

# 2023 Annual Report of the State Reporter



January 31, 2024

## I. Introduction

The New York State Law Reporting Bureau (LRB) was established under article 14 of the Judiciary Law to officially report New York State court decisions. The LRB operates under the direction of the 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 select decisions of the Appellate Term and trial 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 trial orders submitted through the Westlaw trial order acquisition process are published only online. This is a report of the LRB's activities in 2023.

## II. Publishing Contract

Westlaw's application for a 9% price increase for the Official Reports under section 5 (f) of the 2021-2025 Publishing Contract was approved, effective January 1, 2024.

## III. Publishing Activity

The LRB published 33,363 opinions, memoranda, abstracts of Appellate Term and trial court opinions, appellate motions and trial orders in 2023.

### A. Print Publication

The LRB was able to substantially complete our print publication schedule for 2023. During 2023, the LRB prepared for publication 2 volumes of the New York Reports, 3d Series; 11 volumes of the Appellate Division Reports, 3d Series; and 4 volumes of the Miscellaneous Reports, 3d Series, for a total of 17 bound volumes. One soft-cover interim volume of the New York Reports, 3d Series, was also published. Although one fewer soft-cover interim volume than planned was published, it was finalized and sent to the publisher in December 2023 for publication in early 2024.

In 2023, 52 weekly advance sheets were issued. These advance sheets contained 8,776 opinions, memoranda and abstracts; 18,279 pages of opinions, memoranda and abstracts; and 12,066 headnotes, allocated as follows:

Report	# Opinions/ Memoranda	# Opinions/ Memoranda Pages	# Headnotes
NY3d	48 Opinions 25 Mems	846 Opinions 353 Mem	79 Opinions 26 Mem
AD3d	178 Opinions 6,616 Mems	1,408 Opinions 11,405 Mem	257 Opinions 9,574 Mem
Misc 3d	395 Opinions 1,514 Abstracts	4,051 Opinions 216 Abstracts	616 Opinions 1,514 Abstracts

Compared to 2022, the number of: opinions, memoranda and abstracts increased 4%; pages remained unchanged; and headnotes decreased 1%.

### B. Online 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:

- Trial orders submitted through the Westlaw trial order acquisition process. A total of 5,402 trial orders were published only online in 2023, a decrease of 24% from 2022 (7,123).
- Motion decisions of the Appellate Division and Appellate Term. A total of 19,185 appellate motion decisions were published only online in 2023, an increase of 25% from 2022 (15,384).

### C. Arcanum

LRB staff completed their compilation of the 2022 Arcanum in March 2023 and forwarded it to the Court of Appeals for publication.

### IV. Selection of Lower Court Opinions for Publication in the Miscellaneous Reports

During 2023, a total of 1,973 Appellate Term and trial court opinions were submitted to the LRB by judges for publication consideration, a 15% increase over 2022 (1,720). The LRB selected 430 of these opinions for full print publication in the Miscellaneous Reports; the rest (1,543) were selected for publication in the Miscellaneous Reports as abstracts.

## V. Website Usage

Use of the LRB website (<https://www.nycourts.gov/reporter/>) remained strong in 2023. Almost 1.3 million visitors accessed the site in 2023, with an average of 3.8 visits per visitor. Approximately 23% of visitors visited more than once, with an average of 13,000 visits to the site each day.

Users downloaded a total of 2,163 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 X account (@NYOfficialRpts) grew from 1,765 to 1,885 Followers.

## VI. Style Manual Distribution

A total of 4,097 copies of the print 2022 Style Manual (available starting in January 2023) were distributed to judges, court staff and others in 2023. An additional 7,876 copies were downloaded from the LRB's website.

## VII. Product Development

The LRB works collaboratively with Westlaw on all aspects of the publication of the Official Reports. Notable efforts in 2023 include:

- Westlaw printed and distributed the 2022 Style Manual and loaded the electronic version of the new manual to Westlaw, and the LRB and Westlaw collaborated to debrief on the print publication process and plan for more efficient future updates.
- Westlaw updated the New York Official Reports Digest Mainhead, Subhead and Scope Note content on Westlaw consistent with the LRB's changes related to incarcerated and incapacitated individuals.
- Westlaw provided the LRB with trial credentials to Westlaw Precision, and the LRB provided preliminary feedback related to the New York Official Reports content categories in Westlaw's new product.

