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OFFICIAL EDITION

New York Law Reports



Style Manual

PREPARED BY
THE LAW REPORTING BUREAU
OF THE STATE OF NEW YORK
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The Chief Judge of the State of New York



Judith S. Kaye

FOREWORD

As with the 2002 Style Manual, I begin by thanking our terrific State Reporter, Gary Spivey, and the entire Law Reporting Bureau of the State of New York, both for the 2007 Style Manual and for inviting this Foreword.

In preparing this message, I was reminded of the “strength of the common law to respond, albeit cautiously and intelligently, to the demands of commonsense justice in an evolving society.” (*Madden v Creative Servs.*, 84 NY2d 738, 744 [1995].) Five years ago, the Law Reporting Bureau substantially overhauled, expanded and modernized the Style Manual. As a former copy editor (before and during law school), I regarded that event as nothing short of thrilling. Imagine, no more unnecessary Latinisms, legalisms, commas and supras! Truly we had moved with the times, cautiously and intelligently, toward simpler, clearer, cleaner text.

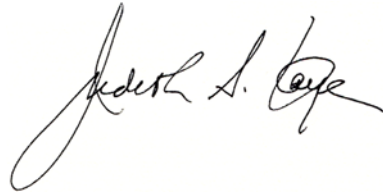
Like the common law itself, the updating continues. This time it is more akin to filling crevices than bridging chasms: new abbreviations, fewer capitalizations, simplified procedures for altering or omitting language in quoted materials. Always the movement, happily, is toward more readable text.

This update reflects movement with the times in other ways as well. For example, it recognizes the essential place of modern technology in our world. Right alongside citation forms for ancient research materials we now have formats for tabular or abstracted cases, Internet materials and weblogs. And the 2007 edition reflects society’s heightened awareness of privacy protection and people with disabilities.

Again like the development of the law, the Style Manual retains so much of the “tried and true.” No need for change simply for the sake of change. Here I find most impressive, and welcome, the

consultative process the Law Reporting Bureau engaged in, to determine what needed to be changed and what did not. Anyone who thinks this update was a simple task should have a look at the redlined version, showing every change from the 2002 version of the manual as amended by the 2004 supplement. It was a massive project!

All of which brings me, finally, to the most cherished thing that remains unchanged, enduring: the gratitude of the Chief Judge, the Court of Appeals and the Unified Court System to the Law Reporting Bureau for its extraordinary competence, diligence and vigilance in this updated Style Manual as well as its everyday work. We recognize our extraordinary good fortune in the State of New York to have this phenomenal resource.

A handwritten signature in black ink, reading "Judith S. Kaye". The signature is written in a cursive style with a large, looping initial "J".

PREFACE TO THE 2007 EDITION

For more than 50 years, the New York Law Reports Style Manual has been issued by the Law Reporting Bureau with the approval of the Court of Appeals as a guide for New York judges and their staffs in the preparation of opinions for publication in the Official Reports. It also prescribes the style applied by the Law Reporting Bureau in editing the opinions for publication in the Reports. Although not binding on them, many lawyers find the Manual useful in preparing papers for submission to New York courts. The Style Manual provides a guide for opinion writers and editors in five primary areas: citation, abbreviation, capitalization, quotation, and word style and usage. Additionally, it specifies for editors the format and typographical standards for the Reports.

General References

This Manual supplements general citation and style authorities, providing more detail on New York materials and a more specific focus on judicial opinions. General authorities should be consulted on matters not covered by this Manual. These authorities include:

The Bluebook: A Uniform System of Citation (Colum L Rev Assn et al. eds, 18th ed 2005)

Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual (Aspen Publs 3d ed 2006)

Bryan A. Garner, The Redbook: A Manual on Legal Style (2d ed 2006)

The Chicago Manual of Style (15th ed 2003)

Webster's Third New International Dictionary (2002)

Black's Law Dictionary (8th ed 2004)

Gerald Lebovits, Advanced Judicial Opinion Writing (7.4 ed 2004)

Richard C. Wydick, Plain English for Lawyers (5th ed 2005)

Important Changes

This 2007 Edition has been revised to provide updated and expanded examples of citation formats, including those for electronic sources; to conform to modern style practices; to further

reduce unnecessary style variations from standard sources; and to resolve residual style inconsistencies. This edition further promotes the use of plain English and a writing style respectful of the privacy and dignity of persons referred to in decisions. It incorporates and makes permanent the changes published in the 2004 Supplement to the 2002 Edition. The most noteworthy of the changes found in this Manual are:

1. Citation Style:

- To eliminate guesswork about how to cite decisions by name, a new rule (2.1 [a] [1]) requires that published New York decisions be cited by the case names specified in the newly published Official Case Name and Citation Locator (<http://iapps.courts.state.ny.us/lawReporting/SearchCitation>) and in the “Cite Title As” fields of the on-line Reports. The Locator compiles and conforms to modern style the case names in the tables of cases in the printed Reports.
- To give authors a means to avoid interrupting their text with citations, a rule (1.2 [e]) first introduced in the 2004 Supplement permits the use of the citational footnote style, and a model opinion in that style has been included as Appendix 7.
- In accordance with standard authorities, a revised rule first included in the 2004 Supplement makes mandatory the formerly optional use of year of decision in full case citations (1.1 [a]).
- In a continuing effort to eliminate useless citation formalities, the use of *supra* to indicate that an authority has been cited previously is no longer permitted with shortened citations (1.3 [b] [2]) and is no longer required for any subsequent reference (1.3 [c]); and the placement of a comma between a citation signal and the citation is no longer permitted (1.4 [a]).
- A number of changes stem from the migration of legal research from print to electronic formats. Thus, the requirement to supply print page references where the electronic source cited does not provide them has been eliminated (1.5 [e]; 7.1 [a]). Formats for citing tabular or abstracted cases (table in print, full text on line) have been added (2.2 [b] [2]; 2.4 [a] [2]). The restrictions on citing Internet materials have been eased to permit Internet citations where the cited

material is not readily available in another form (2.4 [a] [3]; 7.1 [c] [1]). And a format for citing weblogs has been provided (7.1 [c] [4]).

- Use of the names of student authors of law review notes (7.2 [b]) and authors of American Law Reports annotations (7.5 [b]), in accordance with the modern rule in standard citation authorities, now is required.
- Additional or revised forms of citation have been provided for commission and agency documents and materials (2.4 [b] [1]); statutes (3.1-3.3, Appendix 4); regulations, court rules and jury instructions (4.1-4.2); legal periodicals, treatises and other works (7.2-7.6); and legal documents such as transcripts, exhibits and affidavits (7.7).

2. Abbreviation:

Many new abbreviations have been added for case names, law reports, appellate history terms and statutes (Appendices 1-4).

3. Capitalization:

The rules on capitalization continue to be modernized, in accordance with standard authorities, to eliminate excessive capitalization. Thus:

- A new rule clarifies that the word “the” is not capitalized as part of the name of an entity (e.g., the New York Times) (10.4 [c]).
- Rules have been added on capitalization of regional names (10.1 [n]), animal breeds (10.1 [o]) and numbered items such as indictments and exhibits (10.1 [p]).

4. Quotations:

Modern and simplified practices on the omission or alteration of language in quoted material have been adopted.

- As first required in the 2004 Supplement, an elision is to be indicated by three ellipsis points (. . .), not by asterisks (11.1 [c]).
- For simplicity, the use of three ellipsis points, rather than four points (three ellipsis points and a period), to indicate the omission of language between quoted sentences now is preferred (11.1 [c]).

- In accordance with standard authorities, the use of “emphasis in original” is no longer permitted, since quotations are presumed to be faithful to their source unless an alteration is indicated (11.1 [f]).

5. Word Style and Usage:

- In recognition of privacy and security concerns, the rule (12.4), introduced in the 2004 Supplement, on the redaction of personal identifying information has been expanded.
- To promote the use of plain English, the rule on avoiding Latinisms has been expanded to include legalisms (12.3).
- Many examples have been added to the list showing the style of particular words, with a continuing modern style emphasis on reducing excessive use of hyphens and italics (Appendix 5), and recurrent style inconsistencies have been addressed by new rules (e.g., 10.3 [e] [specifying 1920s, not 1920’s]).
- A new rule (12.5) provides guidance on describing persons with disabilities.

6. Other Changes:

The rules on formulation of case summaries (appeal statements) are not new, but were not previously included in this Manual (Appendix 8).

Exceptions and Changes

Deviations from the rules stated in this Manual are permitted where application of a rule would adversely affect the clarity or readability of an opinion. The Law Reporting Bureau welcomes suggestions to improve the Style Manual. Send them to reporter@courts.state.ny.us.

Internet Version of this Manual

Changes to this Manual will be posted to the Bureau’s Internet site at http://www.nycourts.gov/reporter/styman_menu.htm. Use of the Internet version is strongly recommended not only for updates, but also to gain the advantages of word searching, hypertext linking and coordinating use of the Manual with the Official Case Name and Citation Locator.

RULES REQUIRING CITATION TO OFFICIAL REPORTS

“New York decisions shall be cited from the official reports, if any.”
(CPLR 5529 [e].)

“Where New York authorities are cited in any submissions, New York Official Law Report citations shall be included, if available.”
(Rules of Ct of Appeals [22 NYCRR] § 500.1 [c].)

“Where New York authorities are cited in any paper, New York Official Law Report citations must be included.” (Rules of Ct of Appeals [22 NYCRR] § 510.1 [a].)

“New York decisions shall be cited from the official reports, if any.”
(Rules of App Div, 1st Dept [22 NYCRR] § 600.10 [a] [11].)

“New York decisions shall be cited from the official reports, if any.”
(Rules of App Div, 4th Dept [22 NYCRR] § 1000.4 [f] [7].)

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PART I: CITATION STYLE

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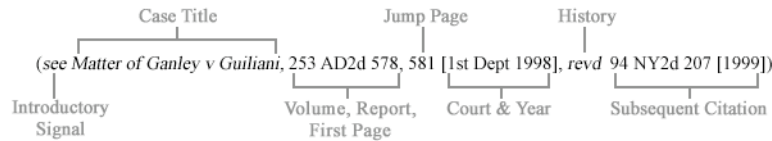
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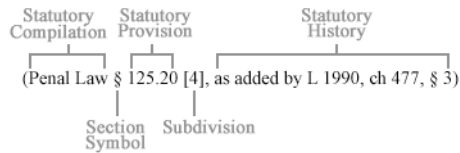
1.1 ELEMENTS OF A CITATION

1.1 (a) Case Citation Elements



The year of decision must be included for all full case references, including references to appellate history.

1.1 (b) Statutory Citation Elements



1.2 PLACEMENT OF CITATIONS

1.2 (a) Where to Place

Citations may be placed in running text, within parentheses, or in footnotes. The prevalent style in the Official Reports is to place citations within parentheses. Unless otherwise indicated, the examples in this Manual are shown in that form.

1.2 (b) Citations in Running Text

The term “citation in running text” indicates an authority referred to in the text of a sentence, as in the examples below:

The situation in *Rogers v Rogers* (63 NY2d 582 [1984], rev'd 98 AD2d 999 [1983]) mirrors the situation in this decision.

The clear and convincing evidence standard discussed in *Solomon v State of New York* (146 AD2d 439, 440 [1st Dept 1989], quoting *Addington v Texas*, 441 US 418, 427 [1979]) was not met here.

Plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102 (d).

1.2 (c) Citations within Parentheses

The term “citation within parentheses” refers to any citation that appears entirely within parentheses.

(1) How to Reference

Citations within parentheses may be referenced as in the examples below:

The clear and convincing evidence standard was not met here (*see Solomon v State of New York*, 146 AD2d 439, 440 [1st Dept 1989], quoting *Addington v Texas*, 441 US 418, 427 [1979]).

The facts in this decision are not unusual (*see George C. Miller Brick Co., Inc. v Stark Ceramics, Inc.*, 9 Misc 3d 151 [Sup Ct, Monroe County 2005, Fisher, J.]).

Plaintiff did not sustain a serious injury (Insurance Law § 5102 [d]).

(2) Punctuation

Place the final period in a sentence ending with a parenthetical as follows:

Such is the law (*People v Moran*, 2 AD3d 216 [2003]).

Such is the law. (*People v Moran*, 2 AD3d 216 [2003]).

Such is the law (*People v Moran*, 2 AD3d 216 [2003]).

The parenthetical is placed within the sentence (as in first example above) if it relates to the sentence alone, or outside the sentence (as in second example above) if it relates to more than one preceding sentence.

1.2 (d) Citations in Footnotes

Running text or parenthetical citation style may be used in footnotes. Some examples are:

* *Solomon v State of New York* (146 AD2d 439, 440 [1st Dept 1989], quoting *Addington v Texas*, 441 US 418, 427 [1979]).
[Note: running text]

* (*Solomon v State of New York*, 146 AD2d 439, 440 [1st Dept 1989], quoting *Addington v Texas*, 441 US 418, 427 [1979]).
[Note: parenthetical]

1.2 (e) Citational Footnote Style

The citational footnote style may be used in conjunction with either the running text citation style (section 1.2 [b]) or the citations within parentheses style (section 1.2 [c]). If used, the citational footnote style should be used for all citations in the opinion. Do not mix styles in the same opinion. See Appendix 7 for a model opinion formatted in the citational footnote style.

(1) Running Text Style

Place the case name in running text and the volume—report—page or other bibliographic information in the footnote and eliminate the parentheses enclosing the citation. The footnote number should be placed at the point in the text where the citation would appear if the citation were placed in the text.

Example:

The situation in *Rogers v Rogers*¹ mirrors the situation in this decision.

¹ 63 NY2d 582 (1984), *revg* 98 AD2d 999 (1983).

(2) Citations within Parentheses Style

Place the footnote number at the point where the parenthetical citation would appear if the parenthetical citation were placed in the body of the opinion, place the citation in the footnote and eliminate the parentheses enclosing the citation.

Example:

The facts in this decision are not unusual.¹

¹ See *George C. Miller Brick Co., Inc. v Stark Ceramics, Inc.*, 9 Misc 3d 151 (Sup Ct, Monroe County 2005, Fisher, J.).

(3) Textual Footnotes

When using the citational footnote style, citations that appear within textual footnotes should not be placed within parentheses.

Example:

² The effect of the deregulation on the structure and organization of the natural gas industry is detailed in *General Motors Corp. v Tracy*, 519 US 278, 283-297 (1997).

1.2 (f) Footnote Numbers in Relation to Punctuation

Footnote numbers appearing in decisions follow punctuation marks.

Example:

County Court denied defendant's motion;¹⁶ the Appellate Division reversed, vacated the judgment, restored the indictment to the pre-plea stage, and reinstated the prosecution's notice of intent to seek the death penalty.¹⁷

1.3 REFERENCE TO PREVIOUSLY CITED AUTHORITY

1.3 (a) Options for Referencing Previously Cited Authority

A reference to previously cited authority may use a short-form reference; repeat the full citation to the authority, followed by a “*supra*” (if desired); or use “*id.*” where appropriate. The subsequent citation should omit any reference to optional information (section 2.2 [a] [7]) and history.

1.3 (b) Short-Form References

(1) Shortened Case Names and Popular Names

Subsequent references to a case in running text or within parentheses may use a shortened case name. The shortened form of the case name is usually the name of the first nongovernmental party (for example, “*Krom*” for “*People v Krom*” and “*Albouyeh*” for “*Albouyeh v County of Suffolk*”). Popular names for cases (for example, “the *Central Park Jogger* case”) may be used when desired.

(2) Shortened Citations

Subsequent references to cases and statutes may be abbreviated as follows:

(*Matter of Murphy*, 6 NY3d at 43)

(*Murphy*, 6 NY3d at 43)

(*Murphy* at 43)

(6 NY3d at 43)

(§ 205.05)

“*Supra*” should not be used with shortened citations.

1.3 (c) Full Citation with “*Supra*”

The full citation may be repeated, as follows:

(*Matter of Murphy*, 6 NY3d 36 [2005], *supra*)

(Penal Law § 205.05, *supra*)

The use of “*supra*” with a repeated full citation is optional.

1.3 (d) Subsequent Reference to Immediately Preceding Authority

When a subsequent reference is made to an immediately preceding authority, “*id.*” may be used:

(*id.*) [Note: identical reference to an immediately preceding authority]

(*Id.* at 495.) [Note: reference to an immediately preceding authority at a different page]

1.3 (e) Subsequent Reference to Parallel Citations

Where parallel citations are provided in the first reference, subsequent references should supply jump page references for each parallel citation. Thus, (*Newbold v Arvidson*, 105 Idaho 663, 672 P2d 231 [1983]) becomes (*Newbold*, 105 Idaho at 667, 672 P2d at 235).

1.4 INTRODUCTORY SIGNALS

1.4 (a) Citations Introduced by Signals

Citations may be introduced by signals that indicate the purpose for which the citations are made and the degree of support the citations give. Do not place a comma between the signal and citation. Consult standard citation authorities for information regarding the order of signals and the order of authorities within each signal.

The following examples illustrate the use of introductory signals:

(*e.g. Dalton v Pataki*, 5 NY3d 243 [2005])

(see *Dalton v Pataki*, 5 NY3d 243 [2005])
(but see *Dalton v Pataki*, 5 NY3d 243 [2005])
(cf. *Matter of Oglesby v McKinney*, 28 AD3d 153 [2006])
(but cf. *Matter of Oglesby v McKinney*, 28 AD3d 153 [2006])
(accord *Matter of Oglesby v McKinney*, 28 AD3d 153 [2006])
(see also Penal Law § 20.00)
(compare Penal Law § 210.40 and CPL 320.10)
(see e.g. CPL 40.50)
(but see e.g. *People v McConnell*, 11 Misc 3d 57 [2006])
(compare *People v McConnell*, 11 Misc 3d 57 [2006])
(see generally *People v McConnell*, 11 Misc 3d 57 [2006])
(compare *Klein v Eubank*, 87 NY2d 459 [1996], with *Shapiro v McNeill*, 92 NY2d 91 [1998])
(compare *Klein v Eubank*, 87 NY2d 459 [1996], and *D'Amico v Crosson*, 93 NY2d 29 [1999], with *Shapiro v McNeill*, 92 NY2d 91 [1998])
(and see *Koehler v Koehler*, 182 Misc 2d 436 [1999])
(contra *Koehler v Koehler*, 182 Misc 2d 436 [1999])

1.4 (b) Signal Word Serving as a Verb

Do not italicize a signal word that serves as a verb of a sentence:

For a discussion of Executive Law § 63 (2), see *Matter of Johnson v Pataki* (91 NY2d 214 [1997]).

1.5 ELECTRONIC SOURCES IN GENERAL

1.5 (a) Electronic Services

Electronic services (e.g., Westlaw, Lexis) are cited as indicated in section 2.4 (a) (1).

1.5 (b) Internet Material

Internet material is cited as indicated in section 2.4 (a) (3) and section 7.1 (c).

1.5 (c) CD-ROM Material

CD-ROM material is cited as indicated in section 7.3 (d).

1.5 (d) New York Slip Opinions

New York slip opinions are cited as indicated in section 2.2 (a) (8).

1.5 (e) Page References

Some electronic sources do not contain pagination; therefore, page references are not required when citing those sources. Where the source contains pagination, a page reference may be included if greater precision is desired.

2.0 CASES**Contents of Section****2.1 CASE NAMES****2.1 (a) New York Cases****(1) Cases Officially Reported****(2) Cases Not Officially Reported****2.1 (b) Supreme Court of the United States Cases****2.1 (c) Other Cases****2.2 NEW YORK COURT DECISIONS****2.2 (a) Decisions Officially Reported****2.2 (b) Unofficially Reported or Unreported Decisions****2.3 FEDERAL AND OUT-OF-STATE DECISIONS****2.3 (a) Supreme Court of the United States****2.3 (b) Other Federal Courts****2.3 (c) Out-of-State and Unofficial Case Citations****2.4 OTHER SOURCES OF DECISIONS****2.4 (a) Electronic Case Citations****(1) On-Line Services****(2) Citing Tabular Cases****(3) Internet Material****2.4 (b) Commission, Agency and Ethics Opinions****(1) Commission and Agency Documents and Materials****(2) Ethics Opinions****2.1 CASE NAMES****2.1 (a) New York Cases****(1) Cases Officially Reported****First, Second and Third Series Cases**

Case names for New York decisions reported in the first, second and third series of the New York Official Reports can be found in the Official Case Name and Citation Locator at <http://iapps.courts.state.ny.us/lawReporting/SearchCitation>. The case name for a decision also is provided in the "Cite Title As" field in the on-line Official Reports. Case names found in the Table of Cases in the printed Official Reports should not be used when they differ from the electronic version.

(2) Cases Not Officially Reported

If a case has not been officially reported, formulate a case name using the citation naming conventions found in standard citation manuals and apply the abbreviations listed in Appendix 1. Also see examples of case names in Appendix 6.

2.1 (b) Supreme Court of the United States Cases

Case names for the Supreme Court of the United States cases are found on the Supreme Court Web site at <http://www.supremecourtus.gov/opinions/casefinder.html>. If the case does not appear in the Supreme Court's listing, formulate a case name using the citation naming conventions found in standard citation manuals and apply the abbreviations listed in Appendix 1.

2.1 (c) Other Cases

For any other case, use the case name found in standard citation services, or formulate a name by applying citation naming conventions found in standard citation manuals. In either event, use the abbreviations listed in Appendix 1.

2.2 NEW YORK COURT DECISIONS**2.2 (a) Decisions Officially Reported****(1) Basic Citation Style**

Cite to the Official Reports as follows:

(O'Connell v Corcoran, 1 NY3d 179 [2003])

(Matter of Cornell Univ. v Beer, 16 AD3d 890 [2005])

(Matter of Gernold, 9 Misc 3d 427 [2005])

(2) Point or Jump Page Citation

To refer to a particular "jump" or point page in a decision:

(People v Ramos, 90 NY2d 490, 495 [1997])

(Matter of Cornell Univ. v Beer, 16 AD3d 890, 894 [2005])

Where the point page is the same as the initial page:

(Matter of Allen v Black, 275 AD2d 207, 207 [2000])

(3) Case Citation Containing Footnotes

Cases Containing Single Footnote

Citation to the sole footnote in a decision is designated by a lowercase “n” as follows:

(People v Wilson, 93 NY2d 222, 226 n [1999])

Cases Containing More Than One Footnote

Where a case contains more than one footnote, the citation should indicate the number of the footnote being cited as follows:

(Desiderio v Ochs, 100 NY2d 159, 168 n 3 [2003])

Case Citation Containing Multiple Footnotes

Cite multiple footnotes appearing on the same page as follows:

(Matter of Black Radio Network v Public Serv. Commn. of State of N.Y., 253 AD2d 22, 25 nn 2, 3 [1999])

(4) Citation Referencing Multiple Page Quotation

In citing a single quotation that runs over two or more pages, give the pages at which it begins and ends, separated by a hyphen, rather than a comma:

(Matter of Sayeh R., 91 NY2d 306, 316-317 [1997])

(Scalp & Blade v Advest, Inc., 309 AD2d 219, 226-227 [2003])

(5) Citation Including Appellate History

Show appellate history as follows:

(Flores v Lower E. Side Serv. Ctr., 3 AD3d 459 [2004], revd 4 NY3d 363 [2005])

(D’Angelo v Cole, 108 AD2d 541 [1985], mod 67 NY2d 65 [1986])

(National City Bank v Gelfert, 257 App Div 465 [1939], revd 284 NY 13 [1940], revd 313 US 221 [1941])

(Garden Homes Woodlands Co. v Town of Dover, 95 NY2d 516 [2000], revg 266 AD2d 187 [1999])

(*Matter of Rosenblum v New York State Workers' Compensation Bd.*, 309 AD2d 120 [2003], *affg* 190 Misc 2d 588 [2002])

(*Gross v Sandow*, 5 AD3d 901 [2004], *lv dismissed and denied* 3 NY3d 735 [2004])

(*People v Ferber*, 96 Misc 2d 669 [1978], *affd* 74 AD2d 558 [1980], *revd* 52 NY2d 674 [1981], *revd* 458 US 747 [1982])

(*Kaufman v Eli Lilly & Co.*, 65 NY2d 449 [1985], *modfg* 99 AD2d 695 [1984], *which affd* 116 Misc 2d 351 [1982])

(*Ferres v City of New Rochelle*, 112 AD2d 918 [1985], *lv granted* 67 NY2d 603 [1986])

(*Marco v Sachs*, 10 NY2d 542 [1962], *rearg denied* 11 NY2d 766 [1962])

(*People v Rowe*, 152 AD2d 907 [1989], *affd for reasons stated below* 75 NY2d 948 [1990])

(*N.A. Kerson Co. v Shayne, Dachs, Weiss, Kolbrenner, Levy*, 59 AD2d 551 [1977], *affd on concurring op of Suozzi, J.*, 45 NY2d 730 [1978])

For a listing of appellate history abbreviations, see Appendix 3.

(6) Multiple Citations

Where multiple citations are given, the style is:

(*cf. Edkins v Board of Educ. of City of N.Y.*, 261 App Div 1096 [1941], *revd* 287 NY 505 [1942]; *Brown v Rosenbaum*, 262 App Div 136 [1941], *affd* 287 NY 510 [1942]; *Broderick v Aaron*, 264 NY 368 [1934])

(*see Hill v St. Clare's Hosp.*, 107 AD2d 557 [1985], *mod* 67 NY2d 72 [1986]; *cf. McDermott v Torre*, 56 NY2d 399 [1982]; *Holzberg v Flower & Fifth Ave. Hosps.*, 32 NY2d 716 [1973], *affg* 39 AD2d 526 [1972])

(7) Optional Information

Although including the deciding forum and judge is not required, such information may be supplied in brackets, following the citation, omitting whatever information is made redundant by the citation itself.

Examples:

(Iazzetti v City of New York, 94 NY2d 183 [Dec. 2, 1999, Kaye, Ch. J.])

(People v Otero, 268 AD2d 615 [3d Dept 2000])

(Town of Clarkstown v M.R.O. Pump & Tank, Inc., 32 AD3d 925 [2d Dept 2006])

(Ponce v St. John's Cemetery, 222 AD2d 361, 364 [1995, Rubin, J., dissenting])

(Davern Realty Corp. v Vaughn, 161 Misc 2d 550 [App Term, 2d Dept 1994]) or

(Davern Realty Corp. v Vaughn, 161 Misc 2d 550 [App Term, 2d & 11th Jud Dists 1994]) or

(Davern Realty Corp. v Vaughn, 161 Misc 2d 550 [App Term, 2d Dept, 2d & 11th Jud Dists 1994])

(Department of Hous. Preserv. & Dev. of City of N.Y. v Living Waters Realty Inc., 14 Misc 3d 484 [Hous Part, Civ Ct, NY County 2006])

(LaManna v Carrigan, 196 Misc 2d 98 [Civ Ct, Richmond County 2003, Vitaliano, J.])

