

West's McKinney's Forms
Database updated March 2004

Local Government
County Law

Article 18-B. Representation of Persons Accused of Crime or Parties Before
the Family Court or Surrogate's Court

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§ 722-b--Form 2. Notice of Motion for an Order Requesting Extraordinary and/or
Unusual Fees

STATE OF NEW YORK
SUPREME COURT, COUNTY OF _____

_____,
Plaintiff,

Index No. _____
Notice of Motion
[Name of Assigned Judge]
[] Oral Argument is Requested

-against-

_____,
Defendant.

PLEASE TAKE NOTICE, that upon the annexed affirmation of _____, Esq., attorney
for the above-named defendant, a Payment Claim Voucher and upon all of the
proceedings heretofore had herein, the undersigned will move this Court at the
Courthouse thereof located at _____, _____, New York, on the _____ day of
_____, 20__, at _____ o'clock in the _____ noon of that day, or as soon
thereafter as counsel can be heard, for an Order, pursuant to County Law § 722-b
and 22 NYCRR § 1022.12, granting fees in excess of the statutory limits to the
above named assigned counsel, and for such other and further relief as may be just,
proper and equitable.

Dated: _____, 20__.

Yours, etc.

_____,
Attorney for Defendant

P. O. Address

Tel. No.

To:

Attorney for Plaintiff

P. O. Address

Notes

Comment:

22 NYCRR § 1022.12 requires that all fees in excess of those set by statute must be approved by the judge or justice assigned to the case. The attorney shall attach an affidavit describing the unusual or extraordinary circumstances which warrant the additional fee. Time itself does not necessarily constitute an extraordinary circumstance.

A judge or justice approving such a fee, shall certify that the circumstances are unusual or extraordinary, a fee in excess of the statutory limit has been earned with the amount and the circumstances, other than additional time, which justify the fee recommended. In the absence of either the attorney's affidavit or the court's certification, additional compensation shall not be allowed.

Effective January 1, 2004, the rates allowed for compensation and reimbursement have increased.

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MCF-LG CTY § 722-B--F 2
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