

NEW YORK STATE COMMERCIAL DIVISION
WESTCHESTER COUNTY - PROGRESS REPORT
HON. KENNETH W. RUDOLPH
2000

Westchester County is a major center of commerce in the Hudson Valley region. It is essential for the growth and development of this commerce that a dedicated judicial forum exists where resolution of commercial disputes can be determined fairly and expeditiously.

In its second year of existence, the Commercial Division of Westchester County has made substantial progress.

In September 2000, this Court adopted revisions in the procedures and rules governing practices in the Commercial Division.

The intent of the rules, as adopted, is to establish a cost effective forum to resolve **(a) complicated commercial disputes, (b) in a lawyer friendly part, (c) and to fairly resolve these litigated matters by dispositive motion, trial or mediation in a (d) timely manner.**

We are pleased to report that the Westchester County Commercial Division is current on standards and goals for post note of issue cases. Substantial progress has been made in the year 2000 on pre-note matters. Our records indicate that approximately 11% of pre-note cases are currently beyond standards and goals. A strong effort is being made to bring pre-note of issue cases current. There are currently 523 active cases in this part.

In the course of this calendar year, more than 700 motions have been decided. Numerous hearings have been conducted, as well as a substantial number of jury and non jury trials.

Daily calendars address Preliminary Conference Orders, Trial Certification, and Compliance. The motion calendar is called on Friday of each week.

Of special note, emergency applications are prevalent in this Commercial Part. The ratio of emergency applications to intake for the past two months approximates 78% (i.e. September - October, intake 51 cases - emergency applications 40).

To a great extent, Discovery disputes are being resolved during daily conferences or by telephone communication as directed by the part rules (Rule 11).

Dispositions of assigned cases (416) have risen sharply in the year 2000, due in large measure to the cooperation of the commercial bar, a judicial hands on policy, and the effective efforts of qualified mediators serving in the Alternative Dispute Resolution (ADR) Program.

It is our continued goal to better serve the needs of litigants who appear before this court and to develop new methods to implement fair disposition of commercial disputes. The experience of the bench, the cooperation of the bar, and the able assistance of dedicated staff will in time achieve these ends.