

## David Nocenti

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**From:** Daniel Burns <Daniel@burnsmediator.com>  
**Sent:** Wednesday, November 12, 2025 4:27 PM  
**To:** rulecomments  
**Subject:** Confidentiality of Mediation

**Categories:** ADR confidentiality

Dear Mr. Nocenti,

While I fully support the amendment to 22 NYCRR Section 160.3(a), these changes should also apply to private mediations and not just those that are conducted by a mediator or neutral evaluator to whom a dispute is *referred pursuant to this Part...* (emphasis added). Those parties who choose mediation instead of litigation, and who never enter the court system, should be afforded the same level of confidentiality that is afforded to litigants who are already in the court system.

Thank you for considering this change when making your final recommendations.

Daniel R. Burns  
Attorney & Mediator  
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## David Nocenti

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**From:** Inoroian@wbasny.org  
**Sent:** Thursday, November 20, 2025 10:33 PM  
**To:** rulecomments  
**Cc:** lchiaverini@wbasny.org  
**Subject:** Response to Requests for Public Comment  
**Attachments:** OCA Nov 2025 comments.pdf  
  
**Categories:** Prison visits, ADR confidentiality

Dear Mr. Nocenti,

Please see attached comments.

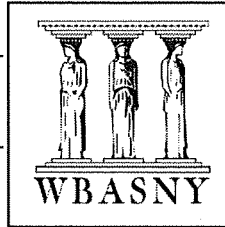
Sincerely,

Lisa Noroian  
WBASNY President

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# Women's Bar

OF THE STATE



# Association

OF NEW YORK

November 20, 2025

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Lisa Noroian

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NYS Office of Court Administration

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New York, New York 10004

Sent by email to: [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov)

**RE: Response to Request for Public Comment to the UCS Advisory Committee's proposal to (i) amend 22 NYCRR §17; and the ADR advisory committee's proposal to (ii) amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5**

Dear Mr. David Nocenti:

For the reasons set forth herein, the Women's Bar Association of the State of New York ("WBASNY") supports the Unified Court System ("UCS") Advisory Committee's proposal to amend and partially repeal 22 NYCRR §17 (aka "Section 17"). WBASNY also supports the Statewide Advisory Committee on Alternative Dispute Resolution's ("ADR") proposal to amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5.

**i. Proposal to Amend and Partially Repeal 22 NYCRR §17**

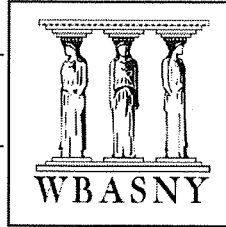
The UCS Advisory Committee's proposal would repeal and replace 22 NYCRR §17.1. Under the new Section 17.1, judges would be required to "visit" jails and/or other detention facilities located throughout the state annually, as opposed to once every four years. The proposed revisions to Section 17 would also redefine what constitutes a meaningful "visit" to a jail and/or other detention facility. Additionally, new sections 17.4 and 17.5 would require Judges and Justices of the Town and Village Courts, within one year of assuming office, to attend a training/orientation program in support of visiting the facilities.

WBASNY supports the proposed changes to Section 17. WBASNY believes that the proposed modifications would offer judges beneficial opportunities to interface with persons confined or detained, and staff of corrections and detention facilities. Such interactions, including the proposed enhanced criteria of the visits, as well as mandatory judges' training programs provide opportunities that may assist judges in the courtroom and in perspectives they bring to disposition and sentencing. Additionally, WBASNY also believes that the proposed

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amendments and revisions would better inform our judges of conditions in detention centers and correctional facilities and provide an enhanced view of them in a true “brick and mortar” sense. WBASNY agrees that the proposed amendments could strengthen the connection between the public-facing judiciary and the corrections and detention systems, promote dismantling of existing barriers, and raise awareness and transparency.

