

JUSTICE ALEXANDER W. HUNTER, JR.

IA Part 23
Room: 408
Phone: 718-618-1244
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Motions

All motion papers, including stipulations and requests for adjournments, shall be filed in the Clerk's Office, Room 217.

All motions filed and accepted will be deemed submitted on the return date, provided all papers are filed on the return date of the motion.

Answering papers will be accepted only on the return date in the Clerk's Office, (Room 217)

Courtesy copies of all motions filed should not be submitted unless requested by the court.

Orders to Show Cause (OTSC) must comply with Uniform Rule 202.7(d) and be submitted to the Clerk's Office, (Room 217) prior to judicial review.

Proof of service of all OTSC must be filed with the IA-23 Part Clerk in courtroom 408 on or before the return date of the OTSC. If proof of service is not timely filed, the OTSC will be removed from the calendar.

The moving party shall clearly specify the relief requested. Counsel, where appropriate, shall use tabs when submitting papers containing several exhibits. If a document annexed to an affidavit or affirmation is voluminous, only relevant portions shall be highlighted.

This Court will not consider sur replies to motions.

Calendars will be called promptly at 9:30 A.M. on Mondays except for holidays falling on Mondays, in which case this calendar will be called on Wednesdays. A second call of the calendar will occur at 10:00 A.M. If both sides do not answer "ready," the motion will be either marked off calendar or deemed submitted on default. Only counsel fully familiar with the file and authorized to make binding concessions, settle or try the action shall appear at the call of the calendar.

Counsel are further advised that they must bring their complete file, including the bill of particulars and marked pleadings to court and have the requisite knowledge of the contents of their file.

Trials

Be prepared and well organized. Be punctual and professionally attired.

Voir dire time limits per side per panel: First round - 30 minutes; each subsequent round: 15 minutes.

Prior to opening statements, submit the parties' marked pleadings, Bills of Particulars, deposition transcripts and in City cases, 50-h hearing minutes. Exhibits can be pre-marked.

In commercial and personal injury cases, voluminous documents such as contracts, leases and medical records, should be paginated for easy reference.

At the charge conference, submit a proposed verdict sheet (on disk and hard copy) and counsel's requests to charge, noting PJI, statute, code and/or regulation sections, the subject of each section and, when warranted, proposed text when marshaling the evidence.

This court works with attorneys on appearance conflicts and scheduling problems.

Lawyers should make trial objections without speeches. When counsel argues a point of law, they should support their position with legal precedent, if it exists.

If counsel cites a case, make sure that it is on point. I have instant access to Westlaw and Lexis and to my Court Attorney Lorraine Martinez via my laptop computer, a constant companion of mine while on the bench.

Put cell phones, beepers and wristwatch alarms on vibrate or silent while in the courtroom.

Please keep "approaching the bench" down to a bare minimum of requests

Article 81 Guardianship Proceedings

Calendars will be called promptly at 9:30 A.M. on Thursdays, except for holidays. If a holiday falls on a Thursday, calendars will be called on the preceding Wednesday. A second call of the calendar will occur at 10:00 A.M. If petitioner fails to answer "ready" at a calendar call, the petitioner will be dismissed without prejudice. If the respondent is represented by counsel who fails to appear, the petition will be adjourned only upon a showing of good cause. Otherwise, the hearing will be conducted.

Since these proceedings are initiated by OTSC, adjournments will be granted only under exigent circumstances and with the prior approval of this court, to be followed by a written stipulation that must be faxed to chambers.

The report of the Court Evaluator must be faxed or e-mailed to the court at least 24 hours before the day and time of the hearing.

Proof of service must be filed with the IA-23 Part Clerk in courtroom 408 on or before the return date. If proof of service is not timely filed, the OTSC will be removed from the calendar.

