

KEY CHANGES TO THE COMMISSION'S RULES OF PRACTICE

As of September 6, 2019, new rules of practice go into effect governing the management, investigation, and litigation of cases at the Commission.¹ The comprehensive update is the first amendment of the Commission's rules of practice since 1998 and is intended to provide greater transparency and clarity about how cases are handled; bring the rules into better alignment with current agency practices; and promote principles of fairness and due process.

Parties with cases at the Commission are encouraged to review the updated rules of practice in their entirety. Some of the key changes include:

- Establishing that a complaint is filed at the Commission when it is mailed or hand delivered to the Law Enforcement Bureau.²
- Updating the way in which legal papers may be served to include service by email, and clarifying the timing for when service is presumed to have been made.³
- Revising the process for filing objections to investigative demands and subpoenas issued by the Law Enforcement Bureau, including requiring that objecting parties first meet and confer with the Law Enforcement Bureau before filing formal objections with the Office of the Chair.⁴
- Clarifying when the Law Enforcement Bureau may dismiss a complaint, and the process for appealing dismissals to the Office of the Chair.⁵
- Establishing a process for filing amicus curiae briefs in certain cases.⁶
- Establishing new privacy protections regarding parties' personal information, including specific protections about immigration status.⁷
- Establishing a process for seeking attorney's fees at the Commission.⁸

¹ The updated rules repeal and replace all of Chapter 1 of Title 47 of the Rules of the City of New York.

² 47 R.C.N.Y. § 1-11(d) (2019).

³ 47 R.C.N.Y. § 1-04(d) (2019).

⁴ 47 R.C.N.Y. § 1-35 (2019).

⁵ 47 R.C.N.Y. §§ 1-22, 1-23 (2019).

⁶ 47 R.C.N.Y. § 1-66(e) (2019).

⁷ See, e.g., 47 R.C.N.Y. §§ 1-39, 1-65(d) (2019).

⁸ 47 R.C.N.Y. § 1-66(d) & subch. I (2019).