

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to the power vested in me, and upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective January 1, 2010, section 40.2 of the Rules of the Chief Judge, relating to financial disclosure statements, to read as follows:

§ 40.2 Financial Disclosure

(a) *Filing procedure*

(1) [As herein provided, (1) each] *Each* state-paid judge or justice regardless of his or her annual rate of compensation[.]; and [(2)] each nonjudicial officer and employee of the Unified Court System who[, in a calendar year]: (i) receives annual compensation at or above the job rate of SG-24 as set forth in paragraph (4) of subdivision (1) of section 130 of the Civil Service Law as of April first of the year in which an annual financial disclosure statement shall be filed and is not otherwise exempted from filing pursuant to this Part, or (ii) holds a policy-making position, as determined in accordance with subdivision (b) of this section[.]; shall file annually with the Ethics Commission of the Unified Court System a financial disclosure statement containing the information and in the form set forth in the Annual Statement of Financial Disclosure adopted by the Chief Judge of the State of New York. Such statement shall be filed on or before the fifteenth day of May [following the conclusion of such] *with respect to the preceding* calendar year[.]. [except that:]

(2) *Any person required to file such statement who commences employment after the fifteenth day of April of any year shall file the statement within 30 days after commencement of employment.*

[(A) a] (3) *A person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement [on or before May fifteenth] in accordance with this section but may, without prejudice on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the provisions of section 40.1(k) of this Part as if such supplementary statement were an annual statement; and*

[(B) a] (4) *A person who is required to file an annual financial disclosure statement with the Ethics Commission of the Unified Court System, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to section 40.1(i)(3) of this Part, shall file such statement within the additional period of time granted.*

(b) *Report of eligible filers.* During the month of February in each year, the Chief Administrator of the Courts shall file with the Ethics Commission for the Unified Court System a written instrument that shall set forth the names of (1) all state-paid judges and justices, and

(2) all state-paid nonjudicial officers and employees of the courts and court-related agencies of the Unified Court System who[, during the preceding calendar year, received] *receive* annual compensation at or above the job rate of SG-24 as set forth in paragraph (a) of subdivision (1) of section 130 of the Civil Service Law as of April first of the year in which an annual financial disclosure statement shall be filed and have not been otherwise exempted from filing pursuant to this rule, and the names of such nonjudicial officers and employees who[, during such year, held] *hold* policy-making positions in the determination of: (i) the Chief Judge of the Court of Appeals, as to personnel of that court; (ii) the Presiding Justice of each Appellate Division, as to personnel of that court; and (iii) the Chief Administrator of the Courts, as to all other State-paid personnel of the Unified Court System.

