

JURY POOL NEWS

A New York State Unified Court System publication highlighting the latest court initiatives and related news

“Mini-Trials” Prove Cost-Effective Way to Seek Justice

What a difference a day makes. It's certainly an adage that applies to Chautauqua County's innovative summary jury trial project, whereby litigants in less complicated civil lawsuits can literally have their day in court, getting same-day feedback from jurors and learning how the case would likely fare if it were to go to a full trial.

Here's how it works: If the court considers a case appropriate for a summary jury trial, the judge discusses the process with the attorneys during a pre-trial conference. While some litigants and their attorneys agree in advance to abide by the jury's verdict, the majority of these “mini-trials” are non-binding, with the verdict typically used as the basis for a settlement. In the event the parties come to a deadlock, they still have the option of pursuing a full trial.

In summary jury trials each side is permitted an hour to present its case—plus 10 minutes each for opening and closing statements—and a maximum of two witnesses. Evidence presented may include inferences from discovery, quotes from videotapes and depositions, and pre-marked exhibits such as photographs and police and medical reports. By allowing the parties to explore the important issues of the case without bringing in numerous witnesses, these one-day trials can save litigants considerable time and expense.

Making Better Use of Jurors' Time

Chautauqua County Supreme Court Judge Joseph Gerace, who introduced summary jury trials in the county in 1998 and continues to oversee



Judge Gerace and jury commissioner Krauza share a moment following one of the county's recent summary jury trials.

the program, says the resolution rate for cases selected for this mini-trial process averages 96 percent, with most of these suits settling before the actual trial date. “Having a date forces you to think about and work toward a settlement,” he explains, adding, “Although a large percentage of cases scheduled for full trial also settle, the one-day format allows for scheduling on short notice, resulting in earlier resolution of cases and a less ‘cluttered’ trial calendar.”

“The summary jury trial is a good option with a certain type of case, giving the judge a greater amount of time to spend on the more complex cases,” says Kathleen Krauza, the county's jury commissioner, who reports the mini-trials have already saved the court over 400 trial days. Ms. Krauza also points out that these one-day trials have been instrumental in reducing juror downtime. By scheduling several summary jury trials each week in

addition to the court's regular trial calendar, fewer jurors end up going home without serving on a trial, she and Judge Gerace explain. “And that makes for a better jury experience,” adds the judge.

Jury Provides Realistic Assessment of Case

Since they don't require large blocks of time on the court calendar and can be scheduled much more readily than full trials, summary jury trials compel lawyers and their clients to seriously evaluate their case from the get-go as well as face up to any weaknesses in their view of the case.

Lisa Coppola, an attorney with the Buffalo firm Rupp, Baase, Pfalzgraf & Cunningham, can attest to this. Ms. Coppola recently represented a client in a personal injury suit in one of Chautauqua County's summary jury trials, describing

Continued on Page 7

"MINI-TRIALS" continued from page 1

the jury's verdict as "a realistic, objective assessment that helped the parties to see the strengths and weaknesses in their respective positions and ultimately brought them to a settlement." "With the input of the jurors, you're able to share with your client what a jury in a full trial might decide," she adds.

Sufficient Time to Reach A Fair Verdict

So, what's the word from jurors regarding these condensed trials? Calling her recent summary jury trial experience "educational and interesting," Gretchen Hickey says the format gave each side ample time to present its case. David Lind, who served on a summary jury trial this past winter, agrees, commenting, "The information was presented well, with enough there for the jury to make an

intelligent decision." In fact, according to a questionnaire distributed by the court to jurors serving on these mini-trials, over 90 percent thought they were a practical way to resolve disputes and most said they would consider using the process themselves.

As for the types of lawsuits that most aptly fit the summary jury trial mold, Judge Gerace estimates as many as half the cases on civil trial calendars statewide may be amenable to this mini-trial format. While he emphasizes that summary jury trials are not an effective way to resolve complicated medical malpractice cases, contract disputes or matrimonials, the judge is hoping these one-day trials will eventually become mandatory throughout the state for less complex civil cases involving monetary damages up to \$200,000. ♦

"NEW COURTS" continued from page 4

Nicolais, the court's executive director and former counsel to the New York State Office for the Prevention of Domestic Violence, underscoring the inherent difficulties of these cases. "Unfortunately, if the victim doesn't go forward and make these hard decisions, that individual could wind up dead."

A Constant Focus on Victim Safety

Though Mr. Nicolais knows all too well there are no easy answers when it comes to domestic violence, he considers the integrated domestic violence court model a leap in the right direction. Calling it "a smart way of doing business," he says the court's one family-one judge approach makes it much harder for batterers to judge-shop and otherwise manipulate the system. "With this court, because we're intimately aware of what's going on, there's a consistency of court orders. Also, we've a host of sentences, including probation, conditional discharge or jail, we can impose in retaining jurisdiction over the defendant," he explains. Mr. Nicolais points out that while the court remains fully

committed to ensuring defendants' constitutional rights, there's a constant focus on victim safety.

To this end, the court employs two full-time case managers, one to monitor child support payments, visitation arrangements and other Family Court matters, the other to gather the latest information from probation officials, service providers and other partners of the court in keeping the judge abreast of any issues that could affect the outcome of the criminal case.

Both Jacqueline Green, who works on the Family Court side, and the court's criminal case manager, Cherron

Condon, describe the work as intense. Says Ms. Condon, "Domestic violence is such an unpredictable crime. Our job is to do whatever we can to promote victim safety, and obtaining this critical information is half the battle." Judge Angiolillo adds that having jurisdiction over all aspects of the case and this continual flow of information make for better court decisions and speedier resolution of cases. And for families who have already suffered so much pain, this is good news indeed. ♦

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