



State of New York
Court of Appeals

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Clerk of the Court

Clerk's Office
Albany, New York 12207-1095

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Notice to the Bar

Following review of the public comments submitted upon its proposed new Rules of Practice, the Court of Appeals has rescinded in its entirety 22 NYCRR part 500 and approved a new Part 500, entitled The Rules of Practice of the Court of Appeals. The new 22 NYCRR part 500 will be effective September 1, 2005.

The Rules of Practice of the Court of Appeals apply to civil and noncapital criminal appeals, motions, criminal leave applications and certified questions from the Supreme Court of the United States, United States Courts of Appeal and state courts of last resort. In addition to substantive changes and additions, the new Rules are organized into broad categories to eliminate duplication and provide a more logical sequence. Rules 500.1 through 500.8 set out requirements applicable to all filings under these Rules. Rules 500.9 through 500.19 relate to civil and noncapital criminal appeals. Rule 500.20 contains procedures concerning criminal leave applications. Motions are addressed in Rules 500.21 through 500.24. Orders to show cause, the Primary Election Session and certified questions are addressed in Rules 500.25, 500.26 and 500.27, respectively.

Changes of note include: substitution of a Court-promulgated preliminary appeal statement for the jurisdictional statement previously required for appeals (see Rule 500.9); use of scheduling letters to set due dates for appeal papers (see Rule 500.12[a]) and elimination of the automatic 20-day extension for filing dates for appeals; reduction of the time period from 80 days to 60 days for perfecting appeals, unless an extension is granted (see Rule 500.16[a]); and set filing dates for all applications for amicus curiae relief (see Rule 500.23). The number of copies to be filed on appeals and motions for leave to appeal in civil cases also has been changed.

Questions about the new Rules of Practice of the Court of Appeals and the Preliminary Appeal Statement, which are attached, may be directed to the Clerk's Office at 518-455-7700.

Stuart M. Cohen
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