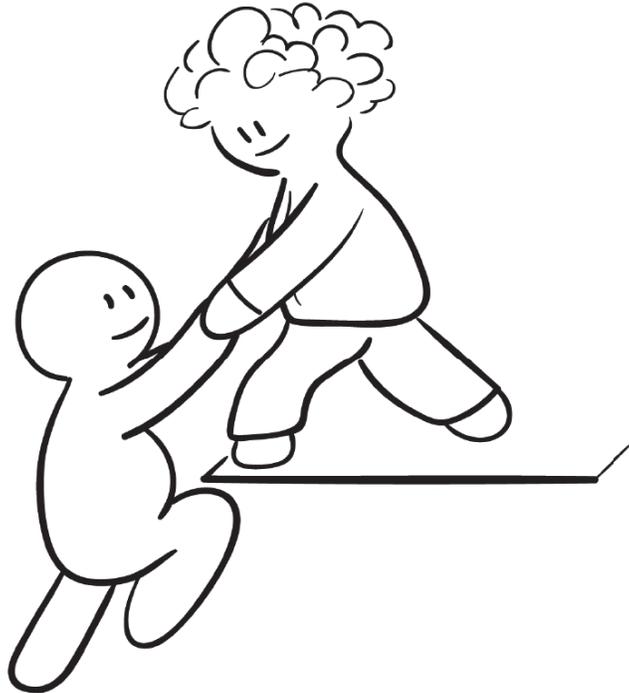


Exhibit B

**The American Justice Movement
Consumer Rights Project**



**Justice Advocate Training Guide
New York City**

Introduction

Congratulations on joining the American Justice Movement (AJM) as a Justice Advocate!

This guide will introduce you to our mission, code of conduct, disciplinary infrastructure, and values. This guide will also train you on how to provide limited scope, free legal advice in debt collection defense cases in New York, outline your exact responsibilities as a Justice Advocate, and explain the limitations of your role.

I. Your Obligations as a Justice Advocate

As a member of the American Justice Movement, you will have the ability to help low-income Americans access their civil legal rights by providing free legal advice even if you are not a lawyer.

In order to do so, you must meet the following criteria:

1. You accept the attached “Justice Advocate Affidavit” (Exhibit A) and agree that you are participating in the American Justice Movement for the purpose of helping low-income New Yorkers access their legal rights for free. **You must fill out and return your Justice Advocate Affidavit to the American Justice Movement, attend a virtual training, and be approved by the American Justice Movement before you can provide any advice.**
2. Your assistance is provided free of charge to the person you are helping and you don’t request or require any compensation from them, their family, or their friends.
3. Before providing any advice, you must make clear to people receiving your advice that even though you are providing them with free legal advice, not merely clerical assistance, you are not a lawyer and that the advice you can provide is limited in scope.
4. You provide free legal advice only in responding to a debt collection lawsuit in New York, and only in the manner and circumstances described in the Training Guide.

Additionally, you must comply with the following requirements—which are similar to those followed by lawyers providing pro bono advice:

- *Conflicts of Interest:* Justice Advocates must comply with Rules 1.7, 1.8, and 1.9 of the New York State Rules of Professional Conduct as though the Justice Advocate were acting as a lawyer, if the Justice Advocate has knowledge at the time of the representation that the representation involves a conflict of interest.

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- *Informed consent*: Justice Advocates must secure the client’s informed consent to the limited scope of the representation—all decisions must be made in the client’s best interest.
- *Confidentiality*: The representation provided through AJM must comply with the confidentiality requirements set out in Rule 1.6 of the New York State Rules of Professional Conduct.

If you violate any of these rules, your membership in the American Justice Movement will be terminated and you may face the risk of prosecution for the unauthorized practice of law. Additionally, if you provide unlawful or fraudulent advice, you may also face liability under various other consumer-protection laws governing, for example, fraud or false advertising.

