



State of New York
Court of Appeals

Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court

Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700

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NOTICE TO THE BAR

**AMENDMENT TO RULES OF PRACTICE
AMICUS CURIAE**

The Court of Appeals has amended its Rules of Practice relating to amicus curiae relief, effective December 10, 2025 (22 NYCRR 500.23). The Rule has been reorganized for clarity and a provision had been added that provides potential amici with guidance on permissible and impermissible amici arguments concerning legislative intent. That provision states:

In matters that involve statutory construction and legislative intent, proposed amici may address the statutory language and canons of statutory construction, including publicly available contemporaneous legislative history. Proposed amici shall not present the views of individual lawmaker(s) outside of the publicly available contemporaneous legislative history to address legislative intent.

Cross-references to the amicus rule in Rules 500.11 and 500.12 have also been updated. A copy of the order amending the Rules is attached. Questions may be directed to the Clerk's Office at (518) 455-7700.

State of New York, Court of Appeals

*At a session of the Court, held at Court of Appeals
Hall in the City of Albany, on the 19th day of
November, 2025.*

HON. ROWAN D. WILSON, Chief Judge presiding.

In the Matter of the Amendment of the Rules
of Practice of the Court of Appeals
(22 NYCRR Part 500).

Pursuant to section 52 of the Judiciary Law, it is hereby

ORDERED that the Rules of Practice of the Court of Appeals (22 NYCRR Part 500) are amended, effective December 10, 2025, or as soon thereafter as section 52 of the Judiciary Law is complied with by deleting the bracketed material and adding the underlined material to sections 500.11(j), (m) and 500.12(e); and by repealing section 500.23 in its entirety and promulgating a new section 500.23 to read as follows:

500.11 Alternative Procedure for Selected Appeals.

(j) Amicus curiae relief. The Attorney General of the State of New York may file, no later than 30 days after the filing date set for respondent's submission, an original and two copies of an amicus curiae submission without leave of the Court, with proof of service of one copy on each party. Any other proposed amicus curiae shall request amicus curiae relief pursuant to subsection 500.23[(a)(2)] of this Part.

(m) Word and page limits. Submissions pursuant to subsections (c)(2), (d) and (j) of this section and subsection 500.23 (a)[(2)](3) of this Part shall not exceed 7,000 words if prepared by a word-processing system and shall not exceed 20 pages if typewritten or handwritten. The person

whose signature appears on a submission prepared by a word-processing system shall certify the total word count for the text of the submission. The certification may rely on the word count of the word-processing system used to prepare the submission. The word and page limits of this subsection apply to the body of the submission and are exclusive of the information required by subsection 500.1(f) of this Part and subsection (h) of this section.

500.12 Filing of Record Material and Briefs in Normal Course Appeals.

(e) Amicus curiae briefs. The Attorney General of the State of New York may file, no later than 30 days after the filing date set for appellant's reply brief or, in the case of cross-appeals, cross-appellant's reply brief, and in addition to the submission in digital format required by subsection (h) of this section, an original and nine copies of an amicus curiae brief without leave of the Court, with proof of service of three copies on each party. Any other proposed amicus curiae shall request amicus curiae relief pursuant to subsection 500.23[(a)(1)] of this Part.

500.23 Amicus Curiae Relief.

Any nonparty other than the Attorney General seeking to file an amicus brief on an appeal, certified question or motion for leave to appeal must obtain permission by motion. Information on the briefing status of appeals and certified questions and appropriate return dates for amicus motions is available on the Court's website. Potential amici seeking information are encouraged to contact the Clerk's Office by telephone during business hours.

(a) Motions for amicus curiae relief.

(1) Content.

(i) A motion for amicus curiae relief shall:

(a) demonstrate that the parties are not capable of a full and adequate presentation and that proposed amici could remedy this deficiency; proposed amici could identify law or arguments

that might otherwise escape the Court's consideration; or the proposed brief otherwise would be of assistance to the Court;

(b) include a statement of the identity of proposed amici and proposed amici's interest in the matter; and

(c) include a statement indicating whether:

(A) a party's counsel contributed content to the brief or participated in the preparation of the brief in any other manner;

(B) a party or a party's counsel contributed money that was intended to fund preparation or submission of the brief; and

(C) a person or entity, other than proposed amici or proposed amici's counsel, contributed money that was intended to fund preparation or submission of the brief and, if so, identifying each such person or entity.

(ii) Amicus curiae relief will be denied where acceptance of the amicus curiae submission may cause the recusal or disqualification of one or more Judges of the Court.

