



Court of Appeals

Annual Report of the Clerk of the Court

— 2024 —



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Heather Davis, Clerk of the Court



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The cover of the 2024 Annual Report, along with several pages within it, were edited by the Office of Court Administration Graphics Unit. Photographs in the Annual Events section were provided by David Handschuh, Office of Court Administration, and Skip Dickstein.



**Honorable
Michael J. Garcia**
Foreword
April 2025

I want to thank the Chief Judge for inviting me to write the Foreword to the Court’s 2024 Annual Report.

I write to introduce this Report as we mark the 5th anniversary of the start of the COVID-19 pandemic. In her Foreword to the 2020 Annual Report, our former colleague Judge Leslie Stein acknowledged the “unprecedented disruption in our society and in our personal and professional lives” caused by the pandemic. Half a decade later, it is rewarding to look back and see how the efforts of so many to address that crisis then have resulted in such a welcome return to normalcy. Now that the Court has returned to in-person operations, our day-to-day work is much improved by technological advancements made in response to the pandemic. The flexibility and dynamism that the Court showed then continues to benefit us, and we look back on those years of challenges and change with renewed appreciation for the strength of this institution.

The past year at 20 Eagle Street was a welcome period of continuity on the bench. This was the first year in quite some time in which the seven judges of the Court stayed the same from January through December. This stability enhanced our capacity to focus on addressing and resolving issues affecting the lives of the People of this State with efficiency and excellence.

Nevertheless, while my colleagues on the bench have not changed, the crucial nonjudicial personnel, without whom the Court could not function, has done so. This year, we celebrated the retirement of Lisa LeCours from her role as Chief Clerk. We congratulate her on her

nearly 25 years of invaluable service to this Court, culminating in her appointment as the first woman to serve in the role of Clerk of the Court. We will miss her insight and intellect and thank her for her dedication to the Court. At the same time, we were thrilled to welcome Heather Davis into the role of Clerk of the Court, and congratulate her on this well-earned accomplishment. We are delighted to have Heather’s extensive experience and energetic leadership supervising our nonjudicial operations and helping to guide the Court in its decision-making process. We extend our gratitude and best wishes to all Court employees who have left this past year, and welcome all who have joined us.

The core of our work at the Court is, of course, deciding cases that matter to the People of the State of New York. Chief Judge Kaye wrote in the 2007 Annual Report—the final Foreword of her storied tenure—that this Court is “a tribunal of immense significance to the daily lives of our citizenry” and each motion, criminal leave application, and appeal is “handled with care and respect, as they so fully deserve.” These words reflect the work of the institution, and what this Report’s pages of data cannot capture is the dedication of every employee at the Court to maintaining that legacy of care and respect. Their work underlies the accomplishments set out in this Report.

We here at the Court look forward to 2025. The recent past reminds us that whatever challenges may come, the institution will endure.

2024
**Annual Report of the Clerk of the Court
to the Judges of the Court of Appeals of the State of New York**

Introduction

On behalf of the dedicated staff of the Court of Appeals, it is my privilege and honor to submit the 2024 Annual Report of the Clerk to the Judges of the Court of Appeals.

I am grateful to the Chief Judge and Associate Judges of the Court for appointing me Clerk of the Court in November 2024. During my tenure at the Court, I have had the benefit of learning valuable lessons from the Clerks who came before me, and I look forward to continuing the strong tradition of dedicated service to the Court and to the People of the State of New York. I congratulate my immediate predecessor, Lisa LeCours, on her retirement and thank her for her innumerable contributions to the Court. The 2024 administrative functions and accomplishments recounted in the Annual Report are properly attributed to her.

In addition to Lisa, two other long-serving members of the Court's nonjudicial staff retired in 2024—Margery Corbin Eddy, who most recently served as Chief Court Attorney, and Cynthia Byrne, our Criminal Leave Applications Clerk. Margery and Cynthia contributed significantly to their respective departments during their many years of service, and both are to be commended for their professionalism, hard work and collegiality.

As a glimpse of where the Court was and is, in 2024, the Court decided 120 appeals, comparable to the number of appeals decided before the onset of the COVID-19 pandemic. The Court did so by calendaring more cases and prospectively vouching-in Appellate Division Justices when one or more Judges of the Court could not participate in an appeal. Notably, the Court maintained its tradition of prompt disposition of appeals following oral argument. And, as the summary of noteworthy decisions highlight, the Court did so in service of its mission to resolve challenging legal questions that have significant impact on the lives of New Yorkers.

In addition to its work clarifying and pronouncing the law of the State of New York, in 2024 the Court amended its Rules of Practice as they relate to amicus curiae participation, amended the Rules for the Admission of Attorneys and Counselors at Law pertaining to distance learning, and, in an effort to make information on new appeals more accessible to the public, began posting on its website monthly summaries of cases on which a briefing schedule has been issued.

To the extent the Court’s work and the support provided by its outstanding staff can be recounted in this Annual Report, it endeavors to do so as follows. The first section of the report is a narrative overview of matters filed with and decided by Court during the year; the second describes various functions of the Clerk’s Office and summarizes administrative accomplishments; the third highlights selected decisions of 2024; the fourth recaps the Court’s Annual Events; and the fifth contains appendices with detailed statistics and other information. My hope is that this report conveys not only the productivity and achievements of the Court in 2024, but also the sense of pride that is shared by all who contribute and support the work of this wonderful institution.



The Work of the Court

The Court of Appeals is composed of its Chief Judge and six Associate Judges, each appointed by the Governor to a 14-year term. The primary role of the Court of Appeals is to unify, clarify, and pronounce the law of New York State. The State Constitution and applicable jurisdictional statutes provide few grounds for appeals as of right; thus, the Court hears most appeals by its own permission, granted upon civil motion or criminal leave application. Appeals by permission typically present novel and difficult questions of law having statewide importance or involve issues on which the holdings of the lower courts of the state conflict. The correction of error by courts below remains a legitimate, if less frequent, basis for this Court's decision to grant review. The Appellate Division also can grant leave to appeal to the Court of Appeals in civil cases, and individual Justices of that court can grant leave to appeal to the Court of Appeals in most criminal cases.

In addition to appellate jurisdiction, the State Constitution vests the Court of Appeals with power to answer questions of New York law certified to it by a federal appellate court or another state's court of last resort. Also, the Court of Appeals is the exclusive forum for review of determinations by the State Commission on Judicial Conduct.

The Judges of the Court collectively decide all appeals, certified questions, proceedings to review determinations of the State Commission on Judicial Conduct, and motions. Civil motions for leave to appeal are "granted upon the approval of two judges of the [C]ourt of [A]ppeals" (CPLR 5602 [a]). Individually, the Judges decide applications for leave to appeal in criminal cases and emergency show cause orders. For most appeals, the Judges receive written and oral argument from the parties and set forth the reasons for their decisions in written opinions and memoranda.

The Court sits in Albany throughout the year. During these sessions held in Albany, oral argument is heard in the afternoons and the Court conferences in the mornings to discuss the argued appeals, to consider and vote on writings circulated on pending appeals, and to decide motions and administrative matters.

In 2024, the Court and its Judges disposed of 2,082 matters, including 120 appeals,* 823 motions, and 1,139 criminal leave applications. A detailed analysis of the Court's work follows.

* This number includes final determinations of Rule 500.27 certified questions and proceedings seeking review of determinations of the State Commission on Judicial Conduct pursuant to Judiciary Law § 44 (8).

Appeals Management

Screening Procedures

The jurisdiction of the Court is narrowly defined by the State Constitution and applicable statutes. After filing a notice of appeal or receiving an order granting leave to appeal to the Court, an appellant must file a preliminary appeal statement in accordance with Rule 500.9. Pursuant to Rule 500.10, the Clerk examines all filed preliminary appeal statements for issues related to subject matter jurisdiction. If a potential jurisdictional impediment is identified, the Clerk sends notice to counsel, giving the parties an opportunity to submit written comments addressing the jurisdictional issues identified. After the parties respond to the Clerk's inquiry, the Clerk may direct the parties to proceed to brief the merits of the appeal or refer the matter to the Central Legal Research Staff to prepare a report on jurisdiction for review and disposition by the full Court. The Rule 500.10 screening process is valuable to the Court, the bar, and the parties because it identifies at the earliest possible stage of the appeal process jurisdictionally defective appeals destined for dismissal or transfer by the Court.

In 2024, 42 appeals were subject to Rule 500.10 inquiries. Of those, 29 appeals were dismissed sua sponte (SSD) or transferred to the Appellate Division. Eleven inquiries were pending at year's end.

Normal Course Appeals

The Court determines most appeals "in the normal course," meaning after full briefing and oral argument by the parties. The parties' submissions are available through the Court's Public Access and Search System (Court-PASS), and Court Rules permit amicus curiae participation. In 2024, 114 appeals were decided in the normal course. In these cases, copies of the briefs and record material are circulated to each member of the Court well in advance of the argument date. Each Judge becomes conversant with the issues and relevant facts in the cases, using oral argument to address any questions or concerns prompted by the briefs. Each appeal is assigned by random draw to one member of the Court for reporting to the full Court.

Following oral argument, the appeal is conferenced by the full Court. In conference, the Judges are seated clockwise in seniority order around the conference table. The reporting Judge speaks first on the appeal, followed by the other Judges in reverse seniority order (the most junior Judge speaks after the reporting Judge). Draft writings are circulated to all Judges for review and consideration. After further deliberation and discussion of the proposed writings, the Court's determination of each appeal is handed down, typically during the next scheduled session of the Court.

