


Volume 7 Issue 3


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Users must register before they can access this area. Registration is simple – existing users can go to the “My Account” area and select CATRAP (Computer Assisted Tenant Representation and Advocacy Program), at the bottom of the page, as an area that they would like to join.



GREATER UPSTATE
LAW PROJECT

WESTERN NEW YORK
LAW CENTER



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You may select a database for viewing or submit a new case using the menu on your left.

You can click on the "My Account" button and request access to additional data bases.
 (Users with wnyc email addresses have already been added to the benefits data base)




<p><i>In this issue...</i></p> <ul style="list-style-type: none"> • WNYLC and GULP Expand Online Resources Center • New York State Legal Services Computer Survey • <i>R.I.P. Windows 98</i> • <i>WNYLC Web Statistics</i> • <i>Who We Are</i> 	
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New users can click on the "Register" button, fill out the information, and select "CATRAP" as an area that they would like to participate in.

LAW PROJECT		LAW CENTER 	
Menu		REGISTER	Not Logged in
Home Login OTDA Materials Information Contacts Register WNYLC.net GULPNY.org		<p align="center">Register for Access to Online Resources</p> <p>I understand that these materials are copyrighted, and that by placing this work product on the World Wide Web and by granting me permission to use these materials, GULP does not waive any proprietary interest in these materials. I understand that GULP reserves all rights to the work herein, and grants me a revocable license to use these materials.</p> <p> <input type="checkbox"/> I agree to the Terms and conditions above. <input type="checkbox"/> I do not agree to the Terms and conditions above. </p> <p align="center">Fields marked with an asterisk are required input fields.</p> <p> Full Name: <input type="text"/> * E-mail Address: <input type="text"/> * Organization: <input type="text"/> If you do not work for a legal services organization, please tell us what kind of work you do. </p> <p>Type of Work: <input type="text"/></p> <p>Please check this box if you are a student <input type="checkbox"/></p> <p>Address: <input type="text"/> *</p>	

The defenses are listed in a table of contents:

GREATER UPSTATE LAW PROJECT 		WESTERN NEW YORK LAW CENTER 																																														
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Home Logout OTDA Materials Information Contacts My Account Fair Hearings Benefits Law CATRAP WNYLC.net GULPNY.org		<p align="center">CATRAP ONLINE ! </p> <p align="center"><i>The Online Version of the Computer Assisted Tenant Representation and Advocacy Program</i></p> <p align="center">Table of Contents</p> <table border="1"> <thead> <tr> <th colspan="2">CATEGORIES OF DEFENSES AVAILABLE</th> <th>ANNOTATED RESEARCH GUIDE (ARG) Numbers:</th> </tr> <tr> <th colspan="3">Click on ARG Numbers to View Titles of Specific Defenses</th> </tr> </thead> <tbody> <tr> <td>I. Defective Service</td> <td></td> <td></td> </tr> <tr> <td> A. Timeliness</td> <td></td> <td>31 - 32</td> </tr> <tr> <td> B. Lack of Service (see also II. B)</td> <td></td> <td>36 - 38</td> </tr> <tr> <td> C. Defective Alternative Service -- general</td> <td></td> <td>41 - 42</td> </tr> <tr> <td> "Nail and Nail" or Conspicuous Place Service</td> <td></td> <td>43 - 49</td> </tr> <tr> <td> Substituted Service</td> <td></td> <td>53 - 59</td> </tr> <tr> <td>II. Filing and Pleading Inadequacies</td> <td></td> <td></td> </tr> <tr> <td> A. Improper Filing</td> <td></td> <td>66 - 69</td> </tr> <tr> <td> B. Insufficient Proof of Service (also I. B)</td> <td></td> <td>71 - 73</td> </tr> <tr> <td> C. Defective Issuance of Notice of Petition</td> <td></td> <td>79</td> </tr> <tr> <td> D. Defective Verification</td> <td></td> <td>83 - 90</td> </tr> <tr> <td> E. Improper Petitioner</td> <td></td> <td>96 - 101</td> </tr> <tr> <td> F. Content of Petition, Failure to Plead</td> <td></td> <td>111 - 115</td> </tr> </tbody> </table>		CATEGORIES OF DEFENSES AVAILABLE		ANNOTATED RESEARCH GUIDE (ARG) Numbers:	Click on ARG Numbers to View Titles of Specific Defenses			I. Defective Service			A. Timeliness		31 - 32	B. Lack of Service (see also II. B)		36 - 38	C. Defective Alternative Service -- general		41 - 42	"Nail and Nail" or Conspicuous Place Service		43 - 49	Substituted Service		53 - 59	II. Filing and Pleading Inadequacies			A. Improper Filing		66 - 69	B. Insufficient Proof of Service (also I. B)		71 - 73	C. Defective Issuance of Notice of Petition		79	D. Defective Verification		83 - 90	E. Improper Petitioner		96 - 101	F. Content of Petition, Failure to Plead		111 - 115
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Each defense is annotated. Users can follow the annotated links to citations on Westlaw and Lexis, (users must use their own account numbers to log in to these services):

ARG No. 46 -

Checkpoint: Were the papers served by "nail and mail" service? If so, did the server mail them within one day as required?

