

COURT NOTICES

AMENDMENT OF RULE Rules of the Chief Judge

Pursuant to the authority vested in me, and in consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals, I hereby promulgate, effective immediately, a new section 7.2 of the Rules of the Chief Judge, relating to the functions of the attorney for the child, to read as follows:

§7.2 Function of the attorney for the child.

(a) As used in this part, "attorney for the child" means a law guardian appointed by the family court pursuant to section 249 of the Family Court Act, or by the supreme court or a surrogate's court in a proceeding over which the family court might have exercised jurisdiction had such action or proceeding been commenced in family court or referred thereto.

(b) The attorney for the child is subject to the ethical requirements applicable to all lawyers, including but not limited to constraints on: ex parte communication; disclosure of client confidences and attorney work product; conflicts of interest; and becoming a witness in the litigation.

(c) In juvenile delinquency and person in need of supervision proceedings, where the child is the respondent, the attorney for the child must zealously defend the child.

(d) In other types of proceedings, where the child is the subject, the attorney for the child must zealously advocate the child's position.

(1) In ascertaining the child's position, the attorney for the child must consult with and advise the child to the extent of and in a manner consistent with the child's capacities, and have a thorough knowledge of the child's circumstances.

(2) If the child is capable of knowing, voluntary and considered judgment, the attorney for the child should be directed by the wishes of the child, even if the attorney for the child believes that what the child wants is not in the child's best interests. The attorney should explain fully the options available to the child, and may recommend to the child a course of action that in the attorney's view would best promote the child's interests.

(3) When the attorney for the child is convinced either that the child lacks the capacity for knowing, voluntary and considered judgment, or that following the child's wishes is likely to result in a substantial risk of imminent, serious harm to the child, the attorney for the child would be justified in advocating a position that is contrary to the child's wishes. In these circumstances, the attorney for the child must inform the court of the child's articulated wishes if the child wants the attorney to do so, notwithstanding the attorney's position.

AMENDMENT OF RULE Chief Administrator's Rules Governing Judicial Conduct

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, and with the approval of the

Court of Appeals, I hereby amend, effective immediately, section 100.5(A)(4)(f) of the Chief Administrator's Rules Governing Judicial Conduct, relating to the judicial candidate ethics education program, to read as follows:

(A) Incumbent Judges and Others Running for Public Election to Judicial Office.

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(4) A judge or a non-judge who is a candidate for public election to judicial office:

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(f) shall complete an education program, either in person or by videotape or by internet correspondence course, developed or approved by the Chief Administrator or his or her designee [within] any time after the candidate makes a public announcement of candidacy or authorizes solicitation or acceptance of contributions for a known judicial vacancy, but no later than 30 days after receiving the [nomination or 90 days prior to receiving the nomination] for judicial office. The date of nomination for candidates running in a primary election shall be the date upon which the candidate files a designating petition with the Board of Elections. This provision shall apply to all candidates for elective judicial office in the Unified Court System except for town and village justices.