(People v David, 146 Misc 2d 628 [Rochester City Ct 1989])

(People v Comstock, 8 Wend 549 [Sup Ct Judicature 1832])

(Morss v Morss, 11 Barb 510 [Sup Ct, Albany County 1851])

Decision Type

The use of decision type indicators is optional:

(Hernandez v Robles, 7 NY3d 338 [2006 plurality])

(Arbanil v Flannery, 31 AD3d 588 [2006 mem])

(Matter of Anonymous, 37 AD3d 970 [2007 per curiam])

Court Abbreviations

References to courts within citations should be abbreviated as follows:

Appellate Division	App Div
City Court	[city name] City Ct
Civil Court of the City of New York	Civ Ct, [county name] County
County Court	[county name] County Ct
Note: Court of Appeals (Federal)	[circuit No.] Cir
Court of Appeals (State)	Ct App
Court of Claims	Ct Cl
Criminal Court of the City of New York	Crim Ct, [county name] County
Note: District Court (Federal)	D [forum]
District Court (State)	[Nassau or Suffolk] Dist Ct
Family Court	Fam Ct
Housing Part	Hous Part
Judicial District	Jud Dist
Justice Court	Just Ct
Police Court	Police Ct
Superior Court	Super Ct
Note: Supreme Court (Federal)	US
Supreme Court (State)	Sup Ct
Supreme Court, Appellate Term	App Term
Surrogate's Court	Sur Ct

(8) Citation to Slip Opinions

Opinions scheduled for publication in the Official Reports are cited: [year] NY Slip Op [number], as follows:

(*Pittari v Pirro*, __ Misc 2d __, 1999 NY Slip Op 99006 [Sup Ct, Westchester County 1998])

(*Matter of Brown*, __ AD2d __, __, 2000 NY Slip Op 01479, *3 [4th Dept 2000])

(*Goodman v Barnard Coll.*, __ NY2d __, 2000 NY Slip Op 04838 [2000])

2.2 (b) Unofficially Reported or Unreported Decisions

(1) New York Parallel Unofficial Citations

Parallel unofficial citations are not used for officially reported New York State cases.

(2) Citation to Unreported Cases

Unreported New York Slip Opinions with Published Abstracts

A number of opinions not selected for full publication in the Miscellaneous Reports are published in abstract form in the printed Miscellaneous 3d Reports and in full text in the Slip Opinion Service and on-line Official Reports. Each opinion is assigned a Miscellaneous 3d citation as well as a unique Slip Opinion citation that is paginated to permit point page references.

Cite as follows:

(Matter of Lee v Chin, 1 Misc 3d 901[A], 2003 NY Slip Op 51455[U] [2003])

Jump page reference:

*(2003 NY Slip Op 51455[U], *9)*

Unreported New York Slip Opinions without Published Abstracts

Unreported slip opinions not abstracted in the Miscellaneous Reports are cited as follows:

(Pierre v Brady, 2002 NY Slip Op 50660[U] [2002])

Unreported Appellate Motion Decisions

Most Appellate Division and Appellate Term motion decisions are not published in print. They are cited as follows:

(Blair v Pierre, 2006 NY Slip Op 78812[U] [2d Dept 2006])

Other Unreported Cases

Cite unreported cases not published in the New York Slip Opinion Service in the following manner, including any information that would be useful in identifying the case:

(Keenan v Dayton Beach Park No. 1 Corp., Sup Ct, Queens County, June 5, 1990, Hentel, J., index No. 10302/84)

(Sinha v Sinha, Sup Ct, NY County, Oct. 3, 2003, Hoahng, Special Ref.)

(People v Moody, Sup Ct, NY County, Oct. 17, 1985, Neco, J., indictment No. 84-201)

(*People v Boss*, Sup Ct, Albany County, Feb. 17, 2000, Teresi, J., slip op at 4)

(3) Citation to the New York Law Journal

Where a case is not officially reported or published as an unreported case in the New York Slip Opinion Service, but appears in the New York Law Journal, cite as follows:

(*Matter of Lutz*, NYLJ, Mar. 28, 1986, at 15, col 5)

(*People v Shulman*, NYLJ, Apr. 2, 1999, at 35, col 6, at 36, col 1)

(*Tryon v Westermann*, NYLJ, Oct. 6, 2000, at 30, col 5 [Sup Ct, Nassau County, Austin, J.]

(4) Discontinued Unofficial Report

Where the choice lies between an unofficial report that is current and a discontinued unofficial report, the current report should be cited:

(*National Mahaiwe Bank v Hand*, 30 NYS 508 [1894])

(*National Mahaiwe Bank v Hand*, 80 Hun 584 [1894])

2.3 FEDERAL AND OUT-OF-STATE DECISIONS

2.3 (a) Supreme Court of the United States

(1) Citation to Official Reports

Supreme Court of the United States cases are cited from the United States Reports where available:

(*Ohrlick v Ohio State Bar Assn.*, 436 US 447 [1978])

Include whatever optional information is desired:

(*Sandin v Conner*, 515 US 472 [1995, Rehnquist, Ch. J.]

(2) Citation to Unofficial Reports

When the citation to the United States Reports is unavailable, supply a blank citation to the United States Reports with a parallel citation to an unofficial report as follows:

(*Randall v Sorrell*, 548 US __, __, 126 S Ct 2479, 2487-2491 [2006])

or

(*Randall v Sorrell*, 548 US __, __, 165 L Ed 2d 482, 493-497 [2006])

2.3 (b) Other Federal Courts

(1) Reported Federal Cases

Cite other federal court decisions as follows:

(*O’Kane v Apfel*, 224 F3d 686 [2000])

(*Andale Equip. v Deere & Co.*, 985 F Supp 1042 [1997])

Include whatever optional information is desired:

(*United States v Seltzer*, 227 F3d 36 [2d Cir 2000])

(*Dennis v Warren*, 779 F2d 245 [5th Cir 1985]; *Schultz v Frisby*, 619 F Supp 792 [ED Wis 1985])

(*Mavrovich v Vanderpool*, 427 F Supp 2d 1084 [D Kan 2006])

(*United States v Gridley*, 725 F Supp 398 [ND Ind 1989])

(*Jean v Collins*, 221 F3d 656 [4th Cir 2000, en banc])

(2) Unreported Federal Cases

(*Lonf v Apfel*, 1 Fed Appx 326 [2001])

(*Packer v City of Toledo*, 1 Fed Appx 430 [6th Cir 2001])

(*Lewis v Bloomburg Mills*, US Dist Ct, SC, Dec. 30, 1982, Hemphill, J.)

(*Govic v New York City Tr. Auth.*, US Dist Ct, SD NY, 89 Civ 7062, DiCarlo, J., 1989)

2.3 (c) Out-of-State and Unofficial Case Citations

(1) Where Official Reports Available

Out-of-state cases are cited to the state official reports where available, followed by the parallel National Reporter System citation:

(*Newbold v Arvidson*, 105 Idaho 663, 672 P2d 231 [1983])

(2) Where Official Reports Unavailable

Where an out-of-state case is cited only to the National Reporter System because no official citation is available, the name of the jurisdiction should be added in abbreviated form in brackets:

(*Brinker v First Natl. Bank*, 37 SW2d 136 [Tex 1931])

(3) Citing Reports Known by Name of Reporter

When citing reports known by name of the reporter, except New York and English reports, the jurisdiction should be added in abbreviated form in brackets after the name of the reporter:

(*Meade v M'Dowell*, 5 Binn [Pa] 195 [1812])

(4) Public Domain (Vendor or Medium Neutral) Citation

When a public domain citation is provided, supply a parallel citation to a published source:

(*Alberte v Anew Health Care Servs.*, 232 Wis 2d 587, 595, 605 NW2d 515, 519, 2000 WI 7, ¶ 12 [2000])

2.4 OTHER SOURCES OF DECISIONS**2.4 (a) Electronic Case Citations****(1) On-Line Services**

Citation to a case contained in an electronic service (e.g., Westlaw or Lexis) is permissible only when the case is not published in book form. Where access to both Westlaw and Lexis is available, both services should be cited, as follows:

(*Savitt v Vacco*, 1998 WL 690939, *7, 1998 US Dist LEXIS 15582, *21-22 [ND NY 1998])

(*Beasley v Hub City Texas, L.P.*, 2003 WL 22254692, *2 n 3, 2003 Tex App LEXIS 8550, *5 n 3 [Ct App 2003])

(2) Citing Tabular Cases

Citation for tabular cases where the full text is published only on Westlaw and Lexis:

Regal v General Motors Corp., 266 Wis 2d 1060, 668 NW2d 562 [2003] [table; text at 2003 WL 21537821, *3, 2003 Wis App LEXIS 634, *13-14 (Ct App 2003)]

United States v Hollingsworth, 81 F3d 171 [1996] [table; text at 1996 WL 138583, 1996 US App LEXIS 8610 (1996)]

Jump page reference:

(1996 WL 138583, *3, 1996 US App LEXIS 8610, *9)

(3) Internet Material

Citation to Internet material is permitted where the material is not readily available in another form, in which case provide the uniform resource locator (URL), author (if any given), case name or document title, and date the document was last updated. When the document does not provide information as to when it was last updated, provide the date on which the document site was accessed.

Applications of a Child with a Disability [Board of Educ. of Kenmore-Tonawanda Union Free School Dist.], <http://www.sro.nysed.gov/1996/96-55-96-66.htm> [NY St Educ Dept, Off of St Review, Decision Nos. 96-55 & 96-66, Nov. 20, 1996, Eldridge, SRO, accessed Jan. 10, 2007]

2.4 (b) Commission, Agency and Ethics Opinions

(1) Commission and Agency Documents and Materials

Cite as follows:

(31 PERB ¶ 3050 [1998])

(11 Ops Counsel SBRPS No. 37 [2002])

(9 Ops Counsel SBEA No. 84, at 153 [1991]) [Note: pre-1994]

(1937 Ops Atty Gen 113) [Note: pre-1983]

(1999 Ops Atty Gen No. 99-F3, at 1011) [Note: formal opinion]

(2006 Ops Atty Gen No. 2006-F4) [Note: formal opinion]

(1932 Atty Gen [Inf Ops] 206) [Note: pre-1983]

(1999 Ops Atty Gen No. 99-5) [Note: informal opinion]

(12 Ops St Comp No. 8208, at 276 [1956]) [Note: pre-1978]

(2001 Ops St Comp No. 2001-3)

(1998 Ops St Comp No. 98-10, at 26)

(39 US Atty Gen 132)

(NY St Div of Hous & Community Renewal Advisory Op No. 92-1)

(1969 Rep of NY Law Rev Commn, at 139)

(34 NY PSC 1524 [Op No. 94-24])

(2000 NY PSC Op No. 96-12, at 31) [Note: on-line opinions]

(36 Ed Dept Rep 508 [Decision No. 13,787])

(Comm on Open Govt OML-AO-3899 [2004]) [Note: Open Meetings Law Advisory Opinion]

(Comm on Open Govt FOIL-AO-13559 [2002]) [Note: FOIL Advisory Opinion]

(Ops Gen Counsel NY Ins Dept No. 02-07-23 [July 2002]) [Note: on-line opinions]

Supply case name information where applicable. For example:

(Matter of Freeport Union Free School Dist. [Freeport Educ. Off. Assn.], 31 PERB ¶ 4021 [1998])

(2) Ethics Opinions

Cite as follows:

(11 Advisory Comm on Jud Ethics Op 91-68 [1991])

(Advisory Comm on Jud Ethics Op 06-82 [2006]) [Note: on-line opinions]

(NY St Ethics Commn Advisory Op 94-21 [1994])

(NY St Bar Assn Comm on Prof Ethics Op 656 [1993])

(Bar Assn of Nassau County Comm on Prof Ethics Op 2-89 [1989])

(ABA Comm on Ethics and Prof Responsibility Formal Op 342 [1975])

(Assn of Bar of City of NY Comm on Prof and Jud Ethics
Formal Op 2000-2 [2000])

(AMA Code of Med Ethics, Ops on Prac Matters E-8.081)

(2005 Ann Rep of NY Commn on Jud Conduct, at 155)

(53 Rec of Assn of Bar of City of NY, at 450 [1998])

3.0 STATUTES AND LEGISLATIVE MATERIALS

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3.3 OUT-OF-STATE STATUTES

3.1 NEW YORK STATUTES AND LEGISLATIVE MATERIALS

3.1 (a) Statutory Abbreviation Style in General

The statute name abbreviations listed in Appendix 4 should be used for statutory citations within parentheses. Either the full name or the abbreviated name may be used in running text.

3.1 (b) Statutory Citation Style

(1) Basic Citation Form

(a) Citations within Parentheses

Citations should appear within parentheses as follows:

(Penal Law art 80)

(Penal Law, art 80, § 80.05)

(Town Law § 199 [1] [a])

(ECL 11-0703 [4] [b])

(General Municipal Law § 50-e [3] [d])

(CPLR 5602 [b] [2] [iii])

(Domestic Relations Law § 236 [B] [6] [a] [3])

(b) Citations in Running Text

Some suggested forms of statutory citations in running text are as follows:

Town Law § 199 provides . . .

Section 199 of the Town Law provides . . .

Penal Law article 80 provides . . .

Article 80 of the Penal Law provides . . .

Penal Law, article 80, § 80.05 provides . . .

Town Law § 199 (1) (a) provides . . .

Subdivision (1) of Town Law § 199 provides . . .

Paragraph (a) of Town Law § 199 (1) provides . . .

Subdivision (1) (a) of Town Law § 199 provides . . .

Clause (iii) of CPLR 5602 (b) (2) provides . . .

Civil Practice Law and Rules § 5602 (b) (2) (iii) provides . . .

CPLR 5602 (b) (2) (iii) provides . . .

(2) Citation Strings and Multiple Statutory Citations

(a) Parallel Hierarchy

Citations within Parentheses

References to parts, subdivisions, paragraphs, clauses, etc., of sections of statutes cited in parallel hierarchy (divisions of sections of the same rank or hierarchy) should appear within parentheses as follows:

(Town Law § 199 [1], [3])

(CPLR 5602 [a], [b])

(Penal Law § 125.25 [1] [a], [b])

The comma is inserted between divisions of the same rank.

Citations in Running Text

Some suggested forms of citation of parallel hierarchy in running text are as follows:

Town Law § 199 (1), (3) provide . . .

Subdivisions (1) and (3) of Town Law § 199 provide . . .

Penal Law § 125.25 (1) (a) and (b) provide . . .

(b) Ascending Hierarchy

Citations within Parentheses

References to divisions of sections of statutes cited in ascending hierarchy (divisions followed by more inclusive divisions of the section) should appear within parentheses as follows:

(Town Law § 199 [1] [a]; [3])

(CPLR 5602 [a] [1] [ii]; [b] [2])

The semicolon is inserted at the point where a following division is of a more inclusive character than the preceding one.

Citations in Running Text

Some suggested forms of ascending hierarchy citations in running text are as follows:

Town Law § 199 (1) (a) and (3) provide . . .

Subdivisions (1) (a) and (3) of Town Law § 199 provide . . .

(c) Multiple Sections of Statute with Section Symbol

Citations within Parentheses

In citations of multiple sections of a statute, the section symbol must be repeated (with a semicolon preceding it) at the point where a following division is of a more inclusive character than the preceding one. For instance,

when a section has been split as far as a subdivision and the next citation is a section, the section symbol must be repeated with the semicolon preceding the symbol. The form is:

(Town Law § 199 [1]; § 200)

(Town Law §§ 198, 199 [1] [a], [b]; [3]; § 200)

(Labor Law § 200 [1], [4]; § 220-a [2]; *see also* §§ 220-a, 220-b)

Citations in Running Text

In citing multiple sections of a statute in running text, the form is:

Town Law §§ 198, 199 (1) (a), (b) and (3) and § 200 provide . . .

Tax Law § 1132 (e) and § 1139 (a) and 20 NYCRR 534.7 provide . . .

(d) Multiple Sections of Statute without Section Symbol

Citations within Parentheses

Where the form of statutory citation omits the section symbol (e.g., CPL, CPLR, ECL, EPTL, PRHPL, RPAPL, SCPA), citations of multiple sections of the statute appear as follows when cited within parentheses:

(CPL 30.20 [2]; 100.05)

(CPLR 5601 [a], [b] [2]; 5602 [a] [1] [ii])

Citations in Running Text

When citations omitting the section symbol appear in running text, the form is:

CPLR 5601 (a), (b) (2) and 5602 (a) (1) (ii) provide . . .

(3) Statutory Amendments, Additions and Renumbering

(a) Basic Statutory Amendment

Citation within Parentheses

Cite as follows:

(Abandoned Property Law § 103 [a], as amended by L 1944, ch 498)

Citation in Running Text

Cite as follows:

Abandoned Property Law § 103 (a) (as amended by L 1944, ch 498) provides . . .

(b) Statutory Addition and Amendment

Citation within Parentheses

Cite as follows:

(Energy Law § 12-103, as added by L 1978, ch 649, § 1, as amended by L 1980, ch 556, § 1)

Citation in Running Text

Cite as follows:

Energy Law § 12-103 (as added by L 1978, ch 649, § 1, as amended by L 1980, ch 556, § 1) provides . . .

(c) Renumbering of Statute

Citation within Parentheses

Cite as follows:

(UCCA 1812, as renum by L 1976, ch 156, § 8)

Citation in Running Text

Cite as follows:

UCCA 1812 (as renum by L 1976, ch 156, § 8) provides . . .

(4) Former Statutes

(a) Basic Form

Cite statutes referred to in a historical context as:

(former Penal Law § 210 [5] [a])

When cited in running text, interior brackets are changed to parentheses:

Former Penal Law § 210 (5) (a) provided . . .

(b) More Precise Form

When greater precision is desired, the following forms may be used:

Citation within Parentheses

(Judiciary Law former § 434)

(Judiciary Law § 434 [former (6)])

(Education Law § 2518 [1] [former (a)])

Citation in Running Text

Judiciary Law former § 434 provided . . .

Former section 434 of the Judiciary Law provided . . .

Judiciary Law § 434 (former [6]) provided . . .

Education Law § 2518 (1) (former [a]) provided . . .

3.1 (c) Nonstatutory Material in Statutory Compilations

(1) In General

Commercial statutory compilations often provide commentaries, statutory histories, reviser's notes, etc., following a statute or in an appendix. They are cited as follows:

(2) Citation within Parentheses

Cite as follows:

(McKinney's Cons Laws of NY, Book 1, Statutes § __)

(Constitutional Interpretation, McKinney's Cons Laws of NY, Book 2, Constitution § __ [1969 ed])

(Siegel, Practice Commentaries, McKinney's Cons Laws of NY, Book 7B, CPLR C3219:1)

(Preiser, 1985 Supp Practice Commentary, McKinney's Cons Laws of NY, Book 11A, CPL 240.50, 1991 Supp Pamph, at 203)

(Givens, Supp Practice Commentaries, McKinney's Cons Laws of NY, Book 23A, General Obligations Law § 5-701, 1991 Pocket Part, at 8-9)

(Advisory Comm Notes, reprinted following NY CLS, Book 4A, CPLR 105, at 48)

(Donnino, Practice Commentary, McKinney's Cons Laws of NY, 2005 Electronic Update, Penal Law § 250.45)

(Reviser's Notes, McKinney's Cons Laws of NY, Book 58A, SCPA 2226 [now 2227], at 292 [1967 ed])

(3) Citation in Running Text

Cite as follows:

McKinney's Consolidated Laws of NY, Book 1, Statutes § __ states . . .

According to Constitutional Interpretation (McKinney's Cons Laws of NY, Book 2, Constitution § __ [1969 ed]) . . .

Siegel, Practice Commentaries (McKinney's Cons Laws of NY, Book 7B, CPLR C3219:1) explains . . .

Preiser, 1985 Supplementary Practice Commentary (McKinney's Cons Laws of NY, Book 11A, CPL 240.50, 1991 Supp Pamph, at 203) discusses . . .

As explained in Givens, Supplementary Practice Commentaries (McKinney's Cons Laws of NY, Book 23A, General Obligations Law § 5-701, 1991 Pocket Part, at 8-9) . . .

The Advisory Committee Notes following CPLR 105 (reprinted in NY CLS, Book 4A, at 48) provide background . . .

According to the Reviser's Notes (McKinney's Cons Laws of NY, Book 58A, SCPA 2226 [now 2227], at 292 [1967 ed]) . . .

3.1 (d) Session Laws and Unconsolidated Laws

(1) In General

New York session laws may be cited when referring to a statutory enactment not contained in the consolidated laws or to indicate the addition, amendment, renumbering or repeal of a consolidated law or division thereof. Citation may be made to the appropriate session and chapter as well as to the act's popular name or short title, if any. In addition, if the enactment is contained in McKinney's Unconsolidated Laws of New York or New York Consolidated Laws Service Unconsolidated Laws, a citation to these compilations may be included. Subsequent references to an unconsolidated law's popular name or short title may appear in an abbreviated

form (e.g., Emergency Tenant Protection Act of 1974 [ETPA] or Rent Stabilization Law of 1969 [RSL]), using a section sign (ETPA § 5).

(2) Citation within Parentheses

Cite as follows:

(L 1962, ch 21, as amended)

(Abandoned Property Law § 103 [a], as amended by L 1944, ch 498)

(Nassau County Administrative Code § __ [L 1939, chs 272, 701-709, as amended])

(McKinney's Uncons Laws of NY § __ [Local Emergency Housing Rent Control Act § __, as added by L 1962, ch 21 § 1, as amended])

(CLS Uncons Laws of NY § __ [Local Emergency Housing Rent Control Act § __, as added by L 1962, ch 21 § 1, as amended])

(2004 McKinney's Session Law News of NY, No. 1, at A-14 [Apr. 2004])

(1813 Rev L of NY, 36th Session, ch IV, § VI [1 Van Ness and Woodworth rev at 326])

(3) Citation in Running Text

Cite as follows:

Laws of 1962 (ch 21, as amended) *or* chapter 21 of the Laws of 1962 (as amended)

Abandoned Property Law § 103 (a) (as amended by L 1944, ch 498)

Nassau County Administrative Code § __ (L 1939, chs 272, 701-709, as amended)

McKinney's Unconsolidated Laws of NY § __ (Local Emergency Housing Rent Control Act § __, as added by L 1962, ch 21 § 1, as amended)

Consolidated Laws Service Unconsolidated Laws of NY § __ (Local Emergency Housing Rent Control Act § __, as added by L 1962, ch 21 § 1, as amended)

Emergency Tenant Protection Act of 1974 (ETPA) § 5 (McKinney's Uncons Laws of NY § 8625 [L 1974, ch 576, sec 4, § 5, as amended])

Urban Development Corporation Act (UDCA) (L 1968, ch 174, § 1, as amended) § 31-a (McKinney's Uncons Laws of NY § 6281-a)

3.1 (e) Model Codes, Proposed Codes and Uniform Laws

Cite as follows:

(Model Penal Code § 210.2 [Proposed Official Draft 1962])

(Model Code of Evidence rule 502 [1942])

(Uniform Adoption Act [1994] § 1-101, 9 [part 1A] ULA 20 [1999])

(Proposed NY Code of Evidence § 506 [a] [1982])

When citing in running text, convert internal brackets to parentheses.

3.1 (f) Legislative and Other Materials

Cite as follows:

(1964 NY Legis Doc No. 12, at 10)

(21st Ann Rep of Chief Admin of Cts, at 15)

(21st Ann Rep of NY Jud Conf, at 403)

(14th Ann Rep of Jud Conf on CPLR, reprinted in 21st Ann Rep of NY Jud Conf, ch 6, at 278, 293)

(Governor's Mem approving L 1989, ch 750, 1989 NY Legis Ann, at 326)

(Mem of Off of Ct Admin, 1990 McKinney's Session Laws of NY, at 2937)

(*Simplification of Discovery and the Use of Non-Party Business Records*, 2002 Rep of Advisory Comm on Civ Prac to Chief Admin Judge of Cts of St of NY, reprinted in 2002 McKinney's Session Laws of NY, at 2164)

(1985 Rep of Advisory Comm on Civ Prac, reprinted in 1985 McKinney's Session Laws of NY, at 3432)

(Rep of Law Rev Commn, 1984 McKinney's Session Laws of NY, at 2933-2934)

(Staff Notes of Temp St Commn on Rev of Penal Law and Crim Code, 1964 Proposed NY Penal Law [Study Bill, 1964 Senate Intro 3918, Assembly Intro 5376] § 25.05, at 264)

(Staff Comment of Temp St Commn on Rev of Penal Law and Crim Code, 1967 Proposed NY CPL 205.40, at 274)

(2004 Extraordinary Session NY Senate Bill S1-A § 1 [July 20, 2004])

(1981 NY Assembly Bill A2566)

(1982 NY Senate-Assembly Bill S9566, A12451)

(Mem of Assembly Rules Comm, Bill Jacket, L 1989, ch 659)

(Rep of Legal Div, Comm on Gen Welfare, at 12-13, Local Law Bill Jacket, Local Law No. 39 [1991] of City of NY)

(4th Rep of Temp St Commn on Estates, 1965 NY Legis Doc No. 19, at 24)

(3 Rev Rec, 1938 NY Constitutional Convention, at 2204)

(Governor's Approval Mem, Bill Jacket, L 1996, ch 635, at 54, 1996 NY Legis Ann, at 459) [Note: Provide a parallel citation to McKinney's Session Laws or New York Legislative Annual if available.]

(Sponsor's Mem, Bill Jacket, L 1994, ch 222)

(Senate Introducer Mem in Support, Bill Jacket, L 1996, ch 600, at 11) [Note: Bill Jacket cumulatively paginated]

(Letter from St Ins Dept, June 30, 1980, at 3, Bill Jacket, L 1998, ch 586) [Note: reference to pagination of document]

(NY Reg, Sept. 28, 1994, at 37-41)

(City Rec, June 30, 1986, at 1700)

(Executive Order [Pataki] No. 39 [9 NYCRR 5.39])

(NY Senate Debate on Senate Bill S2850, Mar. 6, 1995, at 1912)

(Council of City of NY Intro No. 1266, § 2, proposing amendment to Administrative Code § 8-502 [a] [June 13, 1989])

(Civ Ct of City of NY, Legal/Statutory Mem 152A [eff June 21, 2004])

When citing in running text, convert interior brackets to parentheses.

3.2 FEDERAL STATUTES AND LEGISLATIVE MATERIALS

3.2 (a) Federal Statutory Abbreviations

Use the abbreviations listed in Appendix 4 as applicable.

3.2 (b) Federal Statutory Citation Style

(1) In General

Cite the United States Code if therein. Federal Public Laws or United States Statutes at Large may be cited to refer to an enactment not contained in the United States Code or to indicate the addition, amendment, renumbering or repeal of a law contained in the United States Code.

(2) Citation within Parentheses

Cite as follows:

(Homeland Security Act of 2002, 6 USC § 101 *et seq.*, as added by Pub L 107-296, 116 US Stat 2135)

(Social Security Act § 208 [42 USC § 408])

(Pub L 105-298, 112 US Stat 2827 [105th Congress, 2d Sess, Oct. 27, 1998] [termed the “Sonny Bono Copyright Term Extension Act”], amending 17 USC § 301 [c])

(Act of May 31, 1790 § 1 [1st Congress, 2d Sess, ch 15], 1 US Stat 124, reprinted in *Library of Congress*, Copyright Enactments, 1783-1900, at 30-32)

(Jones Act, 46 USC Appendix § 688)

(50 USC Appendix § 525)

(3) Citation in Running Text

Cite as follows:

Homeland Security Act of 2002 (6 USC § 101 *et seq.*, as added by Pub L 107-296, 116 US Stat 2135)

Title VII of the Civil Rights Act of 1964 (42 USC, ch 21, § 2000e *et seq.*)

Section 208 of the Social Security Act (42 USC § 408)

Jones Act (46 USC Appendix § 688)

50 USC Appendix § 525

3.2 (c) Federal Legislative Materials

Cite as follows:

(57 Fed Reg 48451 [1992], codified at 15 CFR 1150.1 *et seq.*)

(HR Rep 730, 95th Cong, 2d Sess, at 25, reprinted in 1978 US Code Cong & Admin News, at 9130, 9134)

(151 Cong Rec H3052-01 [May 5, 2005])

When citing in running text, convert interior brackets to parentheses.

