



**UNIFIED COURT SYSTEM  
STATE OF NEW YORK**  

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**THE COMMERCIAL DIVISION  
OF THE SUPREME COURT**  

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**COUNTY OF NEW YORK**

*“Here in our city, the Commercial Division has established the kind of fair and efficient legal environment that befits the commercial capital of the nation.”*

- - Michael R. Bloomberg, Mayor of the City of New York

**JUDICIAL CLERKSHIPS IN THE  
COMMERCIAL DIVISION,  
NEW YORK COUNTY, NEW YORK**

The following is an outline intended for students and graduates who may be interested in Judicial Clerkships in the Commercial Division of the Supreme Court of the State of New York in New York County, New York. We describe here the role of the Commercial Division Clerk, the history and place of the Commercial Division in the court system in New York State, the work of the Division, and other topics that may be helpful to those considering the submission of an application for a Commercial Division Clerkship.

**The Role of the Clerk**

As with any clerkship, the tasks that will be carried out by a Commercial Division Clerk will vary with the Chambers in question. Each Clerk will be assigned to a particular Commercial Division Justice for the term of the clerkship and that Justice will determine the precise duties that will be performed by the Clerk. Each Justice will also have an experienced attorney on staff, referred to as a Court Attorney or Law Secretary, who may serve in that role for an extended period, and perhaps, in lieu of a secretary-stenographer, a more junior attorney. The presence of these attorneys

in the Division Chambers will assist the Commercial Division Clerks in making the transition to the Clerk's role.

Generally, as in the Chambers of a Federal District Judge, a Commercial Division Clerk will carry out the following sorts of functions. Because the volume of motion practice in Commercial Division cases is heavy and the motions challenging and significant, Commercial Division Clerks can expect to spend time performing legal research and helping the Justice to draft opinions and related formal orders. A Justice may direct a Clerk to participate in the management of the pre-trial phase of Division cases, perhaps by handling administrative communications with counsel regarding discovery or other aspects of the pre-trial process or by taking part in discovery conferences with the lawyers. The discovery process may give rise to legal issues on which the Clerk may be asked to assist, such as questions about the application of the attorney-client privilege or the law on electronic discovery. During trial, legal questions may arise and the Clerk may be called upon to provide the Justice with research about them, to help the Justice if unusual evidentiary questions are presented, and to aid in the development of a jury charge. Clerks may assist the Justice in preparing decisions after trial in non-jury cases. Clerks may be required to participate in the overall running of the Justice's Chambers. There are, in short, a wide variety of critical tasks that may become the responsibility of the Clerk.

The Clerk is a confidential professional assistant to the Justice. The Clerk therefore must observe the highest ethical and professional standards at all times. He or she must be able to deal with attorneys, parties, and the public in a thoroughly professional manner.

### ***The Commercial Division: What It Is - - An Overview***

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The New York Supreme Court, called that for historical reasons dating back to the 17<sup>th</sup> century, is the highest trial-level court in New York. The Commercial Division of the Supreme Court is the

specialized commercial court of original jurisdiction of the New York State court system. The Division is located in the principal commercial areas of the State. Because the State of New York is the leading, or at least one of the leading, centers for business, finance, and commerce in the world, much significant commercial litigation is initiated and pursued in the Commercial Division, and in the Division in New York County.

The Commercial Division was established in 1995 by the Honorable Judith S. Kaye, the Chief Judge of the State of New York. This innovation built upon an experiment - - several commercial Parts that had been operating in New York County beginning in January 1993. The Commercial and Federal Litigation Section of the New York State Bar Association, one of the most influential groups in that organization, proposed in a report issued in 1995 that New York expand upon the prior experiment and create its own commercial court. A commission appointed by the Chief Judge studied the Section's report in detail and carefully reviewed the issues raised. The commission came to the same conclusion, and the Chief Judge acted promptly thereafter.

It is worth emphasizing the important role played by the commercial Bar in the foundation of the Commercial Division. The Bar has been and continues to be fully supportive of the Division and has in countless ways and on numerous occasions provided concrete assistance in the subsequent growth of the Division. The Division represents, as Chief Judge Kaye has repeatedly pointed out, a true collaboration between the court system and the attorneys who practice in it and, through them, the public the court system exists to serve.

