

The Survey of New York Practice Table of Contents

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THE SURVEY OF NEW YORK PRACTICE

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INTRODUCTION*

In this issue of *The Survey*, a variety of recent decisions are treated with a view toward increasing awareness of noteworthy developments in New York law. Among the significant Court of Appeals decisions reviewed are *Mandels v. Liberty Mutual Insurance Co.* and *In re Thies*. In *Mandels*, the Court held that a recent amendment to the Insurance Law, which was intended to overrule *State Farm Mutual Automobile Insurance Co. v. Westlake*, does not apply in third-party actions involving accidents occurring before the amendment's effective date. Presented with a question concerning professional disciplinary procedures, the *Thies* Court held that an attorney convicted of a federal felony may be disbarred automatically even where the felony has no New York counterpart.

Several significant decisions of the lower New York courts are also examined. Of particular interest is *Fantis Foods, Inc. v. Standard Importing Co.*, in which the Appellate Division, First Department, extended the application of CPLR 302(a)(3)(ii) longarm juris-

* The following abbreviations will be used uniformly throughout *The Survey*:

New York Civil Practice Law and Rules (McKinney)	CPLR
New York Civil Practice Act	CPA
New York Criminal Procedure Law (McKinney)	CPL
New York Code of Criminal Procedure	CCP
New York Code of Rules and Regulations	NYCRR
New York Rules of Civil Practice	RCP
New York City Civil Court Act (McKinney)	CCA
Uniform District Court Act (McKinney)	UDCA
Uniform Justice Court Act (McKinney)	UJCA
Uniform City Court Act (McKinney)	UCCA
Real Property Actions and Proceedings Law (McKinney)	RPAPL
Domestic Relations Law (McKinney)	DRL
Estates, Powers and Trusts Laws (McKinney)	EPTL
WEINSTEIN, KORN & MILLER, NEW YORK CIVIL PRACTICE (1978)	WK&M
<i>The Biannual Survey of New York Practice</i>	<i>The Biannual Survey</i>
<i>The Quarterly Survey of New York Practice</i>	<i>The Quarterly Survey</i>
<i>The Survey of New York Practice</i>	<i>The Survey</i>

Extremely valuable in understanding the CPLR are the five reports of the Advisory Committee on Practice and Procedure. They are contained in the following legislative documents and will be cited as follows:

1957 N.Y. LEG. DOC. No. 6(b)	FIRST REP.
1958 N.Y. LEG. DOC. No. 13	SECOND REP.
1959 N.Y. LEG. DOC. No. 17	THIRD REP.
1960 N.Y. LEG. DOC. No. 120	FOURTH REP.
1961 FINAL REPORT OF THE ADVISORY COMMITTEE ON PRACTICE AND PROCEDURE	FINAL REP.

Also valuable are the two joint reports of the Senate Finance and Assembly Ways and Means Committee:

1961 N.Y. LEG. DOC. No. 15	FIFTH REP.
1962 N.Y. LEG. DOC. No. 8	SIXTH REP.

diction to include commercial torts. Also noteworthy is *Rosenfeld v. A.H. Robbins Co.*, in which the first department indicated that New York's revised class action statute could not be used in a suit based on defective product design.

Finally, the *Review* is honored to present an incisive analysis by Professor Bernard E. Gegan of the Court of Appeals' recent decision in *Simonds v. Simonds*.