

## VENUE-WHAT IS IT?

Venue refers to the county in New York State where a lawsuit is fought and brought to trial. The party bringing the lawsuit selects the venue when filing a complaint. In personal injury cases venue can be especially important because juries in different counties have reputations for being more or less generous with accident victims.

For example, suing a homeowner in a county which has a jury pool heavy with homeowners might put the injury victim at a disadvantage. Some suburban counties have a reputation for stingy verdicts. Sue the police for false arrest or even for hurting someone in a motor vehicle accident and you may have greater success in some big cities than you might have elsewhere.

Some counties have "bifurcated" trials, where a jury first decides the issue of liability and then, if the injured person wins, goes on to a second trial on the issue of damages, or how much money the accident victim recovers (which could still be zero). Other counties have a "unified" trial, where liability and damages are decided together. Each approach has its advantages and disadvantages or the injured personal injury plaintiff.

The general rule for selecting proper venue is set forth New York's Civil Practice Law and Rules, Section 503. This law provides that venue for a lawsuit is usually in the county where one of the parties resides when the case is started. This rule changes for corporations and various other types of lawsuit defendants.

Of interest is the rule for lawsuits against municipal defendants - such as The City of New York. Civil Practice Law and Rules Section 504 requires that The City of New York must be sued in the county where the claim arose, usually that means the county where the accident happened.

Improper venue can be changed under Civil Practice Law and Rules Section 510 by a defendant applying to the court for a change of venue, showing that the venue chosen was improper, that an impartial trial can not be held in the county selected, or even that the convenience of material witnesses and the ends of justice would be promoted by the change.

Every litigating personal injury attorney has his or her own ideas about which counties are preferable to others in bringing different types of accident claims.

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