Non Jury Trial Initiatives Part (NJTIP)

I. LIMITATIONS ON RECOVERY

Any recovery by the plaintiff(s) is limited to the insurance coverage of the defendant(s). Defendant(s) shall provide coverage information in a separate writing prior to the execution of this agreement. The parties may stipulate to a recovery in an amount less than the insurance coverage, and may also stipulate to a recovery in an amount not less than and not greater than stated parameters, provided that such stipulation is in writing and the greater amount stipulated does not exceed the available insurance coverage. The amount(s) of insurance coverage or stipulated recovery parameters shall not be disclosed by any party to the Judge presiding at the trial of this matter.

II. NO RIGHT TO APPEAL

The parties agree to waive costs and disbursements and further agree to waive the right to appeal from the determination of this matter by the presiding Judge. Written Findings of Fact and Conclusions of Law shall not be required. Following the determination, the parties shall not enter judgment but shall instead exchange General Releases and Stipulations of Discontinuance.

III. EVIDENTIARY MATTERS

(a) The NJTIP shall use the following rules of evidence, derived from the American Arbitration Association Rules for Accident Claims as amended and effective on January 1, 1994.

(1) The parties may offer such evidence as is relevant and material to the dispute. Conformity to legal rules of evidence shall not be necessary, subject to the provisions relating to documentary evidence set forth below. Examination before Trial testimony of a party may be offered by any opposing party, however a party shall not be permitted to offer his/her own Examination before Trial testimony except as provided by the CPLR. In automobile accident cases, a party may offer the Police Report as well as the MV-104 of any party.

(2) The parties may offer medical records, including but not limited to hospital records, treatment records, diagnostic test results and narrative reports in lieu of medical testimony.

(3) Past and future lost income may be proven by the submission of

documentary evidence from the plaintiff's employer, including but not limited to pay stubs, tax returns, W-2 and/or 1099 forms, provided that such amounts may be calculated with a reasonable degree of mathematical certainty based solely upon present income and life expectancy. Any claim of future lost earnings premised upon inflation, lost opportunity, promotion, career advancement, or similar theory shall only be proved by expert testimony or the report of an expert previously exchanged pursuant to these rules.

(4) In the event a party wishes to offer the testimony of a non-party eyewitness, such testimony can only be offered by the non-party Examination before Trial testimony of such witness taken pursuant to the notice requirements of the CPLR or by producing that witness at trial.

(5) The Judge shall, where required, issue "So Ordered" subpoenas to secure the attendance of witnesses or the production of documents as may be requested by any party.

(6) Any party intending to offer documentary evidence upon trial, including but not limited to accident reports, medical records and lost income records, shall serve copies of such documentary evidence upon all parties not less than 20 days before trial, except that it shall not be necessary to serve any previously exchanged Examination before Trial Transcripts. Failure to serve such documentary evidence as required shall result in preclusion of that evidence at the time of trial.

(7) None of the foregoing shall be construed to prevent a party from calling witnesses upon trial; however, in the event a party intends to call an expert witness that party must provide written notice to all parties of such witness, along with a copy of that expert's narrative report(s) not less than 20 days before trial. Failure to comply with this provision shall result in the preclusion of such expert witness at the time of trial.

IV. PROCEDURAL MATTERS

(a) The parties agree that all discovery is complete or waived, and the matter is ready for determination.

(b) The signatories to the Transfer Agreement represent that they have the authority of their respective clients and/or insurance carriers into the agreement and such agreement shall be irrevocably binding upon their respective principals.

(c) The signatories may stipulate to apportion liability between the parties, provided such stipulation is in writing or made on the record at the time of trial. If in writing, such stipulated apportionment of liability shall be made known to the presiding Judge at the time of trial.

(d) Pre-trial evidentiary issues normally determined by the trial Judge, such as motions in limine and redaction of documentary evidence, shall be determined in conformance with the applicable rules of evidence by a designated Judge upon the application of any party prior to or at the time of trial.

(e) The Trial of any matter transferred to this part shall be scheduled not less than 45 days after the execution of the Transfer Agreement.

(f) Matters involving claims by or on behalf of infants shall not be submitted to the NJTIP.

Inquiries

All inquiries regarding status should, in the first instance, be made to the Motions Support Office Room 217. (718) 618-1310

Inquiries to chambers or the Part should be limited to matters requiring the immediate exercise of judicial discretion.