

Honorable Justice  
Presiding Justice  
Honorable Justice  
Honorable Justice

Supreme Court of the State of New York  
**APPELLATE DIVISION**  
FOURTH JUDICIAL DEPARTMENT



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Court House, New York City, NY  
The Courthouse is closed today at 9am.

**Event highlights**

Honorable Justice  
Court is in Term

[More news](#) [Calendars](#)

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Hon. Samuel L. Green Courtroom

Posted: Tue May 01

Appellate Division Fourth Department Attorneys Receive Pro Bono Service Award

Posted: Tue Feb 06

Appellate Division Electronic Filing for certain matters commencing on March 1st





@NYAppDiv4



NYCourtsAD4 @NYAppDiv4 · Mar 1

Press Release: E-Filing Comes to the Appellate Division  
[nycourts.gov/courts/ad4/Cle...](https://nycourts.gov/courts/ad4/Cle...) via @NYAppDiv4



### Press Release: E-Filing Comes to the Appellate Div...

By joint order of the Departments of the Supreme Court, Appellate Division, and the Appellate Term, the Appellate Division of the Supreme Court of the State of New York has adopted the following rules for the electronic filing of documents in the Appellate Division of the Supreme Court of the State of New York.



1



NYCourtsAD4 @NYAppDiv4 · Apr 11

Hon. Joanne M. Winslow Receives Prestigious Kate Stoneman Award  
[nycourts.gov/courts/ad4/Cle...](https://nycourts.gov/courts/ad4/Cle...) via @NYAppDiv4



### Hon. Joanne M. Winslow Receives Prestigious Kate...

Hon. Joanne M. Winslow, Associate Justice of the Appellate Division, Fourth Department, and a graduate of Albany Law School, was presented with the prestigious...

[nycourts.gov](https://nycourts.gov)



NYCourtsAD4 @NYAppDiv4 · Mar 2

NYAppDiv4 offices closed due to winter weather -- filing deadlines extended to the next business day.



### NYS Supreme

State of New York  
Fourth Judicial Department  
[nycourts.gov](https://nycourts.gov)



5

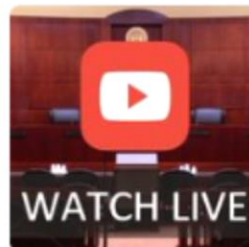


3



NYCourtsAD4 @NYAppDiv4 · Feb 28

#NYAppDiv4 Oral arguments today at 10. Calendar and watch live here:



### Oral Arguments | Fourth Department | Appellate Di...

The Court convenes at 10:00 a.m. and immediately calls the first case. The calendar generally contains between 20 to 30 appeals. Each case is argued or submitted in ...  
[ad4.nycourts.gov](https://ad4.nycourts.gov)



1



1



3

## LATEST UPDATES

Quick Start Guide to Electronic Filing

<https://ad4.nycourts.gov/efile>

Supreme Court of the State of New York  
Appellate Division: Fourth Judicial Department

LIBRARY VISIT ABOUT OFFICES

Home / eFile [Tweet](#)

## E-File Quick Start Guide

Announcements:

- Chief Judge DiFiore announces Appellate Division electronic filing at the State of Our Judiciary address. 2018-APR-06
- E-Filing comes to the Appellate Division. 2018-MAR-01

## DESIGNATED CASE TYPES

- First Department
- Second Department
- Third Department
- Fourth Department**

Designated Case Types by Effective Date: [1245.2](#)

Effective Date	Case Type	Filing Requirement
2018 MAR 01	All Commercial Division Matters	Mandatory

## RULES 22 NYCRR PART 1245

[ad4.nycourts.gov/rules/efile](https://ad4.nycourts.gov/rules/efile)

## EXEMPTIONS

**Unrepresented Litigants** are exempt from e-filing but may voluntarily participate. [1245.4\(a\)\(1\)](#)

**Attorneys** without necessary equipment or requisite knowledge may certify they are exempt. [1245.4\(a\)\(2\)](#)

**Emergency Relief** initial submissions may be filed and served in hard copy. [1245.6\(c\)](#)

**Technical Failure** of your equipment or the NYSCEF site may temporarily exempt you from e-filing. [1245.6\(d\)](#)

## HARD COPIES

**One original and five copies** must generally be filed for briefs, records, appendices and statements in lieu of records. [1245.6\(a\)\(1\)](#)

