

SUPREME COURT, CIVIL BRANCH
New York County
60 Centre Street, New York, N.Y. 10007

HELP CENTER
Room 116
646-386-3025

How to File a Request for Judicial Intervention

Note: All persons involved in a lawsuit should consult an attorney. This office gives you information, forms and instructions on court procedures. As an office of this court, we cannot give legal advice or act as your advocate.

Although a law suit begins upon filing with the County Clerk of a **summons with notice** or **summons and complaint**, or, in the case of a **special proceeding**, a **petition**, the matter has not yet entered the court system and is not known to the court or a Justice. This will happen when a party files a “Request for Judicial Intervention Form” (referred to as an RJI), pays the fee, and asks the court to take some immediate action in regard to the matter.

A special proceeding, because of its particular nature, will have to come into court promptly. However, a civil action brought on by summons and complaint or summons with notice can proceed for a considerable time, even for years, before judicial intervention becomes necessary and before the case actually comes to court. The initial documents containing allegations and responses in a civil action, the **complaint** and **answer**, set the frame of the dispute; some additional action is required to bring the dispute to a head, or to put the plaintiff to his or her proof before the court or a jury. In contrast with the practice in Federal and other courts, in New York cases are litigated between the parties until some dispute arises or the case otherwise requires action by a judge. Only then does the case come into court. The RJI is the mechanism that leads to the assignment of a Justice to the case. This is done randomly. Once the case is assigned, all future proceedings in the case take place in front of the same Justice (unless the Justice leaves the court or is reassigned to a different category of case).

A point at which many cases first come before the court is upon the making of certain kinds of **motions**, such as a motion to dismiss or a motion for summary judgment. (A motion is a form of application within a case for some form of relief. The kinds of motions available are set forth in the Civil Practice Law and Rules). A case may also come into court if a party wishes a conference before the Justice for the purpose of setting dates for the completion of information exchange (called “discovery”). If the case does not come before the court for these reasons, the plaintiff may, at an appropriate time, cause the case to be placed on the trial calendar. Until the case is placed on the trial calendar, it can never be called for trial.

However, the case first comes to court, an RJI is required to be filed at the first appearance of the case in court. Only one RJI is filed in a case.

A party wishing to file an RJI must have some purpose for which the intervention of a Justice is required. The principal purposes are to obtain a conference, to make a motion, to bring on a special proceeding, and to place the case on the trial calendar. Each of these objectives requires the filing of a paper or papers. Before the court can accept such filing, the applicant must present an RJI. The form must be completed and signed by the filing party.

A copy must be served upon all other parties to the case with the papers to which the RJI relates. The RJI must be paid for in the cashier's office of the County Clerk (Room 160 or Room 141B). The cost for an RJI is \$95. The County Clerk will issue a receipt for the RJI. This, together with an original and a copy of the RJI itself, must be presented to the back office of the court in which the applicant's papers are to be filed.