Alternative Track Appeals

The Court's Rules provide an alternative track of review of appeals (*see* Rule 500.11). Through this Rule 500.11 procedure, the Court decides appeals on written letter submissions, and the briefs and record of the intermediate appellate court, without oral argument. Parties may request Rule 500.11 review or a case may be placed on Rule 500.11 review if, for example, it involves narrow issues of law or issues decided by a recent appeal. As with normal course appeals, Rule 500.11 appeals are assigned on a random basis to individual Judges for reporting purposes and are conferenced and determined by the entire Court. The parties' submissions are available through the Court's Public Access and Search System (Court-PASS), and Court Rules permit amicus curiae participation.

Of the 180 appeals filed in 2024, 4 (2%) were initially selected to receive Rule 500.11 consideration, a decrease from the percentage so selected in 2023 (8%). One (1) was a civil matter and 3 were criminal matters. None of the appeals initially selected to receive Rule 500.11 consideration in 2024 were directed to full briefing and oral argument. Of the 120 appeals decided in 2024, 6 (5%) were decided upon Rule 500.11 review (11% were so decided in 2023). Three (3) were civil matters and 3 were criminal matters. Four matters remained pending on the Rule 500.11 track at the end of 2024 (1 civil and 3 criminal).

Promptness in Deciding Appeals

The Court continued its tradition of prompt disposition of appeals following oral argument or submission. In 2024, the average time from argument to disposition of a normal course appeal was 38 days; for all appeals, the average time from argument or submission to disposition was 36 days. In 2024, the average period from filing a notice of appeal or an order granting leave to appeal to oral argument was approximately 14 months, the same as 2023. The average period from readiness (papers served and filed) to calendaring for oral argument was approximately 7 months, compared to 8 months in 2023.

The average length of time from the filing of a notice of appeal or order granting leave to appeal to the release of a decision in a normal course appeal (including Rule 500.11 appeals tracked to normal course) was 15.3 months, compared to 15.6 months in 2023. For all appeals—including those decided pursuant to the Rule 500.11 procedure, those dismissed pursuant to Rule 500.10 inquiries, and those dismissed pursuant to Rule 500.16 (a) for failure to perfect—the average was 5 months, the same as in 2023.

The Court's 2024 Docket

Filings

One hundred eighty (180) notices of appeal and orders granting leave to appeal were filed in 2024 (190 were filed in 2023). One hundred forty-six (146) filings were civil matters (compared to 143 in 2023), and 34 were criminal matters (compared to 47 in 2023). The Appellate Division Departments and Justices issued 32 of the orders granting leave to appeal filed in 2024 (21 were civil, 11 were criminal).

Motion filings remained steady in 2024. During the year, 844 motions were submitted to the Court, compared to the 846 submitted in 2023. Criminal leave application filings increased slightly in 2024. Specifically, 1,176 applications for leave to appeal in criminal cases were assigned to individual Judges of the Court, compared to the 1,143 assigned in 2023. On average, each Judge was assigned 168 such applications during the year.

Dispositions

Appeals and Writings

In 2024, the Court decided 120 appeals (75 civil and 45 criminal), compared to 88 appeals in 2023 (52 civil and 36 criminal). Eighty-four (84) of the 120 appeals were decided by signed opinions, 22 by memoranda, 1 by a per curiam writing, and 13 by decision list entries. Forty-eight (48) dissenting opinions and 18 concurring opinions were issued.

Motions

The Court decided 823 motions in 2024, a similar number to the 816 motions decided in 2023. Of the 624 motions for leave to appeal decided in 2024, 4.5% (28) were granted, 74.6% were denied, 20.7% were dismissed, and less than 1% were withdrawn. The Court's leave grants covered a wide range of subjects and reflect the Court's commitment to grant leave in cases presenting issues that are of great public importance, that are novel, or that present a split in authority among the Appellate Division Departments.

The average period of time from return date to disposition for civil motions for leave to appeal was 129 days, while the average period of time from return date to disposition for all civil motions was 108 days.

CPL 460.20 Applications

In criminal matters, 1,139 applications for leave to appeal were decided by individual Judges of the Court; 23 were granted. Ninety-four (94) applications were dismissed for lack of jurisdiction and 1 was withdrawn. One (1) of the 15 applications filed by the People was granted. Of the 41 applications for leave to appeal from intermediate appellate court orders determining applications for a writ of error coram nobis, none were granted.

Review and determination of applications for leave to appeal in criminal cases constitutes a substantial amount of work for the individual Judges of the Court. The period during which such applications are pending includes several weeks for the parties to prepare and file their written arguments. In 2024, on average, 88 days elapsed from assignment to Judges to disposition of applications for leave to appeal in criminal cases.

Review of Determinations of the State Commission on Judicial Conduct

The Court of Appeals has exclusive jurisdiction to review determinations of the State Commission on Judicial Conduct (Commission) and to suspend a judge, with or without pay, when the Commission has determined that removal is the appropriate sanction, or while the judge is charged in this State with a crime punishable as a felony (*see* Judiciary Law § 44 [8]). One judge was suspended by the Court in 2024 based on a determination of the Commission recommending that the judge be removed from office and one judge was suspended as a result of being charged with a felony in New York.

In 2024, the Court removed five judges based on the failure of the judges to seek review of a Commission determination recommending removal.

Certifications Pursuant to Rule 500.27

Rule 500.27 provides that whenever it appears to the Supreme Court of the United States, any United States Court of Appeals, or a court of last resort of any other state, that determinative questions of New York law are involved in a case pending before it for which no controlling precedent from this Court exists, that court may certify the dispositive questions of law to this Court. The Court first decides whether the certification should be accepted and, if the Court accepts a certified question, the matter is treated similarly to an appeal.

The Court accepted two certified questions, declined to accept one certified question, and answered three certified questions in 2024. At the end of 2024, two certified questions were pending.

Petitions for Waiver of the Court’s Rules for the Admission of Attorneys and Counselors at Law

In 2024, the Court decided 610 petitions seeking waiver of the Court’s Rules for the Admission of Attorneys and Counselors at Law, a decrease from the 685 petitions decided in 2023. Petitions typically are decided within three months of submission.

Court Rules

In 2024, the Court amended its Rules of Practice relating to amicus curiae relief. Specifically, the Court amended Rule 500.23 to provide that amicus curiae relief will be denied where acceptance of the amicus submission may cause the recusal or disqualification of one or more Judges of the Court. The Court also amended several sections of the Rules to address the timing of amicus curiae motions.

Also in 2024, the Court amended its Rules for the Admission of Attorneys and Counselors at Law to more closely align with the American Bar Association’s Standards for the Approval of Law Schools. Among other changes, the Court amended the definition of distance learning and added a provision to this definition indicating that the remote participation in a non-distance education course by a student as an accommodation under the Americans with Disabilities Act or any other law requiring an accommodation will not cause the course to count toward distance education limits. The Court also amended Rule 520.4 (Study of Law in a Law Office) to clarify that the law school component of the law office study program must comply with distance learning restrictions of Rule 520.3 (c).

Administrative Functions and Accomplishments

Court of Appeals Hall

Court of Appeals Hall at 20 Eagle Street has been the Court's home for over 100 years. The classic Greek Revival building, originally known as State Hall, formally opened in 1842 with offices for the Chancellor, the Register of Chancery, and the State Supreme Court. On January 8, 1917, the Court of Appeals moved from the State Capitol into the newly refurbished building at 20 Eagle Street. The Court's beloved Richardson Courtroom was reassembled in an extension to State Hall built to accommodate both the courtroom and the Court's library and conference room. Major renovations in 1958-1959 and 2002-2004—the latter including two additions to the building faithful to its Greek Revival design—produced the architectural treasure the Court inhabits today.

The Building Manager oversees all services and operations performed by the Court's maintenance staff and by outside contractors at Court of Appeals Hall.

Clerk's Office

Clerk's Office staff respond—in person, by telephone, and in writing—to inquiries and requests for information from attorneys, litigants, the public, academics, and court administrators. Given that practice in the Court of Appeals is complex and markedly different from that in the Appellate Division, the Clerk's Office encourages such inquiries. Members of the Clerk's Office staff also regularly participate in, and consult on, programs and publications designed to educate the bar about Court of Appeals practice.

The Clerk, Deputy Clerk, Chief Motion Clerk, two Assistant Deputy Clerks, Criminal Leave Applications Clerk, Secretary to the Court of Appeals, and several Administrative Assistants perform the many and varied tasks involved in appellate case management. Their responsibilities include receiving and reviewing all papers; filing and distributing to recipients all materials received, including digital filings; scheduling and noticing oral arguments; compiling and reporting statistical information about the Court's work; assisting the Court during conference; and preparing the Court's decisions for release to the public. Clerk's Office staff deliver mail in-house and maintain the Court's records room, tracking and distributing all briefs, records, exhibits, and original court files.

Consultation Clerks

The Consultation Clerk and Assistant Consultation Clerk confer with Judges and non-judicial staff regarding legal questions involving the Court's work. They are consulted particularly for their expertise with respect to the Court's jurisdiction and other procedural

matters. They prepare calendars for, attend and maintain records of the confidential conferences of the Judges of the Court; review all decisions of the Court before they are released to the public; participate in preparing the public decision list hand downs; and prepare internal research materials. An Administrative Assistant provides drafting and administrative support.

