

2022 Annual Report of the State Reporter



January 31, 2023

I. Introduction

The New York State Law Reporting Bureau (LRB) was established under article 14 of the Judiciary Law to officially report New York court decisions. The LRB operates under the direction of a State Reporter appointed by the Court of Appeals, with a designated Judge of the Court—currently Judge Madeline Singas—serving as the Court's liaison to the LRB. All decisions of the Court of Appeals and the Appellate Division, and selected decisions of the lower courts, are edited and published in print and online in the Official Reports (New York Reports, Appellate Division Reports and Miscellaneous Reports) pursuant to the LRB's statutorily required, competitively bid publishing contract, currently held by Thomson Reuters (Westlaw). Online publication includes publication in the Official Reports content category in Westlaw and on the LRB's free public access website. Motion decisions of the Appellate Division and Appellate Term and additional lower court opinions are published only online. This is a report of the LRB's activities in 2022.

II. 2022 Official Style Manual

The 2022 Edition of the Official Style Manual was released to our publisher, Westlaw, for composition and printing. Acting Chief Judge Anthony Cannataro provided a foreword. The 2022 edition, which replaces the 2017 edition, leaves largely intact the rules that users are familiar with, but updates citation formats and examples, adds new examples, clarifies some existing rules, and supplements others to provide greater guidance.

III. Publishing Contract

Westlaw's application for a 10% price increase for the Official Reports under section 5 (f) of the 2021-2025 Publishing Contract was approved, effective January 1, 2023.

IV. Publishing Activity

The LRB published in print and online 32,276 opinions, memoranda, abstracts and appellate motions in 2022. The 7% increase over 2021 figures (30,179) is largely attributable to an increase in the number of trial court decisions published only online, which resulted from changes to the trial order acquisition process with our publisher (Westlaw).

A. Print Publication

The LRB was able to substantially complete our print publication schedule for 2022. During 2022, the LRB prepared for publication one volume of the New York Reports, 3d Series (one less than planned); 11 volumes of the Appellate Division Reports, 3d Series; and three volumes of the Miscellaneous Reports, 3d Series (one less than planned), for a

total of 15 bound volumes. Two soft-cover interim volumes of the New York Reports, 3d Series, were also published. Although two fewer bound volumes than planned were published, both volumes were finalized and sent to the publisher in December 2022 for publication in early 2023.

In 2022, 52 weekly advance sheets were issued. These advance sheets contained 8,428 full opinions, memoranda and abstracts of opinions not published in print; 18,264 pages of opinions, memoranda and abstracts; and 12,190 headnotes, allocated as follows:

Report	# Opinions/ Memoranda	# Opinions/ Memoranda Pages	# Headnotes
NY3d	44 Opinions 40 Mem	1,067 Opinions 467 Mem	67 Opinions 42 Mem
AD3d	205 Opinions 6,384 Mem	1,723 Opinions 11,169 Mem	311 Opinions 9,779 Mem
Misc 3d	404 Opinions 1,351 Abstracts	3,650 Opinions 188 Abstracts	651 Opinions 1,351 Abstracts

Compared to 2021, the number of: opinions, memoranda and abstracts decreased 11%; pages decreased 7.5%; and headnotes decreased 9%.

B. Online Only Publication

Online publication includes publication in the Official Reports content category in Westlaw and on the LRB’s free public access website. All decisions published in print are also published online. In addition, the LRB publishes the following decisions only online:

- Appellate Term and trial court opinions not published in the printed Miscellaneous Reports. A total of 8,464 Appellate Term and trial court opinions were published only online in 2022, an increase of 69% from the prior year (5,001).
- Motion decisions of the Appellate Division and Appellate Term. A total of 15,384 motion decisions were published only online in 2022, a decrease of 2% from the prior year (15,709).

