

## New York Courts Taking Steps to Reactivate “Non-Essential” Matters

On Monday, Lawrence Marks, Chief Administrative Judge of the New York State Unified Court System, published a [memorandum](#) addressed to all trial judge and justices indicating that “non-essential” matters put on hold due to the COVID-19 pandemic are likely going to be reactivated starting next week. This is good news for parties and attorneys involved in pending tort, commercial, matrimonial, trust and estates, felonies, and other matters that, according to the memo, “make up the vast bulk of our trial court caseloads.”

By way of background, on Sunday, March 22, Chief Administrative Judge Marks issued [Order 78/20](#) providing that, in light of the emergency circumstances caused by COVID-19, court clerks across New York State were barred from accepting filings in all but a narrow set of “essential” matters. The list of essential matters was a short one, including only specific types of criminal proceedings (such as arraignments and bail applications); family court proceedings (such as orders of protection and orders to show cause); Supreme Court cases involving emergent matters such as involuntary patient retention, guardianship, orders or protection, guardianship, and Election Law applications; and time-sensitive housing court matters (such as landlord lockouts and serious code violations). By its terms, the March 22 Order prohibited filings in both active cases and new matters.

In Monday’s memorandum, Chief Administrative Judge Marks describes the success that the courts have had in setting up a “virtual court system” to handle essential matters remotely in the two weeks since the March 22 Order, and outlines the steps that will be taken so that the courts can begin dealing with non-essential matters starting the week of April 13. The memorandum highlights the following:

- Critically, the prohibition against filing new non-essential matters continues for the time being; the courts are only being reopened to pending non-essential matters.
- Judges are to review their case inventories to determine which cases would benefit from status conferences and other oversight via remote means.
- Courts with “high-volume calendar parts”—primarily in New York City and its suburbs—are reviewing their calendars to determine which matters will benefit from remote conferences, which judges will be assigned to conduct.
- Judges are encouraged to decide fully submitted motions and indeed, according to the memorandum, “[t]his is an ideal time for individual judges to take this opportunity to resolve any backlogs of undecided motions.”
- In the coming weeks, the Administrative Judges of the courts will implement further measures to increase court access for litigants in non-essential matters.

Although it is hardly a return to business-as-usual, the Chief Administrative Judge’s memorandum reflects a welcome step towards resuming activity in pending cases and, eventually, allowing the filing of new cases for matters that have been deemed “non-essential,” but which are nevertheless quite important to those involved.

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