

**ADMINISTRATIVE ORDER OF THE CHIEF JUDGE
OF THE NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)**

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. OATH's physical offices will remain closed until at least November 1, 2020, except where an in-person appearance is requested and approved by OATH. All approved in-person appearances in Hearings Division proceedings will take place at 66 John Street, 10th Floor, New York, New York 10038, and all approved in-person appearances in Trials Division proceedings will take place at 100 Church Street, 12th Floor, New York, New York 10007.
2. Hearings.
 - a. All hearings before the OATH Hearings Division will be conducted by telephone, except that a party may request an in-person hearing by emailing livehearings@oath.nyc.gov and indicating the reason why it is not possible to participate by telephone. The request must be made before the scheduled hearing date. An in-person hearing request may be approved if the OATH Hearings Division determines that there is a 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. If a request for an in-person hearing is granted, the OATH Hearings Division will coordinate with the parties on scheduling.
 - b. The OATH Hearings Division may accommodate requests to adjourn and requests to reschedule, in addition to the request to reschedule permitted pursuant to 48 RCNY § 6-05, in instances where a party indicates an inability to participate by telephone due to the COVID-19 emergency.
 - c. The deadline for filing a motion to vacate a default under 48 RCNY § 6-21(b) will be 75 days from the date of the scheduled hearing.

- d. This order continues the policy, due to the COVID-19 emergency, of providing an extension of time for either party to file an appeal of an OATH Hearings Division-issued decision or file a response to an appeal served on or after February 19, 2020, from 30 days to 60 days if the decision was issued in person and from 35 days to 65 days if the hearing decision or appeal was mailed. Any further request for an extension will be granted for good cause shown.
3. Trials.
- a. All conferences and trials before the OATH Trials Division will be conducted in compliance with the directives set forth in the Administrative Order of the Chief Judge with Respect to Trials Conducted before OATH's Trials Division, dated September 29, 2020 (annexed hereto as Appendix A).
 - b. The OATH Trials Division will in its discretion accommodate requests to adjourn where a party demonstrates good cause for not being able to proceed on the scheduled date either in-person or remotely.

This order shall remain in effect until modified or rescinded. This order replaces the previously issued orders related to COVID-19.



Hon. Joni Kletter
Chief Administrative Law Judge, OATH

Dated: September 29, 2020

Appendix A

**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.

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: September 29, 2020