



(L to R) Hon. Martin Evans, Hon. Phillip Rumsey and Hon. Joseph Gerace discuss the success of the summary trial project.

## The Success of Summary Jury Trials

Chautauqua County's Summary Jury Trial project continues to be a huge success at clearing the Supreme Court calendar and minimizing time and expense for litigants. And now, these one day trials are being used to efficiently resolve cases in Erie and Niagara Counties, proving that the program works even in larger urban areas.

Since 1998, Justice Joseph Gerace has been conducting summary jury trials, both as a non-binding settlement tool and as a binding method of alternative dispute resolution. Jury selection, opening statements, proof, summations, charge and verdict all take place in one day. The program has successfully resolved over ninety-one percent of all cases in which it has been used. Of the one hundred and twenty-two cases assigned to summary jury trials, only five have gone on to a full trial. Perhaps the biggest advantage of the program, however, is the speed with which the assigned cases go from trial readiness to resolution, as compared to cases scheduled for only a full jury trial.

As any judge knows, a trial date gives counsel and their clients incentive to focus

seriously on the evaluation and possible settlement of their case. Experience with this program shows that a summary trial date is just as effective as a full trial date for this purpose. Summary jury trials have an advantage, however, because it is much easier for counsel and the court to fit in a one day trial than it would be to schedule a full trial. Thus, where it might not be unusual in some areas for parties to have to wait as much as a year for a full trial, their case can be set down for a summary jury trial and, in almost all cases, resolved, in much less time.

In Chautauqua County, cases scheduled for summary jury trials, whether the trial was actually conducted or not, on average have resolved in approximately four months from the filing of the note of issue. Although comparative statistics are not available, Justice Gerace's experience is that cases scheduled only for full trials take a much longer period to resolve, as the full trial, and thus the parties' incentive to focus on the case, is delayed several months beyond the time a summary jury trial could be scheduled.

In addition, because the summary jury

trial allows parties to present medical and other expert evidence by reports or affidavits, rather than live testimony, "eve of trial" settlements can be reached without the parties having already paid large fees to their experts; fees that are usually non-refundable. Parties can be more flexible in reaching a settlement, especially in smaller cases, if they have not already incurred this considerable cost. From the court's point of view, that eve of trial settlement results in the courtroom sitting empty for only one day, rather than the week that the full trial would have been scheduled to occupy.

At the end of 1999, this Court had seven hundred and twenty non-matrimonial cases pending, fifteen percent of which were beyond standards and goals. At the end of 2001, that number had been reduced to three hundred seventy-five pending cases, only 3% of which were beyond standards and goals. This was accomplished despite an increase in filings, from eight hundred twenty-eight to nine hundred twenty-four, during those same years. Justice Gerace was one of only four justices in the Eighth Judicial District to have disposed of over six hundred non-matrimonial cases in 2001. Summary jury trials contributed greatly to this performance.

Justice Gerace and his staff have materials available that can help any judge begin running summary jury trials without difficulty. To receive the Chautauqua County Summary Jury Trial Manual, form jury charges, or full reports on the program's history, contact Justice Gerace's chambers at (716)753-4245, or send e-mail to [jgerace@courts.state.ny.us](mailto:jgerace@courts.state.ny.us).