

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 Part 131 of the Rules of the Chief Administrator of the Courts, relating to audio-visual coverage of judicial proceedings, to read as follows, effective March 1, 2016:

* * *

PART 131. Audio-visual Coverage Of Judicial Proceedings Section 131.1 Purpose; general provisions.

[(a) These rules are promulgated to comport with the legislative finding that an enhanced public understanding of the judicial system is important in maintaining a high level of public confidence in the Judiciary, and with the legislative concern that cameras in the courts be compatible with the fair administration of justice.

(b) These rules shall be effective for any period when audio-visual coverage in the trial courts is authorized by law and shall apply in all counties in the State.]

(a) In order to maintain the broadest scope of public access to the courts, to preserve public confidence in the Judiciary, and to foster public understanding of the role of the Judicial Branch in civil society, it is the policy of the Unified Court System to facilitate the audio-visual coverage of court proceedings to the fullest extent permitted by the New York Civil Rights Law and other statutes, as interpreted by New York courts, pursuant to the rules set forth below.

(b) Audio-visual coverage of proceedings in which the testimony of parties or witnesses by subpoena or other compulsory process is or may be taken is prohibited. (See, Civil Rights Law § 52.)

(c) Audio-visual coverage of party or witness testimony in any court proceeding (other than a plea at an arraignment) is prohibited.

(d) Nothing in these rules is intended to restrict any preexisting right of the news media to appear at and to report on judicial proceedings in accordance with law.

[(d)] (e) Nothing in these rules is intended to restrict the power and discretion of the presiding trial judge to control the conduct of judicial proceedings.

[(e)] (f) No judicial proceeding shall be scheduled, delayed, reenacted or continued at the request of, or for the convenience of, the news media.

[(f)] (g) In addition to their specific responsibilities as provided in these rules, all presiding trial judges and all administrative judges shall take whatever steps are necessary to insure that audio-visual coverage is conducted without disruption of court activities, without detracting from or interfering with the dignity or decorum of the court, courtrooms and court facilities, without compromise of the safety of persons having business before the court, and without adversely affecting the administration of justice.

Section 131.2 Definitions.

For purposes of this Part:

(a) “Administrative judge” shall mean the administrative judge of each judicial district; the administrative judge of Nassau County or of Suffolk County; the administrative judge of the Civil Court of the City of New York, the Criminal Court of the City of New York or the Family Court of the City of New York; or the presiding judge of the Court of Claims.

(b) “Audio-visual coverage” or “coverage” shall mean the electronic broadcasting or other transmission to the public of radio or television signals from the courtroom, *or* the recording of sound or light in the courtroom for later transmission or reproduction, or the taking of [still or] motion pictures in the courtroom by the news media. *To the extent required by current legal authority, it shall also mean the taking of still pictures.*

(c) “News media” shall mean any news-reporting or news-gathering agency and any employee or agent associated with such agency, including television, radio, radio and television networks, news services, newspapers, magazines, trade papers, in-house publications, professional journals, or any other news-reporting or news-gathering agency, the function of which is to inform the public or some segment thereof.

(d) “Presiding trial judge” shall mean the justice or judge presiding over judicial proceedings at which audio-visual coverage is authorized pursuant to this Part.

[(e) “Covert” or “undercover capacity” shall mean law enforcement activity involving criminal investigation by peace officers or police officers who usually and customarily wear no uniform, badge or other official identification in public view.]

[(f)] (e) “Judicial proceedings” shall mean the proceedings of a court or a judge thereof conducted in a courtroom or any other facility being used as a courtroom.

[(g)] (f) “Child” shall mean a person who has not attained the age of 16 years.

[(h)] (g) “Arraignment” shall have the same meaning as such term is defined in subdivision nine of section 1.20 of the Criminal Procedure Law.

[(i) “Suppression hearing” shall mean a hearing on a motion made pursuant to the provisions of section 710.20 of the Criminal Procedure Law; a hearing on a motion to determine the admissibility of any prior criminal, vicious or immoral acts of a defendant; and any other hearing held to determine the admissibility of evidence.

(j) “Nonparty witness” shall mean any witness in a criminal trial proceeding who is not a party to such proceeding; except an expert or professional witness, a peace or police officer who acted in the course of his or her duties and was not acting in a covert or undercover capacity in connection with the instant court proceedings, or any government official acting in an official capacity, shall not be deemed to be a “nonparty witness”.

(k) “Visually obscured” shall mean that the face of a participant in a criminal trial proceeding shall either not be shown or shall be rendered visually unrecognizable to the viewer of such proceeding by means of special editing by the news media.]

Section 131.3 Application for audio-visual coverage.

(a) Coverage of judicial proceedings shall be permitted only upon order of the presiding trial judge approving an oral or written application made by a representative of the news media for permission to conduct such coverage.

