

**NEW YORK ATTORNEYS ONLY
PERMITTED TO ENROLL AS REFEREES ON PART 36 LIST**

Admission to practice law in New York is a prerequisite to enrollment on the Part 36 list of referees. Referees governed by Part 36 of the Rules of the Chief Judge are limited to referees appointed to perform an act, such as selling real property in a mortgage foreclosure.

Although CPLR 4312 authorizes non-attorneys to be appointed referees, it may only be in cases where there is consent by the parties. In almost all Part 36 referee appointments, the opportunity for consent would never present itself. The Chief Administrator, therefore, has exercised his authority under the rules to establish education and training requirements for placement on the Part 36 list, and limited enrollment of referees to New York Attorneys.

In those rare cases when a Part 36 appointment of a non-attorney is both necessary and permitted, the court will be authorized to make a non-list appointment.

Non-attorneys may be appointed to hear and report (e.g., an accountant to audit and report a final account in a MHL Article 81 proceeding), or hear and determine (e.g., an appraiser to make findings of fact in a tax certiorari proceeding), if the circumstances permit, since these appointments are not governed by Part 36.