

SUPREME COURT, CIVIL BRANCH NEW YORK COUNTY



RULES OF THE SPECIAL REFEREES' PART (PART SRP)

(1) **Special Referees' Part (Part SRP):** Matters referred by a Justice to a Special Referee to hear and report or to hear and determine shall be assigned to a Special Referee or a Judicial Hearing Officer ("JHO") as set forth in Rule 3 hereof.

(2) **Order of Reference; Information Sheet:**

(a) The referring Justice, in his or her discretion, may include in the Order of Reference a provision directing that a conference be held before the assigned JHO/Referee prior to the commencement of the hearing. The procedures governing that conference and the fixing of the date of the hearing shall be those set forth in Rule 4 of the Uniform Rules of the Judicial Hearing Officers and the Special Referees.

(b) Unless otherwise provided in the Order of Reference, counsel must consult and, within 15 days from the date of the Order, the counsel for plaintiff/petitioner must submit to the Special Referee Clerk by e-mail (spref@nycourts.gov) a copy of the Order of Reference with Notice of Entry (non-Matrimonial cases), Note of Issue (Matrimonial cases) and a fully completed Information Sheet. The Information Sheet is accessible on the court's website (the address of which is: www.nycourts.gov/supctmanh) by clicking on "references" and then on "information sheet".

(c) It is vital that counsel set forth in the Information Sheet as accurately as possible the estimated length of the hearing and the number of witnesses to be called by each side; this information is required in order efficiently to assign the matter to a JHO/Special Referee. For the same reason, counsel shall state in the Information Sheet whether an interpreter of a language other than Spanish will be required for the hearing and, if so, what the language is; and, in a matrimonial case, whether the issue of custody has been resolved and whether there is or has been an order of protection in place. Failure to complete these submissions and send them to Part SRP as described may delay the process of your reference.

(3) **Assignments from Part SRP; Commencement of Hearing or Prehearing Conference:** After the Order of Reference and Information Sheet are received by the Special Referee Clerk,

the reference will be placed in a queue. When the reference reaches the top of the queue, the Special Referee Clerk will email the SRP Information sheet ([access to form](#)) to counsel/pro se litigants requesting their available dates for a pre-hearing conference/trial date before a Special Referee/JHO. The reference will then be assigned to an available Special Referee/JHO, who will communicate with counsel/pro se litigants to schedule the pre-hearing conference/hearing. Adjournments to the assignment of the pre-hearing conference/hearing to a special referee is subject only to the procedures regarding adjournments set forth in Rule 4 hereof.

(4) Adjournments: When counsel/pro se litigants receive the Form, an adjournment of the assignment of the reference to a Special Referee/JHO may be obtained on consent by written stipulation of all parties. A copy of the stipulation must be submitted to the Special Referee Clerk (by e-mail to spref@nycourts.gov) after receipt of the Form. After the stipulated date/control date, the Special Referee Clerk will email another request for the completion of the Form and the reference will be sent to a Special Referee/JHO, unless the Special Referee Clerk agrees to consent to another adjournment of the assignment. If the counsel/parties are not ready to proceed to a hearing before a Special Referee/JHO, they should state on the Form that they are not ready and would like a control date. If the reference is assigned to a Special Referee, and counsel/parties are not ready on the dates they indicated they were available on the Form, the hearing dates shall be subject to the availability on the calendar of the Special Referee assigned.

(5) Settlements or Other Action Affecting the Reference: In any case in which an Order of Reference has been issued and the matter is pending for assignment to a Special Referee/JHO, counsel shall immediately notify the Special Referee Clerk (by e-mail to spref@nycourts.gov) if the issue referred or the entire case is settled or any other action occurs that affects the reference (e.g., the filing of a motion, stay, etc.). It is the responsibility of counsel and/or the parties to promptly file with Special Referee Clerk any order or appellate decision affecting the reference.

(6) Hearings: Issues referred to a JHO/Special Referee are limited to those specifically set forth in the Order of Reference. The pre-conference hearing and hearing dates shall be scheduled with the Special Referee/JHO pursuant to his/her availability on his/her calendar. Counsel must arrange their own schedules and those of their witnesses with the foregoing in mind. If the Order of Reference is unclear as to the issue(s) referred to the Special Referee or as to whether the matter is a hear and report or a hear and determine, the parties should seek clarification from the referring Justice.

(7) Marking a Matter Off the Calendar; Restorations: A reference may be removed from the queue only where a compelling reason is shown (e.g., bankruptcy stay, disability, death of party or attorney) (general scheduling preferences of counsel do not constitute such a reason) or in the event of no communication from either side to the forms sent by the Special Referee Clerk (this non-communication will be deemed a “nonappearance”). If the reference is marked off due

to nonappearance, a directive or new order from the assigned Justice will be required to restore the reference to the calendar. Counsel must serve upon the Special Referee Clerk (by e-mail to spref@nycourts.gov) a copy of any directive or order restoring the reference. To obtain a restoration where an order of the assigned Justice is not required, counsel should e-mail the Special Referee Clerk.

(8) Information on References: The reference will be assigned initially to the Special Referee Part and this will be noted in UCMS. After the matter has been assigned out of the Special Referee Part to a JHO or Referee, a notation will be made to that effect in UCMS, displacing the previous assignment to Special Referee Part and identifying the Part of the JHO or Referee in question. Most JHO/Referee Parts are identified using high numbers (in the 80's or 90's) followed by the letter "R," which format identifies them as JHO/Referee Parts. Counsel should note that dates for a hearing or prehearing conference on a reference are distinct from appearance dates in the assigned Justice's Part. Information on the scheduling of matters referred can be obtained by consulting with the [Web Civil Supreme-eCourts](http://www.webcivilsupreme.com) website (By signing up with the *e-Track function* on the WebCivil site, you will receive E-mail notification of scheduled and adjourned dates in matters that have been assigned to a JHO/Special Referee, at no charge through the court system's case tracking and information service, *e-Track*, which is accessible at the following address:

<https://iapps.courts.state.ny.us/webcivil/etrackLogin>

Information on the scheduling of referred matters could also be obtained on the *Supreme Court Records On-Line Library* ([Scroll](#)), which reports appearance and assignment information derived from UCMS.

Counsel seeking such information regarding the reference utilize one of these methods to obtain it. If answers are not available in WebCivil *e-Track* nor *Scroll*, questions regarding the scheduling of references not yet assigned to a JHO or Special Referee shall be addressed to the Special Referee Clerk via email (by e-mail to spref@nycourts.gov) or by phone .

(9) Communications Regarding References In General: Please direct all inquiries to the Special Referee Clerk, General Clerk's Office, Room 119, 60 Centre Street. E-mail is preferred (spref@nycourts.gov). Phone: (646)386-3028.

(10) Correspondence Between Counsel: Copies of letters or e-mail messages between or among counsel shall not be sent to the Special Referee Clerk, unless the Special Referee Clerk so requests.

July 27, 2023