

**ADMINISTRATIVE ORDER OF THE CHIEF JUDGE
OF THE NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)
WITH RESPECT TO TRIALS CONDUCTED BEFORE OATH'S TRIALS DIVISION**

Pursuant to the authority vested in me by New York City Charter §1049(1)(a) and due to the emergency circumstances caused by the continuing COVID-19 outbreak in the City of New York, I direct that, effective immediately:

1. Until further notice, all trials before the OATH Trials Division will be conducted by Cisco Webex (or a similar system approved by the OATH Trials Division), which is widely available at no additional cost.
2. An OATH employee will be available during the trial for any party that needs assistance.
3. Attorneys and their clients may participate from one location or from separate locations.
4. All parties appearing via videoconference are expected to conduct themselves in the same manner as they would in an OATH courtroom.
5. An in-person trial may be requested by sending an email, at least ten business days in advance to the assigned Administrative Law Judge or the OATH Trials Division Calendar Unit at OATHCalUnit@OATH.nyc.gov, and properly serving the request on the opposing party. The opposing party may submit a response to the request within five business days. The assigned Administrative Law Judge will render a written decision and notify the parties. A party without access to email may make or oppose a request by calling the OATH Trials Division Calendar Unit at 347-820-4954.
6. A trial may only be conducted in-person if the assigned Administrative Law Judge determines that there is a particularized *compelling* need for an in-person proceeding and the proceeding can be conducted while providing sufficient social distancing and other public health protections to comply with state and local government public health guidelines. Factors indicating a compelling need include an inability to submit evidence by electronic means or a disability that prevents participation in a remote trial.
7. In order to ensure that conferences and trials are scheduled and conducted promptly during the continuing COVID-19 outbreak and are conducted consistently with any obligations of the City by law, regulation, or court order, all attorneys must appear at conferences and trials that are scheduled ex parte by the docketing party in compliance with 48 RCNY 1-26(d) (“The party docketing a case may do so ex parte. If the case is placed on the conference calendar or the trial calendar rather than on open status, the party may at the time of docketing also select a trial date and/or conference date ex parte. However, OATH encourages selection of trial and conference dates by all parties jointly. In the event that a party selects a trial date or a conference date ex parte, that party must serve the notice of conference or trial required by 48 RCNY § 1-28, within one business day of selecting that date. Whenever practicable, such notice must be served by personal delivery or electronic means.”).

This order shall remain in effect until modified or rescinded. This order replaces previously

issued orders with respect to trials conducted before OATH's Trials Division during the COVID-19 outbreak.



Hon. Joni Kletter
Chief Administrative Law Judge, OATH

Dated: November 30, 2020