LEAVEWORTHY

The Newsletter of the NYSBA Committee on Courts of Appellate Jurisdiction **WINTER 2026**

Frivolous Appeals

Be Comfortable Being Uncomfortable

Sapphire W. Sets Family Court Standard

NYSBA

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IN THIS ISSUE

MESSAGE FROM THE CHAIR:

The year 2025 has been an exciting year for the Committee on Courts of Appellate Jurisdiction as we continued our mission to research current issues in appellate practice, report on changes to the practice, educate the bar, and promote access to the appellate courts.

The Committee has partnered with the Office of Court Administration to reduce delays in perfecting criminal appeals by making it easier for assigned appellate counsel to obtain trial exhibits, transcripts, and pre-sentencing reports. The barriers to compiling the record vary by document type and by county, but a dedicated subcommittee has been working together with OCA to address these issues individually and collectively.

The Committee has also expanded its Pro Bono Appeal Program (PBAP), which provides appellate representation to those who cannot afford to hire an appellate attorney in state court and are ineligible for assigned counsel. The Program began in 2010 with a pilot program to provide pro bono appellate counsel to low-income individuals in civil cases in the Third Department. In 2013, it expanded to the Fourth Department.

The Committee partners with the clinical program at the University of Buffalo Law School to screen appeals in the Third and Fourth Departments. Individuals submit their applications through the New York Bar Association (NYSBA) website. If applicants qualify financially, the Committee reviews their papers for substance and merit, then refers meritorious appeals to Buffalo Law School for referral to NYSBA members willing to offer pro bono representation.

This year a Committee member, Elizabeth Bernhardt, spearheaded the expansion of the PBAP to the First and Second Departments through a partnership with Columbia Law School's Appellate Litigation Clinic. The school screens cases and the Committee reviews the applications for merit, after which the law school matches a pro bono lawyer or law firm with the appeal.

The PBAP has benefited pro bono attorneys, their firms, and the clients. Pro bono attorneys who have offered appellate representation through the PBAP have found the experience personally rewarding, and because the PBAP ensures each appeal involves discrete, appealable issues, firms of all sizes take advantage of the PBAP to give back to the community while offering young associates experience in an appellate setting. In some cases, funding is available for the expenses associated with the appeal. Clients, of course, gain the advantage of appellate representation when they face the profound and lasting consequences of such things as eviction, separation from family members, and financial liability.

Despite these benefits to pro bono attorneys, some applicants are forced to abandon their appeals or proceed pro se because pro bono appellate attorneys are not available. Your advocacy can make the difference in these appeals. I encourage you to join our list of pro bono attorneys and receive more information about opportunities by emailing Kirsten Downer at kdowner@nysba.org with a statement of interest and qualifications

Henry Mascia
Chairman, CCAJ

Frivolous Appeals

BY THOMAS R. NEWMAN

The American Bar Association's Code of Professional Responsibility states in EC 7-4 that "a lawyer is not justified in asserting a position in litigation that is frivolous." The vast majority of appeals are taken in good faith by lawyers who are cognizant of and abide by this ethical consideration to correct a perceived injustice or error in the court below. On occasion, however, appeals are taken to achieve other purposes on grounds so completely frivolous that their prosecution amounts to an abuse of the appellate process.

For example, appeals may be taken by a party from nonfinal orders relating to the sufficiency of pleadings and/or discovery motions simply to increase the costs of the litigation, hoping this will induce the opponent to enter into settlement negotiations or discontinue the action or proceeding.

Frivolous appeals impose a substantial and costly burden on our courts and respondents. Yet, under present New York law, a successful respondent cannot recover its provable damages in the form of attorneys' fees and lost interest. By statute, only nominal costs on appeal are recoverable; unless the court awards a lesser amount, $250 in the Appellate Division and $500 in the Court of Appeals. (CPLR §§8203, 8204) The CPLR does not authorize the courts to award attorneys' fees, even when appellant's bad faith in bringing and prosecuting the appeal is evident.

