

GENERAL RULES FOR NON-JURY TRIALS
in
ONONDAGA COUNTY SUPREME COURT

1. Final Pre-trial Conference

The IAS Justice will hold a final pre-trial conference in chambers at 9:30 a.m. on the trial date. Counsel must be prepared to discuss settlement, witness and exhibit lists, scheduling of witnesses, identity of expert witnesses, motions *in limine*, EBT transcripts, videotaped testimony, proposed findings of fact and conclusions of law, stipulations and courtroom assignment. If an attorney does not have settlement authority, then his/her client and/or insurance adjuster must be personally present at the pre-trial conference.

2. Trial Hours

Generally, the trial will be conducted between 9:00 a.m. and 4:15 p.m. each day, with an hour break for lunch. The starting time of the trial may be delayed on the IAS Justice's motion day.

3. Motions *in Limine*

Motions *in limine* must be filed with the Onondaga County Clerk's Office and served on opposing counsel at least **one week** prior to the trial date. Opposing papers, if any, must be filed and served, no later than two **business** days prior to the trial date. Motions *in limine* are to be made returnable in chambers at 9:30 a.m. on the trial date.

4. Pre-Trial Memorandum

Absent prior permission from the IAS Justice, at least **one week** prior to the trial date, counsel must serve on opposing counsel and deliver to the IAS Justice a pre-trial memorandum. The pre-trial memorandum should be short (*i.e.*, generally not more than five pages in length) and provide a brief overview of the facts, law and anticipated evidentiary issues.

5. Pleadings

Pleadings must be delivered to chambers no later than 10:00 a.m. on the Friday immediately preceding the trial date.

6. Exhibits

A list of all exhibits, except those exhibits to be used solely for credibility or rebuttal, must be served on opposing counsel and delivered to the IAS Justice no later than 10:00 a.m. on the Friday immediately preceding the trial date. The exhibit list must include the proposed exhibit number or letter and a brief description of the exhibit. Counsel shall consult in good faith to agree upon the exhibits that will be offered into evidence without objection. Immediately following the final pre-trial conference, counsel for each party must proceed to the assigned courtroom and pre-mark all pleadings and trial exhibits. Plaintiff's exhibits shall be marked with numbers and defendant's exhibits shall be marked with letters.

7. Use of EBT Transcripts and Videotaped Testimony

If counsel intends to read EBT testimony into evidence, then at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the portions of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, the party opposing admissibility must provide the IAS Justice at the final pre-trial conference with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

If counsel intends to use videotaped testimony, at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the videotape accompanied by a written transcript of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, the party opposing admissibility must provide the IAS Justice at the final pre-trial conference with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

8. Stipulations

Be prepared to discuss possible stipulations at the final pre-trial conference.

9. Date Certain and Scheduling of Witnesses During Trial

The trial date is a **date certain**. Trial adjournments will be granted **ONLY** upon good cause shown. Once the trial is commenced, it will proceed, without interruption, until all parties rest. However, the Court will allow witnesses to testify out of order, as necessary.

10. Interpreters and other Special Trial Needs

At the earliest possible time, but no later than **three weeks** before the trial date, counsel must advise the Court if they need an interpreter or any other special trial accommodations.

11. Findings of Fact and Conclusions of Law

Absent prior permission from the IAS Justice, post-trial findings of fact and conclusions of law must be filed and served within **30 days** of receipt of the trial transcript. These items must be submitted to the Court in both hard copy and electronic form (either on a 3.5 computer disk or CD in WordPerfect format, or by e-mail to the IAS Justice's secretary or law clerk).

THESE ARE THE GENERAL RULES FOR NON-JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT. PRIOR TO TRIAL YOU SHOULD CONSULT WITH THE CHAMBERS OF THE ASSIGNED IAS JUSTICE TO DETERMINE WHETHER HE/SHE HAS ANY SPECIAL TRIAL RULES.