

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Section 202.70 of the Uniform Rules for the Supreme and County Courts (Rules of the Commercial Division of the Supreme Court) by adding a preamble before Rule 25, effective July 15, 2024, to read as follows (additions underlined).

Preamble to Rules 25-33. The Commercial Division operates in accordance with a series of well-crafted rules and principles designed to achieve and promote the goals of efficient and cost-effective case management. These rules stress organization, preparation and cooperation as well as the use of innovative techniques where appropriate. Rules 25-33, which address trial preparation and procedure, reflect these important concepts. These trial rules emphasize the importance of pre-trial preparation and remind the practitioner that such preparation is an essential element of successfully litigating and conducting a complex commercial case and trial. Rules 25-33 identify a series of key items that must be addressed or completed before commencing a trial in the Commercial Division and include: accurately estimating the length of the trial so that the court, counsel and parties can properly allocate their time; preparing and communicating to the court motions in limine in advance of the trial date; reviewing, assembling, and pre-marking exhibits; addressing issues that may arise in connection with the use of deposition testimony at trial; agreeing on a schedule for witnesses and the manner in which each witness will testify (including giving consideration to direct testimony by affidavit in a non-jury trial); and preparing and negotiating jury instructions and verdict sheets. The successful completion and efficiency of the trial depends upon counsel adhering to a key component of the Commercial Division rules to meet and confer and resolve issues without the need for court intervention. When there is compliance with the rules, the result is an efficient and cost-effective proceeding that will ensure that the court's time and attention will be used in the manner in which it is intended and avoid unnecessary delay and unintended consequences.



Chief Administrative Judge of the Courts

Date: July 2, 2024

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