

# INTRODUCTION TO APPELLATE DIVISION ELECTRONIC FILING



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## **E-FILING RULES**

## Electronic Filing Rules of the Appellate Division

Approved by Joint Order of the Departments of the New York State  
Supreme Court, Appellate Division  
December 12, 2017

### 1245.1. Definitions.

For purposes of this section:

- (a) The term “NYSCEF” shall mean the New York State Courts Electronic Filing System, and the “NYSCEF site” shall mean the New York State Courts Electronic Filing System website located at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).
- (b) The phrase “authorized e-filer” shall mean a person who has registered as an authorized e-filing user with the NYSCEF system pursuant to 22 NYCRR 202.5-b (c).
- (c) Any reference to the “court” or the “Appellate Division” means the Appellate Division of the Supreme Court of the State of New York for the Judicial Department having jurisdiction over the cause or matter; any reference to the “clerk” means the clerk of that court or a designee, unless the context of usage indicates the clerk of another court.
- (d) The word “cause” or “matter” includes an appeal, a special proceeding transferred to the Appellate Division pursuant to CPLR 7804 (g), a special proceeding initiated in the Appellate Division, and an action submitted to the Appellate Division pursuant to CPLR 3222 on a case containing an agreed statement of facts upon which the controversy depends.
- (e) The word “document” shall mean a brief, motion, application, record, appendix, or any other paper relating to a cause or matter. “Document” shall not include correspondence, other than letter applications.
- (f) The phrase “electronically file” or “e-file” shall mean the filing and service of a document in a cause or matter by electronic means through the NYSCEF site.
- (g) The phrase “hard copy” shall mean a document in paper format.
- (h) The phrase “exempt litigant” or “exempt attorney” shall mean, respectively, an individual or attorney who is exempt from e-filing pursuant to section 1245.4 of this Part.

### 1245.2. Designation of Case Types Subject to E-filing.

The court may designate e-filing in such cases and case types as it deems appropriate.

1245.3. Entry of Initial Information for Electronic Filing.

(a) Appeals or Transferred Matters – Entry of Contact Information. In any appeal or transferred proceeding of a type designated by the Appellate Division for e-filing, counsel for the appellant or the petitioner, unless an exempt attorney, shall within 14 days of filing of a notice of appeal, or entry of an order granting leave to appeal, or entry of an order transferring a matter to the Appellate Division:

(1) register or confirm registration as an authorized e-filer with NYSCEF; and

(2) enter electronically in NYSCEF such information about the cause and parties, and e-file such documents, as the court shall require.

(b) Appeals or Transferred Matters – Service of Notice of Appellate Case or Docket Number. In any matter described in subdivision (a), counsel for the appellant or the petitioner, unless an exempt attorney, shall within seven days of receipt from the court of an appellate case or docket number for the matter:

(1) serve upon all parties in hard copy as provided by CPLR 2103 notification of that case or docket number, together with other pertinent information about the case and such documents as the court shall require, on a form approved by the Appellate Division; and

(2) e-file proof of service of this notification.

(c) Original Proceedings – Commencement by Electronic Filing. Unless an exempt attorney, counsel for a petitioner commencing an original proceeding of a type designated by the Appellate Division for e-filing shall:

(1) register or confirm registration as an authorized e-filer with NYSCEF;

(2) e-file the notice of petition (or order to show cause), petition and supporting documents;

(3) obtain from the court a case or docket number for the matter; and

(4) serve upon all parties in hard copy as provided in CPLR 2103 and court rule

(i) the notice of petition (or order to show cause), petition and supporting documents; and

(ii) on a form approved by the Appellate Division, notification of the case or docket number; and

(5) e-file proof of service of the submissions specified in subsection (4).

(d) Entry of Information by Respondents and Other Parties. Within 20 days of service of the notification of the case or docket number as required in subdivision (b) or (c), counsel of record to each other party to the matter, unless an exempt attorney, shall:

- (1) register or confirm registration as an authorized e-filer with NYSCEF; and
- (2) enter electronically in NYSCEF such contact information and additional information as the court may require.

(e) Designation of Other Persons and Electronic Filing Agents.

(1) An authorized e-filer may designate another person to e-file a document on his or her behalf using the authorized e-filer's user identification and password, but shall retain full responsibility for any such e-filed document.

