

**New York State  
Supreme Court  
Eighth Judicial District  
Summary Jury Trial Program**



***Program Manual***

**NEW YORK STATE SUPREME COURT  
CHAUTAUQUA COUNTY  
EIGHTH JUDICIAL DISTRICT  
SUMMARY JURY TRIAL PROGRAM**

3rd Edition\*

Prepared and compiled by:

Hon. Joseph Gerace, Supreme Court Justice (Ret.),  
Judicial Hearing Officer, Chautauqua County

Kathleen D. Krauza, Chief Clerk of Supreme and County Courts and  
Commissioner of Jurors for Chautauqua County

May 27, 2004

New York State Supreme Court  
Chautauqua County  
Eighth Judicial District

SUMMARY JURY TRIAL PROGRAM MANUAL

TABLE OF CONTENTS

<u>Page</u>	<u>Contents</u>
4	Preface: Hon. Joseph Gerace
6	Introduction: Hon. Sharon S. Townsend
7	Advantages of the Summary Jury Trial: Hon. Joseph Gerace
9	Summary Jury Trial Basics
13	Chautauqua County Supreme Court Summary Jury Trial Rules
APPENDIX A	Proposed Order of the Court and Stipulation of Parties
APPENDIX B	N.Y.S. Summary Jury Trials - Informal Survey of SJT Activity & Interest as of May, 2004
APPENDIX C	Attorney Comments
APPENDIX D	Responses to Concerns Raised by Judges about SJTs
APPENDIX E	Chautauqua County Summary Jury Trial Project Update

**NEW YORK STATE SUPREME COURT  
CHAUTAUQUA COUNTY  
EIGHTH JUDICIAL DISTRICT**

**SUMMARY JURY TRIAL PROGRAM**

**Preface**

A summary jury trial is a one-day trial in which each party presents a truncated version of its own case in a real courtroom before a real black-robed judge and a real jury, who, at the end of the day, will render a verdict.

The primary mission of a Summary Jury trial program is to speed up resolution of both small and big ticket civil cases fairly, quickly and economically via one day jury trials.

A Summary Jury Trial is similar to arbitration except that jurors are utilized in a jury trial setting. The format allows the parties to fully explore issues without having to spend time and money to bring in a host of witnesses, doctors and other experts.

The trial may be either non-binding or binding, depending on the agreement of the parties and order of the Court. Damages can be floored and capped on a high/low basis by agreement of counsel.

In the first 5 years of the Chautauqua County pilot project, consent of the parties and attorneys was considered desirable, but not necessary. The local rules provided that the court had the authority to direct a non-binding Summary Jury Trial as an extension of the settlement process. Exercise of this authority contributed greatly to the number of cases scheduled for SJTs. Current rules provide that consent of all parties is required for both non-binding and binding SJTs.

In 2002, 2003, and so far in 2004, non binding and binding Summary Jury Trials produced a 100% disposition rate without a traditional trial in Chautauqua County Supreme Court even though most of the non binding SJTs were ordered by the Court. In the early days of the project, before attorneys appreciated the powerful potential of non binding SJTs, the parties involved in 6 of the non-binding trials did not accept the SJT verdict and elected to proceed to a traditional trial. In nearly all of the 6 cases, the results of subsequent full blown jury trials mirrored the verdicts of the non-binding Summary Jury Trial.

More often than not, non-binding SJT cases scheduled for a SJT settled before the SJT date. Just as is the case with the traditional trial, the scheduling of the SJT prompts settlement. Unlike the traditional trial route, the SJT can be scheduled within weeks or a few months of the last effort to settle. And, unlike the approach of a regular trial date, the attorneys preparing for the average SJT need not invest time and money in contacting, scheduling and horse shedding witnesses or, especially in the case of medical witnesses, advancing them witness costs and fees for testimony or videos.

When possible, the Summary Jury Trials are scheduled for trial the same day jurors are called in, so that there will be no additional expense to the State or inconvenience of the jurors.

The impact of the Summary Jury Trial on the Chautauqua County Supreme Court caseload has been impressive. While case filings increased steadily between 1998 and 2001, the number of cases pending decreased. At the end of 1998 the Court had 593 cases pending (13% over Standards & Goals) and, at the end of 2001 the court had 375 cases pending (3% over Standards & Goals). The Court disposed of 101 more cases in 2001 than it did in 1998 (606 and 505, respectively). The SJT program resulted in the scheduling of 90 fewer cases for regular jury trials between those years resulting in significant saving of trial days. The Court was one of the three courts in the 8<sup>th</sup> Judicial District that disposed of over 600 civil (non matrimonial) cases in 2001.

There are other factors that contributed to the improvements in our case flow, including the 8<sup>th</sup> Judicial District ADR program implemented by Justice Vincent Doyle, and a dedicated Supreme Court staff, but, there is no doubt that the Summary Jury Trial project was a key factor. There is no doubt, either, that  
**THE SETTING OF THE TRIAL DATE PROMPTS SETTLEMENT.**

Advancement of the Summary Jury Trial system is predicated on the premise that:

- All judges, attorneys and litigants want to expedite disposition of civil cases.
- All judges, attorneys and litigants want to reduce the cost of time, money and inconvenience for jurors, litigants, attorneys and the court.
- All judges, attorneys and litigants want to preserve the jury system.
- All judges want to reduce numbers of cases beyond standards and goals.

Joseph Gerace, JHO  
Supreme Court Justice, Retired

## SUMMARY JURY TRIAL PROJECT

### INTRODUCTION

By: Hon. Sharon S. Townsend  
Administrative Judge, Eighth Judicial District

Across the country, the summary jury trial is increasingly becoming a part of the legal landscape. Texas, Florida and Virginia have incorporated this time and money saving alternative dispute resolution technique into their civil practice acts. Federal courts also make use of this tool, even in high exposure personal injury cases.

The Eighth Judicial District has pioneered the use of the summary jury trial in New York State. Our most extensive experience has been in Chautauqua County, where Supreme Court Justice Joseph Gerace, with the approval and assistance of former Administrative Judge Vincent E. Doyle, has compiled a convincing record of the program's success. Based upon the impressive results in Chautauqua County, summary jury trials are now being used in Erie and Niagara Counties, and are spreading to other areas of the state.