(iii) In matters that involve statutory construction and legislative intent, proposed amici may address the statutory language and canons of statutory construction, including publicly available contemporaneous legislative history. Proposed amici shall not present the views of individual lawmaker(s) outside of the publicly available contemporaneous legislative history to address legislative intent.

(iv) Proposed amici shall not present issues not raised before the courts below.

(2) Amicus curiae relief on normal course appeals and normal course certified questions.

(i) In addition to the submission in digital format required by subsection 500.23(c) of this section, proposed amici shall file an original and one copy of their motion, accompanied by an original amicus brief, with proof of service of one copy of the motion and one copy of the brief

on each other party. The proposed brief shall conform to the word and page limits set forth in subsection 500.13(c) of this Part and the requirements of section 500.1 of this Part.

(ii) Unless otherwise directed or permitted by the Court, the motion shall be served no later than 30 days after the filing date set for appellant's reply brief or, in the case of cross-appeals, cross-appellant's reply brief, and the motion shall be noticed for a return date that complies with section 500.21 of this Part.

(iii) If the motion is granted, in addition to the submission in digital format required by subsection 500.12(h) of this Part, one original and nine copies of the brief shall be filed, unless otherwise directed, with proof of service of three copies on each party, within the time set by the Court's order.

(3) Amicus curiae relief on appeals and certified questions selected for review by the alternative procedure.

(i) In addition to the submission in digital format required by subsection 500.23(c) of this section, proposed amici shall file an original and one copy of their motion, accompanied by an original and one copy of the proposed submission, with proof of service of one copy on each other party. The proposed submission shall conform to the word and page limits set forth in subsection 500.11(m) of this Part and the requirements of section 500.1 of this Part.

(ii) Unless otherwise directed or permitted by the Court, the motion shall be served no later than 30 days after the filing date set for respondent's submission and the motion shall be noticed for a return date that complies with section 500.21 of this Part.

(iii) If the motion is granted, in addition to the submission in digital format required by subsection 500.11(k) of this Part, an original and two copies of the submission shall be filed, unless otherwise directed, with proof of service of one copy on each other party, within the time set by the Court's order.

(4) Amicus curiae relief on motions for permission to appeal in civil cases.

(i) In addition to the submission in digital format required by subsection 500.23(c) of this section, proposed amici shall file an original and one copy of their papers, accompanied by an original amicus brief, with proof of service of the motion and one copy of the brief on each other party.

(ii) Unless otherwise directed or permitted by the Court, the motion shall be served no later than 15 days after the return date of the motion for permission to appeal to which it relates and shall be noticed for a return date that complies with section 500.21 of this Part.

(iii) The granting of a motion to appear amicus curiae on a motion for permission to appeal does not authorize the proposed amici to appear amicus curiae on the subsequent appeal. A new motion for amicus curiae relief on the appeal must be made pursuant to subsection (a)(1) or (2) of this section.

(5) Opposing papers. In addition to the submission in digital format required by subsection 500.23(c) of this section, respondent may file an original and one copy of papers in opposition to the motion, with proof of service of one copy on each other party.

(b) Amicus curiae filings by the Attorney General.

(1) Amicus curiae relief on motions for permission to appeal in civil cases. In addition to the submission in digital format required by subsection 500.23(c) of this section, the Attorney General shall file an original and one copy of the submission with proof of service of one copy on each other party. The submission shall be filed without leave of the Court no later than 15 days after the return date of the motion for permission to appeal.

(2) Amicus curiae relief on normal course appeals and normal course certified questions. See subsections 500.12(e) and 500.13(c) of this Part and section 500.1 of this Part.

(3) Amicus curiae relief on appeals and certified questions selected for review by the alternative procedure. See subsections 500.11(j) and 500.11(m) of this Part.

(c) Companion submission in digital format. Unless a request to be relieved of the digital filing requirement is submitted pursuant to subsection 500.2(e) of this Part, each party shall submit in digital format their motion or opposition papers. Proposed amici shall also submit in digital format the proposed amicus brief or submission. The motion, proposed amicus brief or submission, and opposition papers submitted in digital format shall be identical to the filed original printed motion or opposition papers, except the digital filing need not contain an original signature. All material submitted under this section shall comply with the technical specifications and instructions for submission available from the Clerk's Office. The motion, proposed amicus brief or submission, and opposition papers in digital format shall be submitted within seven days of the return date of the motion.