



*State of New York
Court of Appeals*

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Chief Clerk and
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April 25, 2018

NOTICE TO THE BAR

Amendment of the Rules of Practice - Amicus Curiae Relief

The Court of Appeals has amended its Rules of Practice relating to amicus curiae relief (Rule 500.23) to require that proposed amicus indicate if a party, a party's counsel, or any other person or entity contributed to the preparation or funding of an amicus brief. Rule 500.12 was also amended to specify that reply briefs by amicus curiae are not permitted.

The rule amendments are effective May 16, 2018. A copy of the Court's order amending the rules is attached.

John P. Asiello
Chief Clerk and Legal Counsel to the Court

State of New York Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 24th day of April, 2018.

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of Practice
of the Court of Appeals.

Pursuant to section 51 of the Judiciary Law, it is hereby

ORDERED that Part 500 of the Rules of Practice of the Court of Appeals (22 NYCRR Part 500) is amended, effective May 16, 2018, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material to sections 500.12(f) and 500.23(a)(4).

§ 500.12 Filing of Record Material and Briefs in Normal Course Appeals.

(f) Briefs in response to amicus curiae briefs. Briefs in response to an amicus curiae brief are not required but may be served and filed by a party whose position is adverse to that of the amicus curiae. The brief shall be served and filed within 15 days after the date of this Court's order granting a motion for amicus curiae relief or within 15 days after the service of an amicus curiae brief by the Attorney General of the State of New York. Reply briefs by amicus curiae are not permitted. In addition to the submission in digital format required

by subsection (h) of this section, an original and nine copies shall be filed, with proof of service of three copies on each other party and one copy on each amicus curiae.

§ 500.23 Amicus Curiae Relief.

(4) Criteria. Movant shall not present issues not raised before the courts below.

A motion for amicus curiae relief shall [demonstrate that]:

(i) demonstrate that the parties are not capable of a full and adequate presentation and that movant could remedy this deficiency; movant could identify law or arguments that might otherwise escape the Court's consideration; or the proposed amicus curiae brief otherwise would be of assistance to the Court;

(ii) [movant could identify law or arguments that might otherwise escape the Court's consideration; or] include a statement of the identity of movant and its interest in the matter; and

(iii) [the proposed amicus curiae brief otherwise would be of assistance to the Court.] include a statement indicating whether:

(a) a party's counsel contributed content to the brief or participated in the preparation of the brief in any other manner;

(b) a party or a party's counsel contributed money that was intended to fund preparation or submission of the brief; and

(c) a person or entity, other than movant or movant's counsel, contributed money that was intended to fund preparation or submission of the brief and, if so, identifying each such person or entity.