

Appellate Division of the Supreme Court First Judicial Department

AD1 2.0 – First Department Operations During the Fall 2021 Terms

Updated June 25, 2021

Appeals

Commencing with the September 2021 Term, the Appellate Division, First Department plans to hold oral arguments in-person at the courthouse located at 27 Madison Avenue, New York, New York. Oral arguments will be held on Tuesdays, Wednesdays, and Thursdays at 2:00 p.m., and if necessary, on Fridays at 10:00 a.m.

Oral Argument Requests. Rule 1250.8(a) requires that requests for oral arguments be made on the cover of the briefs. A determination will be made at a later date as to whether emailed oral argument requests will be additionally required.

As customary, oral arguments will be livestreamed on the Court's website. Only counsel and self-represented litigants who are arguing will be permitted to enter the courthouse.

Screening Before Entering Courthouse

Prior to entering the courthouse, all persons will be subject to COVID-19 screening and temperature checks.

Persons:

(a) experiencing symptoms associated with COVID-19, including a temperature of 100.0° or higher, a cough, difficulty breathing, sore throat, muscle or body aches, vomiting and diarrhea, or a new loss of taste or smell; or

(b) who have been diagnosed with COVID-19 and have not obtained medical clearance to appear in public; or

(c) who have been directed to quarantine, isolate and/or self-monitor due to COVID-19 by any doctor, hospital or public health official/agency and have not obtained medical clearance to appear in public; or

(d) who have had close contact with anyone diagnosed with COVID-19 within the last 14 days unless fully vaccinated or have recovered from COVID-19 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 a mask or facial covering at all times and (b) comply with social distancing guidelines and directives of the court officers.

Hard Copy Filing - NEW

Briefs, Records and Appendices. Commencing with appeals perfected for the September 2021 Term, in addition to electronic filing, the Court will require the original and one copy (for a total of two hard copies) of records, appendices and briefs in civil appeals only 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 – NEW

Commencing with all appeals perfected for the September 2021 Term, the Court will accept, 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.