

Supreme Court
of the
State of New York



JOSEPH A ZAYAS
ADMINISTRATIVE JUDGE
CRIMINAL TERM
QUEENS COUNTY

CHAMBERS
125-01 QUEENS BOULEVARD
KEW GARDENS, NY 11415

MEMORANDUM

To: Queens County District Attorney's Office; The Legal Aid Society;
Queens Defenders; Barbara DiFiore; the 18B Panel; and the
Private Bar

From: Administrative Judge Joseph Zayas

Re: Phase 6: Plan for the Temporary Reduction of In-Person
Operations in Criminal Term, Supreme Court (11th JD)

Date: November 25, 2020

Starting Monday, November 30, 2020, Supreme Court — Criminal Term will begin substantially reducing in-person court appearances. This reduction of in-person proceedings will last for two weeks, though it may last longer. During this period, the default position will be that scheduled court appearances will be conducted virtually in our 11 electronic appearance parts. In-person proceedings will be held only when the court deems them to be absolutely necessary.

What this means for at least the next two weeks is that previously scheduled in-person proceedings will generally be converted to virtual proceedings. To that end, the production of incarcerated defendants for in-person appearances is being cancelled. And at-liberty defendants should not appear in court, though they may, of course, participate in the proceeding by videoconference. In the coming days, lawyers can expect to hear from court attorneys and clerical staff confirming the conversion of in-person proceedings to virtual ones. During these discussions, the parties can discuss the possibility of scheduling electronic appearances with incarcerated defendants where in-person appearances have been cancelled, though this may not be possible for appearances scheduled for next week.

As I mentioned previously, in-person proceedings during this time will be limited to matters deemed absolutely necessary by the court. Such matters may include, for example, a bail application by the People in a case involving an at-liberty defendant, an application under CPL 530.60 to revoke a securing order, or a sentencing proceeding involving an at-liberty defendant who is being sentenced to a period of incarceration. Only three in-person courtrooms, all of which also have electronic appearance capability, will be open: our Emergency Part, our QAP Part and our Tap A Part. Each of these courtrooms has been retrofitted with plexiglass.

Applications to hold an in-person proceeding should be made to the judge in the part where the case is pending. Please note that, even where an in-person proceeding is deemed necessary, I have encouraged judges to consider scheduling the appearance for a date in January 2020, where possible.

Please disseminate this memorandum to the attorneys in your respective offices as soon as possible, so that they are aware of the changes taking effect next week. Should an attorney have any questions about the effect of this change on the attorney's individual case, the attorney should reach out to the judge, or the court attorney, where the case is pending. If you have questions about these changes generally, please feel free to contact me or my court attorney Eric Washer.