Summary of Modifications to Request for Judicial Intervention form (UCS-840) and Addendum forms (UCS-840A, UCS-840C, UCS-840F and UCS-840M)

I. Changes Requiring Additional Information

1. The following instruction has been added to the Caption section: "Enter the complete case caption. Do not use et al, et ano, etc. If more space is required, attach a caption rider sheet."

Purpose: To capture the caption exactly as it is entered on the pleadings filed with the County Clerk. Also, to verify that the caption is correct on future filings that require a full caption, such as the Note of Issue.

2. In the Nature of Action or Proceeding section, the following question has been added: "Real Property: How many properties does your application include?"

Purpose: Many Real Property cases list multiple properties on a single application, but each property must be addressed individually by the court. Consequently, each property listed should constitute a "filing," and by capturing the number of properties, statistics for the number of filings may be properly assessed.

3. In the Nature of Action or Proceeding section, a line has been added to elicit the property address in foreclosure cases.

Purpose: To facilitate notifications for foreclosure actions that meet the specified criteria for the Residential Mortgage Foreclosure Program, and to facilitate the generation of electronic notices, orders and decisions across all foreclosure actions.

4. In the Nature of Action or Proceeding section, notes have been added for Matrimonial, Commercial Division and Foreclosure cases, directing filers to the newly created RJI addendums for these case types.

Purpose: To alert filers to complete and attach the appropriate RJI addendum based upon the type of action being filed (new UCS forms 840C, 840F and 840M):

- Commercial Division - The addendum form UCS-840C requires filers in commercial cases who want their cases heard in the Commercial Division to provide the jurisdictional information required by court rules and to certify that the cases meet the monetary and subject matter requirements for Commercial Division

assignment. Also, for accurate statistical reporting, and to reflect differences in standards and goals calculations, actions are differentiated from Special Proceedings filed, and thus not categorized as "Other Commercial" as the rules currently require.

- Foreclosure - In response to legislative changes, the addendum form UCS-840F serves to identify those cases that qualify as foreclosures for purposes of the Early Foreclosure Conference Program. If so, personal contact information is collected for all defendants, and the court should use this information to notify all defendants of the conference request as required by the Early Foreclosure Conference Program rules.

- Matrimonial - The addendum form UCS-840M collects the additional plaintiff, defendant and dependent child information necessary to perform legislatively mandated records checks on prior sex offenses, active criminal or Family Court warrants, order of protection histories, and Family Court abuse and neglect proceeding histories of the parties in those matrimonial actions with children under the age of 18 who may be subject to custody or visitation determinations.

5. A "specify" line has been added for Environmental torts to indicate the nature of the tort (e.g. lead paint).

Purpose: There are numerous subcategories of environmental torts. Some courts have special procedures or designated parts dedicated to processing some of these subcategories.

6. Spaces for section, block and lot numbers have been added for Tax Certiorari cases.

Purpose: Section, block and lot must appear on orders and judgments generated by the court in tax certiorari cases. This information is also necessary when a judgment is entered with the County Clerk for recording purposes. Moreover, many filers include the section, block and lot number as part of the caption itself. Finally, this information is often included on court calendars outside NYC in order for towns to easily identify the properties located within their respective towns during court calendar calls.

7. The following question has been added: "Has a summons and complaint or summons w/notice been filed?," with a request for the filing date.

Purpose: Knowing whether or not a summons and complaint or summons with notice have been filed on a case tells us whether it is an action or special proceeding, which in turn serves as a quality control measure for the applicability of selections made in the "Nature of Action or Proceeding" and "Nature of Judicial Intervention" sections, respectively. This ensures greater accuracy and integrity of case data. Moreover, it allows cases to be evaluated for standards and goals purposes to determine if a preliminary conference is required, the scheduling of which may be automated through the collection of this data. The filing date provides the time elapsed from the filing of the summons and complaint or summons with notice to the filing of the RJI, which is pertinent to applications for alternate service.

