



Press Release

Presiding Justice Gerald J. Whalen Appellate Division, Fourth Department

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Appellate Division, Fourth Department to Implement “Hybrid” Oral Argument Pilot Program

The Appellate Division, Fourth Department is implementing a temporary pilot program for fully-flexible, hybrid oral arguments in Spring 2023. The pilot program, which will be implemented for the duration of the Court’s upcoming February/March, April, and May terms will provide attorneys and pro se litigants the option to argue their appeals either in-person or virtually.

Remote arguments have long been considered in the Fourth Department’s strategic planning, and the onset of the COVID-19 pandemic prompted the acceleration and enhancement of those plans. In September 2020, the Fourth Department successfully launched an oral argument protocol that allowed in-person and remote oral argument appearances by both Justices and litigants. Notably, the protocol accommodated “hybrid” arguments, which allowed for certain litigants and Justices to appear virtually on monitors in the Courtroom while, simultaneously, others appeared in-person—an evolution from the fully-remote arguments successfully held by the Court in the pandemic’s earliest days.

The Spring 2023 pilot program will work much the same way. When a matter is calendared for appeal, a party choosing to appear remotely will log in using unique sign-in information and will wait in a virtual “courtroom gallery,” where he or she can monitor the progression of arguments until his or her matter is called. All parties are able to check in remotely via their mobile device or personal computer on the day of argument. As always, all interested parties and members of the public may view the oral arguments live via the Court’s

website, and the arguments are also archived and available for later viewing.

“The COVID-19 pandemic challenged our Court to develop creative and innovative solutions to ensure the continued and uninterrupted administration of justice in a safe and efficient manner,” said Presiding Justice Gerald J. Whalen. “As we begin the important work of re-imagining the future of our post-pandemic Court, our Spring 2023 pilot program will provide valuable insight into the additional prospective benefits our hybrid oral argument model can provide to the justice system and the public we serve, going forward.”

Please go to the Court’s website, ad4.nycourts.gov, for more information about the Fourth Department and its current protocols for in-person or remote oral arguments.