

NY CLS CPLR R 3409

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Article 34 Calendar Practice; Trial Preferences (§§ 3401 — 3410)

R 3409. Settlement conference in dental, podiatric and medical malpractice actions

In every dental, podiatric or medical malpractice action, the court shall hold a mandatory settlement conference within forty-five days after the filing of the note of issue and certificate of readiness or, if a party moves to vacate the note of issue and certificate of readiness, within forty-five days after the denial of such motion. Where parties are represented by counsel, only attorneys fully familiar with the action and authorized to dispose of the case, or accompanied by a person empowered to act on behalf of the party represented, will be permitted to appear at the conference. Where appropriate, the court may order parties, representatives of parties, representatives of insurance carriers or persons having an interest in any settlement to also attend in person or telephonically at the settlement conference. The chief administrative judge shall by rule adopt procedures to implement such settlement conference.

History

Add, L 2011, ch 59, § 52–d (Part H), eff June 29, 2011.

Annotations

Notes

Editor's Notes:

Laws 2011, ch 59, § 111 intro par, subs (t)–(v) (Part H), eff March 31, 2011, deemed eff on and after April 1, 2011, provides as follows:

§ 111. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011; provided however, that:

(t) any rules or regulations necessary to implement the provisions of this act may be promulgated and any procedures, forms, or instructions necessary for such implementation may be adopted and issued on or after the date this act shall have become a law, provided that the (i) commissioner of health (ii) the superintendent of financial services or, prior to October 3, 2011, the superintendent of insurance, or (iii) any appropriate council may promulgate regulations including on an emergency basis, necessary to implement this act, prior to its effective date and may take any steps necessary to implement this act prior to its effective date;

(u) this act shall not be construed to alter, change, affect, impair or defeat any rights, obligations, duties or interests accrued, incurred or conferred prior to the effective date of this act; and

(v) the provisions of this act shall become effective notwithstanding the failure of the commissioner of health, the superintendent of financial services or, prior to October 3, 2011, the superintendent of insurance or any council to adopt or amend or promulgate regulations implementing this act.

Research References & Practice Aids

Jurisprudences:

61 Am Jur 2d, Physicians, Surgeons, and Other Healers § 345.

62A Am Jur 2d, Pretrial Conference and Procedure §§ 9., 34., 35.

Hierarchy Notes:

NY CLS CPLR, Art. 34

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