8. The following question and instruction has been added: "Is this RJI being filed post-judgment?," and if so, requests the judgment date.

Purpose: Knowing if a clerk's judgment has already been entered prior to the filing of the RJI provides pertinent information for scheduling and standards and goals purposes. Entry of judgment obviates the need for a preliminary conference unless and until the judgment is vacated, and standards and goals time frames do not apply to post-judgment cases.

9. In the Nature of Judicial Intervention section, "Date Issue Joined" has been added for Notice of Medical, Dental or Podiatric Malpractice.

Purpose: Collecting the date issue was joined will assist in monitoring compliance with the 60-day filing rule for Medical Malpractice actions.

10. The addition of a "Parties" section wherein each party will be listed with the party's respective role, counsel, insurance carrier and unrepresented status information. Filers are also required to indicate whether issue is joined as to each defendant.

Purpose: This section consolidates and enhances the current "Attorneys for Plaintiffs," "Attorneys for Defendants," and "Insurance Carriers" sections on page 2 of the current RJI form. The parties will be clearly associated with their counsel representation, insurance carriers, and other pertinent, party-specific information.

11. Each attorney that has appeared in the case must be indicated with the represented party. The following instruction has been added: "Provide name, firm name, business address, phone number, e-mail address of all attorneys that have appeared in the case."

Purpose: The attorneys that have appeared may be noted and associated with the parties they represent. Any notices or other court process may be disseminated appropriately.

12. E-mail addresses for each party's counsel will be collected.

Purpose: The collection of e-mail addresses will enable the courts to send automated electronic notices to attorneys regarding case scheduling and other case milestones, providing an efficient means for attorneys to manage their court calendars. It also would represent a significant operational savings by eliminating the costly time and resources associated with mailings.

13. The filer will be required to provide his/her NYS attorney registration number.

Purpose: In the future, the attorney registration number will link the RJI filer to the filing itself and the parties on whose behalf he/she is filing.

14. Creation of RJI addendum forms for:

- Commercial Division assignment (UCS-840C)
- subprime foreclosures (UCS-840F)
- matrimonial records checking (UCS-840M)

Purpose: See item I.4.

II. Changes Reshaping or Reordering Information

1. Change the "Date Purchased" field label to "Date Index Issued."

Purpose: Many index numbers are issued without fee (i.e. fee-exempt parties, poor person applications, etc.). "Date Index Issued" is a more accurate and descriptive label.

2. The "RJI Date" field has been expanded.

Purpose: This better accommodates the County Clerk stamp affixed to the papers in most jurisdictions.

3. The party identifiers in the Caption section have been embellished to read "Plaintiffs/Petitioners" and "Defendants/Respondents."

Purpose: To accommodate the entry of captions for special proceedings.

4. In the Nature of Action or Proceeding section, all case types have been alphabetized under their respective sub-headings for consistency, and "Landlord/Tenant" has been removed from the Real Property subsection as unnecessary.

Purpose: To eliminate outdated or superfluous data from this section, and to provide a more easily navigable form.

5. "Medical/Podiatric Malpractice" and "Dental Malpractice" have been combined into a single selection in the Torts subsection.

Purpose: These types of malpractice are grouped together in statute and do not require separate selections.

6. "MHL Article 9.60 (Kendra's Law)," "Article 10 (Sex Offender Confinement-Initial)" and "MHL Article 10 (Sex Offender Confinement-Review)" have been added to the Special Proceedings subsection.

Purpose: To identify and track common special proceeding categories resultant from recently enacted legislation.

7. Current "non-RJI" filings have been added, which include, Certificate/Dissolution of Incorporation, Emergency Medical Treatment, Habeas Corpus, Local Court Appeal, Mechanic's Lien, Name Change, Pistol Permit Revocation Hearing, and Sale or Finance of Religious/Not-for-Profit Property.

