

## The Quarterly Survey of New York Practice Table of Contents

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# THE QUARTERLY SURVEY OF NEW YORK PRACTICE

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INTRODUCTION\*

Highlighting this installment of the *Survey* is an extended treatment, under article 71, of four significant cases involving replevin.

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\* The following abbreviations will be used uniformly throughout the *Survey*:  
 New York Civil Practice Law and Rules ..... CPLR  
 New York Civil Practice Act ..... CPA  
 New York Rules of Civil Practice ..... RCP  
 New York City Civil Court Act ..... CCA  
 Uniform District Court Act ..... UDCA

The reader's attention is specifically directed to the examination of the constitutionality of the statute, both on its face and as applied, and of the "specialized property" concept introduced in *Sniadach*.

Also reported, under CPLR 301, is *Delagi v. Volkswagenwerk AG*, a recent Court of Appeals decision which provides comprehensive analysis of the "doing business" test as applied to foreign corporations. Additionally, whether the state or a political subdivision is responsible for payment of publication costs in matrimonial actions initiated by indigents, is considered under article 11. Other cases of special practical significance are discussed under CPLR 1201, CPLR 2303, and CPLR 5003.

The *Survey* sets forth in each installment those cases which are deemed to make the most significant contribution to New York's procedural law. Due to limitations of space, however, many other less important, but, nevertheless, significant cases cannot be included. While few cases are exhaustively discussed, it is hoped that the *Survey* accomplishes its basic purpose, viz., to key the practitioner to significant developments in the procedural law of New York.

N.Y. CONSTITUTION

*N.Y. Const. art. VI, §§ 1, 28: Appellate division is empowered to determine places of court terms.*

Article VI of the New York State Constitution provides for the establishment and supervision of a uniform court system throughout the state. The power to supervise this system is delegated to the Administrative Board of the Judicial Conference.<sup>1</sup> Subject to the direc-

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Uniform City Court Act .....	UCCA
Real Property Actions and Proceedings Law .....	RPAPL
Domestic Relations Law .....	DRL
WEINSTEIN, KORN AND MILLER, NEW YORK CIVIL PRACTICE (1969) .....	WK&M
<i>The Biannual Survey of New York Practice</i> .....	<i>The Biannual Survey</i>
<i>The Quarterly Survey of New York Practice</i> .....	<i>The Quarterly Survey</i>

Extremely valuable in understanding the CPLR are the five reports of the Advisory Committee on Practice and Procedure. They are contained in the following legislative documents and will be cited as follows.

1957 N.Y. LEG. DOC. No. 6(b) .....	FIRST REP.
1958 N.Y. LEG. DOC. No. 13 .....	SECOND REP.
1959 N.Y. LEG. DOC. No. 17 .....	THIRD REP.
1960 N.Y. LEG. DOC. No. 80 .....	FOURTH REP.
1961 FINAL REPORT OF THE ADVISORY COMMITTEE ON PRACTICE AND PROCEDURE .....	FINAL REP.

Also valuable are the two joint reports of the Senate Finance and Assembly Ways and Means Committees:

1961 N.Y. LEG. DOC. No. 15 .....	FIFTH REP.
1962 N.Y. LEG. DOC. No. 8 .....	SIXTH REP.

<sup>1</sup> The Board consists of the chief judge of the Court of Appeals and the presiding justices of the appellate division in each judicial department.