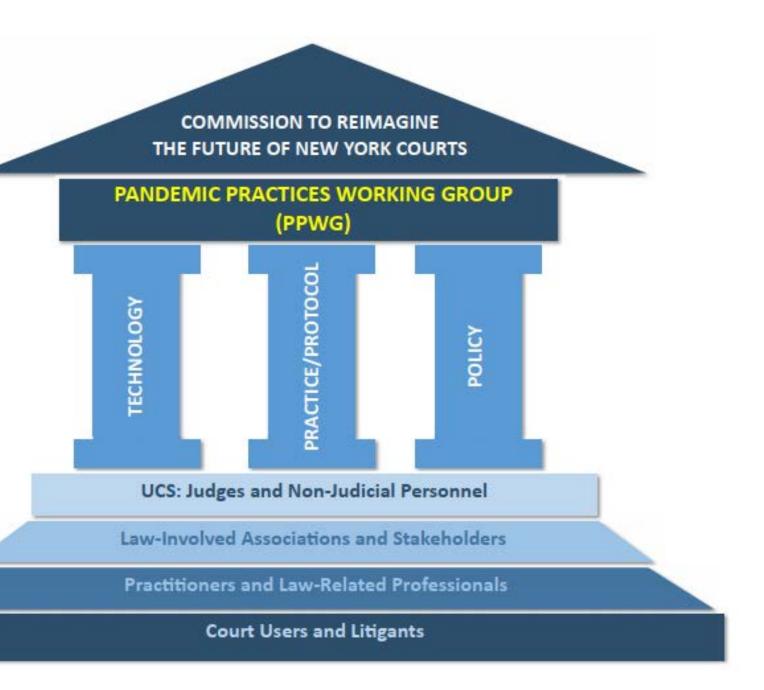
COVID-19 Pandemic Practices

Presented by

Hon. Craig J. Doran,

Supreme Court Justice,

7th Judicial District and
Chair, Pandemic Practices
Working Group (PPWG)
of the Commission to
Reimagine the Future
of New York Courts





New York Court's Response to the Pandemic:

Observations, Perspectives and Recommendations

A Report of the Pandemic Practices Working Group (PPWG)

January 2023

PPWG Chair

Hon. Craig Doran, Supreme Court Justice, 7th Judicial District

PPWG Co-Chairs, Hearing Subcommittee

Scott B. Reents, Cravath, Swaine & Moore LLP (Reporter)
William Silverman, Proskauer Rose LLP

The Pandemic Practices Working Group Members

Hon. Tamiko Amaker

Deputy Chief Administrative Judge for Management Support, Office of Court Administration

Nancy J. Barry

Chief of Operations, Office of Court Administration

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Family Court Judge, Kings County

Hon. Patria Frias-Colón

Supervising Judge, New York City Civil Court, Queens County

Hank Greenberg

Shareholder, Greenberg Traurig

Hon. Craig Hannah

Supervising Judge, Buffalo City Court

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Melinda Katz

District Attorney, Queens County

Porter Kirkwood

District Executive, 6th Judicial District

Leanne Lapp

President, Chief Defenders Assoc. of New York, Ontario County Public Defender

The Pandemic Practices Working Group Members - continued

Roger Juan Maldonado

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President, National Center for State Courts

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Administrative Judge, 5th Judicial District

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Associate, Dreyer Boyajian LLP

Hon. Shannon Pero

Justice, Town of Greece

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Deputy Counsel, Office of Court Administration

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Chief Clerk, Monroe County Supreme and County Courts

Hon. Stan L. Pritzker,

Associate Justice, Appellate Division, Third Dept.

