

Memorandum

New York State Courts to Resume Handling Non-Essential Matters on a Limited Basis

April 13, 2020

On April 7, 2020, Chief Administrative Judge Lawrence K. Marks issued a [Memorandum](#) addressed to all trial court justices and judges announcing developments that will aid the New York State Unified Court System in resuming the resolution of non-essential matters pending before the courts in response to the coronavirus disease 2019 (“COVID-19”) crisis. This announcement is a sign that New York courts will begin returning to business as usual to the degree possible. Parties are still prohibited from filing new non-essential matters and from filing additional papers in pending non-essential matters until further notice, but courts will start deciding fully submitted motions and conducting hearings and conferences by telephone or Skype.

Now that the Office of Court Administration (the “OCA”) has successfully transitioned essential court proceedings across New York to a virtual court system, the OCA has started transitioning non-essential matters (including tort, commercial, matrimonial, trusts and estates, felony and other categories of cases) to a virtual system as well. The OCA followed up Judge Marks’s April 7 Memorandum with an April 8, 2020 [Administrative Order](#) that provides additional details on this transition. As of April 13, 2020, the following procedures will be implemented:

- **Remote access will begin for non-essential pending cases.** Judges will review their case inventories to identify cases where remote conferences could advance or resolve a case. They will then schedule and hold such conferences, either upon their own initiative or at the request of the parties. Judges will also maintain normal court hours to resolve discovery disputes and other ad hoc concerns not requiring the filing of papers. Remote conferences, conducted by the court or with court participation, will be conducted by telephone or Skype for Business.
- **Judges will resume deciding fully submitted motions in pending cases.** Judges are urged to resolve any backlogs of undecided motions and other matters in their case inventories. Law departments will be activated, in the counties that have them, to assist judges in drafting decisions.
- **Remote conferences will be assigned for cases in high-volume courts.** Courts with high-volume calendar parts, such as compliance and trial assignment parts (primarily Supreme Court in New York City and the large downstate suburban counties) are reviewing existing calendars and identifying cases that can be assigned to judges to conduct remote conferences.

The OCA will announce additional steps in the weeks ahead to further increase access to the courts for non-essential matters.

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