Information Technology

The Information Technology Department oversees all aspects of the Court's computer and web operations under the direction of a Chief Management Analyst, assisted by an Associate LAN Administrator, a PC Analyst, and a Senior Associate Computer Applications Programmer. These operations include all software and hardware used by the Court and a statewide network connecting the remote Judges' chambers with Court of Appeals Hall. The Department also maintains a hands-on help desk to assist employees with hardware and software issues as they arise. Training on software and hardware is provided as needed, either within the Court or via outside agencies. Calls to the help desk were estimated at 4,400 for the year.

The Department is also responsible for the upkeep of three websites: an intranet website; the Court's main internet site, located at <http://www.nycourts.gov/ctapps>; and the Court-PASS website, located at <http://www.courtpass.nycourts.gov>. Over 1,118,263 visits were recorded to the main internet site in 2024, averaging 3,063 visits per day. The Court-PASS and Companion Filing Upload Portal sites recorded 110,620 visits in 2024. In addition, the Court's YouTube channel received 193,543 views in 2024.

Court of Appeals Website

The Court's comprehensive website posts information about the Court, its Judges, and its history; summaries of pending cases and new filings; notices to the bar and other noteworthy information; and recent Court of Appeals decisions. Decisions are posted at the time of their official release. During Court sessions, the website offers live webcasts of all oral arguments. Since January 2010, these webcasts have been preserved in a permanent archive on the website to allow users to view the arguments at their convenience. Since September 2012, transcripts of oral arguments are also available on the website and are archived there as well. The website provides helpful information about the Court's practice—including its Rules, civil and criminal jurisdictional outlines, court forms, session calendars, and undecided lists of argued appeals and civil motions—and provides links to other judiciary-related websites.

Court of Appeals Public Access and Search System (Court-PASS)

The Court of Appeals Public Access and Search System (Court-PASS) is the method for submitting records and briefs in digital format on appeals to the Court of Appeals, and offers universal online access to publicly available documents through a searchable database. Anyone may search or browse the Court-PASS database free of charge and may view or download briefs and records in civil and criminal appeals.

The docket function of Court-PASS contains a snapshot of frequently requested information for all undecided appeals, including the due dates set for filings on appeals, scheduled dates of oral argument, and attorney contact information.

Companion Filing Upload Portal for Motions, Criminal Leave Applications and Rule 500.10 Responses (the Portal)

The Companion Filing Upload Portal for Motions, Criminal Leave Applications and Rule 500.10 Responses (the Portal) is used to upload companion digital submissions of motions, criminal leave applications, and Rule 500.10 Jurisdictional Responses. Instructions for uploading companion digital submissions are provided in a letter following the filing of a motion, criminal leave application or appeal subject to Rule 500.10 review.

Public Information Office

The Public Information Office distributes the Court’s decisions to the media upon release and answers inquiries from reporters about the work of the Court. The office prepares descriptive summaries of cases scheduled to be argued before the Court, which are posted on the Court’s website. The Public Information Office also provides information concerning the work and history of New York’s highest court to all segments of the public—from schoolchildren to members of the bar. Throughout the year, the Public Information Officer and other members of the Clerk’s staff conduct tours of the historic courtroom for visitors. In 2024, the Court hosted 29 tours.

Office for Professional Matters

Special Projects Counsel manages the Office for Professional Matters. An Administrative Assistant provides administrative, research, and drafting support for the office. Special Projects Counsel drafts reports to the Court on matters relating to (1) petitions seeking waiver of certain requirements of the Court’s Rules for the Admission of Attorneys and Counselors at Law and the Rules for the Licensing of Legal Consultants, (2) proposed rule changes relating to admission and licensing rules, and (3) other matters regarding the admission and regulation of attorneys in New York. The office responds to inquiries related to the Court’s admission rules, reviews submissions from U.S. law schools seeking approval of courses as satisfying the requirements of the Court’s rules, and prepares certificates of admission upon request.

Central Legal Research Staff

Under the supervision of the Judges, the Clerk and Deputy Clerk, and the Chief Court Attorney and Deputy Chief Court Attorney, the Central Legal Research Staff prepares reports on civil motions and selected appeals for the full Court's review and deliberation. From December 2023 through December 2024, Central Staff was assigned 688 motion reports, 50 SSD reports, and 2 SSM reports. Attorneys usually, but not invariably, join the Central Legal Research Staff immediately following law school graduation. The staff attorneys employed during part or all of 2024 were graduates of Albany, CUNY, Hofstra, Northeastern University, Pace University, Syracuse University, Touro, and University at Buffalo law schools.

Library

The Principal Law Librarian and Senior Law Librarian provide legal and general research and reference services to the Judges of the Court, their law clerks, and the Clerk's Office staff. The Court has subscriptions to the major legal research databases, and the Library continues to expand the in-house databases that provide full-text access to the Court's internal reports, bill jackets, and other research materials. In 2024, the Library launched a redesigned Intranet page with new content and research guides.

The Principal Law Librarian also serves on the Archives Advisory Committee of the New York State Archives.

Continuing Legal Education Committee

The Continuing Legal Education (CLE) Committee coordinates professional training for Court of Appeals, New York State Law Reporting Bureau, and New York State Board of Law Examiners attorneys and issues credit for suitable programs offered by the Court or its auxiliary agencies. In 2024, the Committee provided 8 programs totaling 10.5 credit hours. Attorneys also are able to access pre-recorded CLE programs housed on an internal Court database. In addition, attorneys were provided with information on CLE programs offered by the New York State Office of Court Administration; the New York State Federal Judicial Council; the Appellate Division, Third Department; the New York State Judicial Institute; and the Historical Society of the New York Courts.

Security Services

The Chief Security Attendant and Deputy Chief of Security supervise Senior Security Attendants and Court Building Guards. The attendants are sworn New York State Court Officers who have peace officer status.

The security staff ensures that Judges, court staff, and court visitors are safe and protected. They conduct a variety of security functions, including magnetometer/security screening for the visiting public. Other functions include judicial escorts, security patrols, video monitoring, and providing a security presence in the courtroom when Court is in session.

Management and Operations

The Director of Court of Appeals Management and Operations, aided by two Senior Court Analysts, is responsible for supervising fiscal and personnel systems and functions, including purchasing, inventory control, fiscal cost recording and reporting, employee time and leave management, payroll preparation, voucher processing, benefit program administration, and annual budget request development.

Budget and Finance

The Director of Court of Appeals Management and Operations is responsible for initial preparation, administration, implementation, and monitoring of the Court's annual budget. The proposed annual budget is reviewed by the Clerk and Deputy Clerk before submission to the Judges of the Court for their approval.

Expenditures

The work of the Court and the New York State Law Reporting Bureau was performed within the 2024-25 fiscal year budget appropriation of \$1.2 million for non-personal services costs, including in-house maintenance of Court of Appeals Hall.

Budget Requests

The total request for fiscal year 2025-26 for the Court and Law Reporting Bureau is \$1.2 million for non-personal services costs. This request illustrates the Court's diligent attempt to perform its functions and those of the New York State Law Reporting Bureau economically and efficiently. The Court will continue to maximize opportunities for savings.

Revenues

In calendar year 2024, the Court reported filing fees for civil appeals totaling \$20,326 and for motions totaling \$22,490. The funds were reported to the State Treasury, Office of the State Comptroller, and Office of Court Administration pursuant to the Court Facilities Legislation (L 1987, ch 825). Additional revenues were realized through miscellaneous collections (\$151.13). For calendar year 2024, revenue collections totaled \$42,967.13.

ACKNOWLEDGMENT

Although submitted to the Court under the name of the Clerk, the Annual Report is a joint effort of Court staff who provide numerical data, narrative content, graphics, editing, and proofreading necessary for its production. In conveying my appreciation to each member of the staff who contributed, I thank in particular Julia Bielawski, Ann Byer, Lisa Drury, Hope Engel, Cynthia Holman, Jay Kemprowski, Rachael MacVean, Regina Martino, Marissa Mason, Edward Ohanian, Stephen Sherwin, Maggie Wood and Nala Woodard.

The Annual Report is but one example of the extraordinary service the staff provides to the Judges of the Court, the bar, and the public throughout the year. The staff is to be commended for recognizing that such public service is both a privilege and a responsibility. I express my gratitude to all members of the Court's staff who serve the Court with the utmost professionalism and dedication.

Finally, I acknowledge the individuals in the Office of Court Administration and throughout the Unified Court System who continue to provide expert assistance to the Judges and staff of the Court of Appeals.

Year in Review: Decisions

Below is a summary of significant 2024 decisions, reflecting the range of constitutional, statutory, regulatory and common law issues decided by the Court each year.

ARBITRATION

Wu v Uber Tech., Inc. (– NY3d –, 2024 NY Slip Op 05869)

Plaintiff was injured while exiting an Uber-affiliated vehicle and commenced a personal injury action against the ride-sharing company. Before Uber gained actual knowledge of the lawsuit, it sent a mass email to its customers, including plaintiff, notifying them of planned changes to its terms of use. The next time plaintiff opened the Uber app on her smart phone, she was prompted via a pop up screen to agree to the updated terms and indicated her assent thereto by checking a box and clicking a button labeled “Confirm.” Included in the updated terms was an arbitration provision covering personal injury claims and delegating all questions regarding the interpretation and enforceability of the arbitration provision to an arbitrator. Uber thereafter moved to compel arbitration of plaintiff’s claims. The Court held that Uber’s email and the pop-up screen put plaintiff on inquiry notice of the updated terms, and that plaintiff objectively manifested her assent thereto, resulting in the formation of a binding agreement to arbitrate. Although plaintiff claimed that Uber’s communications were misleading with respect to whether the arbitration provision would cover her pending personal injury claims, the Court

concluded that those arguments went to the enforceability rather than to the formation of the agreement and did not call into question the severable delegation clause. The arguments were therefore properly directed to the arbitrator in accordance with the plain language of the arbitration provision.

