

# Supreme Court of the State of New York

## Appellate Division: Second Department

### Continued Viability of Cause – Responsibility of Counsel

Attorneys with causes pending in the Appellate Division, Second Department (*see*, 22 NYCRR 670.2[a][1]), must notify the court immediately if (1) the cause or the underlying action or proceeding is wholly or partially settled or if any issues are wholly or partially rendered academic, or (2) the cause should not be calendared because of, for example, bankruptcy, death of a party, inability of counsel to appear, etc. (*see*, 22 NYCRR 670.2[g]). Failure of counsel to promptly notify the court could result in the imposition of sanctions. Notice may be sent to the Clerk of the Court by facsimile transmission to (718) 858-2446, or by e-mail to [ad2clerk@courts.state.ny.us](mailto:ad2clerk@courts.state.ny.us).

### Calendaring Conflicts

Attorneys should notify the court, by letter filed at the same time as their brief, of any dates on which they will be unavailable for oral argument. Such information should be updated as new commitments arise. The court is now in the process of preparing calendars for the months of November and December 2009. Attorneys who have requested oral argument on causes that have not yet been calendared should take the opportunity to inform the court of the dates of their unavailability during those months by reason of religious holidays, vacations, family commitments, etc. Such information may be sent by facsimile transmission to the attention of the court's calendar clerks at (718) 855-3242. ***Once calendared, a cause will not be removed.***