

for review, there is an even greater need for descriptive headings that are useful to the reader, not just roman numerals and record cites.

E-briefs must also contain bookmarks, which allow the e-reader to jump electronically from point to point. The initial view of the e-brief or e-record should be set so that the bookmark panel displays

AN APPELLATE COURT'S WEBSITE IS A GREAT PLACE TO START WHEN PREPARING AN APPEAL

To understand current appeal filing requirements, turn first to the Court's own websites. These websites contain a mountain of useful up-to-date information. For example, they often contain the latest information about the appellate rules

Parties with appeals, certified questions or other matters before the Court of Appeals must now use Court-PASS for the submission of digital copies of records and briefs as required by the Court's technical specifications and instructions for submission. Other local appellate courts that have moved to an e-filing system are the Appellate Division,

Potentially, there are opportunities to embed and hyperlink to videotaped deposition or trial testimony, enabling the appellate judges to actually see the witness testifying, rather than looking at their words on a page. The possibilities are endless and very exciting.

automatically and the reader knows that the document is bookmarked.

E-briefs can also contain hyperlinks to cases and citations. A hyperlink is a reference in a document to data that the reader can directly follow either by clicking, tapping or hovering. Thus, an e-brief containing hyperlinks can allow the reader to click on a record cite and go directly to the document reference in the record.

Similarly, clicking on a hyperlinked case citation can take the reader from the table of authorities to the place in the brief where the case is cited, or even take the reader directly to the opinion itself.

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that pertain to that court, contact information for court officials and the court's calendar. Appellate Court websites often offer downloadable forms to use in connection with an appeal to that particular appellate court. Some court websites publish and report major decisions; some provide free access to briefs that have been submitted by parties and some provide transcripts and even actual video of oral argument in other cases. Beginning in September of 2016, the New York Court of Appeals began streaming and archiving oral arguments on its own YouTube channel. See, https://www.youtube.com/channel/UCNgIBKX_jIFJu2LOj-QB0jQ.

The New York Court of Appeals also instituted Court-PASS, the Court of Appeals Public Access and Search System, which provides free access to Court of Appeals materials for cases pending on or filed after January 1, 2013.

First Department, and the United States Court of Appeals for the Second Circuit.

THERE ARE NUMEROUS LOW COST WAYS TO CONDUCT LEGAL RESEARCH ON THE INTERNET

Westlaw and LEXIS remain the gold standard legal research tools for practitioners. However, there are lower cost options available. For example, Google Scholar (<https://scholar.google.com/>) maintains a database of case law (which can be searched by jurisdiction) and articles (which include Law Review Articles and even Patents). FindLaw for legal professionals (<http://lp.findlaw.com/>) has a legal research function, contains information on a number of legal topics and contains links to certain legal blogs and legal forms.

These services are not nearly as complete as Westlaw and Lexis, but are steadily improving. Law 360, JD

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INTERNET TECHNOLOGY

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Supra, Justia, LinkedIn and the National Law Reporter provide up to the minute developments on a wide variety of legal areas, and many of these sites have an "alert" feature which, when checked will electronically send new developments to your designated device.

If you are looking for briefs that are not on Westlaw, you can access the New York Supreme Court Electronic Filing System (NYSCEF) or for federal courts, use PACER.

Appellate Printers are an excellent resource when putting together an e-brief and e-record. There are also a number of blogs and websites that can be helpful to someone wanting to learn to put such digital papers together. Some of them are Adobe Acrobat for Legal Professionals: <http://blogs.adobe.com/acrolaw/>; PaperlessChase.com: <http://www.paperlesschase.com>; and iPhone JD: <http://www.iphonejd.com>.

Remember that your electronic brief and record are public documents, so be careful to omit, remove or redact personal, private, confidential or sealed information as required by the rule(s) of the court in which the papers are being submitted. Also, be sure to eliminate all meta-data from any papers that you intend to file.

As more and more judges begin to use an iPad to review materials, certain presentation adjustments should be

As more and more judges begin to use an iPad to review materials, certain presentation adjustments should be made. First, use fewer footnotes. In fact avoid them if at all possible.

made. First, use fewer footnotes. In fact avoid them if at all possible. The advantage of an iPad is that it gives the reader the ability to zoom in and out on various passages. This advantage is lost if the reader is constantly having to scroll back and forth to view footnotes.

Second, avoid traditional legal hierarchical headings and instead use "scientific" numbering, e.g. "Part I, Section 1.1, subsection 1.1.1, etc., instead of Point I, A, B, C, Point II, A, B, C, etc. This enables the Court to always know exactly where they are in your brief, which is not a given when on an iPad using the traditional outline.

Embracing technology makes good sense and is an integral part of providing

competent legal representation of clients. Comment 8(ii) to Disciplinary Rule 1.1 provides that "to maintain the requisite knowledge and skill, a lawyer should . . . keep abreast of the benefits and risks associated with technology the lawyer uses to provide services to clients"

Counsel who do not understand the use of technology in their practice should affiliate themselves with attorneys who do.

The Greek philosopher, Heraclitus, is credited with the saying that "[t]he only thing that is constant is change." Our ability to adapt to rapid changes of all sorts, including changes in technology that enable us to present our cases in new and interesting ways, will define how effective we will continue to be as advocates for our clients.

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