

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 Rules 10 and 11 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective January 1, 2018, to read as follows (new material underlined):

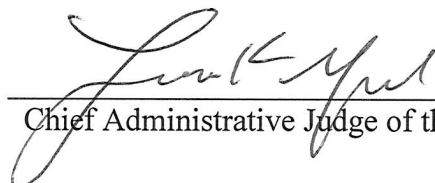
Rule 10. Submission of Information; Certification Relating to Alternative Dispute Resolution

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.

Rule 11. Discovery

(a) The preliminary conference will result in the issuance by the court of a preliminary conference order. Where appropriate, the order will contain specific provisions for means of early disposition of the case, such as (i) directions for submission to the alternative dispute resolution program, including, in all cases in which the parties certify their willingness to pursue mediation pursuant to Rule 10, provision of a specific date by which a mediator shall be identified by the parties for assistance with resolution of the action; (ii) a schedule of limited-issue discovery in aid of early dispositive motions or settlement; and/or (iii) a schedule for dispositive motions before disclosure or after limited-issue disclosure.

I further promulgate the attached form statement certifying counsel's discussion of the availability of alternative dispute resolution mechanisms (Exh. A).

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: October 11, 2017

AO/202/17

**EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF \_\_\_\_\_

-----X

Plaintiff(s),

Part: \_\_\_\_\_

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.

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. Unless otherwise indicated by the Court, a separate certification is required for each party represented.