

CPLR ARTICLE 11:  
PAUPERS.

Copyright 2007, Yosef Seigel. MAY BE FREELY DISTRIBUTED.

Parties may MOTION for permission to proceed as a POOR PERSON in any court where action triable, or any court where APPEAL may be taken,.

APPELLATE COURTS receiving such motion shall hear it, and **NOT** “remand” the motion to the trial court.

The Court may require the moving party to file Certification by an Attorney examining the party’s situation that the motion is with merit.

Motion to proceed as POOR PERSON shall be on NOTICE to parties **IF** an action has already commenced.

Requirement of motion WAIVED for Legal Aid Society (or other such organizations), provided that the Attorney files a “Certificate of Determination”.

INMATES may pay a REDUCED FILING FEE as determined by the court, not less than \$15 nor more than \$50 (and in no event greater than the regular fee for that specific action).

In the case of inmates, the court **SHALL** obtain a *certified* “TRUST FUND ACCOUNT STATEMENT” from the prison, covering the 6 month period prior to filing.

This section covering inmates does **NOT** apply to ARTICLE 78 proceedings regarding certification of jail time credit.

POOR PERSON APPEAL: the CLERK notifies the STENOGRAPHER within 2 days of filing the order. The STENOGRAPHER prepares and certifies 2 typed transcripts, and delivers 1 to the appellant or their attorney, and 1 to the CLERK, along with an AFFIDAVIT so attesting. The cost shall be borne by the county; or NYC.

POOR PERSON is otherwise entitled to ONE transcript during the proceeding of the action when not on appeal.

POOR PERSON APPEAL: Party allowed to submit TYPED BRIEFS, with 1 *legible* copy for each Justice.

POOR PERSONS pay no court FEES unless they RECOVER money on the suit.

Monies RECOVERED on behalf of a POOR PERSON are paid to the clerk of court; and shall **NOT** be distributed thereby, except on ORDER.