By successfully resolving nearly all of the cases in which it is used, with only a fraction of the resources the court and the parties would expend in preparing for and conducting a full trial, the summary jury trial is a potent tool for relieving calendar congestion. It also preserves a core value of our legal system, the resolution of disputes by a jury of ordinary citizens. Jurors benefit by fulfilling their civic duty with a minimum of inconvenience; courts benefit by freeing up valuable space on their calendars; and parties benefit by resolving their disputes in a prompt and cost-effective manner.

I am glad to have the opportunity to continue this exciting project and to oversee its ongoing growth. I am confident that judges and litigants will increasingly come to depend upon summary jury trials to efficiently resolve disputes.

## ADVANTAGES OF THE SUMMARY JURY TRIAL

By Hon. Joseph Gerace, JHO, Supreme Court Justice, Retired, Chautauqua County

Since October 30, 1998, the New York State Supreme Court, Chautauqua County, has been involved in an innovative program that has been extremely successful in reducing calendar congestion and quickly resolving cases that might otherwise have consumed days or weeks of court time.

In the years 2002, 2003 and so far in 2004, one day summary jury trials resulted in resolution of 100 percent of the cases scheduled for those years, saving the court well over one hundred and eighty days of trial, and saving litigants, jurors, and the court system time and money.

Although a large percentage of cases scheduled for full trial also settle, often on the eve of trial, the one-day format of the summary jury trial has accomplished better results. Because the process allows scheduling on short notice, it results in early resolution without congesting the court's trial calendar. At the same time, this alternative to conventional alternative dispute resolution preserves the right of litigants to have their cases decided by a jury of their peers; a right that is given up when parties proceed through arbitration or mediation.

A summary jury trial achieves its great economy of time by limiting the presentation by each side to one hour and limiting the number of live witnesses. During the one hour, no more than two witnesses may be placed on the stand. These should be witnesses whose credibility is key to the case. Other testimony is presented through deposition transcripts or sworn affidavits. Key to the savings of time and, especially, expense, is the submission of medical evidence through the reports of providers, rather than through live testimony.

In presenting the case, each lawyer explains the evidence to the jury, emphasizing relevant testimony and exhibits. The one hour time limit forces the attorney to go directly to the core of the case. Time spent in cross-examination of witnesses generally is deducted from the cross-examining party's time, again encouraging attorneys to confine themselves to key points. Once each presentation is complete, additional time is allowed for brief closing arguments. The jury is then charged, much as it would be in a normal trial, and retires to deliberate.

Ideally, the parties will stipulate before the summary jury trial either to accept the jury's verdict as binding or to accept it within agreed high-low limits. In Chautauqua County, however, the majority of summary jury trials have been conducted on a non-binding basis. If a case is not settled after preliminary or pre-trial conferences, the court strongly urges the parties to participate in a non-binding summary jury trial in cases in which an advisory jury verdict could help the parties

reach a settlement. In many cases, the non-binding verdict acts as a “wake-up call” for one side or the other, or it convinces reticent clients that a settlement is in their best interest.

Binding and non-binding summary jury trials have been highly effective in resolving cases. Since the program began in Chautauqua County, a total of One Hundred Seventy Four (174) cases were scheduled for summary jury trials. As stated earlier, in the years 2002, 2003 and so far in 2004, one day summary jury trials resolved One Hundred Per Cent (100%) percent of the cases scheduled in those years. Having the trial date scheduled, by itself, facilitates settlement, as the Court and attorneys focus seriously on the cases long before they would otherwise have done if the cases awaited dates of full trials.

The summary jury trial is a tool that has been used in Chautauqua County and, increasingly, in Erie and Niagara Counties, to help resolve a wide variety of cases. Although primarily, but not exclusively, used in lower valued actions in the Eighth JD, experience of courts and attorneys in Federal Court and other states, has proven beyond a doubt that the SJT can easily be adapted for use in larger cases where a verdict, even non-binding, can help the parties reach settlement. This premise was also proven in serious personal actions in Chautauqua County involving claims of over \$1,000,000.00 and as much as \$3,000,000.00.

Parties who object to arbitration or mediation as a means of resolving their cases are often more accepting of the summary jury trial. Many defense counsel and insurance carriers have expressed reservations about arbitration, because it relies upon attorneys serving as arbitrators to decide the case. Many plaintiffs, on the other hand, do not feel that they have had their “day in court” unless a jury decides the case. Both objections are met by the summary jury trial.

The success of this program has been substantial. The experience in Erie and Niagara Counties proves it is flexible enough to be adapted for use in any county and can significantly reduce over-burdened case loads across the state. Any judge or attorney interested in moving cases through the court system should feel free to contact Supreme Court, Chautauqua County, at (716) 753-4266.



## SUMMARY JURY TRIAL BASICS

### I. SYNOPSIS OF THE SUMMARY JURY TRIAL

**JURY SELECTION:** By counsel with strict time limits or by the Court. If the trial is non-binding, jurors are not so informed until after the verdict is rendered.

**TIME:** Ten minute openings; ten minute closings; plus one hour to each side. Adjustments to time limits may be granted by the Court to insure full exploration of the issues.

**CASE PRESENTATION:** Counsel present summaries of evidence, factual allegations, inferences from discovery, quotes from video tapes and depositions, and pre-marked exhibits such as police and medical reports. Each side is permitted up to two witnesses, live or by video. Plaintiff proceeds first, with the defendant presenting second. Plaintiff may be granted a ten (10) minute rebuttal. The time spent by counsel on direct and cross examinations counts against their allotted time unless Court directs otherwise. Counsel may stipulate evidence to be submitted.

**JURY VERDICT:** After the Court charges the jury, the jury deliberates and completes the Jury Verdict Sheet. The verdict is advisory unless parties agree it is to be binding as rendered or on a high/low basis. After the verdict in a non binding SJT, the court may question the jurors as to their rationale. Counsel may submit questions to be put to the jury or be permitted to ask questions directly.

Following the trial, the court may advise the jury that because the concept is revolutionary and the SJT abbreviated, the parties have the option of accepting the verdict or demanding a new, full scale trial. In a non binding SJT, if the jury does not reach an agreement within a reasonable time, the Court can poll the jurors individually, and, allow counsel to submit questions.