[(b)

(1) Except as provided in paragraph (2) of this subdivision, an application for permission to conduct coverage of a judicial proceeding shall be made to the presiding trial judge not less than seven days before the scheduled commencement of that proceeding. Where circumstances are such that an applicant cannot reasonably apply more

than seven days before commencement of the proceeding, the presiding trial judge may shorten the time period. The application shall be in writing and shall specify such proceeding with sufficient particularity to assist the presiding trial judge in considering the application, and shall set forth which of the types of coverage described in subdivision (b) of section 131.2 of this Part is sought, including whether live coverage is sought. Upon receipt of any application, the presiding trial judge shall cause all parties to the proceeding to be notified thereof.

(2) An application for permission to conduct coverage of an arraignment in a criminal case or of any other proceeding after it has commenced may be made to the presiding trial judge at any time and shall be otherwise subject to the provisions of paragraph (1) hereof.

(3) Each application shall relate to one case or proceeding only, unless the presiding trial judge permits otherwise.

(c) Where more than one representative of the news media makes an application for coverage of the same judicial proceeding, such applications shall be consolidated and treated as one.

Section 131.4 Determination of the application.]

[(a)] (b) Upon receipt of an application [pursuant to section 131.3], the presiding trial judge shall conduct such review as may be appropriate, including:

(1) consultation with the news media applicant;

(2) consultation with counsel to all parties to the proceeding of which coverage is sought, who shall be responsible for identifying any concerns or objections of the parties, prospective witnesses, and victims, if any, with respect to the proposed coverage, and advising the court thereof;

(3) review of all statements or affidavits presented to the presiding trial judge concerning the proposed coverage.

Where the proceedings of which coverage is sought involve a child, a victim, [a prospective witness,] or a party, any of whom object to such coverage, and in any other appropriate instance, the presiding trial judge may hold such conferences and conduct any direct inquiry as may be fitting.

[(b)] (c)

(1) Except as otherwise provided in paragraph[s] (2) [and (3)] hereof or section 131.[8]7 of this Part, consent of the parties[, prospective witnesses, victims] or other participants in judicial proceedings of which coverage is sought is not required for approval of an application for such coverage.

(2) An application for audio-visual coverage of a trial proceeding in which a jury is sitting, made after commencement of such proceeding, shall not be approved unless counsel to all parties to such proceeding consent to such coverage; provided, however, this paragraph shall not apply where coverage is sought only of the verdict or sentencing, or both, in such proceeding.

[(3) Counsel to each party in a criminal trial proceeding shall advise each nonparty witness that he or she has the right to request that his or her image be visually obscured during said witness' testimony, and upon such request the presiding trial judge shall order the news media to visually obscure the visual image of the witness in any all audio-visual coverage of the judicial proceeding.]

[(c)] (d) In determining an application for coverage, the presiding trial judge shall consider all relevant factors, including but not limited to:

(1) the type of case involved;

(2) whether the coverage would cause harm to any participant;

(3) whether the coverage would interfere with the fair administration of justice, the advancement of a fair trial, or the rights of the parties;

[(4) whether any order directing the exclusion of witnesses from the courtroom prior to their testimony could be rendered substantially ineffective by allowing audio-visual coverage that could be viewed by such witnesses to the detriment of any party;]

[(5)] (4) whether the coverage would interfere with any law enforcement activity;

[(6)] (5) whether the proceedings would involve lewd or scandalous matters;

[(7)] (6) the objections of any of the parties[, prospective wit-

nesses,] victims or other participants in the proceeding of which coverage is sought;

[(8)] (7) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the courthouse; and

[(9)] (8) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought.

The presiding trial judge also shall consider and give great weight to the fact that any party[, prospective witness,] victim, or other participant in the proceeding is a child.

[(d)] (e) Following review of an application for coverage of a judicial proceeding, the presiding trial judge, as soon as practicable, shall issue an order, in writing *or on the record in open court*, approving such application, in whole or in part, or denying it. Such order shall contain any restrictions imposed by the judge on the audio-visual coverage and shall contain a statement advising the parties that any violation of the order is punishable by contempt pursuant to article 19 of the Judiciary Law. Such order shall be included in the record of such proceedings and, unless it wholly approves the application and no party[, or victim [or prospective witness]] objected to coverage, it shall state the basis for its determination.

[(e)] (f) Before denying an application for coverage, the presiding trial judge shall consider whether such coverage properly could be approved with the imposition of special limitations, including but not limited to:

(1) delayed broadcast of the proceedings subject to coverage provided, however, where delayed broadcast is directed, it shall be only for the purpose of assisting the news media to comply with the restrictions on coverage provided by law or by the presiding trial judge;

(2) modification or prohibition of *video or* audio-visual coverage of [individual parties, witnesses, or other trial participants, or] portions of the proceedings; or

[(3) modification or prohibition of video coverage of individual parties, witnesses, or other trial participants, or portions of the proceedings.]

Section 131.[5]4 Review.

[(a) Any order determining an application for permission to provide coverage, rendered pursuant to section 131.4(d) of this Part, shall be subject to review by the administrative judge in such form, including telephone conference, as he or she may determine, upon the request of a person who is aggrieved thereby and who is either:

(1) a news media applicant; or

(2) a party, victim, or prospective witness who objected to coverage.