3.3 OUT-OF-STATE STATUTES**3.3 (a) Generally**

The general rules of parenthetical and running text citation should be observed when referring to out-of-state statutes. Within parentheses the name of the statutory compilation should be abbreviated, e.g., “(NJ Stat Ann)”; however, in running text, either the abbreviation or the full name, e.g., “New Jersey Statutes Annotated,” may be used. In addition, the relevant jurisdiction’s designation of statutory divisions should be used. For example, some states refer to the first division of a section as a subsection or the first division of an article as a paragraph. Furthermore, use any abbreviations provided in an out-of-state compilation’s prescribed form of statutory citation.

3.3 (b) Citation within Parentheses

Cite as follows:

(Fla Stat Ann, tit 17, § 102.31)

(Cal Penal Code § 1324.1)

(Tex Stat Ann § 5561h [a] [2])

3.3 (c) Citation in Running Text

Cite as follows:

Florida Statutes Annotated, title 17, § 102.31

California Penal Code § 1324.1

Texas Statutes Annotated § 5561h (a) (2)

4.0 REGULATIONS, COURT RULES AND JURY INSTRUCTIONS

Contents of Section

4.1 NEW YORK RULES, REGULATIONS AND INSTRUCTIONS

4.1 (a) Basic Citation Form

4.1 (b) Particular Rules and Regulations

(1) New York City Civil Service Commission Rules and Regulations

(2) Rules of the City of New York

(3) Rules of the Court of Appeals

(4) Rules of the Appellate Division

(5) Uniform Rules for the New York State Trial Courts

(6) Code of Professional Responsibility, Rules Governing Judicial Conduct and Code of Judicial Conduct

(7) Rent Statutes and Regulations

(8) New York State Building Code

(9) Insurance Department Regulations

4.1 (c) Pattern Jury and Criminal Jury Instructions

(1) Pattern Jury Instructions

(2) Criminal Jury Instructions

4.2 FEDERAL RULES AND REGULATIONS

4.2 (a) Basic Citation Form

4.2 (b) Particular Rules and Regulations

(1) Federal Rules of Civil Procedure

(2) Federal Rules of Criminal Procedure

(3) Federal Rules of Evidence

(4) Federal Rules of Bankruptcy Procedure

(5) Federal Rules of Appellate Procedure

4.1 NEW YORK RULES, REGULATIONS AND INSTRUCTIONS

4.1 (a) Basic Citation Form

(1) Citation within Parentheses

The Official Compilation of Codes, Rules and Regulations of the State of New York is cited within parentheses as follows:

Unit Cited	Example
Title	(12 NYCRR [Department of Labor])
Subtitle	(9 NYCRR subtit A)
Chapter	(12 NYCRR ch IV)
Part	(12 NYCRR part 39)
Subpart	(12 NYCRR subpart 23-1)
Section	(12 NYCRR 39.8) (12 NYCRR 23-1.7)
Subdivision and paragraph	(12 NYCRR 39.8 [c] [1]) (12 NYCRR 23-1.7 [b] [1])
Appendix material	(12 NYCRR Appendix A-10, table 2)
Multiple citations	(12 NYCRR 39.4 [d]; 39.5, 39.8 [c] [1]) (12 NYCRR 23-1.7 [b] [1]; 23-1.8, 23-1.0) (12 NYCRR parts 23, 27, 32) (12 NYCRR parts 23-27)

(2) Citation in Running Text

When cited in running text, interior brackets are changed to parentheses as follows:

12 NYCRR 23-1.7 (b) (1)

4.1 (b) Particular Rules and Regulations

(1) New York City Civil Service Commission Rules and Regulations

(a) Citation within Parentheses

Cite as follows:

(NY City Civ Serv Commn Rules and Regs, rule IV, § 4.7.1)

(b) Citation in Running Text

Cite as follows:

New York City Civil Service Commission Rules and Regulations, rule IV, § 4.7.1

(2) Rules of the City of New York**(a) Citation within Parentheses**

Cite as follows:

(Personnel Rules and Regs of City of NY [55 RCNY]
Appendix A, ¶ 4.7.1)

(Rules of City of NY Dept of Parks and Recreation [56
RCNY] § 1-01)

Also may be cited as:

(56 RCNY 1-01)

(b) Citation in Running Text

Cite as follows:

Personnel Rules and Regulations of City of New York
(55 RCNY) Appendix A, ¶ 4.7.1

Rules of City of New York Department of Parks and
Recreation (56 RCNY) § 1-01

Also may be cited as:

56 RCNY 1-01

(3) Rules of the Court of Appeals**(a) Citation within Parentheses**

Cite as follows:

(Rules of Ct of Appeals [22 NYCRR] § 500.11)

(b) Citation in Running Text

Cite as follows:

Rules of the Court of Appeals (22 NYCRR) § 500.11

(4) Rules of the Appellate Division**(a) Citation within Parentheses**

Cite as follows:

(Rules of App Div, 2d Dept [22 NYCRR] § __)

(b) Citation in Running Text

Cite as follows:

Rules of the Appellate Division, Second Department (22 NYCRR) § __

(5) Uniform Rules for the New York State Trial Courts**(a) Citation within Parentheses**

Cite as follows:

(Uniform Rules for Trial Cts [22 NYCRR] § __)

(b) Citation in Running Text

Cite as follows:

Uniform Rules for Trial Courts (22 NYCRR) § __

(c) Particular Uniform Rules**Citation within Parentheses**

Cite as follows:

(Uniform Rules for Sur Ct [22 NYCRR] § __)

Citation in Running Text

Cite as follows:

Uniform Rules for Surrogate's Court (22 NYCRR) § __

(6) Code of Professional Responsibility, Rules Governing Judicial Conduct and Code of Judicial Conduct**(a) Generally**

Citations to the Code of Professional Responsibility may be to the Canons, Disciplinary Rules or Ethical Considerations. Citations to the Disciplinary Rules in effect from September 1, 1990 must contain references to both the Code of Professional Responsibility and the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR).

(b) Citation within Parentheses

Cite as follows:

(Code of Professional Responsibility DR 1-102 [a] [7]
[22 NYCRR 1200.3 (a) (7)])

(Code of Professional Responsibility DR 9-101 [a]; DR
9-102 [22 NYCRR 1200.45 (a); 1200.46])

(Code of Professional Responsibility Canons 3, 4)

(Rules Governing Judicial Conduct [22 NYCRR] § 100.2
[A], [B]; § 100.3 [B] [1])

(Code of Judicial Conduct Canon 2)

(c) Citation in Running Text

Cite as follows:

Code of Professional Responsibility EC 2-19, EC 7-23

Code of Professional Responsibility DR 1-102 (a) (7) (22
NYCRR 1200.3 [a] [7])

Code of Professional Responsibility DR 9-101 (a) and
DR 9-102 (22 NYCRR 1200.45 [a]; 1200.46)

Code of Professional Responsibility Canons 3, 4

Rules Governing Judicial Conduct (22 NYCRR) § 100.2
(A) and (B) and § 100.3 (B) (1)

Code of Judicial Conduct Canon 2

(7) Rent Statutes and Regulations**(a) Citation within Parentheses**

Cite as follows:

(Emergency Housing Rent Control Law § __, as added
by L 1946, ch 274)

(Emergency Tenant Protection Act of 1974 [ETPA] § __,
as added by L 1974, ch 576, § 4)

(Emergency Tenant Protection Regulations [9 NYCRR]
§ __)

(Local Emergency Housing Rent Control Act § __, as added by L 1962, ch 21, § 1)

(Loft Law [Multiple Dwelling Law art 7-C] § __)

(NY City Loft Board Regulations [29 RCNY] § __)

(NY City Rent and Eviction Regulations [9 NYCRR] § __)

(NY City Rent and Rehabilitation Law [Administrative Code of City of NY] § __)

(NY State Rent and Eviction Regulations [9 NYCRR] § __)

(Rent Stabilization Code [9 NYCRR] § __)

(Rent Stabilization Law of 1969 [Administrative Code of City of NY] § __)

(b) Citation in Running Text

Either abbreviations or the full names may be used in running text. Interior brackets are changed to parentheses as follows:

New York City Loft Board Regulations (29 RCNY) § __

(8) New York State Building Code

(a) Citation within Parentheses

Cite as follows:

(Building Code of NY State § 101.4.1 [2002])

(b) Citation in Running Text

Cite as follows:

Building Code of New York State § 101.4.1 (2002)

(9) Insurance Department Regulations

(a) Citation within Parentheses

Cite as follows:

(Insurance Department Regulations [11 NYCRR] § 65-1.1)

(b) Citation in Running Text

Cite as follows:

Insurance Department Regulations (11 NYCRR) § 65-1.1

4.1 (c) Pattern Jury and Criminal Jury Instructions**(1) Pattern Jury Instructions**

Citation to charge:

(PJI 2:225)

Citation to comment:

(1 NY PJI3d 2:225, at 1225 [2007])

(NY PJI 2:225, Comment, Caveat 2) [Note: on-line treatise]

In running text, convert internal brackets to parentheses.

(2) Criminal Jury Instructions**Citation to on-line revised material**

Citation to charge:

(CJI2d[NY] Penal Law § 125.27)

(CJI2d[NY] Culpable Mental States—Intent)

(CJI2d[NY] Penal Law art 265, Intent to Use Unlawfully and Justification)

Citation to charge and endnote:

(CJI2d[NY] Accessorial Liability n 8)

Citation including revision date:

(CJI2d[NY] Accessorial Liability [rev July 29, 2002])

Charge to former crimes:

(CJI2d[NY] Penal Law former § 130.35 [1])

Capital charges:

(CJI2d[NY] Capital Sentencing; Preliminary Instructions and Voir Dire)

Citation to unrevised material

Citation to charge and text:

(1 CJI[NY] 8.01, at 377)

Citation to charge:

(1 CJI[NY] 8.03)

In running text, convert internal brackets to parentheses.

4.2 FEDERAL RULES AND REGULATIONS

4.2 (a) Basic Citation Form

(1) Citation within Parentheses

The Code of Federal Regulations is cited within parentheses as follows:

Unit Cited	Example
Title	(7 CFR [Agriculture])
Subtitle	(7 CFR subtit A)
Part	(7 CFR part 8)
Chapter	(42 CFR ch IV)
Section	(7 CFR 8.6)
Paragraph and subparagraph	(7 CFR 8.6 [a] [1])
Multiple citations	(7 CFR 8.6, 8.7-8.9)

(2) Citation within Parentheses including Date

Include date if greater precision is required, as follows:

(7 CFR 8.6 [2000])

(3) Citation in Running Text

When cited in running text, interior brackets are changed to parentheses as follows:

7 CFR 8.6 (2000)

4.2 (b) Particular Rules and Regulations**(1) Federal Rules of Civil Procedure****(a) Citation within Parentheses**

Cite as follows:

(Fed Rules Civ Pro rule 4 [b])

(b) Citation in Running Text

Cite as follows:

Federal Rules of Civil Procedure rule 4 (b)

(2) Federal Rules of Criminal Procedure**(a) Citation within Parentheses**

Cite as follows:

(Fed Rules Crim Pro rule 8 [a])

(b) Citation in Running Text

Cite as follows:

Federal Rules of Criminal Procedure rule 8 (a)

(3) Federal Rules of Evidence**(a) Citation within Parentheses**

Cite as follows:

(Fed Rules Evid rule 804 [b] [5])

(b) Citation in Running Text

Cite as follows:

Federal Rules of Evidence rule 804 (b) (5)

(4) Federal Rules of Bankruptcy Procedure**(a) Citation within Parentheses**

Cite as follows:

(Fed Rules Bankr Pro rule 9007)

(b) Citation in Running Text

Cite as follows:

Federal Rules of Bankruptcy Procedure rule 9007

(5) Federal Rules of Appellate Procedure

(a) Citation within Parentheses

Cite as follows:

(Fed Rules App Pro rule 10)

(b) Citation in Running Text

Cite as follows:

Federal Rules of Appellate Procedure rule 10

5.0 CONSTITUTIONS

Contents of Section

5.1 GENERAL RULE

5.2 EXAMPLES

5.3 HISTORICAL CONSTITUTIONAL MATERIAL

5.1 GENERAL RULE

Cite English language constitutions by country or state.

5.2 EXAMPLES

5.2 (a) Citations within Parentheses

When cited within parentheses, both the name of the country or state and the word “Constitution” should be abbreviated, as in the following examples:

(NY Const art VI)

(NY Const, art VI, § 35)

(US Const, art III, § 3)

(US Const, art I, § 8 [3])

(US Const, 14th Amend, § 1)

(US Const 14th, 15th Amends)

or

(US Const Fourteenth Amend)

or

(US Const Amend XIV)

(1812 NY Const, art I, § 1)

5.2 (b) Citation in Running Text

When constitutional citations appear in running text, either abbreviations or full names may be used. Some suggested forms are as follows:

NY Constitution article VI

New York Constitution article VI

NY Constitution, article VI, § 35

US Constitution, article III, § 3

United States Constitution, article III, § 3

US Constitution, 14th Amendment, § 1

article I (§ 8 [3]) of the US Constitution

US Constitution 14th Amendment

or
US Constitution Fourteenth Amendment

or
US Constitution Amendment XIV

or
Fourteenth Amendment of the United States Constitution

or
Fourteenth Amendment to the United States Constitution

1812 New York Constitution, article VI, § 6

5.3 HISTORICAL CONSTITUTIONAL MATERIAL

Cite historical constitutional material as follows:

(Madison, Federalist No. 43)

6.0 TREATIES AND INTERNATIONAL AGREEMENTS**Contents of Section****6.1 GENERAL RULE****6.2 EXAMPLES****6.1 GENERAL RULE**

Treaties signed prior to 1949 are contained in and cited to the United States Statutes at Large. Treaties signed since 1949 are contained in and may be cited to United States Treaties and Other International Agreements (UST) (the official source). Those treaties signed since 1945 are also published in and may be cited to the Treaties and Other International Acts Series (TIAS) (the unofficial source).

6.2 EXAMPLES**6.2 (a) Citations within Parentheses**

Cite as follows:

(Treaty of Ghent, 8 US Stat 218 [1814])

(Bermuda Multilateral Telecommunications Agreement, 60 US Stat 1636, TIAS No. 1518 [1945])

(Hague Convention on the Taking of Evidence Abroad, 23 UST 2555, TIAS No. 7444 [1970])

(Warsaw Convention art 17, 49 US Stat 3000, 3018, reprinted following 49 USCA § 40105)

(Convention for International Carriage by Air art 2, May 28, 1999, reprinted in S Treaty Doc No. 106-45, 1999 WL 33292734, 1999 UST LEXIS 175 [Montreal Convention])

(Convention on the Recognition and Enforcement of Foreign Arbitral Awards, art II, § 2, reprinted following 9 USCA § 201)

6.2 (b) Citations in Running Text

Cite as follows:

Treaty of Ghent (8 US Stat 218 [1814])

Bermuda Multilateral Telecommunications Agreement (60 US Stat 1636, TIAS No. 1518 [1945])

Hague Convention on the Taking of Evidence Abroad (23 UST 2555, TIAS No. 7444 [1970])

Warsaw Convention article 17 (49 US Stat 3000, 3018, reprinted following 49 USCA § 40105)

Convention for International Carriage by Air article 2 (reprinted in S Treaty Doc No. 106-45, 1999 WL 33292734, 1999 UST LEXIS 175 [May 28, 1999] [Montreal Convention])

Article II, § 2 of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (reprinted following 9 USCA § 201)

7.0 LEGAL PERIODICALS, TREATISES AND OTHER WORKS AND DOCUMENTS

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7.1 GENERAL RULES

7.1 (a) Page References

Some electronic sources do not contain pagination; therefore, page references are not required when citing those sources. Where the source contains pagination, a page reference may be included if greater precision is desired.

7.1 (b) Names of Authors

The use of the full names (rather than last name only) of authors is optional.

7.1 (c) Internet Materials

(1) Generally

Citation to Internet material is permitted where the material is not readily available in another form.

(2) Citation Style to Web Site

Provide the uniform resource locator (URL), author (if any given), title or heading, and date the document was last updated. When the document does not provide information as to when it was last updated, provide the date on which the site was accessed.

(New York State Law Reporting Bureau, <http://www.nycourts.gov/reporter/> [accessed Mar. 12, 2007])

(Internal Revenue Service, <http://www.irs.gov/> [accessed Dec. 9, 2006])

(3) Citation to a Document or Page on a Web Site

(Office of Mental Retardation and Developmental Disabilities, Information for Individuals and Families, http://www.omr.state.ny.us/hp_individuals.jsp [last updated Feb. 14, 2006])

(American Bar Association, Section on Legal Education and Admissions to the Bar, Legal Education and Bar Admission Statistics, 1963-2005, available at http://www.abanet.org/legaled/statistics/le_bastats.html [accessed Oct. 18, 2005])

(see Arnsberger, *Charities and Other Tax-Exempt Organizations, 2000*, Statistics of Income Bulletin, US Government Printing Office [fall 2003], available at <http://www.irs.gov/pub/irs-soi/00eochin.pdf> [accessed May 20, 2004])

(4) Weblog Citation

For citations to weblogs (blogs), follow the general citation style above, including the author's name, the name of the weblog, the title of the article or entry, the URL and the date of the posting, as follows:

(Eugene Volokh, *The Volokh Conspiracy, Sorry, Your Viewpoint Is Excluded from First Amendment Protection*, <http://volokh.com/posts/1145577196.shtml> [Apr. 20, 2006])

7.2 PERIODICALS, NEWSPAPERS AND BOOKS

7.2 (a) General Style

Generally, cite as follows:

(Morrison, *Constitutional Avoidance in the Executive Branch*, 106 Colum L Rev 1189, 1221-1222 [2006])

(Welsh, 1996-97 Survey of New York Law, *Estates and Trusts*, 48 Syracuse L Rev 623 [1998])

(23 Siegel's Practice Review, *New Filing System*, at 3 [Sept. 1994])

(McCann, *Standards for Expert Testimony in New York Death Penalty Cases*, 68 NY St BJ 30 [July/Aug. 1996])

(Perrotta, *Panel Upholds Sanctions Against Union Over Strike*, NYLJ, Oct. 6, 2006, at 1, col 3)

(Tucker, Outside Counsel, *No-Fault Independent Medical Examination*, NYLJ, Nov. 4, 2005, at 4, col 2)

(Richard, *Hey, You, Get Off Of My Trademark!*, NYLJ, Jan. 24, 2005, at S10, col 1) [Note: citation for special section]

(Gail E. Cutter, *The Dreaded 'NO OFFER' Decision, A first-aid kit for prevention, treatment and cure*, NYLJ Mag, May 2005, at 30)

(*Zoning Variances, "Practical Difficulties" No Longer Need be Shown by Applicant Seeking Area Variances*, Siegel, NY St L Dig No. 432, at 3-4 [Dec. 1995])

(Harper Lee, *To Kill a Mockingbird*, at 49-50 [Warner Books 1982])

(Confessore, *No-Name, Brand-Name or Phony: It's All Here*, New York Times, Oct. 9, 2006, section B, col 1, at 1)

7.2 (b) Student-Authored Works

Both "Note" or "Comment" and the author's name are used in a law review citation, as follows:

(Jeremy Waldron, Comment, *Foreign Law and the Modern Ius Gentium*, 119 Harv L Rev 129 [2005])

(Fenn, Note, *Supreme Court Justices: Arguing before the Court after Resigning from the Bench*, 84 Geo LJ 2473 [1996])

7.3 TREATISES

7.3 (a) General Style

Generally, cite as follows:

(Karger, Powers of the New York Court of Appeals § 9:5, at 313 [3d ed rev])

(Prosser and Keeton, Torts § 44, at 309-310 [5th ed])

(Prince, Richardson on Evidence § 8-254 *et seq.* [Farrell 11th ed])

(2 Dobbs, Torts § 359, at 988-989 [2001])

(11 Lord, Williston on Contracts § 32:6, at 432 [4th ed])

(8 Warren's Weed, New York Real Property § 92.16 [5th ed])

(8-92 Warren's Weed, New York Real Property § 92.16 [2006])
[Note: on-line treatise]

(3 Warren's Negligence in New York Courts § 80.01 [2], at 80-5 [2d ed])

(3-80 Warren's Negligence in New York Courts § 80.01 [2] [2005]) [Note: on-line treatise]

(11 Warren's Heaton, Surrogate's Court Practice § 194.01 [5], at 194-14 [7th ed])

(11-194 Warren's Heaton, Surrogate's Court Practice § 194.01 [5] [2006]) [Note: on-line treatise]

(3A Freed, Brandes and Weidman, Law and the Family New York § 11:11, at 98 [2d ed rev 1993])

(1 Dolan, Rasch's Landlord and Tenant—Summary Proceedings § 1:14, at 88 [4th ed])

(3 White and Summers, Uniform Commercial Code § 22-3, at 17 [Practitioner's 4th ed])

(Kaye et al., The New Wigmore: Expert Evidence § 4.5, at 148 [2004])

(9 Wigmore, Evidence § 2450, at 163 [Chadbourn rev 1981])

(17 Couch on Insurance 3d § 240:1)

(ABA/BNA Lawyer's Manual on Professional Conduct 51:217 [2002])

(6 Holmes' Appleman on Insurance 2d § 34.1)

(1 LaFave, Search and Seizure § 1.4 [e], at 119-120 [3d ed])

(Scheinkman, New York Law of Domestic Relations § 3:7, at 87 [11 West's NY Prac Series 1996])

(Finkelstein and Ferrara, Landlord and Tenant Practice in New York § 4:149, at 4-63 [West's NY Prac Series, vol F, 2006])

(1 West's McKinney's Forms Civil Practice Law and Rules § 2:203 [2007]) [Note: on-line treatise]

(5-10 New York Civil Practice: EPTL § 10-10.1) [Note: on-line treatise]

(2 Blackstone, Commentaries on the Law of England, at 429 n 30 [Wendell ed 1847])

7.3 (b) Abbreviated Treatise Titles

The titles of the following frequently cited treatises may be abbreviated:

(Siegel, NY Prac § 194, at 309 [3d ed])

(Weinstein-Korn-Miller, NY Civ Prac ¶ 8501.01 [2d ed])

7.3 (c) Omitted Title Material

Where the title of a legal treatise begins with language such as "Law of," "Handbook on" or "A Treatise on," such prefatory material is omitted from the citation title.

7.3 (d) CD-ROM Materials

When material is not published in print form, but is available solely on CD-ROM, provide the date of the version being cited as follows:

(Balotti & Finkelstein, Delaware Law of Corporations and Business Organizations on CD-ROM [3d ed, Aspen L & Bus 1998])

Provide the word "CD-ROM" in a parenthetical if CD-ROM is not mentioned in the title.

7.4 DICTIONARIES AND ENCYCLOPEDIAS

Cite as follows:

(Black's Law Dictionary 712 [8th ed 2004])

(Black's Law Dictionary [8th ed 2004], mens rea) [Note: on-line version]

- (1 Am Jur 2d, Accession and Confusion § 2)
- (12 NY Jur 2d, Buildings, Zoning, and Land Controls § 377)
- (8 Fletcher, Cyclopaedia of Corporations § 3890 [2006]) [Note: on-line version]
- (8 Fletcher, Cyclopaedia of Corporations § 3890, at 171 [Perm ed])
- (1A CJS, Actions § 75)
- (10A Carmody-Wait 2d § 70:461, at 448)

7.5 AMERICAN LAW REPORTS (ALR) ANNOTATIONS

7.5 (a) General Style

Generally, cite as follows:

(Ann K. Wooster, Comment Note, *Application of Supreme Court's Apprendi Doctrine to Drug Quantity Element in Federal Narcotics Prosecutions*, 14 ALR Fed 2d 1, § 12)

(Marjorie A. Shields, Annotation, *Liability of Clinical Laboratories for Negligence*, 19 ALR6th 793, 824, § 16)

(MacWilliam, Annotation, *Individual and Corporate Liability for Libel and Slander in Electronic Communications, Including E-mail, Internet and Websites*, 3 ALR6th 153)

(Marjorie A. Shields, Annotation, *Constitutionality of Legislative Prayer Practices*, 2006 ALR6th 3)

7.5 (b) Author's Name

An author's name should be used in the citation if provided. Otherwise, cite as follows:

(Annotation, *Hospital's Liability for Injury or Death to Patient Resulting from or Connected with Administration of Anesthetic*, 31 ALR3d 1114, § 7)

7.6 RESTATEMENTS

Cite as follows:

(Restatement [Second] of Conflict of Laws § 305, Comment *b*, Illustration 1)

(Restatement [Second] of Agency § 20)

(Restatement of Restitution § 104 [a], [b])

(Restatement [Third] of Torts: Products Liability § 5)

(Restatement [Third] of Foreign Relations Law § 1)

(Restatement [Third] of Property [Mortgages] § 5.2)

(Restatement [Second] of Judgments [Tent Draft No. 5] § 61,
Comment *c*)

7.7 LEGAL DOCUMENTS

Cite as follows:

(Transcript at 3.)

(affidavit of defendant at 6)

(Jones transcript ¶ 4)

(testimony of John Smith, May 14, 2002, ¶ 6)

(Smith complaint at 2)

(plaintiff's exhibits 3, 15, 18)

—Notes—

—Notes—

PART II: OTHER STYLE ISSUES

8.0 TITLES OF ACTIONS AND PROCEEDINGS

Contents of Section

8.1 GENERAL RULES OF TITLE FORMULATION

- 8.1 (a) Parties at Trial Level
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- 8.1 (c) Parties with Same Status
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- 8.1 (e) Representative or Official Capacity
- 8.1 (f) Terms Omitted
- 8.1 (g) Parties in Transferred Proceedings, etc.
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8.2 COMMON TITLE STYLES

- 8.2 (a) Action with Party Suing in a Representative Capacity
- 8.2 (b) Proceedings against an Unnamed Public Official
- 8.2 (c) Criminal Action against Multiple Defendants
- 8.2 (d) Appellate Action with Some Parties Not Participating in Appeal
- 8.2 (e) Appellate Proceedings with Cross-Appealing Parties

8.3 TITLES IN VARIOUS ACTIONS AND PROCEEDINGS

8.4 PERSONAL IDENTIFYING INFORMATION

8.1 GENERAL RULES OF TITLE FORMULATION

8.1 (a) Parties at Trial Level

Typically, in an action the parties are referred to, at the trial level, as Plaintiff and Defendant (in the event of impleader one might find Third-Party or Fourth-Party Plaintiffs and Defendants), whereas in a proceeding the title caption begins with the language “In the Matter of” and the parties are referred to as Petitioner and Respondent. In criminal actions, the prosecuting authority is usually described as “The People of the State of New York,” and is referred to as Plaintiff. In habeas corpus proceedings and other proceedings brought in the name and on behalf of the People of the State of New York, the caption should

begin with the words “The People of the State of New York ex rel.” and the petitioning party is referred to as the Petitioner and the opposing party as the Respondent. In claims against the State, the prosecuting party is referred to as the Claimant and the State as the Defendant.

8.1 (b) Parties at Appellate Level

On the appellate level, a party is referred to according to his or her status on appeal, e.g., Appellant or Respondent. Cross-appelling parties are designated Appellant-Respondent and Respondent-Appellant, the first party to appeal being the Appellant-Respondent. In impleader situations, Third-Party Plaintiff-Appellant, Third-Party Defendant-Respondent and the like should be used.