**APPEAL:** The parties must stipulate that the right to move to set aside the verdict, or to appeal, is limited to instances in which the rights of a party were significantly prejudiced by 1) corruption, fraud or misconduct in procuring the award; 2) a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award; 3) the

award being imperfect in a matter of form, not affecting the merits of the controversy; or 4) an error of law that occurred during the course of the trial. All other rights of appeal are waived.

## II. WHEN A BINDING SUMMARY JURY TRIAL IS RECOMMENDED

1. Generally, limited coverage and small ticket cases where cost of bringing in medical experts would be prohibitive.
2. Any case where it is cost effective for all concerned, i.e., all cases involving demands up to and including \$50,000 and most cases where the demands are between \$50,000 and \$200,000.
3. Cases dealing with larger amounts but where the parties are close in their negotiations. The mini-trial can resolve the relatively small dollar disagreement.
4. Cases where injuries may result in verdicts in excess of policy limits and defense counsel desires to cap the verdict at those limits to protect the insured against an excess judgment.
5. All slip and fall cases. Because of the high risk of a defense verdict or a finding of comparative negligence, plaintiffs usually readily agree to high/low parameters. Defendants will often agree to a low figure that represents the costs of a defense in a full jury trial, and a high which caps the verdict within policy limits. Because defense oriented verdicts are the norm, insurers often take a chance with the high to close the file.
6. Most personal injury cases where liability and/or damages are in issue.

## III. CASES SUITED FOR NON BINDING SUMMARY JURY TRIALS

1. Generally, any case that can be presented and understood by a jury in a one day trial is suitable. All cases, big dollar or small dollar, in which a jury's advisory verdict has the potential of assisting the parties in reaching a settlement, even a case with potentially large damages, is suitable for the SJT.
2. Cases where liability is either admitted or the defense concedes that liability is likely to be found by a jury so that damages are the only real issue. For purposes of the Summary Jury Trial, counsel may be persuaded to concede liability and get right to the damage question to assist in valuation in a non-binding mini-trial.
3. Cases where either side has an unrealistic settlement position, or value, so that the Summary Jury Trial can serve as a reality check. For instance, a case in which the plaintiff will not come off an unrealistic settlement

demand, despite counsel's urging, and the insurance carrier refuses to make a good faith offer in the face of the unrealistic demand. Or, vice versa.

4. No fault threshold cases where parties cannot agree on a binding high/low SJT.

5. Cases likely to require several days or weeks of trial time and great expense for a traditional trial, especially for medical and other expert testimony.

6. Small ticket negligence cases likely to involve considerable expense, especially for medical testimony, where parties cannot agree on settlement in spite of pretrials and/or mediation.

7. The amount in controversy is sufficient to justify the extra day in court and additional preparation time in the strong likelihood the SJT will result in settlement. The Civil Justice Reform Act Advisory Committee of the Northern District of Texas, 1997 report.

8. Judge Thomas Lambros, former Federal District Judge who in 1980 conducted the first summary jury trial, used the process to resolve big ticket cases involving automobiles, medical malpractice, products liability, toxic waste, defamation, anti trust, franchise cancellation and fraud.

9. Cases like Intellect Communications, Inc. v Cadence Design Systems, Inc., Dallas, Texas, involving a \$10 Million suit for breach of contract and claimed lost profits of \$90 million. Defendant offered nothing. Mediation did not come close to settling the case. Non binding SJT awarded plaintiff \$21.5 actual damages. Verdict opened defendant's eyes to exposure and moderated plaintiff's expectations of a large lost profit award. Case settled for \$9.45 million. Mediator reported there was no way parties would have settled before a trial that was expected to last 3 weeks at a huge cost in attorney fees, witness expense, and client investment of time.

Plaintiff's counsel Geoffrey L. Harrison writes: Summary jury trials provide parties with excellent information about their case's jury appeal and fundamentally can change parties' willingness to settle. Courts and parties increasingly should engage in summary trials as they are the best way to have your day in court and still eliminate litigation risk. The jury's verdict is not binding, but it provides a helpful reality check on the parties' often divergent valuations of the litigation risk. The summary jury's verdict is the best proxy the law provides for how a real jury will decide the case.

Defense counsel Byron Wilder agrees that summary jury trials can be an effective settlement tool, particularly where mediation has failed to produce settlement.

Attorney Harrison says that the most effective way to approach settlement is to couple the SJT with mediation. In his words, "The day after the summary jury trial, the parties' decision-makers and counsel should mediate the case, now armed (or disarmed) with the summary jury's verdict. Each side will have

had at least the evening to attempt to rationalize and to digest the summary jury's verdict - along with dinner and a bottle or two of wine - and to reconsider its settlement posture before the next day's mediation."

10. The law firm of Oblon, Spivak, McClelland, Maier & Neustadt's litigation group who specialize in litigating complex patent, trademark, copyright, trade secrets, and unfair competition disputes in Federal Courts utilize non binding SJTs to resolve intellectual property issues. Their internet site on use of the summary jury reads:

[O]ur litigation attorneys will recommend the use of the summary jury trial in appropriate situations to bring about a cost-effective and time saving settlement. A summary jury trial enables participants to present their cases before a panel of jurors. The jury panel delivers a non-binding opinion to both sides revealing how a real jury might decide in a full trial. The panel decision proves both parties with a reasonable understanding of the relative strengths and weaknesses of their respective positions and increases their confidence in, and ability to agree to, an early settlement.

#### IV. CASES LESS SUITED FOR NON BINDING SUMMARY JURY TRIAL

1. Cases that present complex credibility questions. Although all cases involve some credibility issues, the question is whether or not the issue can be presented in this more limited format for a jury. For example, a case where conflicting testimony of numerous witnesses on several different factual issues might not be a likely candidate for a Summary Jury Trial, but, according to the experience of Judge Lambros, this is not necessarily so.

CHAUTAUQUA COUNTY SUPREME COURT  
SUMMARY JURY TRIAL RULES\*

A. Preliminary Considerations. The following shall be considered but shall not be controlling in determining whether or not civil cases are amenable for Summary Jury Trial:

1. Time Necessary for Regular Trial, Damages and Issues Involved. The Court will determine if the regular trial time would be three days or more, including time for jury selection, closings and charge. The Court will also consider the amount of damages and whether complex legal issues are involved.
2. Consent of Parties. The Court should obtain the consent of the parties to submit the case to a Summary Jury Trial.
3. Offer and Demand. The Court will consider the existing offer and demand, if any, in assessing the suitability of a case for Summary Jury Trial.
4. Credibility. The Court will determine whether the major issues of the case can be resolved on the basis of credibility.

