

David Nocenti

From: Baffa, Joan <joan.baffa@blankrome.com>
Sent: Wednesday, December 3, 2025 4:52 PM
To: David Nocenti
Cc: rulecomments
Subject: RE: UNABLE TO READ THE DESCRIPTIONS OF THE PROPOSALS

Categories: Equal Rights Amendment

Good afternoon –

Actually, I recently received the necessary PDFs from rulecomments@nycourts.gov, for which I am very grateful.

Although I am not an attorney, I reviewed the first proposal regarding updates to the NYS ERA. For what it's worth, I support these changes and am proud that New York State continues to lead the nation in advancing justice for all.

Thank you.

Blessings to you and yours.

Joan

Joan A. Baffa | Assistant Managing Clerk | BLANKROME
1271 Avenue of the Americas | New York, NY 10020
direct: +1.212.885.5361 | mobile: +1.631.374.1704
joan.baffa@blankrome.com

From: David Nocenti <DNOCENTI@nycourts.gov>
Sent: Wednesday, December 3, 2025 4:44 PM
To: Baffa, Joan <joan.baffa@blankrome.com>
Subject: RE: UNABLE TO READ THE DESCRIPTIONS OF THE PROPOSALS

You don't often get email from dnocenti@nycourts.gov. [Learn why this is important](#)

Dear Ms. Baffa:

Your email to jscertificaiton@nycourts.gov has been forwarded to me.

I am not sure why you are getting that message. I just tried the link on my computer and my personal cellphone, and was able to access the proposal description. You may want to refresh your browser or try a different browser.

If that does not work, please let me know and I'll send you PDFs of the proposals.

Also, if you decide to comment on either proposal, please send the comments to rulecomments@nycourts.gov.

Thanks so much,

Dave

David Nocenti
Counsel
NYS Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004
(212) 428-2146
dnocenti@nycourts.gov



From: JSCcertification <JSCcertification@nycourts.gov>
Sent: Wednesday, December 3, 2025 2:58 PM
To: David Nocenti <DNOCENTI@nycourts.gov>
Subject: FW: UNABLE TO READ THE DESCRIPTIONS OF THE PROPOSALS

From: Baffa, Joan <joan.baffa@blankrome.com>
Sent: Wednesday, December 3, 2025 12:11 PM
To: JSCcertification <JSCcertification@nycourts.gov>
Subject: UNABLE TO READ THE DESCRIPTIONS OF THE PROPOSALS
Importance: High

Good afternoon –

The excerpt below is from the attached Newsletter regarding NYS courts. When I tried to click on the “description of proposal” link, I receive an error message indicating that my device needs to be authenticated or something to that effect.

Can you kindly help me rectify this situation?

Respectfully submitted.

Please and thank you.
Joan

The New York Unified Court System recently posted a comment. The proposal to add a new Part 161 to the Rules of the Courts regarding the use of generative artificial intelligence in preparing court documents is most interesting.

November 17, 2025: Proposal to amend Section 100.10 of the Rules of Professional Conduct, Rule 8.4(g) of the Rules of Professional Conduct, and the Statement of Clients Rights, to conform those provisions to the provisions contained in the Equal Rights Amendment

Description of Proposal

Email to: JSCcertification@nycourts.gov
by December 29, 2025

November 17, 2025: Proposal to add a new Part 161 to the Rules of the Courts regarding the use of generative artificial intelligence in preparing court documents

Description of Proposal

Email to: JSCcertification@nycourts.gov
by December 29, 2025

Joan A. Baffa | Assistant Managing Clerk | BLANKROME
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David Nocenti

From: Gabriella Larios <glarios@nyclu.org>
Sent: Tuesday, December 16, 2025 3:54 PM
To: rulecomments
Cc: Bobby Hodgson; Molly Biklen
Subject: Public Comment re November 17, 2025 Proposed Amendments to Conform Rules to Language in ERA
Attachments: 2025-12-16 NYCLU Public Comment on OCA Rule Changes re ERA.pdf
Categories: Equal Rights Amendment

Dear Mr. Nocenti,

Please find attached the New York Civil Liberties Union's public comments regarding OCA's November 17, 2025 Proposal to amend Section 100.3(B) of the Code of Judicial Conduct, Rule 8.4(g) of the Rules of Professional Conduct, and Section 1210.1(10) of the Statement of Clients Rights, to conform those provisions to the language contained in the Equal Rights Amendment.