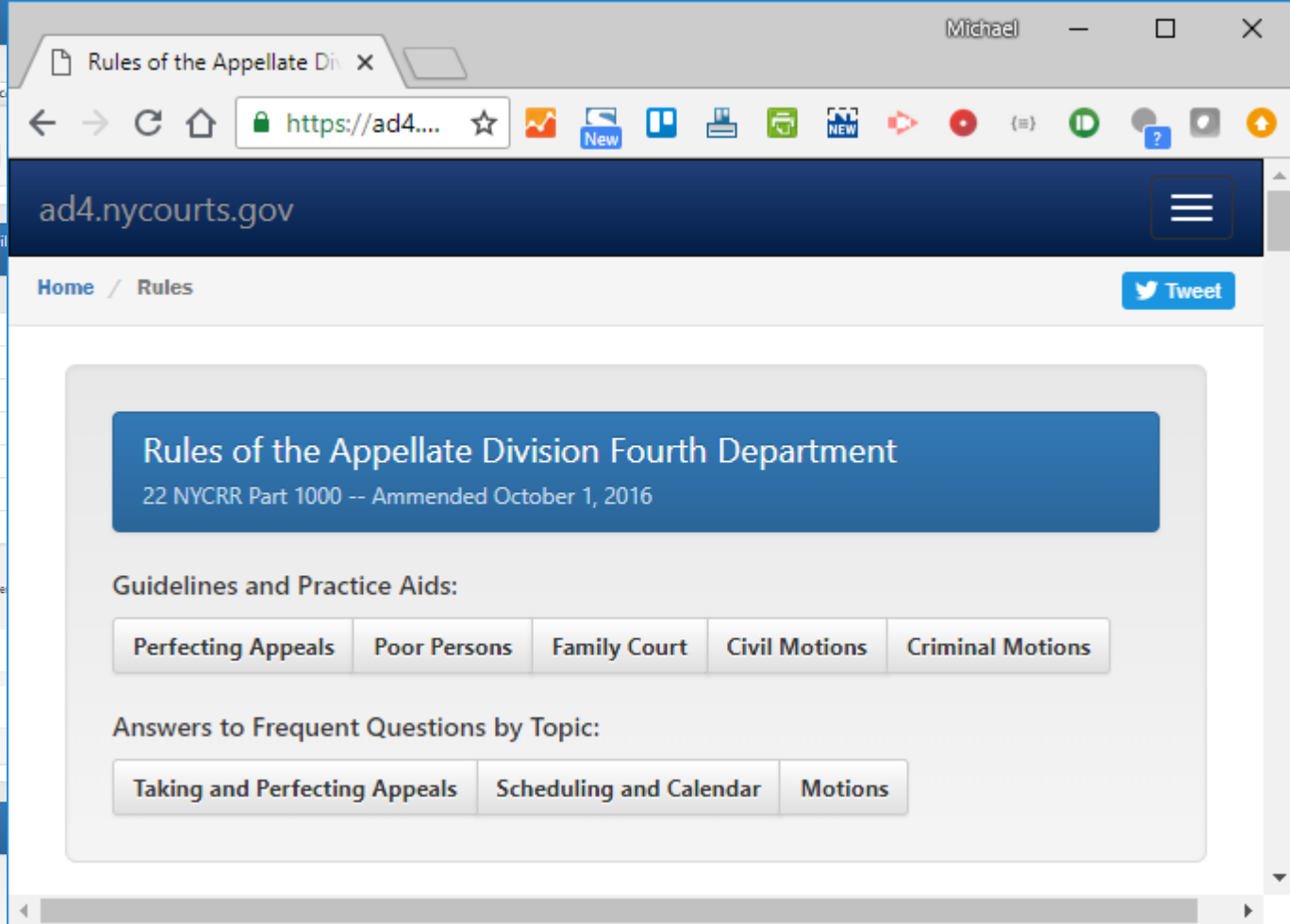
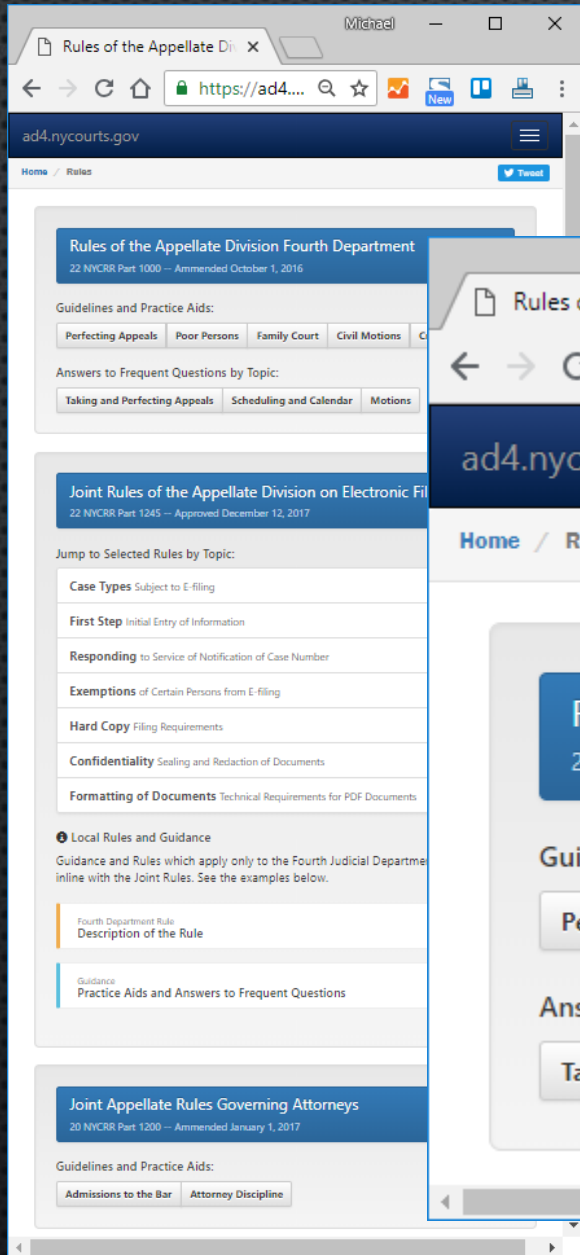
**One unbound hard copy** must be filed for any document exempt from e-filing. [1245.6\(b\)](#)

