

OFFICE OF THE ADMINISTRATIVE JUDGE
10TH Judicial District, Suffolk County



MEMORANDUM

To: Justices, Judges, and Non-Judicial Personnel
From: Andrew A. Crecca, District Administrative Judge
Date: February 22, 2022
Re: Protocols for the Expansion of Courthouse Operations

Throughout the entire COVID-19 pandemic, our courts have remained open. We thank everyone for their flexibility, adaptability and professionalism during these extremely difficult times. As we return to normalcy it is important to revise the operating Protocols and Procedures. In-person proceedings are both required and warranted. Virtual proceedings are only appropriate in approved circumstances. The court system remains nimble and ready to quickly adapt operations as conditions unfold. The Administrative Judges throughout the State may, based upon local conditions and circumstances, modify the Operating Protocols where appropriate.

This Plan supersedes all previous Operating Protocols and is effective for all proceedings, including Town and Village Courts, on February 25, 2022. To the extent the provisions of these Updated Operating Protocols are inconsistent with provisions in any previously issued memoranda or Administrative Orders, the provisions of these Protocols should be relied upon to guide operations.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered, if necessary, so that different courtrooms in the same building start at different times. However, staggered calendar times should be phased out. Calendars shall be limited to the number of individuals that can socially distance in each courtroom.
2. Each Judge may schedule in-person proceedings at their discretion. All matters shall be scheduled to maximize court resources, including courtroom space, clerk availability and technology constraints. Judges should be mindful that Supervising Judges and Chief Clerks may be required to indicate times and locations when matters may be scheduled by a particular Judge.

3. Occupancy of all courtrooms shall be limited to the number of individuals that can safely socially distance in the courtroom. The Administrative Judge may grant exceptions for specific courthouses, courtrooms and court proceedings.
4. All Judges and all non-judicial personnel shall continue to report to work in-person in their assigned courthouses and courtrooms. Any deviation from this will require approval from the Administrative Judge.
5. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall at all times take steps to enhance monitoring and compliance with all safety measures including social distancing. At this time, social distancing remains at six (6) feet. However, regarding criminal jury trials, social distancing will be three (3) feet. We anticipate a reduction of social distancing to three (3) feet for additional matters in the near future.
6. Each courthouse shall continue to have a space (kiosk or ante-room) available for use by litigants who are unable to appear virtually without the court's assistance.
7. Masks shall be worn at all times and by every individual in all courtrooms and in all public and private areas of the courthouse. However, Judges and non-judicial personnel may be eligible for the "Orange Card Exception" regarding private areas as recently promulgated by the Office of Court Administration. Failure to wear a mask as required will result in exclusion from the courthouse.

II. Court Proceedings

A. Any virtual proceeding shall be conducted from the courtroom, provided that courtroom is available. Jury trials and bench trials shall take priority over all other courtroom proceedings.

B. Matters that must be heard in-person:

1. All proceedings pursuant to the Criminal Procedure Law, unless the use of electronic appearances is authorized pursuant to Criminal procedure Law Article 182 and the defendant consents.
2. Criminal Evidentiary Hearings and Trials.
3. Criminal Arraignments.
4. Criminal Bail Applications, Reviews and Writs.
5. Re-sentencing of incarcerated defendants.
6. Essential Sex Offender Registration Act (SORA) matters.
7. Proceedings pursuant to Mental Hygiene Law Article 10.
8. Judicial Surrenders of Parental Rights.
9. Civil Evidentiary Hearings and Trials.
10. Family Court Evidentiary Hearings.
11. Eviction Proceedings as authorized by law.
12. Any proceeding involving self-represented litigant(s) where the presiding Judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding Judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
13. Child Protection intake cases involving removal applications.
14. Juvenile Delinquency Cases involving remand placement applications, or modification thereof.

15. Emergency Family Offense Petitions/Temporary Orders of Protection, except as promulgated in Section 205.7-b of the Uniform Rules for the Family Court.
16. Orders to Show Cause.
17. General Civil Post Note of Issue settlement and Pre-Trial conferences.
18. MHL applications for an Assisted Outpatient Treatment (AOT) Plan.
19. Emergency Applications in Guardianship matters.
20. Emergency Applications related to Covid-19.
21. Emergency Election Law applications.
22. Extreme Risk Protection Orders (ERPO).
23. Civil/Housing matters.
24. Applications addressing landlord lockouts (including reductions in essential services).
25. Applications addressing serious code violations.
26. Applications addressing serious repair orders.
27. Applications for post-eviction relief.
28. The Administrative Judge or Supervising Judge may grant exceptions to the above if necessary to accommodate individual circumstances.

C. Matters that may be heard in-person, or a hybrid of in-person and/or virtual, at the discretion of the Presiding Judge, shall include:

1. Family Court Act Article 10 proceedings.
2. Adoptions.
3. Surrogate's Court Citations.
4. Mental Hygiene Law Proceedings pertaining to a hospitalized adult as governed by Chief Administrative Judge Lawrence Marks Administrative Order AO/144/21.
5. Small Claims Assessment Review proceedings.
6. Civil Motion arguments.
7. ADR where both parties are represented by counsel and counsel will be present.
8. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program.
9. Civil conferences.
10. Any other matter where expedience dictates that a hybrid or in-person and/or virtual appearance is appropriate.

Hybrid matters shall be conducted by the Judge and non-judicial personnel from a courtroom, as such courtroom is available, using Microsoft Teams video conferencing (using the live courtroom as the background).

D. The scheduling of jury trials shall be approved by the Administrative Judge or his designee. Jury trials shall be conducted pursuant to each court's individual plan submitted by the Administrative Judge and as approved by the Deputy Chief Administrative Judge. Notwithstanding any provision of the aforementioned plans, during a jury trial, occupancy shall be limited to the number of people that can safely socially distance in the courtroom. With regard to criminal jury trials, priority should be given to incarcerated defendants. With regard to civil jury trials, priority should be given to trials where the parties consent to a summary jury trial. During jury trials, masks shall be worn at all times.

* * *



LAWRENCE K. MARKS
Chief Administrative Judge

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City


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ANDREW A. CRECCA
District Administrative Judge
Suffolk County

WARREN G. CLARK, ESQ.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community

FROM: Hon. Andrew A. Crecca, District Administrative Judge 

DATE: June 25, 2021

RE: **10th Judicial District, Suffolk County Updated Operating Protocols
(Effective June 30, 2021)**

Throughout the COVID-19 pandemic, our courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Recently, the metrics (as well as the increasing number of vaccinated New Yorkers) have once again provided an opportunity to gradually increase in-person proceedings in the courthouses. With the expiration of the Governor's Declaration of Emergency, additional in-person appearances are both required and warranted. While civil courts continue to operate with many presumptive virtual appearances, in-person proceedings are required where access to justice and court operations necessitate in-person proceedings. The court system remains nimble and ready to quickly adapt operations as conditions warrant.

The Administrative Judge may enact more restrictive operational protocols as deemed appropriate.

This Plan supersedes the Updated Operating Protocols for the 10th Judicial District, Suffolk County effective April 26, 2021. Commencing, June 30, 2021 all court operations in the 10th Judicial District, Suffolk County, State of New York shall be conducted pursuant to this Plan. To the extent the provisions of these Updated Operating Protocols are inconsistent with the prior protocols as set forth in the April 22, 2020 memorandum, or any previously issued memoranda, the provisions of these Protocols should be relied upon to guide operations.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered so that different courts (e.g. Family, Criminal, etc.) in the same building start at different times.
 2. Each Judge may schedule in-person proceedings in their discretion and in consultation with their Supervising Judge and Chief Clerk. All matters shall be scheduled to maximize court resources, including courtroom space, clerk availability and technology constraints. Judges should be mindful that Supervising Judges and Chief Clerks may be required to indicate times and locations when matters may be scheduled by a particular judge.
- B. Occupancy of all courtrooms shall be limited to the lesser of one-half of the posted room occupancy per code or the number of people that can safely socially distance in the courtroom. The Administrative Judge may grant an exception for a specific courtroom or court proceeding.
- C. All Judges and court staff shall continue to report to work in their assigned courthouses.
- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures including social distancing at all time.
- E. Each Suffolk County court facility shall have a space (kiosk or separate room) available for use by litigants who are unable to appear virtually.

II. Court Proceedings

- A. All virtual proceedings shall be conducted from the courtroom, as such courtroom is available.
- B. Matters that must be heard in-person
1. All proceedings pursuant to the Criminal Procedure Law, unless the use of electronic appearances is authorized pursuant to Criminal Procedure Law Article 182 and the defendant consents.
 2. Proceedings pursuant to Mental Hygiene Law Article 10
 3. Judicial Surrenders of Parental Rights
- C. Matters that may be heard in-person, or a hybrid of in-person and virtual (except as to those matters listed in Paragraph [II][B]), in the discretion of the presiding judge:
1. Matters as designated in Exhibit A
 2. Family Court Act Article 10 proceedings
 3. Adoptions
 4. Civil Evidentiary Hearings and Trials. Jury selection in civil trials shall continue to be supervised by the presiding trial judge.
 5. Family Court evidentiary hearings
 6. Surrogate's Court citations
 7. Eviction proceedings as authorized by law
 8. Any proceeding involving a self-represented litigant(s) where the presiding judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
 9. Mental Hygiene Law proceedings pertaining to a hospitalized adult are governed by Chief Administrative Judge Lawrence Marks' Administrative Order AO/144/21.
 10. General Civil post Note of Issue settlement and pre-trial conferences.

- D. The scheduling of jury trials shall be approved by the Administrative Judge in consultation with the Deputy Chief Administrative Judge. Jury trials shall be conducted in each county pursuant to the individual plan submitted to the Administrative Judge by the Supreme and County Court Chief Clerk and pursuant to the District Jury Plans as approved by the Deputy Chief Administrative Judge. Notwithstanding any provision of the aforementioned plans, during a jury trial, occupancy shall be limited to $\frac{1}{2}$ the posted room occupancy per code or the number of people that can safely socially distance in the courtroom. With regard to criminal jury trials, priority should be given to incarcerated defendants. With regard to civil jury trials, priority should be given to trials where the parties consent to a summary jury trial.
- E. ALL other matters MUST presumptively be heard virtually, from a courtroom as such courtroom is available using Microsoft Teams video conferencing (using the live courtroom as background; if not appearing from the courtroom, use other appropriate background), or telephone, including but not limited to:
1. General civil conferences particularly those with counsel only (except as to those items listed in [II][C][10])
 2. Civil Motion arguments
 3. ADR where both parties are represented by counsel and counsel will be present
 4. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program
 5. Small Claims Assessment Review proceedings
 6. Other routine court matters, not expressly included in Paragraph II(C)

Exhibit A

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews, and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters
- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. juvenile delinquency cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
- C. Supreme Court
 - 1. MHL applications for an assisted outpatient treatment (AOT) plan
 - 2. emergency applications in guardianship matters
 - 3. temporary orders of protection (including but not limited to matters involving domestic violence)
 - 4. emergency applications related to the coronavirus
 - 5. emergency Election Law applications
 - 6. extreme risk protection orders (ERPO)
- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief
- E. Surrogate's Court - Any matter involving an individual who passed away due to COVID-related causes.

: **10th Judicial District, Modifications to Operating Procedures
contained within the Memorandum of February 18, 2021
(Effective April 26, 2021)**

Throughout the COVID-19 pandemic, our courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Recently, the metrics (as well as the increasing number of vaccinated New Yorkers) have once again indicated an opportunity to gradually increase in-person proceedings in the courthouses. While the “norm” remains a presumptively virtual appearance, in-person proceedings are permitted where access to justice and court operations require an in-person proceeding. Contained herein are the modifications to the Suffolk County Court Operating Protocols from the February 18, 2021 memorandum. These modifications will take effective on Monday, April 26, 2021. The protocols set forth in the February 18, 2021 memo remain in effect, except as follows:

- Judges shall be permitted to conduct in-person proceedings 3 days per week (previous protocol was only 2 days per week) subject to adequate staffing and administrative approval.
- Occupancy of courtrooms shall increase from the lesser of 20 people or ½ the posted room occupancy to the lesser of 30 people or ½ the posted room occupancy.
- Courtroom occupancy for jury trials or Grand Jury proceedings shall increase from the lesser of 30 people or ½ the posted room occupancy to 40 people or ½ the room occupancy.
- Courthouse staff reporting to the courthouses shall be increased from a maximum of 60% to a maximum of 80%. On May 24, 2021, 100% of all court employees shall report to work in their assigned courthouses.
- In criminal matters, incarcerated defendants will continue to be produced in court for criminal trials and criminal evidentiary hearings. For all other criminal matters, a remote/virtual appearance of an in-custody defendant is preferred, however, a judge presiding over a criminal case may direct the production of an incarcerated defendant in his/her discretion if it is determined necessary and provided that the correctional facility can accommodate such request.
- Judicial discretion to hear matters in-person pursuant to Section II(B) of the February 18, 2021 memorandum remains the same and will additionally include “Family Court evidentiary hearings” and all “Treatment Court and Judicial Diversion” court appearances.
- With regard to civil jury trials, priority will be given to trials where the parties consent to a Summary Jury Trial.