In proposing and establishing the Commercial Division, the Chief Judge and the Bar hoped to create a forum for the handling and resolution of commercial disputes that would be worthy of New York's status as a world capital of business, that would provide attention to commercial disputes commensurate with the sophistication, complexity and importance of the business that is transacted in

New York daily.<sup>1</sup> The aim was to develop a forum that would be expert in commercial law; familiar with commercial discovery and the practical and legal problems that may arise in that discovery; sensitive to the financial and other dynamics unique to commercial litigation; able to provide meaningful and realistic deadlines for critical events in the life of each case and to supervise all pre-trial proceedings efficiently; and able to process cases quickly and resolve substantive issues expeditiously and with the highest level of scholarship and expertise.

After almost a dozen years of operation, the Commercial Division unquestionably has been a rousing success. Proof for this proposition can be found in studies and comments of the Bar and leading business groups. Furthermore, the positive reaction of the Bar and the business community can be shown by this: The history of the Division is one of steady expansion across the State, urged on by the commercial Bar.

The Commercial and Federal Litigation Section of the New York State Bar Association some years ago called the Commercial Division “a case study in successful judicial administration” and noted that the Division “has been extremely well received by commercial practitioners.” The Chair of the Business Law Section of the American Bar Association described the Division as a “magnificent accomplishment.” The Chairman of the Business Council of New York State, representing thousands of businesses employing 1.2 million persons, referred to the Division as “a business court that is the envy of other states.”<sup>2</sup> The American Corporate Counsel Association, an international association of over 11,000 in-

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<sup>1</sup> The Section’s Report, *A Commercial Court for New York*, noted (at p. 1) that “New York is the center of world commerce, the headquarters of international finance, the home of America’s leading businesses,” and it therefore deserved and needed an appropriately supported forum “for the swift, fair and expert resolution of significant commercial disputes.”

<sup>2</sup> See Bach & Applebaum, *A History of the Creation and Jurisdiction of Business Courts in the Last Decade*, 60 *Bus. Law.* 147 (2004). The Commercial Division

“is widely perceived as a viable and in many cases a preferable alternative for resolving business cases. It is popular because it has demonstrated that it can provide efficient, cost-effective, and timely processing of commercial cases, and has improved the quality and predictability of judicial

house attorneys, has said that “New York has demonstrated that broad-based commercial courts are feasible and beneficial” and described New York’s development of the Division as a model for other states. And Honorable Michael R. Bloomberg, the Mayor of the City of New York, as well as a reasonably successful businessman before that, remarked that the Commercial Division “has done an outstanding job of bringing fairness, efficiency and order to the resolution of commercial disputes in our state.”<sup>3</sup> He added that “[h]ere in our city, the Commercial Division has established the kind of fair and efficient legal environment that befits the commercial capital of the nation.”<sup>4</sup>

Further, the President of the New York State Bar Association said of the Division that it was a “success story,” an “innovation ‘made in New York’” to which it was a pleasure to point, a court of which the Association members were “proud proponents.” The New York County Lawyers’ Association stated that “[t]he Commercial Division has without doubt achieved many of its aims and been a great success.”<sup>5</sup> Donald J. Trump, Chairman and President of the Trump Organization, a major real estate enterprise, said that “the Commercial Division provides litigants with a specialized business forum of the highest caliber. It provides continuity of treatment and expertise that is totally critical to resolving some very complex commercial litigation problems.” In early 2007, the Executive Committee of the New York State Bar Association called the Commercial Division “extremely successful,”<sup>6</sup> an institution that has “thrived under ... [the] leadership [of Chief Judge Kaye] and has made a major impact on commercial

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decisions.” [Id. at 158, quoting from letter of Robert L. Haig, Esq. (footnote omitted)]

As a result, “New York’s efforts have had a powerful impact in other jurisdictions.” Id. at 159.

<sup>3</sup> *NYC Mayor Bloomberg Helps Celebrate 8<sup>th</sup> Anniversary of Commercial Division*, Metropolitan Corporate Counsel, at p. 64 (Dec. 2003).

<sup>4</sup> *Id.*

<sup>5</sup> Program, 87<sup>th</sup> Annual Dinner, New York County Lawyers’ Association, Dec. 13, 2001, at p. 15. The Justices of the Division in New York County were the honorees on this occasion.

