

# Appellate Division of the Supreme Court First Judicial Department

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

Updated January 24, 2022

### Appeals

Oral arguments during the February 2022 Term will be held remotely via Microsoft Teams in the First Department.

**NEW** – Commencing with the March 2022 Term, the Court plans to resume in-person oral arguments. As usual, 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.

Remote Oral Arguments During the February 2022 Term. Attorneys and self-represented litigants who made oral argument requests pursuant to court rules will receive a Teams invitation no less than three (3) days before the scheduled oral argument. The Teams invitation will include an attachment with the argument time allocated for each matter. Attorneys and self-represented litigants who are arguing during the February 2022 Term should immediately submit, via NYSCEF, a notice of appearance using the Court's [form](#).

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

In-person Oral Arguments Commencing on March 1, 2022. When in-person oral arguments resume in March, only counsel and self-represented litigants who are arguing will be permitted to enter the courthouse.

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

### 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**

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.