

# Appellate Division of the Supreme Court First Judicial Department

## AD1 2.0 – First Department Operations During the 2022 Fall Terms

Updated August 2022

### Appeals

Commencing with the September 2022 Term, oral arguments will be held in-person at the courthouse located at 27 Madison Avenue. As usual, oral arguments will take place on Tuesdays, Wednesdays, and Thursdays at 2:00 p.m., and if necessary, on Fridays at 10:00 a.m.

Please note that once a matter has been calendared, there will be no adjournments. If a party cannot appear for oral argument as scheduled on the calendar, the matter will be taken on submission as far as that party is concerned.

For safety reasons and to maintain adequate physical distance, only counsel and self-represented litigants who are arguing will be permitted to enter the courtroom.

As is customary, oral arguments will be livestreamed on the Court's website and YouTube channel.

### Screening Before Entering Courthouse

Prior to entering the courthouse, all persons will be subject to COVID screening and temperature checks.

Persons:

- (a) experiencing flu-like symptoms now or within the last 3 days;
  - (b) who have tested positive for COVID within the last 5 days, or have been directed to quarantine, isolate and/or self-monitor due to COVID by any doctor, hospital or public health official/agency;
  - (c) who have had close contact with a person testing positive for COVID within the last 5 days (unless you are fully vaccinated and have received a booster, or received the last of two doses of the Moderna or Pfizer vaccine in the last 6 months or the J&J vaccine in the last 2 months) or have recovered from COVID in the last three months (proof of vaccination or recent recovery from COVID must be provided); or
  - (d) who have returned from international travel within the last 10 days, unless the person returned 8-10 days ago and took a viral COVID test 3-5 days after the return (proof of test results required)
- will not be allowed to enter the courthouse.

Facial Covering: All persons who enter the courthouse are required to (a) wear well-fitting masks and (b) comply with social distancing guidelines and directives of the court officers.

**NEW** - Attorneys and self-represented litigants who are fully vaccinated against COVID-19 and provide proof of vaccination may remove their masks when presenting their oral arguments before the Court. All other court users must wear well-fitting masks at all times.

### **Hard Copy Filing**

Briefs, Records and Appendices. In addition to electronic filing, in all civil appeals, the Court requires the original and one copy (for a total of two hard copies) of records, appendices and briefs to be filed with the clerk.

In all e-filed matters, the filing of such hard copies shall be delayed until receipt of email notification that the clerk has reviewed and approved the electronic version of the document. Once approved, the hard copies shall be filed within two business days of the notification (see Rule 1245.6[2]).

Motions and Original Proceedings. Motions and applications, and original proceedings shall be filed in digital form only (via NYSCEF or Digital Submission Portal). No hard copy submission is required.

Attorney Matters. In addition to the digital copy, the original document (i.e., one hard copy) shall be filed with the Court.

### **Hyperlinks**

The Court accepts, on a voluntary basis, briefs with hyperlinks to cited primary authorities (constitutions, case law, statutes, rules and regulations) available on Westlaw, Lexis, or state or federal government websites. Citations to secondary and other sources should not be hyperlinked. All citations (with or without hyperlinks) shall appear in standard citation form.

### **Electronic Filing**

#### **Matters Subject to Mandatory E-filing**

All matters before the First Department, except original proceedings and attorney matters, are subject to mandatory e-filing via NYSCEF in accordance with the procedural and electronic filing rules of the Court. For additional information on the e-filing requirements, please [click here](#).

## Original Proceedings and Attorney Matters

All filings, including petitions, motions, and applications, made in connection with original proceedings and attorney matters shall be submitted electronically via the Digital Submission portal in NYSCEF. For additional information on the Digital Submission portal, please [click here](#).

### **Admission of Attorneys to the Bar**

Applications and other documents for admission to the bar shall be transmitted electronically to the Court's Committee on Character and Fitness via the online portal set up by the Court. Admission ceremonies will be held remotely via Microsoft Teams until further notice.

Requests for Certificates of Good Standing are processed electronically via the statewide Appellate Division online portal. Paper certificates are no longer issued in-person. Instructions for obtaining a Certificate of Good Standing and the link to the portal are posted on the webpage of the [Committee on Character and Fitness](#).

### **Attorney Grievance Matters**

The Attorney Grievance Committee is fully operational. Complaints, pleadings and all other submissions shall be transmitted electronically to the Committee. Additional information is posted on the [Attorney Grievance Committee webpage](#).

### **Pre-argument Conference Program**

Until further notice, the Pre-argument Conference Program will continue to hold conferences remotely via Microsoft Teams and other virtual platforms.