(b) Upon review of a presiding trial judge's order determining an application for permission to provide coverage, the administrative judge shall uphold such order unless it is found that the order reflects an abuse of discretion by the presiding trial judge, in which event the administrative judge may direct such modification of the presiding trial judge's order as may be deemed appropriate. Any order directing a modification or overruling a presiding trial judge's order determining an application for coverage shall be in writing.]

[(c)] No judicial proceeding shall be delayed or continued to allow for review [by an administrative judge] of an order denying coverage in whole or in part.

[(d) This section shall authorize review by the administrative judge only of a presiding trial judge's order pursuant to paragraph (b) of subdivision three of section 218 of the Judiciary Law, determining an application for permission to provide coverage of judicial proceedings and shall not authorize review of any other orders or decisions of the presiding trial judge relating to such coverage.]

Section 131.[6]5 Mandatory pretrial conference.

(a) Where a presiding trial judge has approved, in whole or in part, an application for coverage of any judicial proceeding, the judge, before any such coverage is to begin, shall conduct a pretrial conference for the purpose of reviewing, with counsel to all parties to the proceeding and with representatives of the news media who will provide such coverage, any objections to coverage that have been raised, the scope of coverage to be permitted, the nature and extent of

the technical equipment and personnel to be deployed, and the restrictions on coverage to be observed. The court may include in the conference any other person whom it deems appropriate, including prospective witnesses and their representatives. [In an appropriate case, the presiding trial judge may conduct the pretrial conference concurrently with any consultations or conferences authorized by subdivision (a) of section 131.4.]

(b) Where two or more representatives of the news media are parties to an approved application for coverage, no such coverage may begin until all such representatives have agreed upon a pooling arrangement for their respective news media prior to the pretrial conference. Such pooling arrangement shall include the designation of pool operators and replacement pool operators for the electronic and motion picture media and for the still photography media, as appropriate. It also shall include procedures for the cost-sharing and dissemination of audio-visual material and shall make due provision for educational users' needs for full coverage of entire proceedings. The presiding trial judge shall not be called upon to mediate or resolve any dispute as to such arrangement. Nothing herein shall prohibit a person or organization that was not party to an approved application for coverage from making appropriate arrangements with the pool operator to be given access to the audio-visual material produced by the pool.

(c) In determining the scope of coverage to be permitted, the presiding trial judge shall be guided by a consideration of all relevant factors, including those prescribed in subdivision (d) of section 131.3 of this Part. Wherever necessary or appropriate, the presiding trial judge shall, at any time before or during the proceeding, proscribe coverage or modify, expand, impose, or remove special limitations on coverage, such as those prescribed in subdivision (e) of section 131.4.]

Section 131.[7]6 Use and deployment of equipment and personnel by the news media.

(a) Limitations upon use of equipment and personnel in the courtroom.

(1) No more than two electronic or motion picture cameras and two camera operators shall be permitted in any proceeding.

(2) No more than one photographer to operate two still cameras, with not more than two lenses for each camera, shall be permitted in any proceeding.

(3) No more than one audio system for broadcast purposes shall be permitted in any proceeding. Audio pickup for all news media purposes shall be effectuated through existing audio systems in the court facility. If no technically suitable audio system is available, microphones and related wiring essential for media purposes shall be supplied by those persons providing coverage. Any microphones and sound wiring shall be unobtrusive and placed where designated by the presiding trial judge.

(4) Notwithstanding the provisions of paragraphs (1)-(3) of this subdivision, the presiding trial judge on a finding of special circumstances may modify any restriction on the amount of equipment or number of operating personnel in the courtroom, compatible with the dignity of the court or the judicial process.

(b) Sound and light criteria.

(1) Only electronic and motion picture cameras, audio equipment and still camera equipment that do not produce distracting sound or light may be employed to cover judicial proceedings. [The equipment designated in Appendix A of this Part shall be deemed acceptable.]

(2) Use of equipment other than that authorized in Appendix A of this Part may be permitted by the presiding trial judge provided the judge is satisfied that the equipment sought to be utilized meets the sound and light criteria specified in paragraph (1) of this subdivision. A failure to obtain advance approval shall preclude use of such equipment in the coverage of the judicial proceeding.]

[(3)] (2) No motorized drives, moving lights, flash attachments, or sudden lighting changes shall be permitted during coverage of judicial proceedings.

[(4)] (3) No light or signal visible or audible to trial participants shall be used on any equipment during coverage to indicate whether it is operating.

[(5)] (4) With the concurrence of the presiding trial judge and the

administrative judge, modifications and additions may be made in light sources existing in the court facility, provided such modifications or additions are installed and maintained at media expense and are not distracting or otherwise offensive.

(c) Location of equipment and personnel. Electronic and motion picture cameras, still cameras, and camera personnel shall be positioned in such locations as shall be designated by the presiding trial judge. The areas designated shall provide the news media with reasonable access to the persons they wish to cover while causing the least possible interference with court proceedings. Equipment that is not necessary for audio-visual coverage from inside the courtroom shall be located in an area outside the courtroom.

