Court of Appeals

Annual Report of the Clerk of the Court

— 2025 —


There
Shall
be a
Court
of
Appeals
EXCELSIOR

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The front and back cover of the 2025 Annual Report, along with several pages within it, were edited by the Office of Court Administration Graphics Unit. Photographs in the Annual Events section were provided by David Handschuh, Office of Court Administration, and Skip Dickstein.

Honorable Jenny Rivera Foreword April 2026

It has been an honor and a privilege to serve these past years on our New York High Court. True to our reputation, the Court has been busy doing the People's work. This Annual Report presents data points and other achievements of the last year which reflect the diligence and care my colleagues and the Court staff devote to our judicial and administrative endeavors. For example, in 2025, the Court disposed of 2,232 matters, including 119 appeals, 110 of which were decided in the normal course after full briefing and oral arguments, and 817 motions and 1,296 criminal leave applications.

Despite the heavy workload, the Court has a stellar record of prompt disposition of appeals, and this year was no different. In fact, in 2025 we improved on our time from initial order granting appeal to final disposition: the average appeal took 12 months from grant to oral argument—a two-month reduction from the prior year—and a mere 36 days from argument to the Court's published opinion. Thus, the average time from an order granting leave to subsequent release of our decision was less than 13 ½ months. The wheels of justice may move slowly but we are doing our part to ensure that justice is neither delayed nor denied at the High Court.

As always, the appeals address a broad range of substantive legal issues; from statutory construction, to constitutional interpretation, to our robust

common law. In this report you will find summaries of decisions resolving open questions and clarifying rules of practice that we intend will guide the Bench and Bar in the proper application of our laws.

The successes of the past year could not be possible without the commitment to professionalism of every member of the Court of Appeals Hall staff. They ensure that every submission is considered and properly handled, Court proceedings run smoothly, our workplace is safe and secure, and that guests to Court of Appeals Hall are welcomed and treated respectfully.

Every day I am reminded that the Court is a special place, with a storied history. I am also reminded that I am truly fortunate to be part of this Court and New York's eclectic judiciary. The Judges of the Court come from different backgrounds but we are united in our commitment to our system of justice that guarantees equal treatment under the law to all.

We at the Court of Appeals strive to complete our judicial duties without fear or favor, obligated only to our oath of office to uphold the federal and New York Constitutions and the rule of law. We will continue to do so in the years ahead. That is our promise to the People of the State of New York and it is the enduring legacy of this Great High Court.

2025
Annual Report of the Clerk of the Court
to the Judges of the Court of Appeals of the State of New York

Introduction

Hon. Heather Davis

The 2025 Annual Report is the 50th Annual Report of the Clerk of the Court of Appeals. I am honored to continue the tradition of presenting the Annual Report to the Judges of the Court.

In 1975, then-Clerk of the Court Joseph W. Bellacosa submitted the first Annual Report to the Judges of the Court, aptly foreshadowing that "this annual report will be useful to the Judges and any successor, employee or student who would want to track the workings of the Court to the extent they can be reported in such a document." Twenty years later, then-Judge Bellacosa authored the Foreword to the Annual Report, reflecting that it was created so "anyone could see and measure at the end of every year what we did, where we are and where we might be going." True to Judge Bellacosa's vision, the Annual Report has, year after year, served the important role of chronicling the Court's work and administrative accomplishments, proving to be a valuable resource for Judges, successor Clerks and personnel, practitioners, students, researchers and court administrators. It is one of the many ways that the Court fulfills its mission to serve the public.

Court of Appeals Hall, circa 1975

2025 proved to be a productive year. In February 2025, the Court appointed Maggie Wood as its Deputy Clerk. Having previously served the Court and its Judges in various capacities, including as a clerk to former Chief Judge Lippman, Court Attorney for Professional Matters, and Assistant Deputy Clerk in the Clerk's Office, she brings a wealth of experience and enthusiastic perspective to her new role.

In March, the Court traveled to Binghamton for a one-week session in the Sixth Judicial District. The Judges heard oral arguments in the Broome County Courthouse, welcoming local students and members of the bar to observe the work of the Court. Thank you to our partners in the Sixth Judicial District who planned and executed an extremely successful Court Session.

In September 2025, the Court celebrated Judith S. Kaye, the first woman appointed to the Court of Appeals as an Associate Judge, in 1983, and as its Chief Judge, in 1993. A treasured space in Court of Appeals Hall, the Red Room, was dedicated as the Judith S. Kaye Room. The room is where the Judges convene before and after oral argument and was beloved by Chief Judge Kaye. The dedication event was held 42 years to the day after Chief Judge Kaye was sworn in as an Associate Judge of the Court and included heartfelt comments from Chief Judge Wilson, former Chief Judge Lippman, Judge Garcia and Judge Troutman. It was wonderful to welcome back to the Court several of Chief Judge Kaye's former colleagues and law clerks, as well as her family members, for this special occasion.

The Kaye Room ceremony was one of many endeavors that exemplified the dedication, commitment and tireless work ethic of the staff of the Court of Appeals. Building Manager Jim Vandeloo and his staff were instrumental in transforming the Red Room to the Kaye Room. Jim retired in August 2025, after 19 years of service to the Court in various capacities. Many thanks to Jim for his keen attention to detail and respect for the history and preservation of Court of Appeals Hall. The Building Department also saw the departure of another highly respected member of the Court's staff in 2025 with the retirement of Bill Donnelly. Bill, who served the Court for 29 years, was meticulous in his work, always going the extra step to finish a project with precision and care.

Sadly, in October 2025, the Court lost another valued employee with the passing of Gary Spencer, the Court's Public Information Officer. Gary was truly one of a kind — a journalist who joined the Court in 1999, Gary served under four Chief Judges and was esteemed for his acumen in handling media and public inquiries on the work of the Court and its Judges. Gary also graciously shared his vast knowledge on the history of the Court and Court of Appeals Hall with school groups and other visitors to 20 Eagle Street.

In November 2025, the Court and the Historical Society of the New York Courts presented a public lecture at Court of Appeals Hall entitled "Albany's Most Acclaimed

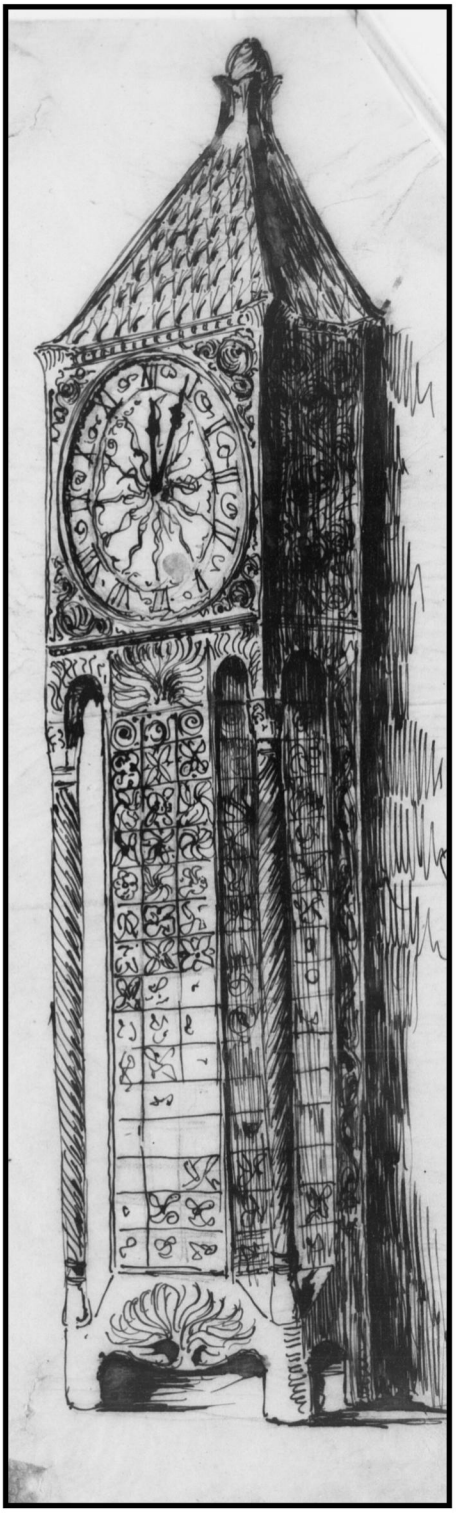
Architect: Henry Hobson Richardson." Preeminent speakers detailed H.H. Richardson's work in the Courtroom, including the elaborate hand-carved oak paneling, clock, furniture, and marble and onyx fireplace.

To further the Court's mission of providing information to the bar and the public, the Clerk's Office instituted new practices in 2025. The Court's website now provides a monthly digest of the appeals for which a briefing schedule has been issued, allowing court users, including potential amici, to more readily learn about cases that will be argued before the Court. In addition, interested individuals may now request to be added to the Court's email notification service for Notices to the Bar, and the Court's website was updated to provide helpful information for those wishing to visit Court of Appeals Hall.

In 2025, the Court amended its Rules of Practice to incorporate a statutory change to CPLR 1101. For clarity and ease of use, the Court also reorganized its Rules of Practice governing amici curiae participation and added a provision providing guidance to potential amici on permissible arguments concerning legislative intent. In July, the Court issued an order waiving strict compliance with certain distance learning limitations of sections 520.3 and 520.6 of the Rules for the Admission of Attorneys and Counselors at Law. The waiver was issued for law students who had been unable to gain entry to the United States in advance of the Fall 2025 semester due to delays in processing the students' visa applications.

This 50th Annual Report is divided into five sections. The first section is a narrative overview of matters filed with and decided by the Court during the year; the second describes various functions of the Clerk's Office and summarizes administrative accomplishments; the third highlights selected decisions of 2025; the fourth recaps the Court's Annual Events; and the fifth contains appendices with detailed statistics and other information.

I express my appreciation to the Chief Judge and Judges of the Court for their continued support and to the Court's exemplary personnel who contributed to the work of the Court in 2025.



H.H. Richardson sketch
Court of Appeals courtroom clock

The Work of the Court

The Court of Appeals is composed of its Chief Judge and six Associate Judges, each appointed by the Governor to a 14-year term. The primary role of the Court of Appeals is to unify, clarify, and pronounce the law of New York State. The State Constitution and applicable jurisdictional statutes provide few grounds for appeals as of right; thus, the Court hears most appeals by its own permission, granted upon civil motion or criminal leave application. Appeals by permission typically present novel and difficult questions of law having statewide importance or involve issues on which the holdings of the lower courts of the state conflict. The correction of error by courts below remains a legitimate, if less frequent, basis for this Court's decision to grant review. The Appellate Division also can grant leave to appeal to the Court of Appeals in civil cases, and individual Justices of that Court can grant leave to appeal to the Court of Appeals in most criminal cases.

In addition to appellate jurisdiction, the State Constitution vests the Court of Appeals with power to answer questions of New York law certified to it by a federal appellate court or another state's court of last resort. Also, the Court of Appeals is the exclusive forum for review of determinations by the State Commission on Judicial Conduct.

The Judges of the Court collectively decide all appeals, certified questions, proceedings to review determinations of the State Commission on Judicial Conduct, and motions. Civil motions for leave to appeal are "granted upon the approval of two judges of the [C]ourt of [A]ppeals" (CPLR 5602 [a]). Individually, the Judges decide applications for leave to appeal in criminal cases and emergency show cause orders. For most appeals, the Judges receive written and oral argument from the parties and set forth the reasons for their decisions in written opinions and memoranda.

The Court sits in Albany throughout the year. During these sessions held in Albany, oral argument is heard in the afternoons and the Court conferences in the mornings to discuss the argued appeals, to consider and vote on writings circulated on pending appeals, and to decide motions and administrative matters.

In 2025, the Court and its Judges disposed of 2,232 matters, including 119 appeals,* 817 motions, and 1,296 criminal leave applications. A detailed analysis of the Court's work follows.

* This number includes final determinations of Rule 500.27 certified questions.

