



**NEW YORK STATE**  
**Unified Court System**

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS  
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL  
COUNSEL

**MEMORANDUM**

September 6, 2016

To: All Interested Persons

From: John W. McConnell

Re: Request for Public Comment on a Proposed Amendment of Part 28 of the Rules of the Chief Judge, Relating to the Mandatory Submission of Certain Actions to Arbitration

=====

The Administrative Board of the Courts is seeking public comment on a proposal to amend Part 28 of the Rules of the Chief Judge, relating to the Mandatory Submission of Certain Actions to Arbitration, as set forth in Attachment A. The proposal is designed to permit the Unified Court System, acting through the agency of the Chief Administrative Judge, to establish arbitration programs which address a subset (rather than all) of the case types specified in the current Rule 28. The amendment would allow arbitration programs to address the needs of particular counties more precisely, and would enhance the court system's ability to address backlogs in such programs.

=====

Persons wishing to comment on the proposed rules should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: John W. McConnell, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York 10004. **Comments must be received no later than October 31, 2016.**

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

**ATTACHMENT A**

**Proposed Amendment of Part 28 of the Rules of the Chief Judge  
Relating to the Mandatory Submission of Certain Actions to Arbitration**

Submitted for Public Comment  
September 6, 2016

---

Section 28.2 Mandatory submission of actions to arbitration.

(a) The Chief Administrator may establish in any trial court in any county the arbitration program authorized by this Part.

(b) In each county where **such** an arbitration program is established, **and to the extent directed by the Chief Administrator,** ~~[by order of the Chief Administrator, all]~~ civil actions for a sum of money only, except those commenced in small claims parts and not subsequently transferred to a regular part of court, that are noticed for trial or commenced in the Supreme Court, County Court, the Civil Court of the City of New York, a District Court or a City Court, on or after the effective date of the order where recovery sought for each cause of action is \$6,000 or less, or \$10,000 or less in the Civil Court of the City of New York, or such other sum as may be authorized by law, exclusive of costs and interest, shall be heard and decided by a panel of arbitrators. The Chief Administrator may also, at any time, upon the establishment of the program in any particular court or county or thereafter, provide for the submission to arbitration of actions, seeking recovery of such sums, that are pending for trial in those courts on the effective date of the order.