8.1 (c) Parties with Same Status

Generally, where there is more than one party sharing the same status (i.e., Defendants, Appellants), only the name of the first named party of that status should appear in the title followed by “et al.” However in a criminal action with multiple defendants, up to five defendants may be listed in the title followed by an “et al.” in the event of more than five criminal defendants. In addition, where the person or entity omitted is not a party to the action or proceeding (most commonly the children in child neglect, abuse or custody proceedings) “and Another” or “and Others” should be used instead of et al. (e.g., *In the Matter of Kaitlyn S. and Another, Children Alleged to be Abused*).

8.1 (d) Full Names and Initials

The full names of parties may be used; middle names need not be abbreviated.

8.1 (e) Representative or Official Capacity

If a party is sued or suing in a representative or official capacity, such capacity should be set forth in the title. In addition, if a suit is brought “on Behalf” of an entity or “by” a representative, official or guardian, this should be so designated. Also, where a party is identified solely by his or her governmental office (e.g., “Attorney General of the State of New York”), the name of the officeholder need not be supplied.

8.1 (f) Terms Omitted

Omit the words “the Application of” and “for a judgment under CPLR article 78” in CPLR article 78 proceeding titles.

8.1 (g) Parties in Transferred Proceedings, etc.

Where a proceeding commenced in Supreme Court is transferred to the Appellate Division, the parties are designated Petitioner and Respondent, not Appellant and Respondent. However, in unemployment insurance and workers' compensation proceedings that are appealed directly to the Appellate Division from the Unemployment Insurance Appeal Board or Workers' Compensation Board, the parties are referred to by their status on appeal, i.e., Appellant and Respondent.

8.1 (h) Nonappealing Parties

In appellate titles, nonappealing parties who do not participate in the appeal as appellants or respondents are not named unless they are the first listed party (Plaintiff/Defendant or Petitioner/Respondent), e.g., Jan Wojtowicz, Jr., Respondent, et al., Plaintiffs, v Agnes Sweeney, Defendant, and Sol Zigman, Appellant. In an appellate action or proceeding title, omit adjunct captions (e.g., third-party or consolidated actions or proceedings) in which no party participating in the appeal appears. Use a suitable notation, for example (And Two Other Proceedings.) or (And a Third-Party Action.).

8.2 COMMON TITLE STYLES**8.2 (a) Action with Party Suing in a Representative Capacity**

Denis E. Dillon, as District Attorney of the County of Nassau, Plaintiff, v Milton Bialostok, Defendant.

8.2 (b) Proceedings against an Unnamed Public Official

In the Matter of Medical Malpractice Insurance Association et al., Petitioners, v Superintendent of Insurance of the State of New York, Respondent.

8.2 (c) Criminal Action against Multiple Defendants

The People of the State of New York, Plaintiff, v Dennis Charles and Fritz DePass, Defendants.

8.2 (d) Appellate Action with Some Parties Not Participating in Appeal

Republic National Bank, Appellant, v Sylvia Greenwald et al., Defendants, and Public Equities Corp. et al., Respondents.

8.2 (e) Appellate Proceedings with Cross-Appealing Parties

In the Matter of Alan Kane, Respondent-Appellant, v Thomas J. Bannon, Appellant-Respondent, and Keith J. Laing et al., Respondents, et al., Respondent.

[Note: The Respondents in the above example are separately listed because the first Respondents are parties to the appeal and consequently are named, whereas the second Respondent is not participating in the appeal and thus is unnamed. Although each is a “Respondent,” their statuses are different (the first being Respondents in an Appellant/Respondent context, the second a Respondent in the Petitioner/Respondent context) and accordingly they are not combined in the title.]

8.3 TITLES IN VARIOUS ACTIONS AND PROCEEDINGS

See Appendix 6.

8.4 PERSONAL IDENTIFYING INFORMATION

See section 12.4.

9.0 APPEARANCES OF COUNSEL**Contents of Section****9.1 GENERAL STYLE****9.2 AMICUS CURIAE****9.3 APPEARANCES ON OWN BEHALF****9.3 (a) Non-Attorney Appearing on Own Behalf****9.3 (b) Non-Attorney Appearing on Own Behalf
and by Attorney****9.3 (c) Attorney Appearing on Own Behalf****9.3 (d) Attorney Appearing on Own Behalf and for
Client****9.3 (e) Attorney Appearing on Own Behalf and by
Attorney****9.3 (f) Attorney Appearing on Own Behalf and by
Attorney, and for Client****9.4 APPEARING SPECIALLY****9.5 NAME AND TITLE OF PUBLIC OFFICIALS****9.6 ATTORNEY GENERAL APPEARING IN CASES
INVOLVING CONSTITUTIONALITY OF STATUTE****9.7 OUT-OF-STATE ATTORNEY****9.1 GENERAL STYLE**

Use **firm** or legal organization name and individual names of appearing attorneys, unless only the firm or legal organization name(s) or attorney(s) name(s) is available. Where the middle name or names of an attorney are given, use them. Where an attorney is a party and also appears on his or her own behalf, use his or her middle name or names throughout. Include the city, village or town of the firm, legal organization, or attorney(s) appearing for each party, when available. The following examples are illustrative:

Thompson, Evans & Burns, New York City (*Robert V. Levy* of counsel), for Smithtown Teachers Association, appellant.

Arthur J. Stone, Watertown (*Dennis D. Linden* of counsel), for respondent.

Sol Greenberg, District Attorney, Albany (Ralph Tomes of counsel), for respondent.

Richard McDowell, P.C., Mineola, for defendant.

Law Offices of John Smith, Albany, for plaintiff.

Legal Aid Society, New York City (David A. Crow of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn (Keith Dolan and Leonard Joblove of counsel), for respondent.

9.2 AMICUS CURIAE

John Jones, Saratoga, for State Industrial Board, amicus curiae.

Do not use “as” before amicus curiae.

9.3 APPEARANCES ON OWN BEHALF

9.3 (a) Non-Attorney Appearing on Own Behalf

Edmund B. Bellinger, defendant pro se.

9.3 (b) Non-Attorney Appearing on Own Behalf and by Attorney

Hong Jang Tsai, pro se, and *Stanley H. Schindler,* Rome, for Hong Jang Tsai, defendant.

9.3 (c) Attorney Appearing on Own Behalf

John Gerdes, Troy, appellant pro se.

9.3 (d) Attorney Appearing on Own Behalf and for Client

Nancy Boochever, Yonkers, respondent pro se, and for Eugene A. Hegy, respondent.

9.3 (e) Attorney Appearing on Own Behalf and by Attorney

John Gerdes, Troy, pro se, and *Jose A. Ortiz,* Albany, for John Gerdes, appellant.

9.3 (f) Attorney Appearing on Own Behalf and by Attorney, and for Client

John Jones, Tonawanda, pro se, and *Richard Roe*, Tonawanda, for John Jones and another, appellants.

9.4 APPEARING SPECIALLY

Thomas Harold Matters, White Plains, for respondents appearing specially.

9.5 NAME AND TITLE OF PUBLIC OFFICIALS

Use the name and title of the following officials (with name of counsel without his or her title within parentheses):

Attorney General, United States Attorneys, District Attorneys, County Attorneys, Corporation Counsel, Town Attorneys, Village Attorneys, and Public Defenders.

The proper form is:

John Doe, County Attorney, Niagara Falls (*Richard Roe* of counsel), for appellant.

Bridget G. Brennan, Special Prosecutor, New York City (*Christine M. Kelly* of counsel), for plaintiff.

9.6 ATTORNEY GENERAL APPEARING IN CASES INVOLVING CONSTITUTIONALITY OF STATUTE

Robert Abrams, Attorney General, New York City (*Peter H. Schiff* of counsel), in his statutory capacity under Executive Law § 71.

9.7 OUT-OF-STATE ATTORNEY

Barbara H. Scott, of the Illinois bar, admitted pro hac vice, for appellant.

**10.0 CAPITALIZATION, NUMERALS AND NUMBERS,
DATES AND TIME, AND NAMES****Contents of Section****10.1 CAPITALIZATION**

- 10.1 (a) Generally
- 10.1 (b) Government Bodies and Officials
- 10.1 (c) States and Political Subdivisions
- 10.1 (d) Branches of Government
- 10.1 (e) “Government”
- 10.1 (f) “Federal”
- 10.1 (g) “Capital” and “Capitol”
- 10.1 (h) Courts
- 10.1 (i) Judicial Officers
- 10.1 (j) Acts, Bills, Codes, Constitutions, etc.
- 10.1 (k) Crimes
- 10.1 (l) Parties
- 10.1 (m) Legal Documents
- 10.1 (n) Regional Names
- 10.1 (o) Animal Breeds
- 10.1 (p) Numbered Items

10.2 NUMERALS, NUMBERS AND SYMBOLS

- 10.2 (a) Numerals and Numbers
 - (1) Spelling Out
 - (2) Dollar Amounts
 - (3) Fractions
 - (4) Roman Numerals
 - (5) Criminal Sentences
 - (6) Firearms
 - (7) Sex Offender Risk Levels, Prisoner Disciplinary Hearings and Attorney Disciplinary Charges
 - (8) Ages
- 10.2 (b) Symbols
 - (1) General Rule
 - (2) Distances and Measurements

10.3 DATES AND TIME

- 10.3 (a) Month, Day and Year
- 10.3 (b) Month and Year
- 10.3 (c) Day and Year
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- 10.3 (e) Decades

- 10.3 (f) Centuries**
- 10.3 (g) Abbreviation of Months**
- 10.3 (h) Time**
- 10.3 (i) Seasons**

10.4 NAMES

- 10.4 (a) Names of Judges**
- 10.4 (b) Personal Names**
- 10.4 (c) Corporate Names**

10.1 CAPITALIZATION

10.1 (a) Generally

Capitalize in accordance with standard authorities, except as noted below.

10.1 (b) Government Bodies and Officials

(1) Specific References

Full names of specific government bodies and officials are capitalized. Short-form references also are capitalized:

the New York State Legislature, *or*

the Legislature

the Ways and Means Committee, *or*

the Committee

the Social Security Administrator, *or*

the Administrator

the Zoning Board of Appeals of the Town of Saugerties, *or*

the Board

the New York City Water Board Treasurer, *or*

the Treasurer

the Chair of the Public Service Commission, *or*

the Chair

the New York County Coroner, *or*

the Coroner
Assistant District Attorney Smith, *or*
the Assistant District Attorney, *or*
the Assistant
District Attorney Murphy, *or*
the District Attorney
Law Guardian Felber, *or*
the Law Guardian
Mayor Lewis, *or*
the Mayor
James Baker, Public Defender, *or*
the Public Defender
State Trooper Jones, *or*
the State Trooper, *or*
the Trooper
the New York State Police, *or*
the State Police

(2) General References

General references to government bodies and officials should not be capitalized:

a district rent administrator
a zoning board of appeals
treasurers
a mayor
state troopers

10.1 (c) States and Political Subdivisions

The full names of states and their political subdivisions should be capitalized:

State of New York

The word “state” standing alone should be capitalized only when the word it modifies is capitalized, when referring to a state as a party, or when referring to a state acting in its governmental capacity. In addition, the words “county,” “city,” “town,” “village” and the like standing alone should be capitalized only when the word they modify is capitalized, when referring to such political subdivision as a party, or when referring to such political subdivision acting in its governmental capacity.

Capitalize “district” when naming a district in full, such as First Assembly District, Second Congressional District, *but* lowercase “district” when used as a general term, such as “one of the congressional districts.”

10.1 (d) Branches of Government

the Legislature, *but*

the legislative branch

the Executive, *but*

the executive branch

the Judiciary, *but*

the judicial branch

10.1 (e) “Government”

The word “Government” standing alone should be capitalized only when referring to the United States.

The following terms are always lowercased:

federal government

state government

10.1 (f) “Federal”

Federal is capitalized only when modifying a capitalized word:

the Federal District Court

the Federal Constitution, *but*

federal budget

10.1 (g) “Capital” and “Capitol”

Lowercase “capital”; capitalize “Capitol.”

10.1 (h) Courts

The full names of courts (“City Court of Albany”) or their parts (“Housing Part”) should be capitalized.

Capitalize the word “court” when standing alone only when referring to the Supreme Court of the United States, the New York Court of Appeals or the Appellate Division of the Supreme Court.

General references to courts or their parts are not capitalized. For example:

a county court

a justice court

appellate courts

Do not capitalize:

court below

hearing court

IAS court

lower court

motion court

suppression court

sentencing court

trial court

10.1 (i) Judicial Officers

(1) Judge or Justice

Capitalize “Judge” or “Justice” when part of a personal name (Judge White).

Short-form references to a **named** judge or justice are also capitalized. For example:

The decision was written by Justice Jones of the New York Supreme Court. The Justice reasoned . . .

General references to “judge” or “justice” are not capitalized, except when referring to a judge or justice of a named court. For example:

Many judges have written . . .

but

Many Judges of the New York Court of Appeals have written . . .

(2) Other Judicial Officers

Capitalize the following when part of a personal name or when used as a short-form reference to a specific individual:

Administrative Law Judge

Referee

Special Referee

Surrogate

Workers’ Compensation Law Judge

Judicial Hearing Officer

Hearing Examiner

Magistrate

Support Magistrate

General references to such judicial officers are not capitalized:

an administrative law judge

the referees

the judicial hearing officers

Do not capitalize:

trial judge

trial justice**10.1 (j) Acts, Bills, Codes, Constitutions, etc.****(1) Titles of Acts, Ordinances, Regulations, etc.**

Capitalize the titles of acts, ordinances, regulations, etc.: Urban Development Corporation Act, Emergency Tenant Protection Regulations, Zoning Ordinance of the Town of Bedford.

But lowercase the words “act,” “statute,” “ordinance,” “regulation,” etc., when standing alone.

Lowercase general references to federal, state and municipal codes, such as housing regulations, steel code, oil code and building code.

Lowercase statute of limitations, statute of frauds, and rule against perpetuities.

(2) Popular Names of Acts and Constitutional Clauses

Capitalize the popular names of federal and state acts and constitutional clauses, for example: Dead Man’s Statute, No-Fault Law, Federal Clean Water Act, Due Process Clause, Equal Protection Clause.

(3) Constitutions

Capitalize constitution when referring to the specific constitution of any nation or state, *but* lowercase it as a general term.

New York State Constitution

Federal Constitution

Capitalize amendments to the constitution when referred to by number, such as the Fifteenth Amendment. When referred to by name, capitalize if full title is given, such as the Child Labor Amendment; *but* lowercase “amendment” as a general term—“a constitutional amendment.”

10.1 (k) Crimes

Lowercase names of crimes:

class D felony

petit larceny

10.1 (l) Parties

Lowercase “plaintiff,” “defendant,” “appellant,” “respondent,” etc.

10.1 (m) Legal Documents

Lowercase complaint, answer, bill of particulars, interrogatories, separation agreement, opinion, qualified domestic relations order, temporary restraining order and similar terms.

10.1 (n) Regional Names

Capitalize commonly used regional names:

Lower Manhattan

South Bronx

Historic District

Capital District

10.1 (o) Animal Breeds

Capitalize only proper nouns and adjectives:

English setter

King Charles spaniel

golden retriever

10.1 (p) Numbered Items

Lowercase references to numbered items, such as indictments, interrogatories, apartments, indexes, etc.:

indictment No. 3587-83

apartment 6B

license No. 137 ACH

damage parcel No. 6

exhibit B

10.2 NUMERALS, NUMBERS AND SYMBOLS**10.2 (a) Numerals and Numbers****(1) Spelling Out**

In general, numbers up to and including nine should be spelled out and numbers above nine should be denoted by figures. However, the style of the larger numbers controls the style of the smaller ones, when used in the same context (e.g., “The victim was uncertain whether the gunman was 8, 10, or 20 feet away at the time of the shooting”). Ordinarily, spell out numbers that begin a sentence (e.g., “Forty-five men were injured in the battle”).

(2) Dollar Amounts

Figures may be used for dollar amounts of any size: \$1, \$50, \$1 million.

(3) Fractions

Fractions standing alone should be spelled out as follows:

two-thirds share

one-third-inch pipe

one half the farm

Fractions accompanied by whole numbers should appear in numerical form as follows:

3³/₄ shares

10¹/₂ barrels

(4) Roman Numerals

In referring to articles of federal and state constitutions and statutes, roman numerals should be retained.

(5) Criminal Sentences**(a) Determinate Term Sentences**

For determinate term sentences, apply the rule in section 10.2 (a) (1) (numbers up to and including nine should be spelled out and numbers above nine should be denoted by figures) as follows:

Defendant's term of probation was reduced to four years.

Defendant was sentenced to a prison term of 15 years.

and, in accordance with section 10.2 (a) (3):

Defendant was sentenced to a determinate prison term of $3\frac{3}{4}$ years.

(b) Indeterminate Term Sentences

For indeterminate term sentences, numerical figures are used as follows:

Defendant's sentence was reduced to a prison term of 3 to 6 years.

(6) Firearms

Reference to specific types of firearms should appear in the form that follows:

9 millimeter

.38 caliber

12 gauge

(7) Sex Offender Risk Levels, Prisoner Disciplinary Hearings and Attorney Disciplinary Charges

Reference to sex offender risk levels, prison disciplinary hearings and attorney disciplinary charges should appear as follows:

charge one

tier III disciplinary hearing

level three sex offender

risk factor 8

(8) Ages

four year old, *but*

four-year-old child

10.2 (b) Symbols**(1) General Rule**

Use symbols with figures (5¢, \$3, 10%) and words with words (nine dollars, five percent).

(2) Distances and Measurements

Distances and measurements should be treated as follows:

100 feet by 100 feet, *not* 100' x 100'

10 inches, *not* 10"

90 degrees, *not* 90°

10.3 DATES AND TIME**10.3 (a) Month, Day and Year**

The parties were married on June 11, 1993 in Schenectady.

10.3 (b) Month and Year

The transactions took place in October 1989 at the Chicago Board of Trade.

10.3 (c) Day and Year

The parties were married on Thanksgiving Day 1993.

10.3 (d) Year Only

The document was signed in 2000.

10.3 (e) Decades

1920s

10.3 (f) Centuries

twentieth century

twenty-first century

10.3 (g) Abbreviation of Months

All the months of the year, with the exception of May, June and July, should be abbreviated when used in parentheses or footnotes: (Sept. 1)

10.3 (h) Time

Use figures to denote time as follows:

8:00 P.M.

12:15 A.M.

4 o'clock

10.3 (i) Seasons

spring

summer

fall

winter

10.4 NAMES

10.4 (a) Names of Judges

(1) Names in Appeal Statements

In appeal statements, use the full name of the judge.

(2) Names in Running Text

The name of the judge in running text may, but need not, include the full name:

The decision of Mr. Justice Pound (later Chief Judge of the Court of Appeals) at Special Term . . .

Chancellor Kent's opinion pointed the way . . .

Judge Edward T. Bartlett of the Court of Appeals said . . .

(3) Name at Opinion Opening

At the opening of each opinion the name of the judge appears as follows:

Chief Judge KAYE; STARK, J.

First names may be added to avoid ambiguity:

PATRICIA D. MARKS, J.

10.4 (b) Personal Names

Use the style of personal names as given in the record or briefs. In the event of conflicting styles, follow the personal name style used in papers submitted by or on behalf of that individual.

10.4 (c) Corporate Names

Unless it is the first word of a sentence, do not capitalize the word “the,” even if it is part of the name of an entity:

the New York Times

the Salvation Army

the Gap

the Travelers

11.0 QUOTATIONS AND QUOTATION MARKS**Contents of Section****11.1 QUOTATIONS****11.1 (a) General Rule****11.1 (b) Punctuation of Quotations****11.1 (c) Ellipsis; Omitted Material****11.1 (d) Brackets****11.1 (e) Use of “[sic]”****11.1 (f) Material Emphasized****11.1 (g) Statutory and Regulatory Material****11.2 QUOTATION MARKS****11.2 (a) Single-Paragraph Quotations****11.2 (b) Multiple-Paragraph Quotations****11.2 (c) Multiple Quotation Marks****11.2 (d) Use of Quotation Marks for Short-Form
References****11.1 QUOTATIONS****11.1 (a) General Rule**

Quotations should be verbatim as to word style, citation style and punctuation. All quotations, including blocked quotations, must be enclosed within quotation marks.

Quotations of 50 words or more in opinions must be blocked. For counting purposes, words include articles, symbols and numbers. Quotations in memorandum decisions are not blocked.

11.1 (b) Punctuation of Quotations

Commas and periods are placed within the ending quotation mark; colons and semicolons are placed outside. Other punctuation, such as question marks and exclamation marks, is placed within the ending quotation mark only if part of the quoted material.

11.1 (c) Ellipsis; Omitted Material

The omission of one or more words from a quotation is indicated by the use of an ellipsis.

An ellipsis is indicated by three ellipsis points (. . .), not by asterisks.

Do not use an ellipsis at the beginning of a quotation.

The use of three ellipsis points to indicate an omission between quoted sentences is preferred; no period is needed at the end of the first quoted sentence. For example:

“After the contents of the inquiry are placed on the record, counsel should be afforded a full opportunity to suggest appropriate responses . . . [T]he trial court should ordinarily apprise counsel of the substance of the responsive instruction it intends to give so that counsel can seek whatever modifications are deemed appropriate *before* the jury is exposed to the potentially harmful information.”

The omission of internal quotation marks or case citations may be indicated by a parenthetical, such as (internal quotation marks and citation omitted), in which case ellipses are not necessary.

11.1 (d) Brackets

Use brackets to indicate that language has been added or modified. If bracketed language replaces language omitted, there is no need to indicate the omission with an ellipsis.

11.1 (e) Use of “[sic]”

When the quoted material contains mistakes that the author does not wish to correct by substituting bracketed language, the author may indicate that the mistake appeared in the original by inserting “[sic]” after the mistaken language.

11.1 (f) Material Emphasized

Do not use: (emphasis in original).

To add emphasis to a quotation, use italics and add a parenthetical: (emphasis added). However, when the source document in which a quotation is found uses a different style of emphasis (e.g., underscoring, boldface), retain that style. When emphasis in the source document is retained in a quotation and the author wishes to add further emphasis, use italics and add a parenthetical, such as: (additional emphasis added).

11.1 (g) Statutory and Regulatory Material

Although some material in statutes and regulations is boldfaced, quotations of such material should be in normal type.

11.2 QUOTATION MARKS

11.2 (a) Single-Paragraph Quotations

Single-paragraph quotations have quotation marks at the beginning and the end of the quoted language.

11.2 (b) Multiple-Paragraph Quotations

Multiple-paragraph quotations have quotation marks only at the beginning of each paragraph and at the end of the last paragraph.

11.2 (c) Multiple Quotation Marks

If the quotation contains language that is already quoted (a quotation within a quotation), the previously quoted language may be enclosed within single quotation marks (‘). Likewise, a quotation within a quotation within a quotation may be enclosed within double quotation marks (“). For example: The court reviews “whether counsel’s performance ‘viewed in totality’ amounts to ‘meaningful representation’” (*People v Grey*, 34 AD3d 832, 833 [2006]).

Alternatively, a quotation from language already containing quotations may be quoted in the following manner: The court reviews “whether counsel’s performance viewed in totality amounts to meaningful representation” (*People v Grey*, 34 AD3d 832, 833 [2006] [internal quotation marks omitted]).

11.2 (d) Use of Quotation Marks for Short-Form References

To shorten a name, do not use quotation marks within parentheses, e.g., American Red Cross of Greater New York (Red Cross), *not* American Red Cross of Greater New York (“Red Cross”).

12.0 WORD STYLE IN GENERAL**Contents of Section****12.1 GENDER NEUTRAL WRITING****12.1 (a) Use of Inclusive Terms****12.1 (b) Using “He” or “She” as Generic Pronoun****12.1 (c) Additional Background****12.2 COMPOUND WORDS****12.2 (a) Generally****12.2 (b) Hyphenated Adjectival Phrase****12.2 (c) Hyphenated Prefix****12.3 AVOIDANCE OF LATINISMS AND LEGALISMS****12.3 (a) Use of English Language Words and Phrases****12.3 (b) Exceptions to General Rule****12.3 (c) Typography****12.4 PERSONAL IDENTIFYING INFORMATION****12.4 (a) Personal Names****12.4 (b) Numerical Identifiers****12.4 (c) Other Identifying Information****12.5 DESCRIBING PERSONS WITH DISABILITIES****12.1 GENDER NEUTRAL WRITING****12.1 (a) Use of Inclusive Terms**

Use inclusive terms, rather than masculine or feminine forms.

Use	Avoid
administrator	administratrix
a one-person operation	a one-man operation
artificial	man-made
Assembly Member; Member of the Assembly	Assemblyman
battered syndrome or battered person syndrome	battered woman syndrome
businessperson; executive	businessman
chair; chairperson	chairman
colleagues	brethren
diplomacy	statesmanship

Use	Avoid
drafter	draftsman
executor	executrix
firefighter	fireman
presiding juror; foreperson	foreman
supervisor [employment context]	foreman
high ranking officials	men in high places
homemaker	housewife
journalists	gentlemen of the press
Member of Congress; Representative	Congressman
members of the jury	gentlemen of the jury
nurse	male nurse
police officer	policeman
reasonable person	reasonable man
representative	spokesman
staff	manpower
worker	workman

12.1 (b) Using “He” or “She” as Generic Pronoun

Avoid using “he” or “she” as a generic pronoun. “He” or “she” should not be used to refer to a group of people that may include men and women or an individual whose gender is not known. Instead you might:

(1) Eliminate the pronoun altogether. For example, “A court clerk can give you *her* advice on that form,” can be changed to “A court clerk can give you advice on that form.”

(2) Find a neutral article or pronoun, such as “a,” “the,” or “this.” “A judge can always make *his* ruling orally,” might be replaced by “A judge can always make *the* ruling orally.”

(3) Rearrange the sentence to use “who” as the pronoun. “If someone wants an adjournment, *he* should ask for it during the calendar call,” can be altered to “A person *who* wants an adjournment should ask for it during the calendar call.”

(4) Replace the pronoun with a synonym. “You should find a court officer. *He* is the one who can help you,” can be changed to “You should find a court officer. That is the *officer* who can help you.”

(5) Use a plural pronoun. Instead of writing, “A juror must make *his* own assessment of the credibility of each witness,” you can write, “Jurors must make *their* own assessments of the credibility of each witness.”

12.1 (c) Additional Background

This section is based upon New York State Judicial Committee on Women in the Courts, *Fair Speech: Gender-Neutral Language in the Courts* (NY St Unified Ct Sys [2d ed 1997]), which may be consulted for additional background.

12.2 COMPOUND WORDS

12.2 (a) Generally

Compound words may be open (separate words, no hyphen), closed (spelled as one word), or hyphenated.

See the word list at Appendix 5. For words not on the list, consult Webster’s Third New International Dictionary (2002).

12.2 (b) Hyphenated Adjectival Phrase

Hyphenate an adjectival phrase formed of two or more words preceding the noun modified only where ambiguity might otherwise result.

12.2 (c) Hyphenated Prefix

Follow the word style in Webster’s Third New International Dictionary (2002), except as modified by Appendix 5. Otherwise, hyphenate a prefix to a root word only where ambiguity might otherwise result (e.g., re-present, not represent; re-serve, not reserve).

