

Notice to Counsel
Appellate Division, Second Judicial Department Sittings
September – October 2020

The Court has begun to publish its calendars for September 2020 and beyond. On the scheduled dates some or all of the justices will be present in the courtroom, and some may be participating remotely.

Beginning September 8, 2020, and until further notice, counsel and self-represented litigants who have submitted briefs on matters in which argument is permitted under the Second Department Rules of Practice (see, [22 NYCRR 670.15\[b\]](#)), and who have properly requested argument time on their briefs, will be given the option of presenting oral argument in person, presenting oral argument via Microsoft Teams, or submitting. **The Court must be notified of which option is chosen by e-mail to AD2-Calendars@nycourts.gov , on which all counsel and self-represented litigants are copied, no later than three business days prior to the date on which the matter is calendared. Failure to timely and properly notify the Court will result in the matter being marked submitted on behalf of that counsel or self-represented litigant.**

Please note that members of the public are not generally permitted in the Second Department courthouse at this time, so only counsel and self-represented litigants who have successfully requested permission to present oral argument in person will be admitted. Such counsel and self-represented litigants may request permission to have an assistant accompany them; such requests will be decided within the discretion of the Court. Counsel and self-represented litigants who advise the Court in a timely manner that they wish to present oral argument, either in person or via Microsoft Teams, will be provided with further information by e-mail.

Counsel and self-represented litigants scheduled to be heard in locations other than the Second Department's Brooklyn Heights courthouse must also follow the procedure outlined above. In the event there is a divergence of preference among the parties in a given case, the Court will determine whether oral argument in the matter will be presented in person or remotely, or whether the matter will be marked submitted. Counsel and self-represented litigants will be provided with further information by e-mail.

Please be advised that **no one who (a) is subject to the Quarantine Restrictions on Travelers arriving in New York contained in Governor Cuomo's Executive Order No. 205 <https://www.governor.ny.gov/news/no-205-quarantine-restrictions-travelers-arriving-new-york> , (b) is experiencing symptoms associated with COVID, including fever or feeling feverish, a new cough, difficulty breathing, a sore throat, muscle aches or body aches, vomiting or diarrhea, and**

new loss of taste or smell, or (c) has tested positive, or had close contact (being within 6 feet of an infected person for at least 15 minutes starting from two days before that person exhibited COVID symptoms or two days prior to being tested for asymptomatic patients) with anyone who has tested positive, for COVID in the last 14 days, will be permitted to enter any New York State courthouse. All persons entering any New York State courthouse will be subject to temperature checks and COVID screening by court personnel and are required to wear a mask or facial covering at all times, except when they are actually presenting argument to the Court, and must comply with social distancing guidelines and the directions of members of the Court's Department of Public Safety.

The Court thanks you for your cooperation during these difficult times. With the cooperation of counsel, self-represent litigants and Court staff, we can appropriately address the challenges that lie ahead.