

# Response

Hon. Jean Schneider <jschneid@nycourts.gov>

Wed 7/8/2020 9:52 AM

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Cc: Hon. Cheryl Gonzales <cgonzale@nycourts.gov>;

Counselors:

I write to respond to your e-mail dated July 7, 2020 and addressed to Hon. Cheryl Gonzales. You raised several issues concerning the current restoration of Resolution Part calendars in Housing Court in Brooklyn.

We are currently restoring to our calendars all two attorney cases that were in our Resolution Part inventories on March 16, 2020. These are court-generated calendars, not dependent on a request from or consent by counsel. If a case was not on a Resolution Part calendar as of March 16, it can get on our new calendars only if a party files a motion through EDDS. On these restored calendars, we can conduct a settlement conference, address procedural issues, hear and decide motions – essentially do everything a Resolution Part does except refer a case to a trial part. If a judge concludes after a conference, that the case requires nothing more except a trial, the judge can adjourn the case to a time when we might begin to do trials again.

We appreciate your feedback on scheduling issues. We have asked judges to take the need for preparation time into account when scheduling cases. However, each judge has the authority to control the judge's calendar. We have also asked judges to include the full name of the respondent in notices of a virtual court appearance. Any attorney who has a conflict or other scheduling issue should contact the judge or court attorney who scheduled the case to discuss a new date and time. An attorney who needs additional information to identify a case should also contact the person who scheduled the case. If we have notified the wrong attorney in your organization about a case, please let us know. We have reminded judges to be respectful of your time and to appear on time for scheduled conferences. Sometimes a judge's other responsibilities will require that a conference be rescheduled. We have asked that the judges give you as much notice as possible under the circumstances when this happens.

We understand that many attorneys are still working from home, but we have been assured by provider organizations that all attorneys have access to their offices and their files if needed. We do not have enough staff in the courthouses to copy court files on cases in which counsel has already been appearing. We will attempt to accommodate attorneys who appear for the first time on new cases.

We are not taking any defaults at this time, because we are mindful that many Housing Court litigants are ill or away from home or otherwise unable to appear or to communicate with us. This does not mean that a two attorney appearance scheduled by the court is in any sense "voluntary" or that judges are prohibited from issuing orders, other than possessory judgments or warrants which are still prohibited, after a two attorney court appearance.

We have been pleased with the results of our virtual appearances so far. Attorneys on both sides have, for the most part, taken the conferences seriously. Many have been able to reach global settlements of their cases, sometimes even before the scheduled appearance occurs. Others have been able to resolve procedural issues or submit or argue motions. We appreciate the work you are all doing under difficult and unfamiliar circumstances.

Sincerely,

Jean T. Schneider

Citywide Supervising Judge  
New York City Housing Court