

# **SUPREME COURT, MONROE COUNTY**

## **COMMERCIAL DIVISION**

### **YEAR END REPORT 2000**

Hon. Thomas A. Stander  
Commercial Division Justice  
Supreme Court, Monroe County

November 2000

# NEW YORK STATE COMMERCIAL COURT MONROE COUNTY

## YEAR-END REPORT

The Commercial Division of the New York State Supreme Court has been operating in Monroe County since its creation by Chief Judge Judith S. Kaye on November 6, 1995. Under the direction of the Honorable Thomas A. Stander since its inception, the Commercial Division in Monroe County has proven to be a successful forum with commercial expertise for the expedited determination of business conflicts.

To be assigned to the Commercial Division, cases must meet the established criteria published through the Monroe Supreme and County Court Clerk's Office and the Internet. (See [www.frontiernet.net/tstander/~CCHOME.P.HTM](http://www.frontiernet.net/tstander/~CCHOME.P.HTM) ) Once assigned to the Commercial Division cases are subject to Differentiated Case Management. This active case management commences on the filing of the RJJ, or immediately following the determination of an initial motion. At a Preliminary Conference, usually held within two weeks of the filing of the RJJ or the motion decision, the attorneys and the Court assign a timetable for the completion of discovery and the filing of the Note of Issue and Statement of Readiness. At the conference, a Scheduling Order is prepared and immediately issued by the Court setting a timetable for disclosure which will meet the case track ( Expedited, Standard or Complex) assigned to the case. This aggressive case management process assists parties in moving the case toward resolution or trial in a timely manner and with a minimum of delay. This leads to 90% of all Commercial cases being resolved prior to the trial. If the actions are not resolved, then a trial date is, on average, scheduled within 45 days of the filing of the Note of Issue.

The success of the Commercial Division in efficiently handling cases is due to several factors. The Court operates with an "open door policy" whereby a conference is scheduled when requested by a litigant. This policy includes global settlement discussions of all issues existing between parties and, if appropriate, will include relevant non-litigants. Because the Commercial Division is *ex parte* for all commercial matters, the Court has adopted a standard

policy for addressing provisional remedies. Justice Stander conferences all temporary restraining order requests, either by phone or in person, before issuing any temporary relief. At this early juncture the Court immediately attempts to resolve or narrow the issues. This approach has been extremely well received by the commercial bar and best serves the needs of litigants on both sides of the case.

Along with standard procedures and commercial expertise, the Commercial Division also writes many decisions in order to establish a body of commercial law in New York State which will facilitate future disposition of commercial matters. The Commercial Division, Monroe County, has written over 65 decisions on commercial matters this calendar year to date. Written decisions on substantive commercial issues are submitted for publication in the official Miscellaneous Reports; currently there are over 30 published opinions from this Court. Decisions are also reported in the Commercial Division Law Report, which is available on the Internet. ( [www.courts.state.ny.us/nycdlr/nycdhome.htm](http://www.courts.state.ny.us/nycdlr/nycdhome.htm) ) In addition, decisions which have immediate value to the business community are also submitted to the daily business paper in Rochester, The Daily Record.

Cases that are not resolved by the Court may be ordered to the Commercial Division Alternative Dispute Mediation for Pay Program. The Commercial Division has been using a mediation program which provides the litigants with an attorney mediator with expertise relative to the matters in dispute between the parties. The Court and the litigants have found this program to be very successful. In order to continue to serve the needs of commercial litigants, the Commercial Division continues to establish a panel of mediators with commercial litigation expertise. This panel allows commercial actions to receive the mediation services and the neutral evaluation that litigants in the Commercial Division desire.

The Commercial Division has also continued its trek toward being a technologically advanced court. The Commercial Division is now accepting interlocutory papers filed by electronic means or by facsimile transmission through an 877 phone number. The Rules of the Commercial Division, Monroe County, set forth the criteria which must be met for the acceptance of filing by electronic means. ([www.frontiernet.net/~tstander/RULESCD.HTM](http://www.frontiernet.net/~tstander/RULESCD.HTM)). The Commercial

Division, Monroe County, has held a number of educational seminars on electronic filing for attorneys, paralegals, and courthouse staff. The Court has also aggressively registered attorneys for Filing By Electronic Means. (For self education and registration requirements see [Http://fbem.courts.state.ny.us:7501/ef/mainframe.html](http://fbem.courts.state.ny.us:7501/ef/mainframe.html)). In the technology area the Court continues to require all pre-trial calendars, pre-note calendars, and status calendars to be answered by electronic mail. Details for answering the calendars are on the Internet at several web sites, including the Unified Court System Home Web Page and the Monroe Supreme and County Courts Home Web Page. Further, the court often requires post trial and motion submissions to be submitted on 3-1/2" disk for use by the court.

The Commercial Division operating in Monroe County has demonstrated that the concept of a commercial court in New York is not only viable but highly desirable. The commercial litigators appearing before the Court have expressed a clear preference for a New York Court that will resolve their business disputes in an efficient and expedited manner and which also provides them with a body of Commercial Law on which they may rely.