

Dear Members of the Bar

We are pleased to announce a new initiative to improve the pre-trial case management of medical malpractice actions in Westchester County Supreme Court. The new procedures were developed at the request, and as a result of, a year-long collaboration of leading members of both the Plaintiffs' and Defense Bar. These changes will take effect on May 15, 2015.

The initiative includes the use of a new preliminary conference stipulation and order form (accessible online at <http://www.nycourts.gov/courts/9jd/MedMal/form.pdf>) which has been designed specifically for malpractice actions. One of the principal changes is to separate the document discovery phase of the litigation from the deposition phase, so as to make it easier to fix firm deposition dates once all relevant records have been produced.

Under this initiative, court attorney-referees will be assigned at the preliminary conference stage of discovery proceedings to ensure early case management of malpractice actions. The goal is to work with the attorneys from the outset of the case so that the case can progress through the pre-trial phase.

Preliminary and compliance conferences in these actions will generally be scheduled, to the extent practicable, on Monday and Tuesday mornings so that the court attorney-referees and counsel will have the time necessary to devote to the more complex discovery issues involved with malpractice cases. This scheduling should also help to reduce waiting time, on both the medical malpractice conference calendars and on the regular conference calendars.

As this initiative moves forward, we welcome your feedback as to whether the new system is working as intended and your ideas as to how we can improve our processes and procedures.

Hon. Alan D. Scheinkman, J.S.C.
Ninth District Administrative Judge