POINT OF LAW:

Service is defective when a process server attempting substituted service pursuant to RPAPL § 735, subd. 1 fails to comply with the express requirements of that section that the Notice of Petition and Petition be mailed to the respondent within one day of the alleged delivery.

For Text Selection Options for Responsive Pleadings and Memoranda of Law
CLICK HERE (after reviewing the caveats and other information below)

Relevant Statutes: RPAPL § 735, subd. 1.

Supporting Cases: [Links are provided to Westlaw and Lexis. The first time you use one of these links in your research session you will be required your Westlaw or Lexis password. If you choose to bring the text of the case up through Westlaw or Lexis you will be billed for their service in accordance subscriber agreement with them. The Westlaw link will take you directly to the case cited, but to access the case through Lexis, you will have to block and the case citation and paste it in the "Get By Citation" window that appears from the Lexis link].

Comm. Health Plan of Suffolk v. Cooley, 129 Misc.2d 844, 494 NYS2d 612 (Dist. Ct., Suffolk Co. 1985).

[WESTLAW](#)

[LEXIS](#)

Main Street Mall Corp. v. NR Store Inc., 155 Misc.2d 118, 587 NYS2d 117 (New Rochelle City Ct. 1992).

[WESTLAW](#)

[LEXIS](#)

Marrero v. Escoto, 145 Misc.2d 974, 554 NYS2d 375, (App. Term, 2d Dept. 1990).

[WESTLAW](#)

[LEXIS](#)

Treatise References:

2 Rasch, §29:13, at 426 (3d Ed.) (strict compliance required regarding jurisdiction).

In addition to a list of supporting cases, there are references to contrary authority. Under a section called "Caveat" there are notes on cases that advocates should consider in connection with the point of law described in the particular ARG.

The form is interactive. There is a section for users to submit their own commentary and practice tips on each defense. When the comments are submitted, an attorney screens the comments and approves them if they are applicable. There is also a section in the database that allows users to copy text for use in responsive pleadings and memoranda of law.

The Online Resource Center has been heavily used since its introduction. We believe that this housing section will add to the usability of the Online Resource Center and provide further support for advocates.



New York State Legal Services Computer Survey

In February, we posted a computer survey on the WNYLC website and asked programs offering legal services in New York State to fill it out. Forty-two programs responded, including all of the LSC funded programs in New York State.

Staff from LSNY is compiling the LSNY responses. We have compiled the 37 responses by non-LSNY organizations.

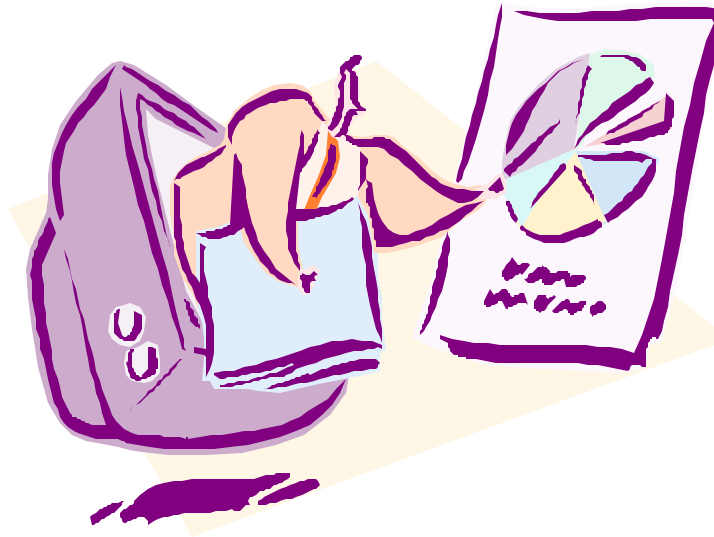
The responses show that although Word is the word-processing software of choice for most computer users outside of legal services, within legal services, a majority of programs - 64% - still prefer WordPerfect.

Every program except one had a network. The majority of networks were based on Windows server software.

62% of the programs said that Windows 98 was used as the main operating system on their

computers. (See the article on p.5 of this publication on the end of Microsoft support for Windows 98).

38% of the programs used TIME for case management, 16% used various versions of Kemp's Caseworks, 8% used custom systems and 36% used no case management system.



All of the respondents said that staff had desktop access to the Internet and e-mail. A total of 1017 advocates have desktop access to the Internet and 959 have desktop access to e-mail.