B. Summary Jury Trials. The following procedures shall apply to all Summary Jury Trials unless otherwise ordered or stipulated:

1. Attendance of Parties. Individual parties and an officer or other responsible representative of a corporate party shall attend the non binding Summary Jury Trial, unless excused by the Court. Claims adjusters for insurance carriers are also encouraged to attend non binding trials.
2. Non-Binding Effect. Summary Jury Trials are for settlement purposes only and are non-binding, unless the parties agree otherwise. Nothing done by counsel, with reference to a non-binding Summary Jury Trial, shall be binding on counsel or the parties or shall constitute a waiver. There will be no official record of testimony by court reporters or tape records, nor will a transcript of a trial be produced. Oral statements made by counsel or testimony by parties at the non binding trial, may not be referred to or quoted to impeach the parties at the regular trial.
3. Pre-trial submissions. No later than five business days prior to the jury selection date, all parties shall submit to the Court a list of witnesses that may be called, or mentioned, during trial, for use during jury selection; jury

charge requests; and proposed verdict sheets. Charge requests that deviate from the standard Pattern Jury Instructions, as well as standard verdict sheets, should be submitted on computer disk, preferably in WordPerfect format, or by e-mail, to the Court.

4. Selection of Juries. Summary juries shall consist of no less than six, nor more than eight jurors. The jury will be selected either by counsel, under strict time limitations, or by the Court alone, in which case counsel need not be present at jury selection. In that case, any responses by jurors suggesting a bias will result in the prospective juror being excused. There will be no concerted effort by the court to rehabilitate jurors.

5. Peremptory Challenges: The Court may allow up to two peremptory challenges by each party.

6. Presentation of the Case by Counsel. Each side shall be entitled to a ten minute opening and closing and one hour for presentation of its case. The Court may allot more time if counsel presents a compelling reason to do so. Unless the Judge directs otherwise, the court clerk should keep track of the time and remind counsel of allotted time at appropriate intervals.

a. Counsel may quote from depositions and may use exhibits, affidavits and video tapes. Counsel should not refer to evidence which would not be admissible at trial.

b. No more than two witnesses for each side may be called for direct and cross- examination.

c. Time spent by counsel in direct and cross-examination of witnesses will count against their respective one hour allotted times.

d. The plaintiff shall proceed first and may be permitted a ten minute rebuttal, with permission of the court. If the plaintiff has exhausted the one hour presentation time, the court may allow plaintiff to use part, or all, of the rebuttal time for cross-examination, and allow defense the same privilege.

f. Jurors will be permitted to ask questions of the attorneys. The questions must be presented in writing to the court for approval. If the court approves the question, attorneys will be given two minutes to respond.

7. Jury Verdict. As part of the Summary Jury Trial project, the Court should give the jurors a copy of the jury charge for use during deliberations. A verdict is considered rendered when five out of six jurors agree to the verdict. Counsel may stipulate to having the alternate juror deliberate with

or without the right to vote on the verdict. On a non-binding trial, with consent of counsel, the Court may allow alternates to deliberate, and with consent may allow alternates to vote on the verdict. Agreement by five (5) jurors shall constitute a verdict.

8. Length of Deliberations. If the jury does not reach a verdict within a reasonable time, the Court will consider polling the jurors individually in an attempt to reach a verdict. The court may set a time limit on deliberations, and, if jurors have not reached an agreement, each juror will be polled in the courtroom on each question presented.

9. Oral Questions to the Summary Jury. After the verdict has been rendered, the Court may propound questions in open court to the jury. The court may allow counsel to present questions to the court or jury.

10. Settlement Conference. A settlement conference shall be scheduled within thirty days of the Summary Jury Trial. Parties, representatives of corporate parties or claims adjusters with authority to settle the case are required to personally attend the settlement conference or be available by telephone the day of the conference.

11. Regular Trial Date Unaffected. Submission of a case to a non-binding Summary Jury Trial will in no way affect the scheduling of that case for regular trial.

12. Existing Offer and Demand. The parties may stipulate that the pre-trial offer and demand remain unaltered through the Summary Jury Trial and the following settlement conference. Either party may agree to accept the last settlement proposal of the opponent at any time before the non binding summary jury trial verdict is announced.

13. Non-release of Summary Verdict to the Media. The non-binding Summary Jury Trial is an extension of the settlement conference, and as such, the verdict shall not be released to the public or news media.

14. Stipulation: If the parties agree to a binding summary jury trial, a written stipulation shall be signed by the parties and their attorneys reciting any high/low parameters and the agreement to the limited rights of appeal provided in these rules. The binding agreement should be stated on the

record at the time of the mini-trial and the agreement of all parties as to their understanding confirmed.

15. Record: A binding mini-trial will be recorded either by a court reporter, the use of a tape recorder in the courtroom, or a combination of the two as the presiding judge prefers. If the trial is non-binding, the Court will dispense with a formal record.

16. Infant Plaintiff: In a binding SJT involving an infant, the Court must approve any high/low parameters prior to trial.

17. Right of appeal. The binding summary jury trial provides for limited rights of appeal. The right to move to set aside the verdict, or to appeal, is limited to instances in which the rights of a party were significantly prejudiced by 1) corruption, fraud or misconduct in procuring the award; 2) a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award; 3) the award being imperfect in a matter of form, not affecting the merits of the controversy; or 4) an error of law that occurred during the course of the trial. All other rights of appeal are waived.

18. These rules may be amended by the Court on a case by case basis to suit the circumstances. The guidelines provided in the rules govern absent any other agreement or court order.

\*This Section contains excerpts and information derived from materials and rules received from the Court of Common Pleas, Blair County, Pennsylvania, and have been incorporated with their permission.



APPENDIX A  
PROPOSED ORDER\* OF THE COURT AND STIPULATION OF PARTIES

STATE OF NEW YORK:  
SUPREME COURT : COUNTY OF CHAUTAUQUA

---

Plaintiff,

SUMMARY JURY TRIAL  
ORDER

Index No.

Defendant.