II. Introduction to Debt Collection Defense

Nearly 4 million individuals every year are sued for their debt, mostly by businesses, including third-party debt buyers, payday lenders, subprime auto-lenders, hospitals for medical debt, for-profit colleges, etc.

The vast majority of these lawsuits are for amounts that are less than \$10,000 and the vast majority of defendants – over 90% by many estimates – receive no legal advice in their cases. As a result, most people who face debt collection actions receive default judgments – they lose their lawsuits without courts considering any facts at all. And when people have counsel, they often prevail or reduce the amount owed. Together, this means that the lack of access to counsel forces many defendants to pay debts they do not owe, or to pay more than they owe. Debt collection judgments can cause adverse consequences, like wage garnishment, levied bank accounts, liens on their homes, automobile repossession, and damage to credit. This gap in access to justice is particularly problematic in New York where, by some estimates, 97% of consumer debt litigants are unrepresented. Moreover, money judgments in New York accrue interest at 9 percent per year and are enforceable for 20 years.

As a Justice Advocate of the American Justice Movement, you will be responsible for helping address this civil rights crisis.

Steps in a Debt Collection Lawsuit

1. Before a debt collection lawsuit is filed, a consumer must default on a debt, *i.e.* miss one or more payments to their original creditor. The creditor themselves, or a debt buyer, may then engage in communication in an attempt to collect the debt or may file a lawsuit.
2. The plaintiff files a complaint and serves the defendant.

3. The defendant is required to respond to the complaint, such as by filing an answer, for which New York State provides a standard, fill-in-the-black form. **(This is where you will be providing free legal advice.)**
4. If the defendant fails to respond, the plaintiff can obtain a default judgment and seek to collect on the debt. If, however, the defendant answers the complaint, the plaintiff is required to prove their case. (While this Training Guide does not allow you to provide advice beyond advising the client how to answer, there are additional resources, including those attached as Exhibit E, to help the client represent themselves for issues outside the scope of your assistance.)

III. Your Role: Providing Advice on Answering the Complaint

Step 1: Determine whether the client could benefit from your advice

- This Training Guide is designed to empower you to assist only clients who are defendants in a debt collection lawsuit in New York Civil Court.
- New York offers a simple check-box form to assist people in filing an answer, but many people do not know it exists, do not know how to fill it in, and fail to submit it. You can help people protect their rights using this simple form.
- Before you can help a client, you will first need to determine whether they are within the limited category of people who can benefit from the advice you can provide.
- To confirm that a potential client is eligible for your services, please confirm that they have been served with a Summons and/or Complaint in New York Civil Court and that they have not yet answered their lawsuit or filed an answer on their own but are interested in filing an updated or amended answer with your help.
 - If the client's papers reflect that they have been sued in Supreme Court, please let them know that you are unable to advise them and direct them to the alternative resources in Exhibit D.
 - If the client explains that the lawsuit involves their failure to pay child support, please let them know that you are unable to advise them and direct them to the alternative resources in Exhibit D.
- If the client has already received a default judgment, you should advise them that they may be able to have that judgment vacated but that you cannot advise them how to do so and they should consider contacting other resources for free legal assistance, including those listed in Exhibit D.
- If a client is not sure what stage their case is at, you should advise them to visit the courthouse website or records office to determine the status of their case.

Step 2: Confirm limited scope of representation with client

- Once you have confirmed that a potential client has a debt collection lawsuit that they have not answered or already answered on their own but want to amend, you should inform them that you can provide them with free legal advice about how to answer their lawsuit.
- You should tell the client that you cannot help them outside of that narrow advice, but that answering their lawsuit can make a big difference in their case, by requiring the creditors to prove their cases using admissible evidence.
- You should tell the client that you will be providing your advice for free and for the purpose of helping them access their legal rights and thereby increasing access to justice.
- Finally, before advising the client, you should have them read and sign the **User Agreement**, which is attached to this Training Guide as Exhibit B.
- You must also input yours and the client's information on the **American Justice Movement Website Web-Form** (accessible at <https://www.americanjusticemovement.org/tracking-form>), which tracks all advice-giving encounters and allows us to follow up with clients to confirm that the advice they received is fully consistent with the terms of this guide.