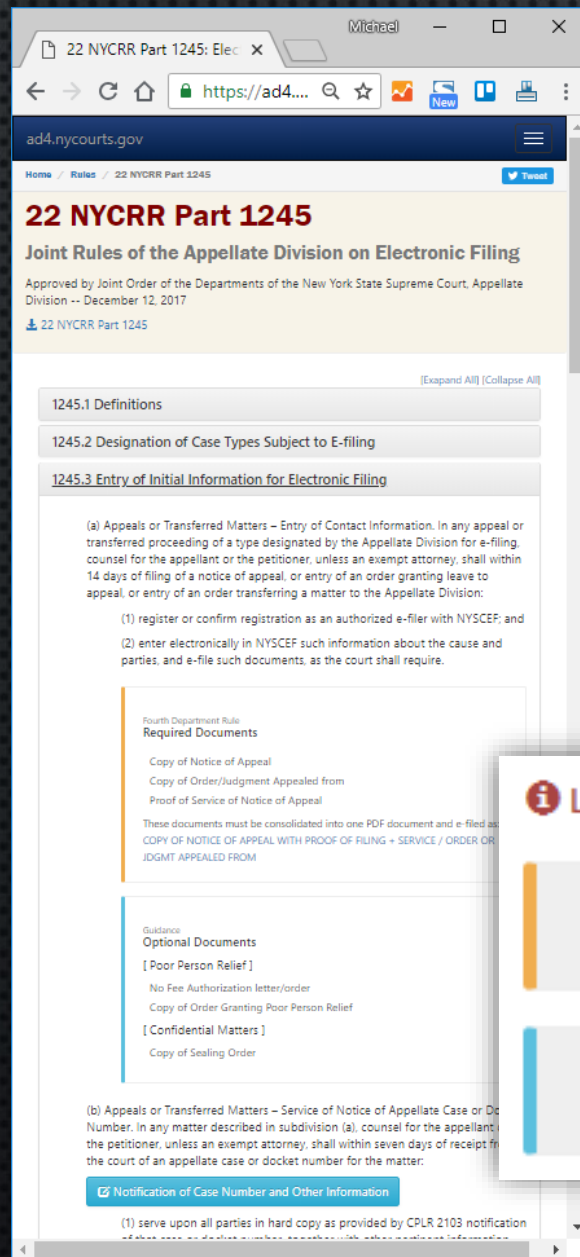
**Service** must be done by, and upon, any party exempt from e-filing. [1245.5](#)