BAIL

People ex rel. Rankin v Brann (41 NY3d 436)

While out on bail after his arrest for a felony, defendant was arrested three times for additional violent felonies. Supreme Court modified his securing order by remanding defendant without a hearing, and defendant commenced a habeas corpus proceeding before the Appellate Division seeking release on the basis that CPL 530.60 (2) (c) required the criminal trial court to conduct an evidentiary hearing. The Court held that, where otherwise applicable, courts may modify a securing order when defendant is charged with additional class A or violent felonies pursuant to either CPL 530.60 (1) or CPL 530.60 (2) (a), but where the Court proceeds under CPL 530.60 (1), the record must reflect that the decision was based on the risk of flight factors and criteria set forth in CPL 510.30. Where the record does not reflect a decision made on the basis of increased risk of flight, it will be assumed that the court proceeded under CPL 530.60 (2) (a), assessing whether there is reasonable cause to believe defendant committed the additional offense, and the procedural requirements of CPL 530.60 (2) (c) must be followed.

CIVIL RIGHTS

Matter of Clifton Park Apts., LLC v New York State Div. of Human Rights (41 NY3d 326)

Respondent New York State Division of Human Rights (DHR) dismissed a discrimination complaint against a housing facility. The housing facility then threatened legal action against the complainant. In response, the complainant filed a second discrimination complaint against the housing facility, alleging retaliation for filing the first complaint. The Court held that a threat of litigation may constitute the requisite adverse action to support a retaliation claim, explaining that a per se rule that a litigation threat is not adverse action would impermissibly restrict New York's antiretaliation statute. Whether a litigation threat amounts to adverse action is a fact-specific inquiry. DHR's determination that the litigation threat amounted to adverse action in this case was rational and, thus, supported by substantial evidence.

Matter of McCabe v 511 W. 232nd Owners Corp. (— NY3d —, 2024 NY Slip Op 06290)

This appeal considered the meaning of "marital status" under the New York City and New York State Human Rights Laws. The Court held that a cooperative does not discriminate on the basis of marital status by refusing to treat a person who was neither married to, nor in a domestic partnership with, the owner of cooperative shares as a "spouse" under cooperative lease terms.

Syeed v Bloomberg L.P. (41 NY3d 446)

In this certified question, the Second Circuit asked whether "a nonresident plaintiff not yet employed in New York

City or State satisfies the impact requirement of the New York City Human Rights Law or the New York State Human Rights Law if the plaintiff pleads and later proves that an employer deprived the plaintiff of a New York City- or State-based job opportunity on discriminatory grounds." The Court answered in the affirmative, holding that the Human Rights Laws protect nonresidents not employed in the city or state who proactively seek an actual city- or state-based job opportunity. The Court explained that a prospective employee feels the impact of a discriminatory refusal to promote or hire in the city or state because they wished to work (and perhaps relocate) there but were denied the chance to do so.

CIVIL SERVICE

Matter of Rawlins v Teachers' Retirement Sys. of the City of N.Y. (42 NY3d 315)

Petitioner, a former school principal and member of the Teachers' Retirement System of the City of New York, was diagnosed with post-traumatic stress disorder and stopped working after a series of escalating incidents by a school employee that made petitioner feel threatened and harassed. The Appellate Division held that petitioner was not entitled to accidental disability retirement benefits because petitioner's injuries were caused by purposeful acts of a school employee. The Court left open the possibility that purposeful acts may qualify as an "accident," but held that the record supported the agency's determination that petitioner did not suffer an accident within the meaning of the Retirement and Social Security Law.

Matter of NYC Org. of Pub. Serv. Retirees, Inc. v. Campion (– NY3d –, 2024 NY Slip Op 06291)

In 2021, New York City and the Municipal Labor Committee agreed that the City would stop paying the premiums for Senior Care, a health insurance plan offered to Medicare-eligible City retirees. Under the proposed plan, the City would continue to offer Senior Care as part of its health insurance program but would no longer pay any part of Senior Care’s premiums. The Court held that Administrative Code of the City of New York § 12-126 requires New York City to pay the full cost—up to the statutory cap—of any health insurance plan it offers to employees and retirees.

COLLATERAL ESTOPPEL

Russell v New York Univ. (42 NY3d 377)

Plaintiff sued her colleagues and her employer in federal court, alleging violations of various federal, New York State, and New York City statutes, and asserted claims for intentional infliction of emotional distress. The parties engaged in discovery, a federal judge made detailed factual findings, declined to exercise supplemental jurisdiction over the state claims, applied those findings to plaintiff’s federal claims, and granted defendants’ summary judgment motions. The United States Court of Appeals for the Second Circuit affirmed. Plaintiff then brought a nearly identical suit in Supreme Court, raising claims over which the federal district court declined to exercise supplemental jurisdiction. Supreme Court dismissed plaintiff’s complaint as barred by collateral estoppel and for failing to state a

claim. The Court affirmed, holding that because the federal court made an explicit finding that plaintiff produced no evidence on certain specific factual issues, plaintiff’s identical claims under state statutes were barred by collateral estoppel. The Court also held that plaintiff failed to state a claim against individual defendants because those individuals had no supervisory role over plaintiff as required by the City Human Rights Law.

CONFLICT OF LAWS

Eccles v Shamrock Capital Advisors, LLC (42 NY3d 321)

Common shareholders of a Scottish corporation sued its directors for breach of fiduciary duty, alleging a scheme to ensure that only the corporation’s preferred shareholders would receive the benefit of a merger agreement, to the common shareholders’ detriment. First, the Court clarified that, under the internal affairs doctrine, the substantive law of a company’s place of incorporation presumptively governs causes of action arising from its internal affairs. To overcome this presumption and establish the applicability of New York law, a party must demonstrate that (1) the interest of the place of incorporation is minimal and (2) New York has a dominant interest in applying its own substantive law. Applying that test, the Court determined that this narrow exception did not apply, and Scots substantive law therefore governed the shareholders’ claims. Second, the Court held that a court need not hold a hearing if expert affidavits and other materials sufficiently demonstrate the content of foreign law. The Court thus held that the

Appellate Division did not err in taking judicial notice of Scots law without remitting for a hearing because the applicable laws were written in English and derived from the English common law, and voluminous record materials explained the relevant legal principles. Finally, applying New York’s liberal pleading standard, the Court held that plaintiffs stated a cause of action for breach of fiduciary duty under Scots law.

Petróleos de Venezuela S.A. v MUFG Union Bank, N.A. (41 NY3d 462)

In 2016, Venezuela’s state-owned oil company offered a bond swap—its noteholders could exchange unsecured notes due in 2017 for new, secured notes due in 2020. The United States Court of Appeals for the Second Circuit certified questions to this Court concerning the extent to which New York law governed this transaction. Upon reformulating the dispositive question posed by the Second Circuit, this Court answered that Venezuelan law governed the validity of the notes under Uniform Commercial Code § 8-110 (a) (1). The Court emphasized, however, that New York law governed the transaction in all other respects, including the consequences if a security was “issued with a defect going to its validity” (UCC 8-202 [b] [1]-[2]).

CONSTITUTIONAL LAW

Roman Catholic Diocese of Albany v Vullo (42 NY3d 213)

The Court held that under recent Supreme Court precedent, New York’s “religious employer” exemption from providing health insurance covering “medically necessary abortions” was generally applicable and did not violate the Free Exercise Clause of the

First Amendment. The Court further held that neither the existence of the exemption nor its criteria allowed for the “individualized exemptions” plaintiffs requested because such exemptions were discretionary and not generally applicable to secular conduct. The Court determined that there were no exemptions applied to secular entities that similarly undermined the State’s interest in the health insurance mandate. Because the challenged regulation provided a way to accommodate religious beliefs in some cases, it favored—not discriminated against—religious exercise.

People ex rel. Neville v Toulon (43 NY3d 1)

When an individual is adjudicated to possess a “mental abnormality” under Mental Hygiene Law article 10, a court must order either civil confinement or release to strict and intensive supervision (SIST). If an individual is released to SIST, under Mental Hygiene Law § 10.11 (d) (4), the State may later petition to revoke their SIST regimen and transfer them to civil confinement. Based on the petition—and without adversarial presentation—the court must determine whether there is probable cause to believe that the respondent is a “dangerous sex offender requiring confinement” and, if so, the court must order the respondent confined pending a final revocation hearing to take place within 30 days of the petition. Applying the *Mathews v Eldridge* (424 US 319 [1976]) test, the Court upheld the statute’s constitutionality, concluding that temporary confinement prior to a SIST revocation hearing upon a probable cause finding without adversarial presentation did not facially violate procedural due process.

CONTRACTS

Audthan LLC v Nick & Duke, LLC (42 NY3d 292)

The Court held that plaintiff, a real estate developer, sufficiently pleaded that defendant landowner's actions constituted a new, distinct material breach that escalated a long-running dispute into an unequivocal, anticipatory repudiation; that questions of fact remained as to whether defendant had breached the contract itself; that plaintiff could prevail on an anticipatory repudiation claim while losing a breach of contract claim; and that plaintiff was not entitled to attorneys' fees.