Step 3: Advise the client how to answer their lawsuit

- Showing up is often half the battle in debt collection cases. Debtors should therefore answer the complaints filed against them and assert their rights. In cases where the plaintiff is not the original creditor, they may not have the proof to make even a basic case that they have the right to collect the debt they are suing on.
- If the client has not yet filed an answer, you should advise them that it is in their interest to file an answer.
- Ordinarily, a defendant has either 20 or 30 days from when they are served to file an answer, depending on how they were served.¹ But you should advise clients that they should answer their lawsuits even if that deadline has elapsed.
- To file an answer, explain to the client that New York provides a simple form. Provide them a copy of the form (attached as Exhibit C), and tell them you will help them fill out their answer form by asking them a series of questions about their debt.
- Tell them they will need to file their answer in the clerk's office of the appropriate court, which they can find out by checking the court's website.
 - There may be alternative options that allow the client to file the answer by mail, email, or over the phone, but these options are generally temporary (due to

¹ If the defendant was personally serviced, they have 20 days, and if they were served by mail or service was made on another, they have 30 days.

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COVID) and vary from court to court. But you can suggest to the client that they call the court to find out if they have alternative options to going in person.

- Before you ask the questions below and advise the client how to fill out their answer form, be sure to provide the client with a copy of the form attached as Exhibit C.
- Ask the client the following series of questions and follow the guidelines below to direct them how to fill out the answer form. You should let the client know that this may take 15-20 minutes but that they should be patient and that it will be worthwhile for them to answer the complaint.
- Where the guidelines below are unclear, apply your best judgment to the answer the client provides to determine whether you think their description satisfies the requirements for a particular defense. If you are not still sure of whether a specific defense applies to the client's case, you should err on the side of telling the client to check the box to make sure they don't lose the opportunity to raise that defense, but you should advise the client to determine whether they have any documents or other information they can use to back up their claim.
- Note that the client may end up checking more than one box on the form.
- **Questions for advising a client on how to fill out their answer form:**
 - 1. "Do you deny the allegations in the Complaint?"
 - Unless the client tells you that they agree with every statement in the complaint, they should check this box.
 - You should advise the client to check this box in most cases, as there is usually at least one statement in the complaint that they dispute. They may dispute the identity of the debt buyer, creditor, exact dollar amount down to the penny, account number, their stated residence or any other information in the complaint.
 - 2, 3. "Did you or somebody close to you receive a copy of the Summons and Complaint? Was it properly served within 120 days of the complaint being filed? There are only three ways for the complaint to be properly served, either (1) it was delivered personally to you, (2) it was delivered to another person of appropriate age at your home or work who can be trusted to get it to you and mailed to you within 20 days, or (3) it was attached to the front door of your home or work at separate times on three different days and was mailed to you within 20 days. If you were served any other way, even if it was slightly different, you were not properly served."
 - If they did not receive the Summons and Complaint, advise the client to check box 2.
 - If the Summons and Complaint was not properly served, advise the client to check box 3.