Hon. Raymond L. Rodriguez

Acting Justice of the Supreme Court, Kings County

Christine Sisario

Chief of Technology, Office of Court Administration

David Slayton

Vice President-Court Consulting, National Center for State Courts

Edward A. Steinberg

Partner, Leav & Steinberg, LLP

Hon. Carolyn Walker-Diallo

Administrative Judge, New York City Civil Court

Mike Williams

Chief Clerk, Suffolk County Family Court

Oliver Young

Counsel, Barclay Damon, LLP

The Pandemic Practices Working Group Mission

PPWG SCOPE/MISSION: To conduct a thorough, multi-dimensional review and evaluation of court practices and protocols implemented in New York State Courts during the COVID-19 pandemic, considering, among other factors, impact upon efficiency and access to justice.

PPWG OBJECTIVES: The creation of a comprehensive report for submission to the Commission, and ultimately to the Chief Judge, containing the PPWG Working Group's findings regarding the efficacy of measures implemented, together with recommendations regarding:

- which measures should be carried forth post-COVID and made part of permanent court practice/procedure, including what mechanisms would be appropriate for implementation, such as legislation, rule change, policy/practice guidelines, deployment of resources, etc.
- which measures should be appropriately memorialized for use in future instances where court operations are significantly impacted by disruptive events like COVID.

PPWG METHODS: The work is expected to include a review of existing surveys, data, and reports, inside and outside of New York State, together with the solicitation of input from the legal community including, but not be limited to, court users, practitioners, judges, UCS personnel, community groups, associations and other government and non-government stakeholders. This input will be collected through written submissions as well as a series of virtual and "in person" public hearings statewide.

PPWG In-Person Hearings

Albany Hearing – June 7, 2022 Western New York Hearing – October 6, 2022 New York City Hearing – October 31, 2022



Legal Services Remote Li...



Virtual Listening Session - ...



Virtual Listening Session - ...



Ø A PPWG Virtual Listening Session - ...



Virtual Listening Session - ...

NOTICE OF PUBLIC HEARINGS

Commission to Reimagine the Future of New York's Courts 2022 HEARINGS ON PANDEMIC PRACTICES

Commission to Reimagine the Future of New York's Courts, Henry M. Greenberg, Chair Email: ppwg@nycourts.gov Web: www.nycourts.gov/reimagine-the-future/public-hearings.shtml

Western New York Hearing: October 6, 2022 • 9:30 AM • Old Erie County Hall, 92 Franklin St., Buffalo, NY 14202 New York City Hearing: October 31, 2022 • 9:30 AM • New York City Bar, 42 W. 44th St., New York, NY 10036

The Commission to Reimagine the Future of New York's Courts announces two additional public The Commission to Reimagine the Future of New York's Courts announces two additional public hearings, to be held in Buffalo and New York City, as part of its series of statewide hearings to hearings, to be held in Buffalo and New York City, as part of its series of statewide hearings to hearings, to be held in Buffalo and New York City, as part of its series of statewide hearings. nearings, to be neight burraio and New York City, as part of its series of statewide nearings to evaluate the technology, practices, and policies adopted by the state courts in response to the Court of the Court o Covid-19 pandemic. The Commission is conducting a thorough and multi-dimensional review COVID-19 pandemic. The Commission is conducting a morough and multi-dimensional review through its Pandemic Practices Working Group (PPWG) in order to make recommendations to the Unified Court System regarding the adoption of practices implemented during the pandemic the Unified Court System regarding the adoption of practices implemented during the pandemic than the property of the Court System regarding the adoption of practices implemented during the pandemic than the property of the Court System regarding the adoption of practices implemented during the pandemic than the pandemic property of the Court System regarding the adoption of practices implemented during the pandemic property of the Court System regarding the adoption of practices implemented during the pandemic property of the Unified Court System regarding the adoption of practices implemented during the pandemic that will benefit the administration of justice in New York State courts using forward. The that will be heating a spin of Deposite Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission also will be heating a spin of Deposite Listening Seeding A full linking to the commission and the commission also will be heating to the commission of the commission and the commission also will be a spin of the commission and the commission also will be a spin of the commission and the commission also will be a spin of the commission and the commission also will be a spin of the commission and the commission also will be a spin of the commission and the commission and the commission and the commission also will be a spin of the commission and the commissio That will benefit the administration of justice in New York State courts going forward. The Commission also will be hosting a series of Remote Listening Sessions. A full listing is available as the Public Hearings webbase.

