

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

ADM 2014-0219

The Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, pursuant to the authority vested in it,

DOES HEREBY, effective immediately, amend paragraph (3) of subdivision (e) of §691.20 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York as follows (additions in text are indicated by underlining and deletions by strikethrough):

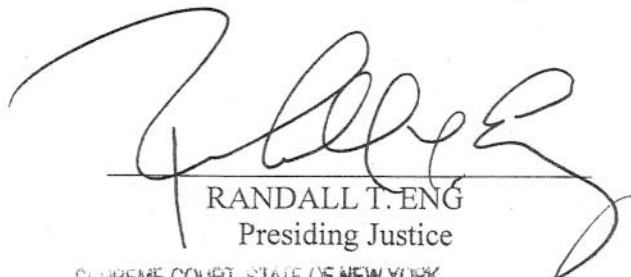
§ 691.20(e) Contingent Fees in Claims and Actions for Personal Injury and Wrongful Death

* * *

(3) Such percentage shall be computed by one of the following two methods, to be selected by the client in the retainer agreement or letter of engagement: (i) on the net sum recovered after deducting from the amount recovered expenses and disbursements for expert medical testimony and investigative or other services properly chargeable to the enforcement of the claim or prosecution of the action ; or (ii) in the event that the attorney agrees to pay costs and expenses of the action pursuant to Judiciary Law § 488(2)(d), on the gross sum recovered before deducting expenses and disbursements . The retainer agreement or letter of engagement shall describe these alternative methods, explain the financial consequences of each, and clearly indicate the client's selection. In computing the fee, the costs as taxed, including interest upon a judgment, shall be deemed part of the amount recovered. For the following or similar items there shall be no deduction in computing such percentages: Liens, assignments or claims in favor of hospitals, for medical care and treatment by doctors and nurses, or self-insurers or insurance carriers.

Dated: Brooklyn, New York
February 19, 2014




RANDALL T. ENG
Presiding Justice

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT.

I, APRILANNE AGOSTINO, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on 2/19/14 and that this copy is a correct transcription of said original. IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 2/20/14