(2) Designation of an electronic filing agent. An authorized e-filer may designate another person or entity, including an appellate printer, to e-file documents on his or her behalf as a filing agent if that agent is also an authorized e-filer. Such filing agent shall e-file a statement of authorization, in a form approved by the Appellate Division, prior to or together with the first e-filing in that action by the agent. The principal authorized e-filer shall retain full responsibility for any document e-filed by such filing agent.

#### 1245.4. Exemptions of Certain Persons from Electronic Filing.

(a) Personal Exemptions. The following persons are exempt from e-filing, and shall file, serve and be served in hard copy:

(1) "exempt litigants," who shall be unrepresented litigants other than litigants who voluntarily participate in e-filing as set forth in subdivision (d); and

(2) "exempt attorneys," who shall be attorneys who certify in good faith, on a form provided by the Appellate Division, that they lack either (i) the computer hardware and/or connection to the internet and/or scanner or other device by which documents may be converted to an electronic format; or (ii) the requisite knowledge in the operation of such computers and/or scanners necessary to participate, pursuant to CPLR 2111 (b) (3) (A) or (B). Such certification shall be served on all parties and filed with the court in hard copy.

(b) Notice of Hard Copy Filing. An exempt attorney shall include with each document filed in hard copy in an e-filed matter a notice of hard copy filing on a form provided by the court.

(c) Entry of Information the Other Parties. The court may direct another party to scan and upload documents filed in hard copy by an exempt attorney or exempt litigant, and to enter additional case information in NYSCEF.

(d) Voluntary Participation. A pro se or unrepresented litigant may voluntarily participate in e-filing in a cause or matter by:

(1) recording his or her consent electronically in the manner provided at the NYSCEF site;

(2) registering as an authorized e-filer with the NYSCEF site, and entering case and contact information about the particular cause; and

(3) e-filing documents as provided under this Part.

(e) Withdrawal of Consent. An unrepresented litigant who has consented to participate voluntarily in e-filing in a matter may withdraw such consent at any time by filing and serving on all parties a notice of intent to cease e-filing, on a form provided by the Appellate Division.

#### 1245.5. Electronic Filing and Service.

(a) All authorized e-filers who have entered information for a particular cause as set forth in sections 1245.3 (a), (c) or (d) or 1245.4 (d) of this Part shall thereafter e-file and be served electronically in that matter.

(b) Prior to the expiration of the 20-day period for entry of information described in section 1245.3 (d) of this Part, filing and service of documents by, and service upon, parties who have not entered such information shall be in hard copy.

(c) Upon expiration of the 20-day period for entry of information described in section 1245.3 (d) of this Part, service and filing by and upon all parties other than exempt attorneys and exempt litigants shall be by e-filing. Thereafter, an attorney who has neither entered information nor given notice as an exempt attorney pursuant to section 1245.4 (a) (2) of this Part shall be deemed served with any e-filed document.

(d) At all times, service by and upon, and filing by, exempt attorneys and exempt litigants shall be in hard copy. E-filers shall e-file proof of any service made in hard copy.

(e) Site Instructions. Technical instructions for e-filing documents shall be set forth on the NYSCEF site ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)).

(f) Formatting. In addition to compliance with the court's general rules for document formatting, e-filed documents filed pursuant to this Part shall comply with the formatting requirements set forth in attachment A.

1245.6. Hard Copy Filing and Service.

(a) Filing of Additional Hard Copies.

(1) Unless otherwise directed by the court, authorized e-filers shall, in addition to submitting electronic filings, file hard copies of documents as follows:

(i) appellate briefs, records, appendices, agreed statements in lieu of record: one original and five copies.

(ii) papers in original proceedings, transferred proceedings, motions, applications: such number as required by court rule in matters not subject to e-filing.

(2) Authorized e-filers shall delay the filing of such additional hard copies of documents until receipt of email notification that the clerk has reviewed and approved the electronic version of the document, and shall file the hard copies within two business days of such notification. A failure to file such additional hard copies of documents shall cause the filing to be deemed incomplete.

(b) Filing of Unbound Copy of Documents by Exempt Attorneys and Exempt Litigants. Exempt attorneys and exempt litigants filing and serving documents in hard copy shall additionally file, together with the bound copy or copies of the document in such number as required by court rule, a single unbound copy of the filing, containing no staples or binding other than easily removable clips or rubber bands.

