

**Supreme Court Protocols to File an “Essential Matter”
During Current Court Operations (updated 5/29/20)**

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 631-740-3852. 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 on Matters Deemed “Essential”

Unless otherwise directed by the Court, all appearances on matters heard pursuant to the above Administrative Order (AO/78/20), in Suffolk County Supreme Court by litigants, lawyers and judges should be done by video conference (via *Skype*). Once papers have been filed, the Clerk will send an email to the attorneys (and to any self-represented litigant) that includes a specific time that the application will be heard and a link to the *Skype* meeting. The *Skype* court session can be accessed via the link on any computer or mobile device with a camera. Litigants' appearances will be waived unless self-represented, however, represented litigants may appear at the direction of the Court, or at the request of counsel, via *Skype* by having the attorney forward the link to the client. A record of the proceedings will be taken by a court reporter. Any orders that issue as a result of the proceeding will be transmitted electronically.