

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

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**Civil Court Directive**

Subject: Jury Demands in Cases Set  
for Arbitration

Class:           DRP-127  
Category:       GP-40, GP-50  
Eff. Date:       Dec. 17, 1991

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**DIRECTIVE OF THE ADMINISTRATIVE JUDGE:**

**BACKGROUND:**

Up until October 1, 1991, any case for money only for less than \$10,000 was assigned to the Arbitration Program (22 NYCRR Part 28). It was the practice in Civil Court to not accept jury demands nor jury fees at the time of the filing of Notices of Trial in those cases as they would be sent to Arbitrators for alternative dispute resolution. A jury demand and the appropriate fee was accepted only when there was a demand for a Trial De Novo.

Due to the cancellation of the Arbitration Program and the later order assigning these cases back to the general Civil Court calendar as of December 2, 1991, a number of cases on which jury demands could have been filed but were not due to our procedure are scheduled to be calendared. In order to not deprive the litigants of their right to a jury trial, the following procedure is to be followed:

**POLICY:**

A litigant on any case on which a Notice of Trial was filed prior to December 2, 1991, which was or would have been assigned to the Arbitration Program and which, because of the budget cuts, was placed on a reserve calendar, will be allowed to file a jury demand within ten (10) days of the day on which the case is first called on the calendar.

The Chief Clerk is hereby directed to devise a procedure, to advise all concerned staff and to provide a system for notification to all affected litigants of this new policy.

Dated: December 17, 1991

Jacqueline W. Silbermann  
Administrative Judge

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**CHIEF CLERK'S PROCEDURES:**

In accordance with the directive of the Administrative Judge, the Civil Court Clerks are advised as follows:

1) Calendar Clerks. Any case which was or would have been sent to Arbitration, and which was noticed for trial prior to December 2, 1991, is eligible for placement on the jury calendar. The demand must be made in writing and filed with the Clerk within ten days of the first date that the case is placed on the calendar. At the time that the demand is filed, the jury fee must be paid. The jury demand is to be served on all other parties to the action and is to have an affidavit of service attached.

2) Part Clerk. The Clerk in the calendar part is to make the following announcement prior to all calendar calls for cases which were or would have been sent to Arbitration but which are not being called as regular cases:

“Due to the cancellation of the Arbitration Program in Civil Court the following cases, which were or would have been sent to arbitration are eligible for the filing of a jury demand. Such jury demand must be filed within 10 days of the first appearance of the case on this calendar, that is, within ten days of today. The jury demand, with the appropriate fee, must be filed with the Calendar Clerk.”

3) A copy of this directive is to be posted in the Calendar Clerk's Office and in the Calendar Part so as to ensure that all litigants can be advised of this procedure.

Dated: December 17, 1991

Jack Baer  
Chief Clerk