

## **RULES OF COURT INTEGRATED DOMESTIC VIOLENCE COURT**

Hon. Tandra L. Dawson

Court Attorney: Lydia S. Antoncic ([lantonci@nycourts.gov](mailto:lantonci@nycourts.gov))

Supervising Clerk: Dean Hutchins

Clerk tel. (646) 386-3868/3579/3571

Fax (212) 884-8938

### **ADJOURNMENTS**

1. No adjournments will be granted without prior court approval.
2. No adjournments will be granted via telephone except upon a showing upon of exigent circumstances.
3. Requests for adjournments **on consent** must be made by a written stipulation, emailed to the court at [PARTIDV@nycourts.gov](mailto:PARTIDV@nycourts.gov) and [lantonci@nycourts.gov](mailto:lantonci@nycourts.gov), at least 2 days prior to the scheduled court date and have the consent of all counsel and self-represented litigants when applicable. The stipulation shall be signed by all counsel and self-represented litigants, indicate the reason for the request, and provide no less than 4 dates/times for the proposed adjourn date.
4. Requests for adjournments **not on consent** must be made in writing, via email to [PARTIDV@nycourts.gov](mailto:PARTIDV@nycourts.gov) and [lantonci@nycourts.gov](mailto:lantonci@nycourts.gov), with notice to all counsel and self-represented litigants, when applicable. The requesting party must indicate the reason for the request and provide no less than 4 dates/times for the proposed adjourn date.
5. Adjournments on the ground of engagement of counsel shall be granted only in accordance with Part 125 of the Rules of the Chief Administrator of the Courts, and counsel requesting the adjournment is to submit an Affirmation of Engagement. The parties must appear unless the party's appearance has been excused by the court.

### **MOTIONS**

1. All motions shall be governed by the Uniform Civil Rules for the Supreme Court (22NYCRR§202.16), the Uniform Rules for the Family Court (22NYCRR §205.11), Civil Practice Law and Rules (CPLR § 2214, 2215), and the Criminal Procedure Law.
2. All motions for relief on matrimonial cases shall be filed via Order to Show Cause.
3. All motion/cross-motion papers and responsive papers shall indicate the respective motion sequence number on the first page in the upper right-hand corner.
4. On all motions related to financial relief and/or counsel fees in a matrimonial proceeding, counsel/parties shall annex a completed statement of net worth as the first exhibit to the motion papers.

## **E-FILING**

E-filing in matrimonial cases is now permitted on consent of both parties. Counsel is directed to submit a courtesy copy of any e-filed documents that require Judge Dawson's signature, as well as proposed Orders to Show Cause (with exhibits) to Chambers by email to [lantonci@nycourts.gov](mailto:lantonci@nycourts.gov).

## **MATRIMONIAL CASES**

Counsel in matrimonial cases are directed to fully familiarize themselves with the requirements of the Uniform Civil Rules for the Supreme and County Courts as set forth in 22 NYCRR §202 *et seq.*

## **PAGE LIMITATIONS**

Unless prior approval is received from the court, Affirmations and Affidavits shall be limited to fourteen (14) pages, Memorandums of Law to ten (10) pages and post-trial summations shall be limited to twenty (20) pages. These page limits presume double-spacing and 12-point font. Any submission that exceeds these requirements without prior court approval will be disregarded.

## **SELF-REPRESENTED LITIGANTS**

For matrimonial cases, the court will accept handwritten applications as set forth in 22 NYCRR §202.16-b(2)(vi). However, faxed applications shall not be accepted. Self-represented litigants are to either file a hard copy in the courtroom or email an electronic copy to [PARTIDV@nycourts.gov](mailto:PARTIDV@nycourts.gov).

## **ORDERS/STIPULATIONS**

1. All submissions of proposed orders for signature made between adjourn dates, must be on notice to all counsel and self-represented litigants, if applicable.
2. Any stipulation submitted to the court will be "so ordered" only if the parties are present in court to be allocuted. However, a represented party's appearance may be waived if the stipulation contains said waiver with the appropriate language or such waiver was stated orally on the record.

## **CONFERENCES**

1. In matrimonial cases, preliminary conferences must be held within forty-five (45) days of the filing of the Request for Judicial Intervention. The RJI must be filed in Supreme Court at 60 Centre Street.
2. When an order to show cause in a matrimonial case is filed prior to the scheduling of a preliminary conference, the court will hold the preliminary conference on the return date of the OSC. Accordingly, counsel is required to appear with their clients on the adjourn date of the OSC. Prior to the preliminary conference, counsel shall confer and comply with the requirements set forth in 22 NYCRR §202.16(f).

3. Requests for conference calls with the court in matrimonial cases shall be made by email to [lantonci@nycourts.gov](mailto:lantonci@nycourts.gov), with notice to all counsel, and indicate the reason for the request and available times for the call. The court will not schedule a conference call with a self-represented litigant.

## **TRIALS**

1. Absent exceptional circumstances, all trials will be in-person. Counsel is to make application to the court for a virtual hearing by emailing a one-page request to [lantonci@nycourts](mailto:lantonci@nycourts.gov), which sets forth the basis for the request. Opposing counsel shall have the opportunity to respond, after which the court will issue a ruling as to whether all or part of the trial should be conducted virtually.