Thank you,

Gabriella Larios

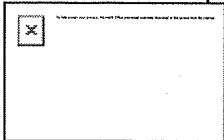
Pronouns: she/her

Staff Attorney

New York Civil Liberties Union

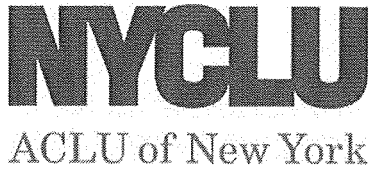
125 Broad St., Fl. 19, New York, NY 10004

o. 212.607.3300 | d. 212.607.3354



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New York Civil Liberties Union
125 Broad St, 19th Floor
New York, NY 10004
(212) 607-3300
www.nyclu.org

December 16, 2025

Via email

David Nocenti, Esq.
New York State Unified Court System
Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004
rulecomments@nycourts.gov

Re: November 17, 2025: Proposal to amend Section 100.3(B) of the Code of Judicial Conduct, Rule 8.4(g) of the Rules of Professional Conduct, and Section 1210.1(10) of the Statement of Clients Rights, to conform those provisions to the language contained in the Equal Rights Amendment

Dear Mr. Nocenti:

The New York Civil Liberties Union (“NYCLU”) respectfully offers the following comments in support of the proposed amendments to the Code of Judicial Conduct, the Rules of Professional Conduct, and the Statement of Clients Rights to conform those provisions to the language contained in the Equal Rights Amendment (the “Proposed Rules”), published by the Office of Court Administration (“OCA”) on November 17, 2025.

As a member of the Executive Committee of the New Yorkers for Equal Rights campaign to pass the Equal Rights Amendment (“ERA”), the NYCLU publicly advocated for the passage of the ERA to promote robust equality protections against discrimination by expanding the list of protected classes within Article I, Section 11 of the New York State Constitution. The NYCLU has also been deeply involved in efforts to interpret and apply the ERA in New York courts.

An overwhelming majority of New Yorkers voted to expand equal rights and protections against discrimination based on ethnicity, national origin, age, disability, and sex—including sexual orientation, gender identity, gender expression, pregnancy and pregnancy outcomes, and reproductive healthcare and autonomy—by passing the ERA on November 5, 2024. It is critical that New York’s court rules reflect this expansive vision of anti-discrimination protections that New Yorkers voted for.

The Proposed Rules further this vision by correctly reflecting that the courts and attorneys cannot and should not discriminate based on any of the enumerated characteristics newly added to Section 11's protections. Together, these amendments will help ensure that litigants receive full and equal treatment under the judicial and attorney ethical rules, free from bias.

We appreciate the OCA's consideration of these comments. Should you have any questions about the issues we have raised here, please contact Gabriella Larios at glarios@nyclu.org.

Sincerely,

/s/ Gabriella Larios

Gabriella Larios

Robert Hodgson

**New York Civil Liberties Union
Foundation**

125 Broad Street, 19th Floor

New York, NY 10004

David Nocenti

From: Anna Matuszewski <AMatuszewski@nycbar.org>
Sent: Wednesday, December 24, 2025 9:15 AM
To: rulecomments
Cc: Mary Margulis-Ohnuma; Elizabeth Kocienda
Subject: Public Comment Submission- ERA
Attachments: 20221561-ERALetter_FINAL.pdf

Categories: Equal Rights Amendment

Hello,

We are writing in response to the Office of Court Administration's recent request for public comment in regard to the Equal Rights Amendment.

