



**NEW YORK
CITY BAR**

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**REPORT ON LEGISLATION BY THE
COMMITTEE ON STATE COURTS OF SUPERIOR JURISDICTION**

**A.9077
S.5077**

**M. of A. Weinstein
Sen. Bonacic**

AN ACT to amend the civil practice law and rules, in relation to conduct of the examination before trial

THIS BILL IS APPROVED

The New York City Bar Association, founded in 1870, is a private, non-profit organization of more than 23,000 attorneys, judges, and law professors, and is one of the oldest bar associations in the United States. The Committee on State Courts of Superior Jurisdiction (“the Committee”) addresses issues relating to the New York State Supreme Court, the Appellate Division, the Court of Claims and the Court of Appeals, and is comprised of both public and private sector attorneys who routinely practice and represent clients in these courts. As part of its agenda, the Committee considers and comments on proposed amendments to the Civil Practice Law and Rules or court rules.

After review and deliberation, the Committee has voted to support the enactment of A.9077/S.5077. The proposed bill would amend Section 3113 of the Civil Practice Law and Rules (CPLR) to provide that "a non-party deponent's counsel may participate in the deposition and make objections on behalf of his or her client in the same manner as counsel for a party."

The Committee supports the proposed amendment to CPLR 3113 because it affords non-party deponents protection during depositions. Non-parties are entitled to protection against disclosure of privileged information, confidential business or private information, and information unrelated to the merits of the underlying litigation. Clients expect their lawyers to protect their interests during depositions, and the proposed amendment is consistent with such an expectation. Finally, the proposed amendment would make the law consistent with what is already the common practice at depositions of non-parties.

For these reasons, the Committee supports A.9077/S.5077 and urges its enactment.

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