

FOR IMMEDIATE RELEASE

**NEW YORK
CITY BAR**

March 17, 2020

Contact: Eric Friedman
efriedman@nycbar.org

Eli Cohen
ecohen@nycbar.org

Statement of New York City Bar Association President Roger Juan Maldonado on Measures Taken by the Unified Court System in Response to the COVID-19 Pandemic

The New York City Bar Association applauds the Unified Court System for taking steps to protect the health and safety of New Yorkers during the COVID-19 pandemic and national emergency. We appreciate that the court system has considered and assessed the needs of both court personnel and members of the public who rely on our courts, and we urge that special attention continue to be paid to vulnerable populations during this crisis, including individuals who are unrepresented, low-income, disabled, non-English speaking, elderly, or in poor health. We agree that the number one concern for New York City right now must be stopping the spread of the coronavirus to save lives and before our hospitals are overwhelmed. For these reasons, we support UCS's decision to control access to all justice-related spaces by suspending operations for all but the most emergency and pressing proceedings.

In particular, we are pleased to see that no new civil or criminal trials will commence; that all non-essential civil matters are suspended; that all eviction and pending eviction orders are suspended; that tenants are permitted to make essential applications, such as pertaining to lockouts and serious housing code violations; that essential family court matters may proceed; and that arraignments will be conducted through video remote appearances in New York City and wherever else possible statewide.

Going forward, we urge UCS to consider the following areas for close monitoring, follow-up, and possible revisiting and modification:

1. The dedicated 800 Number referenced in the March 15 memorandum should be up and running as soon as possible, and information about its existence should be made widely available, perhaps through the 311 system. We're certain that bar associations, individual lawyers and legal services providers will do their part to help spread the word, but given the public's reliance on 311, that system should be used here as well.
2. Where arraignment occurs remotely pursuant to the March 15 memorandum, judges should consider all alternatives to bail for all defendants. The goal should be to avoid increasing the

incarcerated population to the greatest extent possible. Indeed, special attention should be paid to the pending crisis at Rikers Island where, according to reports, health and sanitation conditions are rapidly deteriorating.

3. Criminal court judges should be required to consider release for anyone in pretrial detention who is over 60 or who has an underlying health condition that puts them at heightened risk from COVID-19. The court should allow for telephonic appearance of the parties for such determinations.

4. Criminal court judges should be encouraged to re-examine bail in other appropriate cases. Individuals who are incarcerated because they were unable to make bail should not have to languish in jail while the City tries to contain the virus. Their cases should be given prompt re-examination and consideration for release, with other appropriate conditions.

5. For incarcerated defendants, judges should consult with defense counsel prior to the court date to determine if the defendant should be produced and coordinate with corrections accordingly, or allow for telephonic appearance of the parties as appropriate. Adjournments should be shorter than 30 days where the defendant is incarcerated, unless defense counsel agree to a longer period.

6. Allow judges to accept e-filing of all court papers, as they deem appropriate.

7. In family court cases that are deemed essential, clarify whether lawyers and litigants need to appear or if a reasonable alternative exists.

8. Given that family court childcare and schools are closed, family court judges should be lenient about litigants who need to bring children into the courtroom with them or who cannot appear due to lack of childcare.

9. Similar to evictions, all consumer debt proceedings in civil court should be suspended, and all pending consumer debt judgments should be stayed, statewide until further notice, except that a respondent's motion to vacate a judgment should be considered an essential application and heard expeditiously.

10. Re-double efforts to make sure that all courthouse bathrooms have adequate soap and paper towels; hand sanitizing stations should be available throughout the courthouses as well.

As with other crises that the bench, bar and public officials have faced together, the City Bar stands ready to assist.

About the Association and this Statement

The mission of the New York City Bar Association, which was founded in 1870 and has 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. It includes among its membership lawyers in virtually every area of law practice, including those

appearing in state and federal criminal and civil courts; lawyers in government service, academia, and human and civil rights organizations; and judges, alternative dispute practitioners, attorneys in large firms, small firms, solo practice, and in-house counsel at corporations. This statement contains input from the following City Bar committees: Civil Court, Corrections and Community Reentry, Criminal Courts, Criminal Justice Operations, Family Court and Family Law, Housing Court, Pro Bono and Legal Services, Right to Counsel Task Force, and State Courts of Superior Jurisdiction. <http://www.nycbar.org>.