

# Appellate Division of the Supreme Court First Judicial Department

## AD1 2.0 – First Department Operations During the Spring Terms

Updated March 4, 2021

### **Virtual and In-Person Proceedings**

March and April 2021 Terms - In light of the continuing public health emergency in New York State, the Appellate Division, First Department will hold all oral arguments during the March and April 2021 terms remotely via Microsoft Teams.

May and June 2021 Terms - The Court is planning to resume in-person oral arguments on Wednesdays during the May and June 2021 Terms. The May 2021 Term commences on April 20, 2021. Oral arguments will be held in-person every Wednesday and remotely on Tuesdays and Thursdays, and if necessary, on Fridays.

The return to in-person oral arguments is contingent on the continual decrease in the infection rates in New York City and increase in the availability of COVID-19 vaccines.

In anticipation of the return to in-person oral arguments on Wednesdays, the Court is resuming the [online oral argument survey](#). All attorneys and self-represented litigants who have perfected appeals are required to fill out the survey and specify a preference for in-person or remote oral argument. If you have not completed the survey, please do so immediately. The information will be critical for the preparation of the calendars for the May and June Terms. The selection of a preference is not a guarantee that oral argument will be granted.

All proceedings before the Committee on Character and Fitness and the Attorney Grievance Committees will be held remotely until further notice.

### **Appeals – Oral Arguments**

The Court will be holding oral argument three days per week. Oral arguments will be held at 2:00 p.m. on Tuesdays, Wednesdays and Thursdays and if necessary, at 10:00 a.m. on Friday mornings.

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

Requests for Oral Argument. Once a matter is calendared, the parties are required to make requests for oral argument by email. (This directive is in addition to the rule requirement that argument requests be stated on the briefs). The requests for oral argument shall be made in advance, no later than one week prior to the calendar date, by emailing the Court at [AD1OralArgument@nycourts.gov](mailto:AD1OralArgument@nycourts.gov), with an e-mailed copy to opposing counsel or self-represented litigant. A completed [notice of appearance](#) with the contact information, including e-mail address, of the attorney who will appear remotely, shall be attached to the request.

If an out-of-state attorney has been granted leave to appear pro hac vice, a notice of appearance is required for both the New York attorney of record and the out-of-state attorney, together with a copy of the letter from the Court granting the pro hac vice application.

When making an oral argument request, please indicate the name of the matter, the argument date, the appellate case number and the **time needed** for oral argument, **not the time desired**. Parties will be advised as to whether the Court has granted oral argument. The request should not be made until a matter has been calendared for a particular term and date. Failure to timely and properly request oral argument will result in the matter being heard on submission.

Non-enumerated Appeals. Oral argument is not allowed in non-enumerated appeals, except by permission of the Court upon letter application, on notice to all parties.

As is customary, oral arguments will be livestreamed on the Court's website. Only counsel and self-represented litigants who are arguing will be permitted attend the remote oral arguments.

### **Screening Before Entering Courthouse**

Prior to entering the courthouse, all persons will be subject to COVID-19 screening and temperature checks. Persons (a) subject to the quarantine restrictions on travelers contained in Governor Cuomo's [Executive Order No. 205](#); or (b) experiencing symptoms associated with COVID-19, including fever, a new cough, difficulty breathing, sore throat, muscle or body aches, vomiting and diarrhea, or a new loss of taste or smell; or (c) who have tested positive or had close contact with anyone who has tested positive for COVID-19 in the last 14 days will not be permitted to enter the courthouse.

Facial Covering: All persons who enter the courthouse are required to (a) wear a mask or facial covering at all times and (b) comply with social distancing guidelines

and directives of the court officers. Please note that vented masks (masks with exhalation valves or vents) may not be worn in the courthouse.

### **Filing Deadlines Reinstated**

By [order](#) entered May 8, 2020, the Court rescinded its prior order which suspended filing deadlines and reinstated the filing deadlines for the remaining 2020 terms.

### **Hard Copy Filing**

The requirement that hard copy records, appendices, briefs and motions be filed continues to be suspended until further notice.

### **Electronic Filing**

#### **Matters Subject to Mandatory E-filing**

Effective July 27, 2020, all matters before the First Department, except original proceedings and attorney matters, are subject to mandatory e-filing via NYSCEF in accordance with the procedural and electronic filing rules of the Court. For additional information on the e-filing requirements, please [click here](#).

#### **Original Proceedings and Attorney Matters**

All filings, including petitions, motions and applications, made in connection with original proceedings and attorney matters shall be submitted electronically via the Digital Submission portal in NYSCEF. For additional information on the Digital Submission portal, please [click here](#).

### **Admission of Attorneys to the Bar**

The Court's Committee on Character and Fitness is processing admission applications. Applications and other documents shall be transmitted electronically until further notice. Candidates for admission will be interviewed and the admission ceremonies will be held remotely via Microsoft Teams until further notice.

The Court has a new portal for the request and issuance of certificates of good standing. The link to the portal and instructions for obtaining a certificate of good standing are posted on the webpage of the [Committee on Character and Fitness](#).

Effective July 22, 2020, the Court of Appeals established the Temporary Authorization Program which allows eligible graduates of ABA-approved law schools to apply for the temporary authorization to practice law. Additional information is posted on the website of the Committee on Character and Fitness.

### **Attorney Grievance Matters**

The Attorney Grievance Committee is fully operational. Complaints, pleadings and all other submissions shall be transmitted electronically to the Committee until further notice. Additional information is posted on the [Attorney Grievance Committee webpage](#).

### **Pre-argument Conference Program**

The pre-argument conference program has resumed operations and remote conferences are being held via Microsoft Teams and other virtual platforms.