<sup>6</sup> See also Loomis, *Commercial Division: High-Profile Case Casts Spotlight on Well-Regarded Court*, N.Y.L.J., June 20, 2002, at p. 5 (“a virtually unqualified success”).

litigation.”<sup>7</sup>

Recently, Lesley F. Rosenthal, Esq., Vice President, General Counsel and Secretary of Lincoln Center for the Performing Arts, Inc. and the Chair of the State Bar’s Commercial and Federal Litigation Section, had occasion to look back upon the history of the Division and to comment upon what it has become for New York’s commercial litigators and their clients:

The Commercial Division is strongly supported by the business community, by New York’s corporate counsels, by Bar Association groups, and by litigators at major and boutique law firms. The Division has fulfilled its founders’ vision of helping to maintain, and, indeed, enhance, New York’s place as the premier jurisdiction for resolution of business disputes. The Justices’ dockets and decisions define the cutting edge of commercial jurisprudence, not only in the state but also in the nation.

### **The Commercial Division’s Work**

As noted above, New York State is perhaps the most important center of business and commerce in the world. Much of that business and commercial activity is conducted on the isle of Manhattan, in New York County. It is worth recalling concretely just how eminent New York’s commercial position has been and remains. The New York Stock Exchange and other exchanges are located here. The leading investment houses and firms engaged in national and international finance - - Goldman Sachs, J.P. Morgan, and many others - - conduct their business here, as do numerous enterprises involved in other ways in that sector. Wall Street is, of course, not just the name of one of the thoroughfares established in lower Manhattan in the early days of the country’s life; these two words are synonymous with business activity and are familiar to a large portion of the population of the world. Radio and television networks operate from New York County, as do world-renowned art auction houses, New York having

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<sup>7</sup> Paralleling the advent of the Commercial Parts in New York County and then the Commercial Division itself, and clearly connected to it, a three-volume treatise on commercial law in New York State was published. *Commercial Litigation in New York State Courts* (West 1995)(R. Haig, ed.). A second edition, expanded to five volumes, was published in 2005. Alcott, Book Review, *Commercial Litigation in New York State Courts*, N.Y.S. Bar J. at p. 52 (July-Aug. 2005).

long been a major center for the art world. The Metropolitan Opera, the New York City Opera, Lincoln Center, the Juilliard School, the Metropolitan Museum, the Museum of Natural History and many other cultural institutions are located here. The theater district, the Great White Way, is here. Many banks have their main offices or other important offices in New York County and most of the world's major banking institutions conduct business here or with institutions located in Manhattan. Major media enterprises operate in Manhattan. All the leading publishers are located here. Innumerable other businesses, embracing virtually every kind of commercial activity, have their headquarters or offices in New York County or engage in business here.

The literally millions of business transactions that occur daily here are usually conducted according to the principles of New York law. Sometimes disputes arise and lawsuits ensue. If there is not exclusive Federal jurisdiction, many of those suits are initiated in the New York County Commercial Division.

The jurisdiction of the Commercial Division is set forth in uniform rules. These rules govern both eligibility for treatment in the Division and the procedures followed in cases accepted there. A Division case in New York County must involve \$100,000 or more. Under the rules, the sorts of issues that come before the Division involve or arise out of claims of breach of contract, breach of fiduciary duty, partnership agreements and disputes among partners, unfair competition, commercial financing transactions, commercial real estate transactions, allegations of misrepresentation in business dealings, banking transactions, class actions, violations of statutes governing business transactions, such as certain provisions of New York's General Business Law, shareholder derivative actions, joint venture agreements, internal affairs of corporations, commercial insurance coverage, corporate dissolutions, and commercial arbitrations.

Further illustrating the work of the Commercial Division in New York County is the following summary of just a few of the cases that have been brought before the Division:

-- A group of seaholders of the New York Stock Exchange challenged a merger between the Exchange and Archipelago Holdings, Inc., an electronic stock market, based upon, among other things, the allegedly unfair allocation of shares that would be awarded to seaholders in exchange for their seats. See Wall St. Journal, Nov. 15, 2005, p. C 3. After rulings by the Division, the proposed merger was approved by the owners and was implemented. It has since been followed by a further combination between the Exchange and an international exchange. Litigation has also been prosecuted in the Division arising out of announcements by the Exchange and its chief executive before details of the proposed merger with Archipelago became public. See Wall St. Journal, Jan. 13, 2007, B 3.

-- American International Group sued private insurance agencies run by its former chief executive alleging misconduct in efforts to siphon off business from AIG. See Wall St. Journal, Jan. 31, 2006, p. C 8.

