

A Message from the Incoming Chair

I am honored and privileged to have the rare opportunity to lead what I believe is the most dynamic section of any bar association. The Commercial and Federal Litigation Section has a long and extraordinary history of achieving fundamental changes in the substance and practice of commercial law. From its ground-breaking work in the formation of the New York State Commercial Division to the substantive reform of various state and federal laws, the Section's reputation as a thought leader and instigator of change has only grown, and certainly not by chance. Great legal luminaries, from the Section's founding chair, Bob Haig, to our immediate Past Chair, David Tennant, have tirelessly dedicated their services to our Section and the bar. I am humbled, and at the same time thrilled, to be placed in their company. I am equally excited about the unique and significant opportunities facing us as the practice of commercial litigation undergoes enormous change.



Either as in-house litigators, outside counsel or as members of the judiciary, we face the same universal challenge of resolving commercial disputes quickly and more efficiently while providing quality legal services that our consumers deserve. We have already started responding to this challenge by rethinking how to best resolve commercial disputes. Under former Chair David Tennant's leadership, we promulgated recommendations by our Faster, Cheaper, Smarter Working Group, which was insightfully chaired by Vice President and Associate General Counsel of Macy's Inc., Mitchell Borger, and included several members of our esteemed judiciary. We also participated in crafting the recommendations in the recently released report by Chief Judge Jonathan Lippman's Task Force on Commercial Litigation in the 21st Century (on which I along with several former Section Chairs served as members). We have begun exploring ways to support the new case management techniques being implemented by the Southern District's Pilot Project for Complex Civil Cases.

During my term as Chair, I want to pursue the Working Group's recommendation of examining early mediation as a means of delivering more cost-efficient commercial dispute resolution. Because the same heightened emphasis on mediation can be found in the Southern District's recent initiatives, I want to create a similar working group to develop "best practices" for navigating cases through court-annexed mediation in the Southern and Eastern Districts of New York. By soliciting input from in-house counsel, members of the judiciary and other Sec-

tion members, all of whom play a crucial role in the process, we can distill those practices that enhance the ability of litigators to successfully handle the Southern and Eastern District's mediation processes. The end result should be a useful guide that assists us in delivering more cost efficient solutions to our clients and other stakeholders. I look forward to consulting with many of you and soliciting your input and ideas in the coming months.

On the state side, I have looked at the Task Force Report on Commercial Litigation in the 21st Century as a useful guide in continuing our tradition of lending ongoing support to New York's Commercial Division. As improvements are on the horizon, we have already begun laying the groundwork. To promote and support the legislative initiatives outlined in the Report, I will recommend that the Executive Committee establish a new standing committee called the Committee on Legislative and Judicial Affairs. The purpose of the Committee is: (a) to work in conjunction with NYSBA's Department of Governmental Relations and Committee on Legislative Policy to identify, monitor and assess legislation or judicial initiatives that may impact substantive commercial litigation; (b) to devise strategies for the Section to lend its support or opposition to any legislation or judicial initiative of interest; (c) to collaborate and coordinate with other Section committees in development of affirmative legislation and judicial proposals. If my recommendation of establishing this new committee is adopted, former Section Chair Vince Syracuse will serve as the inaugural Committee Chair.

In response to a request for our input, we also will review and examine, in conjunction with the official Committee on Pattern Jury Instructions, the pattern instructions for commercial claims. With the assistance of Honorable Andrea Masley, former Section Chair, Lauren J. Wachtler, and the Section's Appellate Practice Committee Co-Chair, Melissa Crane, we will consider the area in which enhancements might be made, and draft proposed revisions for consideration by the Committee on Pattern Jury Instructions of the Association of Supreme Court Justices of the State of New York. It is our goal to present our Section's recommendations to the PJI Committee by January.

As we move into the year of the Section's 25th Anniversary, I believe we should take stock of the Section's numerous contributions to the practice of commercial law by drafting a commemorative Section brochure. The Commercial and Federal Litigation Section offers excellent opportunities to enhance a practitioner's professional skills and knowledge through committees and Section meetings while affording interaction with colleagues throughout the state and even internationally. A Section brochure will be a testament to this tradition, hopefully enticing other

practitioners to join the ranks of our 2,230 members while celebrating the Section's enormous accomplishments.

These are just a few of many exciting projects which the Section will focus on this coming year. I welcome your contributions and support and that of the Section's Committees. The Section's Committees have always been at the forefront of developments in commercial litigation and it is my great fortune of working with a highly talented and motivated team of Section Officers: Chair-Elect, Gregory Arenson, Vice-Chair Paul Sarkozi, Treasurer

James Wicks, and Secretary Rebecca Hollis. I am confident that, with their involvement, we will accomplish much this year.

If there are activities, professional reports, or specific CLE programs of interest to you, please do not hesitate to call me or send an email (tdavis@zeklaw.com). I look forward to meeting and working with as many Section members as possible during the months ahead.

Tracee E. Davis

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