LAWRENCE K. MARKS
Chief Administrative Judge

VITO C. CARUSO
Deputy Chief Administrative Judge
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ANDREW A. CRECCA
District Administrative Judge
Suffolk County

WARREN G. CLARK, ESQ.
District Executive

MEMORANDUM

TO: All Suffolk County Judicial and Non-Judicial Employees

FROM: Hon. Andrew A. Crecca, District Administrative Judge 

DATE: February 18, 2021

RE: **10th Judicial District, Suffolk County Updated Operating Protocols**
Effective February 22, 2021

Throughout the COVID-19 pandemic, Suffolk County courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Early on, the courts dramatically reduced in-person proceedings, limiting those proceedings to essential matters. In the late Spring and into the Fall of 2020, the Unified Court System progressed to permitting in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses was gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. In November of 2020, the metrics indicated the need to once again, reduce foot traffic. Courts decreased in-person proceedings beginning on November 23, 2020 and again on December 9, 2020, in order to protect the health and safety of all court users, court staff and judges and to further reduce the community spread of the Coronavirus. Recently, the metrics once again indicate an opportunity to increase in-person proceedings in the courthouses and while the "norm" remains a virtual appearance, in-person proceedings are now permitted where access to justice and court operations require an in-person proceeding. The metrics will continue to be monitored, and the court system remains nimble and ready to quickly adapt operations as conditions warrant.

In any district, the Administrative Judge may, based upon local conditions, enact more restrictive operational protocols deemed appropriate by the Administrative Judge.

This Plan supersedes the Updated Operating Protocols Effective December 9, 2020. Commencing February 22, 2021 all court operations in New York State's 10th Judicial District, Suffolk County, shall be conducted pursuant to this Plan. To the extent the provisions of these Updated Operating Protocols are inconsistent with any previously issued memoranda relating to court operating protocols, the provisions of these operating protocols should be relied upon to guide operations.

I. Courthouse Operations

A. Scheduling

1. Calendar times and the scheduling of individual cases shall be staggered in each court building so as to minimize foot traffic.
 2. Each Judge may hold in-person proceedings on two days each week, subject to clerk staff, courtroom space and time availability, unless an exception is requested and granted by the Administrative Judge. A judge presiding over any hearing or trial that continues to an additional day or days shall be granted additional courtroom time. The scheduling shall be as coordinated by Supervising Judges and Chief Clerks or Deputy Chief Clerks to assure appropriate limiting of foot traffic.
 3. In each court, there shall be a maximum of 10 proceedings scheduled in-person per hour, except as stated in Sections (II)(B)(9) and (II)(B)(11).
- B. Occupancy of all courtrooms shall be limited to the lesser of 20 people or $\frac{1}{2}$ the posted room occupancy per code. An exception shall be granted for jury trials or grand juries (in those instances, occupancy shall be limited to the lesser of 30 people or $\frac{1}{2}$ the posted room occupancy per code). The Administrative Judge may grant an exception for a specific courtroom or court proceeding.
- C. The number of non-judicial staff reporting to the courthouse shall be reduced in the discretion of the Administrative Judge to the minimum number necessary to ensure safe operation. In-person staffing at these reduced levels should be scheduled in a manner that limits the likelihood and adverse consequence of a positive COVID transmission in the workplace. All staff not reporting to the courthouse shall work remotely. In all circumstances, non-judicial staff reporting to the courthouse shall be between 40% to 60% of normal pre-COVID staffing.
- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures including social distancing at all time.
- E. Each court facility shall have a space (kiosk or separate room) available for use by litigants who are unable to appear virtually.

II. Court Proceedings

- A. Notwithstanding any other provision herein and except in the case of a criminal jury trial or criminal evidentiary hearing, no incarcerated adult shall be produced to any Court (Supreme, County, Family, City, Town or Village), unless permitted by the Administrative Judge upon a request from the presiding judge.
- B. Matters that may be heard in-person (or a hybrid of in-person and virtual) PROVIDED THAT THE PRESIDING JUDGE FIRST FINDS THAT THE MATTER CANNOT PROCEED VIRTUALLY (LEGALLY IMPERMISSIBLE OR LOGISTICALLY IMPRACTICAL):
1. Matters as designated in Exhibit A
 2. Family Court Act Article 10 proceedings
 3. Adoptions
 4. Civil and Criminal Evidentiary Hearings and Bench Trials

5. Pleas and Sentences
 6. Jury Trials may be scheduled to occur beginning March 22, 2021. The scheduling of the trials shall be approved by the Administrative Judge in consultation with the Deputy Chief Administrative Judge. Jury trials shall be conducted pursuant to the individual plan submitted to the Administrative Judge and pursuant to the Suffolk County Jury Trial Plan as approved by the Deputy Chief Administrative Judge. Notwithstanding any provision of the aforementioned plans, occupancy shall be limited to the lesser of 30 people or ½ the posted room occupancy per code. When scheduling criminal jury trials, priority should be given to incarcerated defendants. No jury trial shall be conducted before March 22, 2021.
 7. Surrogate's Court Citations
 8. Eviction proceedings as authorized by law
 9. Treatment court and Judicial Diversion appearances where the presiding judge determines that an appearance in an acute case is necessary to protect the health and safety of a defendant. Notwithstanding the provisions of Section (I)(A)(3), there may be a maximum of 10 treatment court or Judicial Diversion cases scheduled every 15 minutes.
 10. Any proceeding involving a self-represented litigant(s) where the presiding judge determines that holding the proceeding via a Microsoft Teams conference denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
 11. Traffic violation appearances may be heard in-person upon a finding that it is impractical to conduct the appearance virtually. Notwithstanding the provisions of Section (I)(A)(3), there may be a maximum of 10 traffic violation appearances scheduled every 15 minutes.
- C. ALL other matters MUST be heard virtually using Microsoft Teams video conferencing, or telephone, including but not limited to:
1. Motion arguments
 2. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20)
 3. ADR where both parties are represented by counsel and counsel will be present
 4. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program
 5. Small Claims Assessment Review proceedings
 6. Other routine court matters not expressly included in Paragraph II(B).

Exhibit A

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters
- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. juvenile delinquency cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
- C. Supreme Court
 - 1. MHL applications for an assisted outpatient treatment (AOT) plan
 - 2. emergency applications in guardianship matters
 - 3. temporary orders of protection (including but not limited to matters involving domestic violence)
 - 4. emergency applications related to the coronavirus
 - 5. emergency Election Law applications
 - 6. extreme risk protection orders (ERPO)
- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief
- E. Surrogate's Court - Any matter involving an individual who passed away due to COVID-related causes.

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LAWRENCE K. MARKS
Chief Administrative Judge

VITO C. CARUSO
Deputy Chief Administrative Judge
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ANDREW A. CRECCA
District Administrative Judge
Suffolk County

WARREN G. CLARK, ESQ.
District Executive

MEMORANDUM

TO: All Town and Village Court Judges and Clerks

FROM: Hon. Andrew A. Crecca, District Administrative Judge 

DATE: February 19, 2021

RE: **10th Judicial District, Suffolk County Updated Operating Protocols**
Effective February 22, 2021

Throughout the COVID-19 pandemic, our courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Early on, the courts dramatically reduced in-person proceedings, limiting those proceedings to essential matters. In the late Spring and into the Fall of 2020, the Unified Court System progressed to permitting in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses was gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. In November of 2020, the metrics indicated the need to again reduce foot traffic. Courts decreased in-person proceedings beginning on November 23, 2020 and again on December 9, 2020, in order to protect the health and safety of all court users, court staff and judges and to further reduce the community spread of the Coronavirus. Recently, the metrics once again indicate an opportunity to increase in-person proceedings in court facilities and while virtual appearances continue to be encouraged, in-person proceedings are now permitted where access to justice and court operations require an in-person proceeding. The metrics will continue to be monitored, and the court system remains nimble and ready to quickly adapt operations as conditions warrant.

These protocols supersede the Updated Operating Protocols effective December 9, 2020. Commencing February 22, 2021 all court operations in the Town and Village Courts in New York State's 10th Judicial District, Suffolk County shall be conducted pursuant to this Plan.

I. Court Facility Operations/Safety Protocols

- A. Occupancy of all public areas of the court facility is limited to 25% of the posted room occupancy per code. Individuals will not be allowed to congregate in hallways or entry ways while awaiting entry into the courtroom. In addition, occupancy of all courtrooms is limited to the lesser of 20 people or 25% of the posted room occupancy per code.
- B. Courts are encouraged to use the notification system in the Courtroom Program provided it would allow for a text to be sent to the litigant or litigants when the case is called, allowing individuals to safely wait outside court facilities and enter the building only when their case is ready.
- C. There may be only one Judge hearing cases at any given time in a court facility.
- D. While in the court facility (other than in a closed private office), all court personnel and visitors must cover their nose and mouth with a mask or cloth face-covering.
- E. A minimum distance of six feet must be kept between all individuals at all times.
- F. Judges are encouraged to more robustly conference criminal matters virtually by video or telephonically and if an acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with your prosecutors and defense counsel on procedures.
- G. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your prosecutor and defense counsel on procedures.
- H. While currently there exists no Executive Order nor statutory directive that would excuse a failure to appear or prevent a Judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear.

II. Court Proceedings

- A. Trials: Bench trials and evidentiary hearings may proceed in-person but must be scheduled so that there is strict compliance with the room occupancy limits in all courtrooms and public areas. No more than one hearing or bench trial every 30 minutes may be scheduled. No jury trials may proceed.
- B. Except for jury trials, and subject to the restrictions of any law, Administrative Order or Executive Order to the contrary, these updated operating protocols do not prohibit any particular case type or proceeding from being heard in-person. However, the following calendaring rules must be followed:
 - 1. Traffic infractions/violations: No more than 10 cases may be scheduled every 15 minutes.
 - 2. Criminal matters (to include all penal law and misdemeanor traffic charges): No more than 10 cases will be scheduled every 30 minutes.At all times, all safety protocols listed above must be adhered to, including maximum occupancy, social distancing and PPE outlined in Court Facility Operations/Safety Protocols above.
- C. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.

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LAWRENCE K. MARKS
Chief Administrative Judge

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ANDREW A. CRECCA
District Administrative Judge
Suffolk County

WARREN G. CLARK, ESQ.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community

FROM: Hon. Andrew A. Crecca, District Administrative Judge 

DATE: December 8, 2020

RE: **10th Judicial District, Suffolk County Updated Operating Protocols**
Effective December 9, 2020

For the past many months, the Unified Court System has permitted in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses was gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. Recently, the metrics have indicated the need to once again reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. It is critical that the Courts immediately decrease in-person proceedings in order to protect the health and safety of all court users, court staff and judges and to further reduce the community spread of the Coronavirus. These protocols are intended to create an environment where the "normal" is a virtual appearance and in-person appearances are rare.

The Administrative Judge may, based upon local conditions, enact more restrictive operational protocols deemed appropriate by the Administrative Judge.

This Plan should be considered an update to the Return to In-Person Operations Plan effective October 19, 2020, Judge Marks' Memorandum "Revised Pandemic Procedures in the Trial Courts", dated November 13, 2020, and the Updated Operating Protocols, dated November 18, 2020 (effective November 23, 2020). Commencing December 9, 2020, all court operations in the 10th Judicial District of the State of New York, Suffolk County, shall be conducted pursuant to this Plan.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered so that different courts (e.g., Family, Criminal, etc.) in the same building start at different times.
2. A Judge may not hold in-person proceedings more than one day per week, unless an exception is requested and granted by the District Administrative Judge. Scheduling of matters shall be coordinated by Supervising Judges and the Chief or Deputy Chief Clerks to assure appropriate limiting of foot traffic.
3. **In each court, there shall be a maximum of 5 cases or proceedings scheduled in-person per hour.**

- B. Occupancy of all courtrooms shall be limited to the lesser of 10 people or one-half the posted room occupancy per code. An exception shall be granted for grand juries (in those instances, occupancy shall be limited to the lesser of 30 people or one-half the posted room occupancy per code). Any exceptions that were previously granted to the occupancy limits are rescinded until further notice.
- C. The number of non-judicial staff reporting to the courthouse shall be reduced in the discretion of the Administrative Judge to the minimum number necessary to ensure safe operation. In-person staffing at these reduced levels should be scheduled in a manner that limits the likelihood and adverse consequence of a positive COVID transmission in the workplace. All staff not reporting to the courthouse shall work remotely. Under no circumstance shall the number of non-judicial staff reporting to the courthouse exceed between 25% and 40% of normal pre-COVID staffing.
- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures including social distancing at all times.

