

60 Day Appellate Check List

Days 1-7

1. Open file - Calendar
2. Mail out request for transcripts, exhibits, petitions, motions, etc. to Family Court Clerk
3. Contact client and introduce yourself - send introductory letter with Client Statement of Rights and Responsibilities
4. Letters to trial attorneys requesting exhibits if they were returned to attorneys

Days 14-21

5. Follow up
 - Family Court Clerk if no records
 - Transcriptionist - did you get recordings?
 - Client if you have not received the Client Statement

Days 21-28

6. Review transcripts and record for appealable issues.
5. Put together record on appeal.
 - A. Volume 1 - numbered followed by a small "a"
 - cover page
 - table of contents
 - CPLR 5531 statement
 - notice of appeal
 - order appealed from
 - decision if any
 - objections (support matters)
 - underlying orders
 - pleadings
 - other relevant papers reviewed by the lower court
 - copies of relevant exhibits
 - stipulations as to the correctness of the record on appeal (transcript and record)
 - B. Remainder of volumes are hearing transcripts - numbered chronologically and described in table of contents in record on appeal
6. Serve Record on opposing counsel for settlement with 800.7 notices and stipulations.

GOAL IS TO SERVE THE RECORD ON APPEAL 30 DAYS PRIOR TO DUE DATE OF APPEAL

Days 31-55

7. Put together appendix - Appellants use "A-". Respondents "R-", AFCs - "AFC-"
 - cover page
 - table of contents
 - notice of appeal
 - order appealed from
 - decision
 - petition/pleadings - if their sufficiency, content or form is in issue or material
 - Excerpts from hearing held . . .
 - relevant exhibits

8. Draft brief
 - coverpage
 - table of contents
 - table of authorities
 - questions presented
 - preliminary statement
 - statement of facts
 - arguments - set out by points
 - conclusion

Day 55-60

9. File and serve brief and appendix within 60 days of assignment with proof of service.
 - To parties/counsel
 - 1 copy of appendix
 - 1 copy of brief

 - To client
 - 1 copy of brief (not required to send appendix but allowed)

 - To AD3
 - 7 copies of appendix
 - 7 copies of brief (with indication of original - post it note will work)
 - affirmation of service on opposing parties/counsel/AFC as relevant (including affirmation of service of record on appeal)
 - revised original Volume I of Record on Appeal
 - should now include the signed stipulations of settlement or the CPLR 2105 certification and the 22 NYCRR 800.7(b) affirmation of compliance.