these public hearings, PPWG will review existing surveys, acting public flearings, France will leview existing surveys, and of New York State, as well as solicit written submissions. on the Public Hearings webpage.

law enforcement, judicial and

RLS Remote Listening Sessions & Written Narratives

- More than 300 Written **Narrative Submissions**
- **Individual Remote Listening** Sessions Scheduled Through October of 2022

Remote Listening Sessions

- More than 30 Remote Listening Sessions (RLS) Held
- PPWG Working Group Members Presided

Examples of Some of the RLS Held:

Judicial Associations	Rural Legal Services
NYC Family and Housing Courts	Language Access & Disability Issues
Problem-Solving Courts (Treatment, Veterans, Etc.)	Bar Organizations in NYC and Outside NYC
Criminal Proceedings	Solo Practitioners/Small Firms
Commercial Litigation	Appellate Practice
Court Technology	Unions

Observations and Lessons for the Court:

- The Courts Stayed Open
- There was significant disruption and hardship for many court users
- The Courts were not adequately prepared for the COVID-19 Pandemic
- Court innovation during the Pandemic resulted in practices that should be continued
- Technology investment has become a strategic imperative for the Courts
- The Courts need more staffing and resources to be prepared for the future

14 Recommendations for the Court:

Recommendation 1:

Expand and encourage the use of virtual proceedings

Recommendation 2:

Bring greater transparency and consistency to the use of virtual proceedings

Recommendation 3:

Improve the functioning of virtual proceedings

Recommendation 4:

Expand alternatives for court users to access virtual proceedings and other court resources

Recommendation 5:

Improve accessibility for people who require accommodations



Recommendations for the Court (6-9):



Recommendation 6:

Improve systems for communicating with and supporting court users, including a new website

Recommendation 7:

Ensure that there is appropriate public access to virtual proceedings

Recommendation 8:

Expand use of electronic filing

Recommendation 9:

Invest in locally appropriate modernization projects that will permit courthouses to better support virtual, hybrid, and in-person proceedings

Recommendations for the Court (10-14):

Recommendation 10:

Improve training and technical support available for judges, court staff and users

Recommendation 11:

Expand and provide better support for court staff

Recommendation 12:

Implement a plan for responding to a future pandemic or other court disruption

Recommendation 13:

Appropriate and earmark supplemental funds for court modernization and emergency preparedness

Recommendation 14:

Create a permanent working group of stakeholders, external experts, and internal decision makers to help implement the above recommendations and identify future needs



Arraignment /	Not Confined	Virtual		
Initial Appearance	Confined	In-Person		
Bail Applications		In-Person		
Argument of Motions	Violations	Virtual		
	Misdemeanors	Virtual		
	Felonies	In-Person		
Conferences		Virtual		
videntiary Hearings		In-Person		
leas .	Violations	Virtual		
	Misdemeanors	In-Person		
	Felonies	In-Person		
rials		In-Person		
entences	Violations	Virtual		
	Misdemeanors	In-Person		
	Felonies	In-Person		
Appeals from Local Court		Virtual		
Probation Violations		In-Person		
All Stages				
Sex Offender Registration		In-Person		
Problem-Solving Courts		Discretion of the Court		

Family Courts

amily Courts		
General Guidelines	Initial Appearances of Confined Individuals	In-Person
	Conferences	Virtual
	Motions	Virtual
	Evidentiary Hearings	In-Person
Child Protective Proceedings	Article 10 Initial Appearances	In-Person
	Conferences	Virtual
	Motions	In-Person
	Evidentiary Hearings and Fact Finding	In-Person
Parentage and Child Support		Virtual
Judicial Surrender of Parental Rights		In-Person
Permanency Planning Hearings		Virtual
Adoptions		In-Person
Petition for Order of Protection (Article 8)	Remote Temporary Orders of Protection – FCA 153	Virtual
	Initial Appearances	In-Person
	Status Appearances and Conferences	Virtual
	Evidentiary Hearings	In-Person
Juvenile Delinquency / PINS	Initial Appearances	In-Person
	Motions	In-Person
	Dispositions	In-Person
Custody and Visitation	Initial Application	In-Person
Custody and Visitation	(Contested)	
Custody and Visitation	(Contested) Initial Application (Uncontested)	Virtual