12.3 AVOIDANCE OF LATINISMS AND LEGALISMS

12.3 (a) Use of English Language Words and Phrases

The use of Latin and other foreign language words and phrases generally is discouraged where an English language equivalent is available. Legalisms are also discouraged. For example, consider these substitutes:

Instead of	Consider Using
ab initio	from the beginning; from the inception
ad infinitum	forever; without end

Instead of	Consider Using
a fortiori	for an even stronger reason
arguendo	for the sake of argument; hypothetically; assuming
cestui que trust	beneficiary
circa	about
dehors	out of; beyond; outside
ex contractu	from a contract; contractual; in contract
indices	indexes
in loco delicti	in the place of the offense
in praesenti	in the present; at the present time
in statu quo	in the present condition
inter alia	among others; among other things
inter se	among themselves; between themselves
in toto	completely; in all; totally; on the whole
make a motion	move
nisi prius	trial court
opinion per	opinion by
or, in the alternative	or
pro rata	proportional; proportionate
pro tanto	partial; as far as it goes
qua	in the capacity of; as
quantum	amount
quondam	former
said	the
same	it; them
sans	without
sub silentio	silently; under silence
such	the; this <i>or</i> that
to wit	namely
viz.	namely

12.3 (b) Exceptions to General Rule

The use of Latin and other foreign words and phrases is appropriate where the word or phrase has become part of standard English or is a legal term of art.

12.3 (c) Typography

Commonly used foreign words and phrases are not italicized. See section 13.7.

12.4 PERSONAL IDENTIFYING INFORMATION

12.4 (a) Personal Names

(1) Children. The name of any person 17 years old or younger should not appear in any published opinion. This includes the surname of an adoptive child (Domestic Relations Law § 112 [4]) and the name of a subject of a youthful offender proceeding (*see* CPL 720.35 [2]). Nor should any opinion contain the surname of any person, such as a parent, who shares a surname with the child.

(2) Other Persons. The names of affected persons should not appear in any published opinion where court records are made confidential by law or where the sensitivity or circumstances of the case raise privacy concerns. For example:

(a) The name of any victim of a sex offense or of an offense involving the alleged transmission of HIV should not be published (Civil Rights Law § 50-b).

(b) In Family Court proceedings, the names of the individual parties should not be published. This includes juvenile delinquency and PINS proceedings, foster care proceedings, child abuse and neglect proceedings, and support proceedings. (*See* Family Ct Act § 166.)

(c) In proceedings under Mental Hygiene Law article 9 (hospitalization of the mentally ill), the name of the subject individual should not be published (*see* Mental Hygiene Law §§ 9.11, 33.13).

(d) In matrimonial actions, the parties' names should not be published where access to the matrimonial files has been limited pursuant to Domestic Relations Law § 235.

Special consideration should be given to the possibility that, under the circumstances of a case, the identification of a person in a published decision may raise concerns for that person's privacy or safety, even if that person's role in the case is already a matter of public record. This rule may require redaction of the names of witnesses or other non-parties who are referenced in text.

(3) How to Redact. If reference to protected personal names is necessary, use real or fictitious initials or other formats that shield the person from identification. For example, George Jones may be replaced by George J., or **G.J.**, or George RR, or Anonymous.

12.4 (b) Numerical Identifiers

(1) Account Numbers. Numerical identifiers such as Social Security numbers; bank, credit and debit card numbers, and other financial account numbers; and driver's license numbers should not appear in any published opinion.

(2) Birth Dates. The exact date of birth of any individual should not appear in any published opinion.

(3) How to Redact. If reference to numerical identifiers is necessary, only the last three or four digits should be used (e.g., xxx/xx/1234). If reference to date of birth is necessary, use only the year (e.g., xx/xx/1975).

12.4 (c) Other Identifying Information

Other identifying detail, such as an exact street address, e-mail address, home or work telephone number, name of a child's school or name of a person's employer, should be redacted in whole or in part where publication of such information would tend to identify a person whose identity requires protection under section 12.4 (a).

12.5 DESCRIBING PERSONS WITH DISABILITIES

Avoid language that implies that a person as a whole is disabled (e.g., the mentally ill or the learning disabled); equates persons with their condition (e.g., epileptics, autistics or quadriplegics); has negative overtones (e.g., afflicted with cerebral palsy, suffering from multiple sclerosis, confined to a wheelchair or wheelchair bound); or is regarded as derogatory or demeaning (e.g., handicapped or mentally deficient).

Use terminology that places the person before the disability (e.g., individuals with disabilities, individuals with developmental disabilities, individuals with mental illness, individuals with autism or individuals with mental retardation).

—Notes—

PART III: TYPOGRAPHY AND SPACING

13.0 TYPOGRAPHY

Contents of Section

13.1 TITLES OF DECISIONS

13.2 PARAGRAPH AND SECTION HEADINGS

13.3 TIME ABBREVIATIONS

13.4 JUDGE NAME IN OPINION OPENING AND VOTE LINE

13.5 SMALL CAPITALS USED IN TEXT

13.6 ADDED EMPHASIS

13.7 FOREIGN WORDS AND PHRASES

13.8 NAMES OF NEWSPAPERS, MAGAZINES, BOOKS, ETC.

[Note: To small cap words in WordPerfect, highlight the words to be small capped, place all words in lowercase; on the toolbar, go to Format > Font, and under Appearance check Small Caps; then click OK.]

13.1 TITLES OF DECISIONS

Name portions of a title are set in large and small capitals:

JOHN J. MURPHY et al., as Administrators C.T.A. of the Estate of MARTIN T. MURPHY, Deceased, Plaintiffs, v GEORGE SMITH, as Administrator D.B.N. of the Estate of THOMAS SMITH, Deceased, Defendant.

13.2 PARAGRAPH AND SECTION HEADINGS

Capitalize the first letter of every word, do not use small capitals, and underscore the heading.

The heading may be centered or flush left depending on the author's preference, but placement within an opinion should be consistent. Both flush left and centered headings may be used in a single decision.

13.3 TIME ABBREVIATIONS

Abbreviations A.M. and P.M., and B.C. and A.D. are set in small capitals.

13.4 JUDGE NAME IN OPINION OPENING AND VOTE LINE

The name of the judges at the opening of the opinion in the majority, dissent, etc., and in the vote line at the end of the opinion are set in large and small capitals, e.g., Chief Judge *KAYE*.

13.5 SMALL CAPITALS USED IN TEXT

Use small capitals in text for the following:

In wills, small capitals are used for articles, e.g., *ARTICLE II*, and the name of the testator and beneficiaries within quotations.

For trial or other testimonial transcripts, use small capitals for the name of the attorney or witness at the beginning of each transcript passage quoted.

13.6 ADDED EMPHASIS

To add emphasis to a word or phrase, italicize it.

13.7 FOREIGN WORDS AND PHRASES

See the word list at Appendix 5. If not on the list, italicize foreign words and phrases only if they are italicized in *Black's Law Dictionary* (8th ed 2004).

13.8 NAMES OF NEWSPAPERS, MAGAZINES, BOOKS, ETC.

Names of newspapers, magazines, books, etc., appearing in text should not be italicized.

New York Times

Saturday Review of Literature

New York Law Journal

Black's Law Dictionary

Newsweek

To Kill a Mockingbird

14.0 SPACING**Contents of Section****14.1 ABBREVIATION SPACING****14.2 STATUTORY SPACING****14.1 ABBREVIATION SPACING**

There is no space between adjacent single-letter abbreviations used in either case names or titles of actions and proceedings. For example:

Erie R.R. v St. Mark's R.C. Church

THOMAS MOORE, M.D., P.C., Respondent, v EVANS & LEE, LLP, Appellant.

14.2 STATUTORY SPACING

Spaces are inserted between the section number and each subsequent subdivision cited as follows:

(Town Law § 199_Δ[1]_Δ[a]_Δ[4])

(Domestic Relations Law § 236_Δ[B]_Δ[6]_Δ[a]_Δ[3])

—Notes—

—Notes—

PART IV: APPENDIXES

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- APPENDIX 6 — TITLES IN VARIOUS ACTIONS AND PROCEEDINGS, WITH CASE NAMES
- APPENDIX 7 — CITATIONAL FOOTNOTE STYLE (MODEL OPINION)
- APPENDIX 8 — FORMULATION OF SUMMARIES (APPEAL STATEMENTS)

APPENDIX 1

COMMON CASE NAME ABBREVIATIONS

(Add “s” inside the period for plural use, unless otherwise indicated. Do not abbreviate terms used as a possessive [Employers’ *not* Empls.] .)

Accident	Acc.
Adjustment	Adj.
Advertise, Advertising	Adv.
Administrat[ion, ive]	Admin.
Administrat[or, rix]	Adm’[r, x]
Agricult[ural, ure]	Agric.
Air Conditioning	A.C.
Aktiengesellschaft	AG.

America[n]	Am.
Apartment	Apt.
Article	Art.
Associate[s]	Assoc.
Association	Assn.
Assurance	Assur.
Atlantic	Atl.
Authority	Auth.
Automobile, Automotive	Auto.
Avenue	Ave.
Besloten Vennootschap	B.V.
Board	Bd.
Boulevard	Blvd.
British	Br.
Brotherhood	Bhd.
Brothers	Bros.
Builder	Bldr.
Building	Bldg.
Bureau	Bur.
Business	Bus.
Canada, Canadian	Can.
Casualty	Cas.
Center, Centre	Ctr.
Central	Cent.

Chapter	Ch.
Chemical	Chem.
Civil	Civ.
College, Collegiate	Coll.
Commission	Commn.
Commissioner	Commr.
Committee	Comm.
Compagnie	Cie.
Compania	Cia.
Company	Co.
Congregational	Cong.
Consolidated	Consol.
Construction	Constr.
Continental	Cont.
Contract[ing, ual, or]	Contr.
Cooperative	Coop.
Co-operative	Co-op.
Corporation	Corp.
County	<i>Do not abbreviate</i>
Court	Ct.
Creek	Cr.
Debenture	Deb.
Department[al]	Dept.
Development[al], Developer	Dev.

Distribut[ing, ion, or]	Distrib.
District	Dist.
Division	Div.
Domestic	Dom.
Drive	Dr.
East[ern]	E.
Education[al]	Educ.
Electric[al, ity], Electronic	Elec.
Elevat[ed, or]	El.
Employ[ee, er, ment]	Empl.
Engineer	Engr.
Engineering	Eng'g
Enterprise	Enter.
Environment	Envt.
Environmental	Envtl.
Equipment	Equip.
Equitable	Equit.
European	Eur.
Exchange	Exch.
Executive	Exec.
Execut[or, rix]	Ex'[r, x]
Federal	Fed.
Federation	Fedn.
Fidelity	Fid.

Financ[e, ial, ing]	Fin.
Foundation	Found.
Freight	Frgt.
General	Gen.
Gesellschaft mit beschränkter Haftung	GmbH
Government	Govt.
Guarantee, Guaranty	Guar.
Heights	Hgts.
Highway	Hwy.
Honorable	<i>Do not abbreviate</i>
Horticult[ural, ure]	Hort.
Hospital	Hosp.
Housing	Hous.
Incorporated	Inc.
Indemni[ty, fication]	Indem.
Independent	Ind.
Industr[y, ies, ial]	Indus.
Information	Info.
Institut[e, ion, ional]	Inst.
Insurance	Ins.
International	Intl.
Invest[or, ment, ing]	Inv.
Island[s]	Is.

Judicial	Jud.
Junction	Junc.
Junior	Jr.
Kommanditgesellschaft auf Aktien	KGaA
Laboratory	Lab.
Liability	Liab.
Library	Lib.
Lighting	Light.
Limited	Ltd.
Limited Liability Company	L.L.C. or LLC [as used by party]
Limited Liability Partnership	L.L.P. or LLP [as used by party]
Liquor	Liq.
Litigation	Litig.
Lumber	Lbr.
Machine[ry]	Mach.
Magazine	Mag.
Management	Mgt.
Manager	Mgr.
Manufacturer	Mfr.
Manufacturing	Mfg.
Marine, Maritime, Marina	Mar.

Market	Mkt.
Marketing	Mktg.
Mechanic, Mechanical	Mech.
Medical	Med.
Meeting	Mtg.
Memorial	Mem.
Merchandise	Mdse.
Methodist Episcopal	M.E.
Methodist Reformed	M.R.
Metropolitan	Metro.
Mineral, Mining	Min.
Mortgage	Mtge.
Mountain	Mtn.
Municipal	Mun.
Mutual	Mut.
Naamloze Vennootschap	N.V.
National	Natl.
National Association	N.A.
Naval, Navigation	Nav.
North[ern]	N.
Number	No.
Office	Off.
Optical, Optician	Opt.
Orchestra	Orch.

Organi[z,s]ation, Organi[z,s]ing	Org.
Pacific	Pac.
Pharmaceutical, Pharmacy	Pharm.
Philadelphia	Phila.
Presbyterian	Presbyt.
Preservation	Preserv.
Printing	Print.
Product[ion]	Prod.
Professional Corporation	P.C.
Property	Prop.
Protestant	Prot.
Public	Pub.
Public Limited Company	plc
Publication, Publishing, Publisher, Published	Publ.
Purchasing	Purch.
Railroad	R.R.
Railway	Ry.
Rapid Transit	R.T.
Recording	Rec.
Refining	Ref.
Reformed	Refm.
Refrigerat[ing, ion]	Refrig.
Reinsurance	Reins.
Restaurant	Rest.

River	Riv.
Road	Rd.
Roman Catholic	R.C.
Route	Rte.
Saint	St.
Savings	Sav.
Securit[y, ies]	Sec.
Service	Serv.
Sociedad Anónima, Società in accomandita per azioni, Société Anonyme	S.A.
Société à Responsabilité Limitée	S.A.R.L.
Society	Socy.
South[ern]	S.
Square	Sq.
Standard	Std.
Station	Sta.
Steamship[s]	S.S.
Storage	Stor.
Street	St.
Superintendent	Supt.
Surety	Sur.
System[s]	Sys.
Techn[ical, ology, ologies]	Tech.
Tele[gram, graph, phone, vision]	Tel.

Telecommunication[s]	Telecom.
Terminal	Term.
Theatrical	Theat.
Theological	Theol.
Title	Tit.
Township	Twp.
Transit	Tr.
Transport[ation]	Transp.
Treasurer	Treas.
Tribunal	Trib.
Unitarian	Unit.
University	Univ.
Utilit[y, ies]	Util.
Valley	Val.
Vehicle	Veh.
Vicinity	Vic.
Village	Vil.
West[ern]	W.

APPENDIX 2**ABBREVIATION OF CASE LAW REPORTS****Contents****A. New York****B. Federal****C. Other Reports****A. NEW YORK****A**

Abbott's New Cases	Abb NC
Abbott's Court of Appeals Decisions	Abb Ct App
Abbott's Practice Reports	Abb Prac
Abbott's Practice Reports, New Series	Abb Prac [NS]
Anthon's Nisi Prius Cases	Anth NP, Anth NP2d
Appellate Division Reports 1st Series	App Div
Appellate Division Reports 2d Series	AD2d
Appellate Division Reports 3d Series	AD3d

B

Barbour's Supreme Court Reports	Barb
Barbour's Chancery Reports	Barb Ch
Bosworth's Superior Court Reports	Bosw
Bradbury's Pleading and Practice Reports	Bradb
Bradford's Surrogate's Reports	Bradf

C

Caines' Cases	Caines' Cas
Caines' Reports	Caines
Chancery Sentinel	Ch Sent
City Court Reports (NY)	NY City Ct Rep
City Hall Recorder (NY)	NY City H Rec
City Hall Reporter (NY)	NY City H Rptr
Civil Procedure Reports	NY Civ Pro Rep
Civil Procedure Reports, New Series	NY Civ Pro Rep [NS]
Clarke's Chancery Reports	Clarke Ch
Code Reporter	NY Code Rptr
Code Reporter, New Series	NY Code Rptr [NS]
Code of Procedure Reports, New Series	NY Code Pro Rep [NS]
Coleman's Cases	Colem Cas
Coleman & Caines' Cases	Colem & C Cas
Connolly's Surrogate's Reports	Connoly
Court of Claims Reports	NY Ct Cl
Cowen's Criminal Reports	Cow Crim Rep
Cowen's Reports	Cow

D

Daly's Common Pleas Reports	Daly
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Demarest's Surrogate's Reports Dem

Denio's Reports Denio

Duer's Superior Court Reports Duer

E and F

E.D. Smith's Common Pleas Reports ED Smith

Edmond's Select Cases Edm Sel Cas

Edwards' Chancery Reports Edw Ch

G and H

Gibbons' Surrogate's Reports Gibbons

Hall's Superior Court Reports Hall

Hill & Denio, Lalor's Supplement Hill & Denio

Hill's Reports Hill

Hilton's Common Pleas Reports Hilt

Hoffman's Chancery Reports Hoff Ch

Hopkins' Chancery Reports Hopk Ch

Howard's Court of Appeals Cases How App Cas

Howard's Practice Reports How Prac

Howard's Practice Reports, New Series How Prac [NS]

Hun's Supreme Court Reports Hun

I and J

Johnson's Cases Johns Cas

Johnson's Chancery Reports Johns Ch

Johnson's Reports	Johns
Jones and Spencer's Superior Court Reports	Jones & Sp

K and L

Keyes' Reports	Keyes
Lansing's Reports	Lans
Lansing's Chancery Reports	Lans Ch
Livingston's Judicial Opinions	Liv Jud Op
Lockwood's Reversed Cases	Lock Revd Cas

M

Mills' Surrogate Reports	Mills
Miscellaneous Reports	Misc
Miscellaneous Reports 2d Series	Misc 2d
Miscellaneous Reports 3d Series	Misc 3d

N

New York Annotated Cases	NY Ann Cas
New York City Court Reports	NY City Ct Rep
New York City Hall Recorder	NY City H Rec
New York City Hall Reporter	NY City H Rptr
New York Civil Procedure Reports	NY Civ Pro Rep
New York Civil Procedure Reports, New Series	NY Civ Pro Rep [NS]
New York Code Reporter	NY Code Rptr

New York Code Reporter, New Series	NY Code Rptr [NS]
New York Code of Procedure Reports, New Series	NY Code Pro Rep [NS]
New York Criminal Reports	NY Crim Rep
New York Law Journal	NYLJ
New York Leading Cases, Annotated	NYLC Ann
New York Legal Observer	NY Leg Obs
New York Monthly Law Bulletin	NY Monthly Law Bull
New York Reports	NY
New York Reports 2d Series	NY2d
New York Reports 3d Series	NY3d
New York State Court of Claims Reports	NY Ct Cl
New York State Department of Education Reports	36 Ed Dept Rep 508 [Decision No. 13,787]
New York State Department Reports	NY St Dept Rep
New York State Labor Relations Board, Decisions and Orders of	NYSLRB
New York State Law Digest	NY St Law Digest
New York State Reporter	NY St Rptr

New York Superior Court Reports (by Reporter)	Hall Sandf Duer Bosw Robt Sweeny Jones & Sp Sheld
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New York Supplement	NYS, NYS2d
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New York Weekly Digest	NY Week Dig
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O and P

Paige's Chancery Reports	Paige Ch
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Parker's Criminal Reports	Parker Crim Rep
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Power's Surrogates' Reports	Power
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Public Employment Relations Board Reports	31 PERB ¶ 3050 [1998]
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Public Service Commission of New York, Reports of	34 NY PSC 1524 [Op No. 94-24]
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Public Service Commission of New York, First District, Proceedings of	19 PSCR [1st Dist, NY] 142
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Public Service Commission of New York, Second District, Reports of Decisions of	9 PSCR [2d Dist, NY] 444
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Q and R

Redfield's Surrogates' Reports	Redf
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Robertson's Superior Court Reports	Robt
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S

Sandford's Chancery Reports	Sandf Ch
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Sandford's Superior Court Reports	Sandf
Selden's Notes of Cases	Seld Notes
Sheldon's Reports	Sheld
Silvernail's Court of Appeals Reports	Silvernail Ct App
Silvernail's Supreme Court Reports	Silvernail
Smith's (E.D.) Common Pleas Report	ED Smith
Sweeny's Superior Court Reports	Sweeny

T

Thompson and Cook's Supreme Court Reports	Thomp & C
Transcript Appeals	Transc App
Tucker's Surrogate's Reports	Tuck

U, V and W

Wendell's Reports	Wend
Wheeler's Criminal Cases	Wheel Crim Cas

X, Y and Z

Yates' Select Cases	Yates' Sel Cas
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B. FEDERAL

Bankruptcy Reporter	BR
Federal Appendix	Fed Appx
Federal Cases	22 F Cas 584 (ED Mo 1872, No. 13,071)

Federal Claims Reporter [1992-date] [see also US Court of Claims Reports and US Claims Court Reporter]	Fed Cl
Federal Reporter Series	F, F2d, F3d
Federal Rules Decisions	FRD
Federal Supplement Series	F Supp, F Supp 2d
Interstate Commerce Commission Reports	ICC
Motor Carrier Cases, Interstate Commerce Commission Reports	MCC
Supreme Court Reporter	S Ct
US Claims Court Reporter [1982-1992] [see also US Court of Claims Reports and Federal Claims Reporter]	Cl Ct
US Court of Claims Reports [1863-1982] [see also US Claims Court Reporter and Federal Claims Reporter]	Ct Cl
US Law Week	USLW
US Reports (beginning with 91 US)	US
US Reports (by Reporter, up to and including 90 US)	
Dallas—	1 Dallas [1 US]
Cranch—	1 Cranch [5 US]
Wheaton—	2 Wheat [15 US]
Peters—	5 Pet [30 US]
Howard—	3 How [44 US]
Black—	1 Black [66 US]
Wallace—	4 Wall [71 US]

US Supreme Court Reporter	S Ct
US Supreme Court Reports, Lawyers' Edition	L Ed, L Ed 2d
US Tax Court	TC

C. OTHER REPORTS**A and B**

Alabama Appellate Court Reports [1910-1976]	Ala App
Alabama Reports [1840-1976]	Ala
Alaska Reports [1884-1959]	Alaska
American Maritime Cases	AMC
American Reports	Am Rep
American State Reports	Am St Rep
Arizona Reports [1866-date]	Ariz
Arizona Court of Appeals Reports [1965-1976]	Ariz App
Arkansas Appellate Reports [1981-date]	Ark App
Arkansas Reports [1837-date]	Ark
Atlantic Reporter	A, A2d

C

California Appellate Reports [1905-date]	Cal App, Cal App 2d, Cal App 3d, Cal App 4th
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California Appellate Reports Supplement Series	Cal App Supp, Cal App 2d Supp, Cal App 3d Supp, Cal App 4th Supp
California Reporter [1959-date]	Cal Rptr, Cal Rptr 2d, Cal Rptr 3d
California Reports [1850-date]	Cal, Cal 2d, Cal 3d, Cal 4th
Colorado Reports [1864-1980]	Colo
Colorado Court of Appeals Reports [1891-1915; 1970-1980]	Colo App
Connecticut Appellate Reports [1983-date]	Conn App
Connecticut Reports [1814-date]	Conn
Connecticut Supplement [1935-date]	Conn Supp
Criminal Law Reporter	Crim L Rptr [BNA]

D

Delaware Reports [1920-1966]	Del
Delaware Chancery Reports [1814-1968]	Del Ch
District of Columbia Appeals [1893-date]	US App DC
District of Columbia Reports	DC

E and F

Florida Reports [1846-1948]	Fla
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Florida Supplement [1948-1992] Fla Supp,
Fla Supp 2d

G

Georgia Appeals Reports [1907-date] Ga App

Georgia Reports [1846-date] Ga

H

Hawaii Appellate Reports [1980-1994] Haw App

Hawaii Reports [1847-date] Haw

I

Idaho Reports [1866-date] Idaho

Illinois Appellate Court Reports
[1877-date] Ill App,
Ill App 2d,
Ill App 3d

Illinois Court of Claims Reports
[1889-date] Ill Ct Cl

Illinois Reports [1849-date] Ill,
Ill 2d

Indiana Appellate Court Reports
[1890-1979] Ind App

Indiana Reports [1848-1981] Ind

Iowa Reports [1855-1968] Iowa

J and K

Kansas Court of Appeals Reports
[1895-1901; 1977-date] Kan App,
Kan App 2d

Kansas Reports [1862-date] Kan

Kentucky Reports [1785-1951] Ky

L

Louisiana Annual Reports [1846-1900]	La Ann
Louisiana Courts of Appeal Reports [1924-1932]	La App
Louisiana Reports [1900-1972]	La

M

Maine Reports [1820-1965]	Me
Maryland Reports [1851-date]	Md
Maryland Appellate Reports [1967-date]	Md App
Massachusetts Appeals Court Reports [1972-date]	Mass App Ct
Massachusetts Reports [1804-date]	Mass
Michigan Court of Appeals Reports [1965-date]	Mich App
Michigan Reports [1847-date]	Mich
Minnesota Reports [1851-1977]	Minn
Mississippi Reports [1818-1966]	Miss
Missouri Appeal Reports [1876-1952]	Mo App
Missouri Reports [1821-1956]	Mo
Montana Reports [1868-date]	Mont

N

Nebraska Appellate Reports [1992-date]	Neb App
Nebraska Reports [1860-date]	Neb
Nevada Reports [1865-date]	Nev

New Hampshire Reports [1816-date]	NH
New Jersey Reports [1948-date]	NJ
New Jersey Superior Court Reports [1948-date]	NJ Super
New Jersey Tax Court Reports [1979-date]	NJ Tax
New Mexico Reports [1852-date]	NM
North Carolina Reports [1868-date]	NC
North Carolina Court of Appeals Reports [1968-date]	NC App
North Dakota Reports [1890-1953]	ND
Northeastern Reporter	NE, NE2d
Northwestern Reporter	NW, NW2d

O

Ohio Appellate Reports [1913-date]	Ohio App, Ohio App 2d, Ohio App 3d
Ohio Miscellaneous Reports [1965-date]	Ohio Misc, Ohio Misc 2d
Ohio Opinions [1934-1982]	Ohio Op, Ohio Op 2d, Ohio Op 3d
Ohio State Reports [1852-date]	Ohio St, Ohio St 2d, Ohio St 3d
Oklahoma Reports [1890-1953]	Okla
Oregon Reports [1853-date]	Or

Oregon Court of Appeals Reports [1969-date]	Or App
P	
Pacific Reporter	P, P2d, P3d
Pennsylvania Commonwealth Court Reports [1970-date]	Pa Commw
Pennsylvania District and County Reports [1921-date]	Pa D & C, Pa D & C 2d, Pa D & C 3d, Pa D & C 4th
Pennsylvania State Reports [1845-date]	Pa
Pennsylvania Superior Court Reports [1895-1997]	Pa Super
Public Utilities Reports	20 PUR3d 65, 108 PUR4th 81
Public Utilities Reports, New Series	52 PUR [NS] 65
Q and R	
Rhode Island Reports [1828-1980]	RI
S	
South Carolina Reports [1868-date]	SC
South Dakota Reports [1890-1976]	SD
Southeastern Reporter	SE, SE2d
Southern Reporter	So, So 2d

Southwestern Reporter SW,
SW2d,
SW3d

T

Tennessee Court of Appeals Reports [1925-1971] Tenn App

Tennessee Reports [1870-1971] Tenn

Texas Criminal Reports [1876-1963] Tex Crim

Texas Reports [1846-1962] Tex

U

Utah Reports [1851-1974] Utah,
Utah 2d

V

Vermont Reports [1826-date] Vt

Virginia Reports [1881-date] Va

Virginia Court of Appeals Reports [1985-date] Va App

W, X, Y and Z

Washington Court of Appeals Reports [1969-date] Wash App

Washington Reports [1889-date] Wash,
Wash 2d

West Virginia Reports [1864-date] W Va

Wisconsin Reports [1853-date] Wis,
Wis 2d

Wyoming Reports [1870-1959] Wyo

APPENDIX 3

APPELLATE HISTORY AND OTHER
ABBREVIATIONS USED IN CITATIONS

affidavit	aff [if abbreviated]
affirmed	<i>affd</i>
affirmed on other grounds	<i>affd on other grounds</i>
affirming	<i>affg</i>
amended	Do not abbreviate
amending	amdg
amendment(s)	amend(s)
Annotated/Annual	Ann
appeal(s)	Do not abbreviate
article	art
certiorari	<i>cert</i>
certiorari denied	<i>cert denied</i>
certiorari dismissed	<i>cert dismissed</i>
certiorari granted	<i>cert granted</i>
Circuit	Cir
clause	cl
cum testamento annexo	c.t.a.
edition	ed
effective	eff
et alii (and other variations)	et al.
et sequens (and other variations)	<i>et seq.</i>
exempli gratia	e.g.
footnote, footnotes	n, nn
ibidem	<i>ibid.</i>
idem	<i>id.</i>
id est	i.e.
leave	<i>lv</i>
memorandum	mem
modified	<i>mod</i>
modifying	<i>modfg</i>
motion	<i>mot</i>
motion for leave to appeal denied	<i>lv denied</i>
motion for leave to appeal dismissed	<i>lv dismissed</i>
motion for leave to appeal granted	<i>lv granted</i>
motion for reargument denied	<i>rearg denied</i>
motion for reargument dismissed	<i>rearg dismissed</i>

APPELLATE HISTORY AND OTHER
ABBREVIATIONS USED IN CITATIONS

APPENDIX 3

motion for reargument granted	<i>rearg granted</i>
opere citato	<i>op. cit.</i>
opinion	op
paragraph	para; ¶
reargument	<i>rearg</i>
rehearing	<i>reh</i>
renumbered	renum
reversed	<i>revd</i>
reversing	<i>revg</i>
revised	rev
subdivision	subd
subsection	subsec
sub nomine	<i>sub nom.</i>
Supplementary Pamphlet	Supp Pamph
transcript	tr [if abbreviated]
videlicet	viz.
volume	vol

APPENDIX 4**STYLE AND ABBREVIATION
OF PARTICULAR STATUTES****Contents****A. Current New York Statutes****B. Repealed or Superseded New York Statutes****C. Federal Statutes**

Use abbreviated form within parentheses. Either full or abbreviated form may be used in running text.

