

APPELLATE UPDATE

MARTIN CLEARWATER & BELL LLP

MCB Implements Procedures to Address New Redaction Rule in New York

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Section 202.5(e) of the Uniform Civil Rules For the Supreme Court and the County Court, which becomes mandatory on March 1, 2015, pertains to the redaction of confidential personal information in all papers submitted for filing to New York Supreme and County Courts. Because compliance is mandatory and the implications of documents being returned for noncompliance remain unknown, Martin Clearwater & Bell LLP has taken a proactive approach in developing a system where our attorneys, working with a team of trained paralegals, will ensure compliance with the new rule. Our attorneys will be using our trained paralegals, as well as advanced technology, to ensure that we meet the demands of the courts and protect our clients' interests.

The new rule in its final form parallels the Federal Rule of Civil Procedure 5.2(a) and requires that all documents filed in any of the Supreme and County Courts of the State of New York omit or redact "confidential personal information" (CPI). CPI contains four specific categories: (1) taxpayer identification number, including social security number, except the last four digits; (2) the date of birth, except the year; (3) the full name of a minor, except the initials; and (4) a financial account number, except the last four digits or letters. In case of noncompliance, the rule provides the court with various options, which include returning the filing for resubmission in a redacted form or ordering the clerk to seal the CPI portions, though the latter will likely be reserved for pro se litigants.

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Although there are some exceptions, e.g. the information that is believed to be material and necessary to the adjudication of the action is not subject to redaction, the consequence of the new rule is far reaching. That is particularly true in the field of medical malpractice defense where often voluminous medical records and deposition transcripts containing CPI are annexed to nearly every dispositive motion, as well as many procedural motions.

To read the full amendment or retrieve the form for persons filing paper-filed court papers, [click here](http://www.nycourts.gov/forms/redaction/) or visit <http://www.nycourts.gov/forms/redaction/>.

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