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## Postscript

Judith Kaye

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## POSTSCRIPT

*Chief Judge Judith Kaye, New York Court of Appeals*

As the author of *Brill v. City of New York*, I have several reactions to Professor Connors' article. First, I am impressed – indeed, dazzled – by the author's comprehensive treatment of his subject, and by his scholarship. As a CPLR “junkie,” I find all of the pathways to, from, in, out and around *Brill* downright fascinating.

On another level, I feel both elation and dismay. Elation because the Court's purpose in insisting upon strict compliance with the clear statutory prescription was in part to underscore the seriousness of deadlines and jog a delay-oriented culture (see also *Kihl v. Pfeiffer*<sup>262</sup>). Thus, elation because the decision sure was noticed!

But dismay quickly followed. So much effort, so much lawyer and court time, so much client risk and expense, to avoid simple compliance with a rule requiring that motions for summary judgment be made no later than 120 days after the filing of the note of issue, unless the movant can establish good cause.

Professor Connors attributes this to “the adventuresome nature of a healthy segment of the bar,” and provides guidance to the bench and bar in dealing with the timing requirement for summary judgment motions. I can't avoid offering some guidance of my own: just honor the deadlines, whether statutory or court-ordered. There's lots of other room for adventure in, and beyond, the law.

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<sup>262</sup> 94 N.Y.2d 118, 123, 722 N.E.2d 55, 58, 700 N.Y.S.2d 87, 90 (1999).