In the United States, in contrast to other legal systems, prevailing parties are not permitted to recover their attorney's fees in the absence of specific statutory authority for such an award. Judge Fuchsberg, writing for the majority in *Mighty Midgets, Inc. v. Centennial Ins. Co.,* 47 NY2d 12, 21-22 (1979) explained the public policy rationale for this:

"In contrast with other legal systems, such as that in Great Britain, it has now long been the universal rule in this country not to allow a litigant to recover damages for the amounts expended in the successful prosecution or defense of its rights …. Though not exempt from criticism … this practice reflects a fundamental legislative policy decision that, save for particular exceptions … or when parties have entered into a special agreement … it is undesirable to discourage submission of grievances to judicial determination and that, in providing freer and more equal access to the courts, the present system promotes democratic and libertarian principles."

CPLR §8303(2) entitled, "Additional allowance in the discretion of the court," authorizes the court in which judgment was entered, on motion, to award "to any party to a difficult or extraordinary case … a sum not exceeding five per cent of the sum recovered or claimed, or of the value of the subject matter involved, and not exceeding the sum of three thousand dollars" While this is a possible avenue of limited relief to a successful respondent, we have found no cases arising out of frivolous appeals in which such awards have been requested or made; perhaps because it requires making an additional motion at greater expense than the amount recoverable. It has also been stated to be "a well grounded and sound rule that generally in negligence cases the provisions of Section 8303 are not applicable, and we think, it is just and equitable." (*McGrath v Irving*, 24 AD2d 236, 239-240 (3d Dept. 1965)

However, "[t]he court, in its discretion, may award to any party or attorney in any civil action or proceeding before the court … costs in the form of reimbursement for actual expenses reasonably incurred and reasonable

attorney's fees, resulting from frivolous conduct as defined in this Part." (22 NYCRR Section 130-1.1[a]) "The court, as appropriate, may make such award of costs or impose such financial sanctions against either an attorney or a party to the litigation or against both." (22 NYCRR Section 130-1.1 [b]) Conduct is defined as frivolous if:

"(1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law;

"(2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or

"(3) it asserts material factual statements that are false.

"Frivolous conduct shall include the making of a frivolous motion for costs or sanctions under this section." (22 NYCRR Section 130-1.1[c])

Here are some examples of frivolous conduct and the sanctions imposed. "Conduct during litigation is frivolous and subject to sanction and/or an award of costs when it is completely without merit in law or fact and cannot be supported by a reasonable argument for the extension, modification, or reversal of existing law; it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or it asserts material factual statements that are false (*see* 22 NYCRR 130–1.1.)." (*Pathak v Shukla*, 164 AD3d 687, 689 (2d Dept. 2018) There, plaintiff was awarded attorney's fees in the sum of $7,500 where the "contentions advanced on the defendant's motion were completely without merit in law or fact and could not be supported by a reasonable argument for an extension, modification, or reversal of existing law."

In *Ram v Estate of Hershowitz*, 149 AD3d 959, 960 (2d Dept. 2017) the court "repeatedly warned the petitioner that he may not continue to relitigate matters by initiating new proceedings and actions seeking the same relief based upon the same factual allegations …. The petitioner has also been previously enjoined from commencing any action or proceeding relating to or arising from the aforementioned without prior permission from the Supreme Court or this Court…. Despite these warnings and the determinations entered against him, the petitioner has continued to commence additional litigation." The court imposed a sanction of $5,000 against petitioner for pursuing a frivolous appeal.

In *Sonkin v Sonkin*, 157 AD3d 414, 415-416 (1st Dept. 2018) sanctions of $5,000 each were imposed upon plaintiff and his attorney for frivolous appellate practice. The Appellate Division found the "action below, and the appeal before us now, both of which counsel prosecuted, are plainly without merit (22 NYCRR 130–1.1[c][1]). Moreover, this appeal constitutes plaintiff's third unsuccessful challenge in this Court to the stipulation of settlement, which the parties entered into in 2012…. Where a matrimonial litigant engages in a 'relentless campaign to prolong th[e] litigation,' sanctions in this Court are appropriate."