II. Court Proceedings

- A. No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Pending criminal and civil jury trials will continue to conclusion.
- B. No new prospective grand jurors will be summoned to report for grand jury service unless authorized by appropriate administrative order. Existing grand juries, pursuant to Section 190.15 of the Criminal Procedure Law, may continue as a matter of law, or upon application of the appropriate district attorney to the Administrative Judge.
- C. Notwithstanding any other provision herein, no adult in custody in the Suffolk County Correctional Facility in the 10th Judicial District, Suffolk County, shall be produced to any Court (Supreme, County, Family, City, Town or Village) unless the Administrative Judge grants permission for an in-person appearance. Where an in-person proceeding involves an adult housed at a correctional facility other than one located in the 10th Judicial District, Suffolk County, that individual shall appear virtually utilizing electronic means unless the presiding judge orders otherwise after appropriate application is made.
- D. The following enumerated matters **may** be heard in-person (or a hybrid of in-person and virtual) **PROVIDED THAT THE PRESIDING JUDGE FIRST MAKES A FINDING THAT IT IS UNLAWFUL TO CONDUCT THE PROCEEDING VIRTUALLY, OR THAT IT IS IMPRACTICAL TO CONDUCT THE PROCEEDING VIRTUALLY AND CRITICAL THAT THE MATTER PROCEED IMMEDIATELY:**
1. Matters as designated in Exhibit A
 2. Family Court Act Article 10 evidentiary hearings

3. Permanency Hearings
 4. Criminal Preliminary Hearings
 5. Pleas and Sentences
 6. Arraignments of in-custody defendants
 7. Arraignments where the Court is notified of a request for an arraignment by either the prosecution or the defense.
 8. Surrogate's Court Citations
 9. Treatment Court and Judicial Diversion appearances where the presiding judge determines, in consultation with Supervising Judge, that an appearance in an acute case is necessary to protect the health and safety of a defendant/respondent.
 10. Any proceeding involving a self-represented litigant(s) where the presiding judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
- E. ALL other matters MUST be heard virtually using Microsoft Teams video conferencing, or telephone, including but not limited to:
1. Bench Trials in Civil and Criminal cases, except for compelling reasons, the presiding judge may forward a request for permission to conduct a bench trial in-person to the Administrative Judge. If deemed appropriate, the Administrative Judge will forward the request to the Deputy Chief Administrative Judge, whose permission is required if the matter is to be held in-person.
 2. Evidentiary Hearings in Civil and Criminal cases, except for compelling reasons, the presiding judge may forward a request for permission to conduct a hearing in-person to the Administrative Judge. If deemed appropriate, the Administrative Judge will forward the request to the Deputy Chief Administrative Judge, whose permission is required if the matter is to be held in-person.
 3. Motion arguments
 4. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20)
 5. ADR where both parties are represented by counsel and counsel will be present.
 6. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program
 7. Small Claims Assessment Review proceedings
 8. Desk Appearance Tickets
 9. Conferences
 10. Arbitrations
 11. Other routine court matters not expressly included in Paragraph II(D)

III. Town and Village Court Protocols

Updated operating protocols for Town and Village Courts in the 10th Judicial District, Suffolk County are set forth in an attachment hereto.

* * *

Exhibit A

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters
- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. juvenile delinquency cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
- C. Supreme Court
 - 1. MHL applications for an assisted outpatient treatment (AOT) plan
 - 2. emergency applications in guardianship matters
 - 3. temporary orders of protection (including but not limited to matters involving domestic violence)
 - 4. emergency applications related to the coronavirus
 - 5. emergency Election Law applications
 - 6. extreme risk protection orders (ERPO)
- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief
- E. Surrogate's Court - Any matter involving an individual who passed away due to COVID-related causes.

Updated Operating Protocols
Town and Village Courts
10th Judicial District, Suffolk County

Effective December 9, 2020

For the past many months, the Unified Court System has permitted in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses was gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. Recently, the metrics have indicated the need to once again reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. Chief Administrative Judge Lawrence Marks' Memorandum "Revised Pandemic Procedures in the Trial Courts", dated November 13, 2020, and the Updated Operating Protocols, dated November 18, 2020 (effective November 23, 2020) are incorporated herein and this document is intended to update those protocols and provide enhanced guidance thereto.

Commencing December 9, 2020, all Town and Village Court operations in the 10th Judicial District of the State of New York, Suffolk County, shall be conducted pursuant to this Plan. **If a matter is not specifically mentioned below, the Court MAY NOT hear the matter in-person.**

I. Courthouse Operations

- A. Occupancy of all courtrooms shall be limited to the lesser of 10 people or 25% of the posted room occupancy per code.
- B. All current safety measures and protocols will continue.

II. Court Proceedings

- A. No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Commenced criminal and civil jury trials will continue to conclusion.
- B. No new bench trials and hearings in civil and criminal cases will be conducted. Bench trials and hearings may only be conducted after a request is made to the Administrative Judge and Deputy Chief Administrative Judge. Exception: Preliminary Hearings in Criminal Court may be heard in-person pursuant to the Updated Operating Protocols (effective November 23, 2020).
- C. Judges may conduct in-person off-hour arraignments. In counties with a CAP, the arraignments shall occur with the Judge presiding at the CAP; where there is a VAP, virtual arraignments shall continue. In all other counties, necessary arraignments shall occur at the Town or Village Court.
- D. Judges may conduct arraignments of in-custody defendants.
- E. Judges may conduct arraignments where the Court is notified of a request for an arraignment by either the prosecution or the defense.
- F. Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with your ADA and defense counsel on procedure. These matters may not be handled in person.
- G. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your ADA and defense counsel on procedure.
- H. While there is no Executive Order nor statutory directive that would excuse a failure to appear or prevent a judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failing to appear.



LAWRENCE K. MARKS
Chief Administrative Judge

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

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District Administrative Judge
Suffolk County

WARREN G. CLARK, ESQ.
District Executive

10th Judicial District, Suffolk County
Updated Operating Protocols
Effective November 23, 2020

For the past many months, the Unified Court System has permitted in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses has been gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. Recently, the metrics have indicated the need to once again reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. Chief Administrative Judge Lawrence Marks' Memorandum dated November 13, 2020 is incorporated herein and this document is intended to provide enhanced guidance thereto.

The Administrative Judge may, based upon local conditions, enact more restrictive operational protocols deemed appropriate by the Administrative Judge.

This Plan should be considered an update to the Return to In-Person Operations Plan effective October 19, 2020 and to Judge Marks' Memorandum "Revised Pandemic Procedures in the Trial Courts" dated November 13, 2020. Commencing Monday, November 23, 2020 all court operations in the 10th Judicial District of the State of New York, Suffolk County, shall be conducted pursuant to this Plan.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered so that different courts (e.g. Family, Criminal, etc.) in the same building start at different times;
2. No more than 50% of the number of courtrooms in a facility will be in use at the same time. If there is a conflict that cannot be resolved by the chief clerk working with chambers, the Supervising Judge or Administrative Judge shall be notified;
3. No more than 50% of the judges/referees/magistrates of one court type (Family Court, Criminal Court, Civil Court) may hold in-person calendars at any one time; and
4. In each court part, there shall be a maximum of 10 cases or proceedings scheduled in-person per hour.

- B. Occupancy of all courtrooms shall be limited to the lesser of 10 people or $\frac{1}{2}$ the posted room occupancy per code. An exception shall be granted for jury trials or ongoing grand juries currently in progress (in those instances, occupancy shall be limited to the lesser of 25 people or $\frac{1}{2}$ the posted room occupancy per code). Any exceptions that were previously granted to the occupancy limits are rescinded until further notice.

- C. The number of non-judicial staff reporting to the courthouse shall be reduced in the discretion of the Administrative Judge to the minimum number necessary to ensure safe operation and to ensure sufficient "remote" staff is available to replace the staff reporting to the courthouse in the event there is a workplace Coronavirus exposure. All staff not reporting to the courthouse shall work remotely.

- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures, including ensuring social distancing at all times.

II. Court Proceedings

- A. No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Pending criminal and civil jury trials will continue to conclusion.
- B. No new prospective grand jurors will be summoned for grand jury service until further notice. Existing grand juries, pursuant to Section 190.15 of the Criminal Procedure Law, may continue, upon application of the appropriate district attorney to the Administrative Judge.
- C. Notwithstanding any other provision herein, where an in-person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the presiding judge orders otherwise after appropriate application is made.
- D. Matters that **may** be heard in-person (or a hybrid of in-person and virtual) provided that the judge presiding over the matter finds that it is unlawful or impractical to conduct the proceeding virtually:
1. Matters as designated in Exhibit A;
 2. Family Court Act Article 10 evidentiary hearings;
 3. Permanency Hearings;
 4. Criminal Preliminary Hearings;
 5. Pleas and Sentences; and
 6. Arraignments.

- E. Matters that **may** be heard in-person (or a hybrid of in-person and virtual)
 - 1. Treatment court and Judicial Diversion appearances where the presiding judge determines that an appearance in an acute case is necessary to protect the health and safety of a defendant; and
 - 2. Any proceeding involving a self-represented litigant(s) where the presiding judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
- F. ALL other matters **MUST** be heard virtually using Microsoft Teams, or other virtual means, including but not limited to:
 - 1. Bench Trials in Civil and Criminal cases. (For compelling reasons, the presiding judge may forward a request for permission to conduct a bench trial in-person to the Administrative Judge. If deemed appropriate, the Administrative Judge will forward the request to the Deputy Chief Administrative Judge, whose permission is required if the matter is to be held in-person);
 - 2. Evidentiary Hearings in Civil and Criminal Cases. (For compelling reasons, the presiding judge may forward a request for permission to conduct a hearing trial in-person to the Administrative Judge. If deemed appropriate, the Administrative Judge will forward the request to the Deputy Chief Administrative Judge, whose permission is required if the matter is to be held in-person);
 - 3. Motion arguments;
 - 4. Mental Hygiene Law proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20);
 - 5. ADR where both parties are represented by counsel and counsel will be present;
 - 6. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program; and
 - 7. Small Claims Assessment Review proceedings.

III. Town and Village Court Protocols

Updated operating protocols for Town and Village Courts in the 10th Judicial District, Suffolk County are set forth in an attachment hereto.

Exhibit A

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
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 - 5. essential sex offender registration act (SORA) matters
- B. Family Court
 - 1. child protection intake cases involving removal applications
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 - 4. orders to show cause
- C. Supreme Court
 - 1. MHL applications for an assisted outpatient treatment (AOT) plan
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 - 4. applications for post-eviction relief
- E. Surrogate's Court - Any matter involving an individual who passed away due to COVID-related causes.

Updated Operating Protocols
Town and Village Courts
10th Judicial District, Suffolk County
Effective November 23, 2020

For the past many months, the Unified Court System has permitted in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses has been gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. Recently, the metrics have indicated the need to once again reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. Chief Administrative Judge Lawrence Marks' Memorandum dated November 13, 2020 is incorporated herein and this document is intended to provide enhanced guidance thereto.

Commencing Monday, November 23, 2020, all Town and Village Court operations in the 10th Judicial District of the State of New York, Suffolk County, shall be conducted pursuant to this Plan.

I. Courthouse Operations

- A. Occupancy of all courtrooms shall be limited to the lesser of 10 people or 25% of the posted room occupancy per code. This includes lawyers, litigants and spectators, but does not include any court personnel or security.
- B. All current safety measures and protocols will continue.

II. Court Proceedings

- A. No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Commenced criminal and civil jury trials will continue to conclusion.
- B. No new bench trials and hearings in civil and criminal cases will be conducted. Bench trials and hearings may only be conducted after a request is made to the Administrative Judge. The Administrative Judge shall seek permission from the Deputy Chief Administrative Judge. Exception: in-person Preliminary Hearings in Criminal Court may be heard in-person pursuant to the Updated Return to In-Person Operations Plan effective October 19, 2020, without further approval.
- C. Judges may conduct in person off hour arraignments. In counties with a CAP, the arraignments shall occur with the Judge presiding at the CAP; where there is a VAP, virtual arraignments shall continue. In all other counties, necessary arraignments shall occur at the Town or Village Court.
- D. Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with the District Attorney and defense counsel on procedure.
- E. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Judges should work with the District Attorney and defense counsel on procedure.
- F. Judges may hold appearances regarding appeals.
- G. Judges may hold arraignments on Appearance Ticket returns and appearances on VTL matters.
- H. While currently there exists no Executive Order nor statutory directive that would excuse a failure to appear or prevent a judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear.



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

MEMORANDUM

November 13, 2020

To: Hon. George J. Silver
Hon. Vito C. Caruso

From: Lawrence K. Marks *LM*

Subject: Revised Pandemic Procedures in the Trial Courts

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In light of recent adverse trends in coronavirus transmission rates in New York State, discussions with our consultants and Governor Cuomo's most recent directives limiting congregation of groups of people in public and private locations, we are revising certain UCS statewide operational practices in the trial courts, **commencing Monday, November 16**, as follows:

- No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Pending criminal and civil jury trials will continue to conclusion.
- No new prospective grand jurors will be summoned for grand jury service until further notice. Pending grand juries will continue to conclusion.
- All future bench trials and hearings will be conducted virtually unless the respective Deputy Chief Administrative Judge permits otherwise. Pending bench trials will continue to conclusion.

Please note that socially-distanced in-person court conferences will continue. All coronavirus health and safety procedures should continue to be closely followed. Decisions about possible adjustment of staffing levels in the trial courts will be addressed in the coming days.