(d) Movement of equipment and media personnel. During the proceedings, operating personnel shall not move about, nor shall there be placement, movement or removal of equipment, or the changing of film, film magazines or lenses. All such activities shall take place each day before the proceeding begins, after it ends, or during a recess.

(e) Identifying insignia. Identifying marks, call letters, words, and symbols shall be concealed on all equipment. Persons operating such equipment shall not display any identifying insignia on their clothing.

(f) Other restrictions. The presiding trial judge may impose any other restriction on the use and deployment of equipment and personnel as may be appropriate.

Section 131.[8]7 Additional restrictions on coverage.

(a) No audio pickup or audio broadcast of conferences that occur in a court facility between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding trial judge, shall be permitted without the prior express consent of all participants in the conference.

(b) No conference in chambers shall be subject to coverage.

(c) No coverage of the selection of the prospective jury during voir dire shall be permitted.

(d) No coverage of the jury, or of any juror or alternate juror, while in the jury box, in the courtroom, in the jury deliberation room, or during recess, or while going to or from the deliberation room at any time, shall be permitted provided, however, that, upon consent of the foreperson of a jury, the presiding trial judge may, in his or her discretion, permit audio coverage of such foreperson delivering a verdict.

[(e)] No coverage shall be permitted of a witness, who as a peace officer or police officer acted in a covert or undercover capacity in connection with the proceedings being covered, without the prior written consent of such witness.

(f) No coverage shall be permitted of a witness, who as a peace officer or police officer is currently engaged in a covert or undercover capacity, without the prior written consent of such witness.]

[(g)] (e) No coverage shall be permitted of the victim in a prosecution for rape, sodomy, sexual abuse, or other sex offense under article 130 or section 255.25 of the Penal Law; notwithstanding the initial approval of a request for audio-visual coverage of such a proceeding, the presiding trial judge shall have discretion throughout the proceeding to limit any coverage that would identify the victim[, except that said victim can request of the presiding trial judge that audio-visual coverage be permitted of his or her testimony, or in the alternative the victim can request that coverage of his or her testimony be permitted but that his or her image shall be visually obscured by the news media, and the presiding trial judge in his or her discretion shall grant the request of the victim for the coverage specified].

[(h)] (f) No coverage of any participant shall be permitted if the presiding trial judge finds that such coverage is liable to endanger the safety of any person.

[(i)] (g) No coverage of any judicial proceedings that are by law closed to the public, or that may be closed to the public and that have been closed by the presiding trial judge, shall be permitted.

[(j)] (h) No coverage of any arraignment or suppression hearing shall be permitted without the prior consent of all parties to the proceeding; provided, however, where a party is not yet represented by counsel, consent may not be given unless the party has been advised of his or her right to the aid of counsel pursuant to subdivision 4 of section 170.10 or 180.10 of the Criminal Procedure Law and the party has affirmatively elected to proceed without counsel at such proceeding.

[(k) No audio-visual coverage shall be permitted which focuses on or features a family member of a victim or a party in the trial of a criminal case, except while such family member is testifying. Audio-visual coverage operators shall make all reasonable efforts to determine the identity of such persons, so that such coverage shall not occur. The restrictions specified in subdivisions (a) through (k) may not be waived or modified except as provided herein.]

Section 131.[9]8 Supervision of audio-visual coverage.

(a) Coverage of judicial proceedings shall be subject to the continuing supervision of the presiding trial judge. No coverage shall take place within the courtroom, whether during recesses or at any other time, when the presiding trial judge is not present and presiding.

(b) Notwithstanding the approval of an application for permission to provide coverage of judicial proceedings, the presiding trial judge shall have discretion throughout such proceedings to revoke such approval or to limit the coverage authorized in any way. [In the exercise of this discretion, the presiding trial judge shall be especially sensitive and responsive to the needs and concerns of all parties, victims, witnesses, and other participants in such proceedings, particularly where the proceedings unnecessarily threaten the privacy or sensibilities of victims, or where they involve children or sex offenses or other matters that may be lewd or scandalous. The presiding trial judge shall be under a continuing obligation to order the discontinuation or modification of coverage where necessary to shield the identity or otherwise insure the protection of any such person, party, witness, or victim, or in order to preserve the welfare of a child.]

[(c) Counsel to each party in a trial proceeding that is subject to coverage shall inquire of each witness that he or she intends to call regarding any concerns or objections such witness might have with respect to coverage. Where counsel thereby is advised that a witness objects to coverage, counsel shall so notify the presiding trial judge.]

Section 131.10 Cooperation with committee.

(a) All officers and employees of the Unified Court System, and all participants in proceedings where audio-visual coverage was permitted, including judges, attorneys and jurors, shall cooperate with the committee to review audio-visual coverage of court proceedings in connection with the committee's review of the impact of audio-visual coverage on such proceedings.]

Section 131.[11]9 Appellate courts.

These rules shall not apply to coverage of proceedings in appellate courts or affect the rules governing such coverage contained in Part 29 of the Rules of the Chief Judge (22 NYCRR Part 29).

Section 131.1[2]0 Forms.

