

## CPLR ARTICLE 43: REFEREES.

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Referees appointed by the Court to determine a case generally have the same powers of a judge; except that they cannot relieve themselves, or appoint a successor. Referees can also only hold *witnesses* in contempt, NOT parties!

Court can appoint either 1 referee, or a panel of 3. However if a JHO is chosen as the referee, there is only the 1.

A specific referee cannot be appointed if all parties object; except for JHOs, or in matrimonial actions.

Referees CANNOT be: court clerks, secretaries, stenographers. Also, a judge of the same court cannot be the referee unless all parties consent in writing; in which case there is no fee.

When a referee has been appointed, the clerk notifies him or her; then the referee in turn notifies the parties. The first hearing commences within 20 days of the referring order.

The referee must be sworn; and all parties must be present.

If there are 3 refs, majority rules.

Court permission + stipulation of parties is required to refer: matrimonial actions; dissolution of corporations (except when brought by Attorney General); and where defendant is an infant.

Referee's decision is due within 30 days of final submission; else thereafter parties can motion for a new trial, and referee does not get paid.