Purpose: To require the preparation of an RJI for all civil filings in superior courts. Case types that do not currently require an RJI would be processed without fee. Many courts, as a routine practice, already ask litigants to complete "no fee" RJIs to create what is, essentially, a cover sheet capturing the key information needed for initialization of a new case. Moreover, with e-filing on the horizon, and an on-line RJI in development, this listing is an effective and uniform tool to collect and synchronize information submitted for all filings.

8. In the Status of Action or Proceeding section, the following instruction has been added: "Answer YES or NO for EVERY question AND enter additional information where indicated."

Purpose: To clarify what the data filers are required to enter.

9. "Infant's Compromise" and "Poor Person Application" have been added, and all choices have been placed in alphabetical order.

Purpose: Infant's Compromises and Poor Person Applications are common types of applications, and their inclusion expedites the completion of the form and is more concise than noting it as an "other ex parte application" or "other."

10. In the Related Cases section, the instruction on the current form, which reads: "If NONE, write "NONE" below," has been removed. An instruction has been added as follows: "List any related actions. For Matrimonial actions, list any related criminal and/or Family Court cases. If none, leave blank." "Title" has been changed to "Case Title;" "Index #" has been changed to "Index/Case No;" "Judge (if assigned)" has been added; and "Nature of Relationship" has been changed to "Relationship to Instant Case."

Purpose: The instruction regarding matrimonial actions is for the benefit of IDV courts. Since the UCMS systems are not yet linked across court types, this serves as an alert to the clerk that this Matrimonial action may meet the criteria for being heard in an IDV court. A notation that a related case has already been assigned to a named judge serves to alert the clerk that further inquiry is required and a possible assignment to the same judge is warranted. The requirement to write "NONE" is superfluous.

11. The instruction for entering contact information in the current "Attorneys for Plaintiff(s)" and "Attorneys for Defendant(s)" sections has been relocated to the "Parties" section. It also has been enhanced to read as follows: "For parties without an attorney, check the "Un-Rep" box AND enter party address, phone number and e-mail address in the "Attorneys" space."

Purpose: To clarify how, what, when and where contact information must be provided.

12. Each party entered must be assigned a role (e.g. plaintiff, defendant, petitioner, respondent, third-party plaintiff, etc.). Multiple roles may be assigned to any party as applicable.

Purpose: Party roles must be clearly assigned in the case management system, and it is an effective way to control for accurate Action Types and acceptable Nature of Judicial Intervention types. It also enables the court to accurately track which parties continue to have active roles in an action and in what capacities, and which parties are no longer in the case.

13. Creation of a Request for Judicial Intervention Addendum Form (UCS-840A), which provides fields to list additional parties and additional related cases. The fields are formatted identically to those on the primary form, and the following instruction has been added in the Related Cases and Parties sections: "If additional space is required, complete and attach the RJI Addendum."

Purpose: Due to frequently lengthy Supreme Court captions, which contain many parties, the addendum provides a consistent means of collecting party and related-case information when the space provided on the primary RJI form is insufficient.

III. Changes Deleting Information

1. "Bill of Particulars Served?" has been removed from under the caption area.

Purpose: To eliminate superfluous data that is not utilized for case initialization purposes.

2. The Pre-Note Time Frames section has been deleted.

Purpose: Pre-note time frames are calculated by court rule, the question is unnecessary. The court may modify the time frame at the Preliminary Conference [22 NYCRR 202.19(2)].

3. "Date Issue Joined" will be captured in the "Parties" section for each defendant/respondent rather than a general question at the beginning of the form. Moreover, this has been changed to a simple "yes" or "no" question rather than requiring specific dates for joinder of issue.

Purpose: To ascertain if issue has been joined as to all defendants and, if not, to identify which defendants may be in default. The specific dates that issue was joined are less pertinent and more burdensome to filers completing the form. If issue has not been joined as to any defendant, a preliminary conference and other standards and goals time frames are not applicable.

4. "Municipality or Public Authority" indicators have been deleted.

Purpose: Municipality/Public Authority is not used by the court for assignment of "city" cases. The court evaluates the listed parties and their attorney representation to determine a "city part" assignment.