

Hon. Ariel D. Chesler
Supreme Court, New York County
PART 51, Matrimonial Division
60 Centre Street, Courtroom 543
New York, NY 10007

Principal Law Clerk: Shanon A. Farinha, Esq.
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Part Clerk: Patrick Cullen
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Courtroom telephone: (646) 386-3846

Chambers telephone: (646) 386-5856

Virtual Part 51 Appearance Teams Links:

- Part 51 Hearings and Trial link:
 - <https://notify.nycourts.gov/meet/0ap2fb>
 - Dial in Number: 1 (347) 378 - 4143
 - Conference ID: 425 509 055#
- Part 51 Conference links:
 - Conference link A:
 - <https://notify.nycourts.gov/meet/0aps0p>
 - Dial in Number: 1 (347) 378 - 4143
 - Conference ID: 539 148 365#
 - Conference link B:
 - <https://notify.nycourts.gov/meet/0a7s25>
 - Dial in Number: 1 (347) 378 - 4143
 - Conference ID: 685 479 350#
- All court appearances are in-person unless otherwise directed by the Court.
- Virtual appearances are conducted via Microsoft TEAMS on the links provided above. Counsel must ensure that they and their clients are familiar with the Microsoft TEAMS technology and appear on video via the Teams Links. Any questions concerning virtual court appearances can be answered at: <https://portal.nycourts.gov>
- You will **not** receive an individualized calendar invitation for each appearance scheduled with the Court. Counsel is responsible to keep track of the Virtual Part 51 links for either a conference or a hearing/trial.
- Please download and store these links for your ready access to make your appearances.
- Only contact chambers if you are waiting in the virtual lobby in excess of 10 minutes.
- ***You are prohibited from recording video or audio, or taking photos or screenshots (22 NYCRR Parts 29, 131).***

Calendar

- **Preliminary Conferences:** Next Available Tuesday
- **Status/Compliance Conferences and Oral Argument on Motions:** Tuesdays, Wednesdays, and Thursdays
- **Trials:** Mondays, Thursdays, Fridays

General Part Rules

1. All court appearances shall be assigned a time certain, unless impracticable under the circumstances. Counsel and their clients are expected to adhere strictly to that schedule. Unless otherwise directed by the Court, both counsel and their client shall be present for any calendared court appearance.
2. All attorneys and self-represented litigants must provide their contact information, including email address and telephone number, to Room 119 at 60 Centre Street, N.Y., N.Y. 10007.
3. **Consent To Change Counsel:** If any represented litigant decides to represent themselves, counsel shall file an Order to Show Cause to be relieved. A Consent to Change Form is only permitted when the party is moving from one attorney to another attorney.
4. **Matrimonial Mediation and Neutral Evaluation Program:** Part 51 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.

Adjournments

5. Adjournment requests require Court approval and must be made at least two days prior to the scheduled appearance. Direct all adjournment requests to the Part 51 Clerk, Patrick Cullen, by e-mail at SFC-Part51-Clerk@nycourts.gov
6. **Consent adjournments:** Where there is consent to an adjournment, an e-mail should be sent to the Part Clerk, copying all attorneys and self-represented litigants, briefly advising of the reason for the adjournment, and providing three mutually agreed upon dates (on Tuesdays, Wednesdays and/or Thursdays) and times for the adjournment. The Court will adjourn the matter to one of the proposed dates and times and will notify counsel and self-represented litigants accordingly.
7. **Disputed adjournments:** Where there is no consent to the adjournment, an e-mail should be sent to both Law Clerks, copying all attorneys and self-represented litigants (if any), requesting a conference to resolve the issue.

Communications

8. Counsel and/or the parties shall not submit letters to the Court unless otherwise directed to do so.
9. Counsel and/or the parties may not submit *ex parte* correspondence, including e-mails, to the Court regarding any pending matter. They are prohibited and will not receive a response.
10. Correspondence, including e-mails, between counsel or between the parties shall not be copied to chambers.
11. Counsel and/or the parties are prohibited from e-mailing the court substantive emails raising issues of law or fact. **LITIGATION BY E-MAIL IS PROHIBITED AND WILL NOT RECEIVE A RESPONSE.**

12. If an issue regarding a pending matter arises, a brief e-mail may be sent to *both* Law Clerks requesting a conference.

Motions

13. To eliminate the expense and delay caused by excessive motion practice, counsel must request a conference (as indicated above) prior to filing motion papers to allow the opportunity to resolve the matter. Pendente lite issues may be resolved at the preliminary conference.
14. Discovery motions are strongly discouraged. Prior to making any motion, counsel must consult one another in a good faith effort to resolve any discovery disputes and, in the absence of resolution, request a conference with the court prior to filing any motion. Counsel and/or the parties shall come to the conference with a prepared log specifically delineating the *specific* discoverable materials sought.
15. All motions seeking any financial relief **MUST** include an updated Net Worth Statement. The responding party shall file with their responding papers an updated Net Worth Statement.
16. **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. Affidavits, affirmations, and memoranda of law (exclusive of table of contents and table of authorities) shall not exceed 25 pages each, double-spaced. The court will not accept sur-reply papers without prior court approval.
17. Oral argument is required on all Orders to Show Cause unless otherwise directed by the Court.
18. For all emergency applications, the movant must include a separate affirmation that is filed apart from the other underlying papers affirming compliance with 22 NYCRR 202.7 and setting forth the emergent circumstances that require immediate court intervention. This affirmation shall be completed by counsel for all represented parties.
19. References to Exhibits in motion papers shall include a pin cite to the specific document (or part of the document) being referenced.
20. Do not file CDs, DVDs, or flash drives as part of any 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.
21. Applications for Sanctions shall not be abused. “Frivolous conduct shall include the making of a frivolous motion for costs or sanctions under this section.” 22 NYCRR 130-1.1.
22. It is the responsibility of counsel to follow up on all open motions pending before the Court. Failure to properly follow up may result in the Court denying the motion without prejudice.
23. For all motions, the Court shall set an initial briefing schedule and return date. If counsel and/or the parties require an adjournment with regards to briefing or the return date, it is counsel and/or the parties responsibility to work with the other side to find a mutually agreed upon time. Counsel and/or the parties shall email the Court promptly with their proposed adjourn dates with opposing counsel included on the e-mail.
24. **For all non-NYSCEF cases**, papers requiring filing must be filed with either Ex Parte office, Matrimonial Office, County Clerk, or Part 51 clerk (as appropriate) at 60 Centre Street, N.Y., N.Y. 10007, with a courtesy pdf email to Principal Law Clerk, copying all sides.