Supreme Court / A	ll Courts-Civil	
General	Conferences	Virtual
Guidelines	Motions	Virtual
	Evidentiary Hearings	In-Person
	Final Pre-Trial Conferences	In-Person
	Settlement Conferences	In-Person
Appeals from Local Court		Virtual
Mental Hygiene	Article 10 (Civil Confinement)	In-Person
Law Proceedings / Mental Health Matters	Applications for Assisted Outpatient Treatment	In-Person
	Guardianship Applications (Article 81)	In-Person
	Applications by OSC Asking for Emergency Relief Where Harm to a Person is Alleged	In-Person
	Applications for Temporary Emergency Risk Protection Orders (TERPO)	Virtual
	Applications for Emergency Risk Protection Orders (ERPO)	In-Person
Housing Matters	Lockouts	In-Person
	Serious Code Violations	In-Person
	Serious Repair Orders	In-Person
	Post-Eviction Relief	In-Person

Surrogate Court		
General Guidelines	Initial Jurisdictional Return Dates (Citations / OSC)	Virtual
	Conferences	In-Person
	Motions	In-Person
	Evidentiary Hearings and Trials	In-Person
Guardianships		In-Person



Guidelines for In-Person, Hybrid, and Virtual Proceedings

Proceedings identified as "In-Person" should generally proceed in person. The following non-exclusive factors should be considered for any deviation:

- Consent—where all parties consent to proceeding virtually
- Health—where the health of the parties and/or counsel would be jeopardized by an in-person proceeding
- Disability—where a disability of one or more of the parties presents a serious impediment to an in-person appearance
- Hardship—where in-person appearance would present a serious hardship to one
 or more of the parties, such as inability to retain childcare, lack of transportation,
 or inability to miss work
- Safety Concerns—where in-person appearance would present serious safety concerns to one or more parties
- Other Needs of Counsel, Parties and/or the Case

Guidelines for In-Person, Hybrid, and Virtual Proceedings

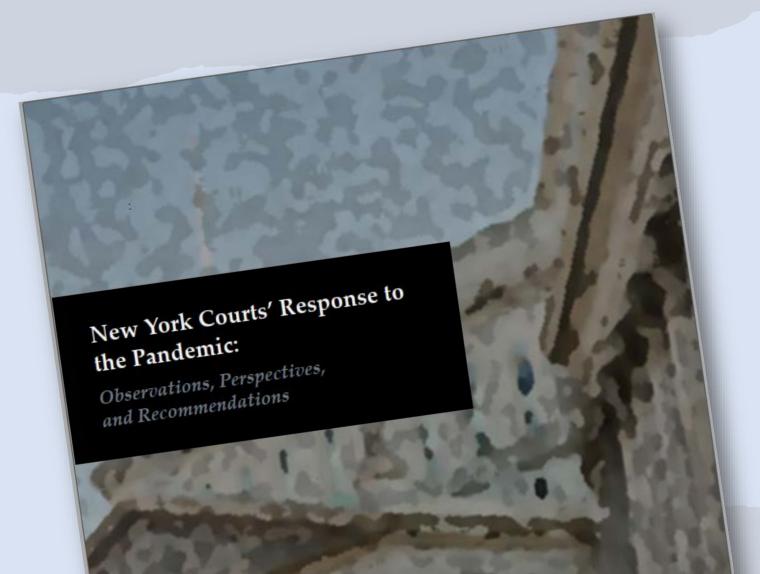
Proceedings identified as "Virtual" should generally proceed virtually.