**ii. Proposed Amendment to 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5 relating to the confidentiality of ADR activities, and updating the name of the Division of Alternative Dispute Resolution**

WBASNY also supports the ADR Advisory Committee’s proposal to amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5, and to rename ADR activities to Division of Alternative Dispute Resolution. The ADR Advisory Committee’s proposed amendment to 22 NYCRR 160.3 (a) is intended to eliminate any potential confusion regarding the applicability of confidentiality provisions in ADR and/or other mediation processes.

WBASNY is in support of the ADR Advisory Committee’s proposed amendments. The new proposed language makes clear that the confidentiality provisions shall apply to a “mediation or neutral evaluation” as opposed to being limited to the ADR process.

The proposed language makes clear that there shall be confidentiality with all mediators and neutral evaluations to whom a dispute is referred. WBASNY believes that the proposed modifications will help eliminate any potential confusion regarding the applicability of confidentiality in mediated settings. The proposed change will also help ensure that all ADR efforts are kept confidential.

WBASNY also supports the ADR Advisory Committee’s recommendation to the change the phrase “statewide ADR office” to “Division of ADR” in sections 22 NYCRR §§160.1(f), 160.2(a) and 160.5.

Very Truly Yours,

*Lisa Noroian*

Lisa Noroian  
President, WBASNY

## David Nocenti

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**From:** Anna Matuszewski <AMatuszewski@nycbar.org>  
**Sent:** Friday, November 21, 2025 4:23 PM  
**To:** rulecomments  
**Cc:** Mary Margulis-Ohnuma  
**Subject:** Public Comment on ADR Confidentiality and Case Assignment Rules  
**Attachments:** 20221538-Public Comment ADR Confidentiality and Case Assignment Rules.pdf  
  
**Categories:** ADR confidentiality

Hello,

We are writing in response to the Office of Court Administration's recent requests for public comment.

<https://www.nycourts.gov/LegacyPDFS/rules/comments/pdf/requestforpubliccomment-adrconfidentiality-092925.pdf>

<https://www.nycourts.gov/LegacyPDFS/rules/comments/pdf/RequestForPublicComment-TransferAndAssisgnmentOfCases-092925.pdf>

Attached, is a public comment from the New York City Bar Association's Council on Judicial Administration, Litigation Committee, and State Courts of Superior Jurisdiction Committees. Thank you for your time.

**Anna Matuszewski** (she/her/hers)

Administrative Assistant

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**NEW YORK  
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November 21, 2025

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**By Email**

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[rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov)

**Re: New York City Bar Association Response to Request for Public Comment on (i) a proposal to amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5 relating to the confidentiality of alternative dispute resolution activities (the “ADR Proposal”); and (ii) to amend 22 NYCRR §§ 200.11, 202.3, 205.3, 205.27, 206.3 & 210.3 and to add a new 22 NYCRR § 207.3 regarding the transfer and assignment of cases and judges (the “Transfer and Assignment Proposal”)**

Dear Mr. Nocenti:

We write to provide comments with respect to the ADR Proposal and the Transfer and Assignment Proposal as defined above.

The City Bar’s Council on Judicial Administration, State Courts of Superior Jurisdiction, and Litigation Committees support the Transfer and Assignment Proposal, with the CJA and Litigation Committee having clean votes in support of the revised language as proposed. The State

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

Courts of Superior Jurisdiction Committee had a question as to why the language with respect to the Surrogate's court refers to a "designee" while the language with respect to the other courts refers to administrative judges or supervising judges.

With regard to the ADR Proposal, the CJA did not consider the proposal. Both the State Courts of Superior Jurisdiction and Litigation Committees support the ADR Proposal with clean votes in support of the revised language as proposed.

Thank you for considering our comments. If you believe that it would be beneficial, we would be happy to discuss these comments with you further.

Respectfully,

James P. Chou, Chair  
Council on Judicial Administration

Cassandra Porsch, Chair  
Litigation Committee

Joseph M. Sanderson, Chair  
State Courts of Superior Jurisdiction

**Contact**

Mary Margulis-Ohnuma, Senior Policy Counsel | 212.382.6767 | [mmargulis-ohnuma@nycbar.org](mailto:mmargulis-ohnuma@nycbar.org)