January 23, 2014

Proposed Adoption of 22 NYCRR § 202.70(g)
Relating to Use of Interrogatories in the Commercial Division

The Supreme Court Committee\(^1\) of the New York County Lawyers’ Association reviewed the Office of Court Administration (“OCA”) proposal regarding the adoption of a new Commercial Division Rule that would address the number and scope of interrogatories that may be served in the Commercial Division.

A majority of members of the Supreme Court Committee voted in favor of the proposal following a presentation by the Commercial Division Advisory Council, which also recommended adoption of the new Commercial Division Rule.

Although the Committee agreed generally that a rule limiting the number and scope of interrogatories was appropriate for Commercial Division practice, the Committee did not reach an agreement as to whether Alternative #2 or Alternative #3 was the better proposal specifically. While some members who supported limitations on interrogatories were in favor of allowing parties to use contention interrogatories, others felt that allowing service of contention interrogatories in addition to the limited-scope interrogatories cut against the spirit of the rule. The Committee observed that federal courts in New York typically have similar limitations on interrogatories, and some judges in the Commercial Division already limit interrogatories in their individual rules.

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\(^1\) The views expressed are those of the Supreme Court Committee only, have not been approved by the New York County Lawyers’ Association Board of Directors, and do not necessarily represent the views of the Board.