

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Judgments, Complex, Assistance to
the Clerk in Determining Details

Class: DRP-117
Category LT-20
Eff. Date Mar. 20, 1991

MEMORANDUM

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On March 20, 1991 we instituted a new policy regarding the determination of amounts in complex Landlord/Tenant judgments. Because we were less than artful in our choice of words, a certain misunderstanding has arisen regarding the responsibility of the Judge in determining the exact amount of the award.

Below is the policy in question, with Paragraph a) as revised. **Matter in brackets [] is removed, matter underlined is new.**

POLICY:

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

In any decision where the award is complex, the Judge must either:

a) specify the amounts awarded to the parties **and the date from which interest, if any, is to be computed** [, the amount of interest and any other awards, and total them for the Clerk].

Or, in the alternative,

b) order the parties to “settle judgment.” In this instance the parties will submit their proposals to the Judge, who will then accept one. Since the Judgment will include the total awards, the Clerk can then either enter that Judgment or prepare the proper form for the Judge’s signature.

A copy of DRP-117 as amended is attached. Please make note of the changes and replace the copy currently in your book with this amended one.

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(Amended 4/19/91)

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BACKGROUND:

Landlord and Tenant litigation has become very complex in the last few years. We now have litigation, especially in commercial cases, where the decisions include interest, added fees, taxes, etc.

The Civil Court Act, section 1401, requires that the Clerk prepare the Judgment in a summary proceeding to recover real property. This procedure is normally followed by having the Clerk read the decision and fill out the proper Judgment form.

When the decision outlines the award clearly, this does not create a problem. However, where a decision does not outline the award clearly, or when the amounts to be figured out are very complex, this puts an extra burden on the Clerk. We have already addressed this issue to some degree in DRP-111.

POLICY:

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

In any decision where the award is complex, the Judge must either:

a) specify the amounts awarded to the parties **and the date from which interest, if any, is to be computed.** The Clerk may then prepare the Judgment.

Or, in the alternative,

b) order the parties to "settle judgment." In this instance the parties will submit their proposals to the Judge, who will then accept one. Since the Judgment will include the total awards, the Clerk can then either enter that Judgment or prepare the proper form for the Judge's signature.

Dated: April 19, 1991

Jacqueline W. Silbermann
Administrative Judge