

HON. DOUGLAS E. HOFFMAN
SUPREME COURT, NEW YORK COUNTY
PART 44, Matrimonial Division
60 Centre Street, Courtroom 321
New York, New York 10007

Principal Court Attorney: **Alexandra Lewis-Reisen, Esq.** 646-386-4795

Email: alewisre@nycourts.gov

Part Clerk: **Sandra Cooperman** 646-386-3370

Email: scooperm@nycourts.gov

PART RULES

1. All parties and attorneys must be present on any calendared court date unless expressly excused by the court.
2. All court appearances, except for the initial preliminary conference, shall be assigned a time certain, unless impracticable under the circumstances. All counsel and parties are expected to adhere strictly to that schedule.
3. Preliminary conferences are scheduled by the Matrimonial Clerk's Office and will take place on Thursdays.
4. In newly filed divorce actions, a preliminary conference shall take place on the return date of the first motion or appearance, unless otherwise directed by the court.
5. At or before the preliminary conference, parties must provide the court with copies of Statements of Net Worth. Parties shall also submit a child support worksheet and proposed parenting plan when applicable. **Parties and counsel should be prepared to discuss all substantive issues in the case, including settlement, to the extent possible.**
6. For all non-NYSCEF cases, papers requiring filing must be filed with either Ex Parte office, Matrimonial Office, County Clerk, or Part 44 clerk (as appropriate) at 60 Centre Street, N.Y., N.Y. 10007, with a courtesy pdf email to court attorney, copying all sides.
7. **ALL MOTIONS SHALL BE BY ORDER TO SHOW CAUSE.** All motion papers, including orders to show cause or cross-motion, opposition or reply, memoranda of law, exhibits, affirmations or affidavits, and proposed orders of settlement, must indicate the motion sequence number on the first page in the

upper right-hand corner. The court will not accept sur-reply papers without prior court approval.

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. 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, via NYSCEF or email to the court attorney. Emergency applications still have to be filed with the Ex Parte Office and then brought to the Part.
9. Any motion seeking an order transferring Family Court proceedings to Supreme Court must clearly specify which proceeding(s) the party seeks to have transferred to Supreme Court and the basis therefor. The motion must contain a copy of the Family Court petitions and any pertinent orders.
10. Oral argument is required on all motions unless otherwise directed by the court. If a hearing is requested or required, the parties should be prepared to go forward on the return date of the motion.
11. *Ex-parte* requests for issuance of a temporary order of protection must contain the Family Protection Registry Information Sheet, and the party must be present.
12. Any documents pertaining to the action, including, but not limited to, motion papers, responsive papers or correspondence, must not be faxed or e-mailed to the court without the court's explicit permission. All opposition or reply papers must be filed with Part Clerk at the above address (with a courtesy pdf copy to court attorney and other side) or on NYSCEF for e-filed cases (see below).
13. E-Filing: new contested matrimonial cases in Part 44 are encouraged to be e-filed through the New York State Courts E-Filing (NYSCEF) system. The form to convert a paper case to e-filing is at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consult.pdf> Please note that, usually, only documents filed after the conversion are accessible through NYSCEF, so early conversions (including before a Preliminary Conference) are encouraged.
For e-filed cases, Part 44 is a paperless part (except for the below exceptions). To the extent possible, e-filed documents should be text-searchable. Please do not send courtesy copies of any documents that are e-filed, with the following exceptions:
 - a. Documents requiring Justice Hoffman's signature, including proposed orders and stipulations, which must be e-filed AND the original must be sent to Justice Hoffman by either mail or messenger;

- b. Proposed orders to show cause, which have to be processed by the Ex Parte Office at 60 Centre Street (usually after uploading, unless filing an ex parte emergency order to show cause).

Any questions regarding the e-filing system should be addressed to the NYSCEF Resource Center at efile@nycourts.gov . 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.

14. Please 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 we cannot accept such files as part of a motion, nor scan into scanned paper files with the County Clerk or NYSCEF when a motion is resolved or decided.
15. All attorneys and self-represented litigants must provide their contact information, including email address, telephone number and fax number, to Room 119 at 60 Centre Street, N.Y., N.Y. 10007.
16. The court uses email primarily for short emails about scheduling, or to request a telephone conference on a discrete and urgent issue subject to everybody's consent and the court's availability. The court will conduct conference calls when appropriate in the interests of justice. Requests for conference calls shall be conveyed to the Principal Court Attorney by email, with a copy 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. Please put your short request in the body of the email, and not as an attached pdf letter.

Please do not include the court on lengthy or substantive emails, because we do not want to create the impression that we can review all of them.