In *Yeun-Ah Choi v Shoshan,* 136 AD3d 506 (1st Dept 2016) "defendant's motion to vacate the so-ordered stipulation wherein he agreed to pay plaintiff's reasonable interim counsel fees constituted 'frivolous' conduct within the meaning of 22 NYCRR 130–1.1(c)(1) and warranted the imposition of sanctions …. Defendant failed to allege any facts, much less prove, that the stipulation was the result of 'fraud, misrepresentation, or other misconduct of an adverse party' (CPLR 5015[a][3]) or that to enforce the stipulation would be 'unjust or inequitable or permit the other party to gain an unconscionable advantage…. Defense counsel's claim that he had been 'misled' into entering the stipulation was properly rejected, given counsel's significant legal experience, and the fact that plaintiff never made any representation in the stipulation regarding future increases in her counsel's average monthly legal fees." The court referred the matter to a special referee to determine the amount of the sanctions.

In *Finley v Finley*, 233 AD3d 654, 656-656 (2d Dept. 2024) "although the defendant's motion, among other things, to modify the stipulation was not frivolous when it was filed, the defendant frivolously continued to pursue the motion after he and his counsel became aware that the factual predicate for the requested relief no longer existed. Moreover, the evidence presented at the hearing demonstrated that the defendant continued to pursue the motion so as to gain leverage to further his personal financial interests. The plaintiff was thus required to defend against a motion that was, at best, completely without merit. Additionally, "[i]n light of evidence that the [defendant] was pressing a frivolous claim, thereby abusing the judicial process and creating unnecessary litigation, the [Supreme Court] properly awarded counsel fees" to the plaintiff (*Weissman v Weissman, 166 AD3d, 848, 850, 985 NYS2d 93*)."

In *JPMorgan Chase Bank, N.A. v Smith,* 188 AD3d 1211, (2d Dept. 2020), the court awarded attorneys' fees in the sum of $35,183.25 against the offending party and their attorney where the "record demonstrated that they engaged in frivolous conduct by repeatedly violating [a] filing injunction and that their conduct could not be supported by a reasonable argument for an extension, modification, or reversal of existing law."

Criminal Appeals

Criminal appeals are sometimes taken on frivolous grounds to allow a defendant who was admitted to bail to remain at liberty until exhaustion of the appellate process. Since criminal defendants have an absolute right to appeal, the rules dealing with frivolous appeals differ considerably. If "counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw. That request must, however, be accompanied by a brief referring to anything in the record that might arguably support the appeal." *Anders v California,* 386 US 738, 744 (1967)

This article dealt only with the imposition of sanctions in connection with frivolous appeals in civil cases. See *Anders* for a full discussion of an appointed attorney's obligation to represent a client on what may be a seemingly meritless appeal in a criminal case.

Thomas R. Newman is original author of Buzard & Newman "New York Appellate Practice" (LexisNexis, publ.) and New York Law Journal's expert columnist on Appellate Practice. He was chair of the NYSBA Committee on Courts of Appellate Jurisdiction and is a Fellow of the American Academy of Appellate Lawyers.

Be Comfortable Being Uncomfortable

BY ROBERT HERBST

Appellate practice is the apex of the litigation food chain. It is where the law is made and the errors of judges, lawyers and litigants are corrected. Appellate lawyers must be nimble, quick witted, courageous and resilient under the direct questioning of the most learned judges. They are the apex advocates.

To enter this arena as an apex lawyer, one should strive to be an apex person. You owe it to yourself, your clients and the law to be at your peak mentally and physically. You should be as sharp and fit as an apex predator.

Appellate lawyers will of course prepare themselves mentally by reading the briefs, the record, and cited cases. They will do a moot argument with colleagues or the State Bar and keep current on recent case law. They should also take advantage of the benefits that being physically fit will bring.

It is undisputed that being physically active improves brain health. Exercise increases blood flow to the brain and fosters new neural connections. It also causes the brain to produce endorphins and endocannabinoids which reduce anxiety, enhance memory and cognitive function, and give one a feeling of well-being.

Exercise will also make you more resilient. Building physical resilience makes you mentally resilient. The ability to tolerate discomfort can be trained just like a muscle. By pushing yourself while exercising and overcoming physical challenges and discomfort, you will build the resilience to overcome mental stress and discomfort.