Preliminary Conferences:

1. Per Uniform Civil Rule 202, counsel for all parties shall consult prior to a preliminary or compliance conference about (i) resolution of the case, in whole or in part; (ii) discovery, including discovery of electronically stored information, and any other issues to be discussed at the conference, (iii) the use of alternate dispute resolution to resolve all or some issues in the litigation; and (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.
2. In newly filed divorce actions, a **preliminary conference** shall take place on the return date of the first appearance, unless otherwise directed by the court.
 - a. 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.
3. Upon your appearance for your Preliminary Conference the **Preliminary Conference form** must be completed and ready for the Judge's signature. If the parties cannot agree as to the Preliminary Conference Order, counsel and/or parties shall come with proposed PC Orders.

Compliance and Status Conferences

4. At least one (1) day prior to any compliance or status conference, the attorneys and/or parties must upload to NYSCEF a jointly completed **Compliance Conference Order** or a jointly completed **Status Conference Order**, as appropriate, to be So-Ordered by the Court.
5. Counsel shall be prepared to discuss, in detail, any discovery disputes, which will be resolved at the conference as discovery motions are strongly discouraged.
6. Counsel shall be prepared to discuss, in detail, any other non-discovery issues.
7. Failure to upload a Compliance Conference Order or Status Conference Order, as required, may result, in the Court's discretion, in the cancelation and adjournment of the conference.

Trials

8. Cases scheduled for trial, hearing or fact-finding, will be in-person unless otherwise directed.
9. All cases scheduled for trial in Part 51 will be scheduled for a pre-trial conference.
10. Two weeks prior to the pre-trial conference, counsel or the parties shall file and exchange the following documents:
 - a. A statement of proposed disposition, a child support worksheet (if applicable), updated net worth statements, and most recently filed tax returns.
 - b. A witness list, with meaningful offer of proof for each witness.
 - c. A list of documents which counsel may stipulate into evidence. The documents to be pre-marked as exhibits.
 - d. Any expert reports not previously exchanged.
 - e. Marked pleadings and any pre-trial memoranda.
 - f. Proof of filing of the note of issue.
11. Counsel may, where necessary, make *motions in limine* and shall file same no later than two (2) weeks before your pre-trial conference to discuss any evidentiary issues at the pre-trial conference.

12. **Prepared Direct Examination of Witnesses by Affidavit:** The court has a protocol for the use of prepared direct examination of witnesses by affidavit. Counsel should be prepared to discuss use of this protocol at the pre-trial conference. Please note that direct examination by affidavit is only permitted for financial issues and no longer permitted for issues related to custody and/or visitation.
13. Subpoenas shall not direct a party to appear for trial unless specifically arranged by the Court. Instead, subpoenas may direct the production of documents and certified records and production of a witness must be directed/permitted by the Court.
14. This Part shall make use of the Virtual Evidence Room. Counsel and/or the parties are required to use the Virtual Evidence room *for all trials* (whether in-person or virtual) unless otherwise directed by the Court.
15. If a party or counsel anticipates the need to use audio/visual technology for the presentation of evidence, the Court must be given at least one week's notice of said intent and must provide the Court with what technology is needed.

E-filing

16. New contested matrimonial cases in Part 51 are encouraged to be e-filed through the New York State E-Filing System (NYSCEF). The form to convert a paper case to e-filing is at <https://iappscontent.courts.state.ny.us/NYSCEF/live/forms/stipulation.and.consent.pdf>
17. Please note that only documents filed after the conversion are accessible through NYSCEF, so early conversions (including before a preliminary conference) are encouraged.
18. Any questions regarding the e-filing system should be addressed to the NYSCEF Resource Center at nyscef@nycourts.gov.
19. For all converted cases, any open motions pending before the Court which were previously paper filed must have their underlying papers uploaded to NYSCEF after conversion.
20. 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.

Decorum for Appearances

21. The Court expects everyone to dress and conduct themselves appropriately for court.
22. 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.
23. Objections must be made audibly, and with grounds therefor stated.
24. Non-participants and potential witnesses shall not join any proceeding unless and until directed to do so by the Court.
25. The use of demonstrative exhibits is prohibited outside of a trial absent leave of court.

Virtual Appearance Decorum

26. 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.
27. All counsel and parties shall download the Microsoft Teams Program and any other necessary electronic software well in advance of court appearances and test their microphones and cameras, also in advance, to ensure that they are able to participate in the court conference.
28. Video appearances are required whenever possible and the telephone dial-in numbers are to be used as a backup option and/or where absolutely necessary due to technological issues.

29. All parties and counsel are to stay connected for the entire appearance.
30. 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.
31. Counsel may request that a proceeding be paused to privately consult with a client.
32. 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.
33. 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.
34. 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.
35. 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 at the pre-trial conference.