Appeals Management

Screening Procedures

The jurisdiction of the Court is narrowly defined by the State Constitution and applicable statutes. After filing a notice of appeal or receiving an order granting leave to appeal to the Court, an appellant must file a preliminary appeal statement in accordance with Rule 500.9. Pursuant to Rule 500.10, the Clerk examines all filed preliminary appeal statements for issues related to subject matter jurisdiction. If a potential jurisdictional impediment is identified, the Clerk sends notice to counsel, giving the parties an opportunity to submit written comments addressing the jurisdictional issues identified. After the parties respond to the Clerk's inquiry, the Clerk may direct the parties to proceed to brief the merits of the appeal or refer the matter to the Central Legal Research Staff to prepare a report on jurisdiction for review and disposition by the full Court. The Rule 500.10 screening process is valuable to the Court, the bar, and the parties because it identifies at the earliest possible stage of the appeal process jurisdictionally defective appeals destined for dismissal or transfer by the Court.

In 2025, Rule 500.10 inquiries were sent in 68 appeals. Forty (40) appeals were dismissed sua sponte (SSD) or transferred to the Appellate Division after an inquiry. Twenty-two inquiries were pending at year's end.

Normal Course Appeals

The Court determines most appeals "in the normal course," meaning after full briefing and oral argument by the parties. The parties' submissions are available through the Court's Public Access and Search System (Court-PASS), and Court Rules permit amicus curiae participation. In 2025, 110 appeals were decided in the normal course. In these cases, copies of the briefs and record materials are provided to each member of the Court well in advance of the argument date. Each Judge becomes conversant with the issues and relevant facts in the cases, using oral argument to address any questions or concerns prompted by the filings. Each appeal is assigned by random draw to one member of the Court for reporting to the full Court.

Following oral argument, the appeal is conferenced by the full Court. In conference, the Judges are seated clockwise in seniority order around the conference table. The reporting Judge speaks first on the appeal, followed by the other Judges in reverse seniority order (the most junior non-reporting Judge speaks after the reporting Judge). Draft writings are circulated to all Judges for review and consideration. After further deliberation and discussion of the proposed writings, the Court's determination of each appeal is handed down, typically during the next scheduled session of the Court.

Alternative Track Appeals

The Court's Rules provide an alternative track of review of appeals (*see* Rule 500.11). Through this Rule 500.11 procedure, the Court decides appeals on written letter submissions, and the briefs and record of the intermediate appellate court, without oral argument. Parties may request Rule 500.11 review or a case may be placed on Rule 500.11 review if, for example, it involves narrow issues of law or issues decided by a recent appeal. As with normal course appeals, Rule 500.11 appeals are assigned on a random basis to individual Judges for reporting purposes and are conferenced and determined by the entire Court. The parties' submissions are available through the Court's Public Access and Search System (Court-PASS), and Court Rules permit amicus curiae participation.

Of the 205 appeals filed in 2025, 7 (3%) were initially selected to receive Rule 500.11 consideration, a slight increase from the percentage so selected in 2024 (2%). Five (5) were civil matters and 2 were criminal matters. None of the appeals initially selected to receive Rule 500.11 consideration in 2025 were directed to full briefing and oral argument. Of the 119 appeals decided in 2025, 9 (7.5%) were decided upon Rule 500.11 review (5% were so decided in 2024). Four (4) were civil matters and 5 were criminal matters. Two (2) civil matters remained pending on the Rule 500.11 track at the end of 2025.

Promptness in Deciding Appeals

The Court continued its tradition of prompt disposition of appeals following oral argument or submission. In 2025, the average time from argument to disposition of a normal course appeal was 38 days; for all appeals, the average time from argument or submission to disposition was 36 days. In 2025, the average period from filing a notice of appeal or an order granting leave to appeal to oral argument was approximately 12 months, compared with 14 months in 2024. The average period from readiness (papers served and filed) to calendaring for oral argument was approximately 6 months, compared to 7 months in 2024.

The average length of time from the filing of a notice of appeal or order granting leave to appeal to the release of a decision in a normal course appeal (including Rule 500.11 appeals tracked to normal course) was 13.4 months, compared to 15.3 months in 2024. For all appeals—including those decided pursuant to the Rule 500.11 procedure, those dismissed pursuant to Rule 500.10 inquiries, and those dismissed pursuant to Rule 500.16 (a) for failure to perfect—the average length of time was approximately 5 months, the same as in 2024.

The Court's 2025 Docket

Filings

Two hundred and five (205) notices of appeal and orders granting leave to appeal were filed in 2025 (180 were filed in 2024). One hundred fifty-five (155) filings were civil matters (compared to 146 in 2024), and 50 were criminal matters (compared to 34 in 2024). The Appellate Division Departments and Justices issued 34 of the orders granting leave to appeal filed in 2025 (16 were civil, 18 were criminal).

Total motion filings increased in 2025. During the year, 902 motions were submitted to the Court, compared to the 844 submitted in 2024. Motion for leave to appeal filings also increased. In 2025, 665 motions for leave to appeal were filed, compared to 633 in 2024.

Criminal leave application filings also increased in 2025. Specifically, 1,309 applications for leave to appeal in criminal cases were assigned to individual Judges of the Court, compared to the 1,176 assigned in 2024. Each Judge was assigned 187 such applications during the year.

Dispositions

Appeals and Writings

In 2025, the Court decided 119 appeals (79 civil and 40 criminal), compared to 120 appeals in 2024 (75 civil and 45 criminal). Ninety-four (94) of the 119 appeals were decided by signed opinions, 22 by memoranda, and 3 by decision list entries. Forty–seven (47) dissenting opinions and 11 concurring opinions were issued.

Motions

The Court decided 817 motions in 2025, a similar number to the 824 motions decided in 2024. Of the 583 motions for leave to appeal decided in 2025, 5.5% were granted, 71.5% were denied, 22.3% were dismissed, and less than 1% were withdrawn. Thirty–two (32) motions for leave to appeal were granted in 2025. The Court's leave grants covered a wide range of subjects and reflect the Court's commitment to grant leave in cases presenting issues that are of great public importance, are novel, or present a split in authority among the Appellate Division Departments.

The average period of time from return date to disposition for civil motions for leave to appeal was 142 days, while the average period of time from return date to disposition for all civil motions was 113 days.

CPL 460.20 Applications

The individual Judges of the Court decided 1,296 applications for leave to appeal in 2025; 32 were granted. Seventy-five (75) applications were dismissed for lack of jurisdiction and 5 were withdrawn. One (1) of the 21 applications filed by the People was granted. Of the 58 applications for leave to appeal from intermediate appellate court orders determining applications for a writ of error coram nobis, none were granted.

In 2025, on average, 91 days elapsed from assignment to Judges to disposition of applications for leave to appeal in criminal cases. The period during which such applications are pending includes several weeks for the parties to prepare and file their written arguments.

Review of Determinations of the State Commission on Judicial Conduct

The Court of Appeals has exclusive jurisdiction to review determinations of the State Commission on Judicial Conduct (Commission) and to suspend a judge, with or without pay, when the Commission has determined that removal is the appropriate sanction, or while the judge is charged in this State with a crime punishable as a felony (*see* Judiciary Law § 44 [8]). One judge was suspended by the Court in 2025 as a result of being charged with a felony in New York. The Court did not review any determinations in 2025 of the State Commission on Judicial Conduct recommending that a judge be disciplined.

Certifications Pursuant to Rule 500.27

Rule 500.27 provides that whenever it appears to the Supreme Court of the United States, any United States Court of Appeals, or a court of last resort of any other state, that determinative questions of New York law are involved in a case pending before it for which no controlling precedent from this Court exists, that court may certify the dispositive questions of law to this Court. The Court first decides whether the certification should be accepted and, if the Court accepts a certified question, the matter is treated similarly to an appeal.

The Court accepted seven certified questions (one was later withdrawn), and answered three certified questions in 2025. At the end of 2025, five certified questions remained pending.

Petitions for Waiver of the Court's Rules for the Admission of Attorneys and Counselors at Law

In 2025, the Court decided 559 petitions seeking waiver of the Court's Rules for the Admission of Attorneys and Counselors at Law, a decrease from the 610 petitions decided in 2024. Petitions typically are decided within three months of submission. Petitions can now be submitted electronically, via a dedicated upload portal.

Court Rules

In 2025, the Court amended its Rules of Practice to incorporate changes to CPLR 1101. The Court also amended Rule 500.23—relating to amicus curiae relief—to provide guidance to potential amici on permissible arguments relating to legislative intent.

Administrative Functions and Accomplishments

Court of Appeals Hall

Court of Appeals Hall at 20 Eagle Street in Albany has been the Court's home for over 100 years. The classic Greek Revival building, originally known as State Hall, formally opened in 1842 with offices for the Chancellor, the Register of Chancery, and the State Supreme Court. On January 8, 1917, the Court of Appeals moved from the State Capitol into the newly refurbished building at 20 Eagle Street. The Court's beloved Richardson Courtroom was reassembled in an extension to State Hall built to accommodate both the courtroom and the Court's library and conference room. Major renovations in 1958-1959 and 2002-2004—the latter including two additions to the building faithful to its Greek Revival design—produced the architectural treasure the Court inhabits today.

The Building Manager oversees all services and operations performed by the Court's maintenance staff and by outside contractors at Court of Appeals Hall.

Clerk's Office

Clerk's Office staff respond to inquiries and requests for information from attorneys, litigants, the public, academics, and court administrators. Given that practice in the Court of Appeals is complex and markedly different from that in the Appellate Division, the Clerk's Office encourages such inquiries. Members of the Clerk's Office staff also regularly participate in, and consult on, programs and publications designed to educate the bar about Court of Appeals practice.

The Clerk, Deputy Clerk, Chief Motion Clerk, two Assistant Deputy Clerks, Criminal Leave Applications Clerk, Secretary to the Court of Appeals, several Administrative Assistants and Clerical Aides perform the many and varied tasks involved in appellate case management. Their responsibilities include receiving and reviewing all papers; filing and distributing to the Judges and Court staff all materials received, including digital filings; scheduling and noticing oral arguments; compiling and reporting statistical information about the Court's work; assisting the Court during conference; and preparing the Court's decisions for release to the public. Clerk's Office staff deliver mail in-house and maintain the Court's records room, tracking and distributing all briefs, records, exhibits, and original court files.

Consultation Clerks

The Consultation Clerk and Assistant Consultation Clerk confer with Judges and non-judicial staff regarding legal questions involving the Court's work. They are consulted particularly for their expertise with respect to the Court's jurisdiction and other procedural matters. They prepare calendars for, attend, and maintain records of the confidential conferences of the Judges of the Court; review all decisions of the Court before they are released to the public; participate in preparing the public decision list hand downs; and prepare internal research materials. An Administrative Assistant provides drafting and administrative support.

Information Technology

The Information Technology Department oversees all aspects of the Court's computer and web operations under the direction of a Chief Management Analyst, assisted by an Associate LAN Administrator, a PC Analyst, and a Senior Associate Computer Applications Programmer. These operations include all software and hardware used by the Court and a statewide network connecting the remote Judges' chambers with Court of Appeals Hall. The Department maintains a hands-on help desk to assist employees with hardware and software issues. Calls to the help desk were estimated at 4,200 for the year.

The Department is also responsible for the upkeep of three websites: an intranet website; the Court's main internet site, located at http://www.nycourts.gov/ctapps; and the Court-PASS website, located at http://www.courtpass.nycourts.gov. Over 4,995,625 visits were recorded to the main internet site in 2025, averaging 13,686 visits per day. The Court-PASS and Companion Filing Upload Portal sites recorded 111,524 visits in 2025. In addition, the Court's YouTube channel received 73,056 views in 2025.

Court of Appeals Website

The Court's comprehensive website posts information about the Court, its Judges, and its history; summaries of pending cases and new filings; notices to the bar and other noteworthy information; and recent Court of Appeals decisions. Decisions are posted at the time of their official release. During Court sessions, the website offers live webcasts of all oral arguments. Transcripts of oral arguments are also available on the website. The website provides helpful information about the Court's practice—including its Rules, civil and criminal jurisdictional outlines, court forms, session calendars, and undecided lists of argued appeals and civil motions—and provides links to other judiciary-related websites.

