

NYS Court of Appeals Amends Its Rules of Practice

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As part of the New York Appellate Courts' continuing efforts to re-open and address the challenges posed by the COVID-19 global pandemic, the New York State Court of Appeals has amended its Rules of Practice regarding Rule 500.10 jurisdictional inquiries as well as motions for leave to appeal and reargument. These amendments are deemed effective on May 27, 2020.

The amendment to Rule 500.10 requires that motions and responses thereto be submitted in a digital format along with the printed papers that are filed and served. The filing of specific documents as required by Rules 5000.22(c), 500.26(b)(3), 500.26(b)(3)(iv), and 500.26(b)(4) are to be filed in digital format only and must comply with the technical specifications from the Clerk's office. In addition to the foregoing, parties are no longer required to file six copies of motions for leave to appeal and reargument in civil actions and, instead, are only required to file one printed copy. Moreover, any motions submitted with proof of indigency may still be made on one set of papers.

All of the above-mentioned filings are to be uploaded to a system via a Companion Filing Upload Portal, which is similar to the Court-PASS system regularly used to file materials; however, filers should be aware they are still on the hook to satisfy the service and filings requirements of the CPLR or Court Rules. All digital filings should be identical to the original papers, except they need not contain an original signature. These papers are deemed to be filed with the Clerk's Office as of the date of receipt of the paper document.

If a party wishes to be exempted from the digital filing requirements, they must send a letter with their paper filings attached demonstrating that the digital upload would pose an undue hardship.