The Chief Administrator will promulgate and make available forms for applications [pursuant to section 131.3] and for judicial orders pursuant to [section 131.4 of] this Part.

[Section 131.13 Acceptable equipment.

The following equipment shall be deemed acceptable for use in audio-visual coverage of trial court proceedings pursuant to Part 131 of the Rules of the Chief Administrator of the Courts:

(a) Video cameras.

Sony:BVP-3, BVP-3A, BVP-3U, BVP-5, BVP-30, BVP-33Am, BVP-50J, BVP-110, BVP- 150, BVP-250, BVP-300, BVU-300, BVV-1, BVV-5, DXC-3000, M-3

Ikegami:HL-79, HL-79D, HL-79E, HL-83, HL-95, ITC-170, SP-3A, 75-D, 79-E, 95, 730, 730a, 730ap

JVC:KY-1900, KY-2000, KY-2700, BY-110

RCA:TK-76

Thompson:501, 601

NEC:SP-3A

Sharp:XC-800

Panasonic:X-100 (the recam system in a camera/recorder combination)

Ampex:Betacam

(b) Still cameras.

Leica:M

Nikon: FE, F-3, FM-2, 2000

Canon:F-1, T-90

(c) Any other audio or video equipment may be used with the permission of the presiding trial judge.]

* * *

In addition, I hereby annul and rescind the following two forms previously promulgated for use pursuant to this Part 131:

1. Application for Permission to Conduct Audio-Visual Coverage
2. Order Determining Application for Audio-Visual Coverage

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 promulgate a new Part 154 of the Rules of the Chief Administrator of the Courts, relating to requests for exemption from public disclosure of client information under Public Officers Law § 73-a, to read as follows, effective December 31, 2015:

* * *

PART 154. Requests for Exemption From Public Disclosure of Client Information Under Public Officers Law § 73-a.

§ 154.1. Preamble.

The purpose of this Part is to implement the legislative direction in Part CC of Chapter 56 of the Laws of 2015 that the Office of Court Administration receive and determine requests for exemption from the duty to publicly disclose client information pursuant to certain questions on the financial disclosure statement that must be filed by legislators and other State employees in accordance with section 73-a of the Public Officers Law. To ensure the fullest compliance with this legislative direction, the rules in this Part have incorporated express language in the relevant statutory provisions in Part CC. Where, however, Part CC does not provide all necessary procedural specifics, these rules include additional procedures that harmonize with the overall legislative intent so far as it is apparent in the statutory text.

§ 154.2. Definitions.

(a) *Applicant shall mean a covered person seeking an exemption pursuant to this Part.*

(b) *Client information shall mean the identity of a person or entity required to be publicly disclosed pursuant to questions 8(b-1), 8(b-2) or 8(c) of the financial disclosure statement.*

(c) *Commission shall mean the New York State Joint Commission on Public Ethics.*

(d) *Covered person shall mean any individual who is required to file a financial disclosure statement pursuant to section 73-a of the Public Officers Law and is required to disclose client information pursuant to questions 8(b-1), 8(b-2) or 8(c) of the financial disclosure statement.*

(e) *Exemption shall mean a waiver from the duty to publicly disclose client information pursuant to questions 8(b-1), 8(b-2) or 8(c) of the financial disclosure statement.*

(f) *Financial disclosure statement shall mean the annual statement that must be filed pursuant to section 73-a of the Public Officers Law.*

(g) *Ministerial matter shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.*

(h) *OCA shall mean the Office of Court Administration.*

(i) *State agency shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the Governor. State agency shall also include the State University of New York or the City University of New York, including all their constituent units except (1) community colleges of the State University of New York, and (2) the independent institutions operating statutory or contract colleges on behalf of the state.*

§ 154.3. Exemption Request Procedure.

(a) *A covered person may apply to OCA for an exemption from the requirement to disclose client information by filing an application ("exemption request"), on a form promulgated by OCA, no later than thirty days prior to the deadline by which such covered person must file a financial disclosure statement pursuant to Public Officers Law § 73-a(2) that otherwise must disclose such client information. Applications may be filed in advance of the applicant's commencement of work on the client matter. An applicant may not file an exemption*

request with OCA for a client matter which the applicant has previously addressed in an exemption application filed with the Commission.

(b) The exemption request shall be made in writing, signed by the applicant, and filed electronically in a manner specified by OCA.

(c) The applicant shall state the following in the exemption request, as required by statute:

“My client is not currently receiving my services or seeking my services in connection with:

(1) a proposed bill or resolution in the Senate or Assembly during the reporting period;

(2) a contract in an amount totaling \$10,000 or more from the state or any state agency for services, materials or property;

(3) a grant of \$10,000 or more from the state or any state agency during the reporting period;

(4) a grant obtained through a legislative initiative during the reporting period; or

(5) a case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.”