*Note: If Hard Copy Submission must be attached to*



# AD4.NYCOURTS.GOV/RULES





# AD4.NYCOURTS.GOV/RULES/EFILE

LOCAL RULES AND GUIDANCE EMBEDDED INTO JOINT RULES

ANSWERS TO FREQUENT QUESTIONS

DIRECT DOWNLOAD OF FORMS

## Local Rules and Guidance

Fourth Department Rule  
Description of the Rule

Guidance  
Practice Aids and Answers to Frequent Questions



# **SUPREME COURT**

ALL COMMERCIAL DIVISION – MANDATORY MARCH 1

## **SUPREME COURT**

ALL E-FILED LOWER COURT – VOLUNTARY JULY 1

ALL COMMERCIAL DIVISION – MANDATORY MARCH 1

## **SURROGATES COURT**

ALL MATTERS – MANDATORY JULY 1



## **SUPREME COURT**

ALL E-FILED LOWER COURT – MANDATORY OCTOBER 1

ALL COMMERCIAL DIVISION – MANDATORY MARCH 1

## **SURROGATES COURT**

ALL MATTERS – MANDATORY JULY 1



## **SUPREME COURT**

ALL E-FILED LOWER COURT – MANDATORY

ALL COMMERCIAL DIVISION – MANDATORY

MOST OTHER CIVIL MATTERS – VOLUNTARY JANUARY 1, 2019

## **SURROGATES COURT**

ALL MATTERS -- MANDATORY

# EXEMPTION: UNREPRESENTED LITIGANTS

MAY VOLUNTARILY PARTICIPATE AND WITHDRAW CONSENT



EXEMPTION:  
ATTORNEYS LACKING  
NEEDED RESOURCES

MUST CERTIFY THEY LACK NECESSARY EQUIPMENT OR REQUISITE KNOWLEDGE

EXEMPTION:  
MOTIONS AND  
APPLICATIONS SEEKING  
EMERGENCY RELIEF

MAY BE FILED AND SERVED IN HARD COPY FIRST BUT MUST BE E-FILED THEREAFTER



# EXEMPTION: TECHNICAL FAILURE

TEMPORARY FAILURE OF NYSCEF SITE OR YOUR EQUIPMENT

# YOUR NYSCEF LOGIN

## AD4.NYCOURTS.GOV/EFILE

- ATTORNEY ONLINE SERVICES ACCOUNT
- CREATE AN ACCOUNT

The screenshot shows a web browser window with the URL <https://iapps.courts.state.ny.us/nyscef/Creat...>. The page title is "New York State Unified Court System" and the subtitle is "NYSCEF - New York State Courts Electronic Filing (Live System)".

**Left Sidebar:**

- Home**
  - NYSCEF
  - Home
  - Unrepresented Litigants
- Account**
  - Create an Account
  - Login
  - Search as Guest
- Resources**
  - Forms
  - Authorized Courts
  - Rules & Legislation
  - News & Events
- Help**
  - FAQs
  - Training
  - Terms of Use
  - User Manual
  - Filing Requirements
  - Contact Us

**Main Content Area:**

### Create Account

**If you are an attorney admitted to practice in New York State**  
Click the link below to create an Attorney Online Services account, which will allow you to sign into both the NYSCEF Live System (for real cases) and the Online Attorney Registration system. (For the NYSCEF Training System, see below)  
[Create Attorney Online Services Account](#)

**NOTE:** If you already have an Attorney Online Services account (created for Attorney Registration), you can now [log into the NYSCEF Live System](#) using that registration number and password.

