

Hon. Ta-Tanisha D. James, J.S.C.
Part 15, Matrimonial Division
60 Centre Street, Room 438
New York, NY 10007

Principal Law Clerk: Ashley N. Lane, Esq.
Email: alane@nycourts.gov

Part Clerk: Alina Dumea
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Courtroom Telephone Number: 646-386-4462
Chambers Telephone Number: 646-386-4460

I. Calendar

1. Preliminary Conferences: Tuesdays
2. Status/Compliance Conferences: Tuesdays and Wednesdays
3. Settlement Conferences: Thursdays
4. Oral Argument on Motions: Wednesdays
5. Trials/Hearings: Thursdays and Fridays

II. General Rules:

1. All parties and attorneys must be present on any scheduled court date, whether for a conference or motion, unless expressly excused by the Court.
2. All court appearances shall be assigned a time certain, unless impracticable under the circumstances. All counsel and parties are expected to adhere strictly to that schedule and appear on time.
3. Appearances are in person and may be virtual via Microsoft Teams as directed by the Court.
4. All attorneys and self-represented litigants must provide their contact information, including email address and telephone number, to Room 119 at 60 Centre Street.
5. If any represented litigant decides to represent themselves or their attorney seeks to withdraw, counsel shall file an Order to Show Cause to be relieved. A Consent to Change Attorney is only permitted when counsel is being substituted for a different attorney. The Court will not accept a stipulation where the litigant will be proceeding *pro se*.
6. Part 15 is a matrimonial mediation part, which means that eligible cases may, at the Court's discretion, be referred to mediation or the neutral evaluation program.
7. New contested matrimonial cases in Part 15 are encouraged to be e-filed through the New York State Courts Electronic Filing System (NYSCEF). Paper cases may be converted to NYSCEF at any time. Any questions regarding the e-filing system should be addressed to the NYSCEF Resource Center at nyscef@nycourts.gov.

III. Communications with the Court:

1. There shall be no *ex parte* communications with Chambers regarding substantive matters.
2. All communications shall be directed to either the Part Clerk or the Law Clerks, as specified herein. Do not directly email Judge James unless instructed otherwise.
3. The Court prefers email communication. Phone calls to the Courtroom or Chambers may be made for urgent matters.
4. All emails to the Part Clerk or Law Clerks must be copied to all parties. Failure to do so will result in the email being disregarded.

5. Do not copy the Court on letters and emails exchanged between counsel or parties unless expressly requested by the Court. The Court does not litigate matters by email, letter, or telephone. Letters submitted to the Court must also be e-filed on NYSCEF.
6. All scheduling inquiries shall be directed to the Part Clerk. Do not contact Chambers regarding scheduling matters unless it is urgent and you have been unable to reach the Part Clerk.
7. If an issue regarding a pending matter arises, a brief e-mail may be sent to the Principal Law Clerk requesting a conference call, **only after the parties and counsel attempted in good faith to resolve the issue without Court assistance**. Requests shall be copied to all attorneys and *pro se* parties (if any), and shall state the basis for the request. Conference calls shall not serve as substitution for a motion. The brief request shall be in the body of the email and not as an attachment.
8. Counsel shall promptly notify the Court of any settlement or resolution of a pending matter, or of any development that affects the case.
9. Do not contact chambers or the Part Clerk to ask whether a decision has been issued or when a decision is expected to be issued. All Decisions and Orders will be available online via NYSCEF or other means as indicated by the Court.

IV. Adjournments:

1. All adjournments require Court approval and shall be requested by emailing the Part Clerk no later than two days prior to the scheduled appearance.
2. If the adjournment is on consent, the party seeking the adjournment may email the Part Clerk, with all counsel and any *pro se* litigant copied, with a brief description of the reason for the adjournment and three proposed dates and times in accordance with the Part's calendar (above) that work for all parties and counsel. The Part Clerk will select one of the provided dates and times and notify the parties and counsel. If the proposed dates provided do not work for the Court, the Part Clerk will provide alternative dates.
3. If the adjournment is not on consent, an e-mail should be sent to both Law Clerks, copying all attorneys and self-represented litigants, if any, and the Court will determine whether to grant or deny the adjournment or hold a brief conference.
4. Last minute or day of adjournment requests due to exigent circumstances may be made by calling the Part Clerk.
5. Failure to appear by any party without prior approval of the Court may result in a default.