---

It is hereby ORDERED, that a Summary Jury Trial of the Issues of liability and damages is hereby scheduled for jury selection on \_\_\_\_\_, at 9:00 A.M., before this Court, and it is further

ORDERED, that unless the Court directs otherwise, the Court and Counsel will apply and follow the Chautauqua County Court Summary Jury Trial Program Rules in the conduct of the Summary Jury Trial.

DATED:

So Ordered.

---

Supreme Court Justice

\*The proposed order is based on an order of Hon. H. William White,  
President Judge, Court of Common Pleas of Venango County, Pa.

APPENDIX A

PROPOSED STIPULATION OF COUNSEL AND PARTIES

STATE OF NEW YORK:  
SUPREME COURT : COUNTY OF CHAUTAUQUA

---

Plaintiff,

STIPULATION OF HIGH/LOW

BINDING SUMMARY JURY TRIAL

Index No.

Defendant.

---

It is hereby stipulated and agreed that this action shall be resolved by submission to a summary jury trial and that all parties shall be bound by the summary jury trial verdict [, except that if the verdict is more than \$ , the plaintiff shall recover \$ , and if the verdict is less than \$ , the plaintiff shall recover \$ ].

It is also stipulated and agreed that the right to move to set aside the verdict, or to appeal, is limited to instances in which the rights of a party were significantly prejudiced by 1) corruption, fraud or misconduct in procuring the award; 2) a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award; 3) the award being imperfect in a matter of form, not affecting the merits of the controversy; or 4) an error of law that occurred during the course of the trial. All other rights of appeal are waived.

Plaintiff(s):

Defendant(s):

Counsel for Plaintiff(s):

Counsel for Defendant(s):

APPENDIX A

## APPENDIX B

### N.Y.S. Summary Jury Trials Informal Survey of SJT Activity & Interest as of May, 2004

County	Judges Interested In SJTs	Presided Over SJT	Comments
Chauatuqua	Hon. Joseph Gerace Hon. John T. Ward Hon. Stephen W. Cass Hon. Frederick J. Marshall Hon. Salvatore R. Martoche (recently appt'd. To App. Div.)	✓ ✓ ✓ ✓ ✓	Other judges have come down from Erie Co. to preside in Chau. Co. including Hon. Vincent E. Doyle, Hon. Richard Kloch, Hon. John P. Lane. (In the early days of the project, local magistrates volunteered their time and presided over SJTs including Hon. Bruce Scolton and Hon. David J. Narducci).
Erie	Hon. Patrick NeMoyer Hon. Donna Siwek Hon. Erin Peradotto Hon. John P. Lane Hon. Nelson Cosgrove Hon. Joseph Glownia Hon. John O'Donnell Hon. Norm Joslin (JHO) Hon. Joseph Sedita (JHO) Hon. Herb Johnston (JHO) Hon. Margaret Anderson (JHO)	✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	
Niagara	Hon. Amy Fricano Hon. Ralph Boniello Hon. Vincent E. Doyle Hon. Richard Kloch	✓ ✓ ✓ ✓	
Cattaraugus	Hon. Michael Nenno	✓	will only go Binding SJT
Allegany	Hon. Thomas P. Brown		
Genessee	Hon. Robert C. Noonan		SJT scheduled for 10/25/04

County	Judge	Presided Over SJT	Comments
Monroe	Hon. Robert Lunn	✓	
Oneida	Hon. Robert F. Julian Hon. John G. Ringrose	✓ ✓	" All the JSCs attended Judge Pigotts' presentation and would be willing to conduct such trials if Attorneys thought they would be beneficial." Chief Clerk J. Panella.
Jefferson Co.	Hon. Hugh A. Gilbert		SJT was scheduled for 3/15/04 at request of attys., but SJT did not proceed due to an expert testimony issue.
Putnam	Hon. John W. Sweeny, Jr. Hon. Fred Shapiro	✓	Recently appt'd. To App. Div. SJT scheduled for 6/04

kdk (5/12/04)

## APPENDIX B

## APPENDIX C

### ATTORNEY COMMENTS

Immediately following the charge, and before the jury rendered its verdict, attorneys who participated in SJTs were asked to fill out questionnaires. Overall, their responses were positive. Eighty-one (81) percent were satisfied with the current format. Nineteen (19) percent had reservations or were not satisfied with the current format. Many offered insights and suggested minor revisions. Some indicated they would consider STS s with client agreement only in cases that involved minor damages and issues that were clear and specific, and where liability was the only issue.

All attorneys agreed that the SJT is less time consuming and less costly to prepare and present, especially for plaintiffs. Other specific comments were:

“If the issues are limited and specific it is an expeditious way for the plaintiff to get his/her ‘day in court’”.

“The process is quicker and the jury is just as diligent and serious.”

“The SJT format allows the attorneys to get right to the facts because there is no irrelevant questioning or attorney fighting.”

“The medical evidence is summarized, so there is no need for live testimony saving cost of litigation.”

“The SJT provides feedback from a low cost forum. It is a good way to measure the feeling of a jury towards the facts in a case for valuation by counsel and the parties.”

“Giving a copy of the jury charge to the jury for deliberations was highly beneficial to the jury's ability to render a verdict in a no fault case.”

“Expenses were kept to a minimum without paying for medical testimony. I have a similar auto case going to a regular trial and for one hour of prep time and court appearance time, the bills for doctors are \$4500.”

“I often believe that less may be more in a trial context. Realistically, attention spans and endurance do not generally permit jurors to weigh all the proof at a full trial.”

“It moves just along, as opposed to a trial that may take four days, the same trial may be completed in one day. This obviously aids in keeping the jurors attention.”

“The opportunity to prepare a proof packet ahead of time and being able to provide that to the jury is helpful”.

“Potential for settlement provided parties are not entrenched in their positions. Fleshes out arguments for regular trials. Enables lawyers and clients to learn more

about jurors' thought processes."

"Each party spent time on the relevant issues in dispute and not on tangent matters."

"Opinion of jurors on issues of liability and damages will help settle the case."

"It gives each party a chance to see how a jury would decide the case. This might bring an obstinate party or obstinate parties to a more reasonable position, so that settlement might be possible." (jg. It did. The case settled)

"Cost of not producing medical witnesses is a great savings. The time limitations force attorneys to get to the heart of the matter."

"It gives the court and both sides a very good idea in evaluating their case without the time and expense of a full scale trial."

