

22 NYCRR 691.20

Section 691.20. Claims or Actions for Personal Injury, Property Damage, Wrongful Death, Loss of Services Resulting from Personal Injuries, Due to Negligence or Any Type of Malpractice, and Claims in Connection With Condemnation or Change of Grade Proceedings

(a) Statements as to Retainers; Blank Retainers.

(1) Every attorney who, in connection with any action or claim for damages for personal injury or for property damages, or for death or loss of services resulting from personal injuries, due to negligence or any type of malpractice, or in connection with any claim in condemnation or change of grade proceedings, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such action, claim or proceeding, whereby the attorney's compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within 30 days from the date of any such retainer or agreement of compensation, sign personally and file with the Office of Court Administration of the State of New York a written statement of such retainer or agreement of compensation, containing the information hereinafter set forth. Such statement must be filed by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division.

(2) A statement of retainer must be filed in connection with each action claim or proceeding for which the attorney has been retained. Such statement shall contain the following information:

Retainer Statement

For office Use:

TO THE OFFICE OF COURT ADMINISTRATION OF THE STATE OF NEW YORK

1. Date of agreement as to retainer
2. Terms of compensation
3. Name and home address of client
4. If engaged by an attorney, name and office address of retaining attorney
5. If claim for personal injuries, wrongful death or property damage, date and place of occurrence
6. If a Condemnation or change of grade proceeding:
 - (a) Title and description
 - (b) Date proceeding was commenced
 - (c) Number or other designation of the parcels affected
7. Name, address, occupation and relationship of person referring the client

Dated:, N.Y. day of, 20...

Yours, etc.

Signature of Attorney

Attorney

Office and P.O. Address

.....

Dist.

.....

Dept.

.....

County

(Print or Type)

NOTE: [CPLR 2104](#) AND [3217](#) REQUIRE THAT THE ATTORNEY FOR THE DEFENDANT FILE A STIPULATION OR STATEMENT OF DISCONTINUANCE WITH THE COURT UPON DISCONTINUANCE OF AN ACTION.

(3) An attorney retained by another attorney, on a contingent fee basis, as trial or appeal counsel or to assist in the preparation, investigation, adjustment or settlement of any such action, claim or proceeding shall, within 15 days from the date of such retainer, sign personally and file electronically with the Office of Court Administration a written statement of such retainer in the manner and form as above set forth, which statement shall also contain particulars as to the fee arrangement, the type of services to be rendered in the matter, the code number assigned to the statement of retainer filed by the retaining attorney and the date when said statement of retainer was filed.

(4) No attorney shall accept or act under any written retainer or agreement of compensation in which the name of the attorney was left blank at the time of its execution by the client.

(b) Closing statement; statement where no recovery.

(1) A closing statement shall be filed in connection with every claim, action or proceeding in which a retainer statement is required, as follows: Every attorney upon receiving, retaining or sharing any sum in connection with a claim, action or proceeding subject to this section shall, within 15 days after such receipt, retention or sharing, sign personally file with the Office of Court Administration by electronic transmission in a manner directed by the chief administrative judge and approved by the presiding justice of the Appellate Division and serve upon the client a closing statement as hereinafter provided. Where there has been a disposition of any claim, action or proceeding, or a retainer agreement is terminated, without recovery, a closing statement showing such fact shall be signed personally by the attorney and filed electronically with the Office of Court Administration within 30 days after such disposition or termination.

(2) Each closing statement shall be on one side of paper 8-1/2 inches by 11 inches and be in the following form and contain the following information:

Closing Statement

TO THE OFFICE OF COURT ADMINISTRATION For office use: OF THE STATE OF NEW YORK

1. Code number appearing on Attorney's receipt for filing of retainer statement _____

2. Name and present address of client _____

3. Plaintiff(s) _____

4. Defendant(s) _____

5.(a) If an action was commenced, state the date: _____, 20_____, _____ Court, _____ County.

5.(b) Was the action disposed of in open court? _____

If not, and a request for judicial intervention was filed, state the date the stipulation or statement of discontinuance was filed with the clerk of the part to which the action was assigned. _____

If not, and an index number was assigned but no request for judicial intervention was filed, state the date the stipulation or statement of discontinuance was filed with the County Clerk. _____

6. Check items applicable:

Settled(); Claim abandoned by client(); Judgment()

Date of payment by carrier or defendant _____ day of _____, 20 _____

Date of payment to client _____ day of _____, 20 _____

7. Gross amount of recovery (if judgment entered, include any interest, costs and disbursements allowed) \$ _____ (of which \$ _____ was taxable costs and disbursements).

8. Name and address of insurance carrier or person paying judgment or claim and carrier's file number, if any

9. Net amounts: to client \$ _____; compensation to undersigned \$ _____; names, addresses and amounts paid to attorneys participating in the contingent compensation _____

10. Compensation fixed by:

retainer agreement (); under schedule (); or by court ().

11. If compensation fixed by court: Name of Judge _____ Court _____; Index No. _____; Date of Order _____

12. Itemized statement of payments made for hospital, medical care or treatment, liens, assignments, claims and expenses on behalf of the client which have been charged against the client's share of the recovery, together with the name, address, amount and reasons for each payment _____

13. Itemized statement of the amounts of expenses and disbursements paid or agreed to be paid to others for expert testimony, investigative or other services properly chargeable to the recovery of damages together with the name, address and reason for each payment _____

14. Date on which a copy of this closing statement has been forwarded to the client _____, 20 _____

NOTE: [CPLR 2104](#) AND [3217](#) REQUIRE THAT THE ATTORNEY FOR THE DEFENDANT FILE A STIPULATION OR STATEMENT OF DISCONTINUANCE WITH THE COURT UPON DISCONTINUANCE OF AN ACTION.

Dated: _____, NY, _____ day of _____, 20 _____

Yours, etc.

Signature of Attorney

Print _____

Attorney or _____

Office and P.O. Address

Type _____ Dist. _____ Dept. _____ County _____

(If space provided is insufficient, riders on sheets 8-1/2 inches by 11 inches and signed by the attorney may be attached.)

(3) A joint closing statement may be served and filed in the event that more than one attorney receives, retains or shares in the contingent compensation in any claim, action or proceeding, in which event the statement shall be signed by each such attorney.

(c) Confidential nature of statements.

(1) All statements of retainer or closing statements filed shall be deemed to be confidential and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the presiding justice of the Appellate Division. (See subdivision (g) of this section.)

(2) When a retainer or closing statement has been filed electronically pursuant to this section, the official record shall be the electronic recording of the document stored by the Office of Court Administration.