The following non-exclusive factors should be considered for any deviation:

- Consent—where all parties consent to proceeding in-person
- Inability to Access Necessary Technology where one or more counsel or parties are unable to access equipment or other technology needed to participate virtually
- Other Needs of Counsel, Parties and/or the Case



What's Next?



- Implementation
- **Court Modernization Action Committee** (CMAC) – joint effort of the courts, court users, the Bar and the Commission to Reimagine the Future of New York's **Courts**

New York Law Iournal

VOLUME 269-NO. 58 \$4.00

TUESDAY, MARCH 28, 2023

Serving the Bench and Bar Since 1888.

As Key Lawmaker Hails

Says Wilson, Halligan,

Stoughton Would 'Sail'

Through Senate

THE LATEST shortlist of candidates

for chief judge is strong. Senate

Judiciary Chairman Brad Hoylman-

igal, D-Manhattan, said Monday.

in calling for rejecting Gov. Kathy

Hochul's pick for chief judge in

February: His positive comments.

therefore, would tend to bode well

The options under review by

Hochul are New York Court of

Appeals judges Anthony Cannataro, Shirley Troutman, and

Rowan Wilson; appellate judges

Elizabeth A. Garry and Gerald J.

Whalen, presiding justices of the

Third and Fourth departments,

espectively; and lawyers Caitlin

. Halligan of Selendy Gay Elsberg

and Corey Stoughton, attorney-in

turge of special litigation and law

for the job being filled this time

Hoylman-Sigal was a key voice

BY BRIAN LEE

Shortlist, Court Watcher

WWW.NYLLCOM

*Now, the task is to follow that blueprint and implement

reforms and enhancements,

and I have every confidence

that the CMAC will help lead us

Judge Doran and the members

to the future. I am very grateful

of the committee for so gener-

ously donating their time and

expertise to what they and I

believe is a vital cause: the mod-

emization of our court system,"

Heldell, Pittoni, Murphy &

A law firm that represents New

York City-area hospitals will pay

the state \$200,000 in penalties

for failing to protect patients'

personal and health care data,

Attorney General Letitia James

Heidell, Pittoni, Murphy &

Bach's "poor data security

measures" made it vulnerable

to a 2021 data breach that com

tion of approximately 114,000

patients, including more than

60,000 New Yorkers, James said

The law firm, which main

tains sensitive and private infor

mation from patients, including

birth dates. Social Security num-

bers, health insurance informa-

tion, medical history or health

treatment information, did not

return a message on Monday

According to James, the

firm's data security failures

violated state law and the

*New Yorkers should not have to worry that their priva-

Health Insurance Portability

cy is being violated and their

mishandled," James said, "Con-

fidential patient information should be treated with care and secured online to protect New

Yorkers from identity theft and

traud. The institutions charged

with protecting this information

have a responsibility to get it

right, and to keep authorities

and New Yorkers informed

about breaches. Companies

can, and should, strengthen

their data security measures.

to saleguard consumers' digi-

sensitive information is being

and Accountability Act.

seeking comment.

Bach Fined \$200K for NYC

Hospitals' Patient Data

Breach, AG Says

said Monday

in a statement.

Current and Former NY Elected Officials Side With Ex-Lt. Gov.

Brian Benjamin in Amicus Brief

IN BRIEF

Court Modernization Action Committee To Build on System's **Pandemic Innovations**

New York's interim judicial leadership unveiled a blueribbon committee on Monday that will be charged with implementing recommendations that will build on pandemic-related innovations brought forth by the court system.

The Court Modernization Action Committee is chaired by state Supreme Court Justice Craig Doran of the Seventh Judicial District, and composed of leaders of the court system and the bar, community members, court users and justice partners, according to a joint statement by Acting Chief Judge Anthony Cannataro and Acting Chief Administrative Judge Tamiko Amaker.

The committee's establishment stems from a report and recommendations issued in February by the Commission to Relmagine the Future of New York's Courts' Pandemic Practices Working Group, which was also chaired by Doran.

