

# 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 section 122.3 of the Rules of the Chief Administrator, relating to the terms of judicial hearing officers, to read as follows, effective November 1, 2014:

\* \* \*

### Section 122.3 Term

A judicial hearing officer shall be designated for an *initial* term [of one year,] which shall expire on the last day of the full calendar year following the designation. An initial term, and any additional term allowed by designation of the Chief Administrator as set forth below, may be extended without further application for one additional calendar year pursuant to section 122.3-b of this Part. At the end of any initial or additional term (which shall include any one-year extension thereof), the judicial hearing officer may apply for designation for an additional one-year term, and may be so designated in accordance with the procedures of section 122.3-b. The Chief Administrator may extend the duration of a term for a period not to exceed six months where necessary to complete the examination and consultation requirements set forth in this Part.

## 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 the Uniform Civil Rules of the Supreme and County Courts by adding a new section 202.5(e), relating to the omission or redaction of confidential personal information, to read as set forth below, effective January 1, 2015. Compliance with this rule shall be voluntary from January 1 through February 28, 2015, and mandatory thereafter.

### § 202.5 Papers Filed in Court

\* \* \*

#### (e) Omission or Redaction of Confidential Personal Information.

(1) Except in a matrimonial action, or a proceeding in surrogate's court, or a proceeding pursuant to article 81 of the Mental Hygiene Law, or as otherwise provided by rule or law or court order, and whether or not a sealing order is or has been sought, the parties shall omit or redact confidential personal information in papers submitted to the court for filing. For purposes of this rule, confidential personal information ("CPI") means:

(i) the taxpayer identification number of an individual or an entity, including a social security number, an employer identification number, and an individual taxpayer identification number, except the last four digits thereof;

(ii) the date of an individual's birth, except the year thereof;

(iii) the full name of an individual known to be a minor, except the minor's initials; and

(iv) a financial account number, including a credit and/or debit card number, a bank account number, an investment account number, and/or an insurance account number, except the last four digits or letters thereof.

(2) The court *sua sponte* or on motion by any person may order a party to remove CPI from papers or to resubmit a paper with such in-

formation redacted; order the clerk to seal the papers or a portion thereof containing CPI in accordance with the requirement of 22 NYCRR § 216.1 that any sealing be no broader than necessary to protect the CPI; for good cause permit the inclusion of CPI in papers; order a party to file an unredacted copy under seal for in camera review; or determine that information in a particular action is not confidential. The court shall consider the *pro se* status of any party in granting relief pursuant to this provision.

(3) Where a person submitting a paper to a court for filing believes in good faith that the inclusion of the full confidential personal information described in subparagraphs (i) to (iv) of paragraph (1) of this subdivision is material and necessary to the adjudication of the action or proceeding before the court, he or she may apply to the court for leave to serve and file together with a paper in which such information has been set forth in abbreviated form a confidential affidavit or affirmation setting forth the same information in unabbreviated form, appropriately referenced to the page or pages of the paper at which the abbreviated form appears.

(4) The redaction requirement does not apply to the last four digits of the relevant account numbers, if any, in an action arising out of a consumer credit transaction, as defined in subdivision (f) of section 105 of the civil practice law and rules. In the event the defendant appears in such an action and denies responsibility for the identified account, the plaintiff may without leave of court amend his or her pleading to add full account or CPI by (i) or (ii) filing such full account or other CPI under seal in accordance with rules promulgated by the chief administrator of the courts.

\* \* \*

## 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 section 202.12-a(c)(2) of the Uniform Civil Rules of the Supreme and County Courts, relating to settlement conferences, to read as follows, effective November 1, 2014:

\* \* \*

#### (c) Settlement conference.

\* \* \*

(2) The conference shall include settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to, *including but not limited to loan modifications, "short sales" and "deeds in lieu of foreclosure" or any other loss mitigation options.* The court may also use the conference for whatever other purposes the court deems appropriate. Where appropriate, the court may permit a representative of the plaintiff to attend the conference telephonically or by video-conference. *Any representative participating in the conference, whether in person, telephonically or by video conference, shall be fully authorized to dispose of the case, as required by CPLR 3408(c).*

\* \* \*

