

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

Pursuant to the authority conferred by law upon the Appellate Division of the Supreme Court of the State of New York for the Fourth Judicial Department, it is

ORDERED that, effective immediately, the Rules of the Supreme Court, Appellate Division, Fourth Judicial Department (22 NYCRR part1000) are hereby amended to read as follows (amendments are indicated in bold and either material in brackets is deleted or material underlined is added):

(1022.31)

CONTINGENT FEES IN CLAIMS AND ACTIONS FOR PERSONAL INJURY AND WRONGFUL DEATH.

* * *

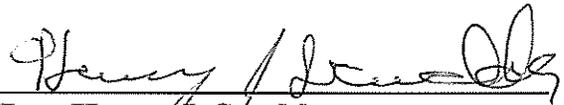
- (c) Such percentage shall be computed by one of the following two methods, to be selected by the client in the retainer agreement or letter of engagement; (i) on the net sum recovered after deducting from the amount recovered expenses and disbursements for expert testimony and investigative or other services properly chargeable to the enforcement of the claim or prosecution of the action; or (ii) in the event that the attorney agrees to pay costs and expenses of the action pursuant to Judiciary Law § 488(2)(d), on the gross sum recovered before deducting expenses and

disbursements. The retainer agreement or letter of engagement shall describe these alternative methods, explain the financial consequences of each, and clearly indicate the client's selection.

In computing the fee, the costs as taxed, including interest upon a judgment, shall be deemed part of the amount recovered. For the following or similar items there shall be no deduction in computing such percentages: liens, assignments or claims in favor of hospitals, for medical care and treatment by doctors and nurses, or of self-insurers or insurance carriers.

Entered: March 4, 2014

FOR THE COURT:


Hon. Henry J. Scudder
Presiding Justice

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y. }

I, FRANCES E. CAFARELL, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this MAR - 4 2014

Frances E. Cafarell
Clerk