

2019 Annual Report of the State Reporter



January 23, 2020

I. Introduction

The New York State Law Reporting Bureau (LRB) was established under article 14 of the Judiciary Law to officially report New York court decisions. The LRB operates under the direction of a State Reporter appointed by the Court of Appeals, with a designated Judge of the Court—currently Judge Leslie E. Stein—serving as the Court's liaison to the LRB. All decisions of the Court of Appeals and the Appellate Division and selected decisions of the lower courts are edited and published in print and online versions of the New York Official Reports, which include the New York Reports, the Appellate Division Reports and the Miscellaneous Reports. Motion decisions of the Appellate Division and Appellate Term and additional lower court opinions are published only online. This is a report of the LRB's activities in 2019.

II. William J. Hooks Retirement

William J. Hooks, the 26th State Reporter, retired on January 31, 2019. A dinner was held on January 10 to mark the occasion. Bill was presented with a plaque that memorializes the dedication of the first-floor conference room in Centennial Hall as the William J. Hooks Room. Among those attending the dinner were the Judges of the Court of Appeals, members of the Court Clerk's Office, and past and present members of the LRB's staff.

III. Cara J. Brousseau Appointed State Reporter

Cara J. Brousseau was appointed the 27th State Reporter by the Court of Appeals effective April 4, 2019.

IV. Publishing activity

The LRB published in print and electronically 44,735 opinions, memoranda, abstracts and appellate motions in 2019. This number reflected a slight increase in the number of edited publications (opinions, memoranda and abstracts), up by 2.5% from 2018, and a decrease in the number of unedited appellate motions, down by approximately 16% from 2018. The Official Reports are published in print and online pursuant to a five-year commercial publishing contract, currently held by Thomson Reuters – West; consequently, Thomson Reuters Westlaw is the sole online commercial source of the complete New York Official Reports through December 31, 2020. A free, public access version of the Official Reports is also available on the Law Reporting Bureau website at <http://www.nycourts.gov/reporter/>.

A. Print publication

During 2019, the LRB prepared for publication two volumes of the New York Reports, 3d Series; 11 volumes of the Appellate Division Reports, 3d Series; and four volumes of the Miscellaneous Reports, 3d Series, for a total of 17 bound volumes, as

planned. Two soft-cover interim volumes of the New York Reports, 3d Series, also were published.

In addition, 52 weekly advance sheets and six bi-monthly Cumulative Tables and Index pamphlets were issued. These advance sheets contained 12,143 full opinions, memorandum decisions, and abstracts of opinions not published in print; 21,308 pages of opinions, memoranda and abstracts; and 14,541 headnotes, allocated as follows:

Report	# Opinions/ Memoranda	# Opinions/ Memoranda Pages	# Headnotes
NY3d	54 Opinions 46 Memos	1,198 Opinion 444 Mem	84 Opinion 54 Mem
AD3d	249 Opinions 9,159 Memos	1,880 Opinion 13,791 Mem	394 Opinion 11,142 Mem
Misc 3d	432 Opinions 2,203 Abstracts	3,726 Opinion 269 Abstract	664 Opinion 2,203 Abstract

Compared to the prior year, the number of: opinions, memoranda and abstracts increased 2.5%; pages increased 1.3%; and headnotes increased 2.5%.

B. Electronic publication

All decisions published in print also are published electronically. In addition, the LRB publishes the following decisions only electronically:

- Appellate term and trial court opinions not published in the printed Miscellaneous Reports. A total of 6,427 Appellate Term and trial court opinions were published only in electronic format in 2019, an increase of 4.7% from the prior year.
- Motion decisions of the Appellate Division and Appellate Term. A total of 26,165 motion decisions were published electronically in 2019, a decrease of 16.5% from the prior year.

V. Selection of Lower Court Opinions

During 2019, a total of 6,899 Appellate Term and trial court opinions were submitted for publication consideration, a decrease of 2.4% compared to 2018. One hundred nine opinions published on websites or in legal newspapers, or otherwise brought to the LRB's attention, were solicited from the authoring judges for publication.

Of the opinions submitted, the LRB accepted 409 for publication in the Miscellaneous Reports and 6,427 for online publication, for a total of 6,836 acceptances, an increase of approximately 3.7% compared to 2018.

VI. Website usage

Usage of the LRB website remained strong in 2019. A total of 1,492,682 unique visitors accessed the site in 2019 (compared with 1,110,338 in 2018), with an average of 2.66 visits per visitor. Approximately 20% of visitors (297,536) visited more than once, and an average of 10,892 visitors visited the site each day (compared with 8,439 in 2018).

