

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

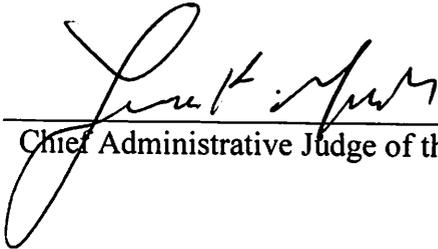
Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 10 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective July 1, 2019, to read as follows (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.

* * *

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).



Chief Administrative Judge of the Courts

Date: March 22, 2019

AO/090/19

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF _____

X

Part: _____

Plaintiff(s),

Index No.: _____

- against -

ALTERNATIVE DISPUTE RESOLUTION (“ADR”) ATTORNEY CERTIFICATION

Defendant(s).

-----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.