

Uniform Rules Governing New York's Supreme and County Courts Get An Overhaul

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Litigation Alert

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By Administrative Order effective February 1, 2021, New York's Uniform Civil Rules for the Supreme Court will incorporate a number of changes to the general part that reflect many of New York's Commercial Division Rules, in an effort to streamline court processes. The general part rule changes are a step forward for improving the efficiency, modernization and cost-effectiveness of the New York Courts, and will require practitioners to be more conscientious of court appearances and deadlines. Judges will likely be strict on adherence to the new Uniform Rules. Some notable changes to the rules are highlighted below.

Court Appearances and Scheduling Orders

Uniform Rule 202.1 has been revised to require that counsel who appear before the court must be familiar with the case they are appearing for, and be fully prepared and authorized to discuss and resolve the issues that are the subject of the appearance.

Uniform Rule 202.23 will enact staggered court appearances, which should decrease lawyers' wait times. Each court appearance for oral argument on a motion will be assigned a set time. Additionally, even parties who do not believe that they are directly involved in the matter before the court must appear at conferences.

Discovery schedule dates serving as case "placeholders" are no longer allowed. Uniform Rule 202.20-e mandates strict compliance with discovery obligations. Non-compliance with deadlines can result in sanctions pursuant to CPLR 3126. Furthermore, failure to produce documents may result in the court precluding the non-producing party from introducing documents at trial.

Discovery

As per Uniform Rule 202.20, interrogatories will be limited to 25, including subparts, unless the court orders otherwise. Additionally, the number of depositions taken by plaintiffs, defendants, or third-party defendants will be limited to 10, and depositions will be limited to seven hours per deponent.

Summary Judgment Motions

Uniform Rule 202.8-g will require a movant to submit "a short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried." Opponents of the motion will then have to make a corresponding submission in response. Furthermore, each numbered paragraph will be deemed admitted unless specifically controverted.

Trial Practice

Uniform Rule 202.20-c will require a party to demonstrate good cause for the use at trial of any document that was not produced in response to a request during discovery.

If you have any questions or need additional information, contact Andrew Hamelsky (hamelskya@whiteandwilliams.com; 212.631.4406); Jenifer Scarcella (scarcellaj@whiteandwilliams.com; 212.714.3064); or Monica Doss (dossm@whiteandwilliams.com; 212.868.4831).

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