

STATE OF NEW YORK
UNIFIED COURT SYSTEM
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A. GAIL PRUDENTI
Chief Administrative Judge

JOHN W. McCONNELL
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MEMORANDUM

April 19, 2012

TO: All Interested Persons

FROM: John W. McConnell, Esq.

SUBJECT: Proposed amendments of Request for Judicial Intervention Forms

The Administrative Board of the Courts seeks public comment on proposed amendments of the following Request for Judicial Intervention (RJI) forms:

RJI Form (UCS-840) (Exhibit B)
RJI Addendum (UCS-840A) (Exhibit C)
Foreclosure RJI Addendum (UCS-840F) (Exhibit D).

A summary of the proposed RJI revisions is attached (Exhibit A).

Persons wishing to comment on this proposal should send their submissions by email to OCAamendedRJComments@nycourts.gov or by regular mail to John W. McConnell, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York 10004. The text of the proposed revisions and other explanatory materials can be obtained at www.nycourts.gov/rules/comments/.

Comments must be received no later than June 4, 2012.

EXHIBIT A

Proposed RJJ Revision Summary (02/22/2012)

I. Request for Judicial Intervention (UCS-840)

- **Revisions to Nature of Action or Proceeding section:**
 - ***Remove "Uncontested Matrimonial"***

An abbreviated version of the RJJ form (UD-13) has been promulgated as part of the UCS's uncontested divorce forms packet to be used exclusively for uncontested divorce actions. This obviates the need for the uncontested divorce action type on the primary RJJ form. Removing it from the primary RJJ will serve to alleviate confusion for both attorneys and unrepresented litigants by making the intent and purpose of the UD-13 and UCS-840 mutually exclusive as regards matrimonial actions.
 - ***Mortgage Foreclosure (specify): Residential or Commercial***

Amend the Foreclosure action type as "Mortgage Foreclosure" to distinguish foreclosures filed for a default on a mortgage from those filed for outstanding tax liens (i.e. Tax Foreclosure). Additionally, for Mortgage Foreclosures, filers shall specify if the subject property is residential or commercial to achieve the following distinctions for judicial assignment and scheduling of mortgage foreclosure actions: 1) Residential-conference eligible, 2) Residential-not conference eligible and 3) Commercial.

NOTE: The instructions require the filing of the Foreclosure RJJ Addendum for residential mortgage foreclosures that meet the statutory property type criteria (i.e. 1-4 family, owner-occupied, residential property or condominium). If "Residential" is checked, the presence or absence of the Foreclosure RJJ Addendum shall preliminarily determine eligibility/ineligibility for a mandatory residential mortgage foreclosure settlement conference.
 - ***Tax Foreclosure***

Add a "Tax Foreclosure" action type to distinguish foreclosures filed by taxing authorities for outstanding property tax liens from foreclosures filed by lenders for mortgage defaults.

NOTE: Tax foreclosures do not qualify for mandatory residential mortgage foreclosure settlement conferences even if they meet the statutory property type criteria.
- **Revisions to Status of Action or Proceeding section:**
 - ***Has a summons and complaint or summons w/notice been served? Y/N If yes, date served ___/___/___***

Add a question and date field indicating service of a summons and complaint or summons with notice. This information is critical in determining whether scheduling of preliminary conference is appropriate. Also, it is particularly relevant in matrimonial actions for determining if the RJJ has been filed within 45 days of service of the pleadings as required in 22 NYCRR 202.16(d).
- **Revisions to Parties section:**
 - ***For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the RJJ Addendum.***

Reverse the order of the two sentences in the instruction, and amend the language in the first sentence from "in "Attorneys" space" to "in space provided."
 - ***Attorneys and/or Unrepresented Litigants***

Amend column heading to include unrepresented litigants, underscoring the fact that contact information for unrepresented litigants should be provided in this column.
 - ***For unrepresented litigants, provide address, phone number and e-mail address.***

Enhance the instruction to include the contact information to be provided for unrepresented litigants.

II. Request for Judicial Intervention Addendum (UCS-840A)

- **Revisions to Parties section:**

- ***Attorneys and/or Unrepresented Litigants***

In conformance with proposed revisions to the primary RJJ form, amend column heading to include unrepresented litigants, underscoring the fact that contact information for unrepresented litigants should be provided in this column.

- ***For unrepresented litigants, provide address, phone number and e-mail address.***

In conformance with proposed revisions to the primary RJJ form, enhance the instruction to include the contact information to be provided for unrepresented litigants.

III. Foreclosure Request for Judicial Intervention Addendum (UCS-840F)

- ***Removal of loan type data fields***

Remove the loan type data collection fields since it is no longer a statutory eligibility criterion for a residential mortgage foreclosure settlement conference.

