

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

ADM 2008-0918

The Appellate division of the Supreme Court of the State of New York, Second Judicial Department, pursuant to the power vested in it,

DOES HEREBY, effective January 1, 2009, amend parts 678, 691, 730, and 731 of the Official Compilation of Codes, Rules and Regulations of the State of New York as follows (additions in text are indicated by underlining and deletions by ~~strikethrough~~):

I. Amend the caption of part 678 as follows:

PART 678
ASSIGNED COUNSEL PLAN, SECOND, ~~AND ELEVENTH, AND THIRTEENTH~~
JUDICIAL DISTRICTS

II. Amend § 678.1 as follows:

§ 678.1 Introduction.

This Part is hereby adopted to establish rules governing the assigned counsel plan for the Second, ~~and Eleventh, and Thirteenth~~ Judicial Districts and to establish rules and standards regulating the selection, designation, performance and professional conduct of individual panel plan attorneys appointed to furnish representation for indigent defendants in criminal proceedings.

III. Amend § 678.3 as follows:

§ 678.3 Administrator.

The administrative authority over the assigned counsel plan for the Second, ~~and Eleventh, and Thirteenth~~ Judicial Districts shall be delegated to the administrator of the assigned counsel plan. The administrator shall administer the plan in accordance with applicable statutes, the assigned counsel plan, this Part, the rules of the Appellate Division, and with the procedures formulated by the advisory committee and approved by the Appellate Division.

IV Amend subdivision (a) of § 691.4 as follows:

§ 691.4 Appointment of grievance committees; commencement of investigation of attorney misconduct; complaints; procedure.

(a) This court shall appoint three grievance committees for the Second Judicial Department. One of these grievance committees shall be charged with the duty and

power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the Second, ~~and Eleventh,~~ and Thirteenth Judicial Districts at the time of their admission to practice by the Appellate Division; another shall have the duty and power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the Ninth Judicial District at the time of their admission to practice by the Appellate Division; and the third shall have the duty and power to investigate and prosecute matters arising in or concerning attorneys practicing, or currently residing or having resided in the Tenth Judicial District at the time of their admission to practice by the Appellate Division. These committees shall also have the power and duty to investigate and prosecute matters concerning attorneys to whom this Part applies pursuant to section 691.1 of this Part.

V. Amend paragraphs (1) and (2) of subdivision (a) and subdivisions (b) and (e) of § 730.1 as follows:

§ 730.1 Establishment and jurisdiction of Appellate Terms.

The Appellate Division of the Supreme Court, Second Judicial Department, pursuant to the authority vested in it, does hereby, effective January 2, 1968 and as amended:

(a) (1) Establish an Appellate Term of the Supreme Court in and for the Second, ~~and Eleventh,~~ and Thirteenth Judicial Districts, which shall be held from time to time at such places in those judicial districts as may be designated by the Chief Administrator of the Courts.

(2) The Chief Administrator of the Courts shall, with the approval of the Presiding Justice of the Appellate Division, Second Judicial Department, designate the Supreme Court justices assigned to the Appellate Term of the Supreme Court in and for the Second, ~~and Eleventh,~~ and Thirteenth Judicial Districts.

(b) Direct that the Appellate Term of the Supreme Court in and for the Second, ~~and Eleventh,~~ and Thirteenth Judicial Districts, hereinabove established, shall have jurisdiction to hear and determine all appeals authorized by law to be taken:

* * *

(e) The Appellate Term of the Supreme Court in and for the Second, ~~and Eleventh,~~ and Thirteenth Judicial Districts and the Appellate Term of the Supreme Court in and for the Ninth and Tenth Judicial Districts shall jointly employ the nonjudicial personnel heretofore appointed to and employed in the predecessor Appellate Term previously discontinued, reserving no further order the disposition to be made of the books, records, papers, documents, furniture, equipment and other property of such predecessor Appellate Term, which in the interim shall be held jointly by, and may be used in the conduct severally of the business of, the aforesaid separate Appellate Terms hereby established.

VII. Amend the caption of part 731 as follows:

PART 731
RULES OF PRACTICE FOR THE SECOND, AND ELEVENTH, AND
THIRTEENTH JUDICIAL DISTRICTS

Dated: Brooklyn, New York
September 18, 2008



For the Court

A handwritten signature in black ink, appearing to read 'A. Gail Prudenti', written over a horizontal line.

A. Gail Prudenti
Presiding Justice

Attest:

A handwritten signature in black ink, appearing to read 'James Edward Pelzer', written over a horizontal line.

James Edward Pelzer
Clerk of the Court