

**NOTICE**  
**ALL COMMERCIAL DIVISION CASES**  
**Amendment to 22 NYCRR 202.70(g) - Commercial Division Rule 30**

Effective February 1, 2022, Rule 30 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division) has been amended. Pursuant to the Administrative Order of the Chief Administrative Judge of the Court, AO/10/22, dated January 7, 2022, unless specifically exempted by the assigned Judge for good cause shown, the parties in every case pending in the Commercial Division must participate in a court-ordered **mandatory settlement conference (MSC)** following the filing of a Note of Issue.

Following the filing of the Note of Issue, the parties must confer and file a request for MSC pursuant to one of four tracks. If all parties have agreed upon a settlement track that they prefer, they may file a joint request for said track. If the parties do not agree, they must file separate requests. The parties' preferences will ordinarily be given presumptive weight.

Pursuant to section 30(b), the four possible MSC tracks are:

- A) A settlement conference before the assigned judge, or another judge pursuant to Commercial Division Rule 3(b).
- B) The court may refer the case to a Judicial Hearing Officer or Special Referee to conduct the MSC.
- C) The court may refer the case to the ADR Coordinator for assignment of a neutral under Part 146 of the Rules of the Chief Administrative Judge.
- D) The parties may agree to a private neutral.

The MSC shall be attended by persons with knowledge of the case and authority to settle. All attendees of the MSC, including the neutral, shall treat as confidential any settlement submission created for use in the MSC, and anything that happened or was said during the MSC.

Following the MSC, the parties shall report to the assigned justice whether the case was settled. The report shall not discuss any reasons why a settlement was not reached.

Nothing in this Rule shall preclude or replace any settlement practices used by the court, or as agreed to by the parties, and the assigned justice shall retain ultimate authority with respect to the MSC.

For information on the amendments to Rule 30(c) (Pre-trial conferences) and 30(d) (Consultation regarding expert testimony), see the link to Rule 202.70(g):  
[PART 202. Uniform Civil Rules For The Supreme Court & The County Court | NYCOURTS.GOV](https://www.nycourts.gov/part-202-uniform-civil-rules-for-the-supreme-court-the-county-court/)