CRIMES—SEX OFFENDERS

People v Boone (41 NY3d 573)

Following convictions for sex offenses, defendants had requested their Sex Offender Registration Act (SORA) hearings be adjourned or delayed because they were subject to separate civil commitment proceedings under the Sex Offender Management and Treatment Act (SOMTA). The Court held that defendants are "released" for purposes of SORA at the time they are no longer confined by Department of Corrections and Community Supervision following completion of a prison sentence, even if that release is to civil confinement pursuant to SOMTA, and that SORA does not require delaying the risk-level classification hearing until their reentry into the community is planned. The Court further held that holding risk assessment hearings at the same time as SOMTA proceedings did not violate defendants' right to due process.

People v Corr (42 NY3d 668)

The Court held that a person required to register as a level one sex offender pursuant to the Sex Offender Registration Act (SORA) for a period of 20 years based on a conviction of an out-of-state sex offense is not entitled to credit for time registered under the laws of another state. The Court observed that, although federal guidance permits states to give credit for such time, SORA does not contain a provision for courts to award such credit.

People v Watts (42 NY3d 60)

Defendant, an individual with a history of schizophrenia and psychosis, pleaded guilty to sexual abuse and assault, subjecting him to risk-level classification and registration under the Sex Offender Registration Act (SORA). In anticipation of defendant's release from incarceration, his attorney argued that defendant was incapable of understanding the SORA risk-level assessment process, and therefore holding a classification hearing would violate his due process rights under the Federal Constitution. Applying the factors enunciated in *Mathews v Eldridge* (424 US 319 [1976]), this Court held that the many procedural safeguards provided to defendants under SORA—including notice, a right to counsel, disclosure of relevant information, an opportunity to object and present evidence at a hearing at which the People must prove the appropriateness of a SORA classification by clear and convincing evidence, and the availability of re-evaluation of a defendant's risk assessment on an annual basis—minimize the risk of inaccurate risk-level classifications and adequately balance the

competing individual and State interests even in the case of individuals whose competency has been questioned.

CRIMINAL LAW

People v Bohn (41 NY3d 455)

Defendant was convicted of first-degree murder by torture. He argued on appeal that the evidence was legally insufficient to establish an element of that crime—that he relished or took pleasure in the infliction of extreme physical pain upon the victim. The Court upheld defendant’s conviction and rejected defendant’s argument that he acted out of anger or a desire to get information out of the victim. Instead, the Court determined that the jury had ample evidence from which to conclude that defendant derived mental gratification from inflicting pain upon the victim.

People v Brown (42 NY3d 270)

The Court recognized, for the first time, a “community caretaking” function, permitting the police to stop a moving vehicle to provide assistance under certain circumstances. Acknowledging the risk that the doctrine might be used to circumvent the constitutional rights of citizens to be free from unwarranted police intrusion, the Court held that police officers must “point to specific, objective, and articulable facts that would lead a reasonable officer to conclude that an occupant of the vehicle is in need of assistance,” and that “the police intrusion must be narrowly tailored to address the perceived need for assistance.” The Court concluded that the first prong was not satisfied in the present case because the officer’s observations—the opening and closing of the passenger door of the vehicle

while the vehicle was moving—would not have led a reasonable officer to conclude that an occupant of the vehicle needed assistance.

People v Castillo (42 NY3d 628)

Defendant was convicted of second-degree murder and second-degree criminal weapon possession. The victim had brandished a razorblade close to defendant’s face and defendant argued that the trial court erred in failing to provide a jury charge on the defense of justification. The Court reversed defendant’s conviction and held that, when viewing the evidence in the light most favorable to defendant, there was a reasonable view of the evidence that he acted in justifiable self-defense, so the refusal to charge the jury on justification was erroneous. The Court also reversed defendant’s weapon possession conviction. Although justification is not a defense to possessory offenses, the failure to instruct justification on the murder count affected the jury’s assessment of proof on the possession count.

People v Dunton (42 NY3d 97)

Defendant was removed from the courtroom during a verbal outburst after the jury announced a guilty verdict on the sixth of seven counts. Defendant argued that he was entitled to a verbal warning and opportunity to cease the misconduct before being removed under CPL 260.20, and that his warningless removal violated his right to be present for all material stages of trial. The Court held that the totality of defendant’s breach of his promise to remain calm during the announcement of the verdict, history of

violence, profanities lodged at the jury during his outburst, the small size of the courtroom, and defendant's proximity to the judge, jury, attorneys and court officers rendered a warning impracticable.

People v Estrella (41 NY3d 514)

Defendant was convicted of first-degree murder pursuant to Penal Law § 125.27 (1) (a) (x), the "torture murder" subdivision, after he and his accomplices chased and repeatedly stabbed a 15-year-old boy. This Court held that the evidence established that defendant and his accomplices engaged in a series of distinct acts before the victim's death that were intended to and did inflict extreme physical pain. The Court agreed, however, that the evidence was insufficient to establish that defendant relished or took pleasure in the infliction of extreme physical pain. For that element to be satisfied, the People must demonstrate that the defendant took pleasure in inflicting extreme physical pain before death, not merely in the killing itself.

People v Estwick (42 NY3d 92)

After defendant established a prima facie case of discrimination with respect to the prosecution's peremptory strike against a juror, the burden shifted to the prosecution to provide a race-neutral reason for the strike. The trial court speculated that the prosecution had gotten a "bad vibe" from the juror regarding whether her prior jury service had resulted in an acquittal. The prosecution remained silent, yet the court ruled the prosecution had offered a legitimate race-neutral basis for the strike. The Court reversed and ordered a new trial, holding that the trial

court had failed to hold the prosecution to its burden and abandoned its duty under *Batson* (see *Batson v Kentucky*, 476 US 79 [1986]) to consider the prosecution's own explanation for the strike in light of all relevant facts and circumstances.

People v Fisher (41 NY3d 495)

The Court held that a sworn juror was "grossly unqualified" under CPL 270.35 because her bias was strongly held, it ran directly against defendant, and she did not inform the trial judge on her own of her belief that defendant had followed her home after jury selection. The Court further held that the sworn juror's bias could not be cured by assurances of impartiality that were mixed with statements of her fear for her safety from defendant, with expression of other jurors' concern defendant might follow them, and with one-word answers to formulaic inquiries.

People v Franklin (42 NY3d 157)

The Court considered whether a standard pre-arraignment report prepared by a New York City nonprofit that provides pretrial services was "testimonial" under the Federal Constitution's Confrontation Clause. The Court held that the correct test for whether an out-of-court statement is testimonial is the primary purpose test, and that the "essential element" test this Court established in *People v Pacer* (6 NY3d 504 [2006]) had been eclipsed. Because the pre-arraignment report in this case was not made with the primary purpose of creating an out-of-court substitute for trial testimony, the Court held that it was not testimonial under the

Confrontation Clause.

People v King (42 NY3d 424)

In 2019, defendant was indicted and the People declared ready for trial, stopping the speedy trial clock under the law then in effect. On January 1, 2020, amendments to New York's discovery (CPL art 245) and statutory speedy trial (CPL 30.30) laws took effect, and the old discovery rules (CPL former art 240) were repealed. Under the new statutory scheme, the People cannot declare ready for trial and stop the speedy trial clock without first filing a certificate of compliance with certain discovery obligations. The Court held that the People were not required to file a certificate of compliance to maintain their trial readiness because nothing in the amendments' plain language or statutory history reverted them to a state of unreadiness on January 1, 2020. Thus, the time after January 1, 2020, did not count toward the People's speedy trial clock.

People v Labate (42 NY3d 184)

Defendant, who was charged with a Class A misdemeanor, was statutorily required to be tried within 90 days. After filing an off-calendar statement of readiness, the People were not ready on three successive trial dates and failed to provide any explanation. The Court held that, once the People have declared their readiness for trial, post-readiness delay may still be charged to the People, for purposes of the speedy trial clock, when the delay is attributable to their unexplained unreadiness.

People v Messano (41 NY3d 228)

Defendant was indicted for criminally

possessing a weapon based on a police deputy's recovery of a loaded handgun from the back seat of a car defendant had been driving. County Court denied suppression and a divided Appellate Division affirmed, reasoning that the deputy had reasonable suspicion of defendant's involvement in a drug transaction and the deputy could have walked up to the car and observed the contraband in plain view through the window. The Court reversed, granted defendant's motion to suppress, and dismissed the indictment, reasoning that the detective's observations were insufficient to furnish the deputy with reasonable suspicion to detain defendant and that the prosecution failed to meet its burden of establishing that the deputy viewed the contraband from a lawful vantage point, notwithstanding defendant's unconstitutional detention.

People v Mosley (41 NY3d 640)

In considering the admission of lay, non-eyewitness testimony by a police officer identifying a person depicted in surveillance video as the defendant, the Court drew on its decisions in *People v Russell* (79 NY2d 1024 [1992]) and *People v Sanchez* (21 NY3d 216 [2013]) to hold that courts should evaluate whether to admit such testimony based on the totality of the circumstances and consider a variety of factors, including whether the witness's testimony would be helpful and whether the jury needed the witness's assistance.

People v Rufus (—NY3d —, 2024 NY Slip Op 06384)

Defendant was convicted of driving while intoxicated under Vehicle and Traffic Law

(VTL) § 1192 (3), based upon evidence obtained from a traffic stop. Prior to executing the stop, State Troopers saw the tires on the right side of defendant's vehicle cross the solid white fog line onto the right shoulder of the road three times within a tenth of a mile. The Court held that these observations provided the troopers probable cause to believe that defendant had violated VTL § 1128 (a), explaining that whether a driver has violated section 1128 (a) is a fact-specific determination that must be assessed under the totality of the circumstances.