C. Arcanum

LRB staff completed their compilation of the 2021 Arcanum in March 2022 and forwarded it to the Court for publication. With new streamlined procedures, work on Arcanum is now nearly contemporaneous.

V. Selection of Lower Court Opinions

During 2022, a total of 8,889 Appellate Term and trial court opinions were submitted to the LRB for publication consideration, an increase of 64% compared to 2021. Of the opinions submitted, the LRB accepted 379 for publication in the Miscellaneous Reports and 8,464 for only online publication, for a total of 8,843 acceptances.

VI. Website Usage

Usage of the LRB website remained strong in 2022. Almost 1 million visitors accessed the site in 2022, with an average of four visits per visitor. Approximately 20% of visitors visited more than once, with almost 10,000 visits to the site each day.

Users downloaded a total of 5,541 copies of the LRB's Electronic Resources User Guide (a tutorial in the use of the Official Reports on Westlaw and the legal research and writing tools provided on the LRB website).

The LRB's Twitter account (@NYOfficialRpts) grew from 1,556 to 1,741 Followers.

VII. Style Manual Distribution

A total of 94 copies of the printed 2017 Style Manual were distributed to judges, court staff and others in 2022. An additional 7,515 copies were downloaded from the LRB's website.

A 2021 electronic update was developed and added to the 2017 Style Manual and made available on the LRB's website in 2022.

VIII. Product Development

The LRB works collaboratively with Westlaw on all aspects of the publication of the Official Reports. Notable efforts in 2022 include:

- Upon Westlaw's retirement of the paging server that the LRB and Westlaw used to exchange advance sheet and bound volume correction files, the LRB transitioned its internal processes to prospectively send the files to an LRB-hosted sFTP server for Westlaw pickup;

- The LRB and Westlaw collaborated to evaluate and improve the trial orders acquisition system. A glossary of terms was agreed upon, and a category was eliminated to streamline the review process;
- Pursuant to the 2021-2025 Publishing Contract, Westlaw has been working to expand the coverage in the New York Official Reports Service (which provides free, online access to Official Reports decisions) to include the entire First Series, which will complete the LRB's acquisition of these electronic materials. At year-end, Westlaw had built back to approximately 1912;
- Westlaw resolved an exchange problem relating to the Federal Reports data transmitted by Westlaw to the LRB on a weekly basis, which data are used in the LRB's editorial process. In addition to resolving the problem for prospective data send purposes, Westlaw provided a backlog of data across federal publication; and
- Westlaw identified updated pagination standards for the LRB's bound volume publications to help facilitate smoother scheduling and processing in 2023.

IX. Personnel

LRB staff numbered 27 at the close of 2022, down from a regular staffing level of 30.

- Lori Drumm re-joined the Law Reporting Bureau as a Law Reporting Aide in February 2022.
- The LRB's PC Analyst resigned in July 2022.
- A Senior Legal Editor resigned in September 2022.
- A Legal Editor joined the LRB in October 2022.

X. Facilities

In January, Evacuation and Emergency Procedures were recirculated to staff as part of an annual reminder protocol, and floor warden responsibilities were reissued to the designated floor wardens. In September, an emergency evacuation drill was conducted for Centennial Hall.

XI. Editorial and Office Technology

The LRB's technology team, down one member for almost half of 2022, provides substantial support to editorial staff in day-to-day publishing operations which are performed in a WordPerfect (macro) environment. The team is also responsible for new initiatives from OCA's Department of Technology (DOT), upgrading existing programs, and developing programs and adapting internal processes to accommodate current and prospective conversion of court documents to Microsoft Word format.