(d) The exemption request shall include the following information, to the best of the applicant’s knowledge and upon professionally appropriate inquiry:

(1) the applicant’s name, title and work address, and a description of the applicant’s duties and responsibilities;

(2) a description of the services rendered or to be rendered in each matter on which the applicant has provided or anticipates providing services to the client during the reporting period, including the actual or estimated duration of such services;

(3) a statement explaining why the applicant should receive the requested exemption, with reference to the factors set forth in section 154.4(a) of this Part;

(4) whether the client has any business before the state; and, if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is;

(5) a description of any action relating to the client taken by the applicant in the course of performing the applicant’s official duties;

(6) whether or not the applicant has publicly disclosed the client relationship in any public filing or public appearance; and

(7) whether or not the applicant has applied to OCA or the Commission for an exemption from disclosure of the client’s identity on any matter (including pending applications) and the result of such applications;

(8) any other relevant information, including statements from clients and third parties, which the applicant believes may support the exemption request.

(e) The applicant need not initially disclose the identity of the client or the compensation earned or expected to be earned in the course of the engagement. However, if disclosure of this information by the applicant is necessary in furtherance of a proper determination of the exemption request, OCA may require such disclosure.

§ 154.4. Action by OCA.

(a) Upon receipt of an exemption request pursuant to section 154.3 of this Part, OCA shall review the material filed to determine whether the exemption request shall be granted. The factors OCA shall consider in determining an exemption request shall include, but not be limited to, the following statutory factors:

(1) the nature and the size of the client;

(2) whether the client has any business before the state; and, if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is;

(3) whether disclosure may reveal trade secrets;

(4) whether disclosure could reasonably result in retaliation against the client;

(5) whether disclosure may cause undue harm to the client;

(6) whether disclosure may result in undue harm to the attorney-client relationship; and

(7) whether disclosure may result in an unnecessary invasion of privacy to the client.

(b) In reviewing an exemption request, OCA may consult with bar or other professional associations, or with the Commission or the Legislative Ethics Commission for individuals subject to its jurisdiction, and may consider the rules of professional conduct.

(c) OCA shall grant the exemption request upon a finding that, under the totality of the circumstances, the interests in nondisclosure of the client information (including the general interests served by principles of client confidentiality) outweigh the interests served by disclosure; otherwise it shall deny the request. OCA shall provide the applicant with a written explanation of its determination, which shall clearly state that such determination is based solely upon the information furnished by the applicant in support of his or her exemption request and that, upon any subsequent change in such information, the determination may be reconsidered as provided in this Part. The OCA determination shall neither address nor alter the applicant’s disclosure or confidentiality obligations under any law or authority other than Public Officers Law § 73-a.

(d) OCA shall determine an exemption request not later than three days following the day on which such request is received; provided, however, where the last of such days is a Saturday, Sunday or a public holiday, OCA may render its determination on the next succeeding business day as provided by the General Construction Law. When the request contains information deemed insufficient for the rendering of a determination, OCA may direct the applicant to provide additional information in a further submission, whereupon it shall render its determination within three business days from receipt of such additional information.

(e) Where OCA denies an exemption request, and thereafter there occurs a material change of facts or circumstances – including a change in the applicant’s title or duties, a change in the nature of the services provided to the client, or a change in the nature of such client’s business – an applicant may seek reconsideration of that denial by following the procedures set forth in section 154.3.

(f) Where OCA grants an exemption request, it shall be unnecessary for the applicant to make the same request in subsequent years, except that the applicant shall thereafter annually review the application submitted in support of the exemption request to determine whether there has been a material change in the facts and circumstances reported in such application – including a change in the facts attested pursuant to section 154.3(c) of this rule; or in the scope of the services provided by an applicant to the client; or in the applicant’s title, responsibilities, or assignments. In the event of such change, the applicant shall promptly report that change to OCA, which may, in appropriate cases, withdraw the exemption. Where OCA withdraws an exemption pursuant to this subdivision, OCA shall provide the applicant with a written explanation for such action.

(g) Determinations pursuant to this Part shall not be deemed judicial determinations and shall not be subject to judicial review except as may otherwise be authorized by law.

§ 154.5. Confidentiality.

OCA shall keep confidential all information submitted to it which is subject of or part of an exemption request pursuant to this Part, and shall release such information only upon authorization of a court of competent jurisdiction.

§ 154.6. Initial Public Offerings.

When a covered person, or his or her firm, has provided legal representation to a client with respect to an initial public offering, and federal law or regulations restrict the disclosure of information relating to such work, the covered person shall deliver electronically, in a manner set forth by OCA, a signed written statement, disclosing the identity of the client and the services relating to the initial public offering.

* * *

AMENDMENT OF RULE

Uniform 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 section 202.5(e) of the Uniform Rules for the Supreme and County Courts, and section 202.16 of the Uniform Rules for the Supreme and County Courts, effective March 1, 2016, to read as follows.

§ 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; and

v. any of the documents or testimony in a matrimonial action protected by Domestic Relations Law section 235 or evidence sealed by the court in such an action which are attached as exhibits or referenced in the papers filed in any other civil action. For purposes of this rule, a matrimonial action shall mean: an action to annul a marriage or declare the nullity of a void marriage, an action or agreement for a separation, an action for a divorce, or an action or proceeding for custody, visitation, writ of habeus corpus, child support, maintenance or paternity.

