

Appellate Division of the Supreme Court First Judicial Department

NOTICE TO THE BAR AND THE PUBLIC

Expansion of Mandatory E-filing in the Appellate Division, First Department

Effective July 27, 2020, the Appellate Division, First Department expanded the categories of appeals that are subject to e-filing through the New York State Court Electronic Filing System (NYSCEF) to include all matters originating in the following courts in Bronx and New York Counties:

- Supreme Court, Criminal Term;
- Family Court;
- Surrogate's Court; and
- Court of Claims.

This expansion applies to all matters in these categories, including appeals which have already been perfected. E-filing is required regardless of whether the matters were e-filed at the trial level.

With this latest expansion, e-filing will be mandatory in all matters before the First Department, except:

1. Original Special Proceedings; and
2. Attorney Matters.

In matters where notices of appeal have been filed, attorneys for appellants and respondents are encouraged to immediately enter the initial information required for e-filing under 22 NYCRR § 1245.3.

Criminal and Family Matters with Assigned Counsel: Entry of Initial Information for E-filing under 22 NYCRR § 1245.3

Criminal Matters

In criminal matters, the entry of initial information for electronic filing pursuant to 22 NYCRR § 1245.3(a) is not required until the Court issues an order granting poor person relief and assigning counsel.

Within 14 days of the date of the order of assignment, counsel for appellant shall register or confirm registration as an authorized e-filer with NYSCEF, enter the required information about the cause and parties and upload a copy of the notice of appeal and order of assignment.

NOTE: In matters where counsel has already been assigned, counsel is required to immediately enter the required information in NYSCEF and upload a copy of the notice of appeal and order of assignment.

Family Court Matters

In appeals from Family Court matters, the entry of the initial information shall be made by the trial counsel for the appellant. Within 14 days of the filing of the notice of appeal, assigned trial counsel for appellant shall:

- register or confirm registration as an authorized e-filer with NYSCEF;
- enter the requisite information about the cause and parties; and
- upload a copy of the notice of appeal and a Family Court Act § 1118 Certification for the appointment of appellate counsel.

After trial counsel enters the initial information and uploads the notice of appeal, counsel shall serve the notification of the appellate case number, as required by 22 NYCRR § 1245.3(b), upon respondent's trial counsel or respondent, if respondent was self-represented at the trial level.

Within 20 days of service of the notification of the appellate case number, assigned trial counsel for respondent shall:

- register or confirm registration as an authorized e-filer with NYSCEF;
- enter contact information in NYSCEF; and
- upload a Family Court Act § 1118 Certification for the appointment of appellate counsel.

Upon the appointment of appellate counsel for either appellant or respondent, such appointed counsel shall, within 7 days of date of the order of appointment, e-file a copy of the order of appointment and update the attorney information on NYSCEF.

NOTE: In matters where counsel has already been assigned, counsel is required to immediately enter the required information in NYSCEF and upload a copy of the notice of appeal and order of assignment.