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- Some additional common examples of improper service include being served on a Sunday or being served by the person suing you. More examples are described at [this link](#).
 - Please advise the client that if they want to challenge service, they will probably want to file a Motion to Dismiss. Tell them this is outside the scope of what you're able to advise them on, but may be a good option IN ADDITION to filing this answer. Whether to file a Motion to Dismiss is something for which you should advise the client to consult the resources listed in Exhibit D.
- 4. "Do you not owe this debt because it is not a debt you owe or you do not recognize the account number?"
 - If yes, advise the client to check box 4.
 - Remind clients that they should not check this box if it is a debt they co-signed on.
 - 5. "Have you already paid this debt or a portion of this debt, even if paid through a debt settlement company?"
 - If yes, advise the client to check box 5.
 - 6. "Do you dispute the amount of the debt alleged in the complaint?"
 - If yes, check box 6.
 - The client should check this box even if they dispute a small amount of the debt.
 - 7. "Is the person or company bringing this lawsuit not a name you recognize?"
 - If they do not recognize the name of the plaintiff, they should most likely check this box, as the plaintiff is most likely a debt buyer. Even if they recognize the original creditor, in most cases the debt buyer-plaintiff does not have proper proof of assignment or failed to serve required notice of assignment. A debt may have been sold several times and each assignee in the chain must provide proper proof and notice of assignment. If they do not recognize the plaintiff, advise the client to check box 7.
 - Unless the client tells you otherwise, you should advise the client to check this box in every case where the plaintiff is a debt buyer.
 - 8, 9. "If the person or company is not the original creditor, when you look online, at <http://www1.nyc.gov/site/dca/consumers/check-license.page>, does the person or company have a debt collector's license and include that license number in the complaint?" (If the plaintiff is the original creditor, you will not be able to use this defense.)

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- To the extent possible, please help the client look up the debt collector's information online.
 - If the plaintiff does not have a license, advise the client to check box 8.
 - If the plaintiff does not include the license number in the complaint, advise the client to check box 9.
 - Note that this defense may not apply in every part of New York State, but you should advise the client to check the box if it may apply.
- 10. "How long has it been since you last made a payment on this debt (even a small payment counts)? Or if you have never made a payment, how long has it been since you missed your first payment?"
- Whether or not the client should check box 10 depends on what type of debt it is:
 - If it is a consumer credit claim (like a credit card, private student loan, or personal loan), check box 10 if it has been more than 3 years.
 - If it is an auto loan or store credit card (e.g., Macy's or Sears cards), check box 10 if it has been more than 4 years.
 - If it is a cell phone debt, check box 10 if it has been more than 2 years.
 - And if it is a rent obligation, a medical debt, or tuition, check box 10 if it has been more than 6 years.
 - [After April 1, 2022, the statute on consumer credit claims (e.g., credit card, auto loan, private student loan, personal loans) will become 3 years.]
- 11. "Did you file for bankruptcy and list this debt in your bankruptcy forms and receive a discharge?"
- If yes, advise the client to check box 11.
- 12, 13. "Did your creditor sell whatever the property was that was securing this loan? For example, did your creditor already repossess your car that is the subject of this loan? If they did, did they sell it for a price that is less than you think the property is worth? And did you receive notice of the sale on paper with information of the sale within 10 days of the sale?"
- If the collateral was not sold, go on to 14.
 - If the collateral was sold but not for a fair price, advise the client to check box 12.
 - In most auto loan or lease-to-own cases, the collateral will not be sold at a commercially reasonable price due to the limited effort to publicize the auction. Client can look at <https://www.kbb.com/> to get an estimate of vehicle's value.

- If the collateral was sold and the client did not receive notice, advise the client to check box 13.

- 14. “Are the things the creditor could have done but didn’t do that would have helped minimize their loss? One common example is where a tenant leaves a lease early and the landlord delays in seeking an alternative tenant. It is landlord’s burden in court to prove that it took reasonable measures to mitigate damages.”
 - If the answer is yes, advise the client to check box 14.

- 15. “Is the amount demanded more than the amount you owe? The amount may be higher than the original debt due to interest and other charges, but the plaintiff cannot excessively delay to allow such amounts to unreasonably increase.”
 - If the amount demanded seems out of step with the amount owed, advise the client to check box 15.
 - You will likely advise clients to check this box in most cases, especially for clients who already checked box 6.

- 16. “Has the other side not dealt honestly and fairly with you? For example, has your creditor lied to you about your rights or about how to handle your debt?”
 - If yes, advise the client to check box 16.
 - You will likely advise clients to check this box in most cases.

- 17. “Was the agreement you signed very unfair in the first place? For example, was the interest rate your creditor charged much higher than the market rate for similar debts?”
 - If yes, advise the client to check box 17.
 - You will likely advise clients to check this box in most cases.