**If you are representing yourself without an attorney**  
To create an account as an unrepresented litigant, view our Unrepresented Litigant website.  
[Unrepresented Litigants](#)

**If you are NOT representing yourself and are NOT an attorney admitted to practice in New York State**  
Click the appropriate link below to apply for an account.  
[Create Pro Hac Attorney Account](#)  
[Create Authorized Agent Account](#)

**SCAR and Tax Certiorari Bulk Filing**  
To obtain an account for bulk filings of Tax Certiorari or SCAR proceedings, contact the [NYSCEF Resource Center](#)

**NYSCEF Training System**  
NYSCEF has a Training System, which mimics the live system. The Training System allows you to file test documents and use other capabilities of NYSCEF in simulated cases for educational purposes only. A separate user name and password must be created to use the Training System. No real filings can be made, nor can any other action be taken in an actual case, in the Training System. To file a document or take other action in a real case, a user must log into the Live System with a Live System ID and password. A Training System ID and password will not work in the Live System.  
[Create a Training Account](#)

**Footer:**  
NYSCEF E-mail: [EFile@nycourts.gov](mailto:EFile@nycourts.gov) Phone: (646) 386-3033 Fax: (212) 401-9146

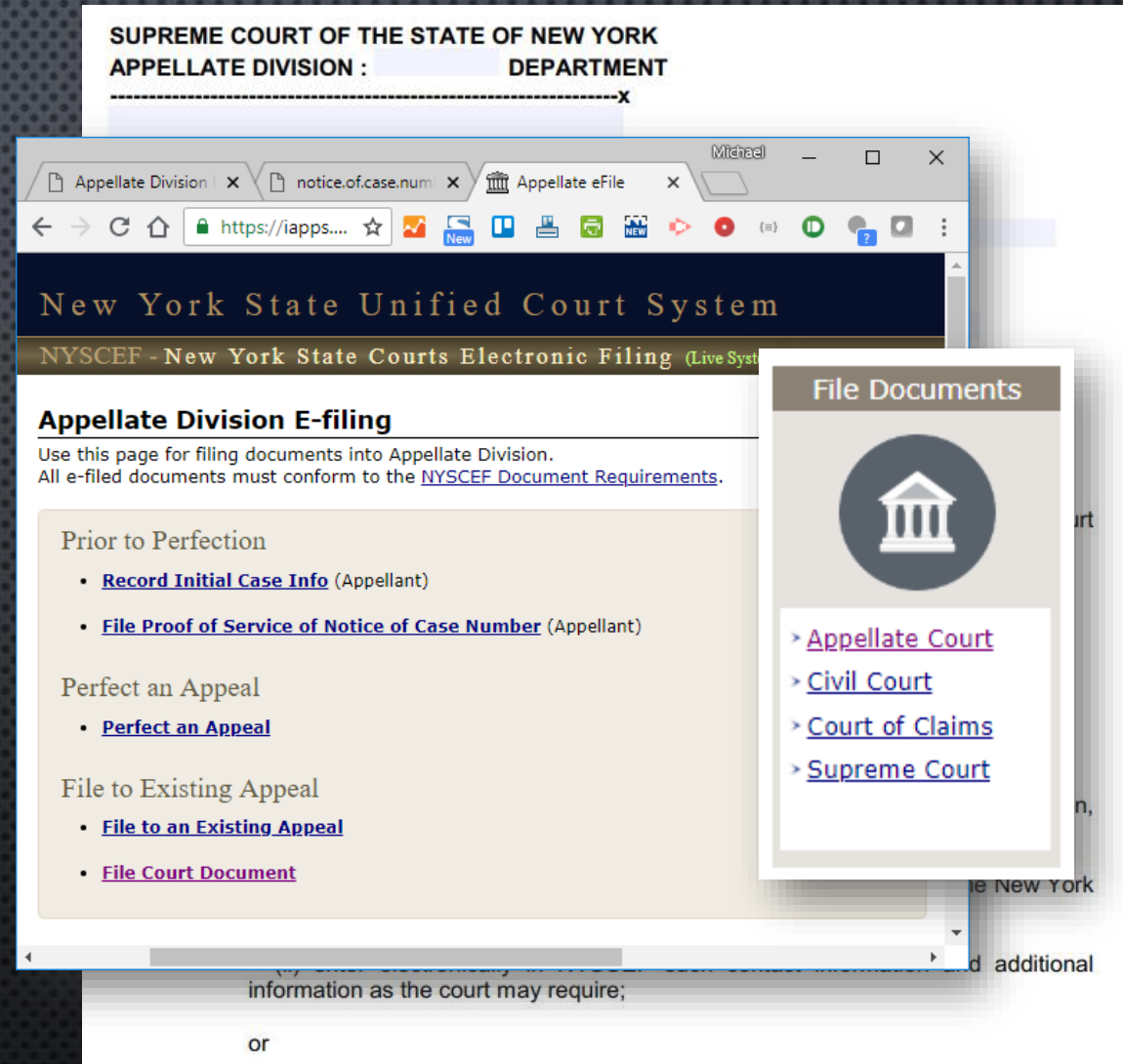


# FIRST STEP: START A DOCKET

1. LOGIN TO NYSCEF
2. RECORD INITIAL CASE INFO
3. E-FILE **COPY** OF  
NOTICE OF APPEAL

*COURT WILL PROVIDE  
A DOCKET NUMBER*

