

MEMORANDUM

From: Anne E. Minihan, 9th J.D. Administrative Judge

To: All 9th J.D. Bar Associations

Date: July 27, 2022

Re: Possible Expansion of Program for Guardian Ad Litem Appointments in Landlord-Tenant Matters in the 9th J.D.

I am writing to request that each of the bar associations within the 9th J.D. circulate this Memorandum to their respective memberships to allow the members who wish to respond to do so by August 31, 2022, as I am conducting a Needs Assessment to determine if a program should be established in all or part of the 9th J.D. facilitating the appointment of Guardian Ad Litem in landlord-tenant matters. As your memberships handle landlord-tenant matters within the 9th J.D., it is my hope that you will provide insight into the need for such a program.

The City of New York has had a Landlord-Tenant Guardian Ad Litem Program since 2000. GALs are appointed pursuant to New York State Civil Practice Law and Rules Article 12 which permits judges in any “court in which an action is triable” to appoint a GAL upon the court’s determination that a litigant is “incapable of adequately prosecuting or defending his rights.” The appointment can take place at any stage of the proceeding either *sua sponte* or upon the motion of “an infant party if is more than fourteen years of age; a relative, friend, a guardian or committee of the property or conservator; or any other party to the action.” GALs have a dual responsibility to the court and the litigant. On the litigant’s behalf, the GAL mobilizes necessary resources to address the root cause of the case and sees the case through resolution. The GAL also makes a recommendation to the Court for settlement based on the facts and circumstances presented and what they perceive to be in the litigant’s best interest.

Again, in order to determine if and to what extent this program should be extended within the 9th J.D., please return this Memo to Hon. James L. Hyer, J.S.C., via e-mail to 9jd-JudgeHyer@nycourts.gov, by August 31, 2022.

Name: _____

9th J.D. Counties You Practice In: _____

Number of Projected Guardian Ad Litem Appointments per year you would request:

Westchester: ____ Rockland: ____ Orange: ____ Dutchess: ____ Putnam: ____

Comments:

Thank you!