



STATE OF NEW YORK
UNIFIED COURT SYSTEM
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JONATHAN LIPPMAN
Chief Administrative Judge

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Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.
Box 69, Gedney Station
White Plains, New York 10605-0069

Dear Ms. Sassower:

In response to your recent request pursuant to the Freedom of Information Law ("FOIL"), enclosed please find two pages pertaining to the Individual Assignment System for the Civil Branch of the Supreme Court for New York County. These pages are the relevant excerpts from the most recent Summary of Operations for the New York County Supreme Court, Civil Branch.

Very truly yours,

A handwritten signature in cursive script, appearing to read "S Kerby".

Shawn Kerby
Assistant Deputy Counsel

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COURT PARTS AND THE CCJP

The court currently operates the following Individual Assignment Parts: (a) Tax Certiorari and Condemnation; (b) City; (c) Transit; (d) Matrimonial; (e) Motor Vehicle; (f) Medical, Dental and Podiatric Malpractice; (g) Asbestos; (h) Breast Implant; (i) Rezulin; and (j) General. In addition, the court operates the Commercial Division, which handles commercial cases.

On January 31, 2000, the court began implementation of the Comprehensive Civil Justice Program ("CCJP"). The CCJP required significant changes from past administrative arrangements in the court. Under the CCJP, all cases are handled by an IAS Justice to whom the case is assigned for its life, including for trial purposes, except for City cases. City cases are referred to a City Trial Assignment Part Justice ("TAP") upon the filing of a note of issue. The City TAP Justice attempts to settle the matter and, if unsuccessful, refers the case to a Justice for trial, either a City Justice or another. A citywide TAP system was proposed by the CCJP, but it has not yet been implemented.

The pure IAS regime is qualified as follows. If a pure IAS Justice calls in a group of cases for trial expecting that one or several will settle and the expectations are disappointed, he or she may be able to give a brief adjournment to a case and resolve the problem. However, circumstances may arise in which even a brief adjournment is not possible (e.g., an expert witness's schedule prohibits it or there is a witness present from far away). Such cases may be referred out to trial before another Justice. In addition, after a case has been pending in a Part for 12 months

without having advanced to trial, it will be removed from the Part for prompt trial before a Back-up Trial Justice so as to prevent serious backlogs and disparities from developing in the IAS Parts.

Under the CCJP, there are 15 pure IAS General Parts, one Motor Vehicle Part, three pure IAS Medical, Dental and Podiatric Malpractice Parts, and four pre-note City Parts. There are two back-up Motor Vehicle Trial Parts, devoted to the trial of Motor Vehicle cases only (i.e., a troika system). To address the overflow of trial-ready cases referred to in the preceding paragraph, as well as to assist in trial of City cases, there are 12 Back-up Trial Parts (not counting the Motor Vehicle ones). An Administrative Coordinating Judge ("ACJ"), working with the Administrative Judge ("AJ"), coordinates referral of these trial-ready cases. The City TAP Justice coordinates referral of City cases for trial. Except for the City TAP Justice, the Motor Vehicle Justice and the AJ or ACJ, an IAS Justice will not refer a case to another Justice for trial.

When a case is sent out for jury selection, the attorneys must report immediately to the Central Jury Room. A jury will be selected in accordance with Trial Court Rule 202.33. A JHO or Referee will supervise selection so that it is not protracted. There is a five-day maximum time during which a selected jury may wait for trial to begin; after that, it must be disbanded. The five-day rule is strictly enforced in New York County.