



**FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER
2 DEVELOPMENT COURT, KINGSTON, NY 12401
(845) 481-9430
Fax (845) 483-8114
Email: ulsterfamilycourt@nycourts.gov**

Marianne O. Mizel
Family Court Judge

Anthony McGinty
Family Court Judge

Keri E. Savona
Family Court Judge

Exhibit 5

John K. Beisel
Support Magistrate

Elaine A. Stinemire
Chief Clerk

Linda Creen
Deputy Chief Clerk

February 18, 2021

Renee J. Albaugh, Esq.
5128 Route 209
Accord, NY 12404

Re: Amato v. Beesmer
File: 21962

Dear Counselor:

I am writing in reply to your letter of February 8, 2021 which first requested that the court make certain accommodations for your client.

The accommodations you are requesting for your client in the present proceedings are acceptable with the following provisos.

1. Recesses. I am willing to provide such recesses as your client needs so long as they do not inhibit the orderly hearing of evidence in this case. When needed, you can advise me that your client is requesting a recess specifying how long a break your client is requesting.

2. Non-legal advocate/support. As the court proceedings are open to the public, your client may have an advocate or support person with her, however, if your client is a witness in the proceeding, she may not have anyone present with her except counsel while testifying. Further, as this judicial district has a firm rule against any unauthorized recording of court proceedings, I will need an assurance from your client and any advocate or support person present, that they are not making any recordings of our proceedings.

3. Notices. My understanding is that the court is already providing written notice of all court dates and times to your client through the Address Confidentiality program. That can continue.

Regarding your request that I permit hybrid representation, I agree that there is no right to proceed in that way in criminal matters and I see no reason why the rule would be different in a civil matter, like this. To ensure orderly proceedings, particularly since during this pandemic this matter will be heard in a virtual proceeding, I am not going to permit hybrid representation. If Ms. Amato wants to represent herself, I have no

objection to her proceeding with you assigned to be her legal advisor, but if she wishes to proceed in that fashion, you would be silent through the proceedings, available only to offer legal guidance. In that case, I would need from you a representation on the record that Ms. Amato's determination to waive counsel was knowing, voluntary, and intelligent, and that she has been fully advised of the risks inherent in self-representation (see *Matter of Mitchell WW.*, 74 AD3d 1409 [3d Dept. 2010]). Please advise if this is how your client wishes to proceed.

The clerks here advise that Ms. Amato is regularly calling the court and attempting to speak to them about the case, and regularly sending emails and other communications about court matters and non-court matters. On some of the emails, I have been copied. As I cannot read ex parte communications, and as Ms. Amato is represented, I am requesting that you counsel her on the inappropriateness of ex parte communications with me and with the court staff and her practice of sending communications that have no bearing on the pending matters. In particular, I would like it to be clear that it is never appropriate for her to direct communications to my email address.

Thank you.

Very truly yours,


Anthony McGinty

c.c.: A. Gilday, Esq.
A. Ingram, Esq.