



NEW YORK  
CITY BAR

May 22, 2024

**COUNCIL  
ON JUDICIAL  
ADMINISTRATION**

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**Re: Comments in opposition to proposed Preamble, Rules 25-33**

Dear Mr. Nocenti:

Thank you for giving us the opportunity to comment on the proposal by the Commercial Division Advisory Council (CDAC) to add a preamble before Rules 25-33 of the Rules of the Commercial Division of the Supreme Court. The Council on Judicial Administration and the State Courts Committee of the New York City Bar Association are comprised of attorneys across a broad spectrum of the legal profession, with many members who litigate commercial matters. We understand that the preamble was proposed with the intent of further articulating the philosophy behind Rules 25-33 in order to increase understanding and compliance by litigants and attorneys. In our view, however, the proposed preamble is flawed; it is unnecessary, at best, and confusing, at worst. We also are concerned that, if adopted, parties or their lawyers may attempt to use the preamble to undermine rather than to buttress compliance with Rules 25-33. Since the proposal is not a rule change, and since it may actually increase confusion about the rules, we recommend that it not be adopted.

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

Please feel free to contact us if we can be of any further assistance.

Respectfully,

*Fran R. Hoffinger*

Fran R. Hoffinger, Chair  
Council on Judicial Administration

*Amy D. Carlin*

Amy D. Carlin, Chair  
State Courts of Superior Jurisdiction Committee