Court of Appeals Public Access and Search System (Court-PASS)

The Court of Appeals Public Access and Search System (Court-PASS) is the method for submitting records and briefs in digital format on appeals to the Court of Appeals, and offers universal online access to publicly available documents through a searchable database. Anyone may search or browse the Court-PASS database free of charge and may view or download briefs and records in civil and criminal appeals.

The docket function of Court-PASS contains a snapshot of frequently requested information for all undecided appeals, including the due dates set for filings on appeals, scheduled dates of oral argument, and attorney contact information.

Companion Filing Upload Portal for Motions, Criminal Leave Applications and Rule 500.10 Responses (the Portal)

The Companion Filing Upload Portal for Motions, Criminal Leave Applications and Rule 500.10 Responses (the Portal) is used to upload companion digital submissions of motions, criminal leave applications, and Rule 500.10 Jurisdictional Responses.

Public Information Office

The Public Information Office prepares descriptive summaries of cases scheduled to be argued before the Court, which are posted on the Court's website. The Public Information Office also provides information concerning the work and history of New York's highest court to all segments of the public—from schoolchildren to members of the bar. Throughout the year, members of the Court's staff conduct tours of the historic courtroom for visitors. In 2025, the Court hosted 35 tours.

Office for Professional Matters

Special Projects Counsel manages the Office for Professional Matters. An Administrative Assistant provides administrative, research, and drafting support for the Office. Special Projects Counsel drafts reports to the Court on matters relating to (1) petitions seeking waiver of certain requirements of the Court's Rules for the Admission of Attorneys and Counselors at Law and the Rules for the Licensing of Legal Consultants, (2) proposed rule changes relating to admission and licensing rules, and (3) other matters regarding the admission and regulation of attorneys in New York. The office responds to inquiries related to the Court's admission rules, reviews submissions from U.S. law schools seeking approval of courses as satisfying the requirements of the Court's rules, and prepares certificates of admission upon request.

Central Legal Research Staff

Under the supervision of the Judges, the Clerk and Deputy Clerk, and the Chief Court Attorney and Deputy Chief Court Attorneys, the Central Legal Research Staff prepares reports on civil motions and selected appeals for the full Court's review and deliberation. From December 2024 through December 2025, Central Staff was assigned 721 motion reports, 63 Rule 500.10 reports, and 5 Rule 500.11 reports. Attorneys usually, but not invariably, join the Central Legal Research Staff immediately following law school graduation. The staff attorneys employed during part or all of 2025 were graduates of Albany, CUNY, Hofstra, Syracuse University, Touro, and University at Buffalo law schools.

Library

The Principal Law Librarian and Senior Law Librarian provide legal and general research and reference services to the Judges of the Court, their law clerks, and the Clerk's Office staff. The Court subscribes to major legal research databases, and the Library continues to expand the in-house databases that provide full-text access to the Court's internal reports, bill jackets, and other research materials. The Principal Law Librarian also serves on the Archives Advisory Committee of the New York State Archives.

In 2025, the Library coordinated a digitization project of VHS tapes of the Court's historic oral arguments. The Library staff also contributed to the development of the Judith S. Kaye Room, which was dedicated at Court of Appeals Hall in September.

Continuing Legal Education Committee

The Continuing Legal Education (CLE) Committee coordinates professional training for Court of Appeals, New York State Law Reporting Bureau, and New York State Board of Law Examiners attorneys and issues credit for suitable programs offered by the Court or its auxiliary agencies. In 2025, 9 programs were offered, totaling 14 credit hours. Attorneys also are able to access pre-recorded CLE programs housed on an internal Court database. In addition, attorneys were provided with information on CLE programs offered by the New York State Office of Court Administration; the New York State Federal Judicial Council; the Appellate Division, Third Department; the New York State Judicial Institute; and the Historical Society of the New York Courts.

Security Services

The Chief Security Attendant and Deputy Chief of Security supervise Senior Security Attendants and Court Building Guards. The attendants are sworn New York State Court Officers who have peace officer status.

The security staff ensures that Judges, court staff, and court visitors are safe and protected. They conduct a variety of security functions, including magnetometer/security screening for the visiting public. Other functions include judicial escorts, security patrols, video monitoring, and providing a security presence in the courtroom when Court is in session.

Management and Operations

The Director of Court of Appeals Management and Operations, aided by two Senior Court Analysts, is responsible for supervising fiscal and personnel systems and functions, including purchasing, inventory control, fiscal cost recording and reporting, employee time and leave management, payroll preparation, voucher processing, benefit

program administration, and annual budget request development.

Budget and Finance

The Director of Court of Appeals Management and Operations is responsible for initial preparation, administration, implementation, and monitoring of the Court's annual budget.

Expenditures

The work of the Court and the New York State Law Reporting Bureau was performed within the 2025-26 fiscal year budget appropriation of $1.26 million for non-personal services costs, including in-house maintenance of Court of Appeals Hall.

Budget Requests

The total request for fiscal year 2026-27 for the Court and Law Reporting Bureau is $1.26 million for non-personal services costs. This request illustrates the Court's diligent attempt to perform its functions and those of the New York State Law Reporting Bureau economically and efficiently. The Court will continue to maximize opportunities for savings.

Revenues

In calendar year 2025, the Court reported filing fees for civil appeals totaling $16,065 and for motions totaling $23,040. The funds were reported to the State Treasury, Office of the State Comptroller, and Office of Court Administration pursuant to the Court Facilities Legislation (L 1987, ch 825). Additional revenues were realized through miscellaneous collections ($4,205.14). For calendar year 2025, revenue collections totaled $43,310.14.

Acknowledgement

Although submitted to the Court under the name of the Clerk, the Annual Report is a joint effort of Court staff who provide data, narrative content, graphics, editing, and proofreading necessary for its production. In conveying my appreciation to each member of the staff who contributed, I thank in particular Deputy Clerk Maggie Wood and Julia Bielawski, Ann Byer, Lisa Drury, Hope Engel, Cynthia Holman, Jay Kemprowski, Krysten Kenny, Rachael MacVean, Regina Martino, Marissa Mason, Edward Ohanian, Stephen Sherwin, and Nala Woodard.

The Annual Report is but one example of the extraordinary service the staff provides to the Judges of the Court, the bar, and the public throughout the year. The staff is to be commended for recognizing that such public service is both a privilege and a responsibility. I express my gratitude to all members of the Court's staff who serve the Court with the utmost professionalism and dedication.

I acknowledge the individuals in the Office of Court Administration and throughout the Unified Court System who continue to provide expert assistance to the Judges and staff of the Court of Appeals.

Year in Review: Decisions

Below is a summary of significant 2025 decisions, reflecting the range of constitutional, statutory, regulatory and common law issues decided by the Court each year.

ADVERSE POSSESSION

Golobe v Mielnicki (44 NY3d 86)

The Court held that a cotenant may obtain full ownership of jointly owned property even when neither party is aware of the cotenancy. After plaintiff's aunt died intestate in 1992, Surrogate's Court relied on mistaken testimony to find that she had been predeceased by one of her brothers, and accordingly found that her other brother, plaintiff's father, was the sole distributee of her estate. Plaintiff's father relinquished his interest in favor of his son, plaintiff, who became the record owner of the property in 1992. In 2018, after plaintiff discovered that his aunt's brother had been alive at the time of her death and should have inherited a one-half interest in her estate, he sued seeking a declaration that he had become the sole owner of the premises through adverse possession. The Court held that plaintiff acted reasonably in relying on a disinterested witness's testimony before Surrogate's Court. The Court further held that at the end of the 10-year period during which the RPAPL's presumption of non-adverse possession applies, the hostility element of adverse possession operates the same way for cotenants as it does for other adverse possessors. Accordingly, the Court held that plaintiff's continuous exclusive possession for over 20 years, with usual acts of ownership, created a rebuttable presumption of hostility that defendant cotenant failed to rebut. The Court also held that the cotenants' mutual mistake about the true ownership of the property did not negate the hostility element of adverse possession.

ANIMALS

Flanders v Goodfellow (44 NY3d 57)

Alleging that she had been injured by defendants' dog, plaintiff asked the Court to reconsider the common-law rule, recognized in *Bard v Jahnke* (6 NY3d 592 [2006]), that an animal owner may not be held liable in negligence for injuries caused by their animal. The Court determined that the no-negligence rule was inconsistent with ordinary tort principles, unworkable, and led occasionally to unfair outcomes, and the Court therefore overruled *Bard* to the extent that it barred negligence liability for harms caused by domestic animals. The Court also reinstated plaintiff's strict liability claim, concluding that the record evidence raised a material question of fact as to defendants' knowledge of their dog's vicious propensities.

ATTORNEY AND CLIENT

Gibson, Dunn & Crutcher LLP v Koukis (44 NY3d 25)

The Court held that there was a material factual dispute as to whether an attorney who entered an appearance purporting to represent a defendant shareholder validly waived that defendant's personal jurisdiction defense. After defendants failed to pay legal fees, plaintiff law firm obtained a judgment in its favor and brought the instant litigation to enforce the judgment. In 2017, an attorney, on behalf of "all defendants," waived all defenses based on service of process and lack of personal jurisdiction. Defendants later defaulted. A defendant shareholder sought to strike the attorney's waiver of defenses, vacate the default, and dismiss the complaint

against him for lack of jurisdiction and improper service. Supreme Court granted shareholder defendant's motion without a factual hearing, and the Appellate Division affirmed. The Court reversed and remitted for a hearing on the disputed factual question of whether the attorney had the authority to represent defendant shareholder.

BAIL

People ex rel. Ellis v Imperati (45 NY3d 67)

This case considered whether making a terroristic threat is a qualifying offense for which bail may be fixed. The Court concluded that bail may be fixed under CPL 510.10 (4) (a), despite its exclusion as a qualifying offense under CPL 510 (4) (g). The Court explained that the text and disjunctive structure of CPL 510.10 (4) indicate that paragraph (g) was not intended to narrow the independent authorization provided in paragraph (a) to set bail for all offenses listed therein, including making a terroristic threat. The Court therefore held that the crime of making a terroristic threat is a bail-qualifying offense.

People ex rel. Welch v Maginley-Liddie (44 NY3d 385)

While out on bail after his arrest for felony offenses, defendant was arrested for additional offenses that, standing alone, did not qualify for bail. The trial court set bail on the new offenses pursuant to CPL 510.10 (4) (t), which gives judges discretion to set bail for certain non-qualifying offenses after a defendant has been "released under conditions" on a prior qualifying charge. Defendant argued that "released under conditions" only applies to those defendants who are released on recognizance or under non-monetary conditions and is not implicated where a defendant is released on bail. The Court converted the proceeding to a declaratory judgment action and held that CPL 510.10 (4) (t) applies to a defendant who is released on bail because bail is a condition of release and a defendant who posts bail therefore has been "released under conditions."

CONFLICT OF LAWS

Ezrasons, Inc. v Rudd (44 NY3d 532)

Plaintiff, a beneficial owner of shares in Barclays PLC, brought a derivative action on behalf of the company against certain of its directors and officers. Defendants moved to dismiss the complaint, arguing that plaintiff was not a registered member of Barclays and therefore lacked standing to sue derivatively under governing English law. In response, plaintiff argued that it was authorized by sections 626 (a) and 1319 (a) (2) of the New York Business Corporation Law to represent Barclays in a derivative action in this State, irrespective of English law. The Court held that those sections do not clearly manifest legislative intent to displace the internal affairs doctrine, a long-followed choice-of-law rule providing that, with rare exception, the substantive law of the place of incorporation governs disputes relating to the rights and relationships of corporate shareholders and managers.

CONSTITUTIONAL LAW

Clarke v Town of Newburgh (— NY3d —, 2025 NY Slip Op 06359)

Plaintiffs, a group of Black and Hispanic voters, brought claims under the New York Voting Rights Act (NYVRA) against the Town and Town Board of Newburgh, alleging that voting patterns in Newburgh were racially polarized and that the Town's at-large election system

disenfranchises Black and Hispanic voters. Newburgh, the municipal defendant, moved for summary judgment on the basis that the vote-dilution provision of NYVRA was facially unconstitutional because it violates the Equal Protection Clauses of both the U.S. and New York State Constitutions. The Court held that the municipal defendant failed to demonstrate that its compliance with the NYVRA would force it to violate equal protection, and it therefore could not overcome the general rule that legislative entities lack the right to sue to challenge State laws.

