



**NEW YORK STATE**  
**Unified Court System**

OFFICE OF COURT ADMINISTRATION

**HON. JOSEPH A. ZAYAS**  
CHIEF ADMINISTRATIVE JUDGE

**HON. NORMAN ST. GEORGE**  
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

**DAVID NOCENTI**  
COUNSEL

**MEMORANDUM**

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a proposal to amend 22 NYCRR §§ 200.11, 202.3, 205.3, 205.27, 206.3 & 210.3, and to add a new 22 NYCRR § 207.3, regarding the transfer and assignment of cases and judges

Date: September 29, 2025

=====

The Administrative Board of the Courts is seeking public comment on a proposal to amend 22 NYCRR §§ 200.11, 202.3, 205.3, 205.27, 206.3 & 210.3, and to add a new 22 NYCRR § 207.3, regarding the transfer and assignment of cases and judges.

New York State's court rules currently contain multiple provisions governing the assignment and transfer of cases. For example, the Uniform Civil Rules for the Supreme Court and the County Court provide that the assignment of civil actions and proceedings "shall be made by the clerk of the court pursuant to a method of random selection authorized" by the Chief Administrative Judge, and also authorize the Chief Administrative Judge to transfer "any action or proceeding and any matter relating to an action or proceeding from one judge to another in accordance with the needs of the court." See 22 NYCRR §§ 202.3(b) & 202.3(c)(5).

Similar provisions exist in the Uniform Rules for Courts Exercising Criminal Jurisdiction, *id.* §§ 200.11(c) & 200.11(d)(4), the Uniform Rules for the Family Court, *id.* §§ 205.3(b) & 205.3(c)(4), the Uniform Rules for the Court of Claims, *id.* §§ 206.3(b) & 206.3(c)(6), and the Uniform Rules for the City Courts Outside of the City of New York, *id.* §§ 210.3(b) & 210.3(c)(4).

Under the above rules, the authority to assign and transfer cases is granted only to the Chief Administrative Judge, but that power actually is exercised by the administrative and supervising judges pursuant to the Chief Administrative Judge's general delegation of powers. See, e.g., 22 NYCRR § 80.1(b)(4) (authorizing the Chief Administrative Judge to "delegate to any deputy, administrative judge, assistant or court any administrative power or function"). Moreover, case assignment decisions need to take into account the skills and experience of the judges, as well as their current and expected caseloads, and the availability of other court personnel.

Administrative and supervisory judges are most familiar with the skills, experience, caseloads and personnel within their courts and should be granted the clear authority to assign and transfer cases, in order to properly and efficiently manage their courts. Granting this flexibility will ensure that cases are able to move forward more expeditiously, and that justice is not delayed for the affected parties.

Unlike the trial court rules discussed above, the Uniform Rules for the Surrogate's Court do not contain any provision addressing the transfer of a proceeding from one judge to another, although occasions arise when such transfers must be made. For example, a Surrogate may be disqualified from a case or otherwise unable or unavailable to preside. As a result, a new Section 207.3 of the Uniform Rules of the Surrogate's Court is added to expressly authorize the Chief Administrative Judge, a Deputy Chief Administrative Judge, or their designee, to transfer a Surrogate's Court proceeding from one judge to another in accordance with the needs of the court.

In addition, the trial court rules for Supreme Court, County Court, Family Court, the Court of Claims, and City Courts outside the City of New York contain further provisions authorizing the Chief Administrative Judge to suspend the assignment of new cases to judges who are already overloaded with work, to assign judges to various court parts or specific kinds of cases, and to create dual track assignment systems within certain courts where different judges preside over different stages of the same case. These provisions also should be amended, to grant this same authority to the administrative and supervising judges who manage these courts on a day-to-day basis.

The proposed amendments are attached as Exhibit 1. If adopted, these changes will provide much-needed clarity regarding the current assignment and transfer procedures, eliminate outdated language, and increase the overall efficiency of court operations.