* * *

§ 202.16. Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules.

* * *

(m) Omission or Redaction of Confidential Personal Information from Matrimonial Decisions.

(1) Except as otherwise provided by rule or law or court order, and whether or not a sealing order is or has been sought, the court shall redact the following confidential personal information in issuing written decisions in matrimonial matters subject to this section.

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 actual home address of the parties to the matrimonial action and their children;

iii. the full name of an individual known to be a minor under the age of eighteen (18) years of age, except the minor's initials;

iv. the date of an individual's birth (including the date of birth of minor children), except the year of birth;

v. the full name of either party where there are allegations of domestic violence, neglect, abuse, juvenile delinquency or mental health issues, except the party's initials; and

vi. 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 (including a health insurance account number), except the last four digits or letters thereof.

(2) Nothing herein shall require parties to omit or redact personal confidential information as described herein or 22NYCRR § 202.5(e) in papers submitted to the court for filing; nor shall this rule apply to judgments or orders entered by the court.

(3) Nothing herein shall prevent the court from omitting or redacting more personal confidential information from a written decision than is required by this rule, either on motion or sua sponte.

AMENDMENT OF RULE

Uniform Rules for Surrogate's Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby repeal the

current section 207.20 of the Uniform Rules for Surrogate's Court (relating to the inventory of assets), and adopt the following new section 207.20, effective March 1, 2016:

Section 207.20 Inventory of assets.

(a) The fiduciary or the attorney of record shall furnish the court with an Inventory of Assets form which identifies the following:

(1) those assets that either were owned by the decedent individually, including those in which the decedent had a partial interest, or were payable or transferrable to the decedent's estate, by indicating the total value thereof by letter only for one of the following categories: A-under \$10,000; B-\$10,000 to under \$20,000; C-\$20,000 to under \$50,000; D-\$50,000 to under \$100,000; E-\$100,000 to under \$250,000; F-\$250,000 to under \$500,000; G-\$500,000 or over; and

(2) those assets held in trust; those assets over which the decedent had the power to designate a beneficiary; jointly owned property; and all other non-probate property of the decedent by checking yes or no.

(b) The Inventory of Assets form shall be filed with the court within nine months of the date letters issued to the fiduciary or as the court otherwise directs.

(c) In the event the Inventory of Assets is not filed, the court may refuse to issue certificates, may revoke the letters and may refuse to issue new ones until such list has been filed and the fees paid as provided in SCPA 2402. Failure to file such list of assets may also constitute grounds for disallowance of commissions or legal fees.

(d) If any additional filing fees are due, they shall be paid to the court at the time of the submission of the inventory.

AMENDMENT OF RULE

Uniform Rules for Surrogate's 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 207.64 of the Uniform Rules for Surrogate's Court (relating to the omission or redaction of confidential personal information), effective March 1, 2016, to read as follows:

207.64 Omission or Redaction of Confidential Personal Information; Public Access to Certain Filings

(a) Omission or Redaction of Confidential Personal Information.

(1) Except 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; and

ii. other than in a proceeding under Article 13 of the SCPA, 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 information 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 CPI described in Paragraph (1) of this subdivision is material and necessary to the adjudication of the 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) When served with objections or a request for an inquiry or examination under SCPA 2211 or 1404 that specifies a request for particular unredacted documents previously filed in the proceeding with respect to which the objection or request for inquiry or examination relates, the party who originally served and filed the redacted document shall serve (but not file) an unredacted version upon all parties interested in the proceeding or such portion of it to which the objection or request for inquiry or examination relates.

(b) Public Access to Certain Filings

[The following documents may be viewed only by persons interested in the estate of the decedent, as defined by SCPA § 103(39), or their counsel; the Public Administrator or counsel thereto; counsel for any Federal, State or local governmental agency; or court personnel; except upon written permission of the Surrogate or Chief Clerk of the court which shall not be unreasonably withheld] *The officers, clerks and employees of the court shall not permit a copy of any of the following documents to be viewed or taken by any other person than a party to the proceeding, or the attorney or counsel to a party to the proceeding, the Public Administrator or counsel thereto, counsel for any Federal, State or local governmental agency, or court personnel, or by order of the court or written permission of the Surrogate or Chief Clerk of the court. The standard for the grant of such permission in a contested matter shall be the same as required under 22 NYCRR 216.1 and applicable law:*

(1) All papers and documents in proceedings instituted pursuant to Articles 17 or 17-A of the SCPA;

(2) Death certificates;

(3) Tax returns;

(4) [Documents containing social security numbers;

(5)] Firearms Inventory; [and

(6) Inventory of Assets] and

(5) Documents containing information protected from disclosure under other provisions of Federal or State law such as HIPAA for medical information, job protected services reports, material obtained from a state mental hygiene facility under MHL 33.13, and records involving alcohol or other substance abuse under 42 CFR 2.64. These examples are not intended to be exclusive.

This rule shall not preclude disclosure or copying of any index of filings maintained by the court.