County of Onondaga v State of New York (44 NY3d 639)

The Even Year Election Law (L 2023, ch 741) was enacted in 2023 to consolidate certain elections for county and town offices with even year elections for state and federal offices. Several counties and towns within those counties, all of which hold elections during odd numbered years, challenged the legislation, alleging that it violates the home rule provisions of article IX of the State Constitution. The Court held that article IX does not limit the power of the legislature to mandate the timing of certain elections, and rejected individual voter plaintiffs' claims because the Even Year Election Law is a neutral law which changes the timing of elections in a manner common to all voters and imposes no burden or restriction on voting.

Cuomo v New York State Commn. on Ethics and Lobbying in Govt. (44 NY3d 141)

The Court held that the Ethics Commission Reform Act of 2022 did not, on its face, unconstitutionally vest the State Commission on Ethics and Lobbying in Government with executive power. Plaintiff, a former Governor, principally argued that the Act was constitutionally defective by virtue of the absence of statutory authority for the Governor either to appoint a majority of the Commissioners or to remove any of them. The Court rejected this argument, relying upon three considerations: (1) New York's separation of powers doctrine is flexible and based on a commonsense view of the workings of government, thus allowing for some overlap between the coordinate branches; (2) New York's Governor does not have sole and unlimited powers to appoint or remove state officers because the State Constitution disperses those powers between the Legislature and the Governor; and (3) the integrity of the constitutional design depends on the public's trust in government, and the Act provides an additional ethics enforcement mechanism narrowly targeted to the problems inherent in the Executive Branch's self-regulation. The Court also rejected plaintiff's arguments that the Act violated Article V of the State Constitution by creating a department without a "head" removable by the Governor and that the Commission's power to impose a fine on the Governor encroached on the Legislature's exclusive impeachment power.

Fossella v Adams (44 NY3d 258)

The Court held that article II, section 1 of the New York State Constitution limits voting to citizens. Local Law 11 of the City of New York, effective 2022, granted certain non-citizens the right to vote in City elections for several local offices. Plaintiffs brought an action seeking to declare Local Law 11 null and void on the grounds that it violated the New York State Constitution, and the Court agreed. The Court noted that

the text and history of article II, section 1 of the New York State Constitution reveal a persistent requirement that a voter must be a citizen to vote in New York State, rejecting defendant's argument that article II, section 1 is broadly inapplicable to local governments. The Court also held that article IX of the Constitution, which grants local governments expansive home rule powers, did not create an exception to article II's restriction on citizenship.

Glen Oaks Vil. Owners, Inc. v City of New York (44 NY3d 468)

In 2019, both New York City and New York State enacted legislation aimed at reducing greenhouse gas emissions. The City legislation, Local Law No. 97, required specific reductions in greenhouse gas emissions from large buildings. The State's subsequently enacted Climate Leadership and Community Protection Act (the Climate Act) sought to reduce emissions from all sources statewide, setting broad targets for reduction of pollution levels, but leaving the specific emission limits to be promulgated after further study. Plaintiffs, representatives of New York City residential buildings subject to Local Law No. 97's emissions requirements, commenced this declaratory judgment action seeking to invalidate Local Law No. 97 on field preemption grounds. The Court held that the Climate Act did not demonstrate an intent to preempt the field of regulating greenhouse gas emissions, observing that the Act did not expressly prohibit local regulation of emissions, but rather demonstrated a legislative intent to encourage complementary measures from other jurisdictions that would help the State achieve its emissions goals.

IntegrateNYC, Inc. v State of New York (— NY3d —, 2025 NY Slip Op 05870)

Plaintiffs, student and parent organizations and current and former New York City Public School students, commenced an action alleging that the State and New York City defendants failed to deliver a sound basic education in public schools as required by the Education Article of the New York State Constitution, defendants have maintained an admissions system for prime educational opportunities that denies plaintiffs equal protection under the United States Constitution, and plaintiffs were denied the use of educational facilities in violation of the New York State Human Rights Law (NYSHRL). The Court held that the complaint failed to state a cause of action for each claim. The Education Article claim was insufficiently pled because plaintiffs did not allege a district wide failure regarding public school facilities or instrumentalities of learning, did not plead a causal connection between the claimed deficiencies and defendants' failure to provide resources to schools, and did not provide support for their claim that defendants' failure to implement a culturally responsive curriculum or to hire more diverse teachers resulted in the deprivation of a sound basic education. The Court also held that plaintiffs failed to adequately plead intentional discrimination with respect to the testing procedure for the City's specialized high schools because allegations of foreseeable disparate impact and awareness of disparate impact are insufficient on their own to establish discriminatory intent, and that plaintiffs failed to adequately plead their NYSHRL claim against the City defendants because the complaint made only conclusory allegations that certain unnamed

members of the plaintiff organizations were excluded from unidentified facilities based on allegations of an unidentified discriminatory testing process.

CONTRACTS

1995 CAM LLC v West Side Advisors, LLC (— NY3d —, 2025 NY Slip Op 05782)

In this case regarding a commercial lease, the Court held that the guaranty at issue, read together with the standard commercial lease form authored by the Real Estate Board of New York, operated as a "good guy" guaranty such that the guarantor's liability ended when the tenant vacated the premises and was not conditioned on the landlord's acceptance of that surrender. The Court rejected the landlord's argument that the terms of the lease and guaranty required the tenant to obtain its written acceptance of surrender of the premises to end the guarantor's liability, reasoning that such a reading would render certain lease terms superfluous or nonsensical.

CRIMES—SEX OFFENDERS

People v Sherlock (44 NY3d 224)

Defendant was convicted in federal court of possession of child pornography and served a term in federal prison. Shortly before his release, County Court held a SORA risk assessment hearing to determine what level of sex offender restrictions defendant would be subject to. County Court assessed defendant a level two sexually violent offender, in part because of the number of children victimized in the pornography he possessed, and in part because Correction Law § 168-a (3) (b) defines a sexually violent offense as one based on a "conviction of a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred." The Court held that the statute does not automatically designate offenders convicted in federal court as sexually violent, because federal law does not require that those individuals register as sex offenders with any federal registry. The Court nonetheless affirmed defendant's level two designation insofar as it was based on the number of children victimized in the child pornography he possessed.

CRIMINAL LAW

People v Brisman (43 NY3d 322)

Defendant challenged his 3 ½- to 7-year prison sentence as unduly harsh and severe. The Appellate Division rejected defendant's contention on the ground that there were no extraordinary circumstances nor abuse of discretion warranting modification of the sentence. Citing its precedent that the intermediate appellate court has broad, plenary authority to modify a sentence that is unduly harsh or severe, the Court concluded that a defendant need not demonstrate extraordinary circumstances or abuse of discretion to obtain such a modification. This Court therefore reversed and remitted for the Appellate Division for a determination under the proper standard.

People v Callara (44 NY3d 623)

After granting the motion of the Orleans County District Attorney for disqualification, County Court appointed a special district attorney who did not reside in or have an office in Orleans County or an adjoining county as required by County Law § 701 (1) (a). Defendant did not raise the issue of the special district attorney's residency until appeal. The People argued that

defendant had therefore waived the statutory residency requirement. Distinguishing cases involving the appointment of a special assistant district attorney by the elected district attorney, the Court concluded that separation of powers concerns warranted strict adherence to the statutory mandates of section 701 when the court was appointing a special district attorney. The Court therefore held that the residency requirement was nonwaivable and that County Court exceeded its authority by appointing a special district attorney who did not satisfy the statutory mandate.

People v Cleveland (44 NY3d 8)

Officers observed defendant aggressively approach a person with clenched fists. The officers ordered defendant to stop, and he turned and ran. Defendant argued that even if the officers had reasonable suspicion to temporarily detain him, it "evaporated" when he stopped approaching the person in response to the officers' commands because he no longer posed a threat to the person. The Court rejected this argument and held that law enforcement may pursue a suspect who flees an ongoing, lawful level three *De Bour* stop. Though individuals generally have the right to be left alone, that right cannot justify flight from a lawful level three stop because it interferes with the police's legal authority to temporarily detain a suspect.

People v Everson (44 NY3d 488)

Prior to their joint trial on murder and weapon possession charges stemming from a drive-by shooting, defendant moved to sever his trial from that of his codefendant, asserting that codefendant's counsel intended to argue that defendant was responsible for the shooting, an argument that was incompatible with defendant's defense of innocence. The court denied the motion, viewing the argument as speculative, but agreed to address the issue during the trial if an irreconcilable conflict arose. No conflict between the defenses arose until summation, when codefendant's counsel argued that the trial evidence supported the conclusion that defendant was one of the shooters. The Court held that there was no abuse of discretion in the trial court's denial of defendant's renewed motion to sever, as there was no undue prejudice to defendant where the discord between the codefendants emerged only in counsel's arguments in summation and the jury was properly instructed that the attorneys' arguments were not evidence and should not be considered.

People v Farrell (44 NY3d 1)

Defendant was charged with failure to provide necessary sustenance to a dog under Agriculture and Markets Law § 353. The prosecution relied on a sworn accusatory instrument alleging that defendant's dog suffered from untreated medical conditions and flea infestation and that defendant admitted the dog had never seen a veterinarian. The Court held that the accusatory instrument was jurisdictionally defective because it did not include nonhearsay allegations that, if true, would have established every element of the offense. Specifically, the instrument failed to allege how the investigator became aware of the dog's medical conditions. Nor was there any corresponding veterinary diagnosis attached to the instrument or any assertion that a veterinarian examined the dog. The instrument's allegations that the dog suffered from a flea infestation, if true, did not alone establish a deprivation of sustenance.

People v Fuentes (— NY3d —, 2025 NY Slip Op 05872)

Pursuant to their automatic discovery obligations under CPL article 245, the People disclosed materials from a federal lawsuit filed against several police officers, including the arresting officer, and timely filed certificates of compliance (COCs) with those discovery obligations. The People later disclosed a police internal affairs bureau (IAB) report indicating that an internal investigation had been conducted based on the allegations in the federal complaint. The plaintiffs in the federal lawsuit declined to be interviewed for that investigation and their allegations of misconduct were drawn exclusively from their notice of claim and complaint. The investigation exonerated the officer of any wrongdoing. The Court held that CPL 245.20 (1) (k) (iv), which extends the People's automatic discovery obligations to certain material that "tends to" impeach a prosecution witness's credibility, did not cover the IAB report in question. The Court reasoned that because the report did not contain any separate allegations of misconduct against the arresting officer nor any support for the allegations in the federal lawsuit as they pertained to that officer, it did not have any tendency to impeach her credibility. Thus, though the People did not disclose the report before filing their COCs, this did not render those COCs invalid.

People v Hernandez (43 NY3d 591)

Defendant robbed a Manhattan convenience store at gunpoint and assaulted the proprietor. A jury convicted defendant of that robbery. Prior to sentencing, the People filed a predicate felony statement listing two prior violent felony convictions in order to have defendant sentenced as a persistent violent felony offender. Defendant argued that the time he served in presentence incarceration for one of these felonies should not be excluded from the ten-year lookback period in Penal Law § 70.04 (1) (b) (iv). The Court rejected that argument and held that the statute requires that the ten -year lookback period be extended by any period of incarceration "between the time of commission of the previous felony and the time of commission of the present felony," including any period of presentence incarceration for the prior crime, and so defendant was properly sentenced as a persistent violent felony offender.

People v Hernandez (44 NY3d 630)

Defendant pleaded guilty to murder in the second degree and was sentenced, under the Domestic Violence Survivors Justice Act (DVSJA), to a reduced sentence of 10 years' incarceration and five years' postrelease supervision (PRS). On appeal, defendant argued that her PRS term was illegal, because the Penal Law does not permit a trial court to sentence a defendant to a PRS term when convicted of a class A felony and sentenced under the DVSJA. The Court disagreed, holding that the plain language of Penal Law § 70.45 mandated that the trial court impose the five-year PRS term on defendant based on her sentence to a determinate term of incarceration, and that the DVSJA's text does not permit a departure from that plain language.

