

THIRTEENTH JUDICIAL DISTRICT  
SUPREME COURT RICHMOND COUNTY  
**UNIFORM CIVIL TERM RULES**

The following uniform rules have been adopted by all Richmond County Supreme Court Justices in order to decrease the complexity of litigation regulations, promote efficiency and expedite the administration of cases. Matrimonial cases shall be governed by the rules for New York State Trial Courts (NYCRR 202.16 *et seq*). The Thirteenth Judicial District requires all litigants to go through the magnetometers. There will be no exceptions to this rule.

**ADMINISTRATIVE ORDER**

By the authority vested in me as Administrative Judge of this Court, I hereby establish a pilot Settlement Conference Program (“SCP”). The SCP Program provides litigants additional opportunities to mediate their disputes and grants more resources to the Justices of the Supreme Court.

Beginning on **Monday, April 30, 2018**, the Justices of the Supreme Court, may in their discretion, designate a JHO or Court Attorney Referee to oversee settlement negotiations in particular cases.

Counsel for cases selected for participation in the SCP Program by the Justices of the Supreme Court shall do so in accordance with the procedures outlined in paragraph 6 of the

uniform Civil Term Rules for the Thirteenth Judicial District.

**1. PRELIMINARY CONFERENCE**

a. A preliminary conference is mandatory in all cases, whether requested or not, unless a dispositive motion is granted immediately after the case has been assigned to an individual Justice's Part.

b. Upon the filing of a Request for Judicial Intervention (RJI) a case will be assigned to a Justice and a preliminary conference shall be held within **forty-five (45) days**.

c. During the preliminary conference, a compliance conference date shall be fixed and included within the Preliminary Conference Order.

d. The attorneys who attend the preliminary conference and subsequent compliance conferences, shall have complete knowledge of all the facts and circumstances of the case and have authority to set dates for all discovery proceedings, to include, but not limited to, schedule dates for Examinations Before Trial, Independent Medical Examinations and the exchange of all other discovery documents.

e. When the plaintiff files a Request for Judicial Intervention (RJI) seeking a preliminary conference, the bill of particulars must be annexed to that request. If the defendant requests a preliminary conference by the filing of an RJI, the plaintiff shall serve a bill of particulars **ten (10) days prior** to the preliminary conference.

f. The Preliminary Conference form adopted by the Supreme Court Richmond County shall be utilized in all Parts, except the City Part. The Preliminary Conference Order shall be completed by all

parties to the lawsuit.

g. Conferences may not be adjourned, unless specifically authorized by the Court and in accordance with the Justice's part rules.

h. The Preliminary Conference Order, shall indicate that all impleader actions shall be instituted within **forty-five (45) days** after the completion of examinations before trial. In the event that an impleader is not commenced, any third party action may be severed.

**2. COMPLIANCE CONFERENCES**

a. Counsel for the parties or a *pro se* litigant must attend compliance conferences unless otherwise directed by the court. Counsel for a party or a *pro se* litigant, who failed to attend a compliance conference may have their pleadings stricken and/or have other sanctions imposed.

b. Discovery motions shall not be made without prior leave of court. If such a motion is authorized by the court, the Attorney's Affirmation must clearly state that the court has granted permission to make the motion.

c. Adjournments may only be granted on consent of all parties and the court, and in accordance with the Justice's part rules.

d. A Certification Order certifying that all discovery has been completed will be issued when the court is satisfied that the parties have fully complied with the Preliminary Conference Order and all subsequent Compliance Orders.

3.

**NOTE OF ISSUE AND STATEMENT OF READINESS**

a. A Note of Issue with a Statement of Readiness may not be filed until a Certification Order has been issued by the court indicating all discovery has been completed. A copy of the Certification Order must be filed with the Note of Issue and Statement of Readiness within **ten (10) days** of the issuance of the Certification Order. Proof of filing of the Note of Issue shall be served upon the court and counsel within **ten (10) days** of filing the Note of Issue.

b. A Pre-Trial Conference shall be held within **ninety (90) days** after issuance of the Certification Order.

4.

**MOTIONS FOR SUMMARY JUDGMENT**

a. All motions for summary judgment shall be **served and filed within sixty (60) days** of the filing of the Note of Issue. If an extension of time to file is authorized by the court, the Attorney's Affirmation must clearly state that the court has granted such permission. Only attorneys fully familiar with the motion shall appear to argue the motion on the return date unless appearances are waived by the court.

b. Adjournments may only be granted on consent of all attorneys AND with court approval. Once an adjournment is approved by the court, a stipulation signed by all attorneys must be promptly faxed to the court.

**5. PRE-TRIAL CONFERENCE**

a. The Pre-Trial Conference shall be conducted in the DCM Part and shall be attended only by attorneys with knowledge of the case who have authority to discuss its resolution.

b. If the case cannot be resolved during the pre-trial conference and if a jury demand has been filed, the DCM/IAS judge will then decide whether to refer the case to the Pilot Settlement Conference Program (SCP), adjourn the case because of pending summary judgment motions or send the attorneys on the case to direct select for jury trial.

**6. PILOT SETTLEMENT CONFERENCE PROGRAM (“SCP”)**

a. Justices of this Court retain the discretion to refer cases to the SCP pilot program where a Judicial Hearing Officer (“JHO”) or Court Attorney Referee (“Referee”) shall oversee settlement negotiations.

b. Counsel for the litigants on a case selected for inclusion in the SCP pilot program shall appear with settlement authority and have telephonic voice access to their clients who retain the ultimate authority to settle the case.

c. Each JHO and Referee will handle requests for adjournments related to the SCP.

*(Please consult the rules of the assigned JHO or Referee.)*