

COURT NOTICES

AMENDMENT OF RULE

Supreme Court, Appellate Division

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend, effective June 1, 2019, the Statement of Client's Rights and Responsibilities (to be used only when representation is without fee) set forth in section 1400.2 of Part 1400 of Title 22 of the Official Compilations of Codes, Rules and Regulations of the State of New York, as follows:

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STATEMENT OF CLIENT'S RIGHTS AND RESPONSIBILITIES

(To be used only when representation is without fee)

[Your] An attorney is providing you with this document to inform you of what you, as a client, are entitled to by law or by custom. To help prevent any misunderstanding between you and [your] the attorney, please read this document carefully.

If you ever have any questions about these rights, or about the way your case is being handled *once you retain the attorney*, [do not hesitate] *you are responsible* to ask your attorney. [He or she] Your attorney should be readily available to represent your best interests and to keep you informed about your case.

An attorney may not refuse to represent you on the basis of race, creed, color, sex, sexual orientation, age, national origin or disability.

You are entitled to an attorney who will be capable of handling your case; show you courtesy and consideration at all times; represent you zealously; and preserve your confidences and secrets that [are revealed] you reveal in the course of the relationship *to the extent permitted by law*. *You are responsible to communicate honestly, civilly and respectfully with your attorney.*

Even though you are being represented by an attorney without fee, you may be responsible at the beginning of the case or before or after the trial to contribute to or pay the other party's attorney's fees and other costs if the Court has ordered you to do so.

Even though you are being represented by an attorney without fee, the other party may be responsible to contribute to or to pay your attorney's or expert fees in your case, if the Court orders the other party to do so.

You may be required to pay for court filing fees, process servers as well as fees for expert reports, testimony, depositions and/or trial testimony and you may seek reimbursement from the other party. The attorney will discuss this with you.

If you engage in conduct which is found to be frivolous or meant to intentionally delay the case you could be fined or sanctioned and/or responsible for additional fees.

You are [expected] *responsible* to be *honest and truthful* in all discussions with your attorney, and to provide all relevant information and documentation to enable [him or her] *her or him* to competently prepare your case. *Attorneys and clients must make reasonable efforts to maintain open communication during business hours throughout the representation. An attorney may seek to be relieved as your attorney if you are not honest and truthful with her or him.*

You are entitled to be kept informed of the status of your case, and to be provided with copies of correspondence and documents prepared on your behalf or received from the court or your adversary.

Your attorney is required to discuss the following with you: a) the

automatic orders that are in effect once either party files a summons with notice; b) the law that provides for the financial support of the children, the Child Support Standards Act, if you and the other party have children under the age of twenty-one; and c) the law that provides for the financial support of the parties, the Maintenance Guidelines Statute.

You [have the right] *are responsible* to be present *and on time* in court at the time that conferences [are held], *oral arguments, hearings and trials are conducted unless excused by the Judge or the part rules of the assigned Judge.*

You are entitled to make the ultimate decision on the objectives to be pursued in your case, and to make the final decision regarding the settlement of your case. *Your attorney has the right to send you written communications if your attorney disagrees with how you want your case handled.*

You are entitled to have your attorney's best efforts exerted on your behalf, but no particular results can be guaranteed.

If you entrust money with an attorney for an escrow deposit in your case, the attorney must safeguard the escrow in a special bank account. You are entitled to a written escrow agreement, a written receipt, and a complete record concerning the escrow. When the terms of the escrow agreement have been performed, the attorney must promptly make payment of the escrow to all persons who are entitled to it.

If you are expecting your attorney to prepare and file documents related to the transfer of a house, co-op or lease, you may have to make arrangements with another attorney to do so, and if the attorney charges you a fee, you must sign a retainer agreement with the other attorney. The signing of an agreement or Court order that transfers title does not transfer a co-op apartment or a house. A separate document must be prepared and filed.

Receipt Acknowledged:

Attorney's signature

Client's signature

Date

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 Rule 10 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective July 1, 2019, to read as follows (new material underlined):

Rule 10. Submission of Information; Certification Relating to Alternative Dispute Resolution.

At the preliminary conference, counsel shall be prepared to furnish the court with the following: (i) a complete caption, including the index number; (ii) the name, address, telephone number, e-mail address and fax number of all counsel; (iii) the dates the action was commenced and issue joined; (iv) a statement as to what motions, if any, are anticipated; and (v) copies of any decisions previously rendered in the case. Counsel for each party shall also submit to the court at the

preliminary conference and each subsequent compliance or status conference, and separately serve and file, a statement, in a form prescribed by the Office of Court Administration, certifying that counsel has discussed with the party the availability of alternative dispute resolution mechanisms provided by the Commercial Division and/or private ADR providers, and stating whether the party is presently willing to pursue mediation at some point during the litigation. In addition, the statement to be submitted by counsel shall contain categories of information about the case prescribed by the Office of Court Administration which may assist the court, counsel and the parties in considering the role mediation might play in the resolution of the case.

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Further pursuant to the authority vested in me, I hereby prescribe a revised Alternative Dispute Resolution ("ADR") Attorney Certification form, and repeal the former version of that form, effective July 1, 2019 (Exh. A).

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF _____

..... x Part: ____

_____, Index No.:

Plaintiff

- against -

ALTERNATIVE DISPUTE RESOLUTION ("ADR") ATTORNEY CERTIFICATION

Defendant

..... x

Pursuant to Rule 10 of the Commercial Division Rules, I certify that I have discussed with my client any Alternative Dispute Resolution options available through the Commercial Division and those offered by private entities. My client:

() presently wishes to jointly engage a mediator at an appropriate time to aid settlement.

() does not presently wish to jointly engage a mediator at an appropriate time to aid settlement.

This case involves the following (check all that are applicable):

[] an ongoing business or personal relationship among the parties

[] an employment agreement

[] a business transaction involving a commercial bank or other financial institution

[] commercial insurance coverage or environmental insurance coverage

[] construction litigation

[] the amount in issue is less than double the jurisdictional threshold amount for the Commercial Division in this County or Judicial District

[] issues that appear to require creative or flexible solutions

Dated: _____

Signature:

Attorney Name and Address:

ATTORNEY FOR:

Note: This certification must be served and filed pursuant to Rule 10 of the Commercial Division Rules, with a copy submitted to the court at the time of the Preliminary Conference and each subsequent Compliance or Status Conference. A separate certification is required for each party represented.