

June 10, 2020

Hon. Lawrence K. Marks  
Chief Administrative Judge of the Court State of New York Unified Court System  
25 Beaver St  
New York, NY 10004

SENT VIA EMAIL

Dear Judge Marks:

We write to you as members of organizations that represent low-income New Yorkers in the civil courts in New York City. Each of our organizations has a deep commitment to justice for the historically marginalized, and each of us has redoubled our efforts to protect our clients' basic rights since the inception of Covid-19. Now, as we all begin to contemplate a path to returning to normalcy, we urge you to halt the reopening of the courts until you have developed a thorough safety plan for reopening, informed by health experts, legal advocates, and other key stakeholders. Fundamentally, we believe that no New Yorker should be evicted, especially right now, while the City and State, their schools and other institutions, remain closed.

We understand that the legal system is essential to resolve disputes. However, in moments of crisis like the present pandemic and nationwide Black Lives Matter demonstrations and other protests against systemic police brutality, dispute resolution in civil matters is not our City's most pressing need and, in fact, can jeopardize public health and safety.

At a time in which tens of thousands of New Yorkers are sick, in mourning, and gripped by a collective sense of injustice and imbalance, reopening the Courts prematurely could put thousands more at risk of illness or death. As of this date, more than 170 employees in the court system have been infected with Covid-19. As you know, two Brooklyn Civil Supreme Court judges have died from Covid-19. Since April 28, 2020, the New York State Court System's website has announced eight other positive Covid-19 diagnoses among staff, including a court employee at the Queens County Civil Supreme Court, a litigant at the Bronx County Civil Supreme Court, a public administrator employee at the Bronx County Supreme-Civil Court, and a court employee at New York City Civil Court in Manhattan. As of May 20, 2020, the Court continues to announce new positive test results among employees of civil courts within the five boroughs.

All of our offices have been personally touched by this pandemic—some of our own staff have lost loved ones or have lost their own lives; the risk of infection and severe illness, while decreasing from the peak of two months ago, is ongoing.

We believe there can be a plan to reopen the Courts safely and at the appropriate time but not before there is a safety plan in place developed with input from key stakeholders. Opening civil courts before then, including its most voluminous court, housing court, only threatens to compound and exacerbate the worst impacts of the Covid-19 crisis. When housing court reopens, some expect at least 50,000 filings immediately, most for nonpayment of rent. Ironically, in the current climate, with unemployment at record levels and with many unable to pay rent for Covid-related reasons, neither housing court judges nor our lawyers will be able to resolve many of these disputes, resulting in evictions, displacement, homelessness, senseless exposure to infection, and more difficulty in containing Covid-19.

In addition, new filings will mean more people flooding the courthouses across the City, violating the new norms for social distancing, isolation, and quarantines. These outcomes, and the prospect of eviction of thousands of individuals and families, do not represent the ideals of a fair and just court system.

In other parts of New York State, the courts reopened suddenly and surprisingly to many. If the courts reopen in New York City in this manner, too many lives may be at risk. A recent walk through of housing courts in New York City by legal advocates revealed a court system not yet ready to open with few meaningful safety measures in place to protect litigants, housing attorneys and court staff from possible infection. Plans to reopen must prioritize the health and safety of all people who work in the courts and all those who must come to court to commence or defend themselves in legal actions and proceedings. Plans must consider the needs of all stakeholders, like many of our staff, who are working remotely and juggling childcare or other caregiving responsibilities, and who cannot return to the courts without substantial notice.

We are essential workers who seek to uphold the ideals of the justice system: equal access to justice for all. We ask you to sit down with us to create a plan that puts the health and safety of tens of thousands of New Yorkers—including the judges, attorneys, court staff, and litigants who must use your courts—above the pressure to fulfill an important but secondary function during this pandemic.

Thank you for your leadership on this issue.

Sincerely,

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