New York Court of Appeals Round-Up & Preview

Client Alert | December 7, 2020

This year presented unique challenges for the Court, as New York was situated at the national epicenter of the COVID-19 pandemic. When the virus's effects took hold in March, the Court responded by limiting access to its courthouse. By the end of the month, the Governor issued an Executive Order suspending various litigation deadlines and issued a statewide work-from-home order. New York courts—led by Chief Judge Janet DiFiore—took measures to restrict the virus's spread. The Court closed its courthouse and elected not to hear oral argument during its remaining March, April, and May sessions. In late May, however, the Court began reopening, and it is now accepting in-person filings and hearing oral arguments with appropriate safety protocols.

Both the pace of decisions and new additions to the docket appear to have been reduced by approximately 20%. Nevertheless, the Court has continued resolving cases of exceptional importance, on a broad array of issues spanning from due process, freedom of speech, and arbitration, to class actions, statutes of limitations, consumer protection, administrative law, and employment law.

This year continued the Court's recent lack of unanimity, with judges issuing a large number of concurring and dissenting opinions. Moreover, Judge Leslie Stein announced that she will retire in June 2021, and Judge Eugene Fahey will reach his mandatory retirement age next year. Their replacement marks a potential shift for the Court, which has been perceived by some as ideologically moderate and growing increasingly conservative on certain issues in recent years, including law enforcement and business regulation.

The New York Court of Appeals Round-Up & Preview summarizes key opinions in civil cases issued by the Court over the past year and highlights a number of cases of potentially broad significance that the Court will hear during the coming year. The cases are organized by subject.

To view the Round-Up, **click here**.

Gibson Dunn's New York office is home to a team of top appellate specialists and litigators who regularly represent clients in appellate matters involving an array of constitutional, statutory, regulatory, and common-law issues, including securities, antitrust, commercial, intellectual property, insurance, unfair trade practice, First Amendment, class action, and complex contract disputes. In addition to our expertise in New York's appellate courts, we regularly brief and argue some of the firm's most important appeals, file amicus briefs, participate in motion practice, develop policy arguments, and preserve critical arguments for appeal. That is nowhere more critical than in New York—the epicenter of domestic and global commerce—where appellate procedure is complex, the state political system is arcane, and interlocutory appeals are permitted from the vast majority of trial-court rulings.

Our lawyers are available to assist in addressing any questions you may have regarding developments at the New York Court of Appeals, or any other state or federal appellate

Related People

Mylan L. Denerstein

Akiva Shapiro

Seth M. Rokosky

Jason Bressler

GIBSON DUNN

courts in New York. Please feel free to contact any member of the firm's Appellate and Constitutional Law practice group, or the following lawyers in New York:

Mylan L. Denerstein (+1 212-351-3850, mdenerstein@gibsondunn.com)
Akiva Shapiro (+1 212-351-3830, ashapiro@gibsondunn.com)
Seth M. Rokosky (+1 212-351-6389, srokosky@gibsondunn.com)
Genevieve B. Quinn (+1 212-351-5339, gquinn@gibsondunn.com)

Please also feel free to contact the following practice group leaders:

Allyson N. Ho – Dallas (+1 214.698.3233, aho@gibsondunn.com)
Mark A. Perry – Washington, D.C. (+1 202.887.3667, mperry@gibsondunn.com)

Related Capabilities

Appellate and Constitutional Law