Its recommendations included expanding and encouraging the use of virtual court proceed ings, greater transparency and consistency to the use of virtual proceedings, improving the functioning of remote proceedings, expanding alternatives for court users to access virtual proceedings and other court resources, and improving accessibility for people who require special accommodations.

"Last month, the Pandemic Practices Working Group provided us with a solid plan to modernize practices and protocols to ensure the court system is positioned to deal with unforeseeable events in the future while improving access to justice right now," Cannataro

Stop Thinking Great Thoughts And Just Read the Contract 35



BY JANE WESTER

A GROUP of 13 current and former New York elected officials on Friday urged the U.S. Court of Appeals for the Second Circuit to affirm



New York Lt. Gov.

the dismissal of criminal charges against former New York Lt. Gov. Brian Benjamin, arguing that such a ruling would be necessary "[i]n order to protect the core values of the democratic system that we cherish.

U.S. District Judge J. Paul Oetken of the Southern District of New York portially granted former Benjamin's motion to dismiss his indictment. in December, throwing out bribery and fraud charges while allowing the case to proceed on two falsification of records charges.

Benjamin resigned from the post of lieutenant governor earlier in 2022 after he was accused of obtaining a \$50,000 state grant for a Harlem real estate developer's nonprofit in exchange for campaign contributions

The U.S. Attorney's Office for the Southern District of New York appealed Oetken's ruling, arguing that Oetken incorrectly ruled that 'the Government must not only prove an explicit quid pro quo, but include those words in the Indictment."

Benjamin's attorneys at Kramer Levin Naftalis & Fran- > Auge 6

Judge Rowan D.



eform at the Legal Aid Society. If the governor picks one of the hree current Court of Appeals urists, it would prolong the absence of a seventh judge on the state's highest court since former Chief Judge Janet DiFlore resigned on Aug. 31, 2022

Asked if that factored in lawmak ers' thinking in their role of confirming the governor's pick within 30 days, Hoyiman-Sigal told the Law

'It's a combination of a sense of urgency and picking the right candidate. The court needs - a food



The Rudick Law Group gets the vast majority of its work representing small businesses and operators speking cannabis retail licenses in markets like New York, From left, Fatima Afia, Kelly Whyman, Lauren Rudick, and Jessica

Veteran Cannabis Attorney Launches Women-Led Boutique Focused on Budding Industry

BY ANDREW DENNEY

setbacks, many still see a bright

Kramer Levin Wins Dismissal In Lender Liability Dispute Over Multibillion-Dollar Development

BY JANEWESTER

U.S. DISTRICT Judge Lewis Liman of the Southern District of New York on Thursday dismissed the remaining claims in a lender liability case involving a planned multibillionlike, well, weeds. But despite the dollar realestate development near Dallas, months after he reopened

alleged that defendant Gamma Real Estate Capital leveraged an \$82 million bridge foan to seize control of the property

In March 2022, Lim an granted a motion to dismiss all claims from Gamma's attorneys at Kramer Levin Naftalis & Frankel, but in July, be altered his tudgment to dismiss the fraudulent transfer claims without

New York Law Journal

Tuesday, March 28, 2023

Court Modernization Action Committee To Build on System's Pandemic Innovations

CMAC Court Modernization Action Committee

Hon. Tamiko Amaker

Deputy Chief Administrative Judge for Management Support, Office of Court Administration

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Chief of Operations, Office of Court Administration

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Partner, Ganfer Shore Leeds & Zauderer LLP

Wildnerness Castillo-Dobson

Associate, Prokauer

Jessica Cherry

Assistant Deputy Counsel, Office of Court Administration

Michael DeVito

Manager, Office of Record Production, Office of Court Administration

Hon. Craig Doran

Chair PPWG, CMAC, NYS Supreme Court Justice

Hon. Alicea Elloras-Ally

Family Court Judge, Kings County

Stephen Fiala

Commissioner of Jurors & County Clerk, Richmond County

Hon. Patria Frias-Colón

Supervising Judge, New York City Civil Court, Queens County

Hank Greenberg

Shareholder, Greenberg Traurig

Sheng Guo

Program Manager, OCA Courtroom Modernization

Hon. Craig Hannah

Supervising Judge, Buffalo City Court

Rezwanul Islam

Deputy Executive Director, Nassau Suffolk Law Services

Hon. Deborah Kaplan

Deputy Chief Administrative Judge (Within NYC)

