

8/2010

**PART RULES FOR
HON. JAMES T. ROONEY
Putnam County Courthouse
20 County Center
Carmel, New York 10512
Part Clerk: Leonard Pace
Telephone Number: (845) 208-7830
Law Clerk: Christi J. Acker
Secretary: Lisa D'Angelo
Chambers Telephone Number: (845) 208-7850
Chambers Fax Number: (845) 228-9616**

MOTIONS

Prior to making any motion, the movant should write the Court, with a copy to all parties, specifying the relief sought and the basis for that relief. The Court will then schedule either a conference or a conference call with counsel. This procedure does not preclude the moving party from making a motion, but rather, provides the Court with an opportunity to resolve the dispute without the need for a formal written application. Failing resolution of the issue in this manner, the party seeking the relief may proceed with a motion.

All motions and orders to show cause must be filed with the Office of the County Clerk with the appropriate filing fee. All motions will be limited to twenty (20) pages unless prior Court approval is given. All motions will be returnable on Thursdays at 2:00 p.m., except by Order of the Court.

Appearances on the return date of motions are not required unless otherwise notified by the Court. Oral argument may be requested by noting "Oral Argument Requested" immediately over the index number on the Notice of Motion. If the Court, in its discretion, requires such argument, the movant's attorney will be so advised and will be required to notify all parties.

Sur-replies will not be considered. Papers, including letters which are sent after the submission of the motion, will not be considered.

Self-addressed, stamped envelopes must be submitted with all motions.

Orders/judgments must also have self-addressed, stamped envelopes and a copy to be conformed if required.

ADJOURNMENTS

Requests for adjournments must be made by fax to Chambers. Counsel must attempt to gain the consent of all parties. If applicable, an affidavit of engagement must be filed with the Court. **No adjournments will be permitted unless approved by Chambers.**

If an adjournment is granted by Chambers, the requesting party must inform all other parties of the adjourned date and time and copy the Court on that correspondence.

DISCOVERY MATTERS

Counsel must consult with one another in a good faith effort to resolve all disclosure disputes. (See Uniform Rule 202.7). If counsel are unable to resolve a disclosure dispute in this manner, the procedures set forth above regarding motion practice must be followed before a motion may be filed.

CONFERENCES

Preliminary Conference - The attorneys should complete the Preliminary Conference Order before the conference with the Court. They also must be prepared to discuss with the Court any outstanding motions. Counsel must have full knowledge of the facts and status of the case and be prepared to engage in a meaningful conference.

Appearances by counsel and parties at the Preliminary Conference are mandatory.

Failure to appear at a Preliminary Conference may result in sanctions.

Compliance/Settlement Conferences - Counsel must appear with full authority to discuss settlement. Appearances at Compliance/Settlement Conferences by counsel and parties are mandatory unless otherwise ordered by the Court. Failure to appear or failure to appear with full authority/ability to discuss settlement at this conference may result in sanctions.

Failure to appear at a Trial Readiness Conference with full authority/ability to settle may result in sanctions, including striking the pleadings.

TRIALS

Motions - In Limine: Counsel should advise the Court in writing of any issues which they are aware of in advance of trial, which may require a ruling by the Court during the trial.

Exhibits - Prior to the commencement of a trial, counsel shall provide the Court with marked pleadings and an exhibit list.

The attorneys are to pre-mark all exhibits. The court reporter is to be provided with an exhibit list.

Requests to Charge - Requests to charge shall be submitted to the Court as directed at a conference immediately preceding trial. The charge will be drawn from the Pattern Jury Instructions (PJI). A complete list of requested charges is to be submitted. Unless counsel seeks a deviation from the pattern charge or additions to the pattern charge, only the PJI numbers need to be submitted. Where deviations or additions are requested, the full text of such requests must be submitted, with the proposed deviation or addition underlined, together with any supporting legal precedent.

Verdict Sheet - Counsel shall jointly prepare a verdict sheet. The verdict sheet is to be typed and in final form for presentation to the jury. If agreement cannot be reached, then each side shall prepare a proposed verdict sheet.

GENERAL

The Court should not be copied on correspondence between counsel.

Counsel who appear before the Court must be fully familiar with the case and have full authority to enter into any agreement, either substantive or procedural, on behalf of their clients. Counsel must be on time for all scheduled appearances and must bring the full file with them to each Court appearance.

If an action is settled, discontinued or otherwise reaches disposition, counsel shall immediately inform the Court by submission of a copy of the stipulation or other document evidencing the disposition. Where the matter is disposed of but the final stipulation has not been executed by all the necessary parties prior to a scheduled Court appearance, Chambers should be notified by letter with proof of copies to all counsel so that the Court may determine if appearances are required. This letter may be sent by fax to Chambers.

Faxes - Unless otherwise authorized by these Rules, faxes will not be accepted unless it is an emergency and the receipt has been authorized by Chambers.

E-Courts - While E-Courts can be a useful tool, it is not always accurate. In the event of a conflict between the appearance date provided by the Court and E-Courts, the parties should appear on the date provided by the Court.

E-Mail - The Court will not communicate through e-mail and encourages any correspondence to be sent by regular mail.