People v Johnson (— NY3d —, 2025 NY Slip Op 06528)

Following his conviction for attempted criminal possession of a weapon in the second degree, defendant argued that his conviction was unconstitutional in light

of the U.S. Supreme Court's decision in *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]). Defendant had waived his right to appeal but the Court held that his facial constitutional challenge fell into the narrow category of unwaivable appellate claims that "transcend the individual concerns of the defendant" and "implicate society's interest in the integrity of [the] criminal process." The Court also reasoned that defendant had standing to raise the argument despite never having sought a firearms license. With respect to the merits of defendant's Second Amendment challenge, the Court noted that defendant's sole claim was that *Bruen*'s invalidation of the "proper cause" requirement rendered the state's entire licensing scheme facially unconstitutional. Observing that the Supreme Court in *Bruen* endorsed many of the other elements of the regulatory regime, the Court held that the "proper cause" requirement was severable and did not render the entire licensing scheme unconstitutional.

People v Lewis (44 NY3d 350)

Defendant told the trial court that he "would like to represent [him]self" at trial, after making several statements reflecting his dissatisfaction with his appointed counsel. When the trial court asked in response, "You're going to represent yourself?" defendant responded, "Yes." The trial court did not make an inquiry into defendant's request to proceed pro se, instead telling him that he could made a new application at trial. Defendant proceeded to trial with his appointed counsel and was convicted. The Court held that defendant's statements were an unequivocal request to proceed pro se, and that the trial court's failure to inquire into that request violated his right to self-representation. Accordingly, defendant was entitled to a new trial.

People v Leighton R. (— NY3d —, 2025 NY Slip Op 06534)

An anonymous individual called 911, claiming he had just been shot and providing his current location, as well as a description of the perpetrators and their vehicle. Less than a minute after this information was broadcast by the police dispatcher and within a block of the caller's location, responding officers stopped defendant's vehicle, which was coming from the direction of the reported shooting and matched the description of the shooter's vehicle and its occupants. The Court held that whether the police had reasonable suspicion for the vehicle stop based on the anonymous tip should be evaluated based on the totality of the circumstances, as opposed to the *Aguilar -Spinelli* standard applicable in the probable cause context. The Court further concluded that reasonable suspicion was present under the totality of the circumstances, particularly the anonymous informant's claimed personal knowledge of the crime, the observations of police corroborating the informant's descriptions in close temporal and geographic proximity to the reported location, and the apparently contemporaneous nature of the report.

People v Licius (— NY3d —, 2025 NY Slip Op 05873)

The Court held that electronic submission of the People's statement of readiness on or before the due date, regardless of the time of day, satisfies the CPL 30.30 deadline. Defendant, who had been charged with various misdemeanors, alleged that the People's 5:03 P.M. submission of its statement of readiness violated the CPL 30.30

deadline. The Court instead held that the deadline occurs at midnight. The Court also held that the People's statement of readiness need not be deemed filed by the court within that same deadline, because CPL 30.30 regulates only the People's statement of readiness submission, not the clerk's review of a statement of readiness submission.

People v Robinson (— NY3d —, 2025 NY Slip Op 05871)

Defendant made an incriminating statement while handcuffed and surrounded by police officers immediately following a physical altercation, but before officers read him his *Miranda* rights. The lower courts denied defendant's motion to suppress the statement, reasoning that *Miranda* warnings were not required because police were engaged in routine investigatory questioning to determine whether a crime had occurred. The Court held that defendant was improperly subjected to custodial interrogation and that the statement should have been suppressed. In so holding, the Court clarified that its prior case law (*see e.g. People v Huffman*, 41 NY2d 29 [1976]) draws no distinction between interrogation and "investigatory questioning." When investigatory questions are directed to a person who is in custody, under circumstances police should know are likely to yield an incriminating response, *Miranda* warnings are required.

People v Sargeant (— NY3d —, 2025 NY Slip Op 06361)

Defendant, after feigning an illness to obtain an adjournment during jury deliberations, confronted the jury foreperson at the foreperson's home, resulting in the discharge of that juror at a time when where was no alternate juror available. The trial court ruled that defendant forfeited his state constitutional right to trial by a jury of 12 persons and proceeded with the 11 remaining jurors, who ultimately convicted defendant. The Appellate Division affirmed. The Court held that under the "exceedingly rare" circumstances where there was clear and convincing evidence of egregious conduct affecting a sworn juror during deliberations, requiring discharge of the juror with no alternates available, the trial court did not abuse its discretion in proceeding with an 11-person jury.

People v Scott (44 NY3d 302)

Defendant was charged with three counts of burglary in the second degree, based on allegations that he unlawfully entered dwellings on three separate occasions. The prosecution stated on the record that defendant faced up to 15 years' incarceration on each count, with the possibility of consecutive sentencing up to 45 years, but it recommended that defendant plead guilty to the indictment in exchange for a lesser sentence. The trial court repeatedly told defendant that, as the prosecution warned, he faced up to 45 years' consecutive sentencing if convicted at trial. However, Penal Law § 70.30 (1) (e) (i) indisputably capped defendant's aggregate sentence at 20 years. Defendant pleaded guilty to the indictment and the trial court ultimately sentenced him to 15 years. On appeal, defendant argued that his guilty plea was not knowing, voluntary, and intelligent given the trial court's repeated affirmative misstatements about his sentencing exposure. The Court held, as an initial matter, that defendant was not required to preserve that claim in front of the trial court, because he had no practical ability to object to the error, and the error was clear on the face of the record such that it should have caught the trial court's attention. On the merits,

the Court held that defendant's guilty plea was not knowing, voluntary, and intelligent, due to the trial court's egregious misstatement about his maximum sentence, as well as defendant's young age and lack of prior experience with the criminal legal system.

People v Sin (44 NY3d 455)

In this criminal prosecution for defendant's rape of his sister-in-law, defendant disputed the admission of *Molineux* evidence relating to his prior, uncharged sexual assault of his other sisters-in-law. The Court held that admission of the evidence was proper. Because defendant's defense was that the victim consented to sexual intercourse, the Court, distinguishing the case from *People v Weinstein* (42 NY3d 439 [2024]), reasoned that the evidence was relevant to the non-propensity issues of defendant's intent and to provide background information relating to defendant's threats.

People v Smith (— NY3d —, 2025 NY Slip Op 07082)

Defendant was charged with first-degree robbery (Penal Law § 160.15 [4]) on the ground that, during the course of a robbery, he displayed an object that appeared to be a firearm. Based solely on evidence that the object was a BB gun, defendant asked the court to charge the jury with the affirmative defense that is available when the object displayed "was not a loaded weapon from which a shot, readily capable of producing death or other serious physical injury, could be discharged." The trial court denied defendant's request. The Court affirmed, concluding that the evidence that the object was a BB gun, absent evidence of the capabilities of the particular BB gun used, is insufficient for the jury to find that the elements of the affirmative defense were satisfied.

People v Brenda WW. (44 NY3d 594)

The Appellate Division reduced the defendant's sentence pursuant to the Domestic Violence Survivors Justice Act (DVSJA), such that she had spent seven more years in prison than the DVSJA maximum sentence for her convictions. The Appellate Division also imposed the maximum permissible postrelease time and credited her excess time of incarceration to satisfy her postrelease requirement. The Court held that, although the Appellate Division properly exercised its plenary review power when it resentenced the defendant under the DVSJA, the Appellate Division erred when it credited defendant's excess time of incarceration to satisfy her postrelease supervision requirement because the DVSJA requires resentencing courts to impose a mandatory term of postrelease supervision. Noting that it was unclear whether the Appellate Division imposed the maximum permissible postrelease time based on the erroneous assumption that her excess time of incarceration could be credited against the postrelease supervision, the Court remitted the case for consideration of an appropriate term of postrelease supervision.

People v Willis (44 NY3d 14)

In two separate cases, this Court clarified that misdemeanor complaints were facially sufficient, insofar as they properly asserted "evidence of a factual nature demonstrating reasonable cause to believe that defendants knew or had reason to know they were driving with suspended licenses in violation of Vehicle and Traffic Law." Although the complaints did not specifically allege that defendants personally received the

prior summonses that led to the suspension of their licenses, this Court held that it was sufficient that each complaint was supported by Department of Motor Vehicles (DMV) abstracts memorializing defendants' license suspensions and contained averments that an officer (1) saw defendant operating a motor vehicle; (2) conducted a computer check of the DMV's records and determined that defendant's license was suspended three or more times on at least three different dates for failing to answer, appear, or pay a fine pursuant to the Vehicle and Traffic Law; (3) knew that defendant knew or had reason to know his license was suspended because traffic summonses have printed on them, "If you do not answer this ticket by mail within fifteen (15) days, your license will be suspended"; and (4) understood that "[t]he suspension occurs automatically (by computer) within four weeks of a defendant's failure to answer." Furthermore, the numerous summonses issued to each defendant were sufficient to convince a person of ordinary intelligence, judgment, and experience that it is reasonably likely defendants received at least one of them. The complaints' allegations further enabled defendants to assess what defenses were available to them, such as contending that they never knew their licenses were suspended, that they were never served with a summons, or that the summonses didn't warn them that their licenses would be suspended if they failed to respond.

People v Wright (— NY3d —, 2025 NY Slip Op 05869)

Before defendant's sentencing, the prosecution filed a predicate felony statement alleging that he had been convicted of a prior violent felony over 20 years earlier, and that his subsequent terms of incarceration brought the conviction within the 10-year lookback period for predicate sentencing. At defendant's sentencing, the trial court asked if the defense wished to challenge the predicate felony statement. Defense counsel responded, "not on this matter." Defendant immediately interjected, "[y]es, I controvert on that." The trial court, relying on defense counsel's representation, refused to hear defendant's challenge and sentenced him as a second violent felony offender to an enhanced sentence of incarceration. The Court held that CPL 400.15 requires a trial court to ask a defendant personally if they wish to controvert any allegations in a predicate felony statement. Thus, the trial court erred by ignoring defendant after he expressly voiced his desire to be heard. The Court remitted the case so defendant could have an opportunity to explain his objection to the predicate statement before the trial court.

DAMAGES

Matter of Rosbaugh (Town of Lodi) (43 NY3d 567)

In 2010, the Town of Lodi determined that low-hanging branches and dead or dying trees on the side of a road owned by plaintiffs needed to be removed, and hired a tree service company to cut down or trim 55 trees on plaintiffs' land. Plaintiffs commenced an action seeking treble damages under RPAPL 861 (1) for the loss of the trees. An arbitrator awarded plaintiffs damages, including treble for the "stumpage value" of the damaged or destroyed trees. The Court held, however, that treble damages under RPAPL 861 are punitive in nature and cannot be recovered against a municipality.

DOMESTIC RELATIONS

Matter of Parker J. (Beth F.) (— NY3d — , 2025 NY Slip Op 06533)

In a Family Court proceeding to terminate mother's parental rights, mother's assigned counsel stated that he had not spoken to mother before hearing. Counsel did not request an adjournment to speak with mother until after evidence had already been presented. The Court concluded that because of the drastic potential consequences, parents in termination of parental rights proceedings are entitled to the effective assistance of counsel. The Court held that counsel's failure to speak with the mother before the hearing or to seek an adjournment in which to do so constituted ineffective assistance of counsel.

Matter of K.Y.Z. (W.Z.) (44 NY3d 657)

One week after K.Y.Z.'s birth, the New York City Administration for Children's Services removed him from his parents' care and placed him in foster care. Three years later, the foster care agency petitioned to terminate the parents' parental rights on the ground of permanent neglect, and Family Court granted that petition. On father's appeal of the termination of his parental rights, the Court reversed and dismissed the petition, holding that the agency failed on several grounds to present evidence of diligent efforts to help reunite him with the child before it filed the petition, as the Social Services Law requires. Specifically, the agency did not adequately accommodate father's linguistic needs. Father did not speak or understand English, but the agency did not provide an interpreter at visits with the child or at the child's medical appointments. Further, although the agency believed that father lacked insight into the mother's mental health needs, it took no steps to refer him to counseling or a support group so he could gain that insight. Finally, even though the agency considered father's living arrangements and his onerous work schedule to be obstacles to reunification, it took few steps to help father find appropriate housing or employment.

