

Henry Miller (Senior Partner, Clark, Gagliardi & Miller PC; Former President, New York State Bar Association, Westchester County Bar Association):

In 1995, 20 years ago, then Chief Judge Judith Kaye established the Commercial Division of the New York State Supreme Court.

Hon. Judith S. Kaye (Chief Judge, State of New York, ret.):

New York law is so stable, so predictable, so sound and logical. It's the courts that make it that way.

Martin Lipton (Partner, Wachtell, Lipton, Rosen & Katz; Co-Chair of the Chief Judge's Task Force on Commercial Litigation in the 21st Century):

All of us feel that we have achieved the objective of an efficient, highly regarded Commercial Division.

Michele Mayes (General Counsel, New York Public Library):

Businesses, even not-for-profit businesses, want to be before a tribunal that is fair, efficient, and knowledgeable.

Kathryn Wylde (President and CEO, Partnership for New York City):

People from all over the world, businesses from all over the world, investors, really respect the opportunity the court provides for having the real expertise to adjudicate business matters.

Hon. Jonathan Lippman (Chief Judge, State of New York, ret.):

We're the commercial center of the world and our court should be not only world class, but a place where everyone understands that they can come and see what happened, see the right way to resolve a commercial dispute.

Robert Haig (Partner, Kelley Drye & Warren LLP; Chair, Commercial Division Advisory Council):

In 1995, when the Commercial Division first started, the prevailing attitudes in the New York state courts were that there were too many cases in the court system and not enough money, and that nothing could be done about it.

Chief Judge Kaye:

What we envisioned 20 years ago was staying apace of world change.

Betsy Plevan (Partner, Proskauer Rose LLP; Former President, New York City Bar Association):

This, I would say, is a landmark change for both the business community and for lawyers.

Gregory Palm (General Counsel, Goldman Sachs):

I'd say the true mark of a successful specialized court is that both sides select the court as their preferred forum, and at least in our experience, that's been the case.

Joseph Wayland (General Counsel, ACE Limited):

When we choose New York, we're going to get a smart judge, we're going to get a timely resolution of our dispute, and we're going to get a judge who doesn't waste our time.

Michael Fricklas (General Counsel, Viacom, Inc.):

But usually, as a plaintiff you have some choices and for us, it was comforting to know that we had a court system that was familiar with the kinds of disputes that companies are involved with. They understand economics. They have experience with complicated contractual language. They understand the importance of getting it right and following the rule of law.

Janet Callahan (Managing Partner, Hancock Estabrook LLP):

I also know that I'm going to be dealing with a deep history of commercial cases which lends some predictability to how my particular situation is going to be resolved.

David Boies (Chairman, Bois Schiller & Flexner LLP):

You have large commercial cases that involve a lot of lawyers, a lot of money, a lot of complicated issues, a lot of complicated issues of economics, sometimes of technology, and you've got a structure that's designed to deal with that kind of case.

Hon. Eileen Bransten (Justice, Commercial Division, New York County):

You have people willing to always search for new and creative answers to problems. You have rules that I think are very compatible to a quick and swifter resolution to the issues.

Hon. Barry Ostrager (Acting Justice, New York Supreme Court; Former Partner, Simpson Thacher & Bartlett LLP):

Toward the end of my career as a private practitioner, I unhesitatingly offered the Commercial Division of the New York Supreme Court as a good option for the disposition of important disputes.

Daniel Jonas (General Counsel, ConMed Corporation):

I've never encountered a counterparty who had an objection to the New York State Commercial Courts. They are so well-respected among the nation's practitioners.

Hon. Donald Greenwood (Justice, Commercial Division, Onondaga County):

I think they can expect professionalism and they can expect that their cases be given thorough analysis and evaluation.

Hon. Timothy Walker (Presiding Justice, Commercial Division, 8th Judicial District):

I think it's easier for a business person to know that there is a specialized Commercial Division that is comprised of those experienced in the commercial litigation context.

Stephen Cutler (General Counsel, JPMorgan Chase & Co.):

What you want first and foremost are judges who understand what those disputes entail and can streamline the process so that you get a full and fair hearing in an efficient way.

Hon. Jeffrey Oing (Justice, Commercial Division, New York County):

I see myself first, initially as a mediator and then, second, as a facilitator, and third, as a decider, someone who decides the issues and just get it done, and let them go on their way.

Hon. Alan Scheinkman (Presiding Justice, Commercial Division, Westchester County):

Not everything necessarily has to rise to a battle of letters and legal papers. We can have a conversation. What's your problem? What's your problem? How can we sit down and resolve it?

Hon. Shirley Werner Kornreich (Justice, Commercial Division, New York County):

We want a predictable business law so that when people write contracts, when they enter into any kind of transaction, they know exactly what is going to happen, and if they have to go to court, they know what the result will be.

Elizabeth Moore (General Counsel, Consolidated Edison, Inc.):

We want certainty. We want judges that have expertise and understand commercial disputes. We want judges who are creative and who will force resolution.

Chief Judge Lippman:

What people could expect is the personal attention of the judge. They're going to have a game plan for this case going forward, it's going to move expeditiously to trial, but with great care ensuring that everyone gets the discovery that they need.