Highlights of the LRB's 2022 technology efforts include:

- At the request of LEXIS, the LRB's tech team developed a system to provide LEXIS with access to Official Reports copyrighted material (pursuant to LEXIS's licensing agreement with the Secretary of State), including securing from DOT exclusive sFTP server access and completing programmatic work, testing and implementation;
- Tech staff met with DOT personnel to triage retirement of an outdated trial order acquisition process, and to discuss the LRB's prospective acquisition (including NYSCEF);
- Work began on the migration of the LRB SQL server to a DOT approved and managed host;
- An office-wide equipment refresh was completed, including new monitors, PC boxes and printers; and
- The LRB migrated from the desktop version to the Cloud version of the Spiceworks Help Desk.
- In addition, the LRB's LAN team:
 - Completed all required security and software updates, including those required by DOT;
 - Migrated LRB PCs and laptops to receive Microsoft security updates and software patches directly from DOT;
 - Developed an LRB-specific FileMaker database to centralize the LRB's equipment inventory;
 - Developed user guides for and trained LRB staff on Microsoft Outlook and OneNote;
 - Prepared the LRB VM (virtual machine) server for DOT PEN (penetration testing) with upgraded firmware and software;
 - Added additional storage capacity to the LRB file server, hosted by DOT; and
 - Attended DOT sessions including BitLocker implementation, Active Roles training, File Maker training, decommissioning of Microsoft's basic authentication service for email, and statewide LAN meetings.
- The LRB's programmers:
 - Worked on the LRB's appellate motion processing application to accommodate the Appellate Division, Third Department's conversion of its motion decisions to Word;
 - Continued work to convert the Misc/OLO initial processing macros to Word;
 - Moved the location of star pagination on trial court PDF decisions posted on the LRB website to enhance readability; and
 - Migrated backlog Federal Reports data provided by West.

XII. Continuing Legal Education (CLE)

Members of the LRB's staff attended the following CLE programs generously offered to LRB employees by various courts and legal entities:

- Recent Developments in New York Practice; LGBTQ 101; Constitutional Law Update 2022; Incapacitated Defendants, Insanity Defense and Post Judgment Commitment Proceedings (CPL 330.20); A Conversation with the Honorable Howard A. Levine; 60th Anniversary of New York's Family Court; and Ethics Update 2022.

XIII. Professional and Volunteer Activities

LRB staff members participated in various professional activities, community events and charitable causes.

A. Professional Activities

- *Guide to New York Evidence*: The fifteenth, sixteenth, and seventeenth installments of the Guide, totaling 35 evidence rules and accompanying notes, were edited, formatted and returned to the Chief Judge's Advisory Committee on Evidence. Completed portions of the Guide are published online at <http://nycourts.gov/judges/evidence/index.shtml>.
- At the request of the Judicial Institute, LRB staff provided editorial assistance in support of New York's contribution to the NCSI COVID Initiative: Bench Book Project.
- In August, State Reporter Cara J. Brousseau attended the annual meeting of the Association of Reporters of Judicial Decisions in San Francisco, where she began her term as President of the Association.
- LRB staff contributed material concerning the LRB to the Court of Appeals for publication in the 175th Anniversary update to *There Shall Be a Court of Appeals*, a booklet first created in 1997.
- In October, Cara J. Brousseau gave a presentation at the annual meeting of the UCS Law Librarians Association in Saratoga Springs.
- An updated resource, *The Law Reporting Bureau: Publication in the Official Reports and LRB Resources*, was provided to the Judicial Institute for its 2023 New Judges Seminar.

B. Volunteer Activities

- The LRB continued its holiday tradition of “adopting” families through the Ronald McDonald House. Gift cards purchased through staff contributions were donated to the Ronald McDonald “Family Room” in the neonatal intensive care unit at Albany Medical Center.
- Staff participated in the 2022 CDPHP Workforce Team Challenge, a 3.5 mile race in downtown Albany.

XIV. Visits and Visitors

In October, former Associate Judge of the Court of Appeals Albert Rosenblatt and students from his New York University Law School class toured Centennial Hall and discussed LRB operations and official reporting of decisions.

XV. Organization

Founders Day, April 7, marked the 218th anniversary of the enactment of legislation creating the system of official law reporting in New York.