=====

Persons wishing to comment on the proposal should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10<sup>th</sup> Fl., New York, New York, 10004. Comments must be received no later than Friday, November 21, 2025.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

## **EXHIBIT 1**

## Proposed Amendments

*Section 200.11 of the Uniform Rules for Courts Exercising Criminal Jurisdiction is hereby amended to read as follows (additions are underscored, deletions are stricken through):*

200.11. Assignment of criminal actions.

Criminal actions shall be assigned as follows:

~~(a) General. Except as the Chief Administrator of the Courts may otherwise provide, all criminal actions in Supreme Court and in County Court shall be heard and disposed of in accordance with an individual assignment system.~~ Assignments. Upon commencement of a criminal action in the superior court, the action shall be assigned to a judge by the clerk of the court as indicated below. The judge thereby assigned shall be known as the "assigned judge" with respect to the matter.

(1) General. Criminal actions heard in the Supreme Court and County Court may be resolved pursuant to an individual assignment system which provides for continuous supervision of each action by a single judge. Assignments under such a system shall be made by the clerk of the court pursuant to a method of random selection authorized by the Chief Administrator. Alternatively, courts may establish a trial assignment part for the supervision of cases from arraignment in superior court through disposition by guilty plea or dismissal or assignment to another judge for hearings and/or trial. In the latter scenario, such assignment shall be made pursuant to a method of random selection authorized by the Chief Administrator.

(2) Specialized Parts. The Chief Administrator may authorize the establishment in any superior court of specialized parts, which shall primarily handle designated categories of cases – such as those involving domestic violence, gun possession, sex offenses, homicide offenses, or matters where the defendant is being diverted into treatment or other programming – for assignment to judges specially trained or with particular experience in such matters. Where more than one judge is assigned to hear a particular category of action, the assignment of such cases to the judges so assigned shall be random.

~~(b) Arraignment conference part. The Chief Administrator of the Courts may authorize the establishment of an arraignment conference part for any superior court. Where an arraignment conference part has been established, upon commencement of a criminal action in the superior court, the action shall be assigned to such part. The judge presiding therein shall arraign the defendant and hear and determine any bail application. If no plea of guilty is entered within 14 calendar days of the defendant's arraignment, or if the judge presiding determines that it is unlikely that a plea of guilty will be entered, the action shall be assigned to a judge as provided in subdivision (c) of this section. If a plea of guilty is entered within such time period, the action shall remain in the arraignment conference part for sentencing and any further proceedings therein.~~

~~(e) Assignment of actions to individual assignment judges. Except as provided in subdivision (b) of this section, upon commencement of a criminal action in the superior court, the action shall be assigned to a judge by the clerk of the court in which it is pending pursuant to a method of random selection authorized by the Chief Administrator. The judge thereby assigned shall be known as the "assigned judge" with respect to such action and, except as otherwise provided in subdivision (d) of this section, shall conduct all further proceedings therein.~~

~~(d) Exceptions.~~

(13) Where the requirements of matters already assigned to a judge are such as to limit the ability of that judge to handle additional cases, the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge in Supreme Court or the supervising judge in County Court may authorize that new assignments to that judge be suspended until the judge is able to handle additional cases.

(24) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge in Supreme Court or the supervising judge in County Court may authorize the assignment of one or more special reserve trial judges. Such judges may be assigned matters for trial in exceptional circumstances where the needs of the courts require such assignment.

(35) Matters requiring immediate disposition may be assigned to a judge designated to hear such matters when the assigned judge is not available.

(46) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge in Supreme Court or the supervising judge in County Court may authorize the assignment or transfer of any action and any matter relating to an action from one judge to another in accordance with the needs of the court.

***Paragraphs (1), (3), (5), and (6) of subdivision (c) of Section 202.3 of the Uniform Civil Rules for the Supreme Court and the County Court are hereby amended to read as follows (additions are underscored):***

### 202.3. Individual Assignment System; Structure

\* \* \* \* \*

(c) Exceptions

(1) Where the requirements of matters already assigned to a judge are such as to limit the ability of that judge to handle additional cases, the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the court in which the action or proceeding is filed may authorize that new assignments to that judge be suspended until the judge is able to handle additional cases.

\* \* \* \* \*

(3) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the court in which the action or proceeding is filed may authorize the assignment of one or more special reserve trial judges. Such judges may be assigned matters for trial in exceptional circumstances where the needs of the courts require such assignment.

\* \* \* \* \*

(5) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the court in which the action or proceeding is filed may authorize the assignment or transfer of any action or proceeding and any matter relating to an action or proceeding from one judge to another in accordance with the needs of the court.