ENVIRONMENTAL LAW

Matter of Seneca Meadows, Inc. v Town of Seneca Falls (— NY3d —, 2025 NY Slip Op 06961)

The Court considered whether petitioner, the owner and operator of a major landfill, had standing to challenge the Seneca Falls Town Board's compliance with the State Environmental Quality Review Act (SEQRA) in enacting a Local Law requiring closure of the landfill. The Court explained that while a petitioner must ordinarily suffer an environmental harm and not solely an economic injury to establish standing under SEQRA, no such specific allegation of environmental harm is necessary when the petitioner's property is the very subject of the government's action under *Matter of Har Enters. v Town of Brookhaven* (74 NY2d 524, 526 [1989]) and *Gernatt Asphalt Prods. v Town of Sardinia* (87 NY2d 668, 687-688 [1996]). Relying on this clearly established precedent, the Court held that petitioner had standing as an affected property owner to challenge the Board's compliance with SEQRA.

FREEDOM OF INFORMATION LAW

Matter of New York Civ. Liberties Union v City of Rochester (43 NY3d 543)

In the wake of the national outcry over the killing of George Floyd in Minnesota, the legislature repealed Civil Rights Law § 50 -a and amended the Freedom of

Information Law (FOIL) to make it easier for members of the public to obtain access to law enforcement disciplinary records. Petitioner thereafter commenced a CPLR article 78 proceeding to compel respondents to disclose, under FOIL, certain civilian complaints against officers. The lower courts disagreed as to whether FOIL's personal privacy exemption permitted respondents to categorically withhold disclosure of complaints that were never deemed substantiated. Consistent with the legislature's purpose to bring greater transparency to the law enforcement disciplinary process, the Court held that there is no categorical or blanket personal privacy exemption for such records. Instead, FOIL requires an agency to evaluate each record individually and determine whether disclosing all or part of it would constitute an unwarranted invasion of privacy.

Matter of New York Civ. Liberties Union v New York State Off. of Ct. Admin. (— NY3d —, 2025 NY Slip Op 05784)

This appeal concerned a Freedom of Information Law (FOIL) request by a civil liberties organization seeking documents created by the Office of Court Administration (OCA) that provided guidance to judges on how to interpret or apply decisions or laws. The agency initially denied the request, arguing that it did not "reasonably describe" the records sought and any responsive documents would be subject to the attorney-client privilege. The parties subsequently agreed that an identifiable set of documents existed and could be located by the agency. With respect to the second basis for denial, the Court held that OCA could not claim a blanket attorney-client relationship with all judges in the court system, reasoning that OCA had failed to demonstrate such a relationship between its officials and all judges. Because privilege claims to specific documents are normally resolved on a case-by-case basis, the Court remitted the matter to Supreme Court to allow OCA to exert privilege claims over individual responsive documents, if appropriate.

Matter of Reclaim the Records v New York State Dept. of Health (45 NY3d 1)

Petitioner sought information retained and indexed by the New York State Department of Health (DOH) about New York decedents. DOH already publishes certain categories of information, such as a decedent's name and age at death, for decedents from some years; petitioner sought that information for decedents from other years. Petitioner also sought any additional indexed categories of information beyond those DOH has already published, for all decedents. DOH denied petitioner's FOIL request on the basis that the Public Health Law, as implemented by DOH regulation, prohibits disclosure of information from records that are fewer than 50 years old, and because disclosure of any additional information would constitute an unwarranted invasion of personal privacy. The Court held that disclosure of certain sensitive categories of information, such as a decedent's medical history, cause of death, and location of interment, would constitute an unwarranted invasion of personal privacy, and DOH's denial of that portion of petitioner's FOIL request was proper. However, the Court also held that DOH did not show that a FOIL exemption applies to any other indexed information, as the Public Health Law does not reflect a clear legislative intent to establish and preserve confidentiality sufficient to deny a FOIL request. Thus, the Court remitted the case to the trial court to determine whether DOH must disclose additional portions of its records containing other information not

protected by the unwarranted invasion of personal privacy exception.

Matter of Wagner v New York City Dept. of Educ. (45 NY3d 93)

Pursuant to the Freedom of Information Law, petitioner requested all emails between respondent agency and a certain domain name during a specified period. After multiple failed searches, the agency determined that the documents sought were not "reasonably described" because the request did not allow it to launch an effective electronic search "with reasonable effort." The Court concluded that the agency erred in conflating the requirement that the petitioner reasonably describe the documents sought with the agency's requirement to retrieve the electronic records if it could do so with reasonable effort. The Court further concluded that petitioner's request reasonably described the documents sought because it was sufficient for the agency to understand what the documents were and where to locate them, and it remanded the matter to the agency for a determination whether it could retrieve the documents with reasonable effort.

HEALTH LAW

Matter of Oceanview Home for Adults, Inc. v Zucker (43 NY3d 522)

The Court considered whether the State's Department of Health (DOH) discriminated on the basis of disability in violation of the Fair Housing Act, as amended at 42 USC § 3604 (f) (1)-(2), because its regulations prohibited certain large adult homes from admitting any persons with "serious mental illness," if the proportion of the resident population with "serious mental illness" in that adult home was 25% or higher. The Court held that the regulations did not discriminate on the basis of disability in violation of 42 USC § 3604 (f), because they governed the type of institutional setting in which mental health services could be provided in the first instance.

INSURANCE

Government Employees Ins. Co. v Mayzenberg (— NY3d —, 2025 NY Slip Op 06527)

In response to a certified question from the United States Court of Appeals for the Second Circuit, the Court held that a regulation promulgated by the Department of Financial Services (DFS) does not allow an insurer to deny a healthcare provider's no-fault benefits claim related to a motor vehicle accident on the basis that the provider allegedly committed professional misconduct by paying for patient referrals. Rather, an insurer may only deny a claim under the regulation on the basis that the provider failed to fulfill a foundational licensing requirement necessary to perform healthcare services in the first place. In reaching that conclusion, the Court deferred to DFS's rational interpretation of its own regulation. The Court reasoned that DFS's interpretation is consistent with the plain text of the regulation, the statutory framework governing no-fault benefit payments, and the legislative purpose of that framework, which is to prioritize swift compensation to accident victims and reduce litigation costs.

LABOR LAW

Dibrino v Rockefeller Ctr. N., Inc. (— NY3d —, 2025 NY Slip Op 07077)

The Court held that defendant subcontractor was not contractually obligated to indemnify defendant general contractor or defendant building owner for injuries suffered by plaintiff under the terms of the general subcontracting agreement. After falling from an allegedly defective ladder owned by a

subcontractor (by whom he was not employed) and suffering serious injuries, plaintiff commenced an action against the owner of the building, the general contractor and the subcontractor for various claims under Labor Law §§ 200, 240 (1) and 241 (6) and common law negligence, and defendants owner and general contractor brought cross-claims against the subcontractor for indemnification. The Court held that two contractual indemnification provisions were not triggered because plaintiff's activity was outside the scope of the subcontractor's work. The remaining indemnification provision, under which the subcontractor agreed to indemnity liability for its negligent acts, was not triggered because the subcontractor did not owe a duty of care in tort to the injured plaintiff, as the conduct engendering the relationship between them was too attenuated to establish such a duty.

LANDLORD AND TENANT

Burrows v 75-25 153rd St., LLC (44 NY3d 74)

Plaintiffs were tenants of a building that participated in the RPTL § 421-a program. They filed a rent overcharge putative class action alleging a fraudulent scheme pursuant to which the building's previous owner registered a preferential rent as well as a higher legal regulated rent as the units' initial legal regulated rent, and by doing so was able to calculate increases far greater than legally permissible, in violation of Rent Stabilization Law § 26-517 (a) (4) and Rent Stabilization Code § 2521.1 (g). Defendant moved to dismiss, in part based on the expiration of the four-year statute of limitations because the initial rent was registered in 2007, 13 years before the complaint was filed. Defendant argued that plaintiffs were not entitled to application of the common-law fraud exception to the four-year lookback period because they could not demonstrate reasonable reliance on the improper filing of the initial legally regulated rent and the preferential rent. Defendant alleged that reliance was required based on a footnote in *Matter of Regina Metro. Co., LLC v New York State Div. of Hous. & Community Renewal* (35 NY3d 332, 356 n 7 [2020]). The Court rejected this argument and held that reasonable reliance by a tenant on an owner's fraudulent representation of a regulated unit's rent or status is not required for the fraud exception to apply in a rent overcharge action, plaintiffs need not show each element of common law fraud to be entitled to the exception, and instead plaintiffs must show sufficient indicia of fraud or a colorable claim of a fraudulent scheme to evade the protections of the rent stabilization laws.

Matter of Hudson Val. Prop. Owners Assn. v City of Kingston (44 NY3d 494)

This appeal considered the proper standard for evaluating a municipality's decision to opt in to rent stabilization under the Emergency Tenant Protection Act of 1974, as amended by the Housing Stability and Tenant Protection Act of 2019. Petitioners alleged that the City of Kingston's local legislative body had violated Section 3 (a) of the ETPA, which only allows ETPA opt-ins when a municipality's vacancy rate for affected accommodations is "not in excess of five percent." The Court held that "the key question" is whether a municipality's vacancy rate finding rests on "a reasonably reliable and relevant measure of the municipality's actual vacancy rate," and determined that, in this case, data resulting from a survey conducted by Kingston's Director of Housing Initiatives provided a sufficient basis for Kingston's opt-in. Petitioners additionally challenged two rent guidelines enacted by Kingston's Rent Guidelines Board. The Court held that, in promulgating a fair market rent guideline, the Rent Guidelines Board had permissibly used

January 1, 2019, as a reference date for calculating fair market rents, and that petitioners had not preserved their challenge to Kingston's rent adjustment guideline which required a 15% reduction in annual rent.

LIMITATION OF ACTIONS

Jones v Cattaraugus-Little Val. Cent. Sch. Dist. (43 NY3d 337)

The Child Victims Act revived previously time-barred claims based on sex offenses against children, provided that an action on a claim was commenced no earlier than six months after, nor later than two years and six months after, February 14, 2019. On April 26, 2019, plaintiff commenced an action alleging sexual abuse by a teacher in and around 2009-2010. The action was removed to U.S. District Court, and discovery proceeded over the next 28 months. On September 3, 2021, defendant moved for summary judgment dismissing the complaint on statute of limitations grounds. The District Court granted the motion. In response to a question certified by the Second Circuit, this Court concluded that the six-month period following February 14, 2019, is neither a statute of limitations nor a condition precedent to suit.

MORTGAGES

Article 13 LLC v Ponce De Leon Fed. Bank (— NY3d —, 2025 NY Slip Op 06536)

In this case certified by the Second Circuit, the Court held that section 7 of the Foreclosure Abuse and Prevention Act (FAPA) applies to all actions in which a final judgment of foreclosure and sale has not been enforced, and that retroactive application of FAPA does not violate substantive or procedural due process rights under the New York State Constitution. Plaintiff, which held title to a junior mortgage, brought a quiet title action in federal court in 2020, claiming a senior mortgage was time-barred under the six-year statute of limitations because the lender had commenced a foreclosure action on the mortgage in 2007 and voluntarily discontinued it in 2017. The district court held that FAPA prevented defendant from arguing that the statute of limitations never tolled because the prior action did not validly accelerate the loan. After accepting two certified questions from the Second Circuit as to FAPA's scope and constitutionality under the New York State Constitution, the Court held that FAPA applies to all foreclosure actions in which a final foreclosure sale had not been enforced prior to its effective date and bars claims that the statute of limitations has not expired due to an invalid acceleration when the prior action was discontinued for any reason other than an express judicial determination, made upon a timely interposed defense, that the instrument was not validly accelerated. The Court further held that retroactive application of FAPA section 7 does not violate the substantive or procedural due process protections provided by the New York State Constitution because FAPA neither deprives noteholders of the ability to protect their property interests nor alters the six-year statute of limitations, and the Legislature stated several rational purposes for the statute's retroactive application.