The more you deal with adversity and discomfort, the better you will get at coping with and overcoming difficult situations. This is why military Special Forces push so hard in training. Not only do they want to build the physical stamina to deal with the rigors of combat, but they want to build the mental toughness to deal with stress as well.

Being an appellate lawyer is uncomfortable. Your briefs will be picked apart by the best minds. You will stand there alone during oral argument and be peppered with hypotheticals and tough questions while worrying that you will run out of time and not be able to get your points in. You will hurriedly scramble to come up with rebuttal arguments as your opponent entrances the panel. So you should train to be uncomfortable. The more you learn to deal with and overcome physical discomfort in the gym or on a run, the better you will become at coping with mental discomfort in court.

The world has a health and obesity crisis. The Centers for Disease Control and the World Health Organization seek to ameliorate it by encouraging people to exercise. They publish guidelines of minimums such as 150 minutes of moderate activity a week. In trying to coax people to be more active, everything is about doing the minimum because the authorities are afraid of turning people off from exercise. They don't want people to strain and get tired out of fear they will quit and go back to the couch.

As an appellate lawyer, you should want to go beyond the minimum. You should be motivated to be an apex lawyer. If you want to be an apex lawyer, make yourself an apex lawyer. If you will drill your mind by doing moot arguments, you should also push your body. You will make your mind and spirit stronger.

Exercise works by stressing your body and making it do something it hasn't done before. It will cause your body to adapt and you will get stronger. Along the way, you will feel discomfort such as pain or fatigue, but with each advance, any new discomfort will be at a higher level of performance. You should embrace the discomfort. The more times you respond to and overcome the stress of physical challenges, the more your mind and body will become accustomed to functioning under pressure. Your mind will remain clear and you will not be distracted by anxiety, nervousness or despair in the heat and fog of oral argument.

Training will not be a grind. As you push yourself, you will feel a sense of accomplishment and satisfaction. Nature will also help by giving you a dose of endorphins so you can enjoy a runner's high. Go be aggressive and attack the weights or run. Add five pounds, do another rep, increase your pace, sprint up a hill. Challenge yourself with one of the fashionable SEAL or Special Forces workouts.

If you push yourself to your apex in the weight room or on the track, you will build the resilience to stand up to a hot bench or regain momentum if the tide seems to be turning against you during oral argument. Be an apex lawyer. The view is always best from the top.

Robert Herbst is a former Chair of the NYSBA Subcommittee on Attorney Physical Health as well as the Committee on Courts of Appellate Jurisdiction. He was a member of the NYSBA Task Force on the Treatment of Transgender Youth in Sports. An expert on health, fitness and attorney well-being, he is a 19-time World Champion powerlifter, a Guinness World Record holding strongman, and member of the AAU Strength Sports Hall of Fame. Photo by Joe Martello.

Notice to the bar

To: New York attorneys particularly appellate attorneys

From: Chief Clerk Heather Davis, NY Court of Appeals

Please be advised that Court of Appeals notices to the Bar, including those setting expedited briefing and amicus curiae schedules, are available by email. Anyone who wants to receive notices by email should contact noticestothebarcoa@nycourts.gov.

Notices are also available on the Court's website under "Court News."

Sapphire W. Sets Family Court Standard

BY MARK DIAMOND

It is always nice, depending on which side you're on, when an appellate court decides a case as a global matter of law rather than upon the peccadillos of the parties. Globalism is good, except when it comes to trading with the Chinese or our allies. Or the McDonald Islands.

A matter of law is how the Second Department decided *Matter of Sapphire W. (Kenneth L.)*, 237 AD3d 41 (2d Dept. 2025) concerning Family Court Act Article 10, which deals with child protection in cases of abuse and neglect by parents or other persons legally responsible for a child's care. It is a decision that has garnered much attention and many bar association CLEs as one of the key family law cases of 2025.

Calling it "an issue of first impression in New York," the Appellate Division held that the Family Court does not have the authority to order that "a non-respondent custodial parent" truckle to the agency, in this case Administration for Children's Services. It cannot tell a non-respondent parent with whom the child resides, even one who appears in court as a non-party participant, that he/she must accept supervision by, and cooperate with the agency.

