

PLAN FOR RESUMING JURY TRIALS- ALBANY COUNTY

September 21, 2020

In order to accomplish the effective and orderly reinstatement of civil jury trials in Supreme Court in Albany County, the following guidelines and protocols have been developed. These guidelines and protocols will be followed whenever possible, however, the trial Judge retains the discretion to manage the conduct of the trial and all pretrial proceedings once he or she is assigned to preside over the trial of a case. The OCA safety protocols issued in three memos from John McConnell and Nancy Barry are attached as exhibits. In addition, the memo from Administrative Judge Thomas Breslin regarding safety protocols is also attached.

Prioritization of Cases to Be Tried

- The Part I Judge will assess the cases on the trial calendar for the term to which he or she is assigned as Part I Judge, seeking input from the IAS Judges when needed, to determine the priority of trials.
- Starting in Term 11, one civil jury trial per week will be tried. Eventually, we can add a second backup trial, with the understanding that we would need to assure attorneys and litigants that both can be tried simultaneously if required.
- To start, a simpler trial with fewer participants and less voluminous documentary evidence will be selected to enable us to work through some of the issues related to conducting a trial under these circumstances.
- If any of the attorneys request that a trial be adjourned due to health-related concerns, that adjournment will be granted.

Pre-Trial Proceedings/Conferencing

- Assigned Trial Judges will need to have extensive pre-trial conferences to discuss logistics, evidentiary issues, pre-marking of exhibits, stipulations to evidence, technology issues, motions in limine, etc.. Stipulations shall be encouraged to streamline the trial.
- The assigned trial Judge will do a “dry run” regarding how the courtroom will operate, technology, handling of evidence, etc. several days prior to the commencement of jury selection.

- The assigned trial Judge will ensure that witness lists and exhibit lists are exchanged at least one week before the pre-trial conferences; provided, however, the trial Judge may establish a different time line when appropriate.
- In cases eligible for e-filing, all documentary exhibits must be e-filed at least one week before the pre-trial conference; provided, however, the trial Judge may establish a different timeline when appropriate. In cases not e-filed upon consent or exempt from mandatory e-filing, all documentary exhibits must be exchanged preferably by electronic means; however, the exchange of such documents by hard copy may be permitted by the trial Judge.
- The trial Judge shall inform the attorneys regarding the protocol for the pre-marking of exhibits prior to the pre-trial conference.
- The trial Judge shall discuss with the attorneys the scheduling of witnesses and shall designate appropriate areas for witnesses to wait if they arrive prior to their testimony commencing.

Summoning the Prospective Jurors

- For the average case that involves two parties and will last approximately one week, generally we expect to have a pool of approximately 30 prospective jurors.
- The Commissioner of Jurors will provide information to the prospective jurors regarding safety precautions being taken, as well as the jurors' responsibilities regarding health and safety precautions, in the mailings sent to them, as well as once they have arrived for the jury selection.
- The mailed information and the website for the Commissioner of Jurors' Office specifically states that prospective jurors should call the office regarding any requests to be excused or for a postponement, instead of appearing in person.
- The Commissioner of Jurors will address issues raised by prospective jurors regarding COVID-19/health and safety concerns prior to the day of jury selection, as well as on the day of jury selection during their presentation/training. The Judge will address issues raised by the prospective jurors once the Judge gets involved.

Jury Selection

- All jurors will be summoned to appear at the same time when the expectation is to have approximately 30-40 appear. Based upon the limitations of space, we can have approximately 25 prospective jurors report to the courtroom (either of the two large third floor courtrooms [330 and 373] can hold approximately 25 prospective jurors, however, we have designated Courtroom 330 as the primary courtroom for jury trials and have arranged the courtroom accordingly), and the remainder report to the third-floor jury assembly room. The jury assembly room can hold 22 jurors appropriately spaced. The proceedings would be live-streamed from the courtroom to the jury assembly room so all would be hearing the instructions and questions the entire time. The Commissioner of Jurors and staff would be present in each location to present their preliminary information. As jury selection begins with the Judge present, and upon the departure of the staff from the Commissioner of Jurors Office, a staff member from the Sheriff's Office will be present the rest of the time to assist the prospective jurors, and escort them when needed. These staff members will not be the part-time court attendants who used to provide occasional assistance in the courtroom, but instead will be the non-uniformed staff from the Sheriff's Office who often assist at the security desks at the entrance to the Courthouse and the Judicial Center. We would have to stagger jurors' appearance if the number of necessary prospective jurors exceeded capacity or arrange for additional space to accommodate the number of jurors.
- As jurors are excused or are moved between the courtroom and the jury assembly room, the chairs occupied by those jurors will be cleaned by the designated cleaning staff.
- We are considering the discontinuance of filling out the jury questionnaire, and simply providing a copy to each prospective juror and attorney at the outset of jury selection so the prospective jurors can be prepared to answer those questions if asked by the attorneys or the Judge.

- Individual inquiries of prospective jurors can be done at the bench with the juror and the attorneys maintaining proper distance from the Judge and the stenographer. If the Judge determines it is appropriate, this could be managed from an alternate location that would allow for appropriate physical distance for all participants.
- Live-streaming to spectators and press during jury selection must be made available if needed since there will not be room for them in the courtroom.
- Upon request, the trial Judge may allow prospective jurors to wear face shields while being questioned along with their mask and then allow the prospective juror to remove the mask when actually answering a question.

Evidentiary issues

- A monitor or laptop will be on the witness stand to allow the witness to view documents that are being offered, but are not the subject of a stipulation and are not yet in evidence to allow the witness to identify the document without the jury seeing it.
- Elmos/document cameras will be available for the documents in evidence to be made available for viewing by the jury on a TV screen.
- A protocol for the management of subpoenaed records shall be directed by the trial Judge prior to the pre-trial conference.
- If paper documents need to be used, the Judge shall provide the attorneys/parties with the protocol for the handling of such documents. A separate copy of the document shall be provided to each attorney/party, either electronically or in hard copy.
- The trial Judge shall direct the protocol regarding non-document physical objects as evidence at the pre-trial