#### Concerns Cited by Counsel:

"Potential for argument over facts without witnesses. It can be taken too far from the record. Also, difficult issues (medical or otherwise) difficult to address without the lawyer being the witness".

"Things were a little rushed, especially at the end with charges. Felt that we may not have gotten enough information before the jury with the limited testimony allowed."

"Ineffective settlement tool if unreasonable carrier is involved. Places plaintiff in difficult position of revealing trial strategy prior to trial." (jg:Case settled following verdict).

"Lack of time for full evaluation of all issues"

"I could not call all my liability witnesses. I always worry that I am giving up something there."

"If there is an imbalance in the level of preparation and submission of materials to the jury, a verdict may not be representative of what would happen in a full trial."

"The leniency allowed in a summary trial, both in evidence and jury charges, can tend to produce an unrepresentative verdict." (jg: Results of regular trials generally mirror SJT verdict)

"If a full trial is needed, a lot of extra time and money have been spent." (jg:100% of non binding cases settled without need for full trial).

“Never know if jury will take time to read all of the materials provided.” (jg: Never know whether jury ‘hears’ or absorbs all testimony in regular trial.)

“Binding trial is OK. Non binding trial forces me to disclose my trial strategy if the case has to go to full trial.” (jg: With current discovery methods, competent attorneys know the trial strategy options. Also, from 2002 to date, none of our non binding cases proceeded to regular trials.)

Note: With one exception, attorneys in medical malpractice cases were reluctant to submit the issues to a SJT because they considered the issues as too complex. Moreover, they felt expert testimony and credibility are important in these types of cases and maintain it is difficult to educate the jury on the medical aspects in one hour. They contend that the format in a binding SJT allows limited time for the jury selection process, limited time for cross examination, and inadequate time generally to adequately present a case or defense in a one day trial.” (jg: Judge Thomas Lambros, who presided over several non binding medical malpractice SJTs disagrees. He advised the writer that the verdict sends a message to the parties and aids in settlement or discontinuance).

## APPENDIX D

### RESPONSES TO CONCERNS RAISED BY JUDGES ABOUT SJTS

Q. I am not convinced it would be an effective use of juror's time.

A. On the contrary, it is an effective use of jurors time because the SJT settles cases. All the 114 cases scheduled for binding and non binding SJTs in Chautauqua County Supreme Court for the years 2002, 2003 and as of June 1, 2004 were resolved without need for a regular trial.

Q. My only concern is that attorneys will use this procedure to delay.

A. That has not been our experience because we schedule a date for the regular trial when we schedule the date for SJT. In fact, some attorneys are asking for binding SJT in small ticket cases.

Q. I prefer it to be binding process.

A. So do I, but, one cannot ignore the fact that the mere scheduling as well as actual trials of cases on a non binding basis produced settlements in 100% of cases in Chautauqua County Supreme Court without need for a regular trial. And, most of the settlements took place long before the date set for the regular trial.

Q. Is the situation explained to the jurors?

A. The project is explained, but, not whether case is binding or non binding. Jurors are told this is a vehicle to resolve the issues.

Q. The court and lawyers give up a day with perhaps no resolution.

A. Our statistics for 2002 through 2004 demonstrate that 100% of non binding and binding SJTs were resolved. Moreover, regular trials take days and sometimes weeks with perhaps no resolution because of motions, appeals, or mistrials. Stats show case gets resolved through the SJT process.

Q. One side or another may just see it as a discovery device.

A. That has not been the experience in the Eighth JD and throughout the country. The non binding SJTs have acted as a wake up call to one or both sides, especially in big ticket cases.

Q. I preside in an upstate area where caseload is such that need for SJT procedure may not be best tool in handling trial calendar.

A. Chautauqua County is as far upstate and as rural as you can get. Our stats show SJT is an effective aid in settling cases that cannot be settled by ADR mediation or pretrials. And, the actual trials dispose of the cases at far less cost in time and money to the parties, the attorneys, the jurors and the courts.



Q. Believe same results can be achieved through mediation, without using court time.

A. Most cases are thoroughly pretried and/or mediated before a SJT is scheduled. Only those that cannot be settled go to SJT. Once a non binding verdict is rendered, the result gives the mediator or judge an excellent settlement tool.

Q. Lawyers prep time same as prep for regular trial, therefore they may be less willing to participate because it may mean double the work.

A. Contrary is true. Preparation for SJT prepares attorneys for the regular trial when there is one. However, 99 times out of 100 the SJT will resolve the case when pretrials and mediation have not. Since 2001 to date, the SJT process resolved 100 out of 100 without need for the regular trial.

Q. The parties may reveal trial strategies that will prejudice their respective positions at a full trial in the event a settlement is not achieved.

A. That has not been our experience. The only attorney who raised this concern is now a staunch supporter of the SJT.

Q. The cost to parties money wise. The cost to the court in time taken from full trials vs savings to both!

A. Cost to court, parties, witnesses, jurors for an SJT is far less than full trial or even preparation for regular trial. Number of trial days reduced drastically as result of SJTs. SJTs actually open up the calendar to allow the court more days to try regular trials.

Q. A waste of resources including the time and efforts of jurors.

A. Not so. Jurors are not involved in most of the non binding SJTS because the mere scheduling of a SJT trial settles most cases just as a regular trial does, but, much earlier and at less cost to all. Jurors who are utilized love the process because they can fulfill their jury assignment by an expenditure of 1 day. The juror who participates in a one day SJT is far more satisfied with the system than the juror who cools heels in the jury assembly room all day long.

Q. I prefer the negotiation method via conference jointly and severally and not waste the time of a jury non-binding trial to determine the issues which can be determined by the judge during negotiations.

A. SJTs are utilized when negotiations fail. The jury does not determine issues, it renders a verdict based on evidence presented, and, the verdict in a non binding case sends a message to the parties, a message that leads to settlement. Win or lose, parties who participate in SJTs feel they have had their day in court, unlike many whose cases were settled in chambers.

#### APPENDIX D

## APPENDIX E



### **SUPREME COURT CHAUTAUQUA COUNTY SUMMARY JURY TRIAL PROJECT UPDATE October, 1998 - December, 2003**

The Chautauqua County Summary Jury Trial Project is continuing into its sixth year with the successful and efficient resolution of civil cases. Ninety-Six percent (96%) of the cases in the program, have been resolved without proceeding to a full jury trial.