A. CURRENT NEW YORK STATUTES**A**

Abandoned Property Law § __

Administrative Code of the City of New York § __, *or* Administrative Code of City of NY § __ (*when repeated may be shortened to* Administrative Code § __)

Agricultural Conservation and Adjustment Law § __

Agriculture and Markets Law § __

Alcoholic Beverage Control Law § __

Alternative County Government Law § __

Arts and Cultural Affairs Law § __

B

Banking Law § __

Benevolent Orders Law § __

Business Corporation Law § __

C

Canal Law § __

Civil Practice Law and Rules § 3211 (a), *or* CPLR 3211 (a)

Civil Rights Law § __

Civil Service Law § __

CLS Unconsolidated Laws of NY § __, *or* CLS Uncons Laws of NY
§ __

Cooperative Corporations Law § __

Correction Law § __

County Law § __

Court of Claims Act § __

Criminal Procedure Law § 540.10, *or* CPL 540.10

D

Debtor and Creditor Law § __

Domestic Relations Law § __

E

Economic Development Law § __

Education Law § __

Elder Law § __

Election Law § __

Eminent Domain Procedure Law § 512, *or* EDPL 512

Employers' Liability Law § __

Energy Law § __

Environmental Conservation Law § 11-0529, *or* ECL 11-0529

Estates, Powers and Trusts Law § 2-1.9, *or* EPTL 2-1.9

Executive Law § __

F

Family Court Act § __, *or* Family Ct Act § __

G

General Associations Law § __

General Business Law § __

General City Law § __

General Construction Law § __

General Municipal Law § __

General Obligations Law § __

H

Highway Law § __

I

Indian Law § __

Insurance Law § __

J

Judiciary Law § __

L

Labor Law § __

Legislative Law § __

Lien Law § __

Limited Liability Company Law § __

Local Finance Law § __

Local Law No. 5 (1940) of City of New York § __, *or* Local Law No. 5 (1940) of City of NY § __ (*when repeated may be shortened to* Local Law No. 5 *or* Local Law 5)

M

McKinney's Unconsolidated Laws of NY § __, *or* McKinney's Uncons Laws of NY § __ (*when repeated may be shortened to Uncons Laws § __*)

Mental Hygiene Law § __

Military Law § __

Multiple Dwelling Law § __

Multiple Residence Law § __

Municipal Home Rule Law § __

N

Navigation Law § __

New York City Charter § __, *or* NY City Charter § __

New York City Civil Court Act § 1609, *or* NY City Civ Ct Act § 1609, *or* CCA 1609

New York City Criminal Court Act § __, *or* NY City Crim Ct Act § __

New York City Health Code (24 RCNY) § __, *or* NY City Health Code (24 RCNY) § __

New York City Zoning Resolution § __, *or* NY City Zoning Resolution § __

Not-For-Profit Corporation Law § 201, *or* N-PCL 201

P

Parks, Recreation and Historic Preservation Law § 14.01, *or* PRHPL 14.01

Partnership Law § __

Penal Law § __

Personal Property Law § __

Private Housing Finance Law § __

Public Authorities Law § __

Public Buildings Law § __

Public Health Law § __

Public Housing Law § __

Public Lands Law § __

Public Officers Law § __

Public Service Law § __

R

Racing, Pari-Mutuel Wagering and Breeding Law § __

Railroad Law § __

Rapid Transit Law § __

Real Property Actions and Proceedings Law § 1361, *or* RPAPL 1361

Real Property Law § __

Real Property Tax Law § 402, *or* RPTL 402

Religious Corporations Law § __

Retirement and Social Security Law § __

Rural Electric Cooperative Law § __

S

Second Class Cities Law § __

Social Services Law § __

Soil and Water Conservation Districts Law § __

State Administrative Procedure Act § __

State Finance Law § __

State Law § __

State Printing and Public Documents Law § __

State Technology Law § __

Statute of Local Governments § __

Surrogate's Court Procedure Act § 201, *or* SCPA 201

T

Tax Law § __

Town Law § __

Transportation Corporations Law § __

Transportation Law § __

U

Uniform City Court Act § 1403, *or* Uniform City Ct Act § 1403, *or* UCCA 1403

Uniform Commercial Code § 3-305, *or* UCC 3-305

Uniform Commercial Code § 3-305, Comment 6, *or* UCC 3-305, Comment 6

Uniform District Court Act § 1508, *or* Uniform Dist Ct Act § 1508, *or* UDCA 1508

Uniform Justice Court Act § 1904, *or* Uniform Justice Ct Act § 1904, *or* UJCA 1904

V

Vehicle and Traffic Law § __

Village Law § __

Volunteer Ambulance Workers' Benefit Law § __

Volunteer Firefighters' Benefit Law § __

W

Workers' Compensation Law § __

**B. REPEALED OR SUPERSEDED
NEW YORK STATUTES**

Civil Practice Act § __, *or* Civ Prac Act § __

Code of Civil Procedure § __, *or* Code Civ Pro § __

Code of Criminal Procedure § __, *or* Code Crim Pro § __

Decedent Estate Law § __

Penal Code of 1881 § __

Penal Law of 1909 § __

2 Revised Statutes of New York, part IV, ch I, tit I, § 5 (3), at 657 (1st ed 1829), *or* 2 Rev Stat of NY, part IV, ch I, tit I, § 5 (3), at 657 (1st ed 1829)

C. FEDERAL STATUTES

Bankruptcy Act of 1898 (11 USC) § __

1978 Bankruptcy Code (11 USC) § __

Internal Revenue Code (26 USC) § __

Kidnaping Act (18 USC) § __

28 USC § __

US Revised Statutes § __, *or* US Rev Stat § __

APPENDIX 5

STYLE OF PARTICULAR WORDS

A

ab initio	a posteriori
above-cited	a priori
ad damnum	arguendo
ad hoc	arm's length
ad infinitum	Associate's degree
ad valorem	attorney-at-law
a fortiori	Attorney General
AIDS	attorney-in-fact
Alco-Sensor	at-will employee
also known as (<i>do not abbreviate</i>)	audiotape
amici curiae	autopen
amicus curiae	

B

baby-sit(ter, ting)	biweekly
backlog	blue sky law
backup (<i>adj.</i>)	bona fide
backseat	bona fides
bar	buyout
bench	bylaw
biannual (<i>twice a year</i>)	by-product
biennial (<i>every two years</i>)	

C

case-in-chief	corpus
case law	corpus delicti
case load	correction officer
causa mortis	cotortfeasor
caveat emptor	counsel (<i>s. and pl.</i>)
Central Register of Child Abuse and Maltreatment	counselor-at-law
cesarean section	counterclaim
cestui que trust	countermotion
cestuis que trustent	courthouse
circa	courtroom
city marshal	coworker
claimant-appellant	cross appeal (<i>n.</i>)
cocounsel	cross-appeal (<i>v.</i>)
commingle	cross claim (<i>n.</i>)
common law (<i>n.</i>)	cross-claim (<i>v.</i>)
common-law (<i>adj.</i>)	cross complaint
commonsense (<i>adj.</i>)	cross-examine
cooperative	cross-examination
co-owner	cross motion
coram nobis	cross-move (<i>v.</i>)
	cy pres

D

damage (<i>n.</i>) (<i>referring to injury to person or property</i>)	damages (<i>n.</i>) (<i>referring to compensation for injury</i>)
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database	de novo
de facto	dicta
defendant-appellant	dictum
defendant Smith	doing business as (<i>do not abbreviate</i>)
defendant trustee	Dow Jones Average
dehors	down payment
de jure	
de minimis	
	E
ejusdem generis	ex officio
election day	ex parte
e-mail	ex post facto
en banc	ex-wife
evidence-in-chief	executor de son tort
ex contractu	eyewitness
ex-husband	
	F
factfinder	fire marshal
fact-finding (<i>adj. and n.</i>)	firsthand (<i>adj.</i>)
farfetched	forego (<i>to go before</i>)
far-reaching	forgo (<i>to waive</i>)
father-in-law	Form U-4
fellow-servant rule	forum non conveniens
firefighter	four year old

four-year-old child

four-year period

G*Golub* notice

grand jury

goodwill

guardian ad litem

good faith (*n. and adj.*)**H**

habeas corpus

High Court (*Supreme Court of the United States or New York Court of Appeals*)

half brother

health care

HIV-positive (*adj.*)**I**impleaded
defendant-respondent

inpatient

in absentia

in personam

inasmuch

in praesenti

in camera

in rem

indicia

insofar

in forma pauperis

in statu quo

in futuro

inter alia

injury-in-fact

Internet

in loco delicti

in terrorem

in limine

inter se

in loco parentis

interstate

in pais

intervenor-defendant-
respondent

in pari delicto

inter vivos

in pari materia

in toto

ipse dixit		ipso facto
	J	
job site		
	K	
kidnap		kidnapping (<i>but</i> Kidnaping Act)
kidnapped		
	L	
lawsuit		lis pendens
layperson		long-arm (<i>adj.</i>)
Lexis (<i>but</i> LEXIS in citations)		long-standing (<i>adj.</i>)
lienholder		lump-sum settlement
lineup		
	M	
mandamus		mens rea
marihuana; marijuana		MetroCard
Master's degree		mother-in-law
Medicaid		multifamily
Medicare		multistory
	N	
nationwide		nonhearsay
next of kin		nonparty
nexus		non sequitur
nisi prius		non sui juris
no-fault		nonworking
noncompliance		nunc pro tunc
non compos mentis		

O

obiter dictum	on line (<i>n.</i>)
objector-respondent	on-site (<i>adj.</i>)
offset (<i>n. and v.</i>)	on site (<i>n.</i>)
ongoing	overall
on-line (<i>adj.</i>)	overruled

P

parens patriae	plead (<i>present tense</i>)
party in interest	pleaded (<i>past tense</i>)
pat down (<i>n.</i>)	policymaking (<i>n.</i>)
pat-down search (<i>adj.</i>)	policy-making (<i>adj.</i>)
pendente lite	post-note of issue
per capita	posttrial
percent	pre-answer
per curiam	prearraignment delay
per diem	preexisting
per se	prejudgment
per stirpes	pre-plea
petitioner-respondent	presentence report
Ph.D.	pretrial
plaintiff and judgment creditor	prima facie
plaintiff-appellant	primary day
plaintiff husband	pro bono
plaintiff-respondent	pro forma

pro hac vice

pro rata

pro se

pro tanto

pro tem

pro tempore

proved

proven (*adj.*)

purchase-money mortgage

Q

qua

quantum

quantum meruit

quasi

quasi contract

quasi-judicial

quitclaim

quondam

quo warranto

R

reargument

record keeping (*n.*)

re-cross-examination

rent-controlled (*adj.*)rent-stabilized (*adj.*)re-present (*present again*)

res

rescission

re-serve (*serve again*)

res gestae

res ipsa loquitur

res judicata
(*not res adjudicata*)

respondeat superior

right-of-way

rule-making (*adj.*)rulemaking (*n.*)**S**

safe deposit box

sans

scienter

secondhand (*adj.*)

self-defense

self-evident

self-incrimination	station house
self-interest	status quo
setoff (<i>n.</i>)	statute of frauds
set off (<i>v.</i>)	statute of limitations (<i>s.</i>)
set-off (<i>adj.</i>)	statutes of limitations (<i>pl.</i>)
showup	stepdaughter
shut off (<i>v.</i>)	stepfather
shutoff (<i>n. and adj.</i>)	sua sponte
<i>sic (itals.)</i>	sub judice
sine die	subpoena; subpoena duces tecum (<i>do not join oe</i>)
sine qua non	sub silentio
so-called	successor in interest
Social Security	surreply
stare decisis	
statewide	
	T
third-party action	Totten trust
third-party defendant	twofold
time-barred	two-family
tortfeasor	
	U
ultra vires	upstate
Unified Court System	
	V
vacatur	verbatim

vice versa		videotape
vice-president		vis-à-vis
vide		voir dire
	W	
Web site		workload
well-being		workplace
well established		work site
whistleblower		World War II
workfare		World Wide Web
work force		
	X	
X ray (<i>n.</i>)		X-ray (<i>v.</i>)

APPENDIX 6**TITLES IN VARIOUS ACTIONS
AND PROCEEDINGS, WITH CASE NAMES**

The following model titles are merely illustrative. Variations may be required in certain titles.

ABUSED CHILDREN

In the Matter of TINA MARIE H., a Child Alleged to be Abused. COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES, Respondent; CINDY L., Appellant.

case name: *Matter of Tina Marie H.*

ACCOUNTING

In the Matter of the Accounting of JAMES W. OSBORNE, as Executor and Trustee under the Will of EUGENE LA GROVE, Deceased, Appellant. IVY L. LA GROVE, Respondent.

case name: *Matter of La Grove*

ADMINISTRATORS

HELEN IMMEDIATE, as Administrator of the Estate of LOUIS J. IMMEDIATE, Deceased, Appellant, v ST. JOHN'S QUEENS HOSPITAL, Defendant, and JOSEPH S. SPINDLER, Respondent.

case name: *Immediate v St. John's Queens Hosp.*

ETHEL KORNBLUT, Individually and as Administrator of the Estate of FRED KORNBLUT, Deceased, Appellant, v CHEVRON OIL COMPANY et al., Respondents, et al., Defendants.

case name: *Kornblut v Chevron Oil Co.*

ADOPTION AND TERMINATION OF PARENTAL RIGHTS

In the Matter of the Adoption of JESSICA MARIE R., an Infant.

case name: *Matter of Jessica Marie R.*

In the Matter of JESSICA M., an Infant. KAREN M., Petitioner; DANIEL F. et al., Respondents.

case name: *Matter of Jessica M.*

In the Matter of the Custody of JUDY G. and Another, Infants. JEWISH CHILD CARE ASSOCIATION, Petitioner; BENJAMIN G. et al., Respondents.

case name: *Matter of Judy G.*

ARBITRATION

In the Matter of the Arbitration between ACTING SUPERINTENDENT OF SCHOOLS OF LIVERPOOL CENTRAL SCHOOL DISTRICT, Appellant, and UNITED LIVERPOOL FACULTY ASSOCIATION et al., Respondents. [Note: This is the preferred form for arbitration titles.]

case name: *Matter of Acting Superintendent of Schools of Liverpool Cent. School Dist. (United Liverpool Faculty Assn.)*

In the Matter of WYANDANCH UNION FREE SCHOOL DISTRICT, Respondent-Appellant, v WYANDANCH TEACHERS ASSOCIATION, by WANDA WILLIAMS, as President, Appellant-Respondent. [Note: This is an acceptable form for arbitration titles.]

case name: *Matter of Wyandanch Union Free School Dist. v Wyandanch Teachers Assn.*

ARTICLE 78 PROCEEDINGS

In the Matter of AARON CHERVIN, Petitioner, v THOMAS A. DUFFY et al., Constituting the State Liquor Authority, Respondents.

case name: *Matter of Chervin v Duffy*

In the Matter of ROBERTS REAL ESTATE, INC., et al., Petitioners, v NEW YORK STATE DEPARTMENT OF STATE, DIVISION OF LICENSING SERVICES, Respondent.

case name: *Matter of Roberts Real Estate, Inc. v New York State Dept. of State, Div. of Licensing Servs.*

BOARDS, COMMISSIONS, ETC.

In the Matter of DAVID K. WONG, Respondent, v EDWARD J. MAHONEY et al., Constituting the Board of Elections of Erie County, Respondents, and WILLIAM L. MARCY, JR., Appellant.

case name: *Matter of Wong v Mahoney*

CLASS ACTIONS

ANTHONY S. VOTTA, on Behalf of Himself and All Others Similarly Situated, Respondent, v JANET SELLECK, Appellant.

case name: *Votta v Selleck*

ANGELO CHIARELLA et al., Individually and on Behalf of All Payers of Real Property Taxes to the City of Rochester for the Fiscal Years 1974-1975 through 1977-1978, Respondents, v CITY OF ROCHESTER, Appellant.

case name: *Chiarella v City of Rochester*

CONDEMNATION

In the Matter of CITY OF NEW YORK, Appellant, Relative to Acquiring Title in Fee Simple for the MILL CREEK PHASE 1, STATEN ISLAND BLUEBELT SYSTEM.

case name: *Matter of City of New York*

In the Matter of VILLAGE OF NEWARK URBAN RENEWAL AGENCY, Appellant, Relative to Acquiring Title to Real Property for an Urban Renewal Project Known as Newark Midtown Project in the Village of Newark. NEWARK GRANGE NO. 366 et al., Respondents.

case name: *Matter of Village of Newark Urban Renewal Agency (Newark Grange No. 366)*

In the Matter of the Acquisition of Real Property by the COUNTY OF BROOME, Appellant. MILLER FACILITIES CORPORATION et al., Respondents.

case name: *Matter of County of Broome (Miller Facilities Corp.)*

CONSERVATORSHIP

In the Matter of the Conservatorship of SUSAN E. WARGOLD, ALSO KNOWN as SUSAN SERLIN.

case name: *Matter of Wargold*

CORPORATE DISSOLUTION (REHABILITATION OR
LIQUIDATION)

In the Matter of the Dissolution of ST. PAUL FIRE AND MARINE INSURANCE COMPANY. ROGER HEASLEY, Appellant; HEWLETT GIBSON et al., Respondents.

case name: *Matter of St. Paul Fire & Mar. Ins. Co.*

In the Matter of the Dissolution of JONES COMPANY, Appellant. RUPERT WHITE, Respondent.

case name: *Matter of Jones Co. (White)*

In the Matter of the Rehabilitation of FRONTIER INSURANCE COMPANY. CALLON PETROLEUM, Appellant, v NEW YORK STATE DEPARTMENT OF INSURANCE, as Rehabilitator of FRONTIER INSURANCE COMPANY, Respondent.

case name: *Matter of Frontier Ins. Co.*

In the Matter of SHIV SHANKAR GUPTA, for the Dissolution of RADIANT GEMS AND MINERALS, INC. RADIANT GEMS AND MINERALS, INC., Respondent, v TECH GEM CORPORATION et al., Appellants.

case name: *Matter of Gupta*

COURT OF CLAIMS ACTIONS

WILLIAM J. WILSON, III, Claimant, v STATE OF NEW YORK, Defendant. (Claim No. 63044.)

case name: *Wilson v State of New York*

CRIMINAL ACTIONS

The PEOPLE OF THE STATE OF NEW YORK, Respondent, v HARRY E. WENZEL, Also Known as HARRY EDWARD WENZEL, JR., Appellant.

case name: *People v Wenzel*

The PEOPLE OF THE STATE OF NEW YORK, Plaintiff, v GEORGE IOANNIDIS, DANIEL H. NASSIF, CHRISTOPHER SOMALIS and JOHN RODRIGUEZ, Defendants.

case name: *People v Ioannidis*

DISCIPLINARY PROCEEDINGS

In the Matter of LAWRENCE M. ROSENBERG (Admitted as LAWRENCE MATTHEW ROSENBERG), a Suspended Attorney, Respondent. DEPARTMENTAL DISCIPLINARY COMMITTEE FOR THE FIRST JUDICIAL DEPARTMENT, Petitioner.

case name: *Matter of Rosenberg*

DOING BUSINESS AS

CENTRAL TRUST COMPANY, Respondent, v ARNOLD J. GOLDMAN et al., Individually and Doing Business as GOLDMAN & GOLDMAN, Appellants.

case name: *Central Trust Co. v Goldman*

ESTATES AND PROBATE PROCEEDINGS

In the Matter of the Estate of KATHLEEN FRAZIER, Deceased. ROBERT G. LAMB, JR., Appellant; WILLIAM J. FRAZIER, as Executor of KATHLEEN FRAZIER, Deceased, Respondent.

case name: *Matter of Frazier*

FORECLOSURE

In the Matter of the Foreclosure of Tax Liens by the COUNTY OF RENSSELAER, Respondent. RIVERSIDE AVENUE CORPORATION, Appellant.

case name: *Matter of County of Rensselaer (Riverside Ave. Corp.)*

In REM TAX FORECLOSURE ACTION NO. 47. CITY OF NEW YORK, Appellant; MAX MELAMED et al., Respondents.

case name: *In Rem Tax Foreclosure Action No. 47*

In the Matter of TAX FORECLOSURE OF 2000 AND PRIOR LIENS BY PROCEEDING IN REM PURSUANT TO ARTICLE 11 OF THE REAL PROPERTY TAX LAW. TOWN OF GREENBURGH, Respondent; ROUTE 9A REALTY CORPORATION, Appellant.

case name: *Matter of Tax Foreclosure of 2000 & Prior Liens*

GRAND JURY REPORTS

In the Matter of the SECOND REPORT OF THE SEPTEMBER 1975 GRAND JURY OF THE COUNTY OF ERIE. TWO PUBLIC OFFICIALS NAMED IN THE ABOVE-ENTITLED REPORT, Appellants; WILLIAM H. POWER, as District Attorney of the County of Erie, Respondent.

case name: *Matter of Second Report of Sept. 1975 Grand Jury of County of Erie*

GUARDIANSHIP

In the Matter of the Guardianship of DANIEL AARON D., an Infant. LOUISE WISE SERVICES, as Guardian and Custodian of DANIEL AARON D., Respondent; PHOEBE D., Appellant.

case name: *Matter of Daniel Aaron D.*

In the Matter of ESTER CHACHKERS, as Director of Social Services of New York University Medical Center, Petitioner, for the Appointment of a Guardian of the Person and Property of SHIRLEY W.

case name: *Matter of Shirley W.*

HABEAS CORPUS

The PEOPLE OF THE STATE of NEW YORK ex rel. NASAR ABDUL AZIZ, Also Known as RAYMOND GILLIARD, Petitioner, v EUGENE LEFEVRE, as Superintendent of Clinton Correctional Facility, Respondent.

case name: *People ex rel. Aziz v LeFevre*

The PEOPLE OF THE STATE of NEW YORK ex rel. ERIC TRAVIS, on Behalf of JACK JONES, Appellant, v SAMUEL TWEED, as Commissioner of the Fishkill Correctional Facility, Respondent.

case name: *People ex rel. Travis v Tweed*

In the Matter of MENTAL HYGIENE LEGAL SERVICE, on Behalf of CAMILLE H., Appellant, v DENNIS DUBEY, Respondent.

case name: *Matter of Mental Hygiene Legal Serv. v Dubey*

INCAPACITATED PERSONS

In the Matter of ARNOLD O., a Person Alleged to be Incapacitated. JAMES T. TOWNE, JR., as Guardian of ARNOLD O., Appellant; JOHN T. BISCONI, Respondent.

case name: *Matter of Arnold O.*

In the Matter of MICHAEL V. JONES, Petitioner, for the Appointment of a Guardian of the Property of JOHN B. DESANTIS, SR., an Alleged Incapacitated Person.

case name: *Matter of DeSantis*

In the Matter of STEPHEN G., Appellant. COMMISSIONER OF NEW YORK STATE OFFICE OF MENTAL HEALTH, Respondent.

case name: *Matter of Stephen G. (Commissioner of N.Y. State Off. of Mental Health)*

INFANTS

NORMAN B., as Parent and Natural Guardian of PHILIP B., an Infant, Appellant, v SARA LEVITT, Respondent.

case name: *Norman B. v Levitt*

LAWRENCE R., an Infant, by FREDERICK H.R., JR., His Father and Natural Guardian, et al., Respondents, v LOUISE SNYDER et al., Appellants.

case name: *Lawrence R. v Snyder*

JULIE A.J., an Infant, by Her Parent, ROBERT G.J., et al., Appellants, v DONNA KING, Respondent.

case name: *Julie A.J. v King*

In the Matter of COMMISSIONER OF SOCIAL SERVICES, on Behalf of KRISTA A.S., Appellant, v JOHN M. JONES, Respondent.

case name: *Matter of Commissioner of Social Servs. v Jones*

INSANITY

In the Matter of JAMIE R., Respondent, v EILEEN CONSILVIO, as Director of Kirby Forensic Psychiatric Center, Appellant.

case name: *Matter of Jamie R. v Consilvio*

In the Matter of ROBERT T., a Person Alleged to be Incapacitated, Appellant. STATE COMMISSIONER OF MENTAL HYGIENE, Appellant; EUGENE GOLD, as District Attorney, Respondent.

case name: *Matter of Robert T.*

STATE OF NEW YORK ex rel. STEPHEN J. HARKAVY, on Behalf of JOHN DOE NOS. 1 THROUGH 12, Petitioner, v EILEEN CONSILVIO, as Executive Director of Manhattan Psychiatric Center, Respondent.

case name: *State of N.Y. ex rel. Harkavy v Consilvio*

In the Matter of SHARONE T., Respondent. ROCHESTER PSYCHIATRIC CENTER, Appellant.

case name: *Matter of Sharone T. (Rochester Psychiatric Ctr.)*

INTERVENORS

In the Matter of ROCHESTER GAS CORPORATION, Appellant, v PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, Respondent, and EMPIRE STATE PETROLEUM ASSOCIATION, INC., et al., Intervenors-Respondents.

