

CORONAVIRUS AND THE NEW YORK STATE COURTS

Administrative Order: Limiting Court Filings

TO ALL ATTORNEYS AND PARTIES IN LITIGATION
BEFORE THE NEW YORK STATE COURTS

On March 22, 2020, Chief Administrative Judge Lawrence Marks issued administrative order [AO/78/20](#), which sharply curtailed the receipt of filed papers by UCS courts and county clerks in litigation matters. In light of the public health concerns of the coronavirus, and consistent with the Governor's recent [Executive Order](#) suspending statutes of limitations in legal matters, until further notice the courts will only accept filings in matters deemed to be "essential." A [list of essential matters](#) is attached to the order. This list is subject to amendment in the future. In addition to the case types specified on the list, judges may deem any individual matter to be "essential" as circumstances require.

The order applies to both paper and electronic filings, and extends to all trial courts.

Please note that the order addresses legal papers relating to litigation matters filed with UCS courts. It does not address filings with the County Clerk acting other than as a clerk of court – including matters set forth in CPLR §8021.

Please note that the order does not address discovery in pending matters, which remains governed by a [prior administrative order](#) and continues to rely on agreement of the parties to the fullest extent possible. In the event that discovery conduct requires further systemwide action, it will be addressed in the future.

Section E of the list of essential proceedings includes "any other matter that the court deems essential." Consistent with the goal of the administrative order to limit new filings, this catch-all provision is designed to address the very rare cases where individual facts necessitate an immediate hearing notwithstanding current public health concerns; it will be interpreted restrictively. Persons who believe that a specific pending or new matter should be included in this highly restrictive group should apply to the court for this designation by emergency application by order to show cause, including a detailed explanation of the applicant's rationale.

Note as well that the order addresses only the filing of documents, and does not address service of process. It is anticipated that, in light of the filing prohibition and the Governor's extension of statutes of limitation, service of (unfiled) process should and will be suspended by parties in non-essential matters. However, if service of process continues, especially in a manner that confuses participants, it may be addressed in a follow-up administrative directive.

Questions about this policy may be addressed to 833-503-0447, and will be answered through updates on this webpage.

Thank you for your ongoing cooperation as we implement these new restrictions.



"The New York State Court System provides essential justice services to the people of the State of New York. While we continue to remain open all nonessential functions of the courts will be postponed. All essential functions of the courts remain available to ensure that New Yorkers may access the justice system during this extremely challenging time."

- **Chief Judge DiFiore**

If you have specific questions about your juror service, a case already in court, or you need to start a court case, call: the Coronavirus Telephone Hotline: 833-503-0447.

Juror Service:

If you have been summoned for juror service or are serving on a jury, please see the [notice](#) from the Commissioner of Jurors regarding coronavirus and the flu.