These practices may be further amended as the public health situation evolves.

c: Administrative Judges



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Courts Outside New York City

WARREN G. CLARK, Esq.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community
FROM: Hon. Andrew A. Crecca, District Administrative Judge 
DATE: October 19, 2020
RE: Recent Modifications to Suffolk County's Return to In-person Operations Phase 4.1

As the courts continue their phased-in approach to the Return to In-person Operations, I want to provide you with an important update. On August 17, 2020, the courts in Suffolk County entered into Phase 4.1 of the Return to In-person Operations. This phase built upon our reopening efforts by providing for enhanced in-person operations in all courts throughout the District, the continued use of virtual technology where we have found it to be appropriate and preferred, and the commencement of civil and criminal jury trials. At this time, after consultation with the Deputy District Administrative Judge for the Courts Outside the City of New York, it is appropriate to make certain modifications to the Phase 4.1 Plan. This Phase 4.1 updated plan takes effect today, October 19, 2020.

As in Phase 4.1, we will continue to operate with no more than 50% of the courtrooms in each courthouse being used for in-person proceedings at the same time, however, any courtroom being used for a trial, whether bench trial or jury trial (other than during jury selection), will no longer be included in the 50% calculation.

We will also continue to maintain all current health and safety protocols including daily cleaning, proper social distancing, as well as screening all court employees and court users coming into court facilities. Please be advised that the cafeteria is now open in the Cohalan Court Complex, and other ancillary services such as the Children's Center, may operate upon approval of their reopening plans.

The guidelines set forth in Phase 4.1 regarding what matters will be presumptively heard in-person and those that will be presumptively heard virtually shall continue, however, the ultimate decision on how a matter is heard is at the discretion of the presiding Judge.

As many of you know, Suffolk County commenced a pilot petit jury trial program on September 9, 2020, and have since conducted numerous trials in our Supreme, County and District Courts. The jurors, parties and participants involved were satisfied with the safety protocols in place and how the trials were conducted. We plan to continue holding both civil and criminal trials in all of our courts throughout the remainder of the year.

Operations in our various courts will continue pursuant to the protocols set forth in Phase 4.1. Notwithstanding the above, with regard to our outlying District Courts, new protocols for housing matters were recently set forth in the Memorandum from Chief Administrative Judge Lawrence Marks, dated October 9, 2020 and in Administrative Order AO/231/20.

Additionally, be advised that judges presiding over any matter where a party has defaulted may now grant a default judgment where, after inquiry, the judge determines that:

- (a) the defaulting party has received actual notice of the action or proceeding;
- (b) the failure of the defaulting party to respond to the action or proceeding is not due to the COVID-19 pandemic; and
- (c) the granting of the default judgment is not contrary to any statute, Executive Order or Administrative Order.

It should also be noted that Executive Order 202.67 extends the toll on statutes of limitations (first set forth in Executive Order 202.8 on March 20, 2020 and later extended) through November 3, 2020, wherein default judgments may be governed by the suspension of "any specific time limit for the commencement, filing or service of any legal action, notice, motion or other process or proceeding, as described by the procedural laws of the state."

As you may be aware from my prior memorandum, all Suffolk courts are in the process of transitioning to Microsoft Teams in place of Skype for Business for virtual proceedings. The transition to Teams has already begun throughout the court system and will be completed in Suffolk by November 13, 2020, except for Town and Village Courts, which will be completed by November 30, 2020.

Thank you again for all of your ongoing support and cooperation throughout this process.



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Courts Outside New York City

WARREN G. CLARK, Esq.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community

FROM: Hon. Andrew A. Crecca, District Administrative Judge

DATE: August 19, 2020

RE: Return to In-Person Operations in the 10th Judicial District, Suffolk County - Phase 4.1

As the courts continue their phased-in reopening, I want to provide you with an important update. On August 17, 2020, the Courts in Suffolk County entered into Phase 4.1 of the return to in-person operations. This phase builds upon our reopening efforts to date by providing for enhanced in-person operations in all courts throughout the District, the continued use of virtual technology where we have found it to be appropriate and preferred, and the commencement of civil and criminal jury trials.

As in Phase IV, no more than 50% of the courtrooms in a courthouse will be used for in-person proceedings at the same time, and occupancy of every courtroom in the District will be kept at or below 25% of its maximum capacity. Staffing levels in our buildings will remain at or below 80% of total staff, and employees must adhere to the Self-Assessment and Thermal Temperature Screening Protocol set forth by OCA. We will maintain the protocols currently in place to maintain proper social distancing in the courthouses and screen visitors in accordance with memoranda from OCA.

Listed below are matters that will be presumptively heard in-person as well as those that will be presumptively heard virtually. Please keep in mind, however, that the ultimate decision on how a matter is heard is at the discretion of the presiding Judge.

A. Matters Presumptively In-Person

1. Superior Civil
 - a. Trials
 - b. Evidentiary hearings
 - c. Inquests
 - d. All appearances and conferences where at least one party is self-represented
 - e. Essential Matters

2. Superior Criminal (County Court)
 - a. Trials
 - b. Evidentiary hearings
 - c. Non-custodial arraignments
 - d. Waivers of indictment, pleas and sentences for defendants not in custody
 - e. Motion arguments
 - f. Treatment Court and Judicial Diversion cases where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
 - g. Grand Jury proceedings
 - h. Instances where the defendant can not be located or communicated with
 - i. Essential Matters
3. Family Court
 - a. All evidentiary hearings (priority given to matters filed first)
 - b. Child support proceedings
 - c. Permanency hearings
 - d. FCA Article 10 consents, admissions and surrenders
 - e. Essential Matters
4. Surrogate's Court
 - a. Citations and Show Cause orders
 - b. Bench trials
 - c. Evidentiary hearings
 - d. All appearances and conferences where at least one party is self-represented
 - e. Essential Matters
5. District Court Civil
 - a. Bench trials
 - b. Evidentiary hearings
 - c. Small claims matters, including small claims arbitration
 - d. Out of custody arraignments on Town Code violations
 - e. Essential Matters
6. District Court Criminal
 - a. Trials
 - b. Preliminary hearings
 - c. Evidentiary hearings
 - d. Appearance Ticket arraignments
 - e. Vehicle & Traffic appearances
 - f. Pleas and sentences for defendants at liberty
 - g. Motion arguments
 - h. Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
 - i. Treatment court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
 - j. Essential Matters

B. Matters Heard Presumptively Virtually

1. Superior Civil

- a. All conferences, including foreclosures, where all parties are represented by counsel
- b. Motion arguments where all parties are represented by counsel
- c. Mental Hygiene Law proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' AO/72/20)
- d. All other proceedings not listed in (A)(1) above

2. Superior Criminal

- a. Conferences
- b. Pleas and sentences where the defendant is incarcerated
- c. Felony examinations
- d. Argument on motions
- e. Bench trials, on consent
- f. All other proceedings not listed in (A)(2) above

3. Family Court

- a. Conferences
- b. Juvenile Delinquency proceedings
- c. Person In Need of Supervision proceedings
- d. Adoptions
- e. Appearance calendars
- f. All other proceedings not listed in (A)(3) above

4. Surrogate's Court

- a. Conferences where all parties are represented by counsel
- b. Motion arguments where all parties are represented by counsel
- c. Adoptions
- d. All other proceedings not listed in (A)(4) above

5. District Court Civil

- a. Conferences
- b. Motion arguments
- c. All other proceedings not listed in (A)(5) above

6. District Court Criminal

- a. Conferences
- b. Pleas and sentences where the defendant is incarcerated
- c. All other proceedings not listed in (A)(6) above

C. Jury Trials

In light of the successful experience impaneling Grand Juries statewide in Term 8, the District will conduct both civil and criminal trials on a pilot basis beginning September 8, 2020. Among other operational considerations in place to protect the health

and safety of all participants, jurors will be summoned on a staggered basis, courtrooms will be arranged to maximize social distancing, jurors will be required to wear face masks, and the courts will provide enhanced cleaning services and make sanitizing stations and wipes available. Following the completion of a jury trial, whether Civil or Criminal, the District will review the jury trial protocol with the presiding judge, lawyers, and to the extent possible, jurors, to determine what portions of the protocol should be modified.

Suffolk plans include expanding upon the District's initial Pilot Jury Trial programs, with the continuation of both criminal and civil petit jury trials pursuant to the following schedule. For Civil Jury Trials, juror summonses will be mailed in Term 10 (commencing September 8, 2020) for trials to be held in Term 11 (commencing October 5, 2020). For Criminal Jury Trials, juror summonses will be mailed in Term 11 and for trials to be held in Term 12 (commencing November 2, 2020).

Prior to scheduling a case for trial and again immediately prior to jury selection, there will be a robust effort to resolve the case through settlement or plea.

D. Court Specific Implementation

With regard to our various courts, Phase 4.1 will be implemented as follows:

1. Supreme Court. Approximately one-half of the courtrooms will be open daily for selective in-person appearances in both Central Islip and Riverhead, and all in-person appearances will continue to be scheduled in a staggered manner to avoid overcrowding. Foreclosure matters will proceed pursuant to the protocols established in the Memorandum of Judge Marks, dated July 24, 2020, and the accompanying administrative order (AO/157/20). Civil ADR calendars will continue to be conducted on a daily basis. In matrimonial matters, Judges will continue conducting most conferences virtually but will continue to conduct in-person hearings and other proceedings. Virtual conferences are being utilized in all cases including those involving self-represented litigants. The Matrimonial Mediation Center is open and conducting virtual mediations on existing cases with plans to take new referrals starting in September 2020. Small Claims Assessment Review (SCAR) proceedings will be held virtually.

2. County Court. Each criminal part will operate both virtually and in-person. In addition, no more than 50% of these Parts will be used for in-person proceedings on a daily basis. The courtrooms being utilized for in-person proceedings are located on multiple floors and are apart from each other to avoid overcrowding and maintain appropriate distancing.

The previously approved Grand Jury Plan will be followed, and it is anticipated that two Suffolk County Grand Juries will remain in effect until further notice.

3. Family Court. No more than 50% of the courtrooms will be used to conduct in-person proceedings in Central Islip and Riverhead, with all other Parts operating virtually. All courtrooms are configured to handle matters both virtually and in-person.

Custody/visitation and guardianship cases will be calendared. Judges, Referees, and Magistrates will be assigned designated days for in-person appearances and will conduct the remainder of appearances virtually.

4. District Court. The criminal parts will continue to conduct both in-person and virtual proceedings. Courtroom D11, or a similar courtroom, will be utilized for desk appearance ticket (“DAT”) calendars to maximize social distancing. These DAT appearances will be staggered to avoid overcrowding at any particular time. In addition, all of the District Court Judges will continue with designated calendar days for in-person appearances. Scheduling will be done in such a manner that there will not be more than 50% of the courtrooms open and no more than 50% of the courtrooms open on any floor in District Court.

The outlying District Courts located in Ronkonkoma, Lindenhurst, Huntington Station, Hauppauge and Patchogue will continue to hear essential matters in-person and non-essential matters virtually. Housing matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks, dated August 12, 2020, and pursuant to Administrative Order AO/160/20. This order allows eviction matters commenced prior to March 17, 2020 to resume with important caveats, including the requirement that the court hold a status or settlement conference for residential eviction matters prior to taking any further steps. Please note that AO/160/20 continues to suspend eviction proceedings commenced on or after March 17, 2020, whether residential or commercial, nonpayment or holdover.

5. Surrogate’s Court. The Court will continue to handle both virtual and in-person matters on a selective basis. The in-person matters will be limited to hearings and trials that cannot be conducted virtually, and such other matters as deemed appropriate by the Court.

6. Town and Village Courts. Town and Village Courts will continue to hear all matters as in Phase IV. Phase 4.1 expands in-person proceedings to allow Judges to hold in-person arraignments on all Appearance Tickets, without date limits. Judges may also hold in-person arraignments and calendar town ordinance cases. They may also calendar parking tickets for conferences and dispositions.

E. Default Judgments

Please also be advised that continuing in Phase 4.1, default judgments shall not be granted where, pursuant to CPLR § 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant's notice pursuant to CPLR § 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given (10th Judicial District, Suffolk County’s AO 45-20).

I will remain in touch regarding any further changes in our reopening plans as they continue to evolve. Please know that I greatly appreciate all of your ongoing support and cooperation throughout this process and am here to assist you in any way I can.



State of New York
UNIFIED COURT SYSTEM
SUFFOLK COUNTY
DISTRICT ADMINISTRATIVE JUDGE'S OFFICE
JOHN P. COHALAN, JR. COURT COMPLEX
400 Carleton Avenue
P.O. Box 9080
Central Islip, NY 11722-9080
(631) 208-5610 Fax (631) 853-7741

LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

WARREN G. CLARK, Esq.
District Executive

July 8, 2020

Re: Return to In-Person Operations in the 10th Judicial District, Suffolk

Dear Suffolk County Legal Community,

On May 29, 2020 the Courts in Suffolk County entered into Phase I of the return to in-person operations, on June 12, 2020 the Courts in Suffolk County entered into Phase II of return to in-person operations and on June 26, 2020 the Courts in Suffolk County entered into Phase III of the return to in-person operations. We are very pleased to announce that we will be entering into Phase IV of the return to in-person operations in Suffolk County this Friday, July 10, 2020.