-- Chris-Craft Industries sought to block the acquisition of CBS Corp. by Viacom Inc. The action concerned a buy-sell provision in a partnership agreement between Chris-Craft and Viacom for the ownership and operation of United Paramount Network. See Wall St. Journal, Mar. 17, 2000, p. 1.

-- In People v. Grasso, then-Attorney General Eliot Spitzer brought a civil action against the New York Stock Exchange, a director, and its former Chairman and CEO alleging that compensation and benefits awarded to the former Chairman had been excessive, unlawful and *ultra vires*, in violation of New York's Not-for-Profit Law, asserting breaches of fiduciary duty, and making other claims. The former Chairman interposed cross-claims against the Stock Exchange and his successor. See Wall St. Journal, Oct. 20, 2006, p. A 1.

-- The Division has handled a number of lawsuits arising out of disputes over insurance coverage for losses suffered by businesses in the attacks on the World Trade Center in 2001.

- - A shareholders' derivative action arising out of the then-proposed transfer of the NASD's interest in the American Stock Exchange was filed in the Commercial Division. See Wall St. Journal, March 17, 2004, p. 1. On motion, the court addressed issues concerning a pre-suit demand on the board of directors, whether such demand would be futile, the application of the business judgment rule, and standards for derivative versus individual claims.

- - An action was brought in the Division by two unions representing employees of Northwest Airlines asserting that the airline had breached contracts when it had failed to redeem preferred shares that had been issued more than a decade before in return for work concessions. See Wall St. Journal, Mar. 28, 2005, p. A 6.

- - A recording company and corporate music promoter sued a "hip hop" star, his booking and management agencies, and officers thereof for breach of contract with respect to various performances around the country.

- - Shareholders brought an action in the Division alleging that the directors of Viacom had breached their fiduciary duty in approving almost \$ 160 million in compensation to three top executives in a year in which the corporation had reported an almost \$ 18 billion loss. The court rejected a motion to dismiss. See Wall St. Journal, June 30, 2006, p. B 2.

-- An action was brought against Citigroup asserting claims of fraud, breach of fiduciary duty and negligent misrepresentation arising out of the collapse of WorldCom. It was alleged that a stock analyst had issued falsely "bullish" reports on WorldCom stock as part of a quid pro quo whereby the stock was promoted in return for underwriting assignments.

- - A prominent New York City real estate developer asserted breach of fiduciary duty in connection with the pricing of, and the use of proceeds from, the sale for almost \$ 1.8 billion of the Penn Central rail yards, a major piece of real property located on the west side of Manhattan. See Wall St. Journal, Sept. 21, 2005, p. A 18.

- - In an action arising out of a contract whereby American Movie Classics Co. provided a cable television service to cable TV customers of defendant Time Warner, the court was faced with a dispute over the "content clause" of the parties' agreement. Time Warner claimed that its adversary had breached the agreement by greatly reducing the number of older, black and white movies presented in favor of newer, arguably non-classic color movies.

- - A Justice of the Division declined to vacate a ruling by an arbitration panel, which required a major real estate developer to sell to an Indiana insurance company a 50 % stake in the General Motors building near Central Park in Manhattan. See Wall St. Journal, June 13, 2003, p. B 5.

-- Architect Daniel Libeskind brought suit in the Commercial Division against the lessee of the World Trade Center site seeking fees for architectural services performed in connection with design of the site's Freedom Tower. The Division Justice assigned to the case referred it to the Division's Alternative Dispute Resolution Program. The case was settled in the ADR process not long thereafter.

- - Actions have often been brought in which developments relevant to the proceedings were alleged to have occurred in China, Russia, South America and countless other foreign countries. Cases of this sort have raised issues of comity, personal jurisdiction, *forum non conveniens*, choice of law, and the like.

- - Action was brought in the Division seeking to enforce an alleged agreement to purchase a particular painting by Andy Warhol. The court ruled that communications had not resulted in a binding contractual relationship between or among the plaintiff, the auction house, and the owner.

-- A case arising out of disputes among parties to a joint venture, a publishing company and a well-known TV celebrity and her entertainment company, that had been created to publish

a magazine featuring the celebrity, was tried to a verdict by the court in the Division.