(c) Motions and Applications Seeking Emergency Relief. Where a motion or application seeks interim or emergency relief, the court may permit the initial submissions of a party or parties to be filed and served in hard copy, and e-filed thereafter. All such filings, other than filings by an exempt litigant, shall be accompanied by a notice of hard copy submission on a form approved by the Appellate Division.

(d) Technical Failure.

(1) If the NYSCEF site is subject to technical failure pursuant to 22 NYCRR 202.5-b (i), authorized e-filers shall file and serve documents in hard copy and e-file those documents within three business days after restoration of normal operations at that site.

(2) If an authorized e-filer is unable to e-file a document because of technical problems with his or her computer equipment or internet connection, the e-filer shall file and serve the document in hard copy, together with a notice of hard copy

submission in a form approved by the Appellate Division, and shall e-file those documents within three business days thereafter.

1245.7. Timeliness of Filing and Service; Rejection by Clerk.

(a) Filing of E-filed documents. For purposes of timeliness under a statute or court rule or directive, an e-filed document is deemed filed when:

(1) the document has been electronically transmitted to the NYSCEF site; and

(2) the appropriate fee, if any, has been paid to the court either through the NYSCEF site or, where permitted, by delivery to the office of the Clerk.

(b) Service of E-filed Documents. Upon receipt of an e-filed document and appropriate fee, if any, NYSCEF shall immediately notify all e-filers in the matter of the receipt and location of the document. For purposes of timeliness of service under a statute or court rule, at the issuance of such notification the document shall be deemed served upon all parties other than exempt attorneys and exempt litigants.

(c) Rejection by the Clerk. An e-filed document deemed filed for purposes of timeliness under this Part may thereafter be reviewed and rejected by the Clerk for any reason provided by this Part or any applicable statute, rule or order, or as otherwise unsuitable for filing.

(d) Hard Copy Filing or Service. The timeliness of service or filing in hard copy pursuant to these rules shall be as provided by statute or court directive.

1245.8. Confidentiality; Sealed Documents; Redaction.

E-filed matters deemed confidential by statute or court directive, as well as sealed documents or documents that are the subject of an application to seal in an e-filed matter, shall be filed and maintained on the NYSCEF site in a manner that precludes viewing by the public and such other persons as the case may require. In all matters, authorized e-filers shall attest to compliance with statutory redaction requirements (e.g., General Business Law § 399-ddd) and relevant sealing requirements in filings.

1245.9. Authorized Record; Scanning of Documents by Clerk.

(a) The court may deem documents e-filed or uploaded by the parties to be the official record of a cause or matter.

(b) The clerk may scan and upload hard copy filings in a cause, and may deem such uploaded documents to be the official record copy of the filing.

1245.10. Rejection of Non-Compliant Documents; Modification of Electronic Filing Procedures.

(a) Rejection of Documents. The clerk may refuse to accept for filing or e-filing any document that does not comply with this Part or any applicable statute, rule or order, or is otherwise unsuitable for filing, and may direct that the document be refiled.

(b) Modification of Procedures. The court or its designee may at any time modify or discontinue e-filing in a matter for good cause shown.

## **GENERAL FORMATTING REQUIREMENTS**

## ATTACHMENT A

### Formatting Requirements for Documents Electronically Filed

1. General. In addition to compliance with the court's general rules for document formatting, e-filed documents filed pursuant to this Part shall
  - a. be identical in content to the hard copy;
  - b. comply with text searchable PDF archival format (PDF/A);
  - c. contain bookmarks linking the tables of contents of briefs and records to the corresponding page of the document;
  - d. be paginated to correspond to the hard copy; and
  - e. be scanned at a resolution sufficient to ensure legibility.
2. Multiple Volumes. Each volume of a multi-volume record or appendix shall be submitted as a separate e-filed document.
3. Corrections. Where the court directs filing of corrected documents, such corrected documents shall be filed electronically and by hard copy.
4. PDF Initial View. The "initial view" of a PDF shall be the Bookmarks Panel and Page.
5. PDF File Size. E-filed documents shall each be no greater than 100MB in size.

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*Please consult the electronic filing webpage of each Department of the Appellate Division for additional information about these formatting requirements.*

## **AD1 FILING FAQ**

## FREQUENTLY ASKED QUESTIONS

### Electronic Filing in the Appellate Division, First Department

Q: What type of cases will be required to be electronically filed in the First Department?

