

CIVIL COURT, CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM

Subject: Do-It-Yourself Interviews

Class: CCM - 185

Category: GP-10

Eff. Date: May 12, 2009

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BACKGROUND

Over the past few years Administration has developed computer programs for self-represented litigants to use free of charge that produce completed court forms. The programs are called Do-it-Yourself (DIY), formally known as Access to Justice, (A2J). In this Directive we are concerned with the use of these programs by attorneys who are charging the SRL for the production of a court form. Our DIY programs are available in the Clerk's Office and on-line for SRLs to use free of charge. Our website states that the programs are not for commercial use and charging for use in any way is prohibited. When the program opens, the user must agree to terms prohibiting commercial use. Our printed form also states at the bottom that the program is free and charging for its use is prohibited.

We have started to receive court forms, especially name change petitions, made on our DIY program with 'bluebacks' from attorneys who have charged the SRL for the use of the program. These pleadings have been brought to the court by SRLs and by attorneys on their behalf. At this time we are instituting the following rules in reference to these filings.

DIRECTIVE

Any litigant may use the on-line or public terminal DIY program free of charge.

Any DIY form with a blueback from a fee charging attorney's office or which in any way indicates to the Clerk that there was a charge for its production is to be rejected based on the agreement made by the user when signing on to the program that it is for the use of SRL's and is to be free of charge.

If the self represented litigant wishes to file a Petition or any other DIY generated document, for which s/he has paid a fee s/he is to be advised that no fee is permitted to be charged for the creation of the form. S/he is to be directed to the Civil Court website or the public terminal, told that there is no charge for the service and allowed to create and file that document. If the litigant still wishes to file the form, for which s/he has been charged, the clerk is to accept the papers.

The Clerk is to record the name and contact information of the person who charged the fee and forward this information to the Office of the Deputy Chief Administrative Judge.

Any form rejected by the Clerk as per this memorandum is to be stamped "Rejected following CCM-185."

Date May 12, 2009

/s/
Jack Baer
Chief Clerk