The goal of Phase IV is to further increase foot traffic in the courthouses in a measured manner, expand the categories of proceedings that are currently heard in-person and continue the robust use of virtual technology whenever possible.

In Phase IV, no more than 50% of the courtrooms in a courthouse will be in use at the same time. Every courtroom in the district will be assessed for maximum capacity, which will be below 25% of actual capacity. In addition to the other safety measures, face shields will be available for use by Judges, non-judicial employees and court users.

Notwithstanding any other provision herein, where an in-person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the presiding Judge orders otherwise after appropriate application is made.

Listed below are matters that will be presumptively heard in-person as well as those that will be presumptively held virtually. Please keep in mind, however, that the ultimate decision on how a matter is heard is at the discretion of the presiding Judge.

The following matters will presumptively be heard in person and virtually:

1. Matters that shall presumptively be heard in-person
 - a. Supreme Civil
 - i. Bench trials
 - ii. Evidentiary hearings and inquests

- iii. All appearances and conferences where at least one party is self-represented
 - iv. Essential Matters
- b. Superior Criminal (Incarcerated Defendants shall appear virtually, unless otherwise ordered)
 - i. Bench trials
 - ii. Evidentiary hearings, including Suppression Hearings
 - iii. Non-custodial arraignments
 - iv. Waivers of Indictment, Pleas and Sentences for defendants at liberty
 - v. Motion argument
 - vi. Treatment court and Judicial Diversion where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
 - vii. Grand Jury proceedings (commencing on or after July 13, 2020)
 - viii. Essential Matters
- c. Family Court
 - i. All evidentiary hearings (priority given to matters filed first)
 - ii. Child Support proceedings filed prior to June 1, 2020
 - iii. Permanency Hearings
 - iv. Article 10 Consents, Admissions and Surrenders
 - v. Essential Matters
- d. Surrogates' Court
 - i. Bench trials
 - ii. Evidentiary hearings
 - iii. All appearances and conferences where at least one party is self-represented
 - iv. Essential Matters
- e. District Court Civil
 - i. Bench trials
 - ii. Evidentiary hearings
 - iii. Small claims matters, including the small claims arbitration program, for matters that were filed prior to April 1, 2020
 - iv. Essential Matters
- f. District Court Criminal
 - i. Bench trials
 - ii. Preliminary Hearings
 - iii. Evidentiary hearings
 - iv. Appearance Ticket arraignments for Appearance Tickets filed prior to June 1, 2020
 - v. Pleas and Sentences for defendants at liberty
 - vi. Motion arguments
 - vii. Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
 - viii. Treatment court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.
 - ix. Essential Matters

2. Matters that shall presumptively be heard virtually
 - a. Supreme Civil
 - i. All conferences, including foreclosures, where all parties are represented by counsel
 - ii. Motion arguments where all parties are represented by counsel
 - iii. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' AO/72/20)
 - iv. All other proceedings not listed in (1)(a) above
 - b. Superior Criminal
 - i. Conferences
 - ii. Waivers of Indictment, pleas and sentences where the defendant is incarcerated
 - c. Family Court
 - i. Conferences
 - ii. Juvenile Delinquency Proceedings
 - iii. Person In Need of Supervision Proceedings
 - iv. Adoptions
 - v. Appearances calendars
 - vi. All other proceedings not listed in (1)(c) above
 - d. Surrogate's Court
 - i. Conferences where all parties are represented by counsel
 - ii. Motion Arguments where all parties are represented by counsel
 - iii. Citations and Show Cause Orders
 - iv. All other proceedings not listed in (1)(d) above
 - e. District Court Civil
 - i. Conferences
 - ii. Motion arguments
 - iii. All other proceedings not listed in (1)(e) above
 - f. District Court Criminal
 - i. Conferences
 - ii. Pleas and sentences where the defendant is incarcerated
 - iii. All other proceedings not listed in (1)(f) above

Courts should note the following:

- Housing matters (landlord/tenant, evictions and foreclosures) may proceed only for purposes of Alternative Dispute Resolution (via conferencing) and settlements where all parties are represented by counsel
- All eviction proceedings are suspended (Chief Administrative Judge Lawrence Marks' AO/68/20 and AO/127/20, 10th Judicial District, Suffolk County's AO 45-20)
- All foreclosure proceedings are suspended (Chief Administrative Judge Lawrence Marks' AO/68/20 and AO/131/20, 10th Judicial District, Suffolk County's AO 45-20)
- Default judgments shall not be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant's notice pursuant to CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given (10th Judicial District, Suffolk County's AO 45-20)

Please be advised of the following with regard to our various Courts:

Supreme Court: In Phase IV, there will be approximately one-half of the courtrooms open on a daily basis for selective in-person appearances in both Central Islip and Riverhead. These appearances will include non-jury trials, hearings, infant comps and other matters where the Court directs the parties to appear. All appearances will be in a staggered manner to avoid overcrowding. Administrative Orders 121/20 and 131/20 govern foreclosures. Virtual conferences may be held where all parties are represented. Two ADR calendars will be conducted on a daily basis and Preliminary Conferences will be scheduled commencing on July 13, 2020 on Riverhead matters. Both the ADR Conferences and PC Conferences will be conducted virtually. On Matrimonial matters, Judges have been and will continue conducting Preliminary Conferences. Virtual conferences are being utilized in all cases including those involving self-represented litigants. The Matrimonial Mediation Center is open and conducting virtual mediations on existing cases. Small Claims Assessment Review (SCAR) proceeding conferences will be held virtually in Phase IV.

County Court: Two County Court Criminal Parts will continue to operate virtually hearing Superior Court Criminal matters in the Arthur M. Cromarty Criminal Court Complex in Riverhead. In addition, on a daily basis, three in-person parts have been established on three different floors in the building. The nine Superior Court Criminal Judges in this building will rotate through both the virtual and in-person parts. The courtrooms utilized are the larger end courtrooms on each floor to avoid overcrowding and maintain appropriate distancing.

Grand Jury Summons were issued with return dates of July 13 and July 14, 2020. It is anticipated that two Suffolk County Grand Juries will be impaneled by July 14, 2020.

Family Court: In Phase IV, five Judicial Parts will be operated in Central Islip and one in Riverhead. Courtrooms are configured to handle matters both virtually and in person. The existing two Court Attorney Referee Parts will continue to operate virtually and hearing essential matters. Family Court Judges will be assigned designated days for purposes of hearing trials, permanency hearings, Article 10 hearings and other matters that require immediate attention. Judges will be assigned designated days in these parts, as well as their designated days in the Essential Parts. All support magistrates will come in to hear matters virtually at first. Given the backlog of filings and close quarters of the magistrate rooms, it was felt it was best to start everyone hearing cases virtually. After making an assessment of the inventories, the parts will be transitioning to 50% operating on a daily basis in-person.

District Court: The criminal operations in District Court will continue to include three virtual courtrooms in addition to the Arraignment Part. Efforts are underway to equip every courtroom with virtual capabilities. With the calendaring of DAT's, the Virtual Arraignment Part will be moved to a smaller courtroom and the larger Arraignment Part (D11) on the first floor will be utilized for DAT calendars to maximize social distancing. These DAT's will also be staggered to avoid overcrowding at any particular time. This courtroom has a capacity of approximately 100. In addition, all of the District Court Judges will be provided two calendar days for in-person appearances. It will be done in such a manner that there will never be more than 50% of the courtrooms open and never more than 50% of the courtrooms open on any floor in District Court.

The outlying District Courts located in Ronkonkoma, Lindenhurst, Huntington Station, Hauppauge and Patchogue will continue to hear essential matters in-person and non-essential matters virtually. In addition, all of these courts will commence conferencing with a view toward settlement of landlord/tenant matters where both parties are represented.

Surrogate's Court: Unlike the other courts, Surrogate's Court only has one courtroom. This courtroom will continue to handle both virtual and in-person matters on a selective basis. The in-person matters will be limited to hearings and trials that cannot be conducted virtually.

Town and Village Courts: In Phase IV, the Town and Village Courts are handling all of their own in-custody arraignments both during normal business hours and during weekends and off hours. Any preliminary hearings on new felonies that must be conducted are still being conducted in the Virtual Superior Court Criminal Part in Riverhead. The need for preliminary hearings should be eliminated with the new Grand Juries starting in Term 8. In Phase IV, the Town and Village Courts will conference criminal matters virtually and do dispositions virtually whenever possible.

In addition, for criminal matters, the Courts may handle the following matters in-person: bench trials and hearings, in-person desk appearance tickets issued prior to June 1, 2020, pleas and sentences for out of custody defendants not involving incarceration and pleas and sentences for in-custody defendants resulting in a release from custody. In civil matters, the Courts may handle in-person the following: bench trials and hearings, small claims matters, Town Code violations and landlord/tenant matters for conference. The Town and Village protocol as approved previously by Judge Marks will be implemented. There will be a strict maximum occupancy of 25% for all town and village courtrooms.

The protocols previously provided for Phase III remain in effect and, accordingly, new protocols are not attached to this letter. In addition, all Judicial Parts have part emails and attorneys are reminded that they can utilize these part emails to request a conference with appropriate notification to their adversary.

Please be advised that Suffolk County Administrative Order 24A-20 has been rescinded and 18b Vouchers should again be submitted to the Judges in the appropriate Court and not directly to Assigned Counsel Administrator, Daniel Russo.

We will continue to stay in touch with you as our operations evolve. Thanks again for your extraordinary cooperation. I continue to wish you and your families all the best.

Sincerely,



C. Randall Hinrichs
District Administrative Judge

CRH:dah



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Deputy Chief Administrative Judge
Courts Outside New York City

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

WARREN G. CLARK, Esq.
District Executive

June 24, 2020

Re: Return to In-Person Operations in the 10th Judicial District, Suffolk County - Phase III

Dear Suffolk County Legal Community,

On May 29, 2020 the Courts in Suffolk County entered into Phase I of the return to in-person operations and on June 12, 2020 the Courts in Suffolk County entered into Phase II of return to in-person operations. We are very pleased to announce that we will be entering into Phase III of the return to in-person operations in Suffolk County this Friday, June 26, 2020.

The goal of Phase III is to again increase foot traffic in the courthouse in a measured manner and to expand the categories of proceedings that are heard in-person. Being mindful of the volume of pending cases and the need to address newly filed cases, the Courts will also continue to expand our use of the virtual format where legally permissible and logistically possible.

In Phase III, no more than 50% of the courtrooms in a courthouse will be in use at the same time. Every courtroom in the district will be assessed for maximum capacity, which will be below 25% of actual capacity. In addition to the other safety measures, face shields will be available for use by Judges, non-judicial employees and court users.

We anticipate hearing the following are matters in-person in Phase III:

- Essential matters, (Chief Administrative Lawrence Marks' Administrative Order AO/78/20, Chief Administrative Judge Lawrence Marks' Administrative Order AO/99/20)
- Bench trials
- Family Court Act Article 10 evidentiary hearings
- Child support proceedings filed prior to April 1, 2020
- Permanency hearings

- Criminal pre-trial evidentiary hearings
- Pleas and sentences for defendants at liberty that do not involve a sentence of incarceration
- Arraignments of defendants whose Appearance Tickets were filed prior to April 1, 2020
- Treatment Court and Judicial Diversion appearances where the assigned Judge determines that an appearance in an acute case is necessary to protect the health and safety of a defendant

Where an in-person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the presiding Judge orders otherwise after appropriate application is made. Juvenile Delinquency proceedings and Mental Hygiene Law proceedings pertaining to a hospitalized adult will also continue virtually.

Please be advised that non-essential proceedings shall be heard virtually by the assigned Judge. In all instances, a request may be made by an attorney or litigant to the assigned Judge that the requesting attorney or litigant be heard in-person. Such request shall be heard by the assigned Judge upon notice to the non-requesting party. The Judge shall consider the merits of the request as well as courtroom and staff availability while being mindful of the goal of Phase III as stated above.

Many members of the Bar have spoken with me about their desire to return to court. As Chief Judge DiFiore has stated, we are doing everything possible to expand our operations in a way that is safe for all. If there are matters that an attorney feels need attention, they can utilize the Part emails which were previously distributed to request a conference, with the appropriate notification to their adversary. With the ability of the Courts to schedule non-jury trials, hearings and other in-person proceedings, there is a significant expansion of court operations from Phase II to Phase III.

Please be advised of the following with respect to our various courts:

Supreme Court: With the transition to Phase III, there will be approximately one-half of the courtrooms open on a daily basis for selective in-person appearances in both Central Islip and Riverhead. These appearances will include non-jury trials, hearings, infant comps and other matters where the Court directs the parties to appear. All appearances will be in a staggered manner to avoid overcrowding. Administrative Orders 121/20 and 131/20 govern foreclosures. Virtual conferences may be held where all parties are represented. Two ADR calendars will be conducted on a daily basis and Preliminary Conferences will be scheduled commencing on July 13, 2020 on Riverhead matters. Both the ADR Conferences and PC Conferences will be conducted virtually. On Matrimonial matters, Judges have been and will continue conducting Preliminary Conferences. Virtual conferences are being utilized in all cases including those involving self-represented litigants. The Matrimonial Mediation Center is open and conducting virtual mediations on existing cases. Please find attached an updated protocol for Supreme Court.

