



# New York Commercial Division Practice

Procedure & Practice for the Commercial Division Litigator

## Upgrading to Commercial Division 2.0 (Part II)

By **Matthew D. Donovan** on May 10, 2019



Luddites beware! If you've been reluctant to introduce technology into the way you practice law, the Commercial Division may soon leave you behind.

Here at *New York Commercial Division Practice* we regularly report on technological developments in the Commercial Division. Earlier this year, for example, **we reported** on the technological proclivities of newly-appointed Manhattan Commercial Division Justice Andrew Borrok, whose individual **Practices and Procedures** emphasize (and even assume) lawyers' use of technology when practicing in **Part 53**.

Last year, we twice reported on the implementation of the Integrated Courtroom Technology (or “ICT”) program in the Commercial Division, beginning with **Westchester County** (Courtroom 105, Walsh, J.) in January 2018, followed by **New York County** (Courtroom 208, Scarpulla, J.) in October 2018. The Business & Commercial Law Committee of the Westchester County Bar Association, as well as NYSBA’s Commercial & Federal Litigation Section both presented CLE programs last year on the “**21st Century Courtroom**” in White Plains, showcasing many of its new hi-tech features and equipment.

Last week, members of ComFed’s Committee on the Commercial Division (including two of this blog’s authors), along with Administrative Judge Deborah A. Kaplan and Manhattan Commercial Division Justice Saliann Scarpulla, as well as sponsor **A.C. Roman & Associates Inc.**, presented a similar program called “**The Electronic Courtroom Comes to 60 Centre Street: Using Integrated Courtroom Technology in the Commercial Division.**” The program, which took place in Justice Scarpulla’s **Part 39**, was standing-room only and, by all accounts, very well-received by the 75-plus lawyers, judges, and other court personnel in attendance.

Some of the hi-tech features and equipment showcased during last week’s program — all of which, by the way, are described in how-to detail in “Exhibit A” to Justice Scarpulla’s individual **Practices and Procedures** — included the following:

- **Interactive Smartboard.** Virtually every technological feature and device in Part 39 interacts with the 86-inch Smartboard, which is displayed prominently to the left of counsel table as one faces the bench. The presenters showed how practitioners can use their laptops, tablets, and USB drives in conjunction with the Smartboard to display, highlight, and even annotate their motion papers and other documentary evidence during argument before judge and jury.
- **“ELMO” Document Camera.** The ELMO allows practitioners to project virtually any physical item in 3D onto the Smartboard for judge and jury to see. It’s particularly useful for displaying unique documents or other pieces of evidence that are perhaps less conducive to being converted to electronic format.

- **Business Skype Capabilities.** The use of Skype in the courtroom is a considerable step up from teleconferencing (and even traditional videoconferencing), allowing parties and their counsel to remote into and even appear by video in court from an outside location *via* their desktop and laptop computers, tablets, and smartphones. This feature is particularly relevant to practicing in the Commercial Division, which has become one of the premiere, go-to business courts across both nation and globe.

**\*\* Attention all Manhattan Commercial Division practitioners \*\*** If you missed the program last week but would like to familiarize yourself with the ICT features in Part 39 beyond the information provided in Justice Scarpulla’s individual rules, fear not. ComFed’s Committee on Continuing Legal Education was on hand to ensure that the presentation was video recorded, which recording will be spliced and packaged for distribution on the NYSBA’s **“CLE Online and On-Demand”** site later this year.

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