V. Conferences:

1. Prior to the conference, the parties shall confer among themselves regarding the following: (i) resolution of the case, in whole or in part; (ii) discovery, including discovery of electronically stored information; (iii) the use of alternate dispute resolution to resolve all or some issues in the litigation; (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case; (v) any other issues to be discussed at the conference.
 - a. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.
 - b. If one of the parties is *pro se*, counsel for the represented party shall contact the *pro se* party to inquire as to their willingness to consult prior to the conference.
2. The following documents shall be submitted prior to the preliminary conference: (i) completed and signed Preliminary Conference Order; (ii) each party's sworn statement of net worth; (iii) the most recently filed state and federal income tax returns; and (iv) each party's two most recent paycheck stubs.
 - a. A child support worksheet and proposed parenting plan shall also be submitted where applicable.

- b. If any item is not provided prior to the conference, it must be provided at the conference.
3. At any scheduled conference, the parties and counsel should be prepared to discuss all substantive issues in the case, including settlement, to the extent possible.
 - a. Every single appearance is an opportunity to settle some, if not all, of the issues.
 - b. The parties are free and encouraged to request a settlement conference at any time they are ready to meaningfully attempt to resolve the matter by emailing the Part Clerk.
4. Copies of all prior conference orders and stipulations shall be brought to subsequent conferences for reference.
5. The date of the compliance conference shall be set at the time of the preliminary conference and all discovery shall be completed before the final status conference.

VI. Motions:

1. To eliminate the expense and delay caused by excessive motion practice, to the extent possible, counsel shall confer with opposing counsel prior to filing motion papers in an effort to resolve the matter. If counsel is unable to reach a resolution, counsel shall then request a conference by emailing the Principal Law Clerk. *Pendente lite* issues may be resolved at the preliminary conference.
2. All motions shall be filed by Order to Show Cause.
3. If the moving party is seeking interim relief, that must be clear in the body of the Order to Show Cause.
4. If a temporary restraining order is sought, pursuant to Uniform Rules 202.7, proof the opposing side was notified about the application and the time, date, and manner the application will be presented for signature is required.
5. Oral arguments are required on all motions, unless otherwise directed by the Court, and will take place in person unless directed otherwise.
6. Discovery motions are strongly discouraged. If the parties have been unable to reach a resolution on any outstanding discovery issues, a discovery conference may be requested by emailing the Part Clerk.
 - a. At such conference, be prepared to discuss the good faith efforts taken to resolve the issues.
 - b. Counsel must be prepared with all outstanding discovery at any discovery conference. Failure to address all outstanding discovery existing at the time of the conference may be deemed a waiver of the right to obtain said discovery.
7. All motion papers, including Orders to Show Cause or Cross-Motions, Opposition and Reply, Memoranda of Law, Exhibits, Affirmations or Affidavits, and proposed orders of settlement, shall include the Index Number and the Motion Sequence Number on the first page.
 - a. Affidavits, Affirmations, and Memoranda of Law (exclusive of table of contents and table of authorities) shall not exceed 25 pages each, double-spaced.
 - b. Sur-reply papers are not accepted without prior court approval.
 - c. Each document and exhibit shall be separately filed and described on NYSCEF so that it is known what the document is.
 - d. Each page in any exhibit must be numbered.
 - e. If a party relies on a decision or other authority not officially published or readily obtainable by the Court, as well as cases published in the Law Journal, a copy of the case or pertinent portions of the authority shall be submitted with the motion papers.
8. For all emergency applications, the movant is strongly encouraged to first contact the Part to ascertain a convenient date/time to have the application heard (without delaying filing). The movant is similarly strongly encouraged to provide courtesy copies of the emergency papers to the Part (and to the adversary where safe to do so) in advance, by email to the Law Clerks. Emergency applications still must be filed with the Ex Parte Office.
9. Any motion seeking an order transferring a Family Court proceeding, including Family Offense proceedings, to Supreme Court must clearly specify which proceeding(s) the party seeks to have

transferred and the basis therefor. The motion must contain a complete copy of the Family Court petitions and any pertinent orders and include the docket numbers.