In *Sapphire*, ACS filed a petition against the father for neglecting the child by beating the mother in the child's presence. The mother, who was not a named respondent, appeared at the initial court conference, during which ACS asked the court to issue an order of protection in favor of the mother and child and "release" the child to the mother's custody, albeit under ACS supervision. The court advised the mother that she was "not accused of anything" but granted ACS's request in full. It directed her to cooperate with ACS to the extent of maintaining contact with ACS, allow its staff to make announced and unannounced visits to the home, and accept any reasonable referrals for services. The mother objected and appealed the order.

In reversing the order, the Appellate Division noted that the Family Court's general parens patriae responsibility to do what is in the best interests of the child cannot create jurisdiction that was not provided by statute. The plain language of the Family Court Act does not authorize a court to require a non-respondent custodial parent to bow to the wishes of a child protective agency "no matter how well-intended the court's goals may have been." In so holding, the appellate court cited this lack "of any statutory authority permitting the challenged directives" as well as "(T)he well established 'interest of a parent in the companionship, care, custody, and management of his or her children…."

While understandable that a child care agency tasked with protecting a child at risk might seek the kind of relief it sought in *Sapphire*, it is simply not authorized under Article 10. Which makes sense. Why should an agency supervise the actions of a parent against whom it has not sought remedy, presumably because no remedy was warranted?

Of course, the court's ruling does not mean that a non-respondent parent cannot voluntarily cooperate or communicate with an agency. In some instances, a non-respondent parent may want to, to some extent at least and on the advice of counsel. There is the risk that an Article 10 petition could be filed when it otherwise would not as a means of obtaining authority over the custodial parent. For example, the rule in *Sapphire* does not apply where the child has been removed from the home. Will *Sapphire* lead to more attempts at removal as a means of obtaining jurisdiction over the non-offending parent?

It will take eagle-eyed monitoring by the trial courts to make sure this and other unintended consequences do not occur. Which is a tall order considering family courts have some incentive to afford the agency responsibility in case the case heads south.

NYSBA CCAJ CLE

BY HON. CHRISTINE CLARK

On May 30, 2025, the NYSBA Committee on Courts of Appellate Jurisdiction (CCAJ) hosted the in-person CLE program "New York Appellate Practice in the Third Judicial Department and the Court of Appeals" at the New York State Bar Center in Albany. It offered "Tips from the Third Department Clerk's Office and Motion Department," presented by members of the Third Department's staff including Deputy Clerk Beth Lifshin-Clark; Assistant Deputy Clerk Erica Little, who is assigned to head the Clerk's office; and Assistant Deputy Clerk Matthew Meyer, who is assigned to the Motion Department. These folks provided specific tips and encouraged attorneys to reach out by phone or email if they have questions about court procedures.

Albany Law School Professor Michael Hutter moderated the next session, "Effective Brief Writing and Oral Argument Roundtable with Local Practitioners." Panelists Henry Mascia, partner at Rivin Radler LLP. and chair of the CCAJ; Ander Oser, Deputy Solicitor General; and Robert Rosborough, partner at Whiteman, Osterman & Hanna LLP shared their thoughts on the most effective ways to structure briefs and approach oral argument.

Hon. Denise Hartman, Supreme Court Justice, moderated the final panel, "A View from the Bench: The Internal Processes of the Appellate Division Third Department and the Court of the Appeals." The panelists included Hon. Michael J. Garcia, Associate Judge, NYS Court of Appeals; Hon. Elizabeth Garry, Presiding Justice of the Appellate Division, Third Department; and two Associate Justices of the Third Department: Hon. Christine M. Clark and Hon. Eddie McShan. The judges spoke frankly about the way they approach their cases and make decisions.

After the presentations, Appellate Division Third Department Associate Justices Michael Lynch, Michael Mackey, and Mark Powers joined the presenters and audience for lunch. This CLE is available to watch through the NYSBA website and it is free to members.

