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David Gorvitz Presents Report on Proposed Amendment to New York Civil Practice Law & Rules to Facilitate Remote Trials

On December 14, 2022, David Gorvitz presented a report on a proposed amendment to New York CPLR §4013, designed to facilitate greater use of remote trials in New York state courts, at a meeting of the New York State Bar Association Commercial and Federal Litigation Section. The proposed statutory revision, originally conceived by the New York State Bar Association CPLR Committee and the product of considerable and lengthy efforts, would permit judges to order trials and evidentiary hearings to be held virtually, utilizing video link platforms.

During the pandemic, efforts of the New York state courts to keep matters moving while in-person attendance at the courthouse was impossible were complicated by the absence of clear statutory authority to hold remote trials without consent of all the parties. While recognizing the continued superiority of in-person trials in most circumstances, the proposed amendment would not only allow courts to contend better with any new emergencies but also to achieve greater efficiency and faster administration of justice, not to mention lower costs, in the face of more mundane circumstances and to adapt to the evolving practices of the legal profession.

David Gorvitz, who had first-chaired a virtual trial in New York Supreme Court in October 2020, representing the chairman of a multinational South American business conglomerate in a civil contempt proceeding, drafted the report with other members of the New York State Bar Legislative & Judicial Initiatives Committee. The report explained the amendment and suggested several changes to its language to allow even greater court flexibility. At the meeting, the report was unanimously approved by the Section and will now be considered by the full State Bar.