As Table 1 below illustrates, a total of one hundred and seventy-four (174) cases have been scheduled for summary jury trials. Ninety-nine (99) of the scheduled cases have settled before the summary jury trial date. Two (2) cases were stayed by bankruptcy prior to the summary jury trial date. In nineteen (19) of the seventy-three (73) cases that proceeded to summary jury trial, the parties agreed to be bound by the summary jury trial verdict. Thirty-seven (37) of the cases settled after the summary jury trial and eight (8) cases were discontinued. Three (3) cases are scheduled for trial in 2004.

Six (6) cases continued to a regular jury trial. Table 2 illustrates that in two (2) of these cases the verdicts returned were identical to the summary jury trial verdicts. In two (2) of these cases the verdicts on liability were the same and the amount of damages differed slightly. In one (1) summary jury trial, the jury found for the plaintiff in the amount of \$6,000. The jury in that case at regular trial returned a no cause verdict. In one (1) summary jury trial, the jury found for the plaintiff in the amount of \$195,000. The jury in that case at regular trial returned a no cause verdict.

The statistics for 2003 include fourteen (14) cases that were scheduled for summary jury trials during the week of June 9, 2003. The purpose of scheduling two (2) to three (3) summary jury trials per day over a five (5) day period, was to illustrate how viable summary jury trials are as a means to resolve cases in larger jurisdictions on a dedicated basis. Five (5) cases settled prior to the summary jury trial date. Two (2) cases were stayed by bankruptcy before the summary jury trial date. Two (2) cases were resolved with binding verdicts. Five (5) nonbinding verdicts were rendered. Three (3) of these cases settled after the summary jury trial. One (1) of these cases was discontinued and one (1) of these cases remains on the regular trial calendar. Table 3 summarizes the case activity for Summary Jury Trial Week.

**Table 1**  
**SUMMARY JURY TRIAL PROJECT RESULTS**

<b>Disposition of Cases in SJT Project:</b>	<b>1998-99</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>TOTAL</b>
<b>Total Cases in Summary Jury Trial Project</b>	<b>32</b>	<b>28</b>	<b>36</b>	<b>37</b>	<b>41</b>	<b>174</b>
<b>Settled Before Summary Jury Trial Date</b>	<b>17</b>	<b>11</b>	<b>26</b>	<b>25</b>	<b>20</b>	<b>99</b>
<b>Stayed by Bankruptcy before SJT Date</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Total Summary Jury Trials Held</b>	<b>15</b>	<b>17</b>	<b>10</b>	<b>12</b>	<b>19</b>	<b>73</b>
<b>Disposition of 73 Cases Where SJT Held:</b>	<b>1998-99</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>TOTAL</b>
<b>Disposed of by Binding SJT Verdict</b>	<b>2</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>19</b>
<b>Settled After Summary Jury Trial</b>	<b>8</b>	<b>5</b>	<b>5</b>	<b>11</b>	<b>8</b>	<b>37</b>
<b>Discontinued</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>8</b>
<b>Proceeded to Trial</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>6</b>
<b>Scheduled For Trial in 2004</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>3</b>
<b>Total Summary Jury Trials Held</b>	<b>15</b>	<b>17</b>	<b>10</b>	<b>12</b>	<b>19</b>	<b>73</b>

**Table 2**  
**SIX CASES THAT PROCEEDED FROM SUMMARY JURY TRIAL TO JURY TRIAL**

<b>Case Name, Index No. &amp; Type of Case</b>	<b>Summary Jury Trial Date and Verdict</b>	<b>Jury Trial Date and Verdict</b>
<b>[REDACTED]</b> <b>P.I. - Construction</b>	<b>02/09/99 - No Cause</b>	<b>05/21/99 - No Cause</b>
<b>[REDACTED]</b> <b>P.I. -Motor Vehicle/Pedestrian</b>	<b>10/29/99 - For Plaintiff: \$25,000.</b>	<b>01/07/00 - For Plaintiff: \$48,450.</b>
<b>[REDACTED]</b> <b>P.I. - Motor Vehicle</b>	<b>12/12/00 - For Plaintiff: \$6,000.</b>	<b>10/26/01 - No Cause</b>
<b>[REDACTED]</b> <b>P.I. - Slip &amp; Fall</b>	<b>10/13/00 - For Plaintiff: P&amp;S - 25000.; Med. Exp. - 14235.; Loss of Earn. - 58994.; Future P&amp;S - 25,000.</b>	<b>04/06/01 - For Plaintiff: P&amp;S - 45000.; Med. Exp. - 14235.; Loss of Earn. - 30,000.; Future P&amp;S - 75,000; Future Damages to Spouse for 39 yrs.</b>
<b>[REDACTED]</b> <b>P.I. - Motor Vehicle</b>	<b>05/08/01 - Def. Neg., threshold of injury not met.</b>	<b>08/24/01 - Def. Neg., threshold of injury not met.</b>
<b>[REDACTED]</b> <b>P.I. - Motor Vehicle</b>	<b>11/9/01 - For Plaintiff: \$195,000 (Pl. 60% negligent; Def. 40% negligent)</b>	<b>2/13/02 - No cause.</b>

