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M E M O R A N D U M

To: Appellate Practitioners

From: **Clerk's Office**
Supreme Court, Appellate Division First Department

Re: Specifications for filing a searchable portable document file ("PDF") document by e-mail

Date: May 2010

Effective immediately, pursuant to an amendment to rule 600.10, each endorsement of papers required by CPLR 2101(d) shall include an e-mail address.

Effective July 1, 2010, pursuant to amendments to rule 600.11, each party perfecting or answering an appeal shall file, in addition to the requisite number of paper copies, one searchable PDF copy of the brief via e-mail.

Effective September 1, 2010, each party filing an appendix (or record on appeal) shall file, in addition to the requisite number of paper copies, one searchable PDF copy of the appendix (or record on appeal).

The amended rules follow:

600.10. Format and content of Records, Appendices and Briefs

* * *

(f) Each endorsement required by CPLR 2101(d) shall include an e-mail address.

600.11(b). How placed on Calendar

* * *

(2) At the time of filing the note of issue, appellant or the moving part shall file [ten] *nine* copies of the brief, or brief and appendix conforming with the requirements of section 600.10 of this Part, with proof of service of two copies thereof except where a typewritten brief is authorized or the appeal is from Family Court, eight copies of the brief with proof of service of one copy may be filed. For appeals perfected after June 30, 2010, one of the copies of each brief shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail. For appendices filed after August 31, 2010, one of the copies of each appendix shall be filed and served by e-mail, and that copy shall satisfy the Clerk's Office's specifications for filing a text-searchable portable document format file by e-mail.

(3) E-mails shall be directed

(a) in civil matters (except Family Court matters) to AD1copy-civil@courts.state.ny.us,
(b) in criminal matters to AD1copy-criminal@courts.state.ny.us, and
(c) in Family Court matters to AD1copy-family@courts.state.ny.us

A. PDF Documents Generally

-Each brief, record on appeal or appendix filed and served by e-mail shall be in a text-searchable portable document file (PDF) format, not exceeding ten megabytes. The PDF document filed must conform to the filed original document submitted to the Court. Briefs and Records (or Appendices) shall be book-marked.

-Adobe Acrobat Reader is free software that allows the viewing, printing and searching of PDF documents. There is additional software available to allow the creation of PDF documents from scanned paper documents as well as word processing files.

B. File Naming Convention

-All PDF documents shall be named according to the following conventions:

-All Appeals: (1) File names shall begin with the Year of the index/indictment/docket number, NOT the current year; (2) Where the appeal has multiple index/indictment/docket numbers, the file name shall be the first number listed on the notice of appeal.

1. Civil Appeals

Year_Index #_part# (omit for complete documents)_abbreviated title of action (use the title of the main action in a third-party or multiple action case)_party's name_description of document (see C below)

2. Criminal Appeals

Year_Indictment #_defendant's last name_first name_description of document (see C. below) Family Appeals Year_Docket # (use first docket number only)_title of proceeding (see C. below)_ description of document (see C. below)

3. Family Appeals.

Year_Docket # (use first docket number only)_title of proceeding (see C. below)_ description of document (see C. below)

-Family court proceedings in which the child's, or children's names do appear (e.g., B, D, E, or N dockets): use the last name of the subject child, and if more than one child, the last name of the subject child listed under the first docket number.

-Proceedings in which the adults' names appear without the name of a subject child (e.g., F, P and V dockets): use the last names of the petitioner.

C. Description of Documents Applicable to all Appeals

-Use self-evident abbreviations to identify documents, for example:

- for appellant's brief: appbrief"
- for cross-appellant's brief: respxappbrief"(second brief in cross-appeal)
- for respondent's brief: respbrief"
- for respondent child's brief: "respbrief_child -Examples:
- for reply brief: "replybrief"
- for record on appeal: "record"
- for appendix: "appx"
- for respondent's appendix "respappx"

Examples:

Civil : 2008_600124_Smith v Jones_Jones_respbrief
2008_600124_Smith v Jones_Smith_appdx
2008_600124_Smith v Jones_Smith_record
2008_600234_Smith v Jones_Doe_respbrief
(Doe is respondent in a 3rd party action)
2009_600124_2_Smith v Jones_Foe_respbrief

(Foe is not a named party, but appeals; e.g., counsel in litigation with a client named in the caption)

Criminal: 2009_12434c_Smith_Jerry_respbrief

Family: 2009_B1243_Smith_respbrief
(respondent's brief filed in connection with termination proceeding concerning the Smith child or children).

2009_F1007_Jones_appbrief
(appellant's brief filed in connection with a support proceeding in which Jones is the petitioner).

D. E-Mailing Requirements

-Multiple pdfs may be attached to one e-mail provided that: (1) all attached pdf documents concern the same appeal; and (2) the total size of pdf attachments do not exceed 10 mb. For those pdf documents that exceed this size limitation, see G. below.

-E-mail addresses to send all PDF documents as attachments:

For CIVIL matters (Supreme Court (not including IDV cases), Surrogate's Court, Appellate Term and Court of Claims):

AD1copy-civil@courts.state.ny.us.

For CRIMINAL matters:

AD1copy-criminal@courts.state.ny.us.

For FAMILY Court matters (including IDV matters):

AD1copy-family@courts.state.ny.us.

-The header box ("Re:") of the e-mail to which the PDF is attached shall include the following:

1. the index/indictment/docket number used in the trial court;
2. the caption of the case (e.g., Smith v Jones);
3. identification of the attorney/firm
4. identification of the PDF document (e.g., "appellant's brief")
5. if attachment to the e-mail is part of a document, a number that identifies the attachment is a portion of document, i.e., "part 1 of 4" and (but see G. below),

6. if a document is corrected, the date the corrected paper copy version is submitted to the clerk.

Example: 601230/10, Smith v Jones, *Name of Law Firm*, reply brief

-The “Body” or “Message” portion of the e-mail must first include the same information from the subject line (a-f above), followed by:

1. the name of the filing attorney,
2. if more than one PDF document, an index or list of all PDF files attached to that e-mail.

-The PDF version of document shall be e-mailed to all parties.

-The PDF version of a brief shall be e-mailed no later than the time for filing the required paper copies with the Clerk’s Office.

E. Retransmission of a Corrected Document

-A filing party discovering that a PDF document is incomplete, illegible, or otherwise does not conform to the filed original document, the filing party shall notify the Clerk’s Office immediately and transmit a corrected document.

F. Requisite Number of Paper Copies

-In addition to the text-searchable PDF copy of each brief, record or appendix, eight papers copies (seven copies in Family Court matters) shall be filed with the Court.

G. Physical media alternative to e-mailing

-An appendix or record on appeal that exceeds ten megabytes and cannot be reasonably divided into multiple attachments is exempt from the electronic filing requirement, except that the oversized record on appeal or appendix shall be filed on a compact disk (“CD”) or digital video disk (“DVD”).

-Each disk shall bear a label identifying:

1. the title of the action
2. Supreme Court index number
3. a description of contents (brief, record on appeal or appendix)
4. the party who prepared the disk

H. Questions

Direct your comments/questions before June 11, 2010 to:
AD1ruleamendments@courts.state.ny.us OR call (212) 340-0422.

I. Registration

Registration with the Court is not required. However, attorneys are encouraged to register with the New York State Courts Electronic Filing System in anticipation of e-filing (as distinguished from e-mailing) PDF documents.

J. Payment of fees

Fees are payable in advance at the Clerk's Office. CPLR 8022.

K. Exhibits

Exhibits not included in an appendix shall be filed, or available for filing on telephone notice, pursuant to 600.10(c)(2) of the Court's rules.