



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

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Clerk of the Court

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DIRECTIONS ON PERFECTING AN APPEAL

In order to perfect an appeal to this court. The following steps must be taken.

The order being appealed from must be entered in the proper Clerk's Office. This is done by the prevailing party. They should also serve you with a copy of the order with notice of entry. Once you receive the order you have **30 days** to file your notice of appeal with the **Court of Original Instance** (the court where this case originated). They should receive the original notice of appeal and one copy and a pre-calendar statement (if applicable). A copy of the notice of appeal and pre-calendar must also be sent to the attorneys for all parties involved.

Once the notice of appeal is filed you have 9 months from the date on the notice of appeal to perfect the appeal, absent a motion by the respondent to dismiss. If the respondent makes a motion to dismiss you must respond to their motion, or the appeal may be dismissed by default.

To perfect the appeal you must file an original and nine copies of a stipulated record on appeal and a filing fee of \$315.00 (**bank check or money order payable to "State of New York"**). **OR** a Single copy of a stipulated record on appeal and an original and nine copies of your brief and appendix. The record on appeal shall contain a cover page, a table of contents, a CPLR 5531 statement, and all of the papers which were before the Judge when he/she rendered the decision/order. Many Judges list the papers they considered on the last page of the decision/order, if they did this, this would be a guide in putting your record together. Once you have completed your record on appeal, you must send a copy to the respondent's attorney and ask them to stipulate as to its correctness. (See notice to Counsel and Sample stipulation attached). Once they have signed the stipulation as to the correctness of the record, then you should proceed to make all of the necessary copies. A sample record on appeal is enclosed.

You must also file an original and nine copies of your appellant's brief, which will be the points of argument on your appeal.

Please remember that we are a review court. We can only consider those documents which were before the court below. We cannot see any new evidence, or review any papers that were not before the judge when he rendered his decision.

I hope you find these instructions helpful. If you require any additional information, please feel free to call me directly at (518) 471-4777 and I will be more than willing to answer any of your questions.