Any determination by the court regarding access to any filings may be the subject of an appropriate motion for clarification or reconsideration.

AMENDMENT OF RULE

Uniform Rules for the New York City Civil Court; Uniform Civil Rules for the District Courts; Uniform Civil Rules for the City Courts Outside the City of New York; Uniform Civil Rules for the Justice 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 April 1, 2016, the following unified rules of the trial courts, by adding new sections relating to the omission or redaction of confidential personal information, as follows:

§ 208.4. Papers Filed in Court[; Index Number; Form; Label]

(a) Index Number; Form; Label

The party causing the first paper to be filed shall obtain an index number and communicate it forthwith to all other parties to the action.

(b) Omission or Redaction of Confidential Personal Information in Civil Actions and Proceedings.

(1) Except for any action or proceeding arising under the Vehicle and Traffic Law, or prosecution of a violation of an ordinance of a city, town or village, or in a petition for change of name under the Civil Rights 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 information 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 one hundred five of the civil practice law and rules. In the event the defendant appears in such an action the defendant may without leave of court submit papers disclosing full account numbers to the extent necessary to ensure that an order or judgment issued by the court contains proof satisfactory to a credit reporting agency. 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) submitting such amended paper to the court on written notice to defendant for in camera review or (ii) filing such full account or other CPI under seal in accordance with rules promulgated by the chief administrator of the courts.

* * *

§ 210.4. Papers Filed in Court[; Index Number; Form; Label]

(a) Index Number; Form; Label

The party causing the first paper to be filed shall obtain an index number and communicate it forthwith to all other parties to the action.

(b) Omission or Redaction of Confidential Personal Information in Civil Actions and Proceedings.

(1) Except for any action or proceeding arising under the Vehicle and Traffic Law, or prosecution of a violation of an ordinance of a city, town or village, or in a petition for change of name under the Civil Rights 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 information 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 one hundred five of the civil practice law and rules. In the event the defendant appears in such an action the defendant may without leave of court submit papers disclosing full account numbers to the extent necessary to ensure that an order or judgment issued by the court contains proof satisfactory to a credit reporting agency. 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) submitting such amended paper to the court on written notice to defendant for in camera review or (ii) filing such full account or other CPI under seal in accordance with rules promulgated by the chief administrator of the courts.

* * *

§ 212.4. Papers Filed in Court[; Index Number; Form; Label]

(a) Index Number; Form; Label

The party causing the first paper to be filed shall obtain an index number and communicate it forthwith to all other parties to the action.

...

(b) Omission or Redaction of Confidential Personal Information in Civil Actions and Proceedings.

(1) Except for any action or proceeding arising under the Vehicle and Traffic Law, or prosecution of a violation of an ordinance of a city, town or village, or in a petition for change of name under the Civil Rights 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 information 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 one hundred five of the civil practice law and rules. In the event the defendant appears in such an action the defendant may without leave of court submit papers disclosing full account numbers to the extent necessary to ensure that an order or judgment issued by the court contains proof satisfactory to a credit reporting agency. 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) submitting such amended paper to the court on written notice to defendant for in camera review or (ii) filing such full account or other CPI under seal in accordance with rules promulgated by the chief administrator of the courts.

* * *

§ 214.12. Omission or Redaction of Confidential Personal Information in Civil Actions and Proceedings.

(1) Except for any action or proceeding arising under the Vehicle and Traffic Law, or prosecution of a violation of an ordinance of a city, town or village, or in a petition for change of name under the Civil Rights 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 information 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 one hundred five of the civil practice law and rules. In the event the defendant appears in such an action the defendant may without leave of court submit papers disclosing full account numbers to the extent necessary to ensure that an order or judgment issued by the court contains proof satisfactory to a credit reporting agency. 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) submitting such amended paper to the court on written notice to defendant for in camera review 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 for the City Courts Outside the City of New York

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 210.14 of the Uniform Civil Rules for the City Courts outside the City of New York (relating to the dismissal and restoration of actions from the trial calendar), effective March 1, 2016, to read as follows:

Section 210.14 Defaults, *dismissals and restoration.*

(a) At any scheduled call of a calendar or at any conference, if all parties do not appear and proceed or announce their readiness to proceed immediately or subject to the engagement of counsel, the judge may note the default on the record and enter an order as follows:

(1) if the plaintiff appears but the defendant does not, the judge may grant judgment by default or order an inquest;

(2) if the defendant appears but the plaintiff does not, the judge may dismiss the action and may order a severance of counterclaims or cross-claims or *strike the action from the trial calendar*; or

(3) if no party appears, the judge may make such order as appears just.

(b) *An action stricken from the trial calendar and not restored within one year thereafter shall be deemed abandoned and shall be dismissed by the clerk, without costs, for neglect to prosecute.*

(c) *Actions stricken from the trial calendar may be restored to the calendar only upon stipulation of all parties so ordered by the court or by motion on notice to all parties made within one year after the action is stricken. Such motion must be supported by affidavit by a person having firsthand knowledge, satisfactorily explaining the reasons for the action having been stricken and showing that it is presently ready for trial.*