- 18. “Do you think the plaintiff waited too long to bring this case on purpose and it makes it that much harder for you to defend against it?”
 - If yes, advise the client to check box 18.

- 19. “Were you sued in a county outside of New York City where you do not live or work?”
 - If yes, check box 19-a, but if the suit was filed in Suffolk County, advise the client to check 19-b.

- 20. “Are you in the military?”
 - If yes, advise the client to check box 20.

- Being in the military may mean that the client can delay their case. If the client is in the military, advise the client to seek advice from a lawyer (or other resources described in Exhibit D to this Training Guide).
- 21. “Are there any other reasons you should not be held liable for this debt that you want to communicate to the court?”
 - If yes, check box 21 and advise the client to write the reasons in the blank or additional information they want to share with the judge (but advise the client not to include any information that might contradict any of the prior boxes they checked).
 - Some examples of additional reasons might be that the client did not have the capability to understand the original agreement they signed or if the client was under 18 years old at the time and did not have the consent of their parent or guardian.
- 22. “Is your only source of income one that may not be taken by creditors to satisfy judgments. This includes:
 - If you make less than \$450 per week after mandatory deductions (taxes, social security, Medicare), or
 - Supplemental Security Income (SSI), Social Security retirement, Social Security Disability, Public assistance (like TANF), Income earned while receiving SSI or public assistance, Disability of Workers’ compensation benefits, Veterans benefits, black lung benefits, Spousal or child support, Railroad retirement, Unemployment.”
 - If the client answers yes, advise the client to check box 22, and advise the client to write the source of their income in the blank on line 22.
- 23. “Counterclaims are claims that the client might be able to bring against the debt collector if the debt collector did something unlawful in connection with their attempts to collect the debt.”
 - If the client believes they may have a counterclaim, you should inform them that they would mostly likely be better off looking for a lawyer, including through some of the institutions in Exhibit D.
 - Some examples of a potential counterclaims include:
 - If the client has received two summonses in different cases for the same debt, or if the other side lied to the client about whether and when they would file a lawsuit, advise the client to check line 23 and write the dollar amount of damages the client suffered (or \$50 if the client has not suffered more than \$50 in harm) and, next to “Reason:” write “Unfair and Deceptive Business Practice under N.Y. General Business Law section 349” and a very brief description of the conduct.

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- Additionally, if the client has experienced inappropriate debt collection behaviors that violate the Fair Debt Collection Practices Act (“FDCPA”)², advise the client to check line 23, write \$1000 plus any monetary damages the client suffered, and, next to “Reason:” write “Fair Debt Collection Practices Act, 15 U.S.C. sections 1692a-o” and briefly describe the conduct. Some common examples of conduct by debt collectors that may violate the FDCPA include: contacting unrelated people (e.g., neighbors) about the debt; making harassing phone calls, using obscene language, or threatening violence; and making any false representations about the debt.
 - You should warn the client that they may have additional counterclaims that you are not equipped to help them with, but that these are common counterclaims that people in their situation sometimes have.
-
- Once you’ve directed the client how to fill out the answer form, tell them to (1) take the Answer form to the court clerk; (2) ask the court clerk to notarize the Answer; (3) ask for a copy of the notarized Answer to keep for their records; (4) ask the clerk about when they will be notified about their court appearance. Remind the client that they should do all of this as soon as possible and that they may be required to do so within 20 days of being served with summons, but that they should still answer even if they are late.
 - The location for bringing the answer to the court depends on which county the lawsuit is in:
 - Bronx: 851 Grand Concourse, Basement, Bronx, NY 10451; Go to Window 6 to request your file and then to Window 14 to answer.
 - Kings (Brooklyn): 141 Livingston St., Room 302, Brooklyn, NY 11201.
 - New York (Manhattan): 111 Centre Street, Room 118 Windows 7-10, New York, NY 10013.
 - Queens: 89-17 Sutphin Boulevard, Room 147, Jamaica, NY 11435.
 - Richmond (Staten Island): 927 Castleton Avenue, Basement, Staten Island, NY 10310
 - There may be other temporary options for filing the answer online or by phone, but these vary by court and the client should contact the relevant court to determine if there is an alternative to bringing the answer to the court in person.
 - You should advise the client that after they have answered they will be required to show up at the court either in-person or virtually through Microsoft Teams, and that they might receive more information about their court date through a postcard in the mail. Remind

