

**HON. KATHLEEN WATERMAN-MARSHALL
SUPREME COURT, NEW YORK COUNTY
PART 9, Matrimonial Division
80 Centre Street, Room 289
New York, New York 10013**

Principal Law Clerk: Josh D. Williams, Esq.
Email: jwilliams1@nycourts.gov
Chambers: (646) 386-4289

Part Clerk: Ira Liffman
Email: SFC-Part9-Clerk@nycourts.gov
Courtroom Phone: (646) 386-3848

Assistant Law Clerk: Madeleine Robinson
Email: mrobinson@nycourts.gov
Chambers: (646) 386-4289

VIRTUAL PART 9 APPEARANCE MICROSOFT TEAMS LINKS

- **Part 9 Courtroom** (Judge Waterman-Marshall): <https://notify.nycourts.gov/meet/0avpkm>
- **Conference Room** (Law Clerk Williams): <https://notify.nycourts.gov/meet/0avpnb>

CALENDAR

- **Conferences and Motions: Tuesdays and Wednesdays**
 - *Unless otherwise directed*, all Conferences (Preliminary, Compliance, and Status) and Motions are conducted via Microsoft TEAMS on the **Virtual Part 9 Appearance Teams Links provided above**. Counsel must ensure that they and their clients are familiar with Microsoft TEAMS and appear on video via the Teams Links. Any questions concerning virtual court appearances can be answered at: <https://portal.nycourts.gov>.
 - Counsel is responsible to keep track of the Virtual Part 9 Appearance Teams Links which are the Judge's Virtual Courtroom the Law Clerk's Virtual Conference Room. Please download or store these links for your ready access to make your appearances. You will not receive a separate Teams invitation for each appearance scheduled with the Court.
 - ***You are prohibited from recording video or audio, or taking photos or screenshots (22 NYCRR Parts 29, 131)***
- **Trials, Hearings, In Person Conferences: Mondays, Thursdays, Fridays**

GENERAL PART RULES

- **Matrimonial Mediation and Neutral Evaluation Program:** Part 9 is a presumptive matrimonial mediation part, which means that eligible cases may, at the Court's discretion, be referred to mediation or the neutral evaluation program.
- **Appearances:** Counsel and their clients must be present on any calendared court date unless expressly excused by the Court. All matters are scheduled for times certain before the Judge or the Law Clerk and will be started at the designated time.

- **Decorum for Virtual Appearances:** The Court expects everyone to conduct themselves with the same level of civility and professionalism as if they were in the physical courtroom. Please test your microphones and cameras in advance and be sure to use a quiet room or location with minimal background noise. Counsel and parties are to mute their microphones when not speaking. Counsel and parties will have an opportunity to speak in the normal course and are prohibited from interrupting or speaking over one another. All parties and counsel are to stay connected for the entire appearance.

- **Adjournments:** Adjournment requests require Court approval and will be addressed by the Court on the scheduled appearance date. Counsel (or someone from their office with authority to handle their office calendar matters) is required to appear before the Law Clerk on the scheduled appearance date, at which time the request will be addressed and a new date picked. Counsel must give the Court notice of the intent to request an adjournment at least one day prior to the scheduled appearance by e-mail directed to the Law Clerks, Josh D. Williams, Esq. (jwilliams1@nycourts.gov) and Madeleine Robinson (mrobinson@nycourts.gov).

- **Communications:**
 - The following documents, which require Court attention, should be e-filed to NYSCEF and followed with a brief e-mail, copied to all counsel, to the Law Clerks notifying that the document has been e-filed:
 - Letters directed to Justice Waterman-Marshall;
 - Stipulations to be So-Ordered;
 - Subpoenas for signature;
 - Proposed Orders and Judgments for signature.
 - Counsel and/or the parties may not submit *ex parte* correspondence, including e-mails, to the Court regarding any pending matter. Correspondence, including e-mails, between counsel or between the parties shall not be copied to chambers.
 - ***Do not include the Court on lengthy or substantive e-mails, unless expressly invited to do so (the Court does not permit litigation by e-mail).***
 - If an issue regarding a pending matter arises, a brief e-mail may be sent to the Law Clerk requesting a conference call, ***only after the parties and counsel attempted in good faith to resolve the issue without Court assistance.***

- **Preliminary Conference:**
 - A preliminary conference shall take place on the return date of the first motion or appearance, unless otherwise directed by the Court.
 - Counsel for all parties shall consult prior to the preliminary conference about the substantive issues and discovery and shall make a good faith effort to reach agreement on these matters, whether in whole or in part, in advance of the conference.
 - At or before the preliminary conference, counsel or parties must provide the Court with:
 - a completed and signed matrimonial Preliminary Conference Stipulation/Order form;
 - Statements of Net Worth; and
 - where applicable, a child support worksheet and proposed parenting plan.
 - Parties and counsel should be prepared to discuss all substantive issues in the case, including settlement, to the extent possible.

- **Motions:**

- All motions shall be made by Order to Show Cause unless otherwise directed by the Court.
- Oral argument is required on all Orders to Show Cause unless otherwise directed by the Court.
- All Orders to Show Cause, Cross-Motions, and related filings must indicate the respective 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 does not accept sur-reply papers without prior permission.
- To eliminate the expense and delay caused by excessive motion practice, counsel shall request a conference call (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.
- ***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 call with the court prior to filing any motion.
- 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.

- **Trials:**

- All cases scheduled for trial in Part 9 will be scheduled for a pre-trial conference.
- Two weeks prior to the pre-trial conference, counsel or the parties shall file and exchange the following documents: (1) A statement of proposed disposition, a child support worksheet (if applicable), updated net worth statements, and most recently filed tax returns. (2) A witness list, with meaningful offer of proof for each witness. (3) A list of documents which counsel may stipulate into evidence. The documents to be pre-marked as exhibits. (4) Any expert reports not previously exchanged. (5) Marked pleadings and any pre-trial memoranda. (6) Proof of filing of the note of issue.
- Counsel may, where necessary, make motions *in limine* and shall be prepared to discuss any evidentiary issues at the pre-trial conference.
- **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.

- **E-filing:**

- New contested matrimonial cases in Part 9 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>
- Please note that only documents filed after the conversion are accessible through NYSCEF, so early conversions (including before a preliminary conference) are encouraged.
- Any questions regarding the e-filing system should be addressed to the NYSCEF Resource Center at nyscef@nycourts.gov.