**Table 3**  
**SUMMARY JURY TRIAL WEEK CASE ACTIVITY**  
**JUNE 9 - 13, 2003**

Mon., June 9	Tues., June 10	Wed., June 11	Thurs., June 12	Fri., June 13
<p>1. [REDACTED]  P.I. - Trip &amp; Fall Liability Only  Hon. Thomas Lambros</p> <hr/> <p>Nonbinding SJT  Verdict: No Cause of Action</p> <p>Trial: To be set in 2004.</p>	<p>[REDACTED]  P.I.  Amt. Sought: \$750,000.  Hon. Joseph Gerace</p> <hr/> <p>Binding SJT w/ high-low  Verdict: Pl &amp; Def equally resp. Damages - Past P&amp;S \$100,000. Future P &amp; S \$100,000.</p>	<p>[REDACTED]  P.I. - Motor Vehicle  Amt. Sought: \$500,000.  (Serious injury threshold &amp; damages only  Hon. Joseph Gerace</p> <hr/> <p>Nonbinding SJT  Verdict: \$130,000.  Settled Before Trial: 100,000</p>	<p>9. [REDACTED]  P.I. - Snowmobile  Amt. Sought: \$2,750,000.</p> <hr/> <p>Reported Settled on 6-6-03 for \$400,000.</p>	<p>12. [REDACTED]  P.I. - Motor Vehicle  Amt. Sought \$1,400,000.  Ho. Joseph Gerace</p> <hr/> <p>Nonbinding SJT Verdict:  Past P &amp; S: \$16,000  Loss Earnings: \$16,000.  Settled Before Trial: \$70,000.</p>
<p>2. [REDACTED]  P.I. - Motor Vehicle  Amt. Sought: \$150,000.  (Damages Only)  Hon. Joseph Gerace</p> <hr/> <p>Nonbinding SJT  Verdict: \$507,000.  Settled before trial: 50,000 (policy limit)</p>	<p>5. [REDACTED]  P.I.  Amt Sought: \$600,000.  Hon. Joseph Gerace  (SJT adj. to 6/12/03)</p> <hr/> <p>Binding SJT w/ high-low (\$50,000/\$7500.)  Verdict: No Cause of Action.</p>	<p>8. [REDACTED]  P.I.  Amt. Sought: \$1,100,000.</p> <hr/> <p>Case stayed by Bankruptcy prior to SJT</p>	<p>10. [REDACTED]  P.I. - Motor Vehicle  Amt. Sought: \$500,000.</p> <hr/> <p>Reported Settled on 6-6-03 for \$2,000.</p>	<p>13. [REDACTED]  P.I. - Slip &amp; Fall  Amt. Sought: \$250,000.  Hon. Thomas Lambros</p> <hr/> <p>Nonbinding SJT Verdict:  No Cause of Action.  Stip. of Discontinuance filed 11-19-03.</p>
<p>3. [REDACTED]  P.I.  Amt. Sought \$525,000.</p> <hr/> <p>Case stayed by Bankruptcy prior to SJT</p>	<p>6. [REDACTED]  P.I. - Trip &amp; Fall  Amt Sought: \$525,000.</p> <hr/> <p>Reported Settled 4-1-03 for \$50,000.</p>		<p>11. [REDACTED]  P.I. - Motor Vehicle</p> <hr/> <p>Reported settled on 5/28/03 for \$12,000.</p>	<p>14. [REDACTED]  P.I. Motor Vehicle</p> <hr/> <p>Reported settled on 5/12/03 for \$15,000.</p>

Update Prepared by: Kathleen D. Krauza, Chief Clerk of Supreme & County Court  
Chautauqua County, Jan. 20, 2004

## ACKNOWLEDGMENTS

Several people have been instrumental in the development of the program. The Hon. Vincent E. Doyle, former Administrative Judge, gave the project his wholehearted support. It could not have moved forward without his commitment.

His successor, Hon. Sharon Townsend, has been vigorous in her support and expansion of the SJT program in the 8th Judicial District.

Chief Clerk and Jury Commissioner, Kathleen Krauza, deserves kudos for her support in shaping the format and procedures and for her enthusiastic promotion of the program here and statewide. The result is that the program has been recognized by the Office of Court Administration as a viable form of ADR. There is no doubt the program could not have moved forward without her involvement.

The original cast for the 1st edition consisted of Chief Clerk Kathleen Krauza, the Honorable. David J. Narducci, past president of the Chautauqua County Magistrates Association, who assisted in production and editing, the Honorable Judith Claire Chautauqua County Family Court who earlier served as my law clerk, former Deputy Chief Clerk Jan Scorse, current Deputy Chief Clerk Judith Helman, Former Deputy Jury Commissioner Connie Panebianco, Supreme Court Reporter Gerard Linnecki, Robert Martin, Esq. (Retired), Barbara Dodge, Secretary, Court Assistant Laura Haas and Student Volunteer Amy Caruso, then a Senior at S.U.N.Y. Fredonia. They all contributed to the launching of this project.

Thomas Smith, Law Clerk, must be saluted for fine tuning the program, preparing the charges and development of trial books. My secretary, Tina Hodges, has been invaluable in computerizing the program and organization of the trial books. Court Clerk Marjorie Davis has been the model of efficiency in implementing the program in the courtroom. Michael Cerrie, law student, and Alicia Payne, interns, contributed to this Program Manual.

Writer Anne-Marie Thompson, whose November/December 1996 article "Quick Court" in The Pennsylvania Lawyer inspired the Chautauqua County project, the judges she mentions in that article, Judges Hiram Carpenter II, and Jolene Kopriva, Blair County, PA, and, Dale Robbins, Esq., who provided me with The Pennsylvania Lawyer article, deserve honorable mention.

Hon. Thomas Lambros, retired US District Judge, who masterminded and initiated the use of SJTs in 1980 and presided over SJT cases during SJT week in Chautauqua County Supreme Court has been most helpful.

Martin P. Violante, ADR 8<sup>th</sup> JD, Daniel Weitz, Esq, State ADR Coordinator, Elissa Krauss, Jury Project, who have advanced the concept.

Talmage Boston, Esq., Dallas, Texas, Chair of Litigation section of Texas State Bar, past Chair of Business Litigation Section of Dallas Bar Association, Joseph Coniglio, Esq., Dallas, Texas, co-author *The Defense Lawyer's Role in Summary Jury Trials*, Russ Meyer, Esq., who conducted the first SJT in Dallas, Texas, and Samuel Clawson, Esq., a top defense attorney who advanced the summary jury process in Charleston County, So. Carolina recently provided resource material. Geoffrey L. Harrison, Esq., from whose paper *Settlement Through Summary Jury Trials* his apt definition of a summary jury trial in the above preface was borrowed with slight modification.

Last, and certainly not least, Chief Judge Judith Kaye, Hon. Jonathan Lippman, Chief Administrative Judge, former Deputy Administrative Judge Joseph Traficanti, Jr., First Deputy Administrative Judge Ann Pfau, Hon. Eugene F. Pigott, Jr., Presiding Justice 4<sup>th</sup> Dept, Hon. John P. Lane, Supervising Judge Civil Courts, Hon. Robert G.M. Keating, Dean of the New York State Judicial Institute, and all the judges whose names appear on the Informal Survey. Their support of the program reflects their ever-present spirit of creativity and passion to continually improve the judicial system in New York.

Joseph Gerace