In response to a question about training at the next Partnership Conference, participants said that they wanted training in word processing, database and spreadsheet software.

The responses are available in graph form at <http://www.wnyc.net/misc/finalsurvey.PDF>



R.I.P. Windows 98

According to Microsoft's "Consistent and Predictable Support Lifecycle Policy" web page, no-charge support for Windows 98 and Windows 98 Second Edition ended on June 30, 2003. The web page also states, "After 1/16/2004 the product will be obsolete and no support of any kind will be provided". (<http://support.microsoft.com/default.aspx?scid=fh%3Ben-us%3Blifecycle&LN=EN-US&x=21&y=8>)

Egad! What can we do?

The Windows 98 operating system is the program that, after being initially loaded into the computer, manages all of the hardware devices and all the other application programs in a computer. As the needs of computer users evolve, there comes a point in time where an existing operating system can no longer be modified to provide the new functionality. When this point is reached, it is time to move on to something else.

At some time in the future, computers running Windows 98 may not be able to install the latest versions of applications because they are incompatible with this "obsolete" operating system. Also, it may not be possible to add any new hardware devices to the computer because there are no drivers that will work with Windows 98.

It is time for planning and deliberate action, not panic. In the short term, Windows 98 is not going to stop working just because it is no longer supported. However, the long-term consequences could be more serious.

Your Choices...

You have 3 choices: Upgrade to Windows 2000 Professional, upgrade to Windows XP, or do



nothing. If the computer was purchased after March 2000, it might be possible to upgrade it to Windows 2000 Professional. Win2000 Pro was released around that time and should be compatible with most computers that were being manufactured at that time. Win 2000 Pro is not scheduled for full retirement until March 31, 2007.

If the computer was purchased after October 2001, it might be upgradeable to Windows XP Professional for the same reasons. Win XP Pro is not scheduled for full retirement until December 31, 2008.

If the computer is over 3 years old, upgrading it to run one of the supported operating systems might not be cost-effective. Many times, the upgrade of an older machine slows to a crawl when hardware drivers that work with Windows 2000/XP must be located. It might be necessary to purchase new hardware if compatible drivers cannot be found. If you are paying by the hour for the upgrade, it could cost more to upgrade than buying a brand-new computer.

Microsoft has prepared 2 articles that are helpful in determining whether a computer can be upgraded. These articles describe the upgrade process in detail, list compatible hardware, and provide an automated "readiness analyzer" to determine if the computer can run that operating system. For help with Windows 2000 Professional, go to <http://support.microsoft.com/default.aspx?scid=kb;en-us;250297> ("How to Prepare to Upgrade Windows 95 or Windows 98 to Windows 2000"). For help with Windows XP, go to <http://support.microsoft.com/default.aspx?scid=kb;en-us;316639> ("HOW TO: Prepare to Upgrade Windows 98 or Windows Millennium Edition to Windows XP").

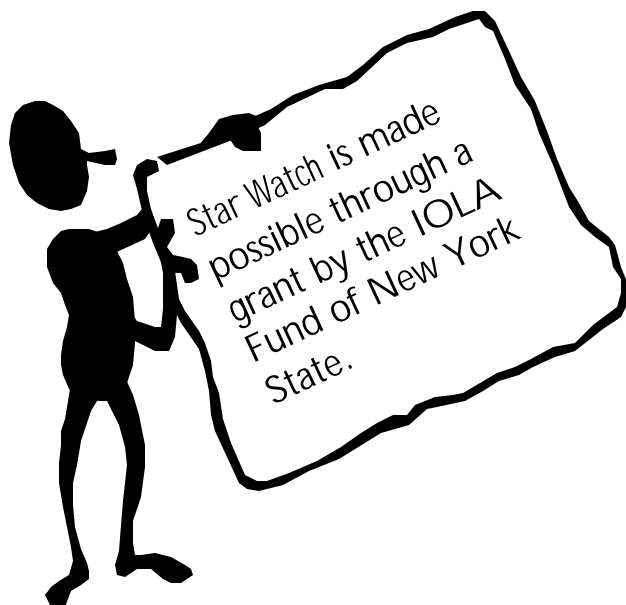


WNYLC Web Statistics For June 2003

Total Hits 1,350,707
Total User Sessions 37,161
Average Hits/Day
 (Monday—Friday) 46,850
Number of Pages Viewed 1,094,561
Average Number Of Pages
 Viewed Per Day 36,485
Number of Documents Viewed . . 86,077

Accessed Using Internet Explorer . . . 97%
Accessed Using Netscape 2%
Operating Systems Used:

Windows 98 8.4%
Windows 2000 84%
Windows XP 3.9%
Windows 95 < 1%
Windows ME < 1%
Windows NT < 1%
Macintosh < 1%



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