

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Inquest in Writing
(22 NYCRR 208.32(b))

Class: DRP-128
Category: GP-40
Eff. Date: Sept. 14, 1992

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BACKGROUND:

22 NYCRR 208.32(b) allows inquests before the court to be taken by submission of proof either a) by oral testimony or b) by written statements of the witness.

The normal inquest procedure calls for a date to be assigned at the time that the notice of inquest is filed. Someone must appear on the designated date and either provide testimony or ask that the written statements be reviewed by the court. Access is limited to a maximum of five inquests on a given date.

At this time we wish to separate those inquests which will have oral testimony from those in which the testimony is to be provided in writing.

DIRECTIVE OF THE ADMINISTRATIVE JUDGE:

From now on an inquest in which proof is submitted by written statements of the witnesses is to be marked as follows by the submitting party:

**Notice of Inquest
Written Submission Pursuant to 22 NYCRR 208.32(b)**

Such a case is to be assigned to the judge assigned to hear inquests. No person need appear.

There will be a maximum of five inquests scheduled from any government agency or attorney for a given week.

The Chief Clerk is directed to advise all concerned staff.

Dated: September 14, 1992

Jacqueline W. Silbermann
Administrative Judge

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CLERKS PROCEDURES:

Following the directive of the Administrative Judge, the Clerk is advised as follows:

INQUEST IN WRITING:

1. Any Notice of Inquest in which the Plaintiff requests that the testimony be permitted in writing is to be clearly marked by the submitting party with the words:

**Notice of Inquest
Written Submission Pursuant to 22 NYCRR 208.32(b)**

2. Any Notice of Inquest received by the Clerk is to be reviewed to determine if there is such a request for testimony in writing.

3. No date is to be assigned to that Notice of Inquest. Rather, it is to be forwarded to the judge assigned to hear Inquests for the week following the submission, or later if so directed by the Supervising Judge of the County.

4. The Clerk is not to schedule more than five Inquests in Writing from each governmental agency or Plaintiff for submission to a judge per week. If more than five are filed, the Clerk is to assign five for the following week, five for the next following week, etc., as required by the workload.

5. All necessary affidavits pursuant to 22 NYCRR 208.32(b) are to be attached to the Notice of Inquest.

ALL OTHER INQUESTS:

6. Any Inquest not marked in the way indicated in ¶ 1 above is to be treated as an Inquest in which oral testimony will be presented. Such Inquests shall be assigned a date for court as has been done in the past.

7. All actions prosecuted by Plaintiffs in person will require an oral inquest.

AFTER-INQUEST PROCEDURE:

8. The after-Inquest procedure is not being changed at this time.

Dated: September 15, 1992

Jack Baer
Chief Clerk