

CIVIL COURT OF THE CITY OF NEW YORK

Legal/Statutory Memorandum

Subject: Poor Persons Represented by
Pro Bono or Legal Services Attorney

Class: LSM-118
Category: AD-40.3
Eff. Date: Sept. 1, 1992

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Based upon an amendment to the CPLR, granting of poor person status has been expanded so that, in addition to the use of the current procedure utilizing an Affidavit by the poor person (CIV-GP-15), certain pro bono or legal services programs may now submit an Affidavit, based upon a determination made by the service provider as part of its initial screening, certifying that its client is eligible for a waiver of court costs and fees due to inability to pay.

Chapter 216 of the Laws of 1992 amends CPLR §1101 effective July 1, 1992 as follows:

CPLR §1101 (e) When motion is not required. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization, which has as its primary purpose the furnishing of legal services to indigent persons, or by private counsel working on behalf of or under the auspices of such society or organization, all fees and costs relating to the filing and service shall be waived without the necessity of a motion and the case shall be given an index number or, an appropriate filing number, provided that a determination has been made by such society, organization or attorney that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that an attorney's certification that such determination has been made is filed with the clerk of the court along with the summons and complaint or summons with notice or third-party summons and complaint or otherwise provided to the clerk of the court.

Dated: September 1, 1992

Jacqueline Silbermann
Administrative Judge