



STATE OF NEW YORK  
COUNTY OF ESSEX  
COUNTY, FAMILY & SURROGATE'S COURTS

RICHARD B. MEYER  
JUDGE

AMY N. QUINN  
COURT ATTORNEY  
JILL H. DRUMMOND  
SECRETARY

## MEMORANDUM

To: Members of the Essex County Bar Association  
Re: Submission of Papers, Motions, Adjournments, Discontinuance  
Date: October 25, 2010

Please consider the following requests in order to improve the service provided by the court system to you and your clients:

### 1. Communications and Submission of Papers to the Court

Any and all communications from attorneys and/or *pro se* parties, including motion papers, are required by court rule to be filed directly with the respective clerks' offices, not Chambers :

Civil – Supreme & County – 22 NYCRR §202.5  
Criminal – 22 NYCRR §200.4  
Family – 22 NYCRR §205.7 & §205.8  
Surrogate's – 22 NYCRR §207.4 & §207.5

Please file the original plus one courtesy copy of all communications and papers with the appropriate clerk.

### 2. Motion Papers

Please file the original plus one courtesy copy of all motion papers with the appropriate clerk's office, together with proof of service. Also, kindly make sure that the return date complies with CPLR R2214 and this Court's motion term schedule (copy attached).

### 3. Adjournments

The goal is to have the attorneys and *pro se* parties talk to each other and try to agree on the adjournment. Only after attempting to obtain everyone's consent or

ascertain their position on the adjournment, the lawyer or party requesting the adjournment should send a letter to the appropriate clerk either (a) confirming the agreement with a copy being sent by that lawyer/party to everyone else, or (b) advising that they have spoken and someone does not consent for one or more reasons which must be stated in that letter. It will be the responsibility of the attorney/party requesting the adjournment to notify all others as to whether the adjournment is granted. Do not consider the matter adjourned until notified by the clerk or the attorney/party requesting the adjournment.

#### 4. Withdrawal / Discontinuance of Family Court Cases

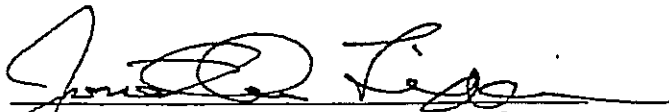
Please refer to CPLR Rule 3217 when your client wishes to discontinue a family court case. Before an answer to the petition is served or within twenty (20) days of service of the summons and petition upon the respondent, whichever is earlier, the petitioner can file a notice of discontinuance with the Clerk along with proof of service by mail of a copy of that notice upon all other parties/attorneys. Once an answer has been served, or the respondent appears in court and enters a denial to the allegations in the petition, the case can still be discontinued without a court order if all parties and/or their attorneys sign a stipulation of discontinuance. In all other cases, there must be a court order, and the Court can impose such terms and conditions as it deems just and proper.

Thank you very much for your cooperation and assistance in these matters!

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend, effective immediately, section 202.5 of the Uniform Civil Rules for the Supreme and County Courts, to add a new subdivision (c) relating to papers filed in court to read as follows:

(c) Papers filed to commence an action or special proceeding. For purposes of CPLR 304, governing the method of commencing actions and special proceedings, the term "clerk of the court" shall mean the county clerk. Each county clerk, and each chief clerk of the Supreme Court, shall post prominently in the public areas of his or her office notice that filing of papers in order to commence an action or special proceeding must be with the county clerk. Should the county clerk, as provided by CPLR 304, designate a person or persons other than himself or herself to accept delivery of the papers required to be filed in order to commence an action or special proceeding, the posted notice shall so specify.

  
Chief Administrative Judge of the Courts

Dated: February 20, 2004

AO/142/04