

To: Task Force on Uniform Rules

From: Commercial and Federal Litigation Section

Re: Report of the Task Force on Uniform Rules Dated July 19, 2021

Date: August 2, 2021

The Commercial and Federal Litigation Section (the "Section") has reviewed the Report of the Task Force on Uniform Rules dated July 19, 2021.

The Section appreciated the opportunity to submit comments on the Preliminary Report of the Task Force dated June 7, 2021, and is appreciative that the final report of the Task Force has addressed many of the concerns of the Section.

The Section does wish to reiterate that:

1. The Section has actively participated in the development of the Commercial Division Rules, and believes that the Commercial Division Rules have been beneficial to the bench, and to counsel and their clients in the complex cases filed in the Commercial Division of Supreme Court, and that nothing in the Commercial Division Rules violates the CPLR;
2. The Section did not advocate for the adoption of the Commercial Division Rules in all New York State trial courts, and appreciates the concerns expressed by the Task Force about the new Uniform Rules;
3. The Section appreciates that the final Report of the Task Force makes clear that there are significant differences between the new Uniform Rules and the Commercial Division Rules, and that some of the most significant concerns expressed in the Final Report of the Task Force relate to Uniform Rules that differ from the Commercial Division Rules, and
4. The Section appreciates that the Final Report makes clear that the Task Force is in no way advocating that the current Commercial Division Rules should not continue to apply to all cases filed in the Commercial Division of Supreme Court.

Respectfully submitted,
The Commercial & Federal Litigation Section
Daniel K. Wiig, Chair