

**CIVIL COURT OF THE CITY OF NEW YORK**

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**Legal/Statutory Memorandum**

Subject: Power of Attorney

Class: LSM-139

Category: GP-10

Eff. Date: Oct. 1, 1996

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The issue of a litigant appearing in the Civil Court for the purpose of beginning an action, answering, or seeking an order to show cause on behalf of a person from whom s/he holds a power of attorney has recently become common. Please see the General Obligations Law, Section 5-1502H, attached. This section permits a person holding a power of attorney to execute a number of functions including starting or answering an action.

However, all powers of attorneys have limitations. When a person attempts to use the power of attorney, please examine it to see if the activity sought to be performed is permitted. In addition, we will require that the litigant submit to us a copy of the power of attorney to place with the summons, answer, etc.

A person holding a power of attorney sues on behalf of the person from whom the power is held. As such, the person sues or answers, etc. on "behalf of" that person. The caption, must, therefore be "A by B, Plaintiff v. C, Defendant. Where A is the party and B is the holder of the power of attorney. Likewise, in an answer, order to show cause, etc., the person must sign A by B.

A person who so sues is the agent for service for the plaintiff and is subject to service of answers, orders to show cause, motions, etc. Therefore, the person with power of attorney must supply the Court with his/her name and residence address for the purpose of service of any papers.

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Date

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Jacqueline Silbermann  
Administrative Judge