

INSTRUCTIONS FOR PERFECTING A CIVIL APPEAL (APPELLANT’S BRIEF)

Note: You must perfect your appeal within six (6) months of filing the notice of appeal and RATA form.

1. Read the instructions carefully.
2. Before you can file these papers, a settled record on appeal must be received by the Appellate Term from the clerk of the lower court. Any questions regarding the record on appeal should be addressed to the lower court.
3. Fill out the forms: PERFECTING A CIVIL APPEAL.
4. On a blank sheet of paper, write your statement, which is your story as to why this court should rule in your favor. Sign your name at the bottom and print your name below your signature.
5. Put the brief together in the following order:

a. COVER PAGE

- i. Write the caption in the caption box in the same order as in the lower court. Underneath your name write “Appellant.” Your opponent is now the “Respondent.”
- ii. Write the Appellate Term Docket Number in the space provided in the top left corner.
- iii. Check whether you wish to **submit** your appeal to the court without oral argument (relying on your brief) or if you wish to be present to **argue** on the date of the Ready Day calendar (you will be notified at a later date of the scheduled time).
- iv. Be sure to include your telephone number.

b. STATEMENT PURSUANT TO RULE 5531 OF THE CPLR

- i. Write the caption in the caption box.
- ii. Complete Steps 1 through 6.
- iii. Sign and print your name.

c. YOUR STATEMENT

See Step 4 above.

d. CERTIFICATION PURSUANT TO § 22NYCRR 130-1.1-a (b)

(This form is not required for appeals from criminal courts, town or village courts or the small claims part of any court.)

Sign your name on the line provided and print your name below the line.

e. AFFIRMATION OF SERVICE

Instructions and a sample page are attached.

6. Make at least six (6) copies of your brief: one (1) copy is for you; one (1) copy is for the respondent (see Step 7); the original and four (4) copies are for the court (see Step 8).
7. Have someone who is NOT a party to the action and who is 18 years of age or older serve one (1) copy of the brief upon the attorney for your opponent, or upon your opponent if they are not represented by an attorney. The person who serves the papers must then fill out an affirmation of service.
8. The original and four (4) copies of the appellant's brief with the affirmation of service shall be filed with the court at the address listed below.
9. Appellant's briefs must be received in the Clerk's Office by 5 p.m. on the date they are due. Any briefs received after that time will be rejected.

APPELLATE TERM
SECOND DEPARTMENT
141 LIVINGSTON STREET, 15TH FLOOR
BROOKLYN, NEW YORK 11201

If you have any questions, you may email the court at AT2Clerk@nycourts.gov or call 347-401-9580.

INSTRUCTIONS FOR FILLING OUT THE
AFFIRMATION OF SERVICE FORM

(THIS FORM MUST BE FILLED OUT BY A THIRD
PARTY WHO IS NOT A PARTY OF THE ACTION AND IS
18 YEARS OF AGE OR OLDER)

- (A) Caption: Write the names of the parties involved in the case. The caption must be written in the same order that it is in the court where your case is originally from;
- (B) Write the Appellate Term Docket Number (if known);
- (C) Write the Lower Court Index Number;
- (D) Write the county within which the affirmation is signed;
- (E) The third party must write their name;
- (F) The third party must write their address;
- (G) The third party must write the date the papers are being served;
- (H) Indicate the papers that are being served, if it is not listed, check “other” and write the papers being served;
- (I) Select the method used to serve your opponent or opponent’s attorney,
(** NOTE: IF THE PAPERS BEING SERVED ARE OPPOSITION TO AN ORDER TO SHOW CAUSE, PLEASE REFER TO THE PAPERS FOR THE TYPE OF SERVICE AS REQUIRED BY THE APPELLATE TERM JUSTICE****)**
- (J) Write the opponent’s name and address. If the opponent is represented by an attorney, the attorney must be served and the affirmation of service must have the attorney’s name and address;
- (K) and (L) The person serving must date, write the county where the papers are being signed and sign the affirmation of service.

SUPREME COURT OF THE STATE OF NEW YORK

APPELLATE TERMS: 2ND, 11TH & 13TH AND 9TH & 10TH JUDICIAL DISTRICTS

AFFIRMATION OF SERVICE

(A)
-against-

Appellate Term
Docket Number # (B)

Lower Court Index Number #
(C)

State of New York (D)
County of) s.s.:

(E), affirms that:

1. The affirmant is NOT a party to the action, is 18 years of age or older and resides at: (F)

2. On the day of (G), 20, the affirmant served one copy of the following described paper upon the person or persons listed in paragraph 4 hereof:

- | | |
|---|--|
| <input type="checkbox"/> Appellant's Brief | <input type="checkbox"/> Motion for |
| <input type="checkbox"/> Respondent's Brief (H) | <input type="checkbox"/> Affirmation/Affidavit in Opposition |
| <input type="checkbox"/> Reply Brief | <input type="checkbox"/> Reply Affidavit |
| <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/> Other: _____ |

3. The method of service on each of said persons was: (I)

- By delivering the paper(s) to the person personally pursuant to CPLR 2103(b)(1).
- By mailing the paper(s) to the person at the address designated by him or her for that purpose by depositing the same in a first class, postpaid, properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York pursuant to CPLR 2103(b)(2).
- Where the person served is an attorney, by leaving the paper(s) with the person in charge of the office of that attorney, pursuant to CPLR 2103(b)(3).
- By dispatching the paper(s) to the person by overnight delivery service at the address designated by the person for that purpose, pursuant to CPLR 2103(b)(6).
- Other: _____

4. The name of the person or names of the persons served and the address or addresses at which service was made are as follow: (J)

Dated: (K), 20, New York

I affirm this day of (L), 20, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(L)
(SIGNATURE OF PERSON SERVING PAPERS)