

Appellate Division of the Supreme Court Second Judicial Department

Civil Appeals Management Program (CAMP)

Frequently Asked Questions (FAQ's)

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General Information

1. I am not represented by counsel. Does this preclude my appeal from consideration by the Civil Appeals Management Program?

As a general rule, settlement conferences are not scheduled if a party is self-represented. However, if you believe that you and your adversary will be benefitted by participation in a settlement conference, you may send a written request to the CAMP administrator. The determination regarding whether to grant that request is within the discretion of the administrator.

2. Must I notify the CAMP office if I have not been retained to represent my client for purposes of appeal?

Yes. If a party was represented by counsel when the notice of appeal was filed, and by the time the notice scheduling a conference is received that counsel no longer represents that party, CAMP personnel must be notified immediately. Please DO NOT forward the conference notice to the former client since the conference may be cancelled if the client is no longer represented by counsel. CAMP personnel must also be notified if, at any time before the scheduled conference, a substitution of counsel has been made, counsel has been relieved or discharged, or there is a pending motion for that relief.

3. Must an appeal be perfected prior to the scheduled conference?

No. In fact, appellants would do well to consider refraining from perfecting their appeals until after a scheduled CAMP conference is held, since one of the inducements in settling the case is saving the cost of preparing and printing the record and brief.

4. Does the scheduling of the conference toll the period within which an appeal must be perfected?

No. In the event an initial conference is scheduled in close proximity to the date on which an appeal is due to be perfected, or an additional conference is scheduled subsequent thereto, an application should be made to the Clerk of the Appellate Division for an enlargement of time within which to perfect.

5. What should be done if, prior to a scheduled conference, the case has been settled or a decision has been made not to proceed with the appeal?

If the status of the appeal or action has changed prior to the scheduled CAMP conference, please contact the CAMP Administrator as soon as possible. You will likely be asked to fax a letter to CAMP immediately.

6. How do I go about withdrawing an appeal in which a CAMP conference is scheduled?

Please consult this Court's website to learn the procedure for withdrawing an appeal. When you are withdrawing an appeal which is still active on CAMP's calendar, you must also provide the CAMP administrator with a copy of the letter or stipulation of withdrawal. As with all submissions to the Court, the letter or stipulation must reflect that a copy has been sent to each of the parties to the appeal.

7. Is there a calendar that I can consult to confirm the date of my CAMP conference?

The date on which your CAMP conference is scheduled will appear on the notice that you receive from the CAMP administrator. That notice contains important information, and should be read carefully. In addition, CAMP's calendars are now accessible on this Court's website.

8. If a party dies, does a scheduled conference still go forward?

No. Upon the death of a party to the appeal the matter is stayed until the appropriate substitution can be made (*see*, CPLR 1014), and the conference is cancelled. The conference may be rescheduled upon request if the circumstances of the case permit it once the appropriate substitution has been made. The Appellate Division must be notified promptly as to the death of a party to a pending appeal, as must the CAMP administrator if the appeal has been selected by CAMP.

9. If a party becomes involved in a bankruptcy proceeding, does a scheduled conference still go forward?

Generally when an individual or entity files for bankruptcy certain proceedings to which they are party are automatically stayed. However, the settlement conference may go forward if the party involved in bankruptcy is not necessary for either a resolution of the issue or issues to be raised on the appeal or a final resolution of the case. The CAMP administrator should be notified of any bankruptcy filing as soon as possible, as should the Appellate Division, so that a determination as to the status of the conference and the appeal may be made.

The Selection Process

1. Are all cases in which an appeal has been taken scheduled for a CAMP conference?

No. The CAMP Administrator determines which cases are to be scheduled for a conference based upon a review of the documents filed when the appeal is taken. Cases which, in the experience of the CAMP administrator, may lend themselves to disposition based upon negotiation are generally chosen for participation in the program. They may include appeals which raise issues of serious injury, premises liability, medical malpractice and some labor law violations. Generally, proceedings brought pursuant to CPLR Article 78, as well as appeals in which such issues as child custody, the statute of limitations, and notices of claim are raised, and those appeals which raise jurisdictional and constitutional questions, will not be selected for a CAMP conference.

2. What can I do if an appeal in which I represent a party has not been selected for a CAMP conference, but I believe that such a conference would be beneficial?

Any litigant who believes that CAMP may be of assistance in settling the issues raised on appeal or the entire litigation may write to the CAMP administrator to request a conference. The determination regarding whether to grant that request is within the discretion of the administrator.

3. Will I be notified if my case is NOT selected for a CAMP conference?

No. Notification to each attorney involved in the action or proceeding in which the appeal arises is only sent in those cases which *have* been selected for a settlement conference.

The CAMP Conference

1. Who conducts the CAMP conference?

Generally CAMP conferences are conducted by retired justices of the Appellate Division, Second Department, who sit as Special Referees. From time to time conferences are also conducted by the CAMP administrator.

2. Where are CAMP conferences held?

Generally CAMP conferences are held at the Civil Appeals Management Program office, located at 335 Adams Street (The Marriot), Brooklyn, New York, on the 24th floor. However, counsel is encouraged to carefully read the Notice of Conference sent to the parties by the CAMP administrator to ensure that he or she arrives at the correct location in a timely manner.

3. Who needs to appear at the conference?

As directed in the CAMP conference notice, the following individuals are required to attend the conference: (1) the attorneys in charge of the case who possess full authority to settle, and (2) the litigants themselves, including agents and representatives from insurers and/or corporations, who possess complete knowledge of the facts and full authority to settle. Upon receipt of the notice, clients should be advised of the conference date as well as what to expect at the conference.

4. If a party is not involved in the specific issue or issues to be raised on appeal, is that party and his attorney still required to appear at the conference?

Yes. Even if a party is not involved with the issue or issues to be raised on appeal, all attorneys and their clients must appear at the CAMP conference, at which the possibility of settling the entire case will be explored by the Special Referee.

5. Can a conference be adjourned?

Since CAMP conferences are mandatory, adjournments are not generally granted unless good cause is shown. A request to adjourn the conference should be made to the CAMP Administrator, in writing, as soon as possible after notice of the conference is received, but, in any event, no later than two weeks prior to the scheduled conference date. Last minute adjournment requests, unless of an emergency nature, will not be considered.

6. If all sides agree that the issue or issues to be raised on appeal cannot be resolved or that the case cannot be settled, can the conference be cancelled?

No. Once a matter has been scheduled for a conference, the determination regarding whether that matter can be settled is made by the Special Referee before whom the conference is conducted. Therefore, the parties are not excused from appearing at the conference on the ground that they believe that the matter cannot be settled.

7. What consequences are there if an attorney and/or client fail to appear at a scheduled conference?

The failure of an attorney and/or his client to attend a conference may result in the imposition of monetary sanctions against the attorney and/or the client.

8. What does it mean if my case is placed on CAMP's Status Calendar?

A case may be placed on CAMP's Status Calendar for a variety of reasons. For example, if the underlying action or proceeding has been settled, but the appellant does not wish to withdraw the appeal until the settlement is finalized, that case will be taken off the scheduled calendar and placed on the Status Calendar. Another reason that a case may be placed on the Status Calendar is if after the conference the Special Referee believes that the appellant needs additional time to consider either the settlement of the underlying case or the withdrawal of the appeal. When a case is placed on the Status Calendar the parties will be given a date certain by which to contact the CAMP offices to advise as to the status of the case and whether the appeal shall be withdrawn. The appellant's attorney is advised to diary the status date and contact the CAMP offices prior to that date.