4. SERVICE ON OTHER PARTIES
5. E-FILE PROOF OF SERVICE



# RESPONDENT GRACE PERIOD

STARTS WHEN SERVED NOTIFICATION OF DOCKET NUMBER



- 20 DAYS
- HARD COPIES MUST BE SERVED
- E-FILE STARTS WHEN REGISTERED OR GRACE PERIOD EXPIRES – WHICHEVER COMES FIRST



# E-FILE DOCUMENTS

## 1. PREPARE

THE DOCUMENTS

## 2. E-FILE

THE PDF VERSION

## 3. FILE

THE HARD COPIES

**\*\* MUST HAVE A DOCKET NUMBER \*\***

# E-FILE DOCUMENTS

## PREPARE

### THE DOCUMENTS

Content and Form:  
[ad4.nycourts.gov/rules](http://ad4.nycourts.gov/rules)

Confidential Information:  
Redact or Seal

Electronic PDF Version:  
22 NYCRR Part 1245 Attachment A

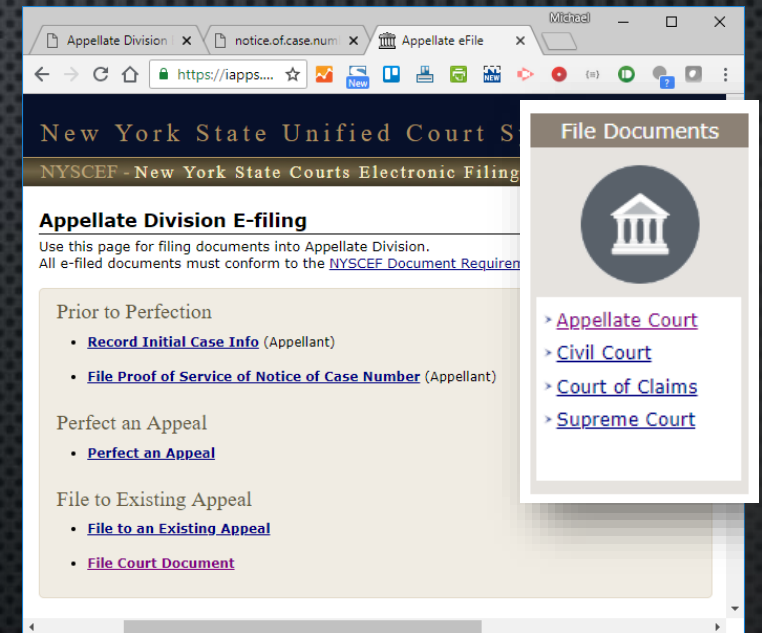


# E-FILE DOCUMENTS

1. Login to NYSCEF
  - Perfect an Appeal
  - File to an Existing Appeal
2. Classify the Document
3. Upload It
4. Pay Fee if Applicable

E-FILE

THE PDF VERSION



# E-FILE DOCUMENTS

1 - ORIGINAL



5 - COPIES



Briefs + Records  
Appendices  
Statements In Lieu of Records

**FILE**

THE HARD COPIES



# E-FILE DOCUMENTS:

FOR ANY EXEMPT DOCUMENT

1 – COPY

+

UNBOUND

+

**SERVICE**

**FILE**

THE HARD COPIES

## **ADDITIONAL HELP:**

[ad4.nycourts.gov/efile/learn](https://ad4.nycourts.gov/efile/learn)

### **QUESTIONS SPECIFICALLY RELATED TO NYSCEF**

- [EFILE@NYCOURTS.GOV](mailto:EFILE@NYCOURTS.GOV)
- 646-386-3033



# THE NEW PRACTICE RULES OF THE APPELLATE DIVISION EFFECTIVE SEPTEMBER 17, 2018

- SUPPLEMENTED BY LOCAL RULES IN EACH DEPARTMENT (22 NYCRR PART 600 [1<sup>ST</sup> DEPT], PART 670 [2D DEPT], PART 850 [3D DEPT], AND PART 1000 [4TH DEPT])

