

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Poor Person Petitions -
Waiver of Fees Under Amendment to
CPLR § 1101

Class: DRP-133
Category: GP-10/LT-10
Eff. Date: Nov. 16, 1992

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BACKGROUND:

When LSM-118 was distributed informing the staff of the new provision regarding Poor Person Petitions, we gave oral instructions to the Clerks, based upon our reading of the statute, to limit the free filing at an attorney's request to the issuance of an Index Number. This matter has been reviewed by the Office of Court Administration and following that opinion we are expanding our interpretation.

DIRECTIVE OF THE ADMINISTRATIVE JUDGE:

In any situation in which Poor Person's Relief is granted, that relief is to be understood to cover any Civil Court fees relating to the prosecution or defense of the action.

The waiver is limited to the prosecution and defense of the action and does not include anything related to an appeal of the action.

The Chief Clerk is directed to issue any procedural changes deemed appropriate to implement this DRP.

Dated: November 12, 1992

Jacqueline W. Silbermann
Administrative Judge

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CLERKS PROCEDURES:

Following the directive of the Administrative Judge, the following rules are to be followed by all personnel concerned with Poor Person applications in Civil Court:

The Clerk is directed to waive any fee related to the prosecution or defense of the action. These fees are:

1. Filing Fee
2. Jury Demand
3. Notice of Trial or Notice of Inquest

Other fees, such as those related to an appeal, are not covered by this waiver.

Incidental fees, such as the fee for a Certification or an Exemplification or Transcript of Judgment, etc., are not covered by this waiver.

Expenses, such as those for the production of a transcript of the minutes of a trial, are not covered by this waiver. A specific order for this purpose, following DRP-131, must be obtained.

As outlined in DRP-132, any Poor Person Relief granted is specific to the person, and does not cover other cases or individuals who may have been joined to the action.

The Certification supplied by the person enumerated in CPLR § 1101 (e) is to be considered sufficient for any appropriate waiver. No additional order or signature of a Judge is to be required, and the Clerk is to issue the appropriate Index Number, Receipt, etc. If the litigant appears without attorney, the standard Poor Persons procedure is to be followed.

This procedure applies to all sections of the Civil Court.

Dated: November 13, 1992

Jack Baer
Chief Clerk