Attorney Emeritus Program

BY HON. CHRISTINE CLARK

The New York State Attorney Emeritus Program (AEP) is designed to facilitate pro bono services by attorneys age 55 and over. It is co-administered by Fordham Law School's Feerick Center for Social Justice and the Office of Court Administration.

During the two-year registration period, emeritus attorney volunteers commit to serving unpaid civil legal assistance under the auspices of a qualified legal service provider, bar association, or court-sponsored volunteer lawyer program. Upon choosing to be an emeritus, attorney volunteers are connected with AEP-approved legal services organizations or court-sponsored programs in need of pro bono lawyers.

The AEP proudly commemorated its fifteenth anniversary at the May 7, 2025, annual meeting of the AEP Advisory Council. The ceremony honored the outstanding contributions of the program's founders; the longstanding, productive partnership between Fordham Law School and the Unified Court System; and the thousands of senior attorneys who have dedicated their time and expertise to serve New Yorkers in need of civil legal services across the state. To mark the occasion, the AEP produced a commemorative video highlighting key program milestones and testimonials, available at https://vimeo.com/1088516495.

The Hon. Rowan D. Wilson, Chief Judge of the State of New York and the New York Court of Appeals, and former Chief Judge Jonathan Lippman both offered remarks at the ceremony, underscoring the critical role the AEP has played in expanding access to legal services for underserved communities. Chief Judge Lippman, who established the program in 2010, praised its enduring legacy and the growing community of emeritus attorneys who continue to serve with distinction.

The AEP's first class of emeritus volunteers in 2010 began with forty attorneys and now has over 6,000 senior attorneys who elected emeritus status as part of their biennial registration or by applying to participate in the program through the AEP website. Each year, AEP volunteers provide on average more than ten thousand hours of pro bono legal assistance through legal service organizations, court-sponsored programs, and other initiatives across the state. In the 2023-2024 fiscal year alone, emeritus volunteers closed more than 2,000 cases and helped over 3,000 clients.

As the AEP enters its next chapter, the program remains focused on strengthening volunteer support and infrastructure, recruiting new attorneys, and amplifying the impact of emeritus volunteers across all regions of New York – especially underserved, rural, and remote communities. To learn more or get involved, please visit nysattorneyemerituslaw.com or contact the AEP program coordinators at aepcoordinator@fordham.edu or aep@nyscourts.gov.

Justice Christine Clark sits on the Appellate Division, Third Department, having served as Schenectady City Court Judge; Schenectady County Family Court Judge; and Supreme Court Justice from the Fourth Judicial District. She is also reputed to be quite a dancer.