Leanne Lapp

President, Chief Defenders Assoc. of New York, Ontario Co. Public Defender

Richard Lewis

President Elect, NYSBA

Roger Juan Maldonado

Partner, Smith Gambrell & Russell LLP

Kelsey Miller

Associate, Cravath, Swaine & Moore LLP

CMAC Court Modernization Action Committee - continued

Michael Miller

Past President, NYSBA & NY County Lawyer's Association

Lillian M. Moy

Executive Director, Legal Aid Society of Northeastern New York

Barbara Mule

Staff Counsel, Permanent Commission on Access to Justice

Hon. James P. Murphy

Administrative Judge, 5th Judicial District

Hon. Shannon Pero

Justice, Town of Greece

Anthony R. Perri

Deputy Counsel, Office of Court Administration

Portia Proctor

Associate, Proskauer

Scott Reents

CMAC Co-Chair, Lead Attorney Analytics & E Discovery, Cravath, Swaine & Moore LLP

Hon. Edwina G. Richardson-Mendelson

Deputy Chief Administrative Judge for Justice Initiatives, Office of Court Administration

Hon. Raymond L. Rodriguez

Acting Justice of the Supreme Court, Kings County

William Silverman

CMAC Co-Chair, Partner, Proskauer

Christine Sisario

CMAC Project Manager, Chief of Technology, Office of Court Administration

Adam Spence

Managing Partner, Spence Curnalia, PLLC

Hon. Norman St. George

First Deputy Chief Administrative Judge

Nicole Swanson

Associate, Proskauer

Raymond Tierney

District Attorney, Suffolk County

Kyle VanZutphen

Senior Budget Analyst, OCA Division of Financial Management

Six CMAC Implementation Plan Task Groups & Group Leaders

1. CMAC Training Task Group

Hon Patria Frias-Colón, NYS Supreme Court Justice - Kings County

2. CMAC Legal Task Group

Jessica Cherry, Esq.
OCA Deputy Counsel Legislative & Civil Matters

3. CMAC Rules & Policy Task Group

Anthony Perri, Esq., OCA Acting Counsel

4. CMAC Technology Task Group

Christine Sisario, OCA Chief of Technology

5. CMAC Court Management Task Group

Hon. James Murphy, 5th Judicial District Administrative Judge

6. CMAC Financial Task Group

Maureen McAlary, OCA Director Budget & Finance Kyle Van Zutphen, OCA Sr. Budget Analyst

CMAC Implementation Plan

Pandemic Practices Working Group Implementation

	Ing Group Implementa ACTION ITEM(S)					
1. Expand and encourage t	he use of virtual	RESPONSIBLE INDIVIDUAL(S)/ ENTITY(S)	IMPLEMENATION MECHANISM(S)	PPWG TASK ASSIGNMENT	TIMELINE	DRAF
	A. Enact legislation where necessary	NYS Legislature	Draft/sponsor/lobby			NOTES
	B. OCA (Chief AJ) to		for bill passage	 TBD - Research what is currently prohibited by statute DORAN - to contact OCA legislative counsel to determine 		
	enact court rules and policies to promote	Chief AJ/Chief Judge	Rule changes/policy memo	1. DORAN – to contact OCA counsel (Perri) – rule changes		
				necessary and can we draft 2. DORAN – discuss with acting CJ and CAJ		

NYCOURTS.GOV

Pandemic Practices Webpage

https://ww2.nycourts.gov/reimagine-the-future/pandemic-practices.shtml

We Invite Further Input:

- Dissemination
- Implementation
- Comments/ Improvements

Email: ppwg@nycourts.gov

