

**Part 51
Courtroom 26**

**Justice Sidney F. Strauss
88-11 Sutphin Boulevard
Jamaica, NY 11435
Chambers Ph: (718) 298-1081
Courtroom Ph: (718) 298-1215
Fax Ph: (718) 298-1131**

1. General Rules

The calendar for all matrimonial matters, including motions, preliminary conferences and trials, shall be called promptly at the times indicated below with a second call immediately following, the first.

Unless otherwise directed by the Court, appearance of counsel and their clients is mandatory on all matrimonial matters including, but not limited to motion calendar calls, preliminary conferences, compliance conferences, pre-trial conferences and all other Court-ordered conferences.

2. Adjournments (REVISED)

Consent adjournments may only be based upon submission of a written stipulation presented to the Court at least one day prior to the calendar call via fax to (Part 51M - 718-520-6755) and must be approved by the Court. Such consent will be granted only when the moving attorney can assure the Court that no prejudice will be created to the client and when a legal reason is included in the stipulation. All adjourned dates shall be determined at the convenience of the Court.

All other applications for adjournments of motions or conferences will be entertained only at the call of the calendar.

Counsel must notify their adversary of any intention to seek an adjournment, and, if possible, to obtain consent of all parties.

ABSOLUTELY NO ADJOURNMENTS WILL BE GRANTED OVER THE TELEPHONE.

CALLS SHOULD BE DIRECTED TO THE CLERK OF THE RESPECTIVE PART:

(PART 51M - 718-298-1215).

Phone calls to the Clerk of the Part will only be accepted from 9:30 a.m. to 1:00 p.m. and 2:00 p.m. until 5 00 p.m.

NO CALLS SHOULD BE PLACED TO CHAMBERS UNLESS AT THE INSTRUCTION OF THE COURT.

3. Matrimonial Motions (REVISED)

The Part 51 motion calendar is called on Mondays and Tuesdays at 9:30 A.M. promptly. Unless otherwise ordered by the court; counsel and their clients must appear on all motion calendar calls.

Only one adjournment of any motion will be permitted by the Court, absent exceptional circumstances. Any subsequent adjournment requires a personal appearance by the attorney to explain the exceptional Circumstances. The first adjournment will be permitted be on written stipulation signed by all parties. All stipulations must contain the signature of the attorney consenting to the adjournment. A form, which contains only the name of the firm on a stipulation will not be accepted. All adjourned dates shall be determined at the convenience of the Court.

4. Submission of Papers (REVISED)

Opposing papers, cross-motions, reply papers, and the like, may be submitted at the call of the calendar in the courtroom. The Court will not consider papers sent to chambers or the Part after submission. Failure of the movant or their duly authorized attorney to appear on any motions may result in the motion being marked off . A party in opposition to any of the aforementioned types of motions who fails to appear will risk having the motion summarily granted. If a motion has been brought by Order to Show Cause, the movant must submit the affidavits of service on the return date. To minimize litigation costs and court appearances, all motions that are filed subsequent to a previously calendered court date for that case, except under exigent circumstances, will be calendered for the previously agreed upon adjourned date.

NO EXCEPTIONS SHALL BE MADE TO THIS RULE.

The provisions of 22 NYCRR 202.16(k) regarding papers on pendente lite motions will be enforced.

4a. Affirmation of Need (NEW)

On all motions, with the exception of those for pendente lite relief or those denominated as emergency matters by the court, counsel must provide the court with an affirmation of need upon filing of any written motions. Such affirmation should indicate why resort to written motion is necessary to obtain the requested relief, the attempts made to settle the matter without resort to written motion and, if applicable, the necessity to calender a motion on an active case before the next adjourned date. Failure to submit such affirmation will result in the accompanying application being dismissed without prejudice.

5. Preliminary Conferences (REVISED)

Unless otherwise ordered by the court, Preliminary Conferences shall be held on dates convenient to the court at 9:30 A.M. Counsel and their clients must appear at the preliminary conference. Failure to appear may result in costs or sanctions being imposed against the defaulting party.

Pursuant to section 202.16[1][f] of the Uniform Rules for the Trial Courts, each party is required to submit to the Court no later than 10 days prior to the conference as well as at the preliminary conference a properly certified net worth statement, a copy of the retainer agreement and the following

(I) statements of net worth;

(ii) all paycheck stubs for the current calendar year and the last paycheck stub for the Immediately preceding calendar year;

(iii) all filed state and federal income tax returns for the previous three years including both personal returns and returns filed on behalf of any partnership or closely held corporation of which the party is a partner or shareholder;

(iv) all W-2 wage and tax statements, 1099 forms, and K-1 forms for any year in the past three years in which the party did not file state and federal income tax returns;

(v) all statements of accounts received during the past three years from each financial institution in which the party has maintained an account in which cash or securities are held;

(vi) the statements immediately preceding and following the date of commencement of the matrimonial action pertaining to: (A) any policy of life insurance having a cash or dividend surrender value; and (B) any deferred compensation plan of any type or nature in which the party has an interest including, but not limited to Individual Retirement Accounts, pensions, profit-sharing plans, Keogh plans, 401K plans and other retirement plans.

Absent submission of a fully completed net worth statement by the moving party, financial relief will be denied without prejudice.

Before the call of the preliminary conference calendar, counsel and/or pro-se litigants will begin completing the preliminary conference order.

In every case, preliminary conferences must be conducted within 45 days after assignment of the action. Absolutely no requests for adjournments of preliminary conferences beyond the 45 day period will be entertained.

6. Compliance Conferences (REVISED)

Compliance calendars shall be held on dates convenient to the Court at 9:30 A.M. promptly. Counsel attending the conference must be fully familiar with and authorized to settle, stipulate or dispose of such actions. Counsel and their clients must appear at the compliance conference. Failure to appear may result in costs or sanctions being imposed against the defaulting, party. Before the call of the compliance conference calendar, counsel and/or pro-se litigants will begin completing the compliance conference order.

Note of Issue must be filed prior to date for final settlement conference. Failure to file Note of Issue may result in the case being marked inactive.

7. Pre-Trial Conference (NEW)

With the exception of complex matrimonial actions, no later than following completion of a second compliance conference, all cases will be adjourned for final settlement conference. At this conference all parties must be present and all attorneys participating in said conference must be fully familiar with and authorized to settle such action. At such conference counsel must submit a Statement of Proposed Disposition. See 22 NYCRR 202.16 (h). In the event that the Matrimonial action remains unresolved following the conclusion of the pre-trial conference, the matter will be set for a firm trial date before this Court, the Honorable Mary Ellen Fitzmaurice (Part 53) or a Judicial Hearing Officer.

Failure to appear may result in costs or sanctions being imposed against the defaulting party.

8. Trial Calendars (REVISED)

Cases placed on the Trial Calendar with a firm date will not be adjourned unless counsel is actually engaged on trial and provides an affirmation pursuant to Court rules attesting to that fact. The Trial Calendar shall be called on dates convenient to the Court at 9:30 a.m. Counsel are reminded that cases involving custody must be tried on a day-to-day basis.

Failure to be ready to proceed to trial will result in the case being dismissed, sanctions being imposed or both.

9. Miscellaneous (REVISED)

Parties with unemancipated children should be aware that the Justice may assign the parties to the P.E.A.C.E. Program or to consult with Andrew Weinstein, MSW, the Court's Family Counseling and Case Analyst (Tel. #:718-298-1224).