

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Tape policy

Class: DRP-112 amended

Category: LT-10

Eff. Date: Mar. 20, 1991

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On September 4, 1990 we instituted a new policy in reference to the tape recording of Housing matters. Paragraphs 3) and 4) of that directive (DRP-112) have created a great deal of confusion, duplication of work, etc., and at this time we are amending them. We are deleting the words **“and beginning and ending time”** from paragraph 3), the words **“or other matter,”** the words **“the tape box,”** and the words **“as is now done”** from paragraph 4), and the entire footnote from the directive.

Below are the two paragraphs in question, as revised.

Matter in brackets [] is to be removed, matter underlined is new.

3) The tape is to be marked by County, date, Part [,] and judge’s name, **[and beginning and ending time.]**

4) Any specific hearing [,] or trial [**or other matter**] on the record is to be additionally indicated on the tape, **[the tape box,]** the file and on the Judgment, if any, **[as is now done,]** by using the beginning and ending counter numbers, the name of the case and the index number.

A copy of DRP-112 as amended is attached. Please make note of the changes and replace the copy currently in your book with this amended one.

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Tape Recording of Proceedings in the
Housing Parts

Class: DRP-112
Category: LT-10
Eff. Date: Sept. 4, 1990
(Amended 3/20/91)

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BACKGROUND:

The New York City Civil Court Act, Section 110(k), allows the mechanical recording of hearings in the Housing Part of Civil Court. This practice is followed closely and there have been no complaints about the recording of hearings of trials. However, there is widely differing practice from judge to judge and from County to County as to what else is to be recorded.

POLICIES:

So as to avoid any possibility of error and to standardize procedures citywide, the following rules are to be implemented:

- 1) The recording device is to be “on” and recording during the time that the judge is on the bench;
- 2) The recording device is not to be turned “off” unless all sides to a controversy are represented by counsel and each agrees to it on the record. If any side appears pro-se, the recording device is not to be turned off under any circumstances;
- 3) The tape is to be marked by County, date, Part, and Judge’s name.
- 4) Any specific hearing or trial on the record is to be additionally indicated on the tape, the file and on the Judgment, if any, by using the beginning and ending counter numbers, the name of the case and the index number.

Dated: March 20, 1991

Jacqueline W. Silbermann
Administrative Judge

CIVIL COURT OF THE CITY OF NEW YORK

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the Housing Parts

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Clerks Procedures:

There is no change in the existing Clerks procedures. Clerks are cautioned to be sure that, after a hearing, trial, or other matter on the record, the tape number and the beginning and ending counter numbers are entered in the minute book. It is impossible to emphasize this too much.

Clerks are also reminded that the tape number and counter numbers should be written on the Judgment, if any. This will eliminate the need for a litigant seeking to review the record to go to the part, saving both the Clerk and the litigant time and effort.

Dated: Sept. 5, 1990

Jack Baer
Chief Clerk