

The Survey of New York Practice Table of Contents

Editorial Board

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THE SURVEY OF NEW YORK PRACTICE

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INTRODUCTION*

In this second issue of Volume 64, *The Survey* examines sev-

* *The Survey* uses the following abbreviations:

New York Civil Practice Law and Rules (McKinney)	CPLR
New York Civil Practice Act	CPA
New York Criminal Procedure Law (McKinney)	CPL
New York Code of Criminal Procedure	CCP
Real Property Actions and Proceedings Law (McKinney)	RPAPL
Domestic Relations Law (McKinney)	DRL
Estates, Powers and Trusts Law (McKinney)	EPTL
General Business Law (McKinney)	GBL
General Municipal Law (McKinney)	GML
General Obligations Law (McKinney)	GOL
D. Siegel, <i>New York Practice</i> (1978 & Supp. 1987)	SIEGEL

eral recent developments of significant import in New York law. In *People v. Taylor*, the Court of Appeals determined that evidence of Rape Trauma Syndrome was admissible to account for a rape victim's behavior, but that it was inadmissible if offered only as proof that a rape had occurred. The court reasoned that since evidence of Rape Trauma Syndrome is not dispositive of whether a rape was actually committed, its use solely for this purpose would be unfairly prejudicial to a defendant.

In *People v. Cade*, the Court of Appeals expanded a prosecutor's power over grand jury proceedings, by holding that a prosecutor may, without permission from the court, request a grand jury to vacate its vote for indictment to hear additional evidence. Distinguishing a vote to indict from a dismissal of charges, the *Cade* court found that the power to resubmit without court approval would neither adversely affect the integrity of the proceedings nor prejudice the defendant.

In *Tewari v. Tsoutsouras*, the Court of Appeals held that failure to submit a timely notice of medical malpractice does not warrant the sanction of dismissal. Noting that some lower New York courts had been construing improperly a failure to timely notify as a pleading default, the *Tewari* court concluded that other sanctions, such as fines, would more adequately serve the objectives of the CPLR.

Finally, the Court of Appeals decision in *Motor Vehicle Manufacturers Association v. State* is also analyzed in this issue. The *Manufacturers Association* court upheld the constitutionality of the alternative dispute mechanism contained in New York's Lemon Law, requiring a defendant manufacturer to submit to arbitration, if a plaintiff selects this mechanism of recourse.

The members of Volume 64 anticipate that *The Survey's* treatment of these recent developments in New York law will be of interest and value to the bench and bar.