



## Queens County Bar Association

### **Practice Alert Bulletin from the Supreme Court Committee**

Justice George Silver, the Deputy Chief Administrative Judge for the New York City Courts of the State of New York, who will act as the interim Administrative Judge in Queens County for Civil Term, presided over the TSP part today. Based on our observations, we offer the following recommendations for counsel appearing in the part:

1. Whether you are plaintiff's attorney, defendant's attorney, or per diem counsel answering the calendar, it is critical that you know, at a minimum, something about the facts of the case [liability], the injuries [damages] and have a demand/offer ready, if possible. The appearing attorney must be prepared to respond to the court at the calendar call and conference the case in detail even if it is the first time on in the TSP part;
2. Judge Silver is treating these appearances as trial ready appearances. Please be guided accordingly;
3. If there is outstanding discovery, be prepared to explain to the court at the calendar call the reason so; if the outstanding discovery was resolved by a stipulation at a motion or an "in Person conference" and explain the details in relation to when the note of issue was filed. The plaintiff's attorney may be asked to justify why they filed the note of issue while discovery was outstanding. (We understand that preliminary conference orders and compliance conference orders require the note of issue to be filed by certain dates but these questions were raised by the judge);
4. If a summary judgment motion is pending be prepared to explain when it was made and if made beyond 120 days, explain why and what stipulation allowed you to do so;
5. Do not expect long adjournments even if it is the first time on. The Court may give a final trial date within 2 months of the calendar call;
6. There were not many transfers pursuant to CPLR 325(d) , and going forward there may not be many as were previously;
7. If possible, the court will work with the attorneys to make a serious attempt to settle the case, but if unsuccessful, the Court could send the case out for trial.

In summary, there were a fair number of attorneys who were woefully unprepared for the calendar call regarding knowledge of basic information relating to the case. Justice Silver expects the attorneys to be better prepared and have more in-depth knowledge of the case than perhaps people are used to having in the past for the TSP appearances.

**We expect to have a committee meeting in early September, and we hope to work with the Court to get more clarity on what will be expected in the future.**

Respectfully,

Supreme Court Committee  
Queens County Bar Association

Marie-Eleana First, President