EXHIBIT B

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2012)

COURT, COUNTY OF _____

Index No: _____ Date Index Issued: ____/____/____

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

For Court Clerk Use Only:	
IAS Entry Date	
Judge Assigned	
RJI Date	

Plaintiff(s)/Petitioner(s)

-against-

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATRIMONIAL <input type="checkbox"/> Contested <input type="checkbox"/> Uncontested NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum .	COMMERCIAL <input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurer is a party, except arbitration) <input type="checkbox"/> UCC (including sales, negotiable instruments) <input type="checkbox"/> Other Commercial: _____ (specify) NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum .
TORTS <input type="checkbox"/> Asbestos <input type="checkbox"/> Breast Implant <input type="checkbox"/> Environmental: _____ (specify) <input type="checkbox"/> Medical, Dental, or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability: _____ (specify) <input type="checkbox"/> Other Negligence: _____ (specify) <input type="checkbox"/> Other Professional Malpractice: _____ (specify) <input type="checkbox"/> Other Tort: _____ (specify)	REAL PROPERTY: How many properties does the application include? _____ <input type="checkbox"/> Condemnation <input checked="" type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum . <input type="checkbox"/> Tax Certiorari - Section: _____ Block: _____ Lot: _____ <input checked="" type="checkbox"/> Tax Foreclosure <input type="checkbox"/> Other Real Property: _____ (specify)
OTHER MATTERS <input type="checkbox"/> Certificate of Incorporation/Dissolution [see NOTE under Commercial] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other: _____ (specify)	SPECIAL PROCEEDINGS <input type="checkbox"/> CPLR Article 75 (Arbitration) [see NOTE under Commercial] <input type="checkbox"/> CPLR Article 78 (Body or Officer) <input type="checkbox"/> Election Law <input type="checkbox"/> MHL Article 9.60 (Kendra's Law) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial) <input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review) <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene: _____ (specify) <input type="checkbox"/> Other Special Proceeding: _____

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date filed: ____/____/____
Has a summons and complaint or summons w/notice been served?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date served: ____/____/____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, judgment date: ____/____/____

NATURE OF JUDICIAL INTERVENTION:

Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: ____/____/____
- Notice of Motion Relief Sought: _____
- Notice of Petition Relief Sought: _____ Return Date: ____/____/____
- Order to Show Cause Relief Sought: _____ Return Date: ____/____/____
- Other Ex Parte Application Relief Sought: _____ Return Date: ____/____/____
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): _____

RELATED CASES:

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: ____/____/____

SIGNATURE

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME

EXHIBIT C

Request for Judicial Intervention Addendum

_____ COURT, COUNTY OF _____

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
Un-Rep	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

EXHIBIT D

FORECLOSURE Request for Judicial Intervention Addendum

_____ COURT, COUNTY OF _____

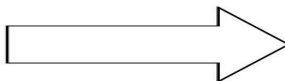
INDEX NO. _____

For use in ALL mortgage foreclosure actions where the property is: (check if applicable)

1. A one- to four-family owner-occupied residential property

OR

2. An owner-occupied condominium



Instructions

If # 1 or # 2 is applicable:

- Select "Residential Mortgage Foreclosure Settlement Conference" as the Nature of Judicial Intervention on the RJL.
- The Defendant/Respondent Information section below **MUST** be completed for all defendants and attached to the RJL.

DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. Attach additional sheets as necessary.

1. Last Name: _____ First Name: _____ Primary Phone: (____) _____ - _____ Secondary Phone: (____) _____ - _____

Address: _____ (Street Address) _____ (City) _____ (State) _____ (Zip) e-mail: _____

Comments: _____ 90-day Notice [RPAPL § 1304(1)] mailed on: ____/____/____

2. Last Name: _____ First Name: _____ Primary Phone: (____) _____ - _____ Secondary Phone: (____) _____ - _____

Address: _____ (Street Address) _____ (City) _____ (State) _____ (Zip) e-mail: _____

Comments: _____ 90-day Notice [RPAPL § 1304(1)] mailed on: ____/____/____

3. Last Name: _____ First Name: _____ Primary Phone: (____) _____ - _____ Secondary Phone: (____) _____ - _____

Address: _____ (Street Address) _____ (City) _____ (State) _____ (Zip) e-mail: _____

Comments: _____ 90-day Notice [RPAPL § 1304(1)] mailed on: ____/____/____

4. Last Name: _____ First Name: _____ Primary Phone: (____) _____ - _____ Secondary Phone: (____) _____ - _____

Address: _____ (Street Address) _____ (City) _____ (State) _____ (Zip) e-mail: _____

Comments: _____ 90-day Notice [RPAPL § 1304(1)] mailed on: ____/____/____

5. Last Name: _____ First Name: _____ Primary Phone: (____) _____ - _____ Secondary Phone: (____) _____ - _____

Address: _____ (Street Address) _____ (City) _____ (State) _____ (Zip) e-mail: _____

Comments: _____ 90-day Notice [RPAPL § 1304(1)] mailed on: ____/____/____

ATTENTION: Proof of service must be filed with this RJL for each defendant upon whom a summons and complaint or summons with notice has been served. [CPLR § 3408]