# MAJOR CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- TIME FOR PERFECTION:
  - ELIMINATION OF THE SO-CALLED “60-DAY RULE” (FORMER 22 NYCRR 1000.2 [B])
  - TIME FOR PERFECTION SHORTENED FROM NINE MONTHS TO SIX MONTHS
  - “EXCEPT WHERE THE COURT HAS DIRECTED THAT THE APPEAL BE PERFECTED AT A PARTICULAR TIME”  
— ASSIGNED COUNSEL APPEALS GENERALLY HAVE SPECIFIC TIMELINES



# MAJOR CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- MOTIONS:
  - LETTER REQUESTS FOR EXTENSIONS INSTEAD OF MOTIONS
  - MOTIONS REQUIRE ONLY ORIGINAL MOVING PAPERS
    - BUT STILL REQUIRE PROOF OF SERVICE OF NOTICE OF APPEAL UNDER LOCAL RULES (22 NYCRR 1000.4 [A])
  - ONE ADJOURNMENT IS AVAILABLE ON CONSENT, FOR A PERIOD OF 7 OR 14 DAYS (22 NYCRR 1250.4 [A] [9])
  - MINOR CHANGE: REPLY PAPERS DUE AT 4:00 PM ON BUSINESS DAY BEFORE RETURN DATE INSTEAD OF 5:00 PM

# MAJOR CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- METHODS OF PERFECTION:
  - REPRODUCED FULL RECORD METHOD (CPLR 5528 [A] [5])
  - APPENDIX METHOD (CPLR 5528 [A] [5])
  - AGREED STATEMENT IN LIEU OF RECORD METHOD (CPLR 5527)
  - ORIGINAL RECORD METHOD



# MAJOR CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

## PERFECTION GENERALLY

(22 NYCRR 1250.9):

- ORIGINAL AND FIVE HARD COPIES OF RECORD AND BRIEF INSTEAD OF TEN, AND ONE DIGITAL COPY, WITH PROOF OF SERVICE
- IN APPEALS PERFECTED ON THE ORIGINAL RECORD, ONLY ONE HARD COPY OF THE RECORD IS REQUIRED, PLUS FIVE HARD COPIES AND ONE DIGITAL COPY OF THE BRIEF
- PRO SE LITIGANTS EXCEPTED FROM DIGITAL COPY REQUIREMENT
- FILE DIGITAL COPIES AT [HTTPS://AD4.NYCOURTS.GOV/DCOPY](https://ad4.nycourts.gov/dcopy)

The screenshot shows a web browser window with the address bar displaying <https://ad4.nycourts.gov/dcopy>. The page title is "Filing a Digital Copy Pursuant to". The website header includes the URL "ad4.nycourts.gov" and a navigation menu with "Home" and "Digital Copy". The main heading is "File a Digital Copy" in red, followed by the subtitle "Pursuant to the Practice Rules of the Appellate Division". Below this are three tabs: "Step 1: Docket Details" (active), "Step 2: Filer Details", and "Step 3: Document Submit". The content area for Step 1 is titled "Step 1: Lookup the Docket or Enter Details". It contains a question: "Do you have an Appellate Division Docket Number?" with an example "XX 00-00000" and two buttons: "Yes" (blue) and "No" (light blue). Below this is a section titled "Enter the Docket Number:" with a dropdown menu showing "(choose)". Underneath the dropdown are two input fields: the first contains "00" and the second contains "00000", separated by a minus sign. A green search button with a magnifying glass icon is located below the input fields. At the bottom of the form, there is a note: "To locate a docket enter search parameters below. If no docket is found, enter fewer parameters to widen the search results."

# MAJOR CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- CERTIFICATION OF RECORD OR APPENDIX
  - 22 NYCRR 1250.7 [G] – REPRODUCED FULL RECORD OR APPENDIX MAY BE CERTIFIED BY: (1) CERTIFICATE OF THE APPELLANT’S ATTORNEY PURSUANT TO CPLR 2105; (2) A CERTIFICATE OF THE PROPER CLERK; OR (3) A STIPULATION IN LIEU OF CERTIFICATION OR, IF THE PARTIES ARE UNABLE TO SO STIPULATE, AN ORDER SETTLING THE RECORD.
  - CERTIFICATION BY ATTORNEY OR CLERK NEW TO FOURTH DEPARTMENT; UNDER LOCAL RULE (22 NYCRR 1000.7 [B]), ANY DISPUTE OVER A CERTIFICATION OF THE RECORD OR APPENDIX OR ANY RECORD OR APPENDIX SO CERTIFIED SHALL BE DIRECTED TO THE COURT FROM WHICH THE APPEAL IS TAKEN.



