The Section has played an integral role in the concept, design, and implementation of the Commercial Division of the New York Supreme Court, which had its debut in New York and Monroe Counties eleven years ago. Since then, Commercial Division courts have been established with great success in seven additional counties.

The most recent expansion of the Commercial Division, one year ago, to Queens County, was the occasion for a “Meet and Greet” luncheon co-sponsored by the Section and the Queens County Bar Association on November 16, 2006, featuring Queens Commercial Division Justices Marguerite Grays and Orin Kitzes. The luncheon program was organized by Peter Mahler, co-chair of the Section’s Membership Committee, and was co-chaired by Vincent Syracuse, Section Treasurer and chair of the Section’s Commercial Division Committee.

About 50 attendees gathered at the QCBA’s Jamaica headquarters for an hour of informal conversation over lunch, followed by a second hour during which Justices Grays and Kitzes shared their views about Commercial Division operations and answered questions. QCBA President John Dietz gave opening remarks in which he aptly compared the growth of specialized courts to the specialization trend within attorney ranks. Vince Syracuse next gave some interesting background on the Commercial Division and touted its success in attracting cases that otherwise might be brought in federal court. Peter Mahler drew some laughs and a few groans with his proposed ad campaign (“The Commercial Division: More Than the Sum of its Parts”) and then spoke about the need for commercial courts in Queens to accommodate the county’s growing business community.

A lively, open discussion followed introductory remarks by Justices Grays and Kitzes. Several themes emerged. First, most of the 52 cases presently assigned to the Queens Commercial Division were not originally filed as commercial cases. Court Attorney Elizabeth Yablon, who oversees the court’s preliminary conference part, explained how at conference she identifies and refers cases that meet the Commercial Division criteria. Due to the relatively small number of commercial cases, Justices Grays and Kitzes continue to carry a large caseload of noncommercial cases. Both expressed the hope eventually to preside over “pure” commercial parts when the commercial caseload gets large enough.

Second, the routing of commercial cases to a centralized preliminary conference part raised concerns among some attorneys about achieving the case management goals reflected in the Commercial Division’s
uniform rules. Leonard Livote, law secretary to Administrative Judge Leach, offered that the court attorneys in the PC Part are familiar with the Commercial Division rules and are prepared to work with counsel on all issues, including electronic discovery.

Lastly, Justices Grays and Kitzes emphasized their open-door policy toward lawyers handling commercial cases. They encouraged counsel to contact chambers by telephone or letter to resolve pretrial disputes informally and expeditiously. Jeremy Feinberg, who as Special Counsel for the Office of Court Administration works closely with the Commercial Division statewide, characterized the Queens Commercial Division as a work in progress. Both he and Mr. Livote, on behalf of Administrative Judge Leach, pledged to continue working with the Justices and the bar to bring out the full potential of the Queens Commercial Division.

Peter A. Mahler is co-chair of the Section’s Membership Committee and a partner at Farrell Fritz, P.C., where he concentrates in commercial litigation.