

SUPREME COURT, CIVIL BRANCH NEW YORK COUNTY



STATEMENT OF SUMMARY JURY TRIAL PROCEDURES

A summary jury trial is generally a binding one- to two-day jury trial that is conducted in accordance with a comprehensive Pre-Trial Order.

1. Consent of Parties: A summary jury trial requires the consent of the parties. The signatories to the relevant stipulation represent that they have the authority of their respective clients and/or insurance carriers to enter into the agreement and such agreement will be irrevocably binding upon their respective principals.

2. Stipulation: If the parties agree to a summary jury trial, the stipulation shall be signed by the attorneys and clients, capping damages at the stated policy limits or reciting any high/low parameters, and waiving any right to appeal. This stipulation shall be a part of the Pre-Trial Order and marked as a Court exhibit.

3. No right to appeal: There is no right to appeal. However, a mistrial and retrial may be permitted in the event of an inconsistent verdict that cannot be reconciled by further instruction from the Court or of prejudicial conduct, subject to the discretion of the Court. Following the determination, the parties shall not enter judgment, but shall instead exchange General Releases and Stipulations of Discontinuance.

4. Pre-Trial Service of Documentary Evidence: Any party intending to offer documentary evidence upon trial, including accident reports, medical records and lost income records, shall serve copies of such evidence upon all parties not less than two weeks before the trial date. Failure to serve documentary evidence as required may result in preclusion of that evidence at the time of trial.

5. Pre-Trial Hearing: A pre-trial hearing shall be conducted no later than 10 days before the commencement of the summary jury trial. At this hearing, objections to documentary evidence previously submitted as provided for herein shall be determined and witness lists shall be exchanged. If there is no objection, counsel shall so stipulate in writing. The need for a translator, if any, shall be made known to the Court and a provision will be placed in the Pre-Trial Order. Any issue regarding collateral sources and/or liens shall be raised at or before this hearing. Reference to Pattern Jury Instructions shall be sufficient as requests to charge. Requests to charge that deviate from the Pattern Jury Instructions must be submitted in writing prior to the pre-trial hearing. Proposed verdict sheets must be submitted at this hearing.

6. Trial Date: Summary jury trials will be placed on the trial calendar at the earliest date available. Once the date is assigned, it shall be considered a date certain.

7. Jury Selection: Jury selection shall be conducted by the Court and counsel within strict time limits.

8. Trial: Each side shall be entitled to make a ten-minute opening and closing statement and shall have one hour after the openings for presentation of its case. No more than two witnesses for each side may be called (no expert witnesses allowed).

9. No Directed Verdicts: Parties agree to waive any motions for a directed verdict, as well as any motions to set aside the verdict rendered by said jury.

For further information, please contact rmoser@courts.state.ny.us.