State of New York
Unified Court System

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

Lawrence K. Marks
Chief Administrative Judge

MEMORANDUM

April 30, 2020

TO: All Trial Court Justices and Judges

FROM: Lawrence K. Marks LM

SUBJECT: Additional Steps

Chief Judge DiFiore and I hope you and your families are doing well as we all continue to cope with the ongoing public health crisis.

As you know, and as the Chief Judge has updated you in her weekly video remarks, the Unified Court System has been increasingly active and productive since we transitioned to virtual court appearances over the past number of weeks. Beginning with cases involving essential and emergency matters, and then expanding to non-essential matters on April 13, trial judges have conferenced and heard a growing number of cases in recent weeks. We have sought to approach this expansion of judicial services in a deliberate and methodical fashion, to ensure that the volume of matters heard is appropriate in light of the challenges and limitations inherent in a transition to virtual court proceedings.

By any measure, this approach has been highly successful. Since April 13, our trial judges have conducted conferences or other court proceedings in over 25,000 cases. Fully one-third of those cases have been settled or otherwise disposed. In addition, judges are using this opportunity to address and resolve fully-submitted outstanding motions and other undecided matters. This is critically important, because if we can eliminate the current backlog of undecided matters, we will be in a far better position to absorb what promises to be a surge of new litigation once the court system returns to more normal operations.

We can all rightfully be proud of these achievements. And as we continue our successful transition to virtual court proceedings, we can again take further steps to increase access to justice and expand judicial services. We have identified these next steps following ongoing discussions with judges, bar association groups, legal services organizations and other stakeholders. Please note that these steps do not include the filing of new non-essential cases.

The following is a summary of these next steps, which take effect this Monday.

- Expanded motion practice. New motions, responsive papers to previously filed motions, and other applications (including post-judgment applications) may be filed electronically in pending cases, either (1) through our NYSCEF e-filing system in jurisdictions that have it; or (2) through a new electronic document delivery system that we have created for courts and jurisdictions where e-filing is unavailable. This new document delivery system enables lawyers and litigants to send documents to courts for filing and other purposes in a secure and efficient manner. Details concerning the new system are available on the court system's web site and from your Administrative Judge. Note that a requirement of the new document delivery system is that all filings require service by electronic means.

- Problem-solving courts. Problem-solving courts may conduct virtual court conferences with counsel, court staff, and service providers, via Skype for Business.

- ADR. Judges may resume referral of matters for alternative dispute resolution, including to neutrals on court-established panels, community dispute resolution centers, and ADR-dedicated court staff.

- Appeals. Notices of appeal may be filed electronically, either through NYSCEF or through the new document delivery system.

These are significant additional steps that will widen judicial work and responsibilities without rendering more difficult our continuing commitment to virtual court proceedings and the limitations inherent in those proceedings. Further details about these steps can be provided by your Administrative Judge. I remind you that administrative and technology staff remain available for assistance as you navigate this new virtual court model.

We will keep you apprised of future steps under consideration. Please be safe, and stay healthy!

cc: Hon. Janet DiFiore
Hon. George Silver
Hon. Vito Caruso
Administrative Judges