Criminal Matters - County Court: Two County Court Criminal Parts will continue to operate virtually hearing Superior Court Criminal matters in the Arthur M. Cromarty Criminal Court Complex in Riverhead. In addition, on a daily basis, three in-person parts have been established on three different floors in the building. The nine Superior Court Criminal Judges in this building will rotate through both the virtual and in-person parts. The courtrooms utilized are the larger end courtrooms on each floor to avoid overcrowding and maintain appropriate distancing.

Criminal Matters - District Court: The criminal operations in District Court will continue to include three virtual courtrooms in addition to the Arraignment Part. With the calendaring of DAT's, the Virtual Arraignment Part will be moved to a smaller courtroom and the larger Arraignment Part (D11) on the first floor will be utilized for DAT calendars to maximize social distancing. These DAT's will also be staggered to avoid overcrowding at any particular time. This courtroom has a capacity of approximately 100. In addition, all of the District Court Judges will be provided two calendar days for in-person appearances. It will be done in such a manner that there will never be more than 50% of the courtrooms open and never more than 50% of the courtrooms open on any floor in District Court.

Please see a memorandum from Supervising Judges Mark Cohen and Karen Kerr regarding the updated protocol for Phase III, as well as the District Court courtroom schedules. In addition, criminal bench trials will also be addressed in-person on a case by case basis.

Family Court: There are presently three Judicial Parts in Central Islip and one in Riverhead that are operating to hear essential matters. There are also presently two Court Attorney Referee Parts operating virtually and hearing essential matters. In addition to these parts, two additional Judicial Parts will be opened in Central Islip. Family Court judges will be assigned designated days for purposes of hearing trials, permanency hearings, Article 10 hearings and other matters that require immediate attention. Judges will be assigned designated days in these parts, as well as their designated days in the Essential Parts. All Support Magistrates will come in to hear matters virtually at first. Given the backlog of filings and close quarters of the Magistrate rooms, it was felt it was best to start everyone hearing cases virtually. After making an assessment of the inventories, the parts will be transitioning to 50% operating on a daily basis in-person. Please find attached an updated Family Court protocol.

Surrogate's Court: The Surrogate's Court is available to conduct in-person hearings where necessary, however, the Court will continue to hear most matters virtually. Please find attached the updated protocol from Surrogate Theresa Whelan.

Outlying District Courts: The outlying District Courts located in Ronkonkoma, Lindenhurst, Huntington Station, Hauppauge and Patchogue will continue to hear essential matters in-person and non-essential matters virtually. Administrative Orders 121/20 and 127/20 now govern the filing of new filings for eviction proceedings pursuant to Article 7 of the RPAPL. All of these courts will commence conferencing with a view toward settlement of landlord/tenant matters where both parties are represented. Please find attached a memorandum from Supervising Judge Karen Kerr.

Town and Village Courts: In Phase II, the Town and Village Courts began handling all of their own in-custody arraignments both during normal business hours and during weekends and off hours. Any preliminary hearings on new felonies that must be conducted are still being conducted in the Virtual Superior Court Criminal Part in Riverhead in Phase III. In Phase III, the Town and Village Courts will conference criminal matters virtually and do dispositions virtually. The Courts will start to calendar desk Appearance Tickets for in-person appearances on those tickets written prior to April 1, 2020. ADR will be used to conference landlord/tenant matters. Bench trials and pre-trial hearings will be scheduled in the courts with the understanding that only one such trial or hearing may be scheduled at any given time. The Town and Village protocol as approved previously by Judge Marks will be implemented. There will be a strict maximum occupancy of 25% for all town and village courtrooms. Please find attached a memorandum from Supervising Judge Pierce Cohalan.

I will continue to stay in touch with you as our operations continue to evolve. Thank you for your extraordinary cooperation. I continue to wish you and your families all the best.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Randall Hinrichs".

C. Randall Hinrichs
District Administrative Judge

CRH:dah
Attachments

SUFFOLK COUNTY SUPREME COURT PROTOCOLS

During Phase III of In-Person Operations (effective 6-26-20)

In response to the COVID-19 pandemic and the Executive orders issued by the Governor, and the Administrative Orders issued by Chief Administrative Judge Marks, Deputy Chief Administrative Judge Caruso and District Administrative Judge Hinrichs, the court system is currently operating under the following guidelines:

FILING PROCEDURE

All filings are presently governed by Administrative Order 115/20 of the Chief Administrative Judge dated May 28, 2020. During the current period of court operations, attorneys who wish to file documents, including new actions, as well as applications in pending matters, must do so electronically via the *New York State Courts Electronic Filing System* (NYSCEF). Unrepresented litigants may also e-file using NYSCEF but are not required to do so. The *Electronic Document Delivery System* (EDDS) may no longer be used to file new applications or other documents (except to file a *Stipulation and Consent to E-file* form).

To create an account with NYSCEF use the following link: <https://iapps.courts.state.ny.us/nyscef/CreateAccount>

In order to file an application or other document in a pending matter (a matter that was not previously an e-file case), the case must first be converted from a "hard copy" case to an e-file case. To convert a pending matter to an e-file case please follow these procedures: <https://www.nycourts.gov/LegacyPDFS/courts/10jd/suffolk/PDF/Efiling-Procedures-Supreme-Court.pdf>

Electronic filing is not required for people who do not have an attorney. Unrepresented litigants who wish to file an application or other documents in Supreme Court may file electronically or may file in paper form. For more information on filing in Supreme Court as an unrepresented litigant go to:

<https://www.nycourts.gov/LegacyPDFS/courts/10jd/suffolk/PDF/Filing-in-Suffolk-Supreme-Court-forUnrepresented-Litigants.pdf>

ESSENTIAL OR EMERGENCY MATTERS

Attorneys, or unrepresented litigants, may still file "essential matters" (as defined in the Chief Administrative Judge's Administrative Order dated March 22, 2020 (AO-78-20) and as amended May 15, 2020 (AO-99-20)), following the procedures previously put in place; these filings are limited to those matters specifically designated in the order or matters deemed by the Court to be "essential" that are of an emergency nature requiring immediate judicial intervention. Procedures for filing an "essential" matter in Suffolk Supreme are explained in the document entitled Supreme Court Protocols to File an "Essential Matter".

<https://www.nycourts.gov/LegacyPDFS/courts/10jd/suffolk/PDF/Suffolk%20Supreme%20Essential%20Protocols.pdf>

APPEARANCES BY TELECONFERENCE, VIDEO CONFERENCE OR IN-PERSON AT THE COURTHOUSE

During Phase III court operations there will be an increase of in-person court appearances in Suffolk County Supreme Court. While many proceedings will continue to be conducted virtually by teleconference or video conference (via *Skype*), the Court may require litigants and lawyers to appear in-person at the courthouse for hearings, non-jury trials, and other proceedings as deemed necessary by the Court. In any case where the Court has directed in-person courthouse appearances, a party or an attorney may make application to the Court to have his or her appearance made by other means (i.e., by telephone or video) for health related reasons or for any other good reason.

Supreme Court Protocols to File an “Essential Matter” During Current Court Operations (updated 6/26/20)

In response to the COVID-19 pandemic and the Executive Orders issued by the Governor, and the Administrative Orders issued by Judges Marks, Caruso and Hinrichs, court functions have been consolidated and modified in Suffolk County Supreme Court to curtail the spread of the virus by limiting, or when possible, eliminating the need for litigants, lawyers, and other members of the public to travel to or appear at the Courthouse. To that end we have developed procedures and protocols that will enable us to accept applications and other documents electronically, and conduct proceedings via video and telephone conferencing.

Essential Applications

All applications to the Supreme Court by represented parties must currently be filed electronically through the New York State Electronic Filing System (NYSCEF), however the Chief Administrative Judge's Administrative Order, dated March 22, 2020 (AO/78/20), remains in effect and permits the filing of papers with the County Clerk or the Court for certain specifically enumerated matters. The Order specifically permits the filing of the following matters in Supreme Court:

C. Supreme Court

1. Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release
2. MHL hearings addressing the involuntary administration of medication and other medical care
3. newly filed MHL applications for an assisted outpatient treatment (AOT) plan
4. emergency applications in guardianship matters
5. temporary orders of protection (including but not limited to matters involving domestic violence)
6. emergency applications related to the coronavirus
7. emergency Election Law applications
8. extreme risk protection orders (ERPO)

In addition to these specifically enumerated matters, the Administrative Order (AO/78/20) also provides under section “E” for the filing of “any other matter that the court deems essential”.

Attorneys, or self-represented litigants, seeking to file a matter (other than through NYSCEF) in Suffolk County Supreme Court that is specifically enumerated in the Administrative Order or that they believe to be essential or an emergency must first call the Supreme Court Clerk's Office at the following numbers:

*Central Islip (Matrimonial & Guardianship Matters) 631-740-3852
Riverhead (other Civil Matters) 631-852-2401*

Instructions will be given to provide a copy of the proposed application along with contact information (mobile phone numbers and emails). Thereafter, an assigned Supreme Court Judge shall determine after consultation with the District Administrative Judge, if the application is deemed to be an essential matter and if it is an Order will be issued authorizing the filing of such papers necessary to make the application. Instructions will be given on how to file and pay fees.

Attorneys and self-represented litigants are advised that requests to have a matter deemed essential should be limited to applications that are of a true emergency nature and require immediate judicial intervention.

Appearances by Video Conference or In-Person on Matters Deemed “Essential”

During Phase III court operations, appearances on matters heard pursuant to the above Administrative Order (AO/78/20), in Suffolk County Supreme Court by litigants, lawyers and judges will be done primarily in-person, however, the Court may also direct appearances by video conference (via *Skype*). The Court will provide appearance instructions regarding the type of appearance required by the Court.

STATE OF NEW YORK
UNIFIED COURT SYSTEM
SUFFOLK COUNTY DISTRICT COURT
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LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

KAREN KERR
Supervising Judge District Court

M E M O R A N D U M

TO: Suffolk County District Attorney's Office; Legal Aid Society; Assigned Counsel
Bureau; Criminal Bar Association; Suffolk County Bar Association; District
Court Committee; County Court Committee.

FROM: Hon. Karen Kerr and Hon. Mark Cohen

DATE: June 24, 2020

RE: Phase Three Virtual District and County Court Return to In- Person Operations Protocol

- Beginning June 26, 2020, the Court's in Suffolk County will begin Phase Three of the return to in-person operations. This Phase will significantly increase the opportunity for in-person appearances and applications. All essential matters, except for in-custody arraignments, will be conducted in person at the court's discretion. These include pleas, sentences which do not require incarceration, pre-trial hearings and bench trials. While the goal is to increase in-person proceedings, maintaining a safe environment for counsel, defendants, judges and courtroom personnel will continue to be of paramount concern.

I. County Court East Riverhead Parts:

- County Court will open three in-person courtrooms located in the large, end of hall courtrooms on floors 2, 3 and 4 in the Riverhead Criminal Court Building. They will be designated Riverhead In-Person #2, Riverhead In-Person #3 and Riverhead In-Person #4. Only one in-person courtroom will be operational on each floor at a maximum capacity of 25%, excluding personnel.

- Judge Camacho will preside in Central Islip Courtroom D-31 remotely and in-person on Wednesdays, Thursdays and Fridays and will continue to handle the Miscellaneous, Virtual Courtroom #1 per the schedule below. Cases will be staggered with times for court proceedings at the direction of chambers staff to ensure the least foot-traffic possible.

- Judges will conduct in-court proceedings only in cases that require them in their discretion. These might include: arraignments, pleas (in or out of custody), sentences and hearings (see below), especially if the Governor's Executive latest Order (202.38, that authorizes arraignments, pleas and certain essential proceedings like SORA and ERPO hearings to be conducted remotely) expires without further action on July 6th. See also, L. 2020, Ch. 123, effective July 21, 2020, authorizing continued remote felony examinations until April 30, 2021. In all other cases, continued use of teleconferences, Skype tele-conferencing may be undertaken in the court's discretion to continue to minimize unnecessary foot traffic in the courthouse.

- Judges will be able to conduct in-court proceedings at least two days a week, one in-person and one virtual, with county court specialty courts and the TAP part scheduled for two in-person proceedings days.

- We will be able to conduct in-person suppression hearings in appropriate cases. Consideration by the court in its discretion may be undertaken to the placement of the witness in the jury box to enable maximum social distancing.

