

COURT NOTICES

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 147.1(a) of the Rules of the Chief Administrator of the Courts, relating to superior court sex offense parts, to read as follows:

PART 147. Superior Court Sex Offense Parts

147.1 Definitions

(a) "Sex Offense Part" shall refer to a part of court established by the Chief Administrator of the Courts pursuant to section 147.2 of this Part [in Nassau, Orange, Queens, Suffolk and Westchester Counties].

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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, sections 150.3(a) (terms of office), 150.4 (quorum), and 150.5 (evaluation of a candidate) of the Rules of the Chief Administrator of the Courts, relating to Independent Judicial Election Qualification Commissions, to read as follows:

§ 150.3. Terms of Office

(a) Except as set forth below, each member shall serve at the pleasure of the appointing authority for a term of three years, and shall be eligible to serve for one additional three-year term. *Following completion of two terms, a member may be newly appointed by a separate appointing authority.*

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§ 150.4. Quorum

[Two-thirds] *One half* of the members of the full commission shall constitute a quorum for the purpose of conducting any business.

§ 150.5. Evaluation of Candidate

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(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. *Candidates found highly qualified must be preeminent members of the legal profession in their community; have outstanding professional ability, work ethic, intellect, judgment and breadth of experience relevant to the office being sought; possess the highest reputation for honesty, integrity and good character, including the absence of any significant professional disciplinary record; and either demonstrate or exhibit the highest capacity for distinguished judicial temperament, including courtesy, patience, independence, impartiality and respect for all participants in the legal process.*

(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. *A two-thirds majority of the members present shall be required to find a candidate highly qualified for judicial office.*

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AMENDMENT OF RULE

Uniform Civil Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby amend, effective immediately, (1) section 202.5-b of the Uniform Civil Rules for the Supreme and County Courts, relating to the electronic filing of actions in the Supreme Court (consensual programs), (2) section 202.5-bb of the Uniform Civil Rules for the Supreme and County Courts, relating to the electronic filing of actions in the Supreme Court (mandatory programs), and (3) section 202.58 of the Uniform Civil Rules for the Supreme and County Courts, relating to small claims tax assessment review proceedings, to provide for the commencement by electronic filing of small claims assessment review proceedings in "text file" format, as follows:

§ 202.5-b. Electronic Filing in Supreme Court; Consensual Program.

* * *

(b) E-filing in Actions in Supreme Court. Except as otherwise provided in section 202.5-bb of these rules, the following shall apply to all actions in Supreme Court:

(1) Commencing an action by electronic means. A party may commence any action in the Supreme Court in any county (provided that e-filing has been authorized in that county and in the class of actions to which that action belongs pursuant to paragraph (1) of subdivision (a) of this section) by electronically filing the initiating documents with the County Clerk through the NYSCEF site. *When so authorized, a petition to commence a proceeding for review of a small claims assessment pursuant to Real Property Tax Law § 730 may be e-filed, including as follows: the petition, in the form prescribed by the Chief Administrator in accordance with such section, shall be completed and signed in hard copy as provided in that section and shall be e-filed by transmission to the NYSCEF site, in conformity with procedures established by the site, of a text file containing all of the information set forth in the completed and executed hard copy petition (exclusive of the signature(s)). Upon receipt of such transmission, the site shall generate and record the completed petition in proper form in portable document format.*

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(d) Electronic Filing of Documents.

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(3) Filing and receipt of documents; confirmation; secure information.

(i) When documents are filed. Documents may be transmitted at any time of the day or night to the NYSCEF site. A document is filed when its electronic transmission or, in the case of a petition that is e-filed by submission of a text file as provided in subdivision (b) (1) of this section, the electronic transmission of the text file is recorded at that site, provided, however, that where payment of a fee is required upon the filing of a document, the document is not filed until transmission of the document and the information or form or information as required in (i), (ii) or (iii) of paragraph (2) of this subdivision has been recorded at the NYSCEF site; or, if no transmission of that information or form or information is recorded, until payment is presented to the County Clerk.

* * *

(e) Signatures.

(1) Signing of a document. An electronically filed document shall be considered to have been signed by, and shall be binding upon, the person identified as a signatory, if:

* * *

(v) *in a small claims assessment review proceeding, it is a petition recorded by the NYSCEF site upon the filing of a text file as provided in subdivision (b)(1) of this section, provided that prior to filing, the document was signed in full in hard copy (which hard copy must be preserved until the conclusion of all proceedings in the matter, including article 78 review and any appeals, and must be made available during the proceeding upon request of the respondent or the court); or*

(vi) it otherwise bears the electronic signature of the signatory in a format conforming to such standards and requirements as may hereafter be established by the Chief Administrator.

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(f) Service of Documents.