Users downloaded a total of 2,437 copies of the LRB's Electronic Resources User Guide (a tutorial in the use of the Official Reports on Westlaw and the legal research and writing tools provided on the LRB website).

The LRB's Twitter account (@NYOfficialRpts) grew from 641 to 889 Followers.

VII. Style Manual

A total of 484 copies of the printed Official Reports Style Manual were distributed to judges, court staff and others in 2019. An additional 12,140 copies were downloaded from the LRB website.

VIII. Product Development

The LRB enhanced its online services and website in 2019.

- In partnership with OCA, the LRB launched a new Site Search page utilizing Bing.
- A 2019 Electronic Update was added to the 2017 Style Manual available on the LRB's website. The update includes revisions to certain existing citation examples and the addition of certain new style rules and examples.
- Staff examined internal processes to ensure that URLs are accurate on both the LRB website and the Official Reports version on Westlaw. We revisited discussions with West about maintaining the integrity of URLs in the Official Reports and National Reporter Service on West.

IX. Personnel

LRB staff numbered 29 at the close of 2019.

- State Reporter William J. Hooks retired.

- Deputy State Reporter Cara J. Brousseau was appointed State Reporter.
- Assistant State Reporter Katherine G. Breitenbach was promoted to Deputy State Reporter.
- The following staff resigned from the LRB: Legal Editor Steven DeBraccio; Law Reporting Aide Brandon Kennedy; and Legal Editor Christopher Di Donna.
- The following staff joined the LRB: Daisy Ford Paglia (Legal Editor); and Valerie Kellerhouse (Law Reporting Aide).
- The following staff were promoted: Rocco Padula (Principal Legal Editor); Jackie Biernacki (Senior Legal Editor); and Cindy DeViddio, Assunta Capoccia and Jennifer Davidick (Senior Law Reporting Assistant).

X. Facilities

Evacuation and Emergency Procedures were recirculated to staff as part of an annual reminder protocol. Additionally, floor warden responsibilities were reissued to the designated floor wardens.

In May, evacuation procedures and floor warden responsibilities for Centennial Hall were updated to designate floor wardens for OCA personnel. The newly updated procedures were circulated to LRB staff, OCA staff, and Security.

An evacuation drill of Centennial Hall was successfully completed.

XI. Equipment

The LRB acquired the following new equipment to replace obsolete/outdated assets and disposed of unnecessary equipment:

- 2 - Dell Latitude 3900 laptops
- 2 - Hard drive replacements
- 1 - NAS drive
- 4 - Cell phones
- 2 - HP M750 Color Printers (per publishing contract)
- 43 - Dell 7060 Optiplex PC (per publishing contract)

XII. Editorial and office technology

Technology staff provided substantial support to editorial staff in day-to-day publishing operations which are performed in a WordPerfect (macro) environment. At the same time, staff continued to develop programs and adapt internal processes to

accommodate current and prospective conversion of court documents to Microsoft Word format, and the LRB's migration to a full Microsoft environment and Windows 10 operating system. Highlights include:

- In July, we began a collaborative process whereby LRB and COA tech staff started working together on tech priorities for both organizations. COA staff provided programming and project management assistance on the development side to the LRB. LRB network administrators assisted COA staff with IP phone installations, surplus inventory and an onsite visit to chambers.
- Staff prepared for a January 11, 2020 roll out of the LRB's new PCs using a Windows 10 image. Staff focused on finalizing macro preparation and controlled testing, preparation of sample PCs for live testing by LRB staff, and staff training.
- Staff developed a centralized priority list for Thomson Reuters (TR) to facilitate development of TR's new Edge software as it relates to the display and functionality of the Official Reports, and to resolve longstanding triage items with TR's current software, Next.
- We rolled out a new LRB HelpDesk ticketing system using Spiceworks.
- LRB programmers:
 - ✓ developed and placed into production a new application for processing appellate decisions directly inside the Microsoft Word environment using our new database structure, including testing, roll out, monitoring, and triage of implementation issues;
 - ✓ participated in collaborative meetings with the Appellate Divisions concerning their Word conversions, including discussions of bookmarks and templates;
 - ✓ worked on the LRB's internal MSW conversion/database;
 - ✓ worked on a new LRB webpage designed to assist users in distinguishing between Advanced Search (to search Official Reports decisions and motions) and Site Search (to search other content on the LRB website); and
 - ✓ attended OCA Drupal meetings.
- LRB network administrators:
 - ✓ continued collaborative efforts with OCA to migrate the LRB Citator application to a new operating system;
 - ✓ attended OCA LAN meetings as well as meetings concerning Active Directory Roles and Advanced Active Directory Roles training,

