

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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MEMORANDUM

November 6, 2020

To: Hon. George J. Silver
Hon. Vito C. Caruso

From: Lawrence K. Marks *LM*

Subject: Resumption of Normal Practices of Filing and Service

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Continuing our progress towards the fuller resumption of normal court operations, attached please find a copy of AO/267/20 (Attachment A), which restores normal practices of filing and serving legal papers in New York, effective November 4, 2020. This return to normal practices is consistent with recent gubernatorial Executive Orders ending the toll of "any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding as prescribed by the procedural laws of the state" on November 3, 2020 (Exh. B).

Please note that in-person filing of papers in court facilities may be barred if the responsible Deputy Chief Administrative Judge determines that such conduct is not consistent with the health and safety needs of the public and court personnel. This will allow, for example, the temporary suspension of in-person filings in regions where coronavirus positivity rates increase to unacceptable levels. In-person filing by unrepresented parties (other than those who have expressly "opted in" to participate electronically in a NYSCEF matter) shall be permitted at all times.

In addition, the order urges all parties to eschew in-person filing and/or service, resorting instead to NYSCEF, EDDS, and mail delivery wherever possible.

Please distribute this memorandum and attachments to judges and non-judicial staff as you deem appropriate.

Attachments

c: County Clerks

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, at the direction of the Chief Judge, and in light of the ongoing public health and commercial concerns raised by the COVID-19 health emergency, I hereby direct that, effective November 4, 2020, unless otherwise prohibited by gubernatorial Executive Order:


1. Parties may commence new matters and proceed in pending matters by any means of filing and service normally permitted under statute and court rule.

2. Notwithstanding the foregoing, in-person filing by represented parties shall not be permitted in courts and locations where the appropriate Deputy Chief Administrative Judge has concluded that such filing is inconsistent with the health and safety needs of the public and court personnel. In-person filing by unrepresented parties (other than those who have expressly "opted in" to participate electronically in a NYSCEF matter) shall be permitted at all times. COVID-related health and safety protocols will continue to be followed in all court facilities.

3. Also notwithstanding the foregoing, all parties are strongly urged to avoid in-person filing and service wherever possible during the ongoing COVID-19 health emergency, and to rely instead on NYSCEF, EDDS, and mail filing and/or service, where permitted.

4. The court shall not request working copies of documents filed electronically.

5. This order supersedes Administrative Orders AO/121/20 and AO/115/20, which shall have no further force or effect. It further supersedes the terms of any other Administrative Order inconsistent with its provisions.



Chief Administrative Judge

Dated: November 6, 2020

AO/267/20