A: Commencing on March 1, 2018, appeals in commercial matters originating in the Supreme Court, Bronx and New York Counties.

Q: Must all commercial appeals be e-filed as of March 1, 2018?

A: E-filing requirements apply to (1) all commercial matters in which notices of appeal are filed on or after March 1, 2018 and (2) those commercial matters in which a notice of appeal was filed prior to March 1, 2018 and the appeal will be perfected on or after May 15, 2018.

E-filing is not required in matters in which the notice of appeal was filed prior to March 1, 2018 and the appeal is perfected prior to May 15, 2018.

Q: What are the initial documents that must be e-filed with the Court?

A: Counsel for appellant or an unrepresented litigant who voluntarily participates in e-filing is required to enter the contact and other information requested, and e-file:

- a. A copy of the notice of appeal;
- b. A copy of the order or judgment appealed from; and
- c. A copy of the informational statement (pre-argument statement).

Q: When should the initial information and documents be electronically filed?

A: Within 14 days of the filing of a notice of appeal for commercial matters in which notices of appeal are filed on or after March 1, 2018.

In commercial matters in which the notice of appeal was filed prior to March 1, 2018 and the appeal will be perfected on or after May 15, 2018, the 14-day period within which to file the initial information and documents will be measured from March 15, 2018.

Q: What is the next step after I complete the initial entry of information?

A: Counsel for appellant or an unrepresented litigant who voluntarily participates in e-filing will receive a “calendar number” from the Court. Within seven (7) days of receipt of the “calendar number,” counsel for appellant or an unrepresented litigant who voluntarily participates in e-filing must complete and serve in hard copy the Notification of Case Number and Other Pertinent Information form on all the other parties and e-file proof of service of this notification.

Q: What am I required to do if I am served with a Notification of Case Number and Other Pertinent Information?

A: Within 20 days of service, counsel for a party served with a Notification of Case Number and Other Pertinent Information form is required to register or confirm registration as an e-filer in NYSCEF and enter the contact information requested.

Q: What will happen if counsel for a respondent does not enter the initial information required under Section 1245.3(d)?

A: After the 20-day period, an attorney who has not entered the information required under Section 1245.3 will be deemed served with any e-filed documents.

Q: Why does the Court require the entry of initial information for e-filing?

A: All authorized e-filers who have entered information for a particular matter as required under 22 NYCRR 1245.3 will be able to e-file and be served electronically in that matter.

Q: I am an unrepresented litigant; I do not have an attorney. Do I have to participate in e-filing?

A: An unrepresented litigant is exempt from and is not required to participate in e-filing. He or she must be served in hard copy.

An unrepresented litigant may voluntarily participate in e-filing.

Q: If I am an unrepresented litigant and want to participate in e-filing in a matter, what must I do?

A: An unrepresented litigant may voluntarily participate in e-filing by electronically recording his or her consent at the NYSCEF site, registering as an authorized e-filer with NYSCEF, entering the case and contact information about the matter, and e-filing a copy of the notice of appeal, the judgment or order appealed from and the informational statement (pre-argument statement) as required by the rules.

Q: May an attorney be exempt from e-filing?

A: An attorney who certifies in good faith, on the form provided by the Court, that he or she lacks either (1) the computer hardware and/or connection to the internet and/or scanner or other device by which documents may be converted to a digital format; or (2) the requisite knowledge in the operation of such computers and/or scanners necessary to participate, will be exempt. The certification has to be served on all parties and filed with the Court in hard copy.

Q: Does the Court require hard copies of e-filed records, appendices and briefs?

A: Yes. Hard copies must be filed within two (2) business days after notification by the clerk that an electronic version of a document has been reviewed and accepted.

Q: How many hard copies of the record or appendix and brief must be filed with the Court?

A. The parties must file one original and five copies of a record, appendix and brief.

Q. Will the Court permit a motion to be electronically filed?

A. Yes. Motions may be electronically filed in commercial matters.

Q: Does the Court require hard copies of e-filed motions?

A: Yes. One hard copy of an e-filed motion must be filed with the Court within two business days of receipt of email notification that the clerk has reviewed and approved the electronic version of the motion.

Q: I want to file an interim relief application. Will the Court permit the initial submission to be filed and served in hard copy?