- StruxureWare and cybersecurity, and Public Lookup PCs technical training for the Public Access Network.;
- ✓ worked with COA and OCA personnel to remove the old LRB SQL server from the old COA domain and developed a plan to repurpose the old server;
 - ✓ coordinated and completed LRB data closets battery backup refresh;
 - ✓ placed a new backup FS2 (File) server into production;
 - ✓ collaborated on a shared directory with the Appellate Division, Second Department (hosted by OCA) to provide LRB editors with access to electronic records;
 - ✓ coordinated LinkedIn Learning online training access for Tech Team;
 - ✓ trained product leadership on how to create internal procedures using Word;
 - ✓ upgraded Acronis backup and recovery admin and client software; and
 - ✓ began work on a backup of our SQL server data to OCA data centers using Commvault.

XIII. Continuing Legal Education (CLE)

LRB attorneys presented and attended various CLE programs in 2019.

- In August, Katie Breitenbach and Jaclyn Biernacki presented a CLE program (“New York’s Official Common Law: Publication and Legal Research and Writing Resources”) at the Appellate Division, Fourth Department in Rochester. The program, offered on a continuing basis to courts, bar associations and others, provides instruction in the processes employed in editing and publishing decisions, the online tools supplied by the LRB to assist in efficient research of New York law and the drafting of decisions and reports, application of the Official Style Manual, and effective use of online versions of New York’s Official Reports on Westlaw and the Law Reporting Bureau’s website.
- The LRB provided an instructional guide for the Judicial Institute’s annual New Judges School on submission and publication of opinions and use of online Official Reports material and other research and writing resources on the LRB website.
- Members of the LRB's staff attended: “Workers’ Compensation Update 2019”; “The Intersection of Immigration, Criminal and Family Law Proceedings in New York State”; “The History of the Court of Appeals”; “The Uncertain Past, Present, and Future of Administrative Law”; “Overview of Surrogate’s Court and Trusts”; “LGBTQ People and the Law Update 2019”; “A Mock Meeting of the Attorney Grievance Committee”; and an all-day program of various CLEs at the Gideon Putnam in Saratoga Springs presented by the Judicial Institute.

XIV. Professional and Volunteer Activities

LRB staff members participated in various professional activities, community events and charitable causes.

A. Professional activities

- *Guide to New York Evidence*: The eighth and ninth installments of the Guide, totaling 16 evidence rules and accompanying notes, were edited, formatted and returned to the Chief Judge’s Advisory Committee on Evidence. Completed portions of the Guide are published online at <http://nycourts.gov/judges/evidence/index.shtml>.
- State Reporter Cara J. Brousseau attended and presented at the annual meeting of the Association of Reporters of Judicial Decisions in Lexington, Kentucky. At the business meeting, Cara was sworn in as Vice-President of the ARJD, with responsibility for planning the 2021 annual meeting, tentatively scheduled for Albany, New York. The meeting provides a variety of educational programs involving the official publication of court decisions and other issues of significance to official reporters.
- In September, Deputy State Reporter Katherine Breitenbach attended the New York State Bar Association’s 2019 Tech Summit in New York City. Programs covered a variety of topics of interest to the LRB.
- In October, State Reporter Cara J. Brousseau gave a presentation at the COA for the Association of Law Libraries of Upstate New York (ALLUNY).
- In November, Kathy Hughes presented overviews to LRB attorneys and staff of recent updates to the Style Manual, including the policy and procedure for citation to NYSCEF documents.

B. Volunteer activities

- The LRB participated in the annual State Employees Federated Appeal (SEFA) fund-raising campaign to benefit charitable organizations.
- The LRB continued its holiday tradition of “adopting” families through the Ronald McDonald House. Gifts donated and purchased through staff contributions were delivered to the Ronald McDonald “Family Room” in the neonatal intensive care unit at Albany Medical Center.

XV. Visits and Visitors

Among visits made in 2019:

- In January, representatives from West Publishing visited the LRB to discuss implementation of the 2016-2020 Official Reports Publishing Contract and the status of other joint projects.
- Cara J. Brousseau and Katie Breitenbach attended Law Day Ceremonies at the Court of Appeals.
- Former Associate Judge of the Court of Appeals Albert Rosenblatt and students from his New York University Law School Constitutional Law class toured Centennial Hall and discussed LRB operations and official reporting of decisions.

XVI. Organization

Of significance in 2019:

- Founders Day, April 7, marked the 215th anniversary of the enactment of legislation creating the system of official law reporting in New York.