case name: *Matter of Rochester Gas Corp. v Public Serv. Commn. of State of N.Y.*

INVOLUNTARY TREATMENT

In the Matter of the Application of SCOTT H. PERRA, Petitioner, for an Order Authorizing the Involuntary Treatment of THERESA DOE, a Patient in the Psychiatric Unit at Albany Medical Center, Respondent.

case name: *Matter of Doe*

JOINT VENTURES

THOMAS CRIMMINS CONTRACTING CO., INC., and CAYUGA CONSTRUCTION Co., a Joint Venture, Respondent, v CITY OF NEW YORK et al., Appellants.

case name: *Thomas Crimmins Contr. Co., Inc. v City of New York*

JUDGES AND JUSTICES

In the Matter of GILBERT WILEY, Petitioner, v HERBERT ALTMAN, as Justice of the Supreme Court of the State of New York, Respondent.

case name: *Matter of Wiley v Altman*

In the Matter of FRANCIS W. BENJAMIN, a Justice of the Jewett Town Court, Petitioner. STATE COMMISSION ON JUDICIAL CONDUCT, Respondent.

case name: *Matter of Benjamin (State Commn. on Jud. Conduct)*

JUVENILE DELINQUENTS

In the Matter of CLEVE C., a Person Alleged to be a Juvenile Delinquent, Appellant. WARREN COUNTY ATTORNEY, Respondent.

case name: *Matter of Cleve C.*

NEGLECTED CHILDREN

In the Matter of MICHAEL A., a Child Alleged to be Permanently Neglected. AZILDA A. et al., Respondents.

case name: *Matter of Michael A.*

In the Matter of DEPARTMENT OF SOCIAL SERVICES, on Behalf of JENNIFER M. and Another, Children Alleged to be Abused and/or Neglected, Appellant. SANDY G., Respondent.

case name: *Matter of Department of Social Servs. (Sandy G.)*

PERSONAL REPRESENTATIVES

RONALD RORIE et al., as Personal Representatives of the Estate of LEONARD SEGAL, Deceased, Appellants, v JOSEPH ROSS, Respondent, et al., Defendants.

case name: *Rorie v Ross*

PERSON IN NEED OF SUPERVISION

In the Matter of KRISTIAN CC., Alleged to be a Person in Need of Supervision, Appellant. JOHN SIMONS, as Director of Pupil Personnel Services at Salmon River Central School, Respondent.

case name: *Matter of Kristian CC.*

RECEIVERSHIP

In the Matter of the Ancillary Receivership of RELIANCE INSURANCE COMPANY. ENVIRO EXPRESS, INC., Appellant; GREGORY V. SERIO, as Superintendent of the New York State Insurance Department, and as Ancillary Receiver of Reliance Insurance Company, Respondent.

case name: *Matter of Reliance Ins. Co.*

SETTLEMENTS

In the Matter of the Judicial Settlement of the Final Account of Proceedings of THE CHASE MANHATTAN BANK, as Trustee of the INTERMEDIATE TERM TAXABLE BOND FUND OF CHEMICAL BANK

case name: *Matter of Chase Manhattan Bank*

In the Matter of the Petition of SETTLEMENT FUNDING OF NEW YORK, LLC, for Approval of Transfer of Structured Settlement Payment Rights of MARK ASPROULES in Accordance with General Obligations Law § 5-1701.

case name: *Matter of Settlement Funding of N.Y., LLC*

In the Matter of 321 HENDERSON RECEIVABLES LIMITED PARTNERSHIP, Petitioner, for Approval of a Transfer of Structured Settlement Proceed Rights of JASON DEMILLIE.

case name: *Matter of 321 Henderson Receivables Ltd. Partnership*

STATE DIVISION OF HUMAN RIGHTS ACTIONS

STATE DIVISION OF HUMAN RIGHTS, on Complaint of CHARLES W. GHEE, Appellant, v COUNTY OF MONROE et al., Respondents.

case name: *State Div. of Human Rights v County of Monroe*

STOCKHOLDERS' DERIVATIVE AND REPRESENTATIVE ACTIONS

HERMAN GROSS, as a Stockholder and on Behalf of CONTINUED CARE FACILITIES, INC., Appellant-Respondent, v CARL H. NEUMAN et al., Respondents-Appellants, and CONTINUED CARE FACILITIES, INC., Respondent.

case name: *Gross v Neuman*

HENRY MILLER, on Behalf of Himself and All Other Stockholders of CENTRAL TOBACCO COMPANY, INC., Respondent, v ARNOLD KASTNER et al., Appellants.

case name: *Miller v Kastner*

SUBPOENA

In the Matter of NASSAU COUNTY GRAND JURY SUBPOENA DUCES TECUM DATED JUNE 24, 2003. “DOE LAW FIRM” et al., Appellants; ELIOT SPITZER, as Attorney General of the State of New York, Respondent.

case name: *Matter of Nassau County Grand Jury Subpoena Duces Tecum Dated June 24, 2003*

In the Matter of Subpoena Issued by the STATE TAX COMMISSION to SAMUEL J. WEISS, as President of the WELCO DRESS CO., INC.

case name: *Matter of Weiss*

SUCCESSORS IN INTEREST

HEARST CORPORATION, as Successor in Interest to HEARST CONSOLIDATED PUBLICATIONS, INC., Respondent, v HERTZ CORPORATION, Appellant, and HARTFORD ACCIDENT AND INDEMNITY COMPANY et al., Respondents. (And Another Action.)

case name: *Hearst Corp. v Hertz Corp.*

TAX LAW PROCEEDINGS

In the Matter of HOOPER HOLMES, INC., Petitioner, v JAMES W. WETZLER, as Commissioner of Taxation and Finance of the State of New York, et al., Respondents.

case name: *Matter of Hooper Holmes, Inc. v Wetzler*

In the Matter of EQUIFAX SERVICES, INC., Petitioner, v TAX APPEALS TRIBUNAL OF THE STATE OF NEW YORK et al., Respondents.

case name: *Matter of Equifax Servs., Inc. v Tax Appeals Trib. of State of N.Y.*

THIRD-PARTY ACTIONS

DESIGNCRAFT JEWEL INDUSTRIES, INC., et al., Plaintiffs, v RAMPART BROKERAGE CORP., Defendant and Third-Party Plaintiff-Appellant. FRANK FEIT & Co., INC., et al., Third-Party Defendants-Respondents, et al., Third-Party Defendant. [Note: This is the suggested style when the defendant(s) and third-party plaintiff(s) are identical.]

case name: *Designcraft Jewel Indus., Inc. v Rampart Brokerage Corp.*

FRANCINE HELLER et al., Respondents, v ENCORE OF HICKSVILLE, INC., et al., Appellants, et al., Defendant. ENCORE OF HICKSVILLE, INC., Third-Party Plaintiff-Respondent, v K. KADIN, INC., et al., Third-Party Defendants-Appellants. (And Another Action.)

case name: *Heller v Encore of Hicksville, Inc.*

CHEMICAL BANK, Plaintiff, v NATIONAL UNION FIRE INSURANCE COMPANY, Defendant and Third-Party Plaintiff-Respondent. JOSEPH J. BLAKE AND ASSOCIATES, INC., Third-Party Defendant-Appellant, et al., Third-Party Defendants. (And a Fourth-Party Action.)

case name: *Chemical Bank v National Union Fire Ins. Co.*

TRUSTEES

In the Matter of ROTRAUT L.U. BEINY, as Trustee of the Trust Created by ELIZABETH N.F. WEINBERG, as Grantor.

case name: *Matter of Weinberg*

DAVID J. SMITH et al., as Cotrustees of a Trust Created by JANET ROTH, Appellants, v GULF AND WESTERN INDUSTRIES, INC., Respondent.

case name: *Smith v Gulf & W. Indus., Inc.*

In the Matter of H. EARL FULLILOVE et al., as Trustees of the New York Building and Construction Industry Board of Urban Affairs, Respondents, v MARIO CUOMO, as Governor and Chief Executive Officer of the State of New York, et al., Appellants.

case name: *Matter of Fullilove v Cuomo*

DAVID MORGULAS, as Testamentary Trustee of Trusts Created by I. ROY PSATY, Deceased, et al., Appellants, v J. YUDELL REALTY, INC., Respondent.

case name: *Morgulas v J. Yudell Realty, Inc.*

UNEMPLOYMENT INSURANCE

In the Matter of the Claim of JAMES GLASS, Appellant. MARQUETTE CEMENT COMPANY, Respondent; THOMAS F. HARNETT, as Commissioner of Labor, Respondent.

case name: *Matter of Glass (Marquette Cement Co.—Harnett)*

In the Matter of MITCHELL D. POSNER, Appellant. HF MANAGEMENT SERVICES, LLC, Respondent; COMMISSIONER OF LABOR, Respondent.

case name: *Matter of Posner (HF Mgt. Servs., LLC—Commissioner of Labor)*

WARDEN

The PEOPLE OF THE STATE OF NEW YORK ex rel. CLYDE JONES, Appellant, v THOMAS SMITH, as Warden of the Penitentiary of the City of New York, Rikers Island, Respondent.

case name: *People ex rel. Jones v Smith*

WORKERS' COMPENSATION

In the Matter of the Claim of ANTOINETTE YANNON, Respondent, v NEW YORK TELEPHONE COMPANY, Appellant. WORKERS' COMPENSATION BOARD, Respondent.

case name: *Matter of Yannon v New York Tel. Co.*

YOUTHFUL OFFENDER

The PEOPLE OF THE STATE OF NEW YORK, Respondent, v CASEY R.B., Appellant.

case name: *People v Casey R.B.*

APPENDIX 7 CITATIONAL FOOTNOTE STYLE
(MODEL OPINION)

PEOPLE v WOLF [98 NY2d 105]
Opinion by LEVINE, J.

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[772 NE2d 1124, 745 NYS2d 766]

THE PEOPLE OF THE STATE OF NEW YORK, Respondent, v CYRUS WOLF,
Appellant.

Argued February 5, 2002; decided May 7, 2002

OPINION OF THE COURT

LEVINE, J.

In 1983 the Legislature created the felony crimes of first degree commercial bribing and commercial bribe receiving by adding an additional element to the definitions of the corresponding prior commercial bribery class A misdemeanors: that “the bribe causes economic harm to the employer or the principal in an amount exceeding two hundred fifty dollars.”¹ The primary issue on this appeal is the legal sufficiency of the evidence to establish that Aetna Life and Casualty Company, and Commercial Union Insurance Company, incurred the requisite economic harm as a result of defendant’s bribery of their employees, as alleged in the two felony commercial bribing counts of the indictment. Resolving that issue requires us to determine the nature of the proof required to demonstrate economic harm under the circumstances of this case.

The underlying facts concerning defendant’s conduct are not in dispute. Defendant, an attorney, paid kickbacks to insurance company adjusters through intermediaries out of his contingent fees, for expediting the settlement of his clients’ personal injury claims. The courts below held that the payment of a kickback alone was sufficient to establish prima facie both the fact and the amount of the economic harm the insurance carrier/ employer incurred in each of these cases. The Appellate Division based that conclusion on a simple syllogism and arithmetic calculation:

“[B]y accepting a specified settlement and then turning over a percentage of that settlement to an adjuster, defendant clearly evinced a willingness to settle the claim, at that point in time, for the amount of the settlement minus the amount paid to the adjuster.

¹ L. 1983, ch. 577, amending Penal Law §§ 180.03, 180.08.

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“Thus, the jury could find that each settlement was necessarily inflated by the amount of the bribe.”²

As will be explained, however, the felony commercial bribery legislation requires proof of concrete economic loss suffered by the bribe receiver’s employer, which would not have been incurred in the absence of the corrupt arrangement. Proof that the employer of a bribe receiver paid an amount greater than it would have otherwise paid to consummate a transaction as a result of the bribe would establish the requisite economic harm. But not every kickback, though indicating the payor’s “willingness to settle” for a lower amount, will demonstrate that the settlement would have been less costly had there been no venal agreement. To hold otherwise (as did the lower courts in this case)—that the kickback alone is equivalent to economic harm—would in effect eliminate the economic harm element the Legislature explicitly added to the statute for first degree felony commercial bribing.

I

The legislative history of the 1983 felony commercial bribery statute shows a purpose to require proof of an actual economic injury exceeding \$250, suffered by the employer, that would not have occurred absent the bribery of its employee, in order to establish the new economic harm element. The primary purpose of the legislation was to deter through enhanced punishment the kind of commercial bribery that results in monetary or property loss that would be passed on to consumers in the form of higher prices.³

Initially, the requirement of economic loss that would not have been incurred but for the bribery was introduced into the proposed statutory scheme as an affirmative defense.⁴ During the Senate debate on the 1983 amendment, Senator Emanuel Gold asked Senator Lack whether the affirmative defense would be made out by proof that the employer would have paid the very same price in the transaction, irrespective of the bribing of its employee:

“Am I to understand that if there is a situation of

2. 284 AD2d 102, 102 (2001).

3. See Letter from Senator James Lack, Senate Sponsor, to Governor’s Counsel, Bill Jacket, L 1983, ch 577, at 21; Attorney General’s Legislative Program, *id.* at 17.

4. See Attorney General’s Legislative Program, *id.* at 16.

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Commercial Bribing, but it's a bribing between two competitive interests who may be at the same price and one interest decides that, in order to get the contract, [it] will make a commercial bribe, that *since the employer may not suffer economically since it is between competing interests at the same price, that we are creating an affirmative defense?*"⁵

Senator Lack replied, "if it did not cause economic harm, it is an affirmative defense in a commercial bribery situation."⁶ Ultimately, the affirmative defense was dropped in favor of making actual economic harm suffered as a result of the bribery an element of the offense to be established in the People's case.

It is thus quite clear that the "economic harm to the employer or principal"⁷ required for first degree commercial bribing cannot be established by proof of solely intangible, esoteric, or theoretical harms that would not result in additional costs increasing the price of goods or services to consumers. Therefore, the statute is not satisfied by such proof of harm as a breach of the duty of faithful service by the bribed employee; the loss of the employer's control over dispensing funds caused by the failure of the employee to share information concerning the payor's willingness to bribe; or the failure of the employee to turn over the bribe payments under a constructive trust or similar theory. No such "deprivations" would have resulted in losses to be passed on to customers.

II

We agree with both the defendant and the People that the kickback/bribery cases under the federal mail fraud statute,⁸ decided before a later amendment to that law, are analogous to our first degree commercial bribery cases, and instructive on the issue before us. Like the economic harm requirement for first degree commercial bribing, the mail fraud statute mandated proof of a "scheme . . . for *obtaining money or property* by means of false or fraudulent pretenses."⁹ Contrary to the People's reading of the cases, however, the payment of a bribe or kickback was repeatedly held to be insufficient to satisfy the money or property loss element of mail fraud. Additional proof

5. Senate debate transcript at 9759-9760 (emphasis supplied).

6. *Id.* at 9760.

7. Penal Law § 180.03.

8. 18 USC § 1341 *et seq.*

9. § 1341 (emphasis supplied).

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was required that the employer would have achieved a better deal with the payor of the bribe or kickback, in the form of lower prices or more favorable terms, had there been no corrupt arrangement with the employee.

The seminal mail fraud case involving kickbacks was *McNally v United States*.¹⁰ In that case, the defendants controlled the granting of state insurance contracts. They awarded the state's workers' compensation insurance contract in return for a kickback from the successful broker's earned commissions. In *McNally*, the Court rejected the theory that the mere payment of a kickback showed that a deprivation of money or property was involved, holding instead that, under the mail fraud statute, "there are no constructive offenses."¹¹ The state's loss of the intangible right to faithful service from the bribed official/employee was also found insufficient to satisfy the "money or property" element of section 1341.¹² The Court reversed the convictions because there was no proof or even a charge "that in the absence of the alleged scheme the Commonwealth would have paid a lower premium or secured better insurance."¹³

Following *McNally*, the Tenth Circuit sitting en banc in *United States v Shelton*¹⁴ overturned the mail fraud convictions of defendants for "taking ten percent kickbacks from suppliers

10. 483 US 350 (1987).

11. *Id.* at 360 (internal quotations and citations omitted).

12. *Id.* at 356.

13. *Id.* at 360 (emphasis supplied). Recently, the Second Circuit explained that the 1988 amendment adding 18 USC § 1346 was intended "to expand the definition of 'scheme or artifice to defraud' in response to *McNally v United States*, [483 US 350, 360 (1987)]." *United States v Rybicki*, 287 F3d 257, 261 (2002). The 1988 amendment to the statute added that "a scheme . . . to deprive another of the intangible right to honest services" could constitute the crime. *See* 18 USC § 1346. Under nearly identical facts to those presented here, the court—after emphasizing the distinction between the concept of actual (or intended) harm and the reasonably foreseeable harm required to be shown under the mail fraud statute—held in *Rybicki* that the government need only prove "that it was reasonably foreseeable that the fraudulent scheme could result in some economic consequence that was more than *de minimis*." *Id.* at 267. Thus, the court concluded that the jury could find reasonably foreseeable harm if it determined that by the payment of the kickback, the defendant attorneys "intended to obtain favorable treatment from the adjusters at the expense of the insurance companies' intangible right to the adjuster's undivided loyalty and services." *Id.* at 266. Alternatively, the jury could have found that it was reasonably foreseeable that the kickback would provide the adjusters with an incentive not to seek the lowest settlement or to delay settlement, depriving the insurance company of the time value of money. *Id.*

14. 848 F2d 1485 (1988).

who sold goods to the[ir] counties [because] . . . the evidence at trial tended to show that the sales were made at a previously established low price and that the kickbacks were paid out of the suppliers' profits."¹⁵ Thus, there was a failure of proof that the scheme involved the taking of money or property—i.e., that “the counties *lost money*”—because of the kickbacks.¹⁶

*United States v Johns*¹⁷ is especially instructive. In *Johns*, the defendant was a procurement director for the “Acme” super-market chain. Just like the People here, the government based its theory of property loss, in part, on the ground that the kickbacks from vendors that defendant received for channeling Acme’s purchases of services and supplies both established and measured Acme’s economic detriment caused by the corrupt arrangement. The court held, however, that the vendors’ payment of kickbacks, despite suggesting their willingness to offer Acme reduced prices, was insufficient. As in *McNally*, the court required an additional showing that without the corrupt arrangement, Acme in fact would have achieved better terms with those vendors. “[T]he government must prove that Acme paid additional money to its vendors as a result of the kickback scheme.”¹⁸ That fact, however, was negated by the government’s concession that “the prices charged by the vendors who made kickback payments . . . ‘were not inflated, in comparison to prices they were charging other accounts’ ”¹⁹ and that “Acme made its buyers aware that *they were not permitted* to violate the Robinson-Patman Act by inducing their vendors to sell to Acme at lower prices, or on terms more favorable, than those offered to Acme’s competition.”²⁰

In other mail fraud bribery cases, the federal courts arrived at the same conclusion—that the payment and receipt of a bribe will not in itself establish a governmental or private employer’s loss of money or property. In *United States v Slay*²¹ the court affirmed the setting aside of a mail fraud conviction based on the bribing of city officials to obtain a cable television franchise. “It strains language to the breaking point to argue, for example, that defendant Slay defrauded the City of St. Louis of money

15. *Id.* at 1491.

16. *Id.* (emphasis supplied).

17. 742 F Supp 196 (ED Pa 1990).

18. *Id.* at 215.

19. *Id.*

20. *Id.* at 216 (emphasis supplied).

21. 858 F2d 1310 (8th Cir 1988) (R. Arnold, J.).

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simply by offering money to a city official. The money allegedly offered was properly Slay's, not the City's, and Slay's dishonest use of his own money would not by itself be a cognizable loss to the city for purposes of the mail fraud statutes."²²

In *United States v Zauber*²³ a mail fraud conviction against the trustees of a union pension fund was reversed based on the absence of proof that the pension fund lost money or property arising out of the defendants' acceptance of bribes for steering a \$20 million investment loan to a Florida-based mortgage company. The court explained that "[t]he problem with [the government's] argument is that although the . . . investment may have been unwise, it still returned exactly what the investment agreement called for [and] . . . the record here does not show that a better deal was available when the trustees made the . . . investment."²⁴

III

The language and legislative history of our felony commercial bribing statute, and the decisional law on kickbacks and employee bribery under the analogous federal mail fraud statute, thus all militate toward requiring more than payment of a kickback to establish the economic harm element of commercial bribing in the first degree. The payment of the kickback may show that the payor was willing to take less to consummate the transaction. But it does not provide the necessary proof of actual economic harm—that, absent the corrupt arrangement, the employer of the kickback payee “*would* have paid a lower [price] or secured better [terms].”²⁵

Judge Leisure perceptively noted this point in *Moll v U.S. Tit. Ins. Co. of N.Y.*²⁶ *Moll* was a civil damages suit by real estate purchasers under the federal Racketeer Influenced and Corrupt Organizations Act (RICO) against the defendant title insurance company. Commission of Penal Law § 180.03 first degree commercial bribing was alleged as the predicate criminal conduct for RICO purposes. It allegedly consisted of kickbacks paid to real estate lawyers to steer their clients to the defendant for title insurance. The uncontested evidence was, however, that while the kickbacks may well have supported the

22. *Id.* at 1316 n 4.

23. 857 F2d 137 (3d Cir 1988), *cert denied* 489 US 1066 (1989).

24. *Id.* at 146 (emphasis supplied).

25. *McNally v United States*, 483 US 350, 360, *supra* (emphasis supplied).

26. 710 F Supp 476 (SD NY 1989).

inference of the defendant's willingness to reduce title insurance premiums by the equivalent amount, no such reduction would have occurred even in the absence of any kickback/referral arrangement, because premiums were uniformly fixed by law.²⁷ Because the purchasers could not have obtained cheaper title insurance elsewhere, the kickbacks caused them no economic harm. Otherwise "the statute's economic harm requirement—specifically added by the Legislature in 1983—would be rendered superfluous."²⁸

With the foregoing in mind, we examine the record to determine whether the People's proof here sufficiently established economic harm of more than \$250 to sustain those convictions. The People's theory was that although the settlements were concededly fair, defendant's payment of the kickback evinced his willingness to take less in a bona fide settlement. Thus, the critical question is whether, at the time of the settlement, the corrupt arrangement deprived the insurance companies of the opportunity to take advantage of that willingness.

From our review of the record, we conclude that the People failed to establish a prima facie case of economic harm to support the first degree commercial bribing conviction involving the kickback to the adjuster at Commercial Union. The People's proof there was that the kickback was paid to expedite settlement before the completion of the normal investigation and verification necessary to assess a claim's value and enter into meaningful settlement discussions, as described by People's witness Meredith Furel, a Commercial Union Claims Specialist. Furel testified that any such premature settlement was against company policy and practice, and an act of disloyalty by the adjuster:

"[W]hen you think of a kickback it's usually to settle a case in a speedy manner and *what the adjuster is doing is taking that file which probably should be going through a discovery procedure which takes a while and putting it above the other claimants, putting it actually in front of the other cases*" (emphasis supplied).

Under company policy, according to Furel, any attempt by defendant to speed up the settlement process on a legitimate, albeit premature, basis would have been rejected. Asked

27. See 710 F Supp at 481-482.

28. *Id.* at 482.

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whether a persistent lawyer could achieve a bona fide settlement on an expedited basis, she replied that “if an adjustor is doing his job correctly that attorney can call ten times a day until that adjustor gets the proper documentation and the proper investigation he is not or should not settle that case.” Finally, Furel confirmed that from her review of the file, it did not appear that the investigation and evaluation process had been completed.

The People failed to establish that an expedited settlement of defendant’s cases with Commercial Union would have occurred had there been no corrupt arrangement with the adjuster. While the payment of the kickback, as noted by the Appellate Division, may have suggested defendant’s “willingness to settle the claim, *at that point in time*, for the amount of the settlement, minus the amount of the bribe,”²⁹ the proof was that an honest adjuster would have rejected any such offer.

Simply put, the People made no showing that Commercial Union would have availed itself of defendant’s “willingness” to accept a lesser settlement by cutting his fee in the amount equivalent to the kickback. The People failed to establish, for example, that at the time the case was disposed of, it was ripe for settlement and that settlement would have been considered by an honest adjuster. Nor did the People establish that the insurance company had sufficient information to justify a settlement at the amount actually paid. Such testimony could have supported an inference that the settlement was inflated, but the People conceded that proof of an inflated settlement was absent. Furthermore, the People never asserted that defendant would have reduced his fee by an amount equivalent to the bribe if the claims had awaited their normal, protracted course for settlement purposes, without a corrupt arrangement.

Thus, as to the Commercial Union count, there was a failure of proof that, without the payment of the kickback to Commercial Union’s adjuster, defendant’s cases in fact would have been disposed of for less than the actual settlement amount—i.e., that Commercial Union would have accepted an honest offer by defendant to settle the cases at a reduced rate in an expedited manner. The absence of proof to support an inference that, had there been no corrupt arrangement to expedite defendant’s cases with Commercial Union, they would have been settled for less is fatal to the People’s proof of economic

29. 284 AD2d at 102 (emphasis supplied).

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harm necessary to sustain his conviction of first degree commercial bribery on that count, and the conviction must therefore be reduced to a misdemeanor.³⁰

We reach a different conclusion with respect to the first degree commercial bribing count involving an Aetna adjuster. There, the proof was that the file was assigned originally to an adjuster who was not party to the kickback scheme. In exchange for a promised kickback, however, a more senior adjuster “pulled” the file and entered into negotiations with defendant’s accomplice. Despite that corrupt arrangement, those negotiations became protracted before a settlement agreeable to both sides was achieved. Significantly, the evidence established that the file had remained the responsibility of the honest adjuster to whom the case had originally been assigned, and no settlement could be effected without her consent and that of her supervisor. Ultimately, they reviewed the file and then approved the proposed settlement without any knowledge of the kickback.

Affording, as we must, every favorable inference to the People’s evidence, and viewing it in its most favorable light, we conclude that a trier of fact could reasonably find that absent the corrupt arrangement, at the moment defendant’s case with Aetna was actually resolved, a reduced fee arrangement, offered to effect a lesser settlement, would have been accepted by the honest adjusters. In contrast to the proof involving Commercial Union, at the point in time when the settlement with Aetna occurred, honest Aetna adjusters did not reject the inflated settlement offer as premature. Thus, it could have reasonably been inferred by a trier of fact that the kickback arrangement actually deprived Aetna of the opportunity to achieve a disposition of defendant’s case in the amount of the actual settlement but reduced by a sum equivalent to the kickback. We therefore conclude that the conviction of defendant on the first degree commercial bribing count involving Aetna should be affirmed.³¹

Our conclusion that the evidence was sufficient to show that Aetna incurred economic harm as a result of the kickback to its adjuster similarly supports defendant’s conviction for first degree scheme to defraud. Penal Law § 190.65, in pertinent part, provides that “[a] person is guilty of a scheme to defraud

³⁰. See *People v Ryan*, 82 NY2d 497, 507; see also *United States v Zauber*, *supra*, 857 F2d at 140.

³¹. While defendant adequately preserved his challenge to the sufficiency of the proof in his motion to dismiss, he failed to do so with respect to the court’s jury instruction on first degree commercial bribing.

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in the first degree when he . . . engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, and so obtains property with a value in excess of one thousand dollars from one or more persons.” As explained below, the evidence in this case established a conspiracy to defraud liability insurance companies. Moreover, the kickback of well over \$1,000 to the corrupt Aetna adjuster demonstrates that Aetna was deprived of and defendant concomitantly obtained property in excess of the statutory minimum.

