along with a brief description of the witnesses area of testimony, i.e., John Jones will testify about an incident of domestic violence by the respondent that he witnessed on 1/1/07; and
2. A list of exhibits that a party intends to offer into evidence with a description of the relevance, i.e., medical records of St. Peter's Hospital for treatment to petitioner on 6/1/07 to prove injuries from respondent's conduct on 5/31/07.

The above submissions shall be made in writing and received in the office of opposing counsel(s) and the Attorney for the Child (or the residence of a self-represented litigant) by 5:00 p.m. two days before the first trial date. Before trial, each party shall permit the other party to inspect and copy all exhibits that a party intends to offer into evidence. If any witness reviews any notes, reports, memoranda, statements or the like, in preparation for his / her testimony, those materials must be brought to court by that witness.

Failure to comply with the above-mentioned procedure could result in sanctions and/or preclusion.

e. Identification of Deposition Testimony

Counsel for the parties shall consult prior to trial and shall in good faith attempt to agree upon the portions of deposition testimony to be offered into evidence without objection. The parties shall delete from the testimony to be read questions and answers that are irrelevant to the point for which the testimony is offered. Each party shall prepare a list of testimony to be offered by it as to which objection has not been made and, identified separately and clearly, a list of testimony as to which objection has been made.

At least five days prior to trial, each party shall submit its list to the Court and other counsel, together with a copy of the portions of testimony as to which objections have been made. The Court will rule upon the objections at the earliest possible time after consultation with counsel.

f. Settlement Proposals

Ten days prior to trial, each party must file a written settlement proposal with opposing counsel. Failure to do so may result in sanctions.

g. Witness Scheduling

Witnesses should be present on the trial date. Professional witnesses such as doctors, nurses, case workers, teachers, counselors, and police officers will be permitted to testify out of order to accommodate their employment schedules. School teachers should be scheduled after 3:00 p.m. to eliminate the need for the school to call in a substitute teacher for the entire day.

Last minute claims that a witness is unavailable will not be acceptable, especially where a trial date has been set well in advance, absent unanticipated and exigent circumstances.

PROPOSED ORDERS

The part clerk will provide counsel with a date for submission of the proposed order. If the proposed order can not be submitted by this date, a phone call or letter should be directed to the Court so that a new date can be provided. All proposed orders submitted to the Court should include a self-addressed, stamped envelope.

A request for a transcript should be made through the Clerk's office.

Orders on consent that are submitted for the Court's signature should be dated and fully executed by the parties, counsel and the Attorney for the Child.

In Family Court matters, the Court's staff will make every effort to review the tape of a proceeding should the parties / counsel disagree over the proposed order.

In Supreme Court matters, proposed orders and judgments based upon rulings in open court must be supported by a copy of the stenographic minutes reflecting the ruling upon which the proposed order or judgment is based.

ORDERS/JUDGMENT SUBMISSION

All orders or judgments, including counter-orders and judgments, submitted for signature on notice will be returned unsigned unless an affidavit of service of same and Notice of Settlement for a date designated in accordance with 22 NYCRR 202.48 have been included.

Do not fax proposed orders or judgments.

If a counter-order contains only a very minor change, the cover letter should clearly identify that change by page and paragraph.

All other proposed changes to an adversary's original order should be highlighted in a duplicate sample copy of the proposed counter-order, and a brief explanation of counsel should accompany the counter-order.

In Supreme Court matters, a copy of any relevant transcript should accompany the counter-order.

Counsel who submitted the original order may submit a short response to the counter-order within 3 business days of receipt of same.

MATRIMONIAL ACTIONS

Counsel shall be familiar with and shall comply with the provisions of 22 NYCRR 202.16. Prior to the preliminary conference, the parties shall file and exchange those documents set forth in 22 NYCRR 202.16(f)(1) including net worth statements, paycheck stubs, W-2 statements, tax returns and statements of account.

Counsel should inform their clients of the automatic orders created by Domestic Relations Law §236 Part B(2)(b) as soon as the attorney-client relationship is formed.

Parties shall appear at all matrimonial conferences unless otherwise directed by the court.

Each party must file a statement of proposed disposition (22 NYCRR 202.16[h]) no later than 3 days prior to trial.

All motions seeking *pendente lite* relief must be submitted in writing.

January, 2017