Practitioner's Handbook

for Appeals to the Appellate Divisions of the State of New York

Second Edition

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Professor David D. Siegel

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PREFACE TO THE SECOND EDITION

In 1979, a Committee of the New York State Bar Association and Members of the New York State Judiciary prepared and published the Practitioner's Handbook for the Appeals to the Appellate Divisions of the State of New York. The work proved immensely valuable to the practicing bar as a practical guide to handling appeals in New York State and copies of it were to be found in law offices and libraries throughout the State. The substantive content of the Handbook has held up well over nearly twenty-five years. However, over a quarter century, things change. There have been statutory changes, rules revisions, and changes in practice. The wide spread use of computers and word processors to prepare legal documents has changed appellate brief writing formats and techniques. The advent of the fax machine, and then the Internet, has significantly increased the volume of readily available court information and the speed of communication between Bench and Bar. All of the Appellate Divisions now have websites, have had changes to their telephone numbers, and one has moved to a new building. The Handbook became somewhat outdated and the number of readily available copies diminished.

The New York State Bar Association decided that it would be appropriate to bring the Handbook current through the publication of a Second Edition. I viewed it as a great honor and responsibility to have had the privilege of conducting the basic research and drafting for the Second Edition. In preparing the Second Edition, I retained the structure, and much still-trenchant substance, of the original materials which had been written primarily by Professor David D. Siegel of the Albany Law School. We are all indebted to Professor Siegel, the leading authority on New York practice, for his myriad of contributions to the Bar over his career and whose specific work on the First Edition continues to shine through in these pages. I wish to express my personal appreciation to Professor Siegel for his continuing generosity toward me. While Professor Siegel and the original Committee deserve the credit for the outstanding quality of the First Edition, the responsibility for the revisions rests with me.

The Clerks of each of the four Appellate Divisions reviewed manuscript drafts and provided important insights into the practices of their respective courts and valuable comments and suggestions to improve the manuscript. Deep appreciation is expressed to Catherine O'Hagan Wolfe of the First Department, James E. Pelzer of the Second Department, Michael J. Novak of the Third Department, and Joann M. Wahl of the Fourth Department, for their contributions and assistance, though it is rec-

ognized that their participation in no way confers their imprimatur, or that of their Courts, on this manual.

It is my hope that this Second Edition will measure up to the high standards of its predecessor and provide material assistance to attorneys practicing in the Appellate Divisions of New York and, by so doing, contribute, at least in a small way, to the hard and diligent work of the Appellate Divisions in administrating justice in this State.

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