² More details about the FDCPA and other laws that limit what debt collectors can say or do are available from the Consumer Financial Protection Bureau at <https://www.consumerfinance.gov/ask-cfpb/are-there-laws-that-limit-what-debt-collectors-can-say-or-do-en-329/>.



them that if they don't show up they can still lose their case, but encourage them that showing up is half the battle. Please also provide the client with the information in Exhibit E about "What happens next after you answer?"

If you cannot assist a client—for example, because they have not been served with a debt collection lawsuit or have already filed an answer in such a lawsuit—you should inform them that they require assistance you cannot provide and that they should consider contacting the resources listed in Exhibit D.

Ex. A – Justice Advocate’s Affidavit

In order to provide legal advice as part of the American Justice Movement, you must attest to the following:

- I am providing limited legal advice for the purpose of helping all Americans understand and access their legal rights and to increase access to the courts.
- I recognize that I am providing clients with legal advice and am not merely engaging in clerical non-legal assistance.
- I promise not to request or receive any compensation for the services I provide.
- I promise to adhere to the Training Guide provided by the American Justice Movement and to not provide legal advice on any other issue. I understand that if I provide legal advice outside the scope of the Training Guide, I may be engaged in the unauthorized practice of law and I understand the consequences of doing so.
- I promise to clearly and honestly communicate the limited nature of the service I can provide to all of the people who seek my legal advice.
- I promise to adhere to the obligations described below and promise to withdraw from any representation if there is any risk that it will not be in the client’s best interest:
 - *Conflicts of Interest*: Justice Advocates must comply with Rules 1.7, 1.8, and 1.9 of the New York State Rules of Professional Conduct as though the Justice Advocate were acting as a lawyer if the Justice Advocate has knowledge at the time of the representation that the representation involves a conflict of interest.
 - *Informed consent*: Justice Advocates must secure the client’s informed consent to the limited scope of the representation—all decisions must be made in the client’s best interest.
 - *Confidentiality*: The representation provided through AJM must comply with the confidentiality requirements set out in Rule 1.6 of the New York State Rules of Professional Conduct.
- I promise to abide by other consumer-protection laws, including protections against false advertising, fraud, and deceptive practices. See, e.g., New York General Business Law § 349 (“Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful.”).
- I recognize that if I fail to abide by these guidelines, I can be removed as a Justice Advocate and may face other penalties, including under laws governing the unauthorized practice of law.

Name

Phone number and/or email address

Signature

Date

Ex. B – User Agreement

Thank you for being a part of the American Justice Movement, an organization committed to ensuring that all Americans can exercise their right to provide and receive free legal advice for the purpose of expanding access to the courts.

This is an agreement between you and the American Justice Movement. It describes the terms of the project to provide you with free, limited legal advice and assistance. By signing this agreement, you acknowledge that you understand the limitations of the advice you are receiving and that you are receiving this advice for the purpose of asserting your own rights and expanding access to the courts.

Justice Advocates: The Justice Advocates who are offering you free legal advice are not lawyers and not employees of the court. They are volunteers who believe in the American Justice Movement’s mission to increase access to justice and are providing you with free advice to advance that goal.

Scope of Legal Advice: Justice Advocates are able to provide limited, free legal advice about whether and how to respond to your debt collection lawsuit based on the information you provide. You will still be required to represent yourself in your case and neither the Justice Advocates nor the American Justice Movement will represent you. Neither the American Justice Movement nor the Justice Advocates assume any liability regarding the outcome of your case.

