

*Supreme Court, Appellate Division  
First Department*

*27 Madison Avenue  
New York, N. Y. 10010  
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M E M O R A N D U M

To: Appellate Practitioners

From: Clerk's Office  
Supreme Court, Appellate Division  
First Department

Re: Specifications for filing a searchable portable document file ("PDF") document by e-mail

Date: June 29, 2010

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Effective immediately, pursuant to an amendment to rule 600.10, each indorsement of papers required by CPLR 2101(d) shall include an e-mail address.

Effective July 1, 2010, pursuant to amendments to rule 600.11, each party perfecting or answering an appeal shall file, in addition to the requisite number of paper copies, one searchable PDF copy of the brief via e-mail.

Effective September 1, 2010, each party filing an appendix (or record on appeal) shall file, in addition to the requisite number of paper copies, one searchable PDF copy of the appendix (or record on appeal).

The amended rules follow:

**600.10. Format and content of Records, Appendices and Briefs**

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(f) Each indorsement required by CPLR 2101(d) shall include an e-mail address.

600.11(b). **How placed on Calendar**

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(2) At the time of filing the note of issue, appellant or the moving part shall file [ten] nine copies of the brief, or brief and appendix conforming with the requirements of section 600.10 of this Part, with proof of service of two copies thereof except where a typewritten brief is authorized or the appeal is from Family Court, eight copies of the brief with proof of service of one copy may be filed. For appeals perfected after June 30, 2010, one of the copies of each brief shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail. For appendices filed after August 31, 2010, one of the copies of each appendix shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail.

(3) E-mails shall be directed

(i) in civil matters (except Family Court matters) to [AD1copy-civil@courts.state.ny.us](mailto:AD1copy-civil@courts.state.ny.us),

(ii) in criminal matters to [AD1copy-criminal@courts.state.ny.us](mailto:AD1copy-criminal@courts.state.ny.us), and

(iii) in Family Court matters to [AD1copy-family@courts.state.ny.us](mailto:AD1copy-family@courts.state.ny.us)

600.11(c). **Answering and Reply Briefs**

At least 27 days before the first day of the term for which the appeal or cause shall have been noticed, the respondent or opposing party shall file [ten] nine copies of the answering brief, or brief and appendix conforming to the requirements of section 600.10 of this Part, with proof of service of two copies, except that where a typewritten brief is authorized or the appeal is from the Family Court, eight reproduced copies of the brief with proof of service of one copy may be filed. For briefs filed after June 30, 2010, one of the copies of each brief shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail. For appendices filed after August 31, 2010, one of the copies of each appendix shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail. Within nine days after such service the appellant or moving party may file a like number of copies of a reply as were filed of the main brief, conforming to the requirements of section 600.10 of this Part, with proof of service of the same number of copies as were served of the main brief. For replies filed after June 30, 2010, one of the copies of each reply shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail.

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## A. PDF Documents Generally

-Each brief, record on appeal or appendix filed and served by e-mail shall be in a text-searchable portable document file (PDF) format, PDF/A compliant, not exceeding ten megabytes. The PDF document filed must conform to the filed original document submitted to the Court. Briefs and Records (or Appendices) shall be book-marked.

-Adobe Acrobat Reader is free software that allows the viewing, printing and searching of PDF documents. There is additional software available to allow the creation of PDF documents from scanned paper documents as well as word processing files.

## B. File Naming Convention

-All PDF documents shall be named according to the following conventions:

-All Appeals: (1) File names shall begin with the Year of the index/indictment/docket number, NOT the current year; (2) Where the appeal has multiple index/indictment/docket numbers, the file name shall be the first number listed on the notice of appeal.

### 1. Civil Appeals

Year\_Index #\_abbreviated title of action (use the title of the main action in a third-party or multiple action case)\_party's name\_description of document (see C. below)

### 2. Criminal Appeals

Year\_Indictment #\_defendant's last name\_first name\_description of document (see C. below)

### 3. Family Appeals

Year\_Docket # (use first docket number only)\_title of proceeding (see C. below)\_description of document (see C. below)

-Family court proceedings in which the child's, or children's names do appear (e.g., B, D, E, or N dockets): use the last name of the subject child, and if more than one child, the last name of the subject child listed under the first docket number.

-Proceedings in which the adults' names appear without the name of a subject child (e.g., F, P and V dockets): use the last names of the petitioner.

