

COURT NOTICES

AMENDMENT OF RULE Rules of the Chief Administrator

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby amend, effective immediately, sections 118.2(b)(2) and 118.4(b)(2) of the Rules of the Chief Administrator, relating to public access to attorney and in-house counsel registration data, to read as follows:

118.2 Public Access to Attorney Registration Information

* * *

(b)

* * *

(2) The *date of birth*, social security number, race, gender, ethnicity and employment category of the attorney shall not be made available to the public.

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118.4 Public Access to In-House Counsel Registration Information

* * *

(b)

* * *

(2) The *date of birth*, social security number, race, gender, ethnicity and employment category of the in-house counsel shall not be made available to the public.

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AMENDMENT OF RULE Rules of the Chief Administrator

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 5 of Appendix A (Standards and Guidelines) of Part 137 of the Rules of the Chief Administrator, relating to the Fee Dispute Resolution Program, to read as follows, to read as follows:

Section 5. Responsibilities of Local Programs

* * *

E. Local programs shall be responsible for maintaining all necessary files, records and documents required for purposes of the operation of the Program, in accordance with the Records Retention and Disposition Schedule for the Fee Dispute Resolution Program prepared by the Office of Court Administration's Office of Records Management under Part 104 of the Rules of the Chief Administrator.

AMENDMENT OF RULE Rules of the Chief Administrator

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 6 of Appendix A (Standards and Guidelines) of Part 137 of the Rules of the Chief Administrator, relating to the Fee Dispute Resolution Program, to read as follows:

Section 6. The Fee Dispute Resolution Process

* * *

C. Where the attorney fails to complete and return the "attorney fee response" within 15 days as required by section 137.6(d), the

arbitrator or panel of arbitrators may in its discretion decline to accept the late fee response into evidence unless the attorney shows good cause for such failure. If in accepting a late attorney fee response the arbitrator or panel of arbitrators determines that the late fee response prejudiced the client's ability to prepare for the hearing, the arbitrators may accord the late fee response whatever weight, if any, the arbitrators find it deserves.

AMENDMENT OF RULE

Rules of the Chief Administrator 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 150.5 of the Rules of the Chief Administrator of the Courts, and sections 3, 6 and 7 of Appendix A to Part 150 of the Rules of the Chief Administrator of the Courts, relating to the Independent Judicial Election Qualification Commissions, to read as follows:

§ 150.5 Evaluation of candidates

(a) The qualifications commissions shall evaluate candidates for elected public office for the courts set forth in section 150.1 to determine whether they are *highly qualified*, qualified, or *not qualified* for the office to which they seek election.

(b) The criteria for evaluation shall include professional ability; character, independence and integrity; reputation for fairness and lack of bias; and temperament, including courtesy and patience.

(c) Where a quorum exists, a majority vote of the members present shall be required to find a candidate *highly qualified* or qualified for judicial office.

(d) All votes on *a candidate's qualifications* [whether a candidate is qualified] shall be by secret ballot.

(e) Each commission shall publish an alphabetical listing of the names of all candidates that it has found *highly qualified*, qualified or [and it has] not [found] qualified for election to judicial office.

[(f) Commencing in March 2010, the qualifications commissions of the judicial districts of the Appellate Division, Fourth Department, may find a candidate "highly qualified" for election to the judicial office, and shall notify candidates of, and publish, such findings in the same manner as otherwise set forth in this Part and Appendix A.]

Appendix A

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Section 3. Scope of the Commissions' Determinations

A. The commissions shall determine whether a candidate is *highly qualified*, qualified, or *not qualified* for election to the judicial office (e.g., Supreme Court) in which a vacancy exists.

B. Any candidate found *highly qualified* or qualified for election to a judicial office shall be deemed *so* qualified for that judicial office for three years in the absence of any new information that may have a negative effect on his or her qualifications and background.

C. Any candidate not found qualified or *highly qualified* for election to judicial office shall be deemed [not] to be *not* qualified for that judicial office for one year from the date of submission of the candidate's application to the commission.

* * *

Section 6. Results of Evaluation Process

A. Each commission shall notify each candidate, in writing, whether the candidate [is] *has been found to be highly qualified*, qualified [for election to the judicial office], or not qualified for election to the judicial office, or has not complied with the commission’s evaluation process. The commission’s written notice informing a candidate that he or she has been found *highly qualified or* qualified for election to the judicial office shall be accompanied by a statement of ethical guidelines addressing the permitted uses of the commission’s rating in any campaign for judicial office.

B. Pursuant to section 150.5(e) of the Rules of the Chief Administrator, each commission shall publish at such times as it may determine, but not less than annually, an alphabetical list of those candidates found *highly qualified*, qualified and not [found] qualified for election to judicial offices.

1. The commission shall make the list available to the public, including but not limited to publishing the list in local newspapers and notifying bar associations and other civic groups.

2. There shall be no communication to the public regarding those candidates who did not participate in the commission’s evaluation process, nor shall the commission provide any additional comment or information regarding any candidate other than the written notice provided for herein.

[C. Commencing in March 2010, the qualifications commissions of the judicial districts of the Appellate Division, Fourth Department, may find a candidate “highly qualified” for election to the judicial office, and shall notify candidates of, and publish, such findings in the same manner as otherwise set forth in this Part and Appendix A.]

Section 7. Requests for Reconsideration

A. Any candidate not found qualified for election to a judicial office may request reconsideration by the commission by making a written request to the commission’s chair within seven business days following the date of receipt of notification of the commission’s decision.

B. In support of a reconsideration application, the candidate may submit additional material and may request an interview with the commission.

C. The commission shall advise the candidate promptly, in writing, after its determination of the candidate’s application upon reconsideration.

D. In the event the candidate, upon reconsideration, is found *highly qualified or* qualified for the judicial office, the commission shall add his or her name to the publicly available list of candidates *so designated*. [found qualified for election to the judicial office.] The commission shall also provide the candidate with a statement of ethical guidelines addressing the permitted use of the commission’s rating.

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AMENDMENT OF RULE

Uniform Civil Rules of the Supreme and County 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 202.12-a(c)(5) of the Uniform Civil Rules of the Supreme and County Courts, relating to documents to be brought by parties to a settlement conference in residential mortgage foreclosure actions, to read as follows:

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(c) Settlement conference.

* * *

(5) Documents. (i) Plaintiff should bring the following documents to the conference:

* * *

The Chief Administrator may require that the parties bring additional documents to the settlement conference.

AMENDMENT OF RULE

Uniform Civil Rules for Surrogate’s Court

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 207.26 of the Uniform Civil Rules for

Surrogate’s Court, relating to the procedure for filing notice of objections in contested probate proceedings.

§ 207.26. Contested Probate; Notice of Objections Filed

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(b) [Whenever objections are filed] *Within thirty days of the filing of objections*, the proponent shall [promptly] present a [petition for and procure an order directing service of notice of objections filed when required by] *citation in accordance with section 1411 of the SCPA [1411]*. If the proponent fails to timely present such [petition] citation or, having presented it, fails to [procure such order or to give the notice prescribed in such section within five days after the return date of the citation or when objections are filed, whichever is later,] have it issued by the court, the objectant or any other [party] *person interested* may present such [petition and order and cause such notice to be serviced] *citation to be served* pursuant thereto.

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