

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Notice of Trial Fee

Class: LSM-138
Category: AD-40.3, GP-10
Eff. Date: Oct. 1, 1996

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Chapter 309 of the Laws of 1996 amends subdivision (a) of section 8020 of the civil practice law and rules. See attached.

This amendment requires that in a case in Supreme Court in which an RJI has been filed a further fee for placing the case on the Supreme Court calendar (a Notice of Issue fee) be charged. Our procedure has been to not charge for filing a Notice of Trial if an RJI fee had been paid in Supreme Court in cases transferred to Civil Court under CPLR § 325, Since payment of an RJI fee is no longer sufficient to put a case on the calendar in Supreme Court, our procedure must change.

From now on when a Note of Issue has not been filed in Supreme Court and the case is transferred to the Civil Court following CPLR § 325, a Notice of Trial must be filed and the appropriate fee paid before the case is placed on the calendar.

If the case is transferred after the Note of Issue was filed, whether it was paid for or not, we will treat the Note of Issue as the Notice of Trial, charge no fee, and place the case on the calendar for trial or inquest.

Date

Hon. Jacqueline Silbermann
Administrative Judge