

CIVIL COURT OF THE CITY OF NEW YORK

CHIEF CLERK'S MEMORANDUM
Subject: Consumer Credit Answer Procedure

Class: CCM-177
Category: GP-10
Eff. Date: January 5, 2009

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BACKGROUND

The number of filings of consumer credit transactions has increased dramatically over the last few years. Given the current economic environment we can expect these numbers to continue to rise. To address the needs of the self represented users of our court we have designed two new consumer credit answer forms and developed a new answer procedure.

DIRECTIVE

The five answer forms currently in use in New York City Civil Court are:

CIV-GP-58a Oral Answer Consumer Credit Transaction

This form is used by the clerk to transcribe the defendant's answer when a defendant on a Consumer Credit action comes into court in person to answer a summons.

CIV-GP-58b Written Answer Consumer Credit Transaction

This form is given to the defendant to fill out when the defendant chooses to file a written answer in Consumer Credit actions.

CIV-GP-58c Oral Answer Money Only

This form is used by the clerk to transcribe the defendant's answer when a defendant on an action for a sum of money only comes into court in person to answer a summons (other than Consumer Credit actions).

CIV-GP-58d Written Answer Money Only

This form is given to the defendant to fill out when the defendant chooses to file a written answer in an action for a sum of money only.

CIV-GP-58e Self Represented Written Answer

This form is given to the defendant to fill out to answer a summons for any action, other than Consumer Credit actions and actions for money only.

When a self represented defendant appears in court to answer a consumer credit transaction summons, and does not request to answer in writing, the clerk is to transcribe the defendant's oral answer on to the CIV-GP-58a form and annex it to the court file, CCA § 902 (a) (2).

When a self represented defendant appears in court to answer a summons where the plaintiff's cause of action is for a sum of money only and does not request to answer in writing, the

clerk is to transcribe the defendants oral answer on to the CIV-GP-58c form and annex it to the court file, CCA § 902 (a) (2).

When the clerk receives either an oral answer or an answer in writing the clerk shall follow the procedure set forth in the attached Answer Procedure and promptly mail a copy of the answer to the plaintiff or plaintiff's attorney. Window envelopes have been provided for this purpose.

Please see attached Self Represented Answer Procedure.

1/05/09

Date

/s/

Jack Baer
Chief Clerk