

Hon. Janet DiFiore (Chief Judge, State of New York):

New York State is the center of finance and commerce for the entire country, and even much of the globe; and along with that world class status comes a world class court; the Commercial Division of the New York State Supreme Court. Hello, I'm Janet DiFiore, New York's Chief Judge, and I'd like to invite you to spend just a few minutes learning how the Commercial Division has transformed business litigation in New York State, and made the state a preferred venue for complex business disputes. And you'll also hear from the late Chief Judge Judith Kaye, the visionary who created the Commercial Division back in 1995, as well as my immediate predecessor, Jonathan Lippman, who nurtured and guided the forum into the robust and renowned court that it is today. The Commercial Division is a model for the way we want all of our courts, civil and criminal, to function.

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

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

Hon. Judith S. Kaye (Former Chief Judge, State of New York, Co-Chair of the Chief Judge's Task Force on Commercial Litigation in the 21st Century):

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. Rosalyn Richter (Associate Justice, Appellate Division, First Judicial Department):

The Commercial Division judges do an outstanding job at sorting through both the complex legal issues they are facing and the complex factual issues.

Ted Wells (Co-Chair, Litigation Department, Paul, Weiss, Rifkind, Wharton & Garrison LLP):

I practice on a regular basis in the Commercial Division, and I think it's one of the best divisions of its type in the world.

Ricardo Anzaldúa (Executive Vice President and General Counsel, MetLife, Inc.):

People who take disputes to the Commercial Division can expect a very responsive court. They can expect a court that is able to be flexible and adaptive to a changing situation in the litigation itself.

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

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 happens, 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 attitude 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.

Hon. Judith S. Kaye (Former Chief Judge, State of New York, Co-Chair of the Chief Judge's Task Force on Commercial Litigation in the 21st Century):

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):

I feel like my clients are going to get a fair shake and a good hearing before a judge who is going to listen, be prepared, and be thoughtful about the outcome of the case. And you can't ask really for anything more than that.

Evan Chesler (Chairman, Cravath, Swaine & Moore LLP):

I often recommend to clients that they specify New York as the choice of forum and New York law as the choice of law, and I do that with respect to international clients as well as domestic clients.

Joseph Wayland (Executive Vice President & General Counsel, Chubb 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):

And 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, Boies, 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 swift resolution to the issues.

Hon. Janet DiFiore (Chief Judge, State of New York):

Litigation is a major cost of doing business, and when we encourage efficiency while providing justice, I think we make New York not just a great forum to resolve business disputes, but a great place to do business. Businesses, both domestic and foreign, need to know that when they choose to litigate in New York, they'll appear before a knowledgeable, diligent, and conscientious judge in a forum with clearly defined and consistent rules, but one that is also innovative and responsive to evolving needs.

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.

Evan Chesler (Chairman, Cravath, Swaine & Moore LLP):

You start out at a high level of common understanding and you get to the heart of the matter very quickly. And that's, for the litigants on both sides, whether you're the plaintiff or the defendant, that's a great benefit.

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. 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.

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

So 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, you know, force resolution.

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

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

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

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

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.

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

I see the Commercial Division continually reinventing itself.

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

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

Hon. Janet DiFiore (Chief Judge, State of New York):

But we are surely not going to rest on our laurels, and we are never content with the status quo. The goal and mission throughout our court system is excellence. It is vitally important for New York to maintain a cost-effective and consistent forum for complex business litigation.

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

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; more timely and robust expert disclosure; parties must disclose expert witnesses within 30 days of completion of fact discovery.

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

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.

Hon. Rosalyn Richter (Associate Justice, Appellate Division, First Judicial Department):

We're always looking at whether it's new technology or new procedures, we're really trying to be responsive to the needs of the lawyers and their clients.

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 (General Counsel, The Goldman Sachs Group, Inc.):

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

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.

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

I think I want everyone to know that we are not at all intimidated by interpreting French law, Japanese law.

Ricardo Anzaldua (Executive Vice President and General Counsel, MetLife, Inc.):

Litigants all over the world can look to the New York Commercial Division for a venue where not only the complexities of a business dispute will be understood regardless of where the business dispute arises, but also the complexities of the interaction of various bodies of law will be understood.

Stephen Susman (Founding Partner, Susman Godfrey LLP):

You have this body of decision law, which is great. That makes it predictable. Plus you have judges who have great familiarity with this kind of dispute, so it's nothing new to them.

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 (General Counsel, New York Public Library):

But the idea 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.

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

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

Ted Wells (Co-Chair, Litigation Department, Paul, Weiss, Rifkind, Wharton & Garrison LLP):

When corporate lawyers on a regular basis select New York law to be the forum, what they are saying to the world is that we believe in the New York judicial system and in that particular case they believe in the Commercial Division because it is viewed as an extraordinary division that is unprecedented in the world.

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 (President & CEO, Partnership for New York City):

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.

Hon. Janet DiFiore (Chief Judge, State of New York):

The Commercial Division is a model for the nation. A forum comprised of dedicated, informed judges who are provided with the resources to handle complex business disputes efficiently, effectively, consistently, and above all, fairly. I'm committed to ensuring that the Commercial Division remains a crown jewel in the New York State Court System.