

Memorandum in Support

COMMITTEE ON CIVIL PRACTICE LAW AND RULES

CPLR #3-A

June 10, 2019

A. 8034

By: M. of A. Dinowitz

S. 6334-A

By: Senator Hoylman

Assembly Committee: Codes

Senate Committee: Rules

Effective Date: 1st of January next succeeding
the date on which it shall have
become a law

AN ACT to Amend the civil practice law and rules, in relation to class actions (CPLR Art. 9).

LAW & SECTION REFERRED TO: Section 901 of the civil practice law and rules.

This proposed legislation has been studied carefully by the CPLR Committee of the New York State Bar Association and its Class Actions Subcommittee. It was approved by the Committee at its January 2018 meeting.

At the request of the Chief Administrative Judge, a proposal to amend Article 9 of the Civil Practice Law and Rules prepared by the Working Group of the New York City Bar Association had been introduced in 2016 by Assembly Member Weinstein. The Chief Administrative Judge introduced the proposed legislation approved by the CPLR Committee in May 2018, designated OCA 2017-61. It was assigned bill number A.8034 in May 2019.

The Chief Administrative Judge noted in his May 2018 memorandum that OCA's Advisory Committee on Civil Practice had reviewed the proposal and with modification, supported it and advised OCA to support it. As Chief Administrative Judge Marks noted, New York's class action procedures were last revised in 1975 and should be amended to reflect improvements to the administration of class actions now available to federal court litigants.

Our Committee studied the proposal through its Class Actions Subcommittee, composed of members experienced in class action procedures. The Subcommittee suggested modifications to the proposal prepared by the City Bar Working Group, and our changes were incorporated into the draft bill submitted by Chief Administrative Judge Marks in May 2019.

We remain fully supportive of the currently proposed legislation as reflected in Chief Administrative Judge Marks's 2019 submission.

For the foregoing reasons, the NYSBA's Committee on Civil Practice Law and Rules **SUPPORTS** this legislation.