People v Seignious (41 NY3d 505)

Defendant was charged with burglary in the second degree as a sexually motivated felony after allegedly sexually assaulting women outside of a New York University dormitory, entering the dormitory, and pushing past the building's security guard through the turnstiles leading to the private residences. The trial court granted the People's request to charge the jury on burglary in the second degree as a lesser included offense of burglary as a sexually motivated felony. The Court held that by charging second-degree burglary as the underlying crime to a sexually motivated felony, the People did not limit their proof to a specific subset of crimes the defendant intended to commit once inside the building. Rather, the People must prove that, regardless of the crime defendant intended to commit inside the dwelling, the burglary was motivated in substantial part by personal sexual gratification. Because the People did not affirmatively abandon the lesser included charge, it was appropriately submitted to the jury by the trial court.

People v Sharp (42 NY3d 369)

Before trial, the prosecution filed a *Sandoval* application (see *People v Sandoval*, 34 NY2d 371 [1974]) to cross-examine defendant about seven prior convictions, one pending case, and the criminal conduct underlying each offense. The court held an in-camera, off-the-record conference on the application with the prosecution and defense counsel; defendant was not present. At a subsequent in-court appearance where defendant was present, the court asked defense counsel if he "want[ed] to be heard" on the application. Defense counsel indicated that he "would stand by [the] discussion in chambers" and the court announced its ruling on the application. The Court held that defendant had a right to be present at the initial, in-chambers conference on the prosecution's application and that the subsequent in-court proceeding did not cure the violation.

People v Sidbury (42 NY3d 497)

The Court held that precluding defendant's psychiatric defense as a sanction for his failure to comply with the statutory notice requirement was an abuse of discretion as a matter of law and violated defendant's constitutional right to present a defense and call witnesses. The Court held that in addressing a late CPL 250.10 notice, a trial court must balance the defendant's constitutional rights against the prejudice to the People from late notice.

People v Weinstein (42 NY3d 439)

Defendant was convicted of various offenses against three named complainants

following a jury trial based on allegations that he forced them to engage in various sex acts. The Court rejected defendant's claim that one count for which he sought dismissal was time-barred, reasoning that defendant's absence from New York during several windows of time tolled the limitations period and rejecting his argument that the statute of limitations applied only to nonresidents. However, the Court reversed and remitted for a new trial, concluding: (1) the prosecution failed to show that the *Molineux* (see 168 NY 264 [1901]) witnesses' testimonies were "necessary" to establish defendant's forcible intent and the complainants' lack of consent, given the complainants' allegations that defendant used force to assault them; (2) the trial court abused its discretion in permitting cross-examination regarding defendant's past demonstrations of anger and bullying, which did not bear on his "in-court veracity"; and (3) that the "synergistic effect" of these errors deprived defendant of his constitutional right to a fair trial.

People v Williams (41 NY3d 551)

In *People v Marshall* (26 NY3d 495 [2015]) the Court held that reversal was not required to correct a trial court's improper denial of a defendant's request for a "full" independent source hearing, where testimony supplying an independent source of an identification was elicited at a "limited" hearing focused on other issues. In this case, the Court clarified that, the holding in *Marshall* notwithstanding, reversal was required where the trial court denied defendant's request for an independent source hearing and, instead, determined that there was an independent source based on the record of a probable

cause hearing that provided an insufficient basis for that determination.

People v Vaughn (— NY3d —, 2024 NY Slip Op 05874)

Courts should evaluate applications to admit expert testimony concerning the factors that affect the reliability of eyewitness identifications by balancing the testimony's probative value against its "prospect of causing undue prejudice to the opposing party, confusing the issues, misleading the jury, or unduly delaying trial." This Court clarified that *People v LeGrand* (8 NY3d 449 [2007]) did not require a rigid, two-step process under which the presence of corroborating evidence is a determinative factor.

Nonetheless, the Court held that the trial court properly exercised its discretion in granting, only in part, defendant's motion to admit expert testimony on several of those factors and in limiting the expert testimony to the topic of cross-race effect.

People v Wright (42 NY3d 708)

During jury selection, defendant raised *Batson* challenges (*Batson v Kentucky*, 476 US 79 [1986]) to peremptory strikes used by the People against two prospective jurors. The Court held that there was record support for the affirmed factual finding that the People raised a valid, race-neutral explanation for the strikes. Specifically, with respect to one of the prospective jurors, there was a reasonable inference that the negative feelings toward law enforcement of the prospective juror at issue exceeded those of the other prospective jurors and the Court therefore accorded deference to the trial court's determination.

DOMESTIC RELATIONS

Szypula v Szypula (42 NY3d 620)

Before the parties married, husband served nine years in the Navy, but left military service with no military retirement benefits. After the parties married, husband joined the Foreign Service, where he was eligible to add his years of military service to his Foreign Service pension by making additional financial contributions for the years he served in the military. He and his wife used marital funds to “buy back” his pre-marriage pension credits and convert them into Foreign Service pension rights. The Court held that pension credits related to pre-marriage military service become marital property when marital funds are used to transform the pension credits into pension rights.

ELECTIONS

Matter of Amedure v State of New York (— NY3d —, 2024 NY Slip Op 05425)

A group of voters and the Minority Leaders of the New York State Senate and Assembly challenged a provision of the Election Law enacted in 2021 that revised the process for reviewing and canvassing absentee, mail-in, and certain other ballots. The new law provides that, at a particular stage in the ballot-review process, when the bipartisan local board charged with reviewing these ballots splits as to a ballot’s validity, the ballot shall be opened and processed, and a court may not order that that individual ballot be uncounted once counted. The Court held that this provision did not violate the mandate of equal representation enshrined in Article II, Section 8 of the New York Constitution and did not violate

constitutional principles of separation of powers and judicial review.

Stefanik v Hochul (43 NY3d 49)

Applying the presumption of constitutionality afforded to legislative enactments, the Court held that New York’s Early Mail Voter Act did not violate the New York Constitution. Although Article II, Section 2 has, at times, been understood to require in-person voting, the Court held that the Constitution’s text does not clearly establish an in-person voting requirement. The Court further held that the equivocal constitutional history did not overcome the presumption in favor of the Act’s constitutionality.

HEALTH

Matter of Aaron Manor Rehabilitation & Nursing Ctr., LLC v Zucker (42 NY3d 46)

Following the legislature’s amendment to Public Health Law § 2808 (20) (d), which removed residual equity payments for capital cost improvements of for-profit residential health care facilities, the Department of Health revised reimbursement rates to reflect the change. For-profit residential health care facilities brought a hybrid declaratory judgment and CPLR article 78 proceeding against the Department of Health, the Commissioner of Health, and the Director of Budget to challenge the Department’s change to the Medicaid reimbursement rates. This Court held that the amendment and the adjusted rates did not result in a retroactive effect and petitioners failed to establish that the rates were not “reasonable and adequate to meet costs” under Public Health Law § 2807 (3)

or that the rates violated their equal protection rights.

INSURANCE

Consolidated Rest. Operations, Inc. v Westport Ins. Corp. (41 NY3d 415)

The Court considered whether allegations that the virus causing COVID-19 was present in insured restaurants and resulted in cessation of in-person dining services and related business interruption losses were sufficient to state a claim for “direct physical loss or damage.” The Court held that direct physical loss or damage requires a material alteration or a complete and persistent dispossession of insured property.

JURISDICTION

Colt v New Jersey Tr. Corp. (— NY3d —, 2024 NY Slip Op 05867)

Defendant New Jersey Transit Corp. (NJT) sought to invoke sovereign immunity in this tort action arising from allegations that one of its buses injured a pedestrian in Manhattan. Considering when a foreign state-created entity is entitled to sovereign immunity in New York’s courts, the Court recognized that, consistent with federal precedent, the relevant inquiry is whether subjecting the entity to suit would offend the sister State’s sovereign dignity. To guide courts in answering that question, the Court established a flexible three-factor test that examines (1) how the State defines the entity and its functions, (2) the State’s power to direct the entity’s conduct, and (3) the effect on the State of a judgment against the entity. The Court concluded that NJT was not entitled to sovereign immunity because although New Jersey law gave some

indication that NJT acted as an extension of the state, NJT exercised significant independence from New Jersey’s control and New Jersey had no legal liability or ultimate financial responsibility for judgments against NJT.

Lelchook v Société Générale de Banque au Liban SAL (41 NY3d 629)

In answering a question from the United States Court of Appeals for the Second Circuit, the Court considered whether, under New York law, an entity acquires another entity’s status for purposes of personal jurisdiction when the first inherits the second’s liabilities and assets but the two do not merge. Explaining the various factors that are relevant in determining successor jurisdiction, the Court concluded that successor jurisdiction is allowed where a successor purchases all of an entity’s assets and liabilities.

LABOR LAW

Bazdaric v Almah Partners LLC (41 NY3d 310)

A painter who slipped and fell on a heavy-duty plastic cover on the elevator in the area he was painting sued under the Labor Law provision that requires an owner to provide safe working conditions to construction workers (*see* Labor Law § 241 [6]), including protecting them from foreign substances that are slipping hazards (*see* 12 NYCRR 23-1.7 [d]). The Court held that the plastic cover was a foreign substance, and that it was not integral to the work, because safer alternatives to the plastic cover were available.