Van Dyke v U.S. Bank, Natl. Assn. (— NY3d —, 2025 NY Slip Op 06537)

In this quiet title action, the parties principally disputed (1) whether sections 4, 7, and 8 of the Foreclosure Abuse Prevention Act (FAPA) (L 2022, ch 821) apply retroactively; and (2) if so, whether applying these provisions violated the defendant bank's rights under the U.S. Constitution's Due Process and Contract Clauses. The Court

held that all three provisions have retroactive effect. The Court further held that the provisions' application did not violate defendant's substantive due process rights, because they did not infringe on defendant's vested right, and a rational basis justified their retroactive application. Nor did the provisions' application violate defendant's procedural due process rights, because FAPA did not shorten the governing limitations period with immediate effect. Lastly, the Court held that the provisions' application did not violate the Contract Clause, because it reasonably and appropriately furthered a significant and legitimate public purpose.

MOTOR VEHICLES

Matter of Monaghan v Schroeder (— NY3d —, 2025 NY Slip Op 06959)

The Court held that there was no violation of petitioner's due process right to confront and cross-examine officers in a license revocation proceeding. The Department of Motor Vehicles automatically suspended petitioner's license pending a chemical test refusal hearing. After the two arresting troopers failed to appear at two scheduled hearings—despite both troopers having been served with properly issued nonjudicial subpoenas—the Administrative Law Judge revoked petitioner's license based only on the troopers' written reports that petitioner had refused a chemical test. The Court rejected petitioner's due process claim because at no point had petitioner attempted to enforce the subpoenas pursuant to CPLR 2308 (b).

MUNICIPAL CORPORATIONS

Hudson View Park Co. v Town of Fishkill (— NY3d —, 2025 NY Slip Op 07080)

A real estate developer sued to enforce a memorandum of understanding (MOU) with the Town of Fishkill governing the Town's zoning and environmental reviews of a development proposal. The MOU prevented future Town legislators from terminating the Town's review of the project, except by reaching "a final determination on the merits in [their] legislative judgment regarding the best interests of the Town based upon empirical data and other objective factual bases." After new Town legislators were elected, they summarily terminated the project's review. The Court held that the MOU was void under the term limits doctrine because it purported to bind future legislators in an area relating to governance and was not specifically authorized by statute or charter provision.

NEGLIGENCE

Nellenback v Madison County (44 NY3d 329)

The Court held that plaintiff did not raise a triable issue of fact on his negligent supervision claim alleging that defendant county was negligent in hiring, supervising and retaining a caseworker who sexually abused and assaulted plaintiff while in defendant's care. The Court rejected plaintiff's claim because, to state a negligent supervision claim, a plaintiff must allege that the employer knew or should have known of the employee's tendency to engage in the tortious conduct, and there was no evidence that defendant had any knowledge of the caseworker's abuse of other children when it placed plaintiff in the caseworker's care.

Weisbrod-Moore v Cayuga County (44 NY3d 187)

As a child, plaintiff was removed from her home, and Cayuga County placed her with a foster family. Plaintiff alleged that she suffered physical and sexual abuse while in her foster home and that Cayuga County failed to exercise reasonable care in selecting, retaining, and supervising her foster placement. The County asserted that plaintiff was required to plead and prove that the County owed plaintiff a special duty. The Court held that because plaintiff was in the custody of the County while she was in foster

care, the County owed her a recognized duty to protect her from reasonably foreseeable harm inflicted by third parties. The Court rejected the County's assertion that this duty applied only where the government had physical as opposed to merely legal custody, reasoning that the County was obligated to place plaintiff in a safe foster home and supervise that home for foreseeable risks.

PHYSICIANS AND SURGEONS

SanMiguel v Grimaldi (— NY3d —, 2025 NY Slip Op 05780)

Plaintiff's son sustained injuries during childbirth and died several days later. Plaintiff brought a medical malpractice action on behalf of her son's estate and on her own behalf alleging lack of informed consent for a procedure performed during the delivery. Though plaintiff sustained no physical injuries during that procedure, she sought to recover damages for her emotional injuries resulting from her son's death. The Court held that *Sheppard-Mobley v King* (4 NY3d 627 [2005])—in which the Court held that a birthing parent could not recover for purely emotional injuries resulting from death of a child injured in utero due to medical malpractice, but carried to term and born alive—applies equally to claims premised on lack of informed consent. The Court further declined to overrule *Sheppard-Mobley* based on its adherence to stare decisis principles.

Matter of Won Yi v New York State Bd. of Professional Med. Conduct (— NY3d —, 2025 NY Slip Op 03103)

The State Bureau of Professional Medical Conduct charged a board-certified radiation oncologist and director of a private radiation oncology practice with practicing medicine with gross negligence and incompetence. The charges stemmed primarily from his treatment of patients in Buffalo between 2009 and 2013 using excessive doses of radiation. At a nine-day hearing before a committee of the State Board for Professional Medical Conduct, the Bureau called a medical expert who testified that the doctor had deviated from the generally accepted standard of care, including clinical practice guidelines issued by the American College of Radiology (ACR) and the National Comprehensive Cancer Networks (NCCN). The committee revoked the doctor's license. The doctor commenced a proceeding challenging the determination. He argued, in part, that clinical practice guidelines issued by professional societies do not determine the standard of care. This Court upheld the revocation, reasoning that the expert did not rely on the guidelines exclusively, the expert had also identified the relevant medical and scientific principles underlying the standard of care, and provided detailed explanations about why that standard best served patients and why deviating from it risked causing significant harm to those patients.

SCHOOLS

Matter of Dourdounas v City of New York (44 NY3d 34)

The Court held that petitioner could not seek judicial review of a claim that arose solely under his collective bargaining agreement (CBA) through a CPLR article 78 proceeding without also alleging a breach of duty of fair representation by his union. Petitioner, a teacher, argued that the New York City Department of Education (DOE) violated the CBA between DOE and his union by denying him a retirement incentive. After petitioner exhausted the grievance process under the CBA, he commenced an article 78 proceeding challenging DOE's decision. The Court dismissed his claim, holding that an employee may only pursue a claim against the employer for violation of the CBA beyond the mandatory grievance process if the employee has exhausted that process and alleges the union has breached its duty of fair representation.

TAXATION

First United Methodist Church in Flushing v Assessor, Town of Callicoon (— NY3d —, 2025 NY Slip Op 06526)

In this case about a religious use tax exemption under the Real Property Tax Law, the Court reaffirmed the well settled rules that the burden of establishing entitlement to a real property tax exemption lies with the party seeking the exemption, and the burden of establishing a zoning code violation to defeat an exemption lies with the municipality asserting it. In so holding, the Court affirmed Supreme Court's grant of a religious tax exemption to petitioner church for property it had purchased in the Town and rejected Town's arguments that petitioner's use of the land violated its zoning code and defeated the exemption.

TRUSTS

Carlson v Colangelo (44 NY3d 116)

The Court held that plaintiff, a beneficiary of a revocable trust, had not triggered the trust's in terrorem clause when she commenced the underlying action seeking enforcement of certain trust provisions. The Court clarified that for trusts, as with wills, in terrorem clauses are enforceable, but they are not favored and must be strictly construed. Plaintiff's action contested neither the legality of the trust instrument nor any of the trust's bequests. Nor was her action so frivolous, so plainly contrary to the grantor's intent, or so based in bad faith as to essentially contest the trust itself. Plaintiff's claim that she was a 50% member of a company for which the trust provided that the grantor's interest would be distributed to another beneficiary likewise did not trigger the in terrorem clause, notwithstanding Supreme Court's undisturbed determination that plaintiff had no ownership interest in the company.

WORKERS' COMPENSATION

Matter of Aungst v Family Dollar (— NY3d —, 2025 NY Slip Op 06530)

Claimant sought workers' compensation benefits alleging that he contracted COVID-19 due to exposure at his job. The Workers' Compensation Board (Board) upheld an award of benefits, concluding that exposure to COVID-19 in the workplace may constitute a work-related accident within the meaning of Workers' Compensation Law § 2 (7). The Board concluded that claimant demonstrated this through evidence that COVID-19 was prevalent in his workplace and that he was in frequent contact with members of the public, resulting in an extraordinary level of exposure. The Court agreed, holding that the Board's analysis aligned with case law recognizing that persistent, high-risk exposure to a disease in the workplace culminating in infection can constitute a compensable accident. The Court further concluded that substantial evidence supported the Board's finding that claimant's injuries were due to a work-related accident given proof of high levels of COVID-19 in the community, lax compliance with masking and social distancing rules at claimant's workplace, and claimant's minimal exposure to the disease outside the workplace.

Matter of Garcia v WTC Volunteer (— NY3d —, 2025 NY Slip Op 06360)

In the wake of the terrorist attacks on September 11, 2001, the legislature enacted Article 8-A of the Workers' Compensation Law, designed to ensure that employees and volunteers who participated in rescue, recovery, and cleanup operations at the World Trade Center and other statutorily enumerated sites could recover for health conditions resulting from exposure to hazardous material. Section 168 of that statute provides an extension of time for the

filing of certain claims. Decedent had an established claim for lifetime benefits for multiple medical conditions he contracted through exposure to toxins while volunteering in the recovery efforts. After his death, claimant, decedent's spouse, filed a claim for death benefits with the Workers' Compensation Board. The Court held that Workers' Compensation Law § 168 applies only to a statutorily defined "participant" in the recovery efforts, not to claimant, and so the claim was untimely.

Matter of Schulze v City of Newburgh Fire Dept. (44 NY3d 45)

The Court held that the Workers' Compensation Law did not allow the City of Newburgh to compel the Workers' Compensation Board to pay an individual's workers' compensation benefits to the City, as a way to allow it to recoup an overpayment it claims to have made to that individual under General Municipal Law. Claimant, a firefighter employed by the City who was disabled in the performance of duty, was awarded a performance of duty retirement, pursuant to Retirement and Social Security Law § 363-c, entitling him to a 50% pension. The State paid his pension, and the City paid the difference between his pension and full salary amount until his mandatory retirement age pursuant to General Municipal Law § 207-a (2). Claimant was also awarded weekly workers' compensation payments. The Court held that the Workers' Compensation Law did not entitle the City to direct reimbursement under Workers' Compensation Law §§ 30 (2) and 25 (4) (a) for alleged overpayments, as the payments paid by the City under General Municipal Law § 207-a (2) are not "salary or wages," but pension supplements, and the legislative history supports their distinct treatment.

2025 Events

State of the Judiciary 2025

On February 10, 2025, Chief Judge Wilson delivered the State of the Judiciary address. The event focused on criminal justice reform, with remarks from Daniel Martuscello III, Commissioner of the Department of Corrections and Community Supervision. In addition, two formerly incarcerated individuals and two currently incarcerated individuals shared their experiences.

Chief Judge Wilson with Christopher Martinez, Tami Eldridge, Mujahideen Muhammad, and Jarrell Daniels.

Commissioner Martuscello delivers remarks, with the Judges of the Court, Presiding Justice Renwick, Chief Administrative Judge Zayas, Presiding Justice Garry and Presiding Justice Whalen observing.

Court Session in Binghamton

In March, the Court traveled to Binghamton for three days of argument in the Broome County courthouse.

Law Day 2025

On May 1, 2025, the Court continued the long-standing tradition of co-hosting the annual Law Day ceremony with the Attorney General of the State of New York. Chief Judge Wilson, Hon. Letitia James, and New York State Bar President Domenick Napoletano delivered remarks at Court of Appeals Hall. Chief Administrative Judge Zayas presented the court system's Judith S. Kaye Service Awards. The 2025 Law Day theme was "*The Constitution's Promise: Out of Many, One*."

Muriel Stockdale, *E Pluribus* Flag Series

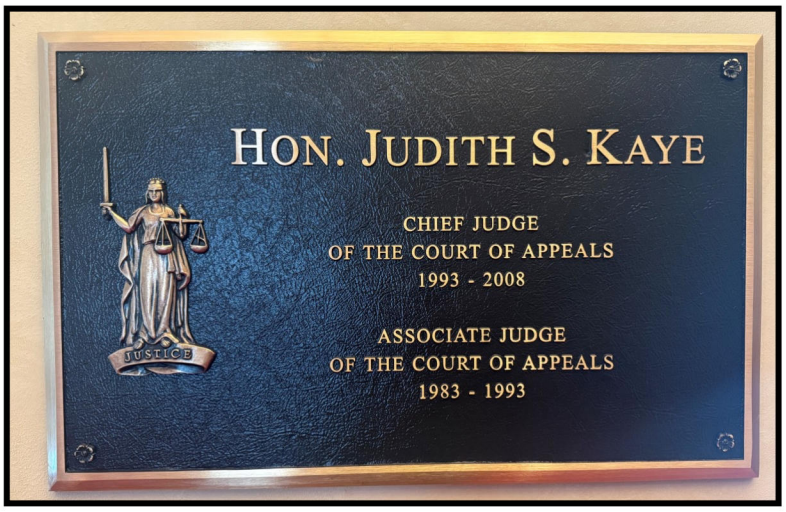
Out of Many, One Flag

Commissioned by Trinity Church NYC. Reproduced with permission.