Cost: All of the advice you receive will be provided for free. If the Justice Advocate asks you to pay anything in connection with this service, please notify the American Justice Movement immediately through the form on our website:

<https://www.americanjusticemovement.org/complaint-form>.

Duration and Follow-up: The advice the Justice Advisor provides is limited to this meeting. However, you acknowledge that the American Justice Movement may contact you in the future.

Limitations: The Justice Advocate may decline to provide you with advice if your legal problems are too complicated or outside the scope of this project or for any other reason.

Name

Phone number and/or email address

Signature

Date

Ex. C – Answer Form

_____ COURT COUNTY OF _____ Part: _____

_____ Plaintiff(s)

-against- _____

_____ Defendant(s)

WRITTEN ANSWER
CONSUMER CREDIT TRANSACTION

Index Number: _____

ANSWER: (Check all that apply)

1. General Denial: I deny the allegations in the Complaint.
- SERVICE**
2. I did not receive a copy of the Summons and Complaint.
 3. I received the Summons and Complaint, but service was not correct as required by law.
- DEFENSES**
4. It is not my debt. I am a victim of identity theft or mistaken identity.
 5. I have paid all or part of the alleged debt.
 6. I dispute the amount of the debt.
 7. I had no business dealings with Plaintiff (Plaintiff lacks standing).
 8. There is no record of plaintiff having a license to collect debt (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).
 9. Plaintiff does not allege a debt collector's license number in the Complaint (only for cases filed in New York City, Buffalo and other municipalities requiring debt collectors to be licensed).
 10. Statute of limitations (the time has passed to sue on this debt).
 11. This debt has been discharged in bankruptcy.
 12. The collateral (property) was not sold at a commercially reasonable price.
 13. Failure to provide proper notice before selling collateral (property).
 14. Failure to mitigate damages (Plaintiff did not take reasonable steps to limit damages).
 15. Unjust enrichment (the amount demanded is excessive compared with the original debt).
 16. Violation of the duty of good faith and fair dealing.
 17. Unconscionability (the contract is unfair).
 18. Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).
 - 19-a. **OUTSIDE OF NEW YORK CITY ONLY:** Lack of personal jurisdiction under Uniform City Court Act § 213 (applies if you do not work in the city where the case was filed and you are not a resident of that city or (for all counties except Westchester and Nassau counties) you are not a resident of a town next to that city within the same county).
 - 19-b. **SUFFOLK COUNTY:** Lack of personal jurisdiction; the defendant is not a resident and/or was not served in, or there was no transaction of business in, that portion of Suffolk County for which a District Court has been established (Towns of Huntington, Babylon, Islip, Smithtown and Brookhaven).
 20. Defendant is in the military.
- OTHER**
21. Other Reasons _____
 22. Please take notice that my only source of income is _____, which is exempt from collection.
- COUNTERCLAIM(S)**
23. Counterclaim(s): \$ _____ Reason: _____

VERIFICATION

State of New York, County of _____ ss:

_____, being duly sworn, deposes and says: I have read the Answer in Writing and know the contents to be true from my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this _____ day of _____, 20_____.

Notary Public

Signature of Defendant

Defendant's Address:

This case is scheduled to appear on the court calendar as follows:

Date: _____ Part: _____ Room: _____ Time: _____ Both sides notified: Yes No

UCS-CC-3 Revised 11/15

Ex. D – Alternative Sources of Assistance

If you cannot help a client, you should encourage them to contact one of the following resources:

- **New York City Consumer Help Finder:**
https://nycoi.legalserver.org/modules/matter/external_intake.php?pid=129&h=daa817
- **New York Legal Assistance Group: (212) 417-3700**
- **City Bar Justice Center: (212) 626-7383**
- **Brooklyn Volunteer Lawyers Project:**
https://vlpoi.legalserver.org/modules/matter/external_intake.php?pid=129&h=daa817&
- **New Economy Project: (212) 925-4929**
- **Legal Aid Society: (888) 663-6880 (Wednesday)**
- **Legal Services NYC: (917) 661-4500**
- **Law Help: <http://www.lawhelp.org/>**
 - **Law Help provides a directory of other legal resources**

If the client has already had a default judgment entered against them, they may be able to have it vacated if they follow the directions here:

https://nycourts.gov/courts/nyc/civil/int_affidavit2vacate.shtml

Ex. E – What happens next after you answer?