# OTHER CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- LENGTH OF BRIEFS: NOW GOVERNED BY WORD LIMITS (14,000 MAIN/7,000 REPLY) INSTEAD OF PAGE LIMITS AND FONT SIZE INCREASED (22 NYCRR 1250.8 [F])
- SERVICE BY E-MAIL OK IF PARTIES AGREE; HAVE TO SUBMIT AGREEMENT WITH AFFIDAVIT OF SERVICE (1250.1 [C] [4])
- CONCURRENT AND CROSS APPEALS: PARTIES MUST FILE A JOINT RECORD OR APPENDIX AND SPLIT THE COSTS (1250.9 [F] [1], [2])
- ACKNOWLEDGMENT OF E-FILED: IN E-FILED MATTERS, FILING DEEMED COMPLETE WHEN DOCUMENT TRANSMITTED TO NYSCEF SITE (1250.1 [C] [1] [I])



# OTHER CHANGES TO PRACTICE UNDER STATEWIDE PRACTICE RULES

- SINGLE APPELLANT CAN PERFECT APPEALS FROM MULTIPLE ORDERS IN THE SAME PROCEEDING WITHOUT MOTION (22 NYCRR 1250.9 [f] [3]), BUT MUST BE CAREFUL TO DO SO TIMELY WITH RESPECT TO EACH APPEAL
- ADDENDA TO BRIEFS ARE PERMITTED, BUT ONLY DECISIONS, STATUTES, ORDINANCES RULES, REGULATIONS, LOCAL LAWS OR OTHER SIMILAR MATTER NOT READILY AVAILABLE (1250.8 [k])
- CONDENSED FORMAT TRANSCRIPTS ARE PROHIBITED (1250.7 [e])
- FOOTNOTES IN BRIEFS NO LONGER PROHIBITED



## OTHER NOTABLE LOCAL PRACTICE RULES (22 NYCRR PART 1000)

- APPLICATION FOR ORDER TO SHOW CAUSE MUST BE DIRECTED TO A JUSTICE IN THE JUDICIAL DISTRICT FROM WHICH APPEAL OR PROCEEDING ARISES (22 NYCRR 1000.4 [b])
- UNLIKE OTHER DEPARTMENTS (SEE 22 NYCRR 1250.3), THE FOURTH DEPARTMENT DOES NOT REQUIRE THE FILING OF AN INITIAL INFORMATIONAL STATEMENT, AND DOES NOT HAVE A SETTLEMENT OR MEDIATION PROGRAM (1000.3).
- BRIEF COVERS SHALL CONTINUE TO BE COLOR-CODED: BLUE FOR APPELLANT OR PETITIONER, RED FOR RESPONDENT, GRAY FOR REPLY BRIEF, YELLOW FOR SURREPLY (PERMITTED ONLY WITH LEAVE OF COURT [22 NYCRR 1250.8 (e)]), GREEN FOR INTERVENOR OR AMICUS, AND WHITE FOR PRO SE SUPPLEMENTAL BRIEFS AND BRIEFS OF AFCs. EVEN THOSE SUBMITTED ELECTRONICALLY SHALL BE SO COLORED TO THE EXTENT POSSIBLE (1000.8).
- REBUTTAL NOT PERMITTED (1000.15 [d] [3]), BUT REQUESTS FOR LEAVE TO MAKE A POST-ARGUMENT SUBMISSION CAN BE MADE WITHIN FIVE DAYS OF ORAL ARGUMENT (1000.15 [e]).

# FEEDBACK WELCOME

- RULES WILL BE TWEAKED OVER COMING MONTHS — WELCOME INPUT FROM THE BAR
- IF ANY QUESTIONS, PLEASE FIRST GO TO [HTTPS://AD4.NYCOURTS.GOV/RULES](https://ad4.nycourts.gov/rules) -- GUIDANCE AND ANSWERS TO FAQs THERE.



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