

HON. ARLENE E. KATZ, J.F.C.

Westchester County Family Court
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
Chambers Telephone: (914) 824-5798
Chambers Fax: (914) 824-5821

Part Clerk:
Maureen Kavanagh

Court Attorney:
Karen L. Johansen, Esq.

Secretary:
Sha-Keel Williams

Individual Part Rules

General Rules of Conduct

All attorneys and parties must be on time and ready to proceed.

All counsel, including the Attorney for the Child, must speak with their clients prior to each appearance.

Settlement discussions/negotiations shall take place prior to entering the courtroom.

Counsel 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 read the petition(s) and relevant order(s) prior to entering the courtroom. Copies may be obtained from the first floor Clerk's Office. The Part will not make or provide copies of these or any other documents.

Counsel must ensure that the Part has a current email address and mobile number on file.

Counsel shall be fully familiar with the Uniform Rules for the Family Court (22 NYCRR § 205.1 et seq.).

Communications with the Court

Correspondence with the Court must be copied to all counsel.

Correspondence shall prominently indicate file number and next appearance date.

The Court does not permit litigation by letter. Any such submission will be denied.

The Court should not be copied on correspondence between/among counsel unless so directed by the Court.

Adjournments

All adjournment requests shall be made by facsimile to Chambers at (914) 824-5821 and shall indicate that all counsel have been copied. All requests must state opposing counsel's and the Attorney for the Child's position(s) and at least three proposed adjournment dates on which all counsel and litigants are available. If not on consent, the request must contain good cause why the Court should consider it. Proposed dates shall not be on a Tuesday

morning absent good cause. If an adjournment is granted, the requesting party must notify all counsel in writing and copy the Court via fax or email.

Adjournments due to actual engagement must comport with 22 NYCRR § 125.1 and shall be filed as soon as the conflict is known, but not less than seven days prior to the appearance absent good cause.

All adjournment requests must be made at least three business days prior to the scheduled appearance absent an emergency. Proof of the emergency may be required.

All adjournments must be approved by the Court, even when all parties and counsel have consented. If the Court does not approve the request at least one day before the appearance, the request is denied and all parties and counsel must appear.

Appearances: General

If a Spanish interpreter is needed, counsel must notify the Part 3 Court Officer upon arrival.

If a party requires interpretation of a language other than Spanish, a written request must be made at least two weeks in advance absent exigent circumstances.

All counsel and parties shall appear in person unless prior permission has been obtained by the Court. Written requests shall be made at least seven days in advance, on notice to all parties.

In the event that an attorney or party fails to timely appear on one or more occasion, such lateness or failure to appear may be considered in any application for an award of counsel fees and expenses.

Appearances: Conferences

Counsel must make a good faith effort to resolve/narrow issues prior to the appearance.

Attorney conferences will take place only on consent of all parties. Counsel, by participating in an attorney conference, represents that he or she has obtained his or her client's consent.

The Court encourages, and is available to facilitate, settlement of all matters. On consent, counsel may contact the Court to schedule such a conference.

Appearances: Fact Finding Hearings

Counsel must inform the Court at least two weeks in advance of any issues relating to procedure, witness scheduling, requests for interpreter(s), requests for technology/media equipment, and other requests.

Counsel must be prepared to go forward on all scheduled fact-finding dates. Adjournments will not be granted absent good cause. Oral applications for an adjournment on the date of the fact-finding will not be entertained.

Counsel and any *pro se* litigants shall be familiar with rules and procedures governing discovery in Family Court proceedings.

Counsel and any *pro se* litigants shall be fully familiar with applicable New York procedure, rules of evidence, objections, and proper questioning of witnesses.

Unless otherwise directed by the Court, closing statements shall be made in writing and shall not exceed ten pages in length (double spaced, twelve point font, with one inch page margins). Counsel shall attach any case law cited in his or her closing statement which will not count toward the page limit. All closing statements will be due on the same date. Replies and late submissions will be disregarded by the Court.

Appearances: Coverage

The attorney of record is responsible for obtaining case coverage. Any covering attorney must be sufficiently familiar with the facts and circumstances of the case. He or she must have full authority to enter into any agreement on behalf of the client.

The attorney of record is responsible for providing the covering attorney with available dates for at least the next eight weeks. Failure to provide dates will result in the Court selecting a date convenient to all other counsel and parties. That date shall be marked FINAL against the attorney and his or her client. No adjournment requests by that attorney will be granted and no appearances will be waived. Failure to appear on the date marked FINAL may result in reassignment (if counsel is assigned) and/or any other relief the Court finds to be just and proper.

