S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 6, 2012

Introduced by M. of A. O'DONNELL, WEINSTEIN, LAVINE, WEPRIN, ZEBROWSKI -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to conduct of the examination before trial

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (c) of rule 3113 of the civil practice law and rules is amended to read as follows:

(c) Examination and cross-examination. Examination and cross-examination of deponents shall proceed as permitted in the trial of actions in open court, EXCEPT THAT A NON-PARTY DEPONENT'S COUNSEL MAY PARTICIPATE IN THE DEPOSITION AND MAKE OBJECTIONS IN THE SAME MANNER AS COUNSEL FOR A PARTY. When the deposition of a party is taken at the instance of an adverse party, the deponent may be cross-examined by his own attorney. Cross-examination need not be limited to the subject matter of the examination in chief.

S 2. This act shall take effect immediately and shall apply to all actions pending on such effective date or commenced on or after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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