

22 NYCRR § 202.42

This document reflects those changes received from the NY Bill Drafting Commission through August 1, 2025

NY - New York

Codes, Rules and Regulations >

TITLE 22. JUDICIARY >

SUBTITLE A. JUDICIAL ADMINISTRATION >

CHAPTER II. UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS >

PART 202. UNIFORM CIVIL RULES FOR THE SUPREME COURT AND THE COUNTY COURT

§ 202.42 Bifurcated trials

(a) Judges are encouraged to order a bifurcated trial of the issues of liability and damages in any action for personal injury where it appears that bifurcation may assist in a clarification or simplification of issues and a fair and more expeditious resolution of the action.

(b) Where a bifurcated trial is ordered, the issues of liability and damages shall be severed and the issue of liability shall be tried first, unless the court orders otherwise.

(c) During the voir dire conducted prior to the liability phase of the trial, if the damage phase of the trial is to be conducted before the same jury, counsel may question the prospective jurors with respect to the issue of damages in the same manner as if the trial were not bifurcated.

(d) In opening to the jury on the liability phase of the trial, counsel may not discuss the question of damages. However, if the verdict of the jury shall be in favor of the plaintiff on the liability issue or in favor of the defendant on any counterclaim on the liability issue, all parties shall then be afforded an opportunity to address the jury on the question of damages before proof in that regard is presented to the jury.

(e) In the event of a plaintiff's verdict on the issue of liability or a defendant's verdict on the issue of liability on a counterclaim, the damage phase of the trial shall be conducted immediately thereafter before the same judge and jury, unless the judge presiding over the trial, for reasons stated in the record, finds such procedures to be impracticable.

Statutory Authority

Statutory authority:

Judiciary Law, Art. 2

History

HISTORY:

Added 202.42 on 1/06/86; amended 202.42 (a) on 2/23/87.

NEW YORK CODES, RULES AND REGULATIONS