2. All pre-marked exhibits and final witness lists, including a brief offer of proof and estimated length of testimony, must be submitted to the court at least 14 days before the date set for Virtual Court pre-trial conference (see IDV Virtual Court Rules) unless otherwise ordered. Any objections to proposed exhibits or witnesses must be submitted 7 days prior to the pre-trial court conference date unless otherwise directed. The court will address any objections submitted either at a pre-trial conference or during the course of trial. Unless otherwise directed, counsel is to confer and submit a joint statement of undisputed facts at least 10 days prior to the commencement of trial.

3. The court encourages direct examination of non-party witnesses by affidavit, when possible, to expedite trials. The direct of non-party witnesses may be presented in affidavit form unless the Court directs live testimony for case-specific reasons. For matrimonial matters only, pursuant to 22 NYCRR §202.16 (n), direct testimony of a party, or a party's own witness (with the exception of expert witnesses as provided in 22 NYCRR §202.18) in an action for custody, visitation, contempt, order or protection or exclusive occupancy may not be by affidavit.

4. Unless otherwise directed by the court, a written summation is required in all family/matrimonial cases which will include a memorandum of law and a proposed parenting plan, if applicable, and/or statutes, cases, opinions and other relevant materials to be relied upon to support a party's claims, defenses and arguments.

## **VIRTUAL COURT RULES**

### *Technology Requirements*

1. For non-trial appearances parties are expected to be present virtually via audio and/or video (via Microsoft Teams). Parties may request to appear virtually via audio only if they do not have access to the technology necessary, are not capable of appearing by Microsoft Teams, or appearing by video would create a safety risk. Absent exceptional circumstances, all trials will be in-person. To the extent possible, within their capacity, and within the constraint of available resources, attorneys may assist in ensuring that their clients have the technical capability to be virtually present during court proceedings. In the event that a party does not have a computer or a smart device to access the Microsoft Teams platform, counsel should endeavor to provide access to a computer, webcam, smart device, or empty office space with appropriate equipment as a location for court presence, if within their capacity to do so.

2. All parties participating in Virtual Court should be familiar with Microsoft Teams and understand the platform well enough to participate effectively (including unmuting, muting, showing video, sharing documents (for attorneys), etc.). For virtual trials, attorneys are directed to practice using the Microsoft Teams platform with their clients and proposed witnesses prior to the trial to avoid technological delays and enable the greatest ease with which Virtual Court can proceed. (*See Rule 1 for exceptions related to non-trial appearances.*)
  - a. For more information on Microsoft Teams visit <https://portal.nycourts.gov>
  - b. Download Teams at <https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/download-app?SilentAuth=1&f=255&MSPPError=-2147217396>

### *General Etiquette*

3. Parties, attorneys, and all members of court proceedings are expected to appear promptly and within ten minutes prior to the official start time of the court. To maximize efficiency and organization, all parties should avoid delays unless in emergency situations, in which they should do their best to communicate to the other parties and the court.
4. Parties appearing in Virtual Court should dress appropriately as if they were appearing in the actual courtroom.
5. Video or audio recording of Virtual Court is strictly prohibited.
6. Parties who are not testifying or responding to a question by counsel or the court are to make sure that their microphones are muted at all times.
7. Any party appearing in a virtual court must take reasonable steps to ensure that their child(ren) are not present in the room or within earshot when the proceeding takes place. Where this is not feasible, counsel for the affected party must notify the Court and all other counsel immediately. When such notice is received the Court will evaluate the situation and determine if the matter should proceed. In some situations, headphones or similar technology may make it possible to proceed when a child or children might need to be present. The Court will make this determination on a case- by-case basis.
8. Counsel/parties are to adhere to the same rules of civility and professionalism as if they were in an actual physical courtroom. Excessive arguing and/or interruptions will result in discrepancies and confusion within the record and testimony. In the event that counsel/parties fail to heed the courts admonishments in such cases, they are subject to be temporarily muted by the IDV clerk if instructed by the court.
9. Attorneys are expected to review the Virtual Court Rules with their clients prior to the virtual court session.

### *Virtual Testimony*

10. If the court approves a request for a virtual hearing (see Trials Rule 1 above), parties/witnesses must appear individually. If other persons are in the room, they must be situated behind the party/witness and, if possible, within view of the camera angle visible to the court.
11. During testimony or proceeding, parties/witnesses are not permitted to speak to or receive notes or communication from any persons who are present in the room.
12. At the beginning of a witness' testimony, each witness shall swear or affirm (either as part of their affidavit or orally) that they are not receiving unauthorized coaching, influence, and/or manipulation via text, notes or speech from persons in the room or off-screen during court proceedings, or are recording their testimony in any audio or visual manner. A violation of this provision may result in the witness' testimony being stricken from the record. If the party is appearing over video, they should be prepared to provide the court with a virtual tour of the room and/or be willing to stand to show that they are not holding notes or any aids. This will be done to ensure that the aforementioned rules of integrity are followed. If a litigant or witness resides at a confidential address and/or giving a virtual tour may disclose their whereabouts or there is a safety concern, counsel for that individual shall conduct a virtual tour of the room from which they will be testifying contemporaneously to testimony in lieu of the litigant providing the court with said virtual tour. In this circumstance, counsel shall then affirm to the Court that no notes or aids were seen to be before the litigant and no other person appears in the room off-screen.

### *Conferences During Trial*

13. In the event that a private conversation is requested by counsel with their client the court proceeding will pause and allow for the parties and counsel to mute Microsoft Teams and connect via phone or other means, off of the official record.
14. If a bench conference is requested, the IDV Clerk will utilize the available technology to enable that conversation to occur out of earshot of the parties.