



State of New York
Supreme Court, Appellate Division
Third Judicial Department
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4777
<http://www.nycourts.gov/ad3>

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Managing Attorney

Important Information - Please Read

To: Attorneys and Litigants with matters on the September 2020 Term

Re: Oral Argument

Date: September 15, 2020

You are receiving this notice because you have requested to appear for oral argument on a matter that is calendared for the Court's October 2020 term.

Please be advised that your request to appear for oral argument has been granted. Some matters will be argued in person while others will be argued virtually, and the appropriate protocols are distributed herewith. Term and Session calendars will be made available on the Court's website at www.nycourts.gov/ad3.

If you have been identified as arguing virtually, additional instructions and details regarding virtual oral argument will be provided in advance of the commencement of the October Term. By way of email to ad3clerksoffice@nycourts.gov, kindly provide the following information as soon as possible:

1. Whether you still wish to participate in virtual oral argument;
2. The full name of the person who will be appearing for virtual oral argument;
3. The email address where the invitation to participate in virtual oral argument should be sent; and
4. The telephone number where the person arguing may be contacted in the event of technical difficulties during argument.

Thank you.

Detailed Instructions and Guidelines for Virtual Oral Argument Participants

- You will receive an invitation for Virtual Oral Argument through Microsoft Teams. Please accept this invitation when it is received.
- Please join the call promptly **at the time on the Teams invitation** on the day of argument.
- When you join the call, you will be in a "lobby." While in the lobby, you will not be able to hear or see anyone in the call. You may be in the lobby for a few minutes. Please be patient, as the Clerk can see that you have joined the call and are waiting in the lobby.
- When the Court is ready to proceed, the Clerk will move you from the lobby into the call and unmute your microphone. Once the Clerk unmutes your microphone, you **also** must unmute your microphone and turn on your video.
- When you are moved into the call, you can be seen and heard by everyone in the Teams call. The Judges will be in the call as well, but you will not see or hear from them until the Court session actually begins.
- The Clerk will check you in, note your appearance and what case you are appearing on, and make sure that your audio and video are working.
- Once all participants are checked in, the Clerk will mute everyone's microphone and inform you that Court session will be started shortly. Your video should remain on.

- Once the Court is ready to begin, the Clerk will advise everyone that the Judges will be turning on their videos and the Court session will be commencing.
- The Court session will go live for streaming and the Clerk will open the Court session.
- Your microphone will remain muted by the Clerk until it is your time to argue. Once the Clerk unmutes your microphone, you must also unmute your microphone to be heard.
- Please remember that while your case is being heard, your video will be seen at all times in the live stream to the public that is being broadcast over the Internet, even if you are not the one speaking and even if it appears to you in the Teams call that you cannot be seen.
- Participants should periodically pause during their oral argument to allow for questions from the Court. The Judges do not want to interrupt argument, and pausing allows the Judges to ask questions without having to talk over the litigants.
- During all Virtual Court legal proceedings, including oral argument, participants should follow all rules governing practice, decorum, ethics and professionalism that would apply to in-person court proceedings. Business attire is expected.
- As is the Court's normal practice, oral arguments will be live-streamed to the public over the Internet. As a result, all of the traditional rules regarding the safekeeping of personal information, including dates of birth, names of confidential witnesses, Social Security numbers, financial account numbers or children's names,

should be followed. Please see the section of the Court's website entitled "[Arguing before the Court](#)" for further information.

- If you have any technical questions, a Virtual Court Resource portal has been created for both Unified Court System (Judicial and Non-Judicial) employees as well as for the public (Litigants, Attorneys and Agencies). This portal has resources and help for installing and running applications for the "Virtual Court", as well as user guides, best practices and tips. The portal can be accessed at the following address: <https://portal.nycourts.gov/>.
- If you have continued questions after visiting the portal, your technical questions should be addressed to the Court's technical services unit via email through the following email address: ad3tsu@nycourts.gov.
- You will also receive an email from a member of the Court's Technical Support Unit regarding a pre-argument Technical Conference. This conference will be on the morning of Oral Argument.

September 14, 2020