

July 30, 2002

Dear Appellate Panelist,

As you may know, the Nassau County Clerk is now requiring you to have all subpoenas for trial records “so ordered”. In some instances they have also required payment of a \$29 fee.

I have discussed this matter with them and they agreed that you should not be charged the fee when you are acting as 18B counsel. They are adamant, however, that CPLR § 2307 requires the subpoenas to be “so ordered”.

I have spoken with the Clerk of the Appellate Division, Mr. James Pelzer, who is also empowered to “so order” these subpoenas. If you wish to do so, you may in the future prepare your normal subpoena, with a “so ordered” line, and forward it to Mr. Pelzer at 45 Monroe Place, Brooklyn N.Y. 11201, together with a **self addressed stamped envelope**. He will so order it and return it to you.

I hope the foregoing provides you some solace in pursuing your 18B assignments.

Sincerely,

Patrick L. McCloskey