Change or Withdrawal of Attorney

Any change or withdrawal of an attorney shall comport with CPLR and other applicable requirements. Counsel seeking the change or withdrawal must continue full representation until he or she has confirmed with the Court that the application has been accepted.

Orders to Produce

It is the responsibility of counsel for any incarcerated party to file a proposed order to produce with affirmation for his or her client to appear in person or by video conference. This does not preclude other counsel from filing a proposed order.

All proposed orders must include the incarcerated party's date of birth and inmate number (DIN, JID, NYSID, etc.).

Proposed orders to produce a prisoner in person must be filed at least seven days in advance. Counsel is responsible for transmitting an order to produce a prisoner in person to the correctional facility.

Proposed orders to produce a prisoner by video conference must be filed at least three weeks in advance. The Court will transmit orders to produce a prisoner by video conference to the correctional facility.

Forensic Reports and Evaluations

All forensic reports and evaluations shall be admitted into evidence as the Court's exhibit(s) without further foundation testimony or evidence, subject to cross examination. A party who

chooses to cross examine the forensic evaluator or preparer of any report or evaluation shall be responsible for all costs and fees associated with the evaluator's preparation for testifying, travel and waiting time, and testimony, unless directed otherwise by the Court or stipulated by the parties in writing.

Parties shall each be responsible for 50% of the forensic evaluation fee unless an application is made to the Court when forensics are ordered.

Contact Chambers if an order for forensic evaluation has not been received in one week.

Motions & Orders to Show Cause

A moving party shall include an affirmation or affidavit detailing the good faith efforts made to resolve the issue prior to seeking Court intervention.

Any order to show cause requesting interim relief must comply with 22 NYCRR § 202.7.

All motions shall be returnable on Tuesdays at 2:00 p.m. and will be considered on submission only. Appearances are not required unless directed by the Court.

If an oral argument is requested, the notice of motion must state "ORAL ARGUMENT REQUESTED" above the family unit number. If the Court grants the request, the moving party will be notified and must notify all other parties.

Settled Cases

Counsel shall notify the Court immediately if a case is settled.

Stipulations must contain complete *voir dire* language and all parties and counsel, including the Attorney for the Child, must sign indicating approval as to form and content.

Orders

All orders on consent shall be signed by all counsel and parties indicating approval as to form and content unless the complete terms of such settlement have been placed upon the record and the Court has completed a satisfactory *voir dire* of all parties.

Handwritten orders shall be prepared in black ink and be legible. The Court may direct submission of a typewritten order for orders which fail to meet these requirements.

Opposition to any proposed order shall be negotiated in good faith to resolve the issue. If negotiation is unsuccessful, the party opposing the proposed order must file and fax a proposed counter order. The Court will not entertain suggested changes by letter.

Proposed orders that do not accurately reflect the record may be modified *sua sponte* or returned unsigned by the Court.

Failure to submit a proper and timely order may result in dismissal of the case, reassignment of assigned counsel or Attorney for the Child, and any other relief the Court finds to be just and proper.

Juvenile Delinquency and PINS Proceedings

As soon as possible, the Attorney for the Child shall notify the Court if a *Guardian Ad Litem* is required.

The Attorney for the Child shall be prepared to report on the child's placement and how long the child has been and will be in placement.

Guardianship Proceedings

Counsel in guardianship proceedings shall be familiar with all requirements in such cases, including necessary documents, procedures, and requirements for certifications of translations. A checklist and packet detailing these requirements is available from Chambers in hard copy or by email.

All documents shall be filed and stamped individually, not stapled as a packet, in the order listed on the checklist referenced above. Only official forms created by the Office of Court Administration (available online) will be accepted.

Counsel must schedule a conference with the Court Attorney in advance of a hearing to ensure that all required documents have been properly submitted.

Adoption Proceedings

Only official forms created by the Office of Court Administration (available online) will be accepted.

Adoption packets and checklists are available from the Clerk on the first floor.

Miscellaneous

Except for correspondence as permitted herein, all submissions to the Court must be filed with the Clerk on the first floor unless directed otherwise by the Court in a particular matter.

Chambers will not provide case information to an attorney who has not filed a notice of appearance.

Decisions may be rendered from the bench or in writing in the discretion of the Court. Any party seeking a written order of a bench decision may submit a proposed order, on notice, supported by a copy of the transcript of the proceeding during which the bench decision was rendered.

Any document submitted in a foreign language must be accompanied by a certified English translation with a sworn affidavit of the translator stating his or her professional qualifications/certifications to translate the document and that the translation is accurate.

Any document signed by a person who is not literate in English must be accompanied by a sworn affidavit of the person reading or orally interpreting the document that the reading or oral interpretation is accurate. Oral interpreters must also include a statement of his or her professional qualifications/certifications to orally interpret the contents of the document.