A: Yes, the Court will permit interim relief application to be initially filed in hard copy and e-filed thereafter. If an interim application is initially filed in hard copy, it must be accompanied by a notice of hard copy submission on the form provided by the Court.

## Section 202.70 Rules of the Commercial Division of the Supreme Court

### (a) Monetary thresholds

Except as set forth in subdivision (b), the monetary thresholds of the Commercial Division, exclusive of punitive damages, interests, costs, disbursements and counsel fees claimed, are established as follows:

Albany County	\$50,000
Eighth Judicial District	\$100,000
Kings County	\$150,000
Nassau County	\$200,000
New York County	\$500,000
Onondaga County	\$50,000
Queens County	\$100,000
Seventh Judicial District	\$50,000
Suffolk County	\$100,000
Westchester County	\$100,000

### (b) Commercial cases

Actions in which the principal claims involve or consist of the following will be heard in the Commercial Division provided that the monetary threshold is met or equitable or declaratory relief is sought:

- (1) Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g., unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g., sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices);
- (2) Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units);
- (3) Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only;
- (4) Shareholder derivative actions -- without consideration of the monetary threshold;
- (5) Commercial class actions -- without consideration of the monetary threshold;
- (6) Business transactions involving or arising out of dealings with commercial banks and other financial institutions;
- (7) Internal affairs of business organizations;
- (8) Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters;
- (9) Environmental insurance coverage;
- (10) Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage);
- (11) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures -- without consideration of the monetary threshold; and

(12) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues. Where the applicable arbitration agreement provides for the arbitration to be heard outside the United States, the monetary threshold set forth in section 202.70(a) shall not apply.

(c) Non-commercial cases

The following will not be heard in the Commercial Division even if the monetary threshold is met:

- (1) Suits to collect professional fees;
- (2) Cases seeking a declaratory judgment as to insurance coverage for personal injury or property damage;
- (3) Residential real estate disputes, including landlord-tenant matters, and commercial real estate disputes involving the payment of rent only;
- (4) Home improvement contracts involving residential properties consisting of one to four residential units or individual units in any residential building, including cooperative or condominium units;
- (5) Proceedings to enforce a judgment regardless of the nature of the underlying case;
- (6) First-party insurance claims and actions by insurers to collect premiums or rescind non-commercial policies; and
- (7) Attorney malpractice actions except as otherwise provided in paragraph (b)(8).

## **AD2 TECHNICAL GUIDELINES**

## **E-Filing in the Appellate Division, Second Judicial Department Technical Guidelines**

[Attachment A](#) to the Electronic Filing Rules of the Appellate Division (22 NYCRR Part 1245) contains a list of formatting requirements for documents electronically filed. In addition to those requirements, the Second Department offers the following guidelines, which should be followed to the extent practicable.

**Bookmarking in Briefs:** All electronically-filed briefs should contain bookmarks to the authorities cited in those briefs. Those bookmarks should take the reader to a copy of the cited authority, that is, the case, statute or rule, which will be part of the brief submitted. Those authorities are not considered to be part of the formal record on appeal.

**Resolution:** To ensure the highest quality resolution, filers should, when practicable, use documents which are exported or electronically converted from word processed documents, rather than scanned documents. When such conversion is not possible, documents shall be scanned at 300 dots per inch (DPI) resolution and in black and white only, unless color is required to protect the evidentiary value of the document.

**PDF Size:** Appellate Division e-filing rules require that electronically filed PDFs not exceed 100MB in size. All PDFs should be reduced and optimized, using file compression software, before they are e-filed, to ensure that the smallest sized PDFs possible are filed.

**Hard Copy Filings:** In addition to submitting electronic filings, authorized e-filers shall submit hard copy filings as follows: (1) an original plus five copies of appellate briefs, records, and appendices (see 22 NYCRR 1245.6[a][1][i]), and (2) the original of papers filed in original proceedings and in connection with motion practice (see 22 NYCRR 1245.6[a][1][ii]).