Chief Judge Wilson and Chief Administrative Judge Zayas with recipients of the Judith S. Kaye service awards.

Chief Judge Wilson and Chief Administrative Judge Zayas with the Presiding Justices of the Appellate Divisions.

Dedication of the Judith S. Kaye Room



Top left: Chief Judge Judith S. Kaye

Top right: Current and former Judges of the Court of Appeals celebrate the dedication of the Judith S. Kaye Room.

Center: Chief Judge Wilson delivers remarks on the dedication.

Bottom left: A plaque memorializing the dedication of the Judith S. Kaye Room at Court of Appeals Hall.

APPENDICES

Judges of the Court of Appeals

Chief Judge Rowan D. Wilson

Judge Jenny Rivera

Judge Michael J. Garcia

Judge Madeline Singas

Judge Anthony Cannataro

Judge Shirley Troutman

Judge Caitlin J. Halligan

Appeals Decided by Jurisdictional Predicate (2025)

Dispositions of Appeals: All Appeals						
Basis of Jurisdiction	**Affirmance**	**Reversal**	**Modification**	**Dismissal**	**Other**	**Total**
Dissents in Appellate Division	**9**	**4**	**1**	**0**	**0**	**14**
Permission of COA or Judge thereof	**42**	**17**	**5**	**0**	**0**	**64**
Permission of AD or Justice thereof	**21**	**9**	**3**	**0**	**0**	**33**
Constitutional Question	**4**	**0**	**0**	**0**	**0**	**4**
Stipulation of Judgment Absolute	**0**	**0**	**0**	**0**	**0**	**0**
Other*	**0**	**1**	**0**	**0**	**3**	**4**
Totals	**76**	**31**	**9**	**0**	**3**	**119**

* One CPLR 5601 (d) appeal; three final determinations of Rule 500.27 certified questions.

Appeals Decided by Jurisdictional Predicate (2025)

Disposition of Appeals: Civil Cases						
Basis of Jurisdiction	**Affirmance**	**Reversal**	**Modification**	**Dismissal**	**Other**	**Total**
Dissents in Appellate Division	**9**	**4**	**1**	**0**	**0**	**14**
Permission of COA	**25**	**11**	**3**	**0**	**0**	**39**
Permission of AD	**8**	**9**	**1**	**0**	**0**	**18**
Constitutional Question	**4**	**0**	**0**	**0**	**0**	**4**
Stipulation of Judgment Absolute	**0**	**0**	**0**	**0**	**0**	**0**
Other*	**0**	**1**	**0**	**0**	**3**	**4**
Totals	**46**	**25**	**5**	**0**	**3**	**79**

Disposition of Appeals: Criminal Appeals						
Basis of Jurisdiction	**Affirmance**	**Reversal**	**Modification**	**Dismissal**	**Other**	**Total**
Permission of COA Judge	17	6	2	0	0	**25**
Permission of AD Justice	13	0	2	0	0	**15**
Other	0	0	0	0	0	**0**
Totals	**30**	**6**	**4**	**0**	**0**	**40**

* One CPLR 5601 (d) appeal; three final determinations of Rule 500.27 certified questions.

Appeals Analysis
(2021-2025)

All Appeals - Civil and Criminal					
	2021	**2022**	**2023**	**2024**	**2025**
Civil	46%	66%	59%	62.5%	66%
	(37 of 81)	(60 of 91)	(52 of 88)	(75 of 120)	(79 of 119)
Criminal	54%	34%	41%	37.5%	34%
	(44 of 81)	(31 of 91)	(36 of 88)	(45 of 120)	(40 of 119)
Civil Appeals - Type of Disposition					
	2021	**2022**	**2023**	**2024**	**2025**
Affirmed	32%	55%	42%	58%	58%
Reversed	49%	35%	38%	32.5%	32%
Modified	3%	4%	10%	6%	6%
Dismissed	3%	2%	2%	1%	0%
Other*	13%	2%	8%	2.5%	4%
Criminal Appeals - Type of Disposition					
	2021	**2022**	**2023**	**2024**	**2025**
Affirmed	57%	55%	39%	51%	75%
Reversed	39%	42%	55%	47%	15%
Modified	4%	3%	3%	2%	10%
Dismissed	0%	0%	3%	0%	0%

*One CPLR 5601 (d) appeal; three final determinations of Rule 500.27 certified questions.

Civil Appeals Decided by Jurisdictional Predicate (2021-2025)

	2021	2022	2023	2024	2025
Appellate Division Dissents	19% (7 of 37)	15% (9 of 60)	23% (12 of 52)	7% (5 of 75)	18% (14 of 79)
Court of Appeals Leave Grants	43% (16 of 37)	52% (31 of 60)	40% (21 of 52)	57% (43 of 75)	49% (39 of 79)
Appellate Division Leave Grants	13% (5 of 37)	22% (13 of 60)	17% (9 of 52)	19% (14 of 75)	23% (18 of 79)
Constitutional Questions	8% (3 of 37)	7% (4 of 60)	6% (3 of 52)	12% (9 of 75)	5% (4 of 79)
Stipulation for Judgment Absolute	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)	0% (0 of 79)
CPLR 5601(d)	3% (1 of 37)	0% (0 of 60)	6% (3 of 52)	1% (1 of 75)	1% (1 of 79)
Supreme Court Remand	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)	0% (0 of 79)
Judiciary Law § 44	0% (0 of 37)	1% (1 of 60)	2% (1 of 52)	0% (0 of 75)	0% (0 of 79)
Certified Questions (Rule 500.27)	14% (5 of 37)	3% (2 of 60)	6% (3 of 52)	4% (3 of 75)	4% (3 of 79)
Other	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)	0% (0 of 79)

Criminal Appeals Decided by Jurisdictional Predicate (2021-2025)

	2021	2022	2023	2024	2025
Permission of Court of Appeals Judge	68% (30 of 44)	65% (20 of 31)	81% (29 of 36)	69% (31 of 45)	62.5% (25 of 40)
Permission of Appellate Division Justice	32% (14 of 44)	32% (9 of 31)	19% (7 of 36)	31% (14 of 45)	37.5% (15 of 40)
Other*	0% (0 of 44)	3% (1 of 31)	0% (0 of 36)	0% (0 of 45)	0% (0 of 40)

*Remand from the Supreme Court of the United States.

Motions
(2021-2025)

	2021	2022	2023	2024	2025
Motions Submitted for Calendar Year	1030	903	846	844	902
Motions Decided for Calendar Year*	988	957	816	824	817
Motions for Leave to Appeal	801	765	636	624	583
Granted	33	27	43	28	32
Denied	587	518	450	463	417
Dismissed	177	214	141	129	130
Withdrawn	4	6	2	4	4
Motions to Dismiss Appeals	6	1	1	5	2
Granted	2	1	0	3	1
Denied	4	0	1	2	1
Dismissed	0	0	0	0	0
Withdrawn	0	0	0	0	0
Sua Sponte and Court's Own Motion Dismissals	85	74	60	75	76
Total Dismissals of Appeals	87	75	61	77	77
Motions for Reargument of Appeal	19	17	13	13	14
Granted	0	0	0	0	0
Motions for Reargument of Motion	29	47	31	35	25
Granted	0	0	0	1	0
Motions for Assignment of Counsel	22	25	33	22	41
Granted	22	25	33	22	41
Denied	0	0	0	0	0
Dismissed	0	0	0	0	0
Motions for Financial Relief	168	165	158	128	118
Granted	3	9	5	7	14
Denied	0	0	0	0	0
Dismissed	165	156	153	121	104

* Because more than one relief request may be decided under a single motion, the total number of decisions by relief requests may be greater than the total number of motions decided.

Motions 2021-2025 (cont.)

	2021	2022	2023	2024	2025
Motions for Amicus Curiae Relief	94	83	79	104	126
Granted	91	81	78	94	116
Motions to Waive Rule Compliance	0	0	0	0	0
Granted	0	0	0	0	0
Motions to Vacate Dismissal/Preclusion	2	3	4	5	7
Granted	0	0	2	3	3
Motions for Leave to Intervene	0	0	0	1	0
Granted	0	0	0	0	0
Motions to Stay/Vacate Stay	13	22	23	17	14
Granted	0	1	3	1	1
Denied	0	2	1	0	0
Dismissed	13	19	19	16	13
Withdrawn	0	0	0	0	0
Motions for CPL 460.30 Extension	18	17	12	8	6
Granted	17	15	11	7	6
Motions to Strike Brief/Record/Appendix	2	0	0	1	1
Granted	0	0	0	0	1
Motions to Amend Remittitur	3	0	0	0	0
Granted	2	0	0	0	0
Motions for Miscellaneous Relief	17	13	10	18	28
Granted	2	0	0	1	1
Denied	4	4	4	1	6
Dismissed	11	9	6	16	20
Withdrawn	0	0	0	0	1

Criminal Leave Applications (2021-2025)

	2021	2022	2023	2024	2025
Total Applications Assigned	1659	1489	1143	1176	1309
Total Applications Decided*	1658	1474	1175	1139	1296
Granted	27	33	33	23	32
Denied	1526	1353	1042	1021	1185
Dismissed	98	79	91	94	75
Withdrawn	7	9	9	1	5
Total People's Applications	52	45	30	15	21
Granted	3	5	4	1	1
Denied	43	34	21	12	17
Dismissed	1	1	0	2	1
Withdrawn	5	5	5	0	2
Average Number of Applications Assigned to Each Judge	237	213	163	168	187
Average Number of Grants for Each Judge	4	5	5	3	5

Criminal Leave Applications Decisions by Judge (2025)

Judge	Assigned	Decided	Granted	Denied	Dismissed	Withdrawn
Wilson, Ch. J.	187	177	10	158	8	1
Rivera, J.	187	176	7	161	8	0
Garcia, J.	187	178	1	164	12	1
Singas, J.	187	177	1	162	13	1
Cannataro, J.	187	181	3	165	13	0
Troutman, J.	187	200	3	186	10	1
Halligan, J.	187	207	7	188	11	1
Total	1309	1296	32	1184	75	5

* Includes some applications assigned in previous year.

Sua Sponte Dismissal (SSD) Rule 500.10 Review (2021-2025)

	2021	2022	2023	2024	2025
Number of inquiry letters sent	63	50	39	42	68
Withdrawn on stipulation	1	0	2	1	2
Dismissed by Court	49	30	25	29	38
Transferred to Appellate Division Sua Sponte	3	5	1	0	2
Appeals allowed to proceed in normal course*	5	0	0	1	5
Jurisdiction retained - appeals decided	0	4	1	0	1
Inquiries pending at year's end	5	11	10	11	22

*Final judicial determination of subject matter jurisdiction made by Court after argument or submission.

Office for Professional Matters (2021-2025)

	2021	2022	2023	2024	2025
Attorneys Admitted *	7,829	7,736	8,985	8,938	9765
Registered In-House Counsel	164	235	231	178	197
Certificates of Admission	102	88	103	77	77
Clerkship Certificates	4	6	3	3	1
Petitions for Waiver**	448	582	685	610	559
Disciplinary Orders***	410	3,142	541	708	1749
Name Change Orders	668	842	906	861	849

* The Office of Court Administration maintains the Official Register of Attorneys and Counselors at Law (*see* Judiciary Law § 468).

** Includes correspondence to law schools reviewing their J.D. and LL.M. programs under Rules 520.3 and 520.6.

*** The 2022 numbers include orders involving multiple attorneys' violation of the biennial registration requirement (*see* Judiciary Law § 468-a).