



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #9

REQUESTED ACTION: Approval of the report and recommendations of the Committee on Courts of Appellate Jurisdiction with respect to redaction of information from court filings.

Attached is a report from the Committee on Courts of Appellate Jurisdiction, urging that the Association support the adoption of one uniform set of rules governing the redaction of sensitive or confidential information. The report notes that in November 2012, the Office of Court Administration published for comment a proposal from the OCA Advisory Committee on Civil Practice a new subdivision (e) to Rule 202.5 of the Uniform Rules for the New York State Trial Courts; the comment period on this proposal ends on May 7, 2013. Separately, the Court of Appeals adopted amendments to Rule 500.5 of its court rules governing the redaction of information from court filings. The committee notes that the two approaches differ significantly and are inconsistent with each other as well as with Rule 5.2(a) of the Federal Rules of Civil Procedure. In addition, the report notes that at least six New York State entities have the power to adopt rules governing redaction: the Chief Administrative Judge for the trial courts, the four departments of the Appellate Division, and the Court of Appeals. The committee believes that the varying rules governing redaction will result in needless time and expense for both courts and practitioners; accordingly, the committee believes that there should be one set of redaction standards for all courts in the Unified Court System.

This report was received on March 25, 2013 and posted on the Reports Group page. Separately, the report was forwarded to the Committee on CPLR and the Trial Lawyers, Torts, Insurance and Compensation Law, and Commercial and Federal Litigation Sections. You will be advised of any comments they may submit.

The report will be presented at the April 5 meeting by committee co-chair Denise A. Hartman and committee member James E. Pelzer.