10. Any request for issuance of a temporary order of protection must be accompanied by the Family Protection Registry Information Sheet and the litigant must be present.
11. Do not file CDs, DVDs, or flash drives as part of a motion. A party may, pursuant to evidentiary rules, play a video or audio at a trial or hearing on their own laptop for the Court, but the Court cannot accept such files, nor enter into scanned paper files with the County Clerk or upload to NYSCEF when a motion is resolved or decided.
12. Any questions regarding the procedure for e-filing proposed Orders to Show Cause should be directed to the Ex Parte Office at 646-386-3125.
13. For all non-NYSCEF cases, papers requiring filing must be filed with either the Ex Parte office, Matrimonial Support Office, County Clerk, or Part 15 Clerk (as appropriate) at 60 Centre Street, with a courtesy copy emailed to the Law Clerks, copying all sides.
14. If a motion has been withdrawn or settled, the parties must e-file a stipulation and immediately notify the Part Clerk.

VII. Trials:

1. A Pre-Trial Conference will be held prior to any trial.
2. Prior to the pre-trial conference, the parties shall attempt to execute a stipulation as to: (i) the authenticity and admissibility of exhibits; and (ii) undisputed facts.
3. Two weeks prior to the pre-trial conference, updated Statements of Net Worth must be filed
 - a. If the only trial issue is custody, an updated Statement of Net Worth is not required
4. One week prior to the pre-trial conference, the following must be filed:
 - a. Marked pleadings, if grounds are an issue.
 - b. Statement of Proposed Disposition for trials concerning financial issues.
 - i. For trials where custody is also at issue, a proposed parenting plan
 - ii. For trials where custody is the only issue, a Statement of Proposed Disposition is not required.
 - c. A spreadsheet listing each item of marital property, with their values and proposed distribution.
 - d. Child support worksheet, if applicable.
 - e. Number of witnesses for each side, with a brief meaningful offer of proof for each witness.
 - i. Also indicate whether any witness requires the use of an interpreter and if so, the required language and dialect and whether any witness, party, or attorney requires ADA accommodations.
 - f. Expert witnesses and expert disclosures.
 - g. Any expert report not previously provided.
 - h. List of all proposed exhibits.
 - i. Expected length of trial.
 - j. Pre-trial memoranda, if requested by the Court, which shall not exceed 5 pages and shall set forth the party's position and relevant factual and legal issues to be tried, citing relevant case law.
 - k. Any requests for the use of technology and/or audiovisual equipment.
 - l. Proof of filing of the Note of Issue.
5. Attorneys for the Child(ren), if any, may file a proposed parenting plan if they wish to do so, and shall also exchange and file witness and exhibit lists.
6. Any pre-trial motions, including motions *in limine*, shall be filed by Order to Show Cause at least three weeks prior to the pre-trial conference, so that they can be made returnable at the pre-trial conference.

7. Parties are encouraged to utilize NYSCEF to upload trial exhibits where available or have their exhibits pre-marked by the court reporter.
8. Counsel shall ensure all subpoenaed documents have arrived at the subpoenaed records room at 60 Centre Street. Court personnel will not follow up on subpoenaed records. Subpoenas should only be used for the production of documents, and not to direct the appearance of a witness unless specifically directed or allowed by the Court.
9. As a general rule, no counsel or party will be permitted to offer a document into evidence during a witness' direct testimony unless the document was disclosed on the previously exchanged exhibit list, and no witness will be permitted to testify unless the witness was disclosed on the previously exchanged witness list.
10. Absent extraordinary circumstances, trial dates set by Part 15 are final and may only be modified or extended by Court order.
11. At the completion of the trial, counsel or the parties are to submit proposed Findings of Fact and Conclusions of Law; an updated, if necessary, spreadsheet listing each item of marital property with their values and proposed distribution as established at trial; and if requested by the Court, a post-trial memorandum of no more than 15 pages.
12. At the conclusion of trial, each party must retrieve exhibits from the courtroom within 30 days, and if not retrieved by the parties, will thereafter be discarded.