LABOR UNIONS

Matter of Agramonte v Local 461, Dist. Council 37, Am. Fedn. of State, County & Mun. Empls. (41 NY3d 483)

Petitioners sought to enforce provisions in their union’s local and parent constitutions governing eligibility of seasonal lifeguard members to vote and run for office in union elections. The Court held that the rule in *Martin v Curran* (303 NY 276 [1951]), requiring a complaint against union representatives to allege that individual members of the union had authorized or ratified the purportedly unlawful conduct, does not apply where only injunctive relief is requested. Petitioners did not have to allege the participation of each individual member to bring a claim in accordance with General Associations Law § 13. Nevertheless, the Court affirmed denial of the petition and dismissal of the proceeding because the union reasonably interpreted its constitution in determining that petitioners could not vote or run for office in the election at issue.

LANDLORD AND TENANT

Matter of 160 E. 84th St. Assoc. LLC v New York State Div. of Hous. & Community Renewal (—NY3d —, 2024 NY Slip Op 06377)

The Court was confronted with the primary question, raised in numerous lawsuits, of whether the Division of Housing and Community Renewal (DHCR) properly interpreted part D of the Housing Stability and Tenant Protection Act of 2019—repealing so-called “luxury deregulation” of rent stabilized residences—as applying to apartments that, prior to the repeal, were ordered to become

deregulated upon expiration of the tenants’ leases, which would not expire until after the effective date of the repeal. This Court answered that question in the affirmative and held that DHCR’s interpretation of part D as eliminating luxury deregulation was proper and did not constitute an impermissible retroactive application.

LIENS

Matter of Kasowitz, Benson, Torres & Friedman, LLP v JPMorgan Chase Bank, N.A. (—NY3d—, 2024 NY Slip Op 05876)

The Court considered whether a lienholder nonparty to an action that resulted in a fee award against a debtor may challenge the legal basis of the judgment in a separate proceeding to recover those fees. The Court held that because the nonparty was neither joined nor required to intervene in the action against the debtor, it had no chance to challenge the award and therefore was not barred from challenging the award in a separate proceeding.

MONOPOLIES

Taxi Tours Inc. v Go N.Y. Tours, Inc. (41 NY3d 991)

In an action alleging anticompetitive conduct, Go New York Tours, Inc. counterclaimed that respondents—other tour bus companies in New York City’s “hop-on, hop-off sightseeing tour bus market”—violated the Donnelly Act (General Business Law § 340 *et seq.*) and tortiously interfered with its business relations. The Court held that, “though sparse,” Go New York’s allegations and inferences drawn therefrom were sufficient to state a claim under the Donnelly Act.

MUNICIPAL CORPORATIONS

Calabrese v City of Albany (—NY3d—, 2024 Slip Op 06289)

Plaintiff was injured while riding his motorcycle in the City of Albany. He claimed that an unrepaired defect in the roadway, which had been reported to the City via its online reporting system, caused his injury. The City argued that it did not receive prior written notice of the allegedly defective condition as required by statute. The Court held that notices submitted electronically through the online system, which was the City's only means of tracking reported road defects, could provide written notice and that, although the statutory designee did not personally receive or review the notices, the electronic notices were given to that official within the meaning of the City's prior written notice statute.

Matter of Jaime v City of New York (41 NY3d 531)

Petitioners sought permission to file late notices of claim alleging intentional torts committed by police and correction officers employed by the City but submitted no evidence in support of their petitions. The Court held that mere allegations concerning the officers' conduct and the City's possession of records did not satisfy petitioners' burden to establish that the City acquired actual knowledge of the essential facts constituting the claim. "Without any competent evidence, the trial court was unable to undertake a fact-specific inquiry into whether the City acquired actual knowledge through any of its employees."

PLEADINGS

Favourite Ltd. v Cico (42 NY3d 250)

The Court held that a trial court has discretion to grant a party leave to amend a complaint,

even after an appellate court has ordered the complaint dismissed but counterclaims remained pending. The Court reasoned that, because the original action was pending in Supreme Court even after the complaint was dismissed, and consistent with the general discretion of the trial court to manage its docket, Supreme Court retained the discretionary power to permit amendment under CPLR 3025 (b) rather than requiring plaintiffs to commence a separate action.

PRISONS AND INCARCERATED INDIVIDUALS

Alcantara v Annucci (42 NY3d 142)

The legislature created residential treatment facilities (RTFs), defining them to be correctional facilities consisting of a "community based residence in or near a community where employment, educational and training opportunities are readily available for" those offenders placed therein (Correction Law § 2 [6]). The Court held that the Department of Corrections and Community Supervision (DOCCS) was in violation of sections 2 and 73 of the Correction Law due to its "wholesale refusal to secure such opportunities" for offenders housed in the RTF located at Fishkill Correctional Facility. Although DOCCS has leeway to design its RTF programs, the Court concluded that DOCCS is required, "at a minimum, to undertake reasonable efforts to secure community-based opportunities for those persons subject to its RTF programming."

SCHOOLS

Matter of United Jewish Community of Blooming Grove, Inc. v Washingtonville Cent. Sch. Dist. (42 NY3d 348)

Petitioners sought transportation for children

attending nonpublic schools on days public schools are closed, and defendant school district denied the request. Petitioners argued that Education Law § 3635 (1) (a) required defendant to transport these students on all days their schools were open. The Court held that the language of the statute, particularly the term “sufficient transportation facilities,” made clear that school districts outside New York City are not required to provide transportation on days that public schools are closed, and that this interpretation did not deny these students equal protection of the law.

SOCIAL SERVICES

Matter of Jeter v Poole (— NY3d —, 2024 NY Slip Op 05868)

In this proceeding challenging an indicated report on the State Central Register of Child Abuse and Maltreatment, the Court held that petitioner did not have a constitutional right to counsel during her administrative hearing, and that amendments to the administrative review process do not apply to determinations rendered before the January 1, 2022 effective date of the amendments.

TAXATION

Matter of Brookdale Physicians’ Dialysis Assoc., Inc v Department of Fin. of the City of N.Y. (41 NY3d 608)

The Court considered whether section 420-a of the Real Property Tax Law, which exempts from taxation “[r]eal property owned by a corporation or association organized or conducted exclusively for . . . charitable [or] hospital . . . purposes . . . and used exclusively for carrying out thereupon . . . such purposes either by the owning corporation or association . . . or by another such corporation or association,” covers property leased to a for-profit corporation. The

Court concluded that the property did not qualify for an exemption because: (1) although the tenant used the property to provide vital health services, it did so for profit; and (2) petitioner’s support of health services by way of fundraising and asset management was insufficient.

Tax Equity Now NY LLC v City of New York (42 NY3d 1)

Plaintiff Tax Equity Now New York (TENNY) challenged the Real Property Tax Law (RPTL) under the federal and state constitutions, asserting that the City’s property tax system: (1) was unconnected from fair-market value; and (2) had a discriminatory disparate impact on low-income and minority residents. The Court affirmed the dismissal of TENNY’s claims against the State, but held as to the City that TENNY’s complaint stated causes of action under: (1) section 305 (2) of the RPTL based on its disparate real property assessments both among and within different types of real property; and (2) the Fair Housing Act based on its tax system’s disparate impact on majority-minority neighborhoods and perpetuation of segregation. However, the Court held that TENNY failed to state claims under the Federal and State Constitutions.

Matter of Walt Disney Co. & Consol. Subsidiaries v Tax Appeals Trib. of the State of N.Y. (42 NY3d 538)

Respondent New York State Tax Appeals Tribunal sustained a notice of deficiency issued by the State Division of Taxation determining that corporate taxpayers had improperly deducted royalty payments received from foreign subsidiaries from their state income under a prior version of Tax Law § 210. The Court held that under the plain meaning of

former Tax Law § 210, the deduction sought by the taxpayers was only available if that income had already been included on a New York State tax return by their subsidiary. As the relevant subsidiaries were all foreign and did not file New York State tax returns, the deductions were not available here. Further, the Court held that the law did not violate the Commerce Clause of the United States Constitution as it did not discriminate against out-of-state commerce or place any undue burden on interstate commerce. Rather, former Tax Law § 210's taxation and deduction scheme was a simple apportionment of taxes to be applied to global companies.

VENUE

Knight v New York & Presbyt. Hosp. (42 NY3d 699)

In a negligence and wrongful death action against a nursing and rehabilitation center

where the decedent had been a resident, the center moved for an order transferring venue pursuant to a forum selection clause in the admission agreements electronically signed by decedent and an affidavit from the center's director of admissions describing the admission process. The Court held that when the issue of authentication is raised, the proponent of a motion to transfer venue bears the initial burden to establish the authenticity of the writing, which may be done through any recognized method of authentication, including, but not limited to, testimony of a witness who was present, proof of handwriting, an admission of authenticity, or through circumstantial evidence. The Court determined that the center met its burden and that plaintiff failed to meet its corresponding burden to raise a question of fact as to whether the signatures were forgeries.



Events

State of the Judiciary 2024



On February 27, 2024, Chief Judge Wilson delivered his first State of the Judiciary address. Governor Kathy Hochul provided introductory remarks and the Chief Judge spoke about the importance of civics education and involvement. The Chief Judge then invited seven speakers to convey their experiences with the New York State Court System that “altered their lives for the better.” Their stories highlighted that “the focus of the judiciary must be on the people we serve.”

Law Day 2024



On May 1, 2024, the Court continued the long-standing tradition of co-hosting the annual Law Day ceremony with the Attorney General of the State of New York. Chief Judge Wilson, Solicitor General Barbara Underwood and State Bar President Richard Lewis delivered remarks at Court of Appeals Hall. The 2024 Law Day theme was “Voices of Democracy.”

