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

**A.6264  
S.4845**

**M. of A. Simotas  
Sen. Bonacic**

AN ACT to amend the civil practice law and rules, in relation to the service of papers

**THIS BILL IS APPROVED**

**STATUS: Passed Assembly (141-0); Passed Senate (60-0)**

The Committee on State Courts of Superior Jurisdiction (“the Committee”) of the New York City Bar Association supports the enactment A.6264/S.4845, which would amend Section 2103 of the Civil Practice Law and Rules (CPLR) to permit service upon an attorney from outside the state by regular mail. 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.

Under current law, CPLR 2103(b)(6) permits service upon an attorney by overnight delivery. One 2009 First Department decision, however, prohibits service upon an attorney from outside the state by regular mail. The Committee does not perceive any legal or practical distinction between service by overnight mail and service by regular delivery as far as whether such service may be made from outside the state; whether service is by mail or by overnight delivery, it presumably will reach the recipient and, therefore, the two should be treated in a consistent manner. As far as whether service may be mailed from outside the state, the Committee believes that such service should be permissible. As it is common that out-of-state lawyers are admitted *pro hac*, service from outside the state is consistent with *pro hac* appearances by out-of-state attorneys.

Thus, the Committee supports permitting out-of-state service by mail upon attorneys. As a logical matter, the Committee also supports differentiating the number of days between out-of-state service by mail (6 days) and in-state service by mail (5 days).

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