VIII. Virtual Appearances

1. A Microsoft Teams invite will be sent in advance of the scheduled appearance. Do not email the Court seeking the link unless you have not received it by the day prior to the scheduled appearance. Do not ask the Court to send the link to additional people and when contacting the Court via email, do not reply to an email containing the Microsoft Teams link.
2. The Court expects everyone to dress and conduct themselves with the same level of civility and professionalism as if they were in the actual courtroom.
3. All parties, counsel and participants are expected to appear online promptly, at least 5 minutes before the start time of the appearance.
4. Parties and counsel are to ensure their ability to participate remotely in advance.
5. Video appearances are preferred, and the dial-in telephone number may only be used as a backup option and/or where absolutely necessary due to technological issues.
6. All parties and counsel are to stay connected for the entire appearance.
7. When entering a conference all parties and counsel should have their camera on and remain muted, unless addressed or directed otherwise. During the conference, counsel and parties are to mute their microphones when not speaking.
8. Only one person may speak at a time. Counsel and parties will have an opportunity to speak in the normal course and are prohibited from interrupting or speaking over one another.
9. Objections must be made audibly, and counsel should also use the "raise hand" feature of Teams.
10. Counsel may request that a proceeding be paused to privately consult with a client.
11. Parties should be alone, in an appropriate and quiet location for the conference without any background noise or distractions, and shall remain seated and in the same location for the duration of the conference. Parties appearing in virtual court must take reasonable steps to ensure that their child(ren) are not present in the room or within hearing range of the proceedings.
 - a. Where this is not feasible, counsel for the affected party must notify the Court and all other counsel immediately. When such notice is received, the Court will evaluate the situation and determine if the hearing should proceed.

12. Counsel is to ensure that a remote witness is in a suitable location and able to fully utilize Microsoft Teams. Counsel must ensure that a remote witness is not being coached, assisted and/or signaled in any way.
13. Witnesses should not read from notes and witnesses are to be advised that during testimony any communications, via electronic means or otherwise, between a witness, party and/or counsel are prohibited. Witnesses are not permitted to read or refer to anything other than what is provided to them by counsel in the course of direct or cross-examination. There shall be no documents or information available to or used by the witness out of sight of the Court.
14. No other individual may be present, either physically or electronically, in the same room as the testifying witness unless that person is needed to assist the witness with technology or medical issues; these issues must be raised in advance of the witness's testimony.
15. Non-participants and potential witnesses shall not join any proceeding unless and until directed to do so by the Court.
16. Recording audio and/or video or taking photos or screenshots of any court proceedings (whether in person, over video, computer, or telephone) is expressly prohibited pursuant to 22 NYCRR Parts 29, 131.

IX. Miscellaneous:

1. Part 15 is a paperless part, however working or courtesy copies of any papers filed are appreciated, especially if the filing is voluminous.
2. If a forensic report has been ordered, the report will be made available either by counsel of record or another attorney from the counsel of record's office picking up the forensic report in person in Room 438 and filing the required affirmation, or by all counsel filing the affirmation and the Court providing the report by email, which shall not be forwarded. If an e-filed case, the completed affirmations shall be e-filed.
 - a. *Pro se* litigants will arrange with the Part Clerk a date and time to review the forensic report in the courtroom. The *pro se* litigant may take notes, but is prohibited from taking photos or video of the report.
3. If you have items such as stipulations, subpoenas, transcripts and proposed Orders and Judgments that need to be "so ordered," you may submit a hardcopy directly to the Part or upload to NYSCEF and notify the Part Clerk of the filing and request for it to be "so ordered."
4. All Judgments of Divorce must be submitted within 60 days or the action may be deemed abandoned and dismissed.
5. All Qualified Domestic Relations Orders not submitted with the Judgment must be submitted within 45 days of the signing of the Judgment and must be accompanied by written plan approval.
6. The Court reserves the right to vary these rules and modify/update them in the interest of justice or for good cause shown.