Hon. Charles Ramos (Senior Justice, Commercial Division, Supreme Court of the State of New York):

You're going to get the fairest, most intelligent appraisal of your strengths and weaknesses. You may not like the result, but you should be able to respect the result.

James Quinn (Partner, Weil, Gotshal & Manges LLP):

The reality is that the juries that you get in New York County where the Commercial Court are surprisingly sophisticated about commercial issues. It's a good venue for that.

Chief Judge Lippman:

We're not perfect, but we're trying to get as close to that model of perfection as we can.

Justice Kornreich:

There's an Advisory Committee that's always trying to improve and whether we agree with it or not, we know that the goal is to make the commercial part better.

Henry Miller:

The justices of the Commercial Division are committed to a constant process of self-improvement and are assisted in that process by a now permanent Advisory Council.

Justice Bransten:

I see the Commercial Division continually reinventing itself.

Hon. Marguerite Grays (Presiding Justice, Commercial Division, Queens County):

We have a little more flexibility, I think, in the Commercial Division to devote the additional time and effort to hopefully, expeditiously and efficiently, resolve the matters that are pending before us.

Justice Ramos:

If we do something wrong, we're going to find out about it. That's the positive impact that the Advisory Council has.

Henry Miller:

Over the past two years alone, the Commercial Division adopted rule changes proposed by the Advisory Council including limited numbers of depositions and interrogatories, 25 or fewer, so as to streamline discovery, early pre-trial consultations to encourage early settlement discussions, a pilot mandatory mediation program in New York County, more timely and robust expert disclosure. Parties must disclose expert witnesses within 30 days of completion of fact discovery.

Robert Haig:

We decided that we would try to design an optional procedure and that rule enables parties to stipulate at the beginning of a case, or before that for that matter, that they're going to waive making certain kinds of motions. They're going to waive jury trials. They're not going to have punitive damages.

Kathryn Wylde:

There are real legal issues that are barriers to the transformation of legacy companies to the new generation of tech companies, and the Commercial Court, therefore, is playing an increasingly important role in dealing with this transformation of our economy to the innovation age.

Hon. Saliann Scarpulla (Justice, Commercial Division, New York County):

I have a tablet on my bench that's maybe nine inches and it's got everything I need, and it's great.

Hon. Timothy Driscoll (Justice, Commercial Division, Nassau County):

Not innovation for innovation's sake, but be innovative in a way to respond to our business community, to respond to our business litigators, to encourage them to bring the disputes to New York.

Gregory Palm:

New York has become a model for other states. Other jurisdictions have come here and looked to see what you have accomplished and tried to do the same thing.

Henry Miller:

The Commercial Division's contribution to the local, national, and global communities is celebrated. The American Bar Association's Business Law Section has hailed the Commercial Division as a model for specialized business courts everywhere.

Hon. Deborah Karalunas (Presiding Justice, Commercial Division, Onondaga County):

I've adopted some of the Commercial Division rules and applied them to my non-Commercial Division cases.

Mitchell Katz (Shareholder, Menter, Rudin & Trivelpiece, P.C.):

Many international contracts already provide for rules of decision based on New York commercial law or laws that have been adopted by New York, and where can you find a greater wealth and depth of case law on commercial disputes than in New York State courts?

Justice Scarpulla:

I think I want everyone to know that we are not at all intimidated by interpreting French law, Japanese law, Israeli law. We interpret foreign law all the time here, and we are mindful and respectful of foreign authority.

Stephen Susman (Partner, Susman Godfrey LLP):

I think the Commercial Division is great. I think it's terrific. They've got more judges. They are selected on merit.

Richard Walker (General Counsel, Deutsche Bank AG):

To be able to come into a forum that has a solid track record, well understood transparent processes, and the right kind of expertise, I think, is an enormous, attractive aspect for them.

Michele Mayes:

The idea of that you've got a diverse city that is working financially is absolutely rewarding particularly to someone like me. When I look at the Commercial Division, I want to underscore, it's a diverse tribunal and that says you can see someone that may have some life experiences like yours when you are standing up there arguing a case about X, Y, and Z, and that signals a lot.

Douglas Lankler (General Counsel, Pfizer Inc.):

If you're a business, a business like ours that's highly regulated, and appropriately so, you want to make sure that your ability to conduct business against the legal framework is going to be fair, is going to be appropriate, and New York's Commercial Division, from my experience, has always provided that, and that's really important to a business like Pfizer.

David Ellen (General Counsel, Cablevision Systems Corp.):

Again, as I mentioned, we've certainly lost our fair share of cases in the Commercial Division, but nothing in any of those losses changes our view about these impressive characteristics of the Commercial Division— its open-mindedness, its conscientiousness, and its integrity.

Kathryn Wylde:

We feel that New York is the center of excellence for business litigation, dispute resolution. I think that people all over the world recognize that and that's why they come here.

Chief Judge Lippman:

We are not resting on our laurels and we are committed to the future of the Commercial Division and the future of resolving commercial disputes in New York in a way that is a model for every place in this country and in the world.