



*State of New York
Court of Appeals*

*John P. Asiello
Chief Clerk and
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*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

June 15, 2016

NOTICE TO THE BAR
WORD AND PAGE LIMITS

After considering all public comment received, the Court of Appeals has amended its Rules of Practice, effective June 22, 2016. Principal briefs filed on normal course appeals, certified questions and review of the determinations of the State Commission on Judicial Conduct will be subject to a 14,000 word limit. Requests to exceed the limit may be made by letter. Rule 500.11 submissions (the Alternative Procedure for Selected Appeals), reply briefs, amicus curiae briefs and briefs in response to amicus curiae briefs will be subject to a 7,000 word limit. The amended Rules provide corresponding page limits for briefs that are handwritten or prepared on a typewriter. The new word and page limits will apply to all appeals for which the preliminary appeal statement is filed on or after the June 22 effective date.

In addition to the adoption of the word and page limits, section 500.20(d) was amended to clarify that only one request for reargument or reconsideration per party of a specific criminal leave application is permitted.

A copy of the order amending the Rules is attached. Questions may be directed to the Clerk's Office at (518) 455-7701 or (518) 455-7702.

John P. Asiello
Chief Clerk and Legal Counsel to the Court

State of New York Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the 3rd day of June, 2016.

Present, *Hon. Janet DiFiore, Chief Judge, presiding.*

In the Matter

of

The Amendment of the Rules of Practice of the Court of Appeals
(22 NYCRR Part 500).

Pursuant to section 51 of the Judiciary Law, it is hereby

ORDERED that Part 500 of the Rules of Practice of the Court of Appeals is amended (22 NYCRR Part 500), effective June 22, 2016, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the underlined material to sections 500.1(j), 500.1(l), 500.20(d), 500.23(a) and 500.23(b) and by adding new sections 500.11(m) and 500.13(c), to read as follows:

500.1 General Requirements.

(j) [Computer-generated papers filed] Papers filed prepared by word-processing systems. Papers [filed] prepared [on a computer] by a word-processing system shall be printed in either a serifed, proportionally spaced typeface, such as Times New Roman, or a serifed monospaced typeface, such as Courier. Narrow or condensed typefaces and condensed font spacing shall not be used. Except in headings, words shall not be in bold type or type consisting of all capital letters.

(1) Papers filed using a proportionally spaced typeface. The body of any papers filed using a proportionally spaced typeface shall be printed in 14-point type. Footnotes shall be printed in type of no less than 12 points.

(2) Papers filed using a monospaced typeface. The body of any papers filed using a monospaced typeface shall be printed in 12-point type containing no more than 10½ characters per inch. Footnotes shall be printed in type of no less than 10 points.

(l) Margins, line spacing and page numbering of [computer-generated and typewritten] papers filed.

[Computer-generated] Papers prepared by word-processing systems and typewritten papers [filed] shall have margins of one inch on all sides of the page. Text shall be double spaced, but quotations more than two lines long may be indented and single spaced. Headings and footnotes may be single spaced. Pages shall be consecutively numbered in the center of the bottom margin of each page.

500.11 Alternative Procedure for Selected Appeals.

(m) Word and page limits. Submissions pursuant to subsections (c)(2), (d) and (j) of this section and subsection 500.23 (a)(2) of this Part shall not exceed 7,000 words if prepared by a word-processing system and shall not exceed 20 pages if typewritten or handwritten. The person whose signature appears on a submission prepared by a word-processing system shall certify the total word count for the text of the submission. The certification may rely on the word count of the word-processing system used to prepare the submission. The word and page limits of this subsection apply to the body of the submission and are exclusive of the information required by subsection 500.1(f) of this Part and subsection (h) of this section.

500.13 Content and Form of Briefs in Normal Course Appeals.

(c) Word and page limits. Except by permission of the Court pursuant to subsection (c)(4) of this section, the following limitations apply:

(1) Briefs prepared by word-processing systems. The principal briefs of appellant and respondent shall not

exceed 14,000 words; reply briefs, amicus briefs, and briefs in response to amicus briefs shall not exceed 7,000 words. The person whose signature appears in the brief pursuant to subsection (a) of this section shall certify the total word count for all printed text in the body of the brief. The certification may rely on the word count of the word-processing system used to prepare the brief.

(2) Typewritten and handwritten briefs. The principal briefs of appellant and respondent shall not exceed 35 pages; reply briefs, amicus briefs, and briefs in response to amicus briefs shall not exceed 20 pages.

(3) Common requirements. The word and page limits of this subsection apply only to the body of the brief and are exclusive of the statement of status of the related litigation; the corporate disclosure statement; the table of contents, the table of cases and authorities and the statement of questions presented required by subsection (a) of this section; and any addendum containing material required by subsection 500.1(h) of this Part. In a cross appeal, the responding/reply brief of the main appellant shall constitute a principal brief.

(4) Oversized briefs. An application for permission to file an oversized brief shall be by letter addressed to the Clerk of the Court, with proof of service of one copy on each other party, stating the number of additional words or pages requested, demonstrating with specificity good cause for the oversized brief and asserting that the brief has been edited for conciseness and to eliminate repetition. The letter shall be received by the Clerk's Office at least ten days before the brief is due to be filed.

500.20 Criminal Leave Applications.

(d) Reargument or reconsideration. Requests for reargument or reconsideration shall be in letter form addressed to the Clerk of the Court, with proof of service on the adverse party, and shall be assigned to the Judge who ruled on the original application. Copies of the papers filed on the underlying leave application need not be filed. A request for reargument or reconsideration shall not be based on the assertion for the first time of new points, except for extraordinary and compelling reasons. Unless otherwise permitted by the assigned Judge, the

reargument or reconsideration request shall be served not later than 30 days after the date of the certificate determining the application of which reargument or reconsideration is sought. Only one request for reargument or reconsideration per party of a specific criminal leave application is permitted.

500.23 Amicus Curiae Relief.

(a) Motions for amicus curiae relief.

(1) Amicus curiae relief on normal course appeals and normal course certified questions.

(i) Movant shall file an original and one copy of its motion papers, accompanied by an original amicus brief, with proof of service of one copy of the motion and one copy of the brief on each other party. The proposed brief shall conform to the word and page limits set forth in subsection 500.13(c) of this Part and the requirements of section 500.1 of this Part.

(2) Amicus curiae relief on appeals and certified questions selected for review by the alternative procedure.

Movant shall file an original and one copy of its papers, accompanied by an original and two copies of the proposed submission, with proof of service of one copy on each other party. The motion shall be noticed for a return date no later than the filing date set for respondent's submission on the appeal. The proposed submission shall conform to the word and page limits set forth in subsection 500.11(m) of this Part and the requirements of section 500.1 of this Part.

(b) Amicus curiae filings by the Attorney General.

(1) Amicus curiae relief on motions for permission to appeal in civil cases. The Attorney General shall file an original and one copy of the submission with proof of service of one copy on each other party. The submission shall be filed without leave of the Court on or before the return date of the motion for permission to appeal.

(2) Amicus curiae relief on normal course appeals and normal course certified questions. See subsections

500.12(e) and 500.13(c) of this Part and section 500.1 of this Part.

(3) Amicus curiae relief on appeals and certified questions selected for review by the alternative procedure.

See subsections 500.11(j) and 500.11(m) of this Part.