- - A group of investors sued an investment bank, an investment advisor and a professional golfer alleging fraud in connection with a plan to market a new design for a golf club. The case presented questions as to possible liability for negligent misrepresentation in view of the duties owed by defendants; whether there had been a relationship approaching privity between plaintiffs and the golfer; and whether statements in the subscription agreement barred a fraud claim by precluding reliance.

- - In a class action brought by thousands of residents of New York City's largest apartment complex, covering some 80 acres on the East Side of Manhattan and consisting of 110 apartment buildings containing about 11,200 units, the plaintiffs challenged the propriety of the financial plans of the defendants, present and former owners of the property, and their intentions regarding its future development. The properties had been sold in October 2006 for \$ 5.4 billion in what was reported to have been the largest real estate transaction ever undertaken in the United States. N.Y. Times, Oct. 18, 2006, at p. A 1; N.Y. Times, Dec. 31, 2006, at p. 3-1.

These cases are, as indicated, merely illustrative of the kinds of commercial cases that come before the Division every day. The jurisdiction of the Division covers the gamut of commercial activity and the law governing it. Commercial Division cases in New York County tend to give rise to issues of law and to generate motion practice to a greater extent than in other kinds of cases, and these motions tend to be more complex and challenging on average. Many motions to dismiss and for summary judgment are made.

In short, the Division in New York County deals with a wide variety of significant, interesting, and demanding commercial work. The Commercial Division Clerks will be at the center of all of this.

## *The Operations of the Commercial Division*

There are six Justices in the Commercial Division in New York County. (There is also a Senior Justice who by virtue of that status is not participating in the Clerkship Program.) The Justices are assigned to the Division for an indeterminate term upon the designation of the Administrative Judge of the Division, who is also the Administrative Judge of New York County Supreme Court, with the approval of the Chief Administrative Judge of the State of New York.

Cases are assigned to the Division in accordance with the designation of the attorney who first brings the case to court for judicial action. (Cases are commenced by the filing of initial papers in the office of the County Clerk, but are not assigned to a Judge until a party files a Request for Judicial Intervention.) The designation of the filing attorney is, however, subject to challenge by other counsel and review by a Division Justice for compliance with the Division's rules on eligibility. Once filed in the Division, a case is assigned at random to a Division Justice, who presides over all proceedings in the case.

The Division Justices actively manage their inventories, in accordance with the founding philosophy of the Commercial Division. Cases that survive a motion to dismiss or come to the Division in another posture will be assigned a disclosure schedule after conference between the parties and the Justice. The Justice will seek to set a schedule that is appropriate to the case but that ensures expeditious resolution of the issues. The Justice will also be sensitive to practical financial aspects of the discovery process, which can be quite costly in commercial cases. The Justice may, for instance, direct that discovery proceed in stages or waves. The Justice may also schedule subsequent motion practice, such as a motion for summary judgment, in order to ensure expedition and efficiency.

The Commercial Division operates a court-annexed Alternative Dispute Resolution Program. Some 250 trained mediators, experts in commercial law, participate as members of the panel for this Program. A Division Justice may require parties to attend a mediation proceeding in this Program when

the circumstances make it appropriate and efficient to so proceed.<sup>8</sup>

The Commercial Division is equipped with advanced technology to assist the Justices in handling their substantial caseloads. For example, in addition to desktops, laptops, e-mail, and the like, many cases proceed in the Division using an electronic filing system. The Division also has access to state-of-the-art facilities for the trial of cases, complete with a vast array of computerized capabilities, such as computer docking stations at the counsel table, monitors in the jury box, real-time court reporting, the ability to transmit transcripts in real time to the attorneys' offices, and so forth.

The Division continues to work closely with the commercial Bar to find ways to improve even further the processing of cases in the Commercial Division. Regular meetings between the Division and the Bar take place for this purpose.

### **The Benefits of the Clerkship**

The benefits of the Commercial Division Clerkship to the Clerks are many and significant. There is, we think, no better way for a recent law school graduate to learn about the judicial process and civil litigation than through a clerkship. The clerk is afforded a breadth of view of civil litigation and a degree of intimacy with the judicial process that cannot be obtained by a young lawyer at a law firm or government agency, whether small or large. Many law firms, to be sure, afford excellent training for young lawyers, but so often they may not provide a comparable level of responsibility, nor anything like the clerk's vantage point from which to observe litigation, to see everything up close, to witness lawyers and Judges in action in important cases.