- <https://www.nycourts.gov/LegacyPDFS/rules/comments/pdf/RequestForPublicComment-EqualRightsAmendment-111725.pdf>

Attached, is a joint public comment from the New York City Bar Association's Women in the Legal Profession Committee, the Sex & Law Committee, and the Professional Ethics Committee. Thank you for your time. Have a happy and healthy holiday season.

Anna Matuszewski (she/her/hers)
Administrative Assistant
New York City Bar Association | 42 W 44 Street, New York, NY 10036
212.382.6660 | amatuszewski@nycbar.org | www.nycbar.org
Space Rental info | www.42west44.com

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NEW YORK
CITY BAR

December 23, 2025

By Email

David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004
rulecomments@nycourts.gov

Re: Equal Rights Amendment (“ERA”) - Request for Public Comment

Dear Mr. Nocenti:

On November 17, 2025 the Office of Court Administration (“OCA”) sought comment from interested members of the public and the legal profession on the following proposal:

Proposal to amend Section 100.3(B) of the Code of Judicial Conduct, Rule 8.4(g) of the Rules of Professional Conduct, and Section 1210.1(10) of the Statement of Clients Rights, to conform those provisions to the language contained in the Equal Rights Amendment.

The Women in the Legal Profession, Sex & Law, and Professional Ethics Committees of the New York City Bar Association (“City Bar”) support the proposal, including the language changes recommending how these rules will be amended to incorporate the new protected classes that the ERA has added to the New York State Constitution.¹

Concerning Paragraph (g) of Rule 8.4 of the Rules of Professional Conduct (22 NYCRR Part 1200), the City Bar also kindly requests that the OCA take this opportunity to issue commentary clarifying the distinction between legitimate advocacy and lawful-act harassment, especially in the context of cross-examination.

The City Bar and its relevant committees remain available for any further clarification or discussion.

¹ The City Bar supported passage of the NY Equal Rights Amendment, *see* <https://www.nycbar.org/reports/report-in-support-of-the-new-york-equality-amendment/?back=1>. (Website last accessed December 2025)

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.

Respectfully,

Women in the Legal Profession Committee
Tracey A. Burnett & Francesca Fulchignoni, Co-Chairs

Sex & Law Committee
Natalie R. Birnbaum & Susan E. Cersovsky, Co-Chairs

Professional Ethics Committee
Michael E. Salzman, Chair

Contact

Mary Margulis-Ohnuma, Senior Policy Counsel | 212.382.6767 | mmargulis-ohnuma@nycbar.org

David Nocenti

From: Inoroian@wbasny.org
Sent: Monday, December 29, 2025 8:03 PM
To: rulecomments
Cc: lchiaverini@wbasny.org
Subject: Response to Requests for Public Comment
Attachments: OCA 12 29 public comments.pdf

Categories: Equal Rights Amendment, Artificial Intelligence

Dear Mr. Nocenti,

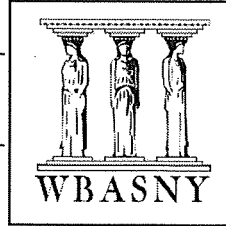
Please see attached comments.

Sincerely,

Lisa Noroian
WBASNY President

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Women's Bar



Association

OF THE STATE

OF NEW YORK

December 29, 2025

PRESIDENT

Lisa Noroian

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David Nocenti, Esq.
Counsel, Office of Court Administration
New York State Unified Court System
25 Beaver Street, 10th Floor
New York, New York 10004

Via Email: rulecomments@nycourts.gov

Re: Comments on Proposed Amendments Adopting Language Contained in the Equal Rights Amendment and Proposed Part 161 Regarding Use of AI in Preparing Court Documents

Dear Mr. Nocenti:

The Women's Bar Association of the State of New York ("WBASNY") appreciates the opportunity to comment on the below proposed rules.