(1) Service of initiating documents in an action. Initiating documents may be served in hard copy pursuant to Article 3 of the CPLR, or, in tax certiorari cases, pursuant to the Real Property Tax Law, *and shall bear full signatures as required thereby*, or by electronic means if the party served agrees to accept such service. *In the case of a proceeding to review a small claims assessment where the petition has been e-filed by the submission of a text file as provided in subdivision (b)(1) of this section, a hard copy of the petition, fully completed and signed as set forth in that subdivision, shall be mailed, and shall be served upon the assessing unit or tax commission, as provided in Section 730 of the Real Property Tax Law, unless otherwise stipulated.* A party served by electronic means shall, within 24 hours of service, provide the serving party or attorney with an electronic confirmation that the service has been effected.

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§ 202.5-bb. Electronic Filing in Supreme Court; Mandatory Program.

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(b) Commencement of Actions Under this Section.

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(3) Service of initiating documents. Personal service of initiating documents upon a party in an action that must be commenced electronically in accordance with this section shall be made as provided in Article 3 of the Civil Practice Law and Rules *or the Real Property Tax Law*, or by electronic means if the party served agrees to accept such service. Such service shall be accompanied by a notice, in a form approved by the Chief Administrator, advising the recipient that the action is subject to electronic filing pursuant to this section. A party served by electronic means shall, within 24 hours of service, provide the serving party or attorney with an electronic confirmation that the service has been effected.

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§ 202.58. Small claims tax assessment review proceeding; small claims sidewalk assessment review proceeding; special rules.

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(b) Commencement of Small Claims Tax Assessment Review Proceeding.

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(2) *Except as otherwise provided hereafter, t[T]hree copies of the petition shall be filed with the County Clerk in the county in which the property is located within 30 days after the final completion and filing of the assessment roll containing the assessment at issue, except that in the City of New York, the petition shall be filed before the 25th day of October following the time when the determination sought to be reviewed was made. The petition may be filed with the County Clerk by ordinary mail if mailed within the 30-day time period, or in the City of New York, if mailed prior to the 25th day of October, as evidenced by the postmark. In counties in which electronic filing is authorized by the Chief Administrator, the petition may or shall be filed electronically through the New York State Courts Electronic Fil-*

ing System ("NYSCEF") within the deadline set forth above. A filing fee of \$25 shall be paid at the time of filing, which may be in the form of a check payable to the County Clerk.

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(4) The County Clerk shall assign a small claims assessment review filing number to each petition, *and, in proceedings commenced by filing in hard copy*, shall retain one copy and shall forward two copies within two days of filing to the clerk designated by the appropriate administrative judge to process assessment review petitions.

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(e) Assignment of Hearing Officers.

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(4) The hearing officer shall determine, after contacting the parties, the date, time and place for the hearing, which shall be held within 45 days with respect to a small claims tax assessment review proceeding, and within 30 days with respect to a small claims sidewalk assessment review proceeding, after the filing of the petition, or as soon thereafter as is practicable, and which shall be held, where practicable, at a location within the county where the real property is located. The hearing officer shall schedule hearings in the evening at the request of any party, unless special circumstances require otherwise. Written notice of the date, time and place of the hearing shall be sent by mail by the hearing officer to the parties or their attorneys, if represented, at least 10 working days prior to the date of the hearing, *except that in an electronically filed proceeding, such notice may be sent by e-mail to parties participating in e-filing*; provided, however, failure to receive such notice in such period shall not bar the holding of a hearing.

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(f) Decision and Order.

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(3) The hearing officer in a small claims tax assessment review proceeding shall transmit one copy of the decision and order, by ordinary mail, *or may, in an electronically filed proceeding, transmit instead a copy via NYSCEF*, to the petitioner, the clerk of the assessing unit and the assessment review clerk of the court. The hearing officer in a small claims sidewalk assessment review proceeding shall transmit one copy of the decision and order, by ordinary mail, to the petitioner, the Commissioner of Transportation of the City of New York or the commissioner's designee, and the assessment review clerk of the court.

(4) The assessment review clerk shall file the petition and the attached decision and order with the County Clerk. *In an electronically filed proceeding, the decision and order shall be posted with the NYSCEF site, which shall constitute filing with the County Clerk.*

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AMENDMENT OF RULE

Uniform Civil Rules for 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, the Uniform Civil Rules for the Supreme Court and the County Court, by adding a new section 202.10, relating to appearances at conferences, to read as follows:

§ 202.10. Appearance at Conferences.

Any party may request to appear at a conference by telephonic or other electronic means. Where feasible and appropriate, the court is encouraged to grant such requests.

AMENDMENT OF RULE

Uniform Civil Rules for 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 202.28 of the Uniform Civil Rules for the Supreme Court and the County Court, relating to discontinuance of civil actions and notice to the court, to read as follows:

Section 202.28 Discontinuance of Civil Actions *and Notice to the Court.*

(a) In any discontinued action, the attorney for the defendant shall file a stipulation or statement of discontinuance with the county clerk within 20 days of such discontinuance. If the action has been noticed for judicial activity within 20 days of such discontinuance, the stipulation or statement shall be filed before the date scheduled for such activity.

(b) If an action is discontinued under paragraph (a), or wholly or partially settled by stipulation pursuant to CPLR 2104, or a motion has become wholly or partially moot, or a party has died or become a debtor in bankruptcy, the parties promptly shall notify the assigned judge in writing of such an event.