Two remaining issues merit discussion. First, defendant asserts that the trial court abused its discretion by admitting various out-of-court statements—written notes and taped conversations—made by Joel Cohen, an unavailable, fugitive codefendant, under the coconspirator exception to the hearsay rule. Defendant argues that the court should have excluded the statements because the People failed to establish “the requisite conspiratorial connection” between Cohen and defendant.

“A declaration by a coconspirator during the course and in furtherance of the conspiracy is admissible against another coconspirator as an exception to the hearsay rule.”³² However, such “evidence may be admitted only upon a showing that a prima facie case of conspiracy has been established.”³³ While this “determination must be made without recourse to the declarations sought to be introduced”³⁴ the testimony of other witnesses or participants may establish a prima facie case.³⁵

Here, the proof of conspiracy was overwhelming, clearly satisfying the prima facie requirement for the statements’ admissibility. Three coconspirators admitted their involvement in the kickback scheme and identified Cohen and defendant as also participating. Moreover, ample evidence in the form of the other coconspirators’ business records, such as ledgers reflecting settlement payments from defendant, notes concerning his and Cohen’s participation in settlement of cases where kickbacks

32. *People v Bac Tran*, 80 NY2d 170, 179 (1992).

33. *Id.*

34. *Id.*

35. See *People v Sledge*, 223 AD2d 922, 925-926, *lv denied* 88 NY2d 854 (1996) (testimony of an admitted coconspirator regarding defendant’s involvement established a prima facie case); *People v Gonzalez*, 120 AD2d 888, 889 (1986), *lv denied* 68 NY2d 770 (prima facie proof of a conspiracy was provided by the independent testimony of other witnesses).

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were made, computer printouts and checks, further supports the trial court's determination that the prima facie case of conspiracy had been established.

Also unpersuasive is defendant's contention that reversal is required because of the People's violation of *People v Rosario*³⁶ by not disclosing the minutes of the grand jury testimony of the People's key witness, coconspirator Edward Quigley, in an unrelated case. Assuming without deciding that this was *Rosario* material, reversal is not warranted. The *Rosario* objection was raised for the first time in a motion to set aside the verdict brought purportedly under CPL 330.30 (1). The factual assertions concerning this material were outside the record and for that reason could not be considered in a CPL 330.30 (1) motion.³⁷ Therefore, we agree with the Appellate Division that the application was "at best a de facto CPL 440.10 motion."³⁸ As such, defendant had the burden of demonstrating prejudice³⁹ and failed to do so here.

Accordingly, the order of the Appellate Division should be modified by reducing defendant's conviction of commercial bribing in the first degree on count 113 of the indictment to commercial bribing in the second degree and remitting to Supreme Court for resentencing and, as so modified, affirmed.

Chief Judge KAYE and Judges SMITH, CIPARICK, WESLEY, ROSENBLATT and GRAFFEO concur.

Order modified and case remitted to Supreme Court, New York County, for further proceedings in accordance with the opinion herein and, as so modified, affirmed.

36. 9 NY2d 286, cert denied 368 US 866 (1961).

37. See *People v Kronberg*, 243 AD2d 132, 135, 152, lv denied 92 NY2d 880; *People v Herrington*, 194 AD2d 379, 380, lv denied 82 NY2d 755.

38. 284 AD2d at 104.

39. See *People v Machado*, 90 NY2d 187, 192.

APPENDIX 8**FORMULATION OF SUMMARIES (APPEAL STATEMENTS)****A. General Rules for Formulating Summaries**

1. Accuracy—A summary of an appellate case should be factually and legally accurate. It should faithfully track the jurisdictional predicate and procedural posture of the appeal. It will typically comprise more than one sentence and should be formulated with an emphasis on concision and clarity.

2. Tense—Summaries of appeals should be written in the past tense. In Court of Appeals summaries, use the past perfect tense to describe the disposition of a court/administrative body that occurred prior to the disposition that is being appealed to the Court of Appeals.

3. Verification—A summary should be verified against the record on appeal whenever possible. Certain courts provide jurisdictional statements that resemble summaries. These jurisdictional statements are not part of the opinion itself and are not published as part of the opinion. They may be used as a basis for formulating a summary. A summary should, however, be composed in accordance with the Law Reporting Bureau's formulation rules.

4. Consistency—A summary should be consistent with the description of the appeal contained in the opinion and with the court's decretal or ordering paragraph. Verify the accuracy of the information in a summary against the record and/or opinion. If the information conflicts, and conformity cannot be achieved by reference to the record and/or opinion, the matter should be resolved through consultation with the appropriate court, clerk or decision department.

5. Names of Courts—The name of the court should conform to the following list: Court of Appeals; Appellate Division of the Supreme Court in the First Judicial Department; Appellate Term of the Supreme Court in the Second Judicial Department; Supreme Court, Kings County; Court of Claims; Albany County Court; Family Court, Onondaga County; Surrogate's Court, Broome County; City Court of Buffalo, Erie County; New York City Civil (Criminal) Court, Queens County; District Court of Nassau County, First District; Justice Court of the Town (Village) of Colonie, Albany County.

6. Names of Judges—The full name of the judge or justice who presided at the hearing or trial below should be included whenever available (*see* Judiciary Law § 433) and should conform to the name as

listed in the judges' list contained in the front of bound volumes of the Miscellaneous Reports. Place the name of the judge or justice in parentheses following the name of the court.

7. Style—A summary should be styled in accordance with the Official Reports Style Manual.

8. Structure—The first sentence of a summary contains the type of cause (appeal, proceeding, cross appeals, etc.); the jurisdictional predicate (by permission, on constitutional grounds, etc.), including whether an appeal or a proceeding has been transferred; the appealable paper, followed by the name of the court and the judge's name where appropriate; and the entry date. When the opinion involves an original proceeding in that court, the first sentence may also contain a statement of the nature of the proceeding. The second and any other sentences contain the balance of the information that summaries traditionally have contained, including relevant decretal portions of the appealable paper and of any orders or judgments brought up for review.

9. Criminal Cases in General—Summaries in criminal cases generally should be formulated in accordance with the following templates:

Court of Appeals Cases (appeal from an intermediate appellate court):

“[First sentence. See Appendix 8 (A) (8).] The Appellate Division [affirmed, reversed, etc.] a judgment of the [court and judge's name], which convicted defendant, [upon a jury verdict] [upon a plea of guilty] [after a nonjury trial], of [name of crime(s), but omit the words “the crime(s) of”] and sentenced defendant [description of sentence].” The “sentence” clause should be included only when the sentence itself is the subject of the appeal.

Appellate Division and Appellate Term Cases and Direct Appeals to the Court of Appeals:

“[First sentence. See Appendix 8 (A) (8).] The judgment convicted defendant, [upon a jury verdict] [upon a plea of guilty] [after a nonjury trial], of [name of crime(s), but omit the words “the crime(s) of”] and sentenced defendant [description of sentence].” The “sentence” clause should be included only when the sentence itself is the subject of the appeal.

10. Samples—Whenever possible use the Sample Forms of Summaries as a template for summaries. If none of the samples squarely addresses the procedural posture of an opinion, adapt the closest sample to the

posture presented. The drafter may also use summaries found in prior Official Reports 2d or 3d series volumes for guidance, but should adapt the format of a prior summary to conform to these General Rules and Sample Forms.

B. Sample Forms of Summaries: Court of Appeals

1. Appeals as of Right—CPLR 5601

CPLR 5601 (a)—Two Justice Dissent

APPEAL from an order of the Appellate Division of the Supreme Court in the Third Judicial Department, entered June 4, 1998. The Appellate Division, with two Justices dissenting, (1) modified, on the law, a judgment of the Supreme Court, Schenectady County (Robert E. Lynch, J.), entered in a proceeding pursuant to CPLR article 78, which had denied petitions to review respondents' denial of petitioners' separate Freedom of Information Law requests for access to records identifying 18 City of Schenectady police officers who allegedly were disciplined for engaging in an off-duty incident, and dismissed the consolidated proceeding, and (2) remitted the matter to Supreme Court for further proceedings. The modification consisted of partially granting the petition and directing respondents to release to petitioners the names of the police officers involved in the incident in question and the respective discipline imposed.

CPLR 5601 (b) (1)—Constitutional Grounds—Appeal from Appellate Division

APPEAL, on constitutional grounds, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered February 22, 1996. The Appellate Division affirmed an order of the Supreme Court, New York County (Charles E. Ramos, J.), which had granted defendants' motion for summary judgment dismissing the complaint and denied plaintiffs' cross motion to dismiss defendants' affirmative defenses and for summary judgment in plaintiffs' favor.

CPLR 5601 (d)—Based upon Nonfinal Determination of Appellate Division—Final Judgment of Administrative Agency

APPEALS from a final determination of the Workers' Compensation Board, filed September 20, 1983, bringing up for review an order of the Appellate Division of the Supreme Court in the Third Judicial Department, entered May 5, 1983. The Appellate Division, with two Justices dissenting, had (1) reversed a decision of the Board which (a) reversed a Workers' Compensation Law Judge's decision reinstating claimant to

her former position and awarding her back pay, and (b) found that there was no discrimination by the employer pursuant to Workers' Compensation Law § 120, (2) ordered claimant reinstated to her former position, and (3) remitted the matter to the Board for determination of the effective date of reinstatement and an award of benefits.

2. Appeal by Permission—CPLR 5602

Permission of Court of Appeals

APPEAL, by permission of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered December 28, 1995. The Appellate Division (1) reversed, on the law, a judgment of the Supreme Court, New York County (Harold Tompkins, J.), entered after a nonjury trial, to the extent that it had awarded third-party defendant judgment on its counterclaim against third-party plaintiff in the sum of \$531,168, and (2) dismissed the counterclaim.

Permission of the Appellate Division

(a) Appeal by Permission of Appellate Division—Certified Question—Nonfinal Order/Judgment

APPEAL, by permission of the Appellate Division of the Supreme Court in the First Judicial Department, from an order of that Court, entered August 10, 1995. The Appellate Division modified, on the law, an order of the Supreme Court, New York County (Beatrice Shainswit, J.), which had granted defendant's motion to dismiss the complaint. The modification consisted of denying that portion of defendant's motion seeking dismissal on federal preemption and primary jurisdiction grounds, and remanding the matter to Supreme Court for determination of the remaining grounds for defendant's motion. The following question was certified by the Appellate Division, "Was the order of this Court, which modified the order of the Supreme Court, properly made?"

(b) Appeal by Permission of Appellate Division—Final Order/Judgment

APPEAL, by permission of the Appellate Division of the Supreme Court in the First Judicial Department, from an order of that Court, entered September 14, 1995. The Appellate Division affirmed a judgment of the Supreme Court, New York County (Stuart C. Cohen, J.), which had directed that defendant City of New York account to plaintiff as to the full amount of certain insurance proceeds and that plaintiff recover against the proceeds to the extent of its claim of nonpayment under a crane repair agreement, plus interest.

3. Certified Question from United States Court of Appeals

PROCEEDING, pursuant to NY Constitution, article VI, § 3 (b) (9) and Rules of the Court of Appeals (22 NYCRR) § 500.27, to review a question certified to the New York State Court of Appeals by the United States Court of Appeals for the Second Circuit. The following question was certified by the United States Court of Appeals and accepted by the New York State Court of Appeals: “Does Connecticut General Statutes § 52-577a bar Tanges’s claim brought in the Southern District of New York?”

4. Determination of State Commission on Judicial Conduct

PROCEEDING, pursuant to NY Constitution, article VI, § 22 and Judiciary Law § 44, to review a determination of respondent State Commission on Judicial Conduct, dated August 7, 1998. The Commission determined that petitioner should be removed from the office of Justice of the Haverstraw Town Court and Acting Justice of the Village Court of West Haverstraw, Rockland County.

5. Criminal Cases

Permission of Appellate Division Justice

APPEAL, by permission of a Justice of the Appellate Division of the Supreme Court in the Third Judicial Department, from an order of that Court, entered May 14, 1998. The Appellate Division (1) reversed, on the law, a judgment of the Tompkins County Court (M. John Sherman, J.), which had convicted defendant, upon a jury verdict, of sodomy in the second degree (two counts), rape in the second degree (two counts), and endangering the welfare of a child, and (2) remitted the matter to Tompkins County Court for a new trial.

Permission of Associate Judge of Court of Appeals

APPEAL, by permission of an Associate Judge of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered January 6, 1998. The Appellate Division (1) reversed, on the law, an order of the Supreme Court, New York County (Rena K. Uviller, J.), which had granted defendant’s motion to set aside the jury verdict finding defendant guilty of robbery in the first degree and burglary in the first degree based on legal insufficiency, (2) reinstated the jury verdict, and (3) remanded to Supreme Court for further proceedings.

Appeal from Sentence

APPEAL, by permission of an Associate Judge of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the Second Judicial Department, entered February 6, 1995. The Appellate Division affirmed a sentence of the Dutchess County Court (George D. Marlow, J.), imposed following defendant's conviction upon his plea of guilty of driving while under the influence of alcohol as a felony. The County Court had sentenced defendant to a term of five years' probation, to include six months of incarceration in the Dutchess County Jail, directed defendant to pay a fine and administrative fees and to attend a victim impact panel, and required that defendant be placed on an electronic monitor for a period up to one year following his release from jail.

6. Various Procedural Postures**Modification at Appellate Division—Entire Appellate Division Order before the Court**

CROSS APPEALS, by permission of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the Second Judicial Department, entered June 22, 1998. The Appellate Division modified, on the law, a judgment of the Supreme Court, Suffolk County (W. Bromley Hall, J.), entered in a proceeding pursuant to CPLR article 78 to review a determination of respondent Brian J. Wing, as Acting Commissioner of the New York State Department of Social Services, that calculated petitioner's medical assistance ineligibility period from the first day of the month following transfer of assets for less than fair market value and imposed a partial month penalty. The judgment had granted the petition and directed the recalculation of the penalty period. The Appellate Division's modification consisted of deleting the fourth decretal paragraph of the judgment that directed the recalculation to be made in accordance with Administrative Directive 92ADM-38, which does not permit the imposition of a partial month penalty, and substituting therefor a provision permitting the imposition of a partial month penalty upon the recalculation of the penalty period. The Appellate Division affirmed the judgment as modified.

CPLR Article 78 Proceeding (transferred to Appellate Division by Supreme Court)

APPEAL from a judgment of the Appellate Division of the Supreme Court in the First Judicial Department, entered June 12, 1980, in a proceeding pursuant to CPLR article 78 (transferred to the Appellate

Division by order of the Supreme Court, entered in New York County). The Appellate Division, with two justices dissenting, confirmed a determination of the Waterfront Commission of New York Harbor, which had revoked petitioner's longshoreman's registration with leave to reapply in six months, and dismissed the petition.

Juvenile Delinquency Proceeding

APPEAL, by permission of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered May 30, 1996. The Appellate Division affirmed an order of disposition of Family Court, Bronx County (Stewart H. Weinstein, J.), which had adjudicated appellant a juvenile delinquent and placed him with the Division for Youth in a limited secure facility for 18 months. The disposition followed a fact-finding determination that appellant committed acts which, if committed by an adult, would constitute the crimes of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

C. Sample Forms of Summaries: Appellate Division

1. Civil Cases

Order

APPEAL from an order of the Supreme Court, Suffolk County (William J. Kent, J.), entered December 20, 2000. The order denied plaintiff's motion for summary judgment granting him a conversion divorce and granted defendant's cross motion for summary judgment dismissing the complaint on the ground that the parties' prenuptial agreement may not serve as a predicate for a conversion divorce.

Part of an Order

APPEAL from an order of the Supreme Court, Suffolk County (Elizabeth H. Emerson, J.), entered June 9, 2000 in an action to recover damages for medical malpractice. The order, insofar as appealed from, granted (1) the motion of defendant County of Suffolk for partial summary judgment dismissing so much of the complaint, insofar as asserted against it, as sought to recover damages based upon alleged events which occurred before January 17, 1995, and (2) that branch of the cross motion of defendant Brunswick Hospital Center which was for summary judgment dismissing the complaint insofar as asserted against it.

Order and Judgment (one paper)

APPEAL from an order and judgment (one paper) of the Supreme Court, New York County (Ira Gammerman, J.), entered January 16, 2001. The order and judgment granted plaintiffs' motion for summary judgment recognizing and docketing certain foreign country judgments entered in their favor.

Order and Judgment Entered Thereon

APPEAL from (1) an order of the Supreme Court, New York County (Ira Gammerman, J.), entered January 16, 2001, and (2) the judgment entered upon the order. The order granted defendant's motion for summary judgment and denied plaintiff's cross motion for further discovery. Judgment was entered dismissing the complaint.

Judgment

APPEAL from a judgment of the Supreme Court, New York County (Ira Gammerman, J.), in favor of defendant, entered January 16, 2001. The judgment was entered upon an order of that court (Bruce Wright, J.), which granted defendant's motion to dismiss the complaint pursuant to CPLR 3211 (a) (2).

2. Unemployment Insurance Decisions

APPEAL from a decision of the Unemployment Insurance Appeal Board, filed June 1, 2001. The decision ruled that claimant was disqualified from receiving unemployment insurance benefits because her employment was terminated due to misconduct.

3. Workers' Compensation Decisions

APPEAL from a decision of the Workers' Compensation Board, filed June 1, 2001. The decision ruled that claimant sustained a compensable injury and awarded workers' compensation benefits.

4. Family Court Proceedings

APPEAL from an order of the Family Court, Richmond County (Ralph J. Porzio, J.), entered May 2, 2001 in a support proceeding pursuant to Family Court Act article 4. The order denied objections of the New York City Department of Social Services to an order of that court (Michael J. Fondacaro, H.E.), dated January 4, 2001, which, after a hearing, set Enzo Lanzi's basic child support obligation at \$785 per month and

required him to pay \$452 per month for his children's educational expenses and 77% of his children's unreimbursed medical expenses.

APPEAL from an order of disposition of the Family Court, Bronx County (Myrna Martinez-Perez, J.), entered June 15, 2000. The order adjudicated appellant a juvenile delinquent, upon a fact-finding determination that appellant had committed acts which, if committed by an adult, would have constituted the crime of criminal contempt in the second degree.

5. CPLR Article 78 Proceeding

APPEAL from a judgment of the Supreme Court, Bronx County (Norma Ruiz, J.), entered January 7, 2002 in a proceeding pursuant to CPLR article 78. The judgment granted the petition and directed that petitioner's sentences be served concurrently.

6. Attorney Disciplinary Proceedings

DISCIPLINARY PROCEEDINGS instituted by the Departmental Disciplinary Committee for the First Judicial Department. Respondent was admitted to the bar on April 4, 1956 at a term of the Appellate Division of the Supreme Court in the Second Judicial Department. By unpublished order of this Court entered on February 21, 2001 (M-4308), respondent was found guilty of professional misconduct and the matter was referred to a referee solely to consider evidence in mitigation or aggravation, if any, and to recommend the appropriate sanction to be imposed.

MOTION by petitioner pursuant to 22 NYCRR 691.3 to impose discipline on respondent based upon disciplinary action taken against him by the Supreme Court of California. Respondent was admitted to the bar on February 9, 1983 at a term of the Appellate Division of the Supreme Court in the Second Judicial Department.

7. Criminal Cases

Jury Trial

APPEAL from a judgment of the Supreme Court, New York County (Laura Drager, J.), rendered January 31, 2000. The judgment convicted defendant, upon a jury verdict, of attempted kidnapping in the second degree.

Bench (nonjury) Trial

APPEAL from a judgment of the Supreme Court, New York County (Laura Drager, J.), rendered January 31, 2000. The judgment convicted

defendant, after a nonjury trial, of attempted kidnapping in the second degree.

Guilty Plea

APPEAL from a judgment of the Onondaga County Court (Laura Maher, J.), rendered January 31, 2000. The judgment convicted defendant, upon his plea of guilty, of attempted kidnapping in the second degree.

Order

APPEAL from an order of the Onondaga County Court (Laura Maher, J.), entered January 31, 2000. The order granted defendant's motion to dismiss the counts of the indictment charging him with kidnapping in the second degree.

APPEAL from an order of the Erie County Court (Eugene Wiles, J.), entered January 31, 2000. The order granted defendant's motion to suppress physical evidence and denied the People's motion to compel defendant to submit a blood sample.

Sentence

APPEAL from an order of the Supreme Court, Westchester County (Steven Pagonis, J.), entered January 31, 2000. The order granted defendant's motion to set aside the sentence imposed upon his conviction of kidnapping in the second degree.

Vacatur of Judgment

APPEAL from an order of the Onondaga County Court (Laura Maher, J.), entered January 31, 2000. The order granted defendant's motion pursuant to CPL 440.10 to vacate the judgment that convicted her of two counts of kidnapping in the second degree.

8. Appeal Bringing Up for Review a Prior Order

APPEAL from a judgment of the Supreme Court, New York County (Louis York, J.), entered April 11, 2001 in favor of the nonparty assignee reinsurer. The appeal brings up for review an order of that court, entered March 3, 2000, which granted plaintiffs' motion for summary judgment, denied defendant's cross motion for summary judgment dismissing the complaint and granted third-party defendant's cross motion for summary judgment dismissing the third-party complaint.

9. Appeals Transferred to the Appellate Division

APPEAL (transferred to the Appellate Division of the Supreme Court in the Third Judicial Department, by order of the Appellate Division, First Department) from a judgment of the Supreme Court, Bronx County (Norma Ruiz, J.), entered January 7, 2002 in a proceeding pursuant to CPLR article 78. The judgment granted the petition and directed that petitioner's sentences be served concurrently.

10. Proceedings Transferred to the Appellate Division

PROCEEDING pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Third Judicial Department by order of the Supreme Court, entered in Albany County) to review a determination of respondent Public Employment Relations Board. The determination found that the Unified Court System had committed an improper employer practice.

11. Proceedings Commenced in the Appellate Division

PROCEEDING pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to prohibit respondents from trying petitioner in the Erie County Court on an indictment charging him with murder in the first degree.

PROCEEDING pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Third Judicial Department pursuant to Education Law § 6510 [5]) to review a determination of respondent Commissioner of Education, which suspended petitioner's license to practice engineering in New York for two years.

12. Reargument of Appellate Division Decision

REARGUMENT of a decision of the Appellate Division of the Supreme Court in the Third Judicial Department, dated May 22, 2002. The decision reversed a judgment of the Supreme Court, Albany County (John Conner, J.), entered July 29, 2001, which granted plaintiff's motion for summary judgment on the issue of liability.

D. Sample Forms of Summaries: Appellate Term

1. Civil Cases

Order

APPEAL from an order of the Civil Court of the City of New York, New York County (Debra A. James, J.), entered September 25, 2000. The order denied defendant's motion for summary judgment and granted plaintiff's cross motion for summary judgment on the fifth cause of action and for an order extending his time to file a notice of trial.

Multiple Orders (same judge)

APPEAL from orders of the Civil Court of the City of New York, New York County (Eileen A. Rakower, J.), dated February 28, 2002 and March 14, 2002. The orders denied nonparty tenant's motion to vacate a default judgment in a nonpayment summary proceeding.

Multiple Orders (different judges)

APPEAL from (1) an order of the Civil Court of the City of New York, New York County (Rolando T. Acosta, J.), dated December 20, 1999, (2) an order of that court (George Young, J.; op 183 Misc 2d 294), entered December 27, 1999, and (3) an order of that court (Norman Ryp, J.), entered January 21, 2000. The order dated December 20, 1999 denied defendant's motion to hold plaintiff and its counsel in contempt. The order dated December 27, 1999 granted plaintiff's motion to impose sanctions against nonparty appellant for frivolous conduct as defense counsel. The order dated January 21, 2000 directed nonparty appellant to pay sanctions of \$7,500 to the Lawyer's Fund for Client Protection and attorney's fees of \$2,100 to plaintiff's counsel.

Judgment

APPEAL from a judgment of the Civil Court of the City of New York, New York County (Larry S. Schachner, J.), entered on or about June 17, 2002. The judgment, after a nonjury trial, awarded possession to petitioner in a nonprimary residence holdover summary proceeding.

2. Criminal Cases

Order

APPEAL from two orders of the Criminal Court of the City of New York, Bronx County (Larry R.C. Stephen, J.), entered September 7, 2001. The

orders, upon reargument, granted defendants' motions to dismiss the informations in the interest of justice.

Judgment (nonjury trial)

APPEAL from a judgment of the Criminal Court of the City of New York, New York County (Neil E. Ross, J., on dismissal motion; A. Kirke Bartley, Jr., J., at trial and sentencing), rendered August 2, 2000. The judgment convicted defendant, after a nonjury trial, of stalking in the fourth degree.

Judgment (jury trial)

APPEAL from a judgment of the Criminal Court of the City of New York, New York County (Eileen A. Rakower, J.), rendered June 24, 1999. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the third degree.

Judgment (guilty plea)

APPEAL from an amended judgment of the Justice Court of the Village of Red Hook, Dutchess County (Richard D. Griffiths, J.), rendered September 26, 2001. The amended judgment convicted defendant, upon his plea of guilty, of criminal contempt in the second degree and resented him to a three-year term of probation.

3. Appeal from Part of an Order

APPEAL from orders of the Civil Court of the City of New York, Queens County (Marguerite Grays, J.), entered July 10, 2001 and April 30, 2002. The order entered July 10, 2001, insofar as appealed from, denied those branches of plaintiff's motion that sought (1) to dismiss defendant's counterclaim alleging prima facie tort and her affirmative defenses of statute of limitations and frivolousness, and (2) an award of costs and the imposition of sanctions. The order entered April 30, 2002, insofar as appealed from, denied the branch of plaintiff's motion that sought renewal.

4. Various Courts: New York City, District, City, Justice Courts

Civil Court of City of New York

APPEAL from an order of the Civil Court of the City of New York, New York County (Jerald R. Klein, J.), entered April 12, 2002. The order granted respondent's motion to dismiss the petition in a holdover summary proceeding.

Criminal Court of the City of New York

APPEAL from a judgment of the Criminal Court of the City of New York, New York County (Eileen A. Rakower, J.), rendered June 24, 1999. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the third degree.

District Court

APPEAL from an order of the District Court of Nassau County, First District (Howard S. Miller, J.), entered August 2, 2002. The order granted respondent's motion to dismiss the petition in a holdover summary proceeding and denied petitioner's cross motion for summary judgment.

City Court

APPEAL from a judgment of the City Court of Newburgh, Orange County (Richard Farina, J.), rendered July 27, 1999. The judgment convicted defendant, upon a jury verdict, of aggravated unlicensed operation of a motor vehicle in the second degree.

Justice Courts (Sometimes referred to as a Town or Village Court, these are properly stated as Justice Court of the respective town or village.)

APPEAL from judgments of the Justice Court of the Village of Wesley Hills, Rockland County (P. Schnelwar, J.), rendered February 23, 1999. The judgments convicted defendant, after a nonjury trial, of depositing debris and/or waste materials on a village lot (Local Law No. 4 [1984] of Village of Wesley Hills § 2) and storing more than one unregistered vehicle on a residential lot (Local Law No. 14 [1984] of Village of Wesley Hills § 4.4.18).

APPEAL from a judgment of the Justice Court of the Town of Wallkill, Orange County (Raymond Shoemaker, J.), entered September 15, 2000, in favor of defendant. The judgment dismissed the action.

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