(6) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the court in which the action or proceeding is filed may authorize the establishment in any court or county or judicial district of a dual track system of assignment. Under such system each action and proceeding shall be supervised continuously by the individually assigned judge until the note of issue and certificate of readiness have been filed and the pretrial conference, if one is ordered, has been held. The action or proceeding then may be assigned to another judge for trial in a manner prescribed by the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the court in which the action or proceeding is filed.

***Paragraphs (1) and (4) of subdivision (c) of Section 205.3 of the Uniform Rules for the Family Court are hereby amended to read as follows (additions are underscored):***

205.3. Individual Assignment System; Structure

\* \* \* \* \*

(c) Exceptions

(1) Where the requirements of matters already assigned to a judge are such as to limit the ability of the judge to handle additional cases, the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge for the Family Court in which the proceeding is pending may authorize that new assignments to the judge be suspended until the judge is able to handle additional cases.

\* \* \* \* \*

(4) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative

judge for the Family Court in which the proceeding is pending may authorize the assignment or transfer of any proceeding and any matter relating to a proceeding from one judge to another in accordance with the needs of the court.

***Section 205.27 of the Uniform Rules for the Family Court is hereby amended to read as follows (additions are underscored):***

205.27. Procedure for assignment, in accordance with section 340.2(3) of the Family Court Act, of a proceeding to another judge when the appropriate judge cannot preside.

Except for proceedings transferred in accordance with section 302.3(4) of the Family Court Act, when a judge who has presided at the fact-finding hearing, or accepted an admission pursuant to section 321.3 of such act in a juvenile delinquency proceeding, cannot preside at another subsequent hearing, including the dispositional hearing, for the reasons set forth in section 340.2(3), the assignment of the proceeding to another judge of the court shall be made as authorized by the Chief Administrator of the Courts, a Deputy Chief Administrative Judge or the administrative judge for the Family Court in which the proceeding is pending.

***Paragraphs (1), (2), (4), and (6) of subdivision (c) of Section 206.3 of the Uniform Rules for the Court of Claims are hereby amended to read as follows (additions are underscored):***

206.3. Individual Assignment System; Structure

\* \* \* \* \*

(c) Exceptions

(1) Assignment of public construction contract claims and incarcerated person pro se claims shall be made at a time and in a manner authorized by the Chief Administrator or the presiding judge.

(2) Where the requirements of matters already assigned to a judge are such as to limit the ability of that judge to handle additional cases, the Chief Administrator or the presiding judge may authorize that new assignments to that judge be suspended until the judge is able to handle additional cases.

\* \* \* \* \*

(4) The Chief Administrator or the presiding judge may authorize the assignment of one or

more special reserve trial judges. Such judges may be assigned matters for trial in exceptional circumstances where the needs of the court require such assignment.

\* \* \* \* \*

(6) The Chief Administrator or the presiding judge may authorize the assignment or transfer of any action and any matter relating to an action from one judge to another in accordance with the needs of the court.

***The Uniform Rules for the Trial Courts are amended by adding a new Section 207.3 to read as follows (additions are underscored):***

***207.3. Transfer of proceedings.***

The Chief Administrator or a deputy chief administrative judge or their designee may authorize the transfer of any proceeding and any matter relating to a proceeding from one judge to another in accordance with the needs of the court.

***Paragraphs (1), (4), and (5) of subdivision (c) of Section 210.3 of the Uniform Civil Rules for the City Courts Outside the City of New York is hereby amended to read as follows (additions are underscored):***

**Section 210.3. Individual Assignment System; Structure**

\* \* \* \* \*

**(c) Exceptions**

(1) Where the requirements of matters already assigned to a judge are such as to limit the ability of that judge to handle additional cases, the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the City Court in which the action or proceeding is filed may authorize that new assignments to that judge be suspended until the judge is able to handle additional cases.

\* \* \* \* \*

(4) The Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the City Court in which the action or proceeding is filed may assign or transfer any action or proceeding, and any matter relating to an action or proceeding, from one judge to another in accordance with the needs of the court.

\* \* \* \* \*

(5) Judges sitting on other than a full-time basis shall be assigned cases in a manner authorized by the Chief Administrator, a Deputy Chief Administrative Judge or the administrative judge or supervising judge for the City Court in which the action or proceeding is filed in accordance with the needs of the court.