17. All adjournments require pre-approval by the court and, barring exigent circumstances, must be requested by email to the Principal Court Attorney no later than 10:00 A.M. of the business day immediately preceding the calendared court date, copying all counsel and pro se parties, and stating whether the adjournment request is on consent. If requesting to adjourn a Preliminary Conference, please provide THREE Thursday mornings that work for ALL SIDES, in ONE JOINT EMAIL. If requesting to adjourn a post-PC conference, then please provide THREE dates/times (any days of the week other than Thursdays) that work for ALL SIDES, in ONE JOINT EMAIL All requests for adjournment must be in accordance with Part 125 of the Rules of the Chief Administrator of the Courts.
18. All discovery and trial schedules set by the court are final and may be modified or extended only by court order.

19. Pre-Trial Conferences. Part 44 follows the requirements of the Matrimonial Part Rules for documents to be presented at pretrial conferences. The following have to be NYSCEF-filed at least one week before the pre-trial conference (or exchanged if a non-NYSCEF case) (with the exception of updated Statements of Net Worth, which must be filed and exchanged at least two weeks before the pretrial conference):

Rule 28. Pre-Trial Conference. Unless directed otherwise, all cases scheduled for trial must appear for a pre-trial conference on a date set by the court. All motions in limine must be presented at this time and counsel should be prepared to discuss all evidentiary issues.

Rule 29. Mandatory Pre-Trial Submissions: (a) marked pleadings (if grounds are in issue), (b) proposed statement of disposition, (c) child support worksheet (if applicable), (d) updated net worth statement, (e) list (or binder) of all proposed exhibits, (f) witness list, with offer of proof for each witness, (g) any expert report not previously provided, (h) pre-trial memoranda and (i) proof of filing of the note of issue.

20. Please also note that Part 44 utilizes its protocol for Prepared Direct Examination of Witness by Affidavit, on consent. This protocol is available in the Part or upon request to the Principal Court Attorney. Please be prepared to discuss at the pre-trial conference whether you will be proceeding by direct by affidavit for all or some of your witnesses.
21. At the pretrial conference, a time frame will be set for the parties to provide the court with pre-marked documents to be submitted into evidence on consent (or after waiver of objections) and a written statement of issues or facts to which the parties stipulate in advance of trial.
22. Any attorney seeking to withdraw from a case must file a motion by order to show cause seeking to be relieved as counsel where the granting of such an application would result in the party being self-represented.
23. All judgments of divorce must be submitted within 60 days or the action may be deemed abandoned and dismissed. All Qualified Domestic Relations Orders must be submitted within 45 days of the signing of the Judgment and must be accompanied by written plan approval. At the conclusion of trial, each party must retrieve exhibits from the courtroom within 30 days.
24. **REMOTE VIDEO APPEARANCES.**
- a. Parties, attorneys, and all members of court proceedings are expected to appear online promptly, 10 minutes before the official start time of the proceeding; parties and counsel are to download any necessary software in advance and to test their ability to participate through audio and visual equipment, also in

- advance. Although all conference invitations will include a telephone dial-in as a backup, video appearances are required whenever possible.
- b. Any party 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. 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. In some situations (i.e., where the party affected is not testifying), headphones or similar technology may make it possible to proceed when a child or children might need to be present. The Court will make this determination on a case by-case basis. **Headphones should be worn by the parties even if the children are not in the same room.**
 - c. In the event that a private conversation is requested by counsel with their client, the court proceeding will pause and allow for the parties and counsel to mute the remote appearance and connect via phone or other means, off of the official record.
 - d. For virtual hearings or trials, at the beginning of a witness' testimony, each witness shall swear or affirm (either as part of their affidavit or orally) that they are not receiving unauthorized coaching, influence, and/or manipulation via text, notes or speech from persons in the room or off-screen during court proceedings, or are recording their testimony in any audio or visual manner. A violation of this provision may result in the witness' testimony being stricken from the record. If the party is appearing over video, they should be prepared to provide the court with a virtual tour of the room and/or be willing to stand to show that they are not holding notes or any aids. This will be done to ensure that the aforementioned rules of integrity are followed. If a litigant or witness resides at a confidential address and/or giving a virtual tour may disclose their whereabouts or there is a safety concern, counsel for that individual shall conduct a virtual tour of the room from which they will be testifying contemporaneously to testimony in lieu of the litigant providing the court with said virtual tour. In this circumstance, counsel shall then affirm to the Court that no notes or aids were seen to be before the litigant and no other person appears in the room off-screen.
 - e. Audio and/or visual recording of any court proceedings (whether in person, over video, computer, or telephone) is expressly prohibited.

Thank you.