## VIII. Personnel

LRB staff numbered 28 at the close of 2023, down from a regular staffing level of 30. The LRB hired a new Legal Editor in January 2023, and a new Assistant Local Area Network Administrator in June 2023.

## IX. 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 October, an emergency evacuation drill was conducted for Centennial Hall.

## X. Editorial and Office Technology

The LRB's technology team, down one member for almost half of 2023, 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.

Highlights of the LRB's 2023 technology team efforts include:

- The tech team, in collaboration with DOT, migrated the LRB's internal SQL server to DOT's Azure cloud-based SQL solution;
- The tech team began using an LRB-centric SCRUM board, created in JIRA, and an LRB-centric version of the JIRA Help Desk was rolled out for officewide use;
- The tech team updated the LRB's URLs to current HTTPS standards; and
- The tech team developed a best-practice method to identify and comprehensively remove outdated and confidential content related to employment applications in email accounts and on the LRB's file server.

In addition, the LRB's LAN staff:

- Created, in collaboration with DOT, a new public SFTP server which replaced the now-retired public FTP server used by external vendors (i.e. Lexis, NYPTI) to access the LRB's daily website postings and corrections;
- Completed all required security and software updates, including those required by DOT;
- Coordinated the delivery of and configured new Kronos clocks for Centennial Hall staff use and prepared written "how to use" instructions;
- Set up and configured a new officewide scan-to-email device;

- Migrated backup of the LRB’s final server (Intranet-Virtual Machine [VM]) to DOT data center storage and Commvault backup solutions;
- Disposed of LRB e-waste;
- Re-cabled the LRB data closet;
- Improved the LAN Document Repository to assist in training on basic LAN responsibilities, including creation of a DOT emergency contact sheet; and
- Attended DOT training sessions including statewide LAN meetings.

The LRB’s programmers:

- Continued work to convert Misc/OLO processing to Word, including: creation of a testing area; substantial completion of initial processing, classification, and reporter review macros; and creation of a dashboard;
- Rewrote the eCourts conversion process to accommodate a software upgrade;
- Made final modifications to the electronic versions of the 2022 Style Manual;
- Wrote comprehensive procedures for training on basic programming responsibilities; and
- Updated the “What’s New” section on the LRB website homepage to comply with DOT standards including creation of an Archived News page to document outdated content.

## XI. 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: What Judges Need to Know about Supported Decision Making and Why; Workers’ Compensation Update 2023; Introduction to Cybersecurity and Legal Considerations; A Conversation with the Honorable Thomas E. Mercure; and Generative AI in the Courts and Law Practice.

## XII. Professional and Volunteer Activities

LRB staff members participated in professional and volunteer activities.

### A. Professional Activities

- *Guide to New York Evidence*: The eighteenth and nineteenth installments of the Guide, totaling 24 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>.

- In April, State Reporter Cara J. Brousseau presented a CLE entitled “The Law Reporting Bureau: Publication of the Official Reports and Legal Research and Writing Resources.” The CLE was organized by the 9th Judicial District Access to Justice Committee and offered through the Rockland County Bar Association.
- In August, Cara J. Brousseau and Deputy State Reporter Katherine G. Breitenbach attended the annual meeting of the Association of Reporters of Judicial Decisions in Washington D.C.
- In December, an updated resource entitled “The Law Reporting Bureau: Publication in the Official Reports and LRB Resources” was provided to the Judicial Institute for its 2024 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.

## XIII. 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.
- In December, the LRB and Westlaw held a virtual meeting to wrap-up the 2023 publishing contract year and discuss projects for 2024, including preliminary work on the bidding of the 2026-2030 Official Reports Publishing Contract.

## XIV. Organization

Founders Day, April 7, marked the 219th anniversary of the enactment of legislation creating the system of official law reporting in New York.