Appeals Decided by Jurisdictional Predicate (2024)

Basis of Jurisdiction:						
All Appeals	Disposition					
	Affirmance	Reversal	Modification	Dismissal	Other	Total
Appellate Division Dissents	3	2	0	0	0	5
Permission of Court of Appeals/Judge thereof	45	23	6	0	0	74
Permission of Appellate Division/Justice thereof	14	12	1	1	0	28
Constitutional Question	8	1	0	0	0	9
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other*	0	1	0	0	3	4
Totals	70	39	7	1	3	120

* One CPLR 5601 (d) appeal; three final determinations of Rule 500.27 certified questions.

Appeals Decided by Jurisdictional Predicate (2024)

Basis of Jurisdiction:						
Civil Appeals	Disposition					
	Affirmance	Reversal	Modification	Dismissal	Other	Total
Appellate Division						
Dissents	3	2	0	0	0	5
Permission of Court of Appeals	27	11	5	0	0	43
Permission of Appellate Division	9	3	1	1	0	14
Constitutional Question	8	1	0	0	0	9
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other*	0	1	0	0	3	4
Totals	47	18	6	1	3	75
Basis of Jurisdiction:						
Criminal Appeals	Disposition					
	Affirmance	Reversal	Modification	Dismissal	Other	Total
Permission of Court of Appeals Judge	18	12	1	0	0	31
Permission of Appellate Division Justice	5	9	0	0	0	14
Totals	23	21	1	0	0	45

* One CPLR 5601 (d) appeals; three final determinations of Rule 500.27 certified questions.

Appeals Analysis

All Appeals—					
Civil and Criminal	2020	2021	2022	2023	2024
Civil	56% (54 of 96)	46% (37 of 81)	66% (60 of 91)	59% (52 of 88)	62.5% (75 of 120)
Criminal	44% (42 of 96)	54% (44 of 81)	34% (31 of 91)	41% (36 of 88)	37.5% (45 of 120)
Civil Appeals—					
Type of Disposition					
	2020	2021	2022	2023	2024
Affirmed	41%	32%	55%	42%	58%
Reversed	45%	49%	35%	38%	32.5%
Modified	8%	3%	5%	10%	6%
Dismissed	2%	3%	3%	2%	1%
Other	4%	13%	2%	8%	2.5%*
Criminal Appeals—					
Type of Disposition					
	2020	2021	2022	2023	2024
Affirmed	36%	57%	55%	39%	51%
Reversed	62%	39%	42%	55%	47%
Modified	0%	4%	3%	3%	2%
Dismissed	2%	0%	0%	3%	0%

*One CPLR 5601 (d) appeal, three final determinations of Rule 500.27 certified questions.

Civil Appeals Decided by Jurisdictional Predicate (2020-2024)

	2020	2021	2022	2023	2024
Appellate Division Dissents	22% (12 of 54)	19% (7 of 37)	15% (9 of 60)	23% (12 of 52)	7% (5 of 75)
Permission of Court of Appeals	44% (24 of 54)	43% (16 of 37)	52% (31 of 60)	40% (21 of 52)	57% (43 of 75)
Permission of Appellate Division	20% (11 of 54)	13% (5 of 37)	22% (13 of 60)	17% (9 of 52)	19% (14 of 75)
Constitutional Question	6% (3 of 54)	8% (3 of 37)	7% (4 of 60)	6% (3 of 52)	12% (9 of 75)
Stipulation for Judgment Absolute	0% (0 of 54)	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)
CPLR 5601 (d)	0% (0 of 54)	3% (1 of 37)	0% (0 of 60)	6% (3 of 52)	1% (1 of 75)
Supreme Court Remand	0% (0 of 54)	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)
Judiciary Law § 44	4% (2 of 54)	0% (0 of 37)	1% (1 of 60)	2% (1 of 52)	0% (0 of 75)
Certified Question (Rule 500.27)	4% (2 of 54)	14% (5 of 37)	3% (2 of 60)	6% (3 of 52)	4% (3 of 75)
Other	0% (0 of 54)	0% (0 of 37)	0% (0 of 60)	0% (0 of 52)	0% (0 of 75)

Criminal Appeals Decided by Jurisdictional Predicate (2020-2024)

	2020	2021	2022	2023	2024
Permission of Court of Appeals Judge	81% (34 of 42)	68% (30 of 44)	65% (20 of 31)	81% (29 of 36)	69% (31 of 45)
Permission of Appellate Division Justice	19% (8 of 42)	32% (14 of 44)	32% (9 of 31)	19% (7 of 36)	31% (14 of 45)
Other	0% (0 of 42)	0% (0 of 44)	3%* (1 of 31)	0% (0 of 36)	0% (0 of 45)

*Remand from the Supreme Court of the United States.

Motions (2020-2024)

	2020	2021	2022	2023	2024
Motions Submitted for Calendar Year	954	1030	903	846	844
Motions Decided for Calendar Year*	1070	988	957	816	823
Motions for Leave to Appeal	870	801	765	636	624
Granted	32	33	27	43	28
Denied	663	587	518	450	463
Dismissed	171	177	214	141	129
Withdrawn	4	4	6	2	4
Motions to Dismiss Appeals	3	6	1	1	5
Granted	2	2	1	0	3**
Denied	1	4	0	1	2
Dismissed	0	0	0	0	0
Withdrawn	0	0	0	0	0
Sua Sponte and Court's Own Motion Dismissals	97	85	74	60	75
Total Dismissals of Appeals	99	87	75	61	77
Motions for Reargument of Appeal	23	19	17	13	13
Granted	0	0	0	0	0
Motions for Reargument of Motion	55	29	47	31	35
Granted	0	0	0	0	1
Motions for Assignment of Counsel	23	22	25	33	22
Granted	23	22	25	33	22
Denied	0	0	0	0	0
Dismissed	0	0	0	0	0
Motions for Financial Relief	205	168	165	158	128
Granted	4	3	9	5	7
Denied	0	0	0	0	0
Dismissed	201	165	156	153	121

* Because more than one relief request may be decided under a single motion, the total number of decisions by relief requests may be greater than the total number of motions decided.

** Two motions to dismiss resulted in a partial dismissal of one appeal.

Motions (2020-2024)

	2020	2021	2022	2023	2024
Motions for Amicus Curiae Relief	71	94	83	79	104
Granted	70	91	81	78	94
Motions to Waive Rule Compliance	0	0	0	0	0
Granted	0	0	0	0	0
Motions to Vacate Dismissal/Preclusion	6	2	0	4	5
Granted	3	0	0	2	3
Motions for Leave to Intervene	0	0	0	0	1
Granted	0	0	0	0	0
Motions to Stay/Vacate Stay	20	13	22	23	17
Granted	2	0	1	3	1
Denied	2	0	2	1	0
Dismissed	16	13	19	19	16
Withdrawn	0	0	0	0	0
Motions for CPL 460.30 Extension	12	18	17	12	8
Granted	12	17	15	11	7
Motions to Strike Brief/Record/Appendix	2	2	0	0	1
Granted	2	0	0	0	0
Motions to Amend Remittitur	1	3	0	0	0
Granted	0	2	0	0	0
Motions for Miscellaneous Relief	27	17	13	10	18
Granted	2	2	0	0	1
Denied	12	4	4	4	1
Dismissed	13	11	9	6	16
Withdrawn	0	0	0	0	0

Criminal Leave Applications (2020-2024)

	2020	2021	2022	2023	2024
Total Applications Assigned	1729	1659	1489	1143	1176
Total Applications Decided*	1824	1658	1474	1175	1139
Granted	29	27	33	33	23
Denied	1668	1526	1353	1042	1021
Dismissed	117	98	79	91	94
Withdrawn	10	7	9	9	1
Total People's Applications	38	52	45	30	15
Granted	4	3	5	4	1
Denied	29	43	34	21	12
Dismissed	1	1	1	0	2
Withdrawn	4	5	5	5	0
Average Number of Applications Assigned to Each Judge	247	237	213	163	162
Average Number of Grants for Each Judge	4	4	5	5	3

* Includes some applications assigned in previous year.

Sua Sponte Dismissal (SSD) Rule 500.10 Review (2020-2024)

	2020	2021	2022	2023	2024
Total number of inquiry letters sent	68	63	50	39	42
Withdrawn on stipulation	2	1	0	2	1
Dismissed by Court	48	49	30	25	29
Transferred to Appellate Division Sua Sponte	2	3	5	1	0
Appeals allowed to proceed in normal course (a final judicial determination of subject matter jurisdiction to be made by the Court after argument or submission)	4	5	4	0	1
Jurisdiction retained—appeals decided	0	0	0	1	0
Inquiries pending at year's end	12	5	11	10	11

Office for Professional Matters (2020-2024)

	2020	2021	2022	2023	2024
Attorneys Admitted*	8,276	7,829	7,736	8,985	8,938
Registered In-House Counsel	71	164	235	231	178
Certificates of Admission	152	102	88	103	77
Clerkship Certificates	2	4	6	3	3
Petitions for Waiver**	309	448	582	685	610
Written Inquiries	128	94	153	187	295
Disciplinary Orders***	1,889	410	3,142	541	708
Name Change Orders	483	668	842	906	861

* The Office of Court Administration maintains the Official Register of Attorneys and Counselors at Law (see Judiciary Law § 468).

** Includes correspondence to law schools reviewing their J.D. and LL.M. programs under Rules 520.3 and 520.6.

*** The 2020 and 2022 numbers include orders involving multiple attorneys' violation of the biennial registration requirement (see Judiciary Law § 468-a).