- The schedule through July for virtual and in-person courtrooms follows:

July Schedule for County Court Judges - Riverhead Virtual Courtroom 1 and Courtroom 2

<u>Virtual Courtroom #1</u> <u>(Judge Cohen's Courtroom)</u>	<u>Virtual Courtroom #2</u> <u>(Judge Hinrichs' Courtroom)</u>
July 1 Judge Goglas	July 1 Judge Cohen
July 2 Judge Mazzei	July 2 Judge Ambro
July 3 Holiday	July 3 Holiday
July 6 Judge Collins	July 6 Judge Camacho
July 7 Judge Kelley	July 7 Judge Condon
July 8 Judge Cohen	July 8 Judge Goglas
July 9 Judge Ambro	July 9 Judge Mazzei
July 10 Judge Braslow	July 10 Judge Senft
July 13 Judge Camacho	July 13 Judge Collins
July 14 Judge Condon	July 14 Judge Kelley
July 15 Judge Goglas	July 15 Judge Cohen
July 16 Judge Mazzei	July 16 Judge Ambro
July 17 Judge Senft	July 17 Judge Braslow
July 20 Judge Collins	July 20 Judge Camacho
July 21 Judge Kelley	July 21 Judge Condon
July 22 Judge Cohen	July 22 Judge Goglas
July 23 Judge Ambro	July 23 Judge Mazzei

July 24 Judge Braslow

July 24 Judge Senft

July 27 Judge Camacho

July 27 Judge Collins

July 28 Judge Condon

July 28 Judge Kelley

July 29 Judge Goglas

July 29 Judge Cohen

July 30 Judge Mazzei

July 30 Judge Ambro

July 31 Judge Senft

July 31 Judge Braslow

Schedule for In-Person Courtrooms:

In-Person 2nd Floor (Judge Ambro's Courtroom)

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Open	Judge Mazzei	Judge Kelley	Judge Kelley	Judge Ambro

In-Person 3rd Floor (Judge Braslow's Courtroom)

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Judge Goglas	Judge Goglas	Open	Judge Braslow	Judge Collins

In-Person 4th Floor (Judge Condon's Courtroom)

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
Judge Cohen	Judge Cohen	Judge Condon	Judge Senft	Open

II. Suffolk Felony Youth Part and Youth Part West (Raise the Age) :

- Judge Kerr will preside in D31 on Mondays and Tuesdays to hear Suffolk Felony Youth Part and Youth Part West cases.

III. District Court, Central Islip:

-In-Custody Arraignments- In-custody arraignments will continue to be conducted virtually. The physical operation currently housed in D11 will be moved to the D34/FP1 courtroom on the third floor. The link remains the same.

- SAP/254 Calendars- SAP/254 calendars will be heard in the D11 courtroom. We will revert to the original SAP schedule for judges who will preside in the part for the week. Capacity in the courtroom will be limited and appearance times staggered to allow for proper distancing. Notifications will be sent to the defendants and where a notice of appearance has been filed, to the defense attorneys informing them of the new date.

- D32 will continue to handle the Felony Exams and Good Cause applications for extensions pursuant to C.P.L. 180.80(3).

-D33 will continue to be used to handle virtual misdemeanor and violation pleas Wednesday through Friday. The email for D33 is sufd33@nycourts.gov.

- In order to schedule a plea/disposition in D33, once the case has been conferenced, the judges will email a memo to the sufd33@nycourts.gov mailbox with the case information, date and time of the scheduled plea. 48 hours notice is ideal to allow for the clerks to locate the files and prepare the calendar. This mailbox can also be used to send notices of appearance, TOP applications etc..

- For additional protocol information, please refer to the Virtual District and County Court Dispositions Memo dated May 19, 2020.

- District Court Parts- Each judge will be assigned two consecutive days in his or her courtroom to conduct in-person pleas, sentences, hearings and bench trials on a case by case basis. I have attached a copy of the schedule for your convenience. Calendars will be created Monday through Friday to assist the court and attorneys in scheduling conferences. Conferences will continue to be conducted virtually unless the Court determines an in-person appearance is warranted.

-The District Court Part links are:

District Court D11

<https://meet.lync.com/nycourts/suff-ci-d11/8ZUQ856C>

County Court D31 with lobby

<https://meet.lync.com/nycourts/suffcirollb/OF1QXL1H>

County Court D31 without lobby

<https://meet.lync.com/nycourts/suffcirollb/BQ9RH5VP>

District Court D32 with lobby

<https://meet.lync.com/nycourts/suffcirollc/3ZTZZPL8>

District Court D33 with lobby

<https://meet.lync.com/nycourts/suffcirolla/T4S5DCPK>

As we continue to expand our court operations, Judge Cohen and I would like to thank all of you for your patience and cooperation during this unusual time. As always, if there are any questions, please feel free to contact us.

cc:

Hon. C. Randall Hinrichs;

All County Court and District Court Judges;

Chief Clerk Frank Tropea; Deputy Chief Clerk Kenneth Sasso;

Chief Clerk Michael Paparatto; Deputy Chief Clerk Len Badia

Phase 3 Court Assignment Schedules

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
D41	D41	D42	D42	
D43	D43	D44	D44	
D45	D45	D46	D46	
D51	D51	D52	D52	
D53	D53	D54	D54	
D55	D55	D56	D56	
D61	D61	D63	D63	

<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>
D31 (Kerr)	D31(Kerr)			
D32 (see Judge's Schedule for coverage for the week)	D32	D32	D32	D32
D33(Cohalan)	D33(Cohalan)	D33(Virtual Plea (VP))	D33 (V P)	D33 (VP)
DP1(Robinson)	DP1(Dunne) (FP1 cases)	DP1(Robinson)	DP1(Dunne) (FP1 cases)	

FP1 - In-Custody Arraignments and warrant vacates

D11 - SAP/254 Calendars

PROTOCOLS FOR PHASE III OF RETURN TO IN-PERSON OPERATIONS

The following includes the updated protocols for Suffolk County Family Court's transition to Phase III and incremental return to in-person operations.

Highlight of Phase III:

Effective Friday, June 26, 2020:

- The Suffolk County Family Court shall open two additional in person Judicial Parts daily. This will bring the total of Judicial Parts operating daily to six districtwide. All Parts will have video and telephonic conferencing capability with agencies, attorneys and/or litigants having the option to appear remotely.
- All Magistrates will commence hearing virtual calendars. Initially, Magistrates will be focusing on cases filed prior to April 1, 2020.
- In addition to previously established essential matters, the court may now conduct in person or virtual Article 10 (child protective) evidentiary hearings; bench trials, Child Support proceedings (initially cases filed prior to April 1, 2020.) Permanency Planning Hearings; Family Treatment Court appearances, Essential & non-essential matters. Juvenile Delinquency and PINS proceedings shall continue to be presumptively heard virtually.
- The Court continues to accept all essential or non-essential petitions, motions or applications, including support related filings. Unless brought on by Order to Show Cause, non-essential filings are docketed but not scheduled for court date.

1. Judicial Parts:

- a. **Central Islip:** Will initiate an additional Judicial essential part on June 12, 2020, bringing our total to five (5) Judicial Parts in Central Islip and one (1) in Riverhead. One part shall serve as the Intake Part Juvenile Delinquency and Child Protective proceedings. This part will remain virtual with associated "Litigant Hearing Room" with direct Skype into part. The second Judicial part shall serve as the EAP Part and hear Domestic Violence and Emergency Article 6 proceedings. The Newly established Part shall be designated as a Miscellaneous Part and handle Order to Show Cause applications and provide support to other parts. Judges will rotate as necessary. The CP Part (Part 8) will continue to have associated Litigant "hearing room" with direct access to the Virtual Part.
- b. **Referees:** Two Central Islip (2) Referee Parts will continue to operate virtually to hear domestic violence daily. One referee handles all remote domestic violence petitions filed by DV advocate agencies or Attorneys. The second Referee Part hears all DV cases which require and expedited hearing due to an ex-parte exclusion order. All Referees are conferencing cases remotely on days not assigned to Part.
- c. **Magistrates:** Magistrates will commence hearing virtual calendars on Monday June 29, 2019. An e-mail group has been established specifically to address support related matters. Attorneys may e-mail SCFCchildsupport@nycourts.gov for inquiries, electronically submit documents or request conference or remote appearance. Each Magistrate will be assigned a Court Assistant to assist with virtual calendar, calendar set up and notifications. Arrangements have been made with LabCorp to conduct offsite paternity testing.
- d. **Riverhead:** Riverhead shall continue to operate with one Judicial Essential Part daily following the same protocols as Central Islip. Court Attorney Referee will assist with remote domestic violence request on Fridays. There will be an associated "litigant hearing

room” set up but court may also operate an in-person part depending upon case and Judges’ discretion. To ensure timely response, Riverhead Family Court has also been provided a specific email address SCFCRiverhead@nycourts.gov.

2. **Case Conferencing:** When not assigned to the in-person courtroom, all Family Court Judges and Referees conduct virtual case conferences via Skype or phone on pending matters. Attorneys may request a case conference by emailing SCFCRemoteClerk@nycourts.gov or contact the Jurists directly. Jurists may be reached by emailing “Suf” followed by Judge’s last name and @nycourts.gov (Ex: SufQuinn@nycourts.gov).
3. **Treatment Court:** Judges have the discretion to calendar treatment court appearances as necessary. Limited drug testing is available upon Judge’s referral.
4. **Adoptions:** Private and Agency adoptions are being finalized. Parties have option, with Judge’s approval, of in person, virtual or hybrid finalization. In person adoptions are limited to immediate family and will be conducted in courtroom.
5. **Notices:** Litigants on all pending cases were mailed an automated statewide notice that case has been adjourned to a date to be determined and the court will contact them in near future. Attorneys may check the NYS Court System e-court located at <https://iapps.courts.state.ny.us/fcasfamily/main> to get updated information regarding case scheduling information. Or contact the court at SCFCRemoteclerk@nycourts.gov.
6. **Remote services:** Family Court has a video or teleconference option available for any attorney filing an emergency application. It is strongly recommended Attorneys file all petitions, motions, OTSC, documents, etc. remotely. Attorneys may e-mail petition or emergency application to SCFCRemoteClerk@nycourts.gov or fax pleadings to 631-853-4877. Attorneys should state if they prefer telephonic or video conference and provide phone number or e-mail address they wish to use. All remote conferencing is subject to the Judge’s discretion. Attorneys may also use the Electronic Document Delivery System (EDDS) to submit papers. It should be noted that this system does not e-file cases for Family Court but serves as a virtual post office. Additionally, a dedicated child support e-mail has been established to address any attorney related inquiries. SCFCCchildsupport@nycourts.gov.
7. **ADR:** Effective immediately, the court will be resuming its ADR programs virtually. EAC is now accepting referrals for their offsite Custody/Visitation Mediation Program. The Family Court’s Parental Settlement Part will start conducting settlement conference via telephone. All ADR programs welcome and encourage attorney participation.
8. **Vouchers:** Filing of AFC vouchers continue to be accepted via e-mail to Laura Trunzo, Ltrunzo@nycourts.gov. Judges may continue to sign/authorize remotely.
9. **Subpoenas:** All subpoenas are being accepted and processed. If there is any question regarding the matter, the sitting Judge will contact the Judge whose case it is.
10. **Maintenance:** The courtrooms and public areas are thoroughly cleaned each night. Sanitizer dispensers have been strategically placed in high volume private and public areas throughout each building.

Suffolk County Surrogate's Court
Protocols for Phase III of Return to In-Person Operations
Including Resumption of Citations and Process Calendars

Effective June 26, 2020
(631) 852-1745
sufwhelan@nycourts.gov
+

1. The Surrogate's Court courthouse is open with limitations. If you have any questions, please call 631-852-1745 or the telephone number of a specific department.
2. You may arrange to drop off original wills and death certificates at the Surrogate's Court in Riverhead.
3. While the Surrogate's Court courthouse will be open, most court appearances, including call of the process calendar will be held virtually. There will be a limited number of in-person hearings and trials scheduled as deemed warranted. All other matters will be heard either on submission or by Skype until further notice.
4. There will be only a limited number of lawyers and the public permitted to enter at one time. Unless otherwise noted in these protocols, entry to the building will be limited to hand delivering documents, picking up forms and review of electronically filed court records.
5. Everyone entering the building will be required to wear a mask.
6. In accordance with AO/115/20, we are accepting and processing all new filings. We will continue our normal electronic filing rules.
 - a. The court will be addressing newly filed matters as well as matters that were previously filed on NYSCEF but not yet processed. However, the court will continue to give estates involving COVID-19 related deaths a priority. Please alert the court sufwhelan@nycourts.gov by affidavit or affirmation, if your estate involves a COVID-related death and we will begin reviewing your matter.
 - b. Unless otherwise warranted, all other matters will be considered as they are received.

- c. During Phase III, the court will be conducting a limited number of in-person court trials and hearings, where appropriate. All other conferences, the call of the process calendar or other necessary hearings will be held remotely. We are presently rescheduling 17-A guardianship hearings for Skype appearances, but can hold these hearings at the courthouse if necessary. We will also reschedule all other hearings for dates in the future, either by SKYPE, or in-person, where necessary.
- 7. We continue to process and review all applications and motions submitted on or before March 16, 2020. Where appropriate the court has and will continue to issue written decisions, decrees and letters. If new process is required, the court will issue new citation.
 - 8. We will continue to accept Guardian ad Litem and Attorney for the Child reports on all submitted matters.
 - 9. In pending proceedings, Guardians ad Litem and Attorneys for the Child may schedule an appointment to review the file at the courthouse.
 - 10. We will reschedule all previous matters that were either on the process calendar or set down for hearing for future date.
 - 11. All court attorneys are available on request of counsel to conference cases by telephone or video. Please email them directly to request a conference. In addition, the court is rescheduling all conferences on contested matters for teleconference and Skype. We will work with you to set up a convenient time and method to hold the conference. Please call 631-852-1745 if you have any questions.
 - 12. Mediation by our in-house mediators is available upon request.
 - 13. We are accepting new motions in all matters. These will all be taken on submission unless oral argument is requested and granted. All oral arguments will be conducted remotely until further notice. Please confine any request for oral argument to urgent matters. When filing motions, please be guided by the following:
 - a. All motions must be on notice of motion only – The court will entertain orders to show cause only upon a finding that it is urgent.
 - b. All motions must be returnable on a Tuesday process day (We will have calendar dates every Tuesday through the end of September except for August 25, 2020 and September 8, 2020. Please see attached revised calendar for all process dates through the end of the year.

- c. Motions must be e-filed – hand delivered papers will be deemed rejected and not considered.
 - d. All responding papers must be e-filed by 4:00 p.m. on the date due.
 - e. Requests for adjournments will only be considered if received at least one day prior to the return date.
 - f. Supporting Affirmations and Affidavits must be uploaded separately from exhibits.
 - g. In pending contested matters, counsel may request a telephone conference with the assigned law assistant prior to e-filing the application, especially if the motion relates to discovery.
 - h. We are not requiring or accepting working copies.
14. We continue to re-calendar motions filed before March 16, 2020 with a return date thereafter. We will reach out to all counsel and pro se litigants to work out a briefing schedule. If an agreement cannot be reached, the court will determine the schedule.
15. We are now issuing citations and scheduling virtual process calendars, with the first return date of July 28, 2020. Citations will be returnable on Tuesdays and there will be a process calendar every Tuesday from July 28, 2020 through the end of September except for August 25, 2020 and September 8, 2020. Please see attached calendar for all new process calendar dates.
16. There will be no in-person appearances allowed at the process calendar until further notice subject to these limited exceptions:
- a. For those few matters where citation issued in March or April 2020 with a return date of August 18, 2020, a personal appearance will be allowed. These citations did not include a notice for virtual appearances and will therefore be held in person. For those appearing on August 18, 2020, we will stagger the appearances in the courtroom to ensure compliance with social distancing requirements.
 - b. SCPA 2104 examinations will be allowed in the courthouse on the call of the calendar where permission has been sought in advance and granted in the order to show cause. Such examinations will be conducted in a manner that will ensure compliance with social distancing requirements.
17. The court will call the calendar at 9:30 am and make an audio record of the status of each case. Unless otherwise allowed and arranged, all matters will be on submission.

18. The court will issue new citations and implement procedures for all matters scheduled for process dates March 17, 2020 and after. Petitioners and/or counsel must submit new citation with language:
 - a. Advising interested parties that this is a virtual court appearance and the steps that must be taken to preserve his or her right to oppose the relief requested on the citation; and
 - b. The citation must also include language that the citation is to be served in accordance with the court's order directing alternative service (see attached form citation).
19. Whenever the court issues a citation (except in guardianship matters where the proposed ward or other interested party lives with the petitioners), it will simultaneously issue an order for alternate service which provides that the petitioner shall serve the citation and all accompanying paperwork on all interested parties named in the citation and on any attorney who has appeared in the proceeding by mail (see attached form order for all specifics).
20. Together with the citation, service order, and other required paperwork, the petitioner shall also include the "Suffolk County Surrogate's Court Notice to Cited Parties." This attached notice explains that if the cited party has no objection, they do not need to contact the court. If they do object, they must notify the court in writing prior to the return date. If the court does not hear from the cited party either by timely filing of objections or a stated intention to file objections, the court will assume that party has no objection.
21. If the court receives notice that a party intends to file objections, the court will adjourn the matter for the appropriate amount of time to conduct 1404's or 2211's, where applicable, and/or file objections. These matters will appear separately on the process calendar from new and other pending proceedings.
22. New contested matters will be subject to mandatory ADR and otherwise governed by the court's standard and customary procedures.
23. In guardianship matters where the respondent or other interested parties reside in the same home as petitioner, petitioner may continue to serve those individuals by personal delivery. The petitioner will serve individuals not residing at the same address by alternate service with appropriate citations and attached service order as indicated above.
24. We have attached forms for various citations, a copy of the service order that the court will issue, the notice that must be included with service for all

departments (except where personal delivery is permitted) as well as a copy of the revised 2020 process calendar dates.

25. Where a conference or hearing is being conducted via Skype, the participants (counsel, parties, etc.) should enter the meeting twenty (20) minutes prior to its scheduled time and be ready to proceed.

STATE OF NEW YORK
UNIFIED COURT SYSTEM
SUFFOLK COUNTY DISTRICT COURT
JOHN P. COHALAN, JR. COURT COMPLEX
400 Carleton Avenue
P.O. Box 9080
Central Islip, NY 11722-9080
(631) 208-5800 Fax (631) 853-7417

LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICH
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

KAREN KERR
Supervising Judge District Court

M E M O R A N D U M

TO: Hon. C. Randall Hitirichs

FROM: Hon. Karen Kerr, Supervising Judge District Court, Family Court Judge, Acting Supreme Court Judge.

DATE: June 23, 2020

RE: Phase 3- Suffolk County District Court Civil Courts

The goal of Phase 3 in the outlying civil courts continues to be to gradually increase the number of in-person proceedings while continuing to utilize virtual appearance protocols with respect to non-essential matters. The biggest change from Phase 2 to Phase 3 is with respect to landlord/tenant matters. The operational plan is as follows:

Essential Matters: Essential matters set forth in AO 78 and AO 99/20 will continue to be heard in person by the assigned judge in their respective courthouses Monday through Friday. On weekends and holidays, these matters will continue to be heard virtually in D11 by the civil judges on a rotational basis pursuant to the attached schedule. Some of the essential matters which may be heard in person include applications involving landlord lockouts, serious code violations or order repairs and applications for post-conviction relief, dangerous dog hearings and any other matter the court deems essential. All other matters deemed non-essential, will continue to be heard virtually.

Town Ordinance Cases: Town Ordinance matters, which are considered criminal cases, will continue to be heard virtually unless the court, on a case by case basis, deems the proposed application an emergency. In that instance, the matter may be heard in person.

While ordinance violations may now be filed directly with the outlying courts, these cases will continue to be adjourned administratively for arraignment at this time. With respect to cases in which a disposition has been reached, the court may calendar the case and take the disposition virtually.

No Fault Cases- In each of the outlying courts, the judge's clerks will begin to create conference calendars for no-fault cases. The calendars will be generated using either the firm or the carrier depending on the judge's preference. These matters will also continue to be handled virtually.

Landlord/Tenant Matters- The outlying District Courts will continue to hear essential matters in-person and non-essential matters virtually.

Administrative Orders 121/20 and 127/20 now govern the filing of new matters for eviction proceedings pursuant to Article 7 of the RPAPL. New eviction proceedings, may be commenced by mail only where the landlord is represented by counsel. Pro-se landlords may file in person. Eviction matters commenced on or before March 16, 2020, where both parties are represented by counsel, may be conferenced with the judge virtually to arrange a settlement.

Eviction proceedings, both commercial and residential must now include two additional documents with the filing. The first is a statement by the petitioner indicating the filing is consistent with the gubernatorial Executive Orders and Chief Administrative Judge Administrative Orders regulating the time and manner of commencement and prosecution of eviction proceedings and the federal Coronavirus Aid, Relief and Economic Security Act, enacted on March 27, 2020. The second document is a form notice in English and Spanish informing respondents they may be entitled to an extension of time to answer the petition due to the COVID-19 pandemic and providing a phone number and email to obtain additional information. Regardless of whether an answer has been filed, further hearings will be stayed until the Governor's Executive Order suspending statutory timetables is rescinded.

Pursuant to the Governor's executive order 202.8 and AO 68-20 issued by the Chief Administrative Judge Marks, residential and commercial evictions continue to be prohibited. Emergency applications will be heard in person by the assigned judge.

General Civil Cases- All general civil cases will continue to be handled virtually by the assigned judge. A general civil calendar will not be generated unless both parties are represented by counsel, the case has been conferenced with the court and a settlement has been reached.

In order to facilitate conferences and scheduling, please find attached a list of preferred contact numbers and emails for the judges along with a weekend/holiday schedule for the judges. For litigants and attorneys who do not have access to a computer or other means to appear virtually, arrangements can be made by contacting the court.

cc: Michael Paparatto;
Len Badia

STATE OF NEW YORK
UNIFIED COURT SYSTEM
SUFFOLK COUNTY DISTRICT COURT
JOHN P. COHALAN, JR. COURT COMPLEX
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LAWRENCE K. MARKS
Chief Administrative Judge

C. RANDALL HINRICHS
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

PIERCE FOX COHALAN
Supervising Judge Town and Village Courts

M E M O R A N D U M

TO: Hon. C. Randall Hinrichs

FROM: Hon. Pierce Fox Cohalan, Supervising Judge Town and Village Courts

DATE: June 23, 2020

RE: Phase 2- Suffolk County Town and Village Courts

Phase 3 operations in the Suffolk County Town and Village Courts, will be focused on increasing traffic in a measured manner and to expanding the categories of proceedings that are heard in-person. The success of Phase 3 relies upon communication among judges and clerks to ensure that available court space and resources are utilized to optimize safety and efficiency. To that end courtroom capacity will be limited to 25% of its maximum capacity to limit the number of cases scheduled in a courtroom at any given time, appearances should be staggered throughout the day and courts should continue to handle all non-essential matters, including conferences virtually. The operational plan is as follows:

Arraignments: Responsibility for in-custody arraignments will continue to rest with the Town and Village Courts in accordance with the existing virtual arraignment protocols. Any Good Cause applications will continue to be heard virtually in courtroom D32 by Judge Karen Kerr. Any necessary Felony Exams for East End Town and Village Courts will be heard virtually in the County Court East Riverhead Part.

Essential Matters: Essential matters set forth in AO 78 and AO 99/20 may now be heard in person by the assigned judge in their respective courthouses Monday through Friday. Essential matters which may continue to be heard in person include applications involving landlord

lockouts, serious code violations or repair orders, applications for post-eviction relief, dangerous dog hearings and any other matters the court deems essential. Phase 3 seeks to expand in-person matters to include criminal bench trials and pre-trial evidentiary hearings, pleas and sentences for defendants at liberty that do not involve a sentence of incarceration, arraignments of defendants whose Appearance Tickets were filed prior to April 1st, 2020 and Treatment Court and Judicial Diversion appearances where the assigned judge determines that an appearance in an acute case is necessary to protect the health and safety of a defendant. Courts are encouraged to conference criminal matters virtually and if acceptable dispositions are reached, plea affidavits are preferred.

Town Ordinance Cases: Town Ordinance matters, which are considered criminal cases, will be heard virtually unless the court, on a case by case basis, deems the proposed application an emergency. In that instance, the matter may be heard in person.

While ordinance violations may now be filed, these cases will continue to be adjourned administratively for arraignment at this time. With respect to cases in which a disposition has been reached, the court may calendar the case and take the disposition virtually.

Landlord/Tenant Matters- Administrative Orders 121/20 and 127/20 now govern the filing of new matters for eviction proceedings pursuant to Article 7 of the RPAPL. New eviction proceedings, may be commenced by mail only where the landlord is represented by counsel. Pro-se landlords may file in person. Eviction matters commenced on or before March 16, 2020, where both parties are represented by counsel, may be conferenced with the judge virtually to arrange a settlement.

Eviction proceedings, both commercial and residential must now include two additional documents with the filing. The first is a statement by the petitioner indicating the filing is consistent with the gubernatorial Executive Orders and Chief Administrative Judge Administrative Orders regulating the time and manner of commencement and prosecution of eviction proceedings and the federal Coronavirus Aid, Relief and Economic Security Act, enacted on March 27, 2020. The second document is a form notice in English and Spanish informing respondents they may be entitled to an extension of time to answer the petition due to the COVID-19 pandemic and providing a phone number and email to obtain additional information. Regardless of whether an answer has been filed, further hearings will be stayed until the Governor's Executive Order suspending statutory timetables is rescinded.

Pursuant to the Governor's executive order 202.8 and AO 68-20 issued by the Chief Administrative Judge Marks, residential and commercial evictions continue to be prohibited. Emergency applications will be heard in person by the assigned judge.

We anticipate that the town and village courts, on a state wide basis, will be provided further guidance on the processing of Landlord/Tenant matters and will keep you advised of any additional directives.

Civil Cases- The Court may hear appropriate civil matters in person keeping in mind applicable safety protocols. All general civil cases will continue to be handled virtually by the assigned judge. A general civil calendar will not be generated unless both parties are represented by counsel, the case has been conferenced with the court and a settlement has been reached.

In order to facilitate conferences and scheduling, please contact the individual courts directly. All "in-person" foot traffic within the Town and Village Courts will be conducted by established social distancing rules (ie. 6-foot separation maintained, facial coverings worn at all times by anyone entering the Courthouse/rooms, etc.)

Cc: Town and Village Court Justices
Town and Village Court Clerks