While you cannot help a client after they have filed an answer, you should let them know that the court will schedule a hearing. Provide them the following information about what will happen next.

More information is also available at:

<https://nycourts.gov/courts/nyc/civil/tips.shtml>

Tips for Your Day in Court

Don't Miss Your Court Date

Court is not an appointment that can be missed or rescheduled. If you miss your court date (including being late) there could be serious consequences – the court could enter a judgment against you. If you have a serious reason why you can't go to court, you must call the court clerk and request an adjournment.

Due to the Covid-19 pandemic, you may be able to appear by phone or remotely with Microsoft Teams. If you are interested in appearing remotely, ask the court clerk how you should proceed. You should only appear remotely, if you have reliable internet and access to a computer, tablet, or smartphone.

Get There Early

You should allow plenty of time to travel. Consider the traffic, weather, parking, frequency of public transportation, and extra time needed to get through security at the entrance to the courthouse. Being late can make you anxious and unable to do your best. Remember that court may be an all day affair. If you choose to appear remotely, always test the Teams link before your court appearance. Once you log-in, you may be put in a virtual waiting room for some time until the court clerk lets you in.

Be Prepared

Bring your files. You should have a file with copies of all of your court papers and papers from the other side. Bring a notepad and pens in case you want to take notes. Bring change in case

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you need to use the copy machine. Visit the courthouse and courtroom ahead of time, if possible, so you are comfortable with the location and observe how things work. Make notes of the questions you want to ask. Practice your presentation with friends and family.

Bring Your Evidence

If you are supposed to bring [evidence](#) and witnesses to the courtroom, bring everything. If you have documents or pictures, bring the original item and two copies. Ask your witnesses to arrive early and dress nicely. Some documents can't be used as evidence unless the right person is in the courtroom to explain the document and answer questions about it. You can learn more by reading a Civil Court [publication](#) on how to try or prepare for your case.

Dress Nicely

Wear conservative clothing. T-shirts with curses, belly shirts, plunging necklines, sunglasses, and torn clothing are not appropriate. You do not have to buy new clothing for court, but remember it is a formal place and you want to be conservative and respectful.

Act Properly in the Courtroom

Certain behaviors are not allowed because they are noisy, distracting or disrespectful. You should turn off your cell phone or pager when you are in the courtroom. You can't chew gum, eat, sleep, wear a hat, listen to music, talk on a cell phone, take pictures, or carry a weapon in the courtroom. You should enter and leave the courtroom quietly, so you do not disturb others.

The courtroom calendar is usually posted outside the courtroom. Look for your case and write down the calendar number. Tell the clerk or officer that you are there and give them the calendar number. Let them know if you need an interpreter. Listen for your case to be called. You should stand when you speak to the Judge and address the Judge as "Your Honor." You will be expected to treat others in the court respectfully, no yelling or cursing or cutting someone off when they are speaking. You should speak clearly and slowly. Your words are being recorded, either by a machine or a person. If you mumble, speak too quickly, too softly, or answer by shaking or nodding your head, the record will not be accurate.

Before You Leave Court Make Sure You Understand What Happens Next

Ask the Clerk, or Court Attorney if you do not understand something or are confused about what you are required to do. If you are supposed to come back, make sure you know when and where. If you are supposed to submit something to the court, make sure you know what to do. If the Judge made a decision or you settled the case, make sure you have a copy of the [order](#) or [stipulation](#). You can also visit the [Help Center](#) in the courthouse for legal and procedural information.