Proposed Amendments Adopting Language Contained in the Equal Rights Amendment

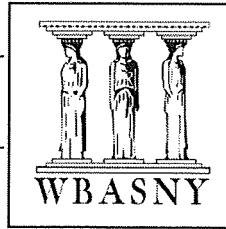
On behalf of the Women's Bar Association of the State of New York ("WBASNY"), we strongly support of the proposed amendments to Section 100.3(B) of the Code of Judicial Conduct, Rule 8.4(g) of the Rules of Professional Conduct, and Section 1210.1(10) of the Statement of Client's Rights, as outlined in the November 17, 2025 request for public comment.

As a statewide organization dedicated to advancing equality, gender equity, fairness, and equal access to justice, WBASNY strongly supports these amendments which incorporate language contained in New York's Equal Rights Amendment (ERA), adopted by voters in 2025. The proposed changes afford protections such as those pertaining to ethnicity, pregnancy, pregnancy outcomes, reproductive healthcare and autonomy, gender identity and gender expression.

WBASNY respectfully urges the adoption of the proposed amendments and thanks the Office of Court Administration and the Administrative Board for their thoughtful leadership on this important matter.

Women's Bar

OF THE STATE



Association

OF NEW YORK

Proposed Part 161 Regarding Use of Generative AI in Preparing Court Documents

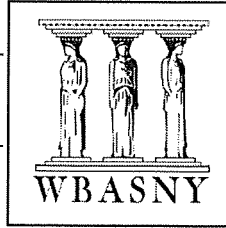
WBASNY appreciates that the proposed rule clarifies that the use of AI in preparing court documents is permissible. The reasons for the underlying the proposed new rule are understandable and it seeks to address legitimate concerns—fabricated material in court filings, and the responsible use of AI technology by attorneys. Among our membership, questions and concerns have been raised and we respectfully submit the following considerations.

One suggestion is to refine the proposed definitions to more precisely target the risks associated with generative AI. As many software platforms incorporate AI features in their standard functionality, additional clarification may be helpful as to whether use of such tools would trigger obligations under proposed Part 161. For the definition of “Artificial Intelligence” in §161.2[a], a suggestion for consideration is narrowing the definition to focus on systems that infer from data how to generate outputs and operate with some level of autonomy or adaptiveness, and expressly exclude long-standing, low-risk office technologies. Such clarification could avoid ambiguity and inconsistent interpretations.

Additionally, the definition of “generative AI” in §161.2(b) has technical criterion - “trained on ... large reference datasets.” This may not age well as future generative systems may rely on smaller, domain-specific datasets or hybrid approaches. Given the rapid development of generative AI technology, tools today will be fundamentally different from those available in the foreseeable future. A suggestion is to clarify and reframe §161.2(b) to focus on the capability to generate new content not predetermined by the user, and to remove the reference to dataset size.

Another point that has been raised is the existing Rule 22 NYCRR 130-1.1(a) already addresses the core concern of fabricated materials in court filings. Attorneys must certify that papers submitted to the court are not frivolous and are well-grounded in fact and law regardless of how such fabrications came into existence. AI cases in many jurisdictions have been successfully addressed under existing rules as noted in the accompanying Memorandum of the Advisory Committee. Another question is whether the proposed Model Rule in Appendix A imposes a heightened duty of "careful review" and a requirement to "independently ensure" accuracy only when AI tools are involved.

Women's Bar



Association

OF THE STATE

OF NEW YORK

Another suggestion is to consider adding the underlined language to the current Rule 130.1-1(a) in addition to adding appropriate definitions of AI and generative AI: (b) (1) the presentation of the paper or the contentions therein are not frivolous as defined in section 130-1.1(c) of this Subpart, including use of generative artificial intelligence.

The proposed rule also does not specify how it would be determined whether AI was used in preparing a document should a court later decide to inquire of an attorney whether AI was utilized.

Thank you for your consideration of these comments.

Very Truly Yours,

Lisa Noroian

Lisa Noroian
President, WBASNY