

Rules of Court
Justice John A. Barone
Bronx Supreme Court Part IA-12
Room 709
718-618-1228

1. Motion Practice

The General Rules set forth for motion practice in Supreme Court for the County of the Bronx shall in all instances apply,

Upon assignment to this part additional motions can be made only upon application to and permission from the court. For all such additional motions the relief sought and reasons therefor shall be set forth in a written request for permission to file additional motions.

All counsel appearing on motions must be thoroughly familiar with the case, the previous demands for relief and offers of settlement and must be authorized to settle or try the case within the limits set by the client. All clients must be available by telephone, fax, email, etc., to respond to modified demands or proposed settlements.

2. Trial Rules

Upon assignment to this part for trial, counsel must requisition the file to the courtroom. Counsel must ascertain the availability of all witnesses and subpoenaed documents; additional requests for postponements, subpoenas etc., may be made but will be granted only in the discretion of the court in accordance with the exigencies of the court calendar.

Before trial plaintiff's counsel shall furnish:

- 1) marked pleadings;
- 2) statutory provisions specifically relied upon in the pleadings;
- 3) the bill of particulars;

All counsel shall furnish:

- 1) expert reports;
- 2) depositions and written statements which may potentially be used at trial including use in cross-examinations or to refresh a witnesses recollection;
- 3) any part of a deposition to be read into evidence as part of either party's direct case (not cross-examination);
- 4) pre-marked exhibits and a list thereof.

In addition, attorneys at pre-trial conference must be prepared to discuss or prepare:

- 1) all anticipated issues of law with citation to authorities;
- 2) stipulations to undisputed facts if any;
- 3) admissions and stipulations of clearly admissible evidence;
- 4) any anticipated motions in limine
- 5) scheduling and attendance issues;
- 6) a witness list;
- 7) requested jury charges and verdict sheets;

Courtroom demeanor

- 1) observe the normal professional courtesies;
- 2) direct all question to the witness and all remarks to the court;
- 3) make objections as succinctly as possible. Don't make speeches;
- 4) do not interrupt opposing counsel. Do not interrupt witnesses except to interpose a motion to strike an answer as non-responsive;
- 5) try to relax. Remember you are officers of the court first and advocates second. Remember that your client's rights are derived from the law and your duty to your client is paramount except when it clashes with your professional responsibilities or your integrity as a member of the bar. Your clients deserve your best efforts but no more than that. Be proud of your profession and strive to live up to its highest goals. You worked hard to achieve your status as an attorney at law. Never compromise it.