PUBLICATIONS

THIRD EDITION

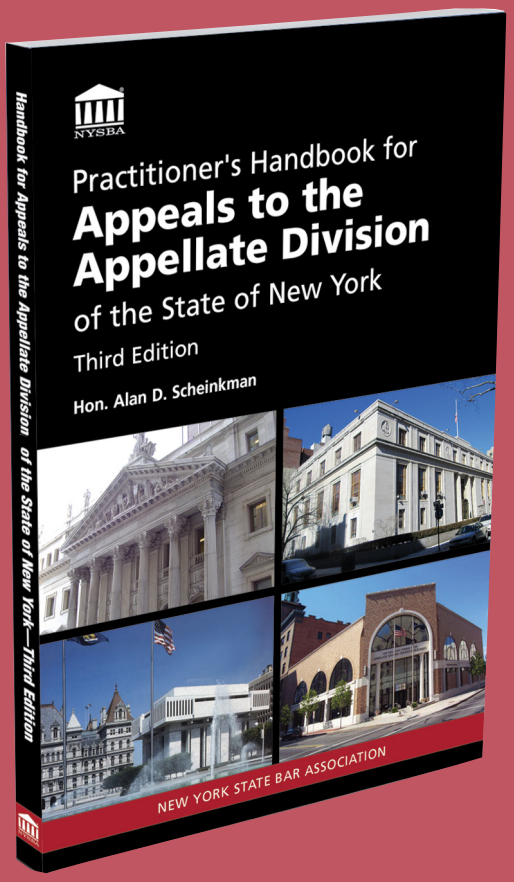
NYSBA MEMBERS HAVE **FREE ACCESS** TO ALL OUR EBOOKS

Practitioner's Handbook for

Appeals to the Appellate Division

of the State of New York

Hon. Alan D. Scheinkman



Written by Hon. Alan D. Scheinkman and reviewed by members of the NYSBA Committee on Courts of Appellate Jurisdiction (CCAJ), *Practitioner's Handbook for Appeals to the Appellate Division of the State of New York*, Third Edition, is an invaluable guide for handling appeals to the four Appellate Divisions. It covers all aspects of taking a civil or criminal appeal to the New York State Appellate Division, including panel assignments and calendaring, correcting defects, cross appeals and joint appeals, and 'poor person' appeals.

The taking and the perfecting of a civil or criminal appeal includes meeting inflexible time requirements, getting the record and briefs together, and bringing the appeal to argument or submission. The Practice Rules of the Appellate Division came into effect after the release of the extremely popular second edition, but important nuances still exist between Departments. The third edition covers these changes as well as other important developments.

ARE YOU ARGUING AN APPEAL BEFORE THE APPELLATE DIVISION OR COURT OF APPEALS?

If you answered "yes," consider participating in the Committee on Courts of Appellate Jurisdiction's Moot Court Program. This program offers NYSBA members who are scheduled to argue a case before the Appellate Division or the Court of Appeals the opportunity to moot their argument before a panel of experienced appellate attorneys and former judges. Following the moot, the panel will provide the attorney with helpful feedback and suggestions.

For more information on the CCAJ Moot Court Program, and to obtain and complete a form to request a moot argument, go to nysba.org/committee-on-courts-of-appellate-jurisdiction-moot-court-program/.

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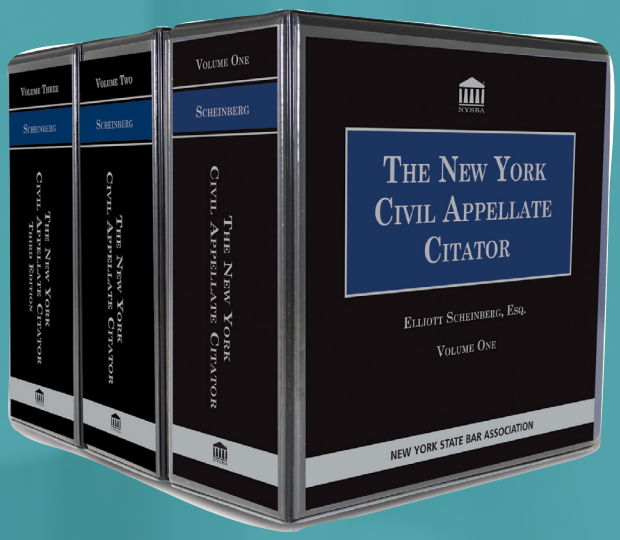
The New York Civil Appellate Citator

By Elliott Scheinberg, Esq.



Hailed as an "extraordinary work" by highly recognized retired appellate judges, this "unparalleled," extensive compendium is a finessed compilation of appellate authority, foundational and uniquely esoteric, on all aspects related to civil appeals to the Appellate Division.

- A broad section on issue preservation
- General and specific trial objections on appeal
- The intersection between CPLR 5701(a)(2) and CPLR 2215(a)
- The treatment of standing and subject matter jurisdiction

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New York State Bar Association
Committee on Courts of Appellate Jurisdiction
Mission Statement

Adopted September 15, 2020

- **Engage** attorneys, members of the judiciary, judicial staff, academics, and other interested parties in discussion of current issues in appellate practice;
- **Report** on the need for statutory and procedural rule changes to improve the administration of justice in state and federal appellate courts located in New York;
- **Educate** attorneys and pro se litigants about the subject of appellate practice by producing educational materials and sponsoring programs to enhance their skills in perfecting, briefing, and arguing appeals, and engaging in appellate motion practice; and,
- **Act** to promote access to appellate courts and assist the administration of justice by, for example, supporting programs to aid indigent litigants with pending appeals.