### C. Description of Documents Applicable to all Appeals

-Use self-evident abbreviations to identify documents, for example:

- for appellant's brief: "appbrief"
- for cross-appellant's brief: "respappbrief" (second brief in cross-appeal)
- for respondent's brief: "respbrief"
- for respondent child's brief: "respbrief\_child"
- for reply brief: "replybrief"
- for record on appeal: "record"
  
- for appendix: "appx"
- for respondent's appendix: "respappx"

- Examples:

Civil: 2008\_600124\_Smith v Jones\_Jones\_respbrief

2008\_600124\_Smith v Jones\_Smith\_appx

2008\_600124\_Smith v Jones\_Smith\_record

2008\_600234\_Smith v Jones\_Doe\_respbrief

(Doe is respondent in a 3rd party action)

2009\_600124\_2\_Smith v Jones\_Foe\_respbrief

(Foe is not a named party, but appeals; e.g., counsel in litigation with a client named in the caption)

Criminal: 2009\_12434c\_Smith\_Jerry\_respbrief

Family: 2009\_B1243\_Smith\_respbrief  
(respondent's brief filed in connection with termination proceeding concerning the Smith child or children).

2009\_F1007\_Jones\_appbrief  
(appellant's brief filed in connection with a support proceeding in which Jones is the petitioner).

#### **D. E-Mailing Requirements**

-The brief and appendix (or record on appeal) may be attached to one e-mail provided that their total size do not exceed 10 mb. For those pdf documents that exceed this size limitation, see G. below.

-E-mail addresses to send all PDF documents as attachments:

For CIVIL matters (Supreme Court (not including IDV cases), Surrogate's Court, Appellate Term and Court of Claims):

[AD1copy-civil@courts.state.ny.us](mailto:AD1copy-civil@courts.state.ny.us).

For CRIMINAL matters: [AD1copy-criminal@courts.state.ny.us](mailto:AD1copy-criminal@courts.state.ny.us).

For FAMILY Court matters (including IDV matters):

[AD1copy-family@courts.state.ny.us](mailto:AD1copy-family@courts.state.ny.us).

-The header box ("Re:") of the e-mail to which the PDF is attached shall include the following:

1. the index/indictment/docket number used in the trial court;
2. the caption of the case (e.g., Smith v Jones);
3. identification of the attorney/firm
4. identification of the PDF document (e.g., "appellant's brief")
5. if attachment to the e-mail is part of a document, a number that identifies the attachment is a portion of document, i.e., "part 1 of 4" and (but see G. below),
6. if a document is corrected, the date the corrected paper copy version is submitted to the clerk.

Example: 601230/10, Smith v Jones, *Name of Law Firm*, reply brief

-The "Body" or "Message" portion of the e-mail must first include the same information from the subject line (a-f above), followed by:

1. the name of the filing attorney,
2. if more than one PDF document, an index or list of all PDF files attached to that e-mail.

-The PDF version of document shall be e-mailed to all parties.

-The PDF version of a brief shall be e-mailed no later than the time for filing the required paper copies with the Clerk's Office.

#### **E. Retransmission of a Corrected Document**

-A filing party discovering that a PDF document is incomplete, illegible, or otherwise does not conform to the filed original document, the filing party shall notify the Clerk's Office immediately and transmit a corrected document.

#### **F. Requisite Number of Paper Copies**

-In addition to the text-searchable PDF copy of each brief, record or appendix, eight papers copies (seven copies in Family Court matters) shall be filed with the Court.

#### **G. Physical media alternative to e-mailing**

-An appendix (or record on appeal) that exceeds ten megabytes is exempt from the electronic filing requirement, except that the oversized appendix (or record on appeal) shall be filed on a compact disk ("CD-ROM").

-Each disk shall bear a label identifying:

1. the title of the action
2. Supreme Court index number
3. a description of contents (brief, record on appeal or appendix)
4. the party who prepared the disk

#### **H. Questions**

Direct your questions before September 30, 2010 to:

[AD1ruleamendments@courts.state.ny.us](mailto:AD1ruleamendments@courts.state.ny.us) OR call (212) 340-0422.

#### **I. Registration**

Registration with the Court is not required. However, attorneys are encouraged to register with the New York State Courts Electronic Filing System in anticipation of e-filing (as distinguished from e-mailing) PDF documents.

**J. Payment of fees**

Fees are payable in advance at the Clerk's Office. CPLR 8022.

**K. Exhibits**

Exhibits not included in an appendix shall be filed, or available for filing on telephone notice, pursuant to 600.10(c)(2) of the Court's rules.