The Commercial Division Clerkship offers all of this. It provides an exceptional opportunity for any young lawyer to begin his or her career doing interesting work, work that truly counts, in the service

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<sup>8</sup> E.g., Beha, *Mediation in Commercial Cases Can Be Very Effective for Clients*, 74 N.Y.S. Bar J., at p. 10 (Sept. 2002).

of the public. It represents an even greater opportunity for any young lawyer with an interest in commercial law, by virtue of the Division's position as the commercial court for state cases in one of the world's great centers of commercial activity. The Clerkship, we believe, provides a young lawyer with an incomparable chance to learn, to grow professionally, and to prepare for a future in the law, especially commercial law, all while making an important and direct contribution to the cause of civil justice in the State.

New York City is an exciting place to live. And it is just as exciting a place in which to practice commercial law or to serve as a Clerk in a Commercial Court.

New York City also offers the Clerk who is interested a chance to participate in the life of the Bar. The Commercial and Federal Litigation Section of the New York State Bar Association, the New York City Bar Association, and the New York County Lawyers' Association, for instance, are greatly interested in the operations of the Commercial Division and offer many ways in which young lawyers can participate in Bar projects and activities.

New York County is home to the offices of most of the major commercial law firms in the United States, as well as a wealth of superb smaller and boutique firms. The level at which attorneys conduct litigation in the Division is, in general, extremely high. Indeed, it is one of the pleasures of an assignment in the Division for Justices and their staff members that they thereby have occasion to deal on a daily basis with briefs and other presentations of truly impressive quality. The Commercial Division Clerk will be exposed to some of the best commercial lawyers in this country performing at the peak of their great abilities, often in cases of considerable import. This makes the Clerkship a special learning experience.

Thanks to the work of the Justices of the Division statewide over the years, the commercial court of New York has developed a sterling reputation. Clerks will find that their experience working in such an important role in the Commercial Division in New York County brings with it prestige and professional standing and will open doors to interesting and exciting professional challenges thereafter.

Lesley Rosenthal, Chair of the Commercial and Federal Litigation Section of the State Bar Association, after noting (at page 6 above) the vital role played by the Commercial Division, added this:

It follows that there is no better training and proving ground for law clerks who aspire to a career in commercial litigation than a clerkship in the New York State Supreme Court, Commercial Division. The law firm recruiters know it, too: there is no happier hunting ground for firms looking to fill out their litigation departments with highly qualified candidates, than those select individuals who have completed clerkships in the Commercial Division of New York Supreme.

### **Salary and Employment Benefits**

Clerkships provide a comprehensive package of employment benefits. Annual salary will be \$ 58,355.

### **Eligibility Requirements**

The Commercial Division Clerkships are open to law school graduates. Those who have graduated from a fully accredited law school or who anticipate graduating by the Spring of 2008 may apply.

### **Term of the Clerkships**

Each Clerkship will be for one or two years, depending upon the needs of the Division.

### **Application Procedures**

Applicants must submit the following:

- (1) A current resume.
- (2) A law school transcript (an unofficial copy will suffice).
- (3) A sample of legal writing (unedited).

(4) Two letters of recommendation from law school professors. If the applicant has been practicing law following receipt of a law degree, letters from legal employers may be substituted.

(5) A cover letter indicating qualifications and demonstrated interest in commercial law.

Application packages must be transmitted to:

Lauren De Sole, Esq.  
Division of Human Resources  
New York State Office of  
Court Administration  
25 Beaver Street  
New York, New York 10004

Application packages may be submitted commencing July 1, 2007. The submission period closes September 7, 2007.

Submissions will be reviewed beginning September 10, 2007 (no submissions will be evaluated before that date). Applicants selected for interviews will be contacted thereafter. It is expected that interviews will take place in October 2007.

***FOR ADDITIONAL INFORMATION ABOUT THE COMMERCIAL DIVISION OF NEW YORK COUNTY, CONSULT THE NEW YORK COUNTY HOME PAGE ON THE COMMERCIAL DIVISION WEBSITE AT [www.nycourts.gov/comdiv](http://www.nycourts.gov/comdiv)***

Dated: April 18, 2007

**HONORABLE JACQUELINE W. SILBERMANN  
Administrative Judge  
Commercial Division  
Supreme Court of the State of New York  
County of New York  
60 Centre Street  
New York, New York 10007**