**Entry of Initial Information:** Pursuant to section 1245.3(a) of the Electronic Filing Rules of the Appellate Division, counsel for the appellant or the petitioner, unless an exempt attorney, shall, within the designated time period, register or confirm registration as an authorized e-filer with NYSCEF, follow the prompts to enter the required information in the NYSCEF system, and electronically file such documents “as the court shall require” (22 NYCRR 1245.3[a][2]). The Second Department requires the electronic filing of the notice of appeal, with proof of filing, the order or judgment appealed from, and an informational statement. The Court is in the process of designing an informational statement which is user-friendly and meets our needs. Until that form is finalized and posted on our [website](#), filing of a completed [Request for Appellate Division Intervention](#) will serve to meet the requirements of this rule.

## **AD3 FORMATTING GUIDELINES**

# FORMATTING SPECIFICATIONS AND GUIDELINES FOR ELECTRONICALLY FILED DOCUMENTS

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All documents electronically filed (e-filed) in the Appellate Division, Third Department shall comply with the formatting requirements set forth below. Adhering to the guidelines for documents filed via the New York State Courts Electronic Filing System (NYSCEF) will facilitate approval and acceptance in a timely fashion. Failure to comply with the requirements may result in the return of the document and necessitate re-filing.

1. **FORMAT:** Each e-filed document shall be in a "portable document file" (PDF) format.

Q: Are Word or WordPerfect documents acceptable?

A: NO; the only documents that will be accepted are those in "portable document file" (PDF) format, PDF/A compliant.

Q: How can I create a PDF of my document for e-filing?

A: PDF documents can be created using standard word processing programs (MS Word®, WordPerfect®, etc.). PDFs may also be created from paper documents processed through an optical scanner, but the result is a larger electronic file than those created by the programs just mentioned and will take longer to upload (unless the document is compressed or flattened). Usually word processing programs do **not** create PDF/A compliant documents by default. There is an additional setting or check box to create a PDF/A document. Check your software manual for details.

2. **PDF/A COMPLIANT:** PDFs shall be certified "PDF/A" compliant. PDF/A format is a PDF ISO standardized format that supports archiving of files for future use. It allows files to be opened by any software or operating system without losing its format, color, hypertext or fonts.
3. **TEXT SEARCHABILITY:** All PDFs shall be text searchable. Documents created with word processing programs such as MS Word® and WordPerfect® can be easily converted to text searchable PDFs. For documents that need to be scanned, there are numerous optical character recognition ("OCR") software that can convert image-only PDF files into searchable PDFs. Documents that will not carry an expectation of being text-searchable are: handwritten documents, photographs, portions of documents that contain charts, graphics, signatures or handwritten items. To ensure high quality PDFs, filers should always choose, when available, electronically converted documents using word processing programs rather than scanned documents to create PDFs. If changes are made to a text-searchable PDF, the process of making it text-searchable **MUST** be redone.

Q: How do I know if my PDF is text-searchable?

A: Try to search your PDF using the Ctrl + F keys within your document and search for a word you know is present. If "no matches were found," your PDF is not text-searchable. Searchable PDFs may be created using most word processing programs. Check your software manuals for more information.

4. **RESOLUTION:** PDFs shall be scanned at 300 dots per inch (DPI) resolution and in black and white only, unless color is required to protect the evidentiary value of the document. Filers are responsible for ensuring that scanned documents are legible.
5. **PDF SIZE:** PDFs shall not exceed 100 megabytes (100mb) in size. PDFs bigger than 100 mb will be automatically rejected by NYSCEF. As a common practice, all PDFs should be reduced and optimized (using file compression software) before they are e-filed to ensure the smallest sized PDFs possible. PDFs that contain large numbers of images, graphics or excess lines and marks will increase the file size considerably regardless of the number of pages in the PDF.
6. **HARD COPIES:** PDFs and their corresponding hard copies filed with the Court shall be identical in content. If any correction to an already e-filed PDF is required by the Court, it is the filer's responsibility to e-file the corrected PDF via NYSCEF and make certain that the hard copy that is refiled mirrors the CORRECTED PDF.
7. **BOOKMARKING:** PDFs shall contain bookmarks (clickable table of contents) that mirror the Table of Contents of the document (labeling each heading and subheading) and link to the location associated with that bookmark. PDFs that contain skeletal bookmarks (i.e., missing headings), minimal Table of Contents or no bookmarks will be returned for correction.

Bookmarking in multiple volumes: only those bookmarks pertaining to the volume at hand need be shown; however, if, for example, an exhibit starts in the first volume and continues in the second volume, a bookmark stating continuation is required in the second volume.

Q: What are bookmarks? Why are they required on all e-filed records and briefs? How are they created?

A: Bookmarking a PDF is a navigational tool, a clickable Table of Contents, that allows the reader to quickly link to important headings/documents/points within the document. The bookmarks should mirror the Table of Contents of the hard copy.

Bookmarks can be manually added to a PDF using software such as Adobe Acrobat® (not Reader) and Foxit® (free) or automatically on documents created using word processing programs such as Word® and WordPerfect®.

8. **PDF PAGINATION:** The page number of the scanned pages of a PDF document shall correlate with the page counter of the PDF. For example, the first page of a record is the "COVER," followed by the "Table of Contents" (often labeled i, ii, iii, etc). For these pages (and those which may include a number AND letter), the default page numbering should be changed accordingly so that both the document page and page counter are identical.

Q: What is the requirement regarding "Pagination" of a PDF?

A: The numeration setting on a PDF defaults to numbers beginning with 1. However, the page number of a PDF must correlate with the page counter of the PDF.

9. **MULTI-VOLUME RECORD/APPENDIX:** Each volume of a multi-volume record or appendix shall be e-filed in separate PDFs. For example, a three-volume record shall have three separate PDFs and shall not be combined into one PDF. Further, the appendix and brief should not be combined into one PDF unless the appendix and brief are combined together in the hard copy.

# **AD4 E-FILE QUICK START GUIDE**



# E-FILE QUICK START GUIDE

SUPREME COURT • APPELLATE DIVISION • FOURTH DEPARTMENT

[AD4.NYCOURTS.GOV/EFILE](https://ad4.nycourts.gov/efile)

## RULES **22 NYCRR PART 1245**

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

## FORMS

### Available for Download:

- Notification of Case Number
- Authorize or Revoke a Filing Agent
- Attorney Exemption Certification
- Hard Copy Submission

## 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)**

## CASE TYPES

Mandatory for all appeals in matters originating in, or transferred to, the **Commercial Division of Supreme Court**. **1245.2**

Visit [ad4.nycourts.gov/efile](https://ad4.nycourts.gov/efile) for a comprehensive listing of categories designated for e-filing and dates of expansion.

## FIRST STEP: INITIAL FILING

### 1. REGISTER AT THE NYSCEF SITE

**Attorneys** may utilize their Attorney Online Services account.

**Unrepresented litigants** and other individuals may create the appropriate account: [ad4.nycourts.gov/efile/register](https://ad4.nycourts.gov/efile/register)

**2. REQUEST A DOCKET NUMBER** by E-Filing a Copy of the Notice of Appeal within 14 days of filing with the lower court and entering information about the matter. **1245.3**

**3. SERVE A NOTIFICATION OF DOCKET NUMBER** upon all parties in hard copy and e-File proof of service. **1245.5**

## RESPONDENTS HAVE 20 DAYS

Within 20 days of being **served the notification of docket number** you must register and enter your contact information. **1245.3(d)**

During this time, service of documents by, and service upon, parties who have not yet entered such information shall be in hard copy. **1245.5(b)**



## ELECTRONIC FILING OF DOCUMENTS

**Documents** include any brief, motion, application, record, appendix, or any other paper relating to a cause or matter.

### 1. PREPARE YOUR DOCUMENTS FOR FILING

**Content and Form** of documents are governed by the Rules of the Appellate Division Fourth Department: [ad4.nycourts.gov/rules](http://ad4.nycourts.gov/rules)

**The Electronic Version** must (a) be identical in content to the hard copy (b) be saved as a text-searchable PDF/A (c) open to a bookmarked table of contents (d) be paginated to correspond to the hard copy (e) be at a resolution sufficient to ensure legibility. **1245 Attachment A**

**Sensitive Information** contained in documents not sealed should be redacted before the document is filed. **1245.8**

### 2. E-FILE THE ELECTRONIC VERSION

Upload the document to NYSCEF and pay any applicable fee.

The clerk may refuse to accept any document that is unsuitable for filing as defined by applicable rule or statute. **1245.10**

**3. FILE THE HARD COPIES WITHIN 2 BUSINESS DAYS** upon receipt of acceptance of e-filed documents. **1245.6(a)(2)**

## HARD COPIES

Generally, **one original** and **five copies** of briefs, records, appendices and statements in lieu of records must be filed.

**1245.6(a)(1)**

An additional **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**



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