

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 11204
(212) 428-2100

MEMORANDUM

May 20, 2020

TO: All Trial Court Justices and Judges

FROM: Lawrence K. Marks *LM*

SUBJECT: Filing of New Cases

I hope you and your families are all doing well. As you know, among the series of steps we have taken in recent weeks to restore judicial services in the Unified Court System has been the return this week of judges and designated staff to courthouses in upstate counties in which the Governor has eased restrictions on commercial activity. In addition to expanding judicial services, courts and county clerk's offices in those counties are now accepting the filing of new non-essential matters through the New York State Electronic Filing System (NYSCEF).

Consistent with the goal of expanding court activity while maintaining appropriate standards of public health and safety, we will be taking another important operational step commencing Monday, May 25. Beginning that day, e-filing through the NYSCEF system -- including the filing of new non-essential matters -- will be restored in those counties of the state that have not yet met the benchmarks required to participate in the Governor's regional reopening plan. Those counties include the five New York City counties, Nassau and Suffolk counties, and Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties.

In recognition of the continued curtailment of in-court activities of court personnel and the public -- and in contrast to the usual practice in consensual e-filing matters -- this restoration of NYSCEF usage will be limited to cases in which represented parties file and serve all papers electronically. (Unrepresented litigants may continue to file, serve and be served papers through non-electronic means in those cases).

This expanded use of NYSCEF will permit a significant broadening of civil litigation in a manner that continues to ensure the highest measure of health and safety to judges, court personnel and the public. As always, thank you for your cooperation and support.

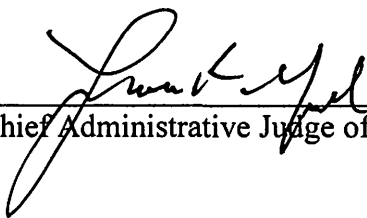
cc: Chief Judge Janet DiFiore
Hon. George Silver
Hon. Vito Caruso
Administrative Judges
County Clerks

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and at the direction of the Chief Judge, I hereby amend the list of essential proceedings contained in Exh. A of Administrative Order AO/78/20 to include the following additional section, effective May 18, 2020:

- F. Surrogate's Court
 - 1. Any matter involving an individual who passed away due to COVID-related causes.

An updated list of essential proceedings is attached as Exh. A.



Chief Administrative Judge of the Courts

Dated: May 15, 2020

AO/99/20

Exhibit A

Essential Proceedings
Administrative Order AO/78/20
(as amended by AO/99/20)
May 18, 2020

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters

- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. newly filed juvenile delinquency intake cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
 - 5. stipulations on submission

- C. Supreme Court
 - 1. Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release
 - 2. MHL hearings addressing the involuntary administration of medication and other medical care
 - 3. newly filed MHL applications for an assisted outpatient treatment (AOT) plan
 - 4. emergency applications in guardianship matters
 - 5. temporary orders of protection (including but not limited to matters involving domestic violence)
 - 6. emergency applications related to the coronavirus
 - 7. emergency Election Law applications
 - 8. extreme risk protection orders (ERPO)

- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief

- E. All Courts
 - 1. any other matter that the court deems essential

F. Surrogate's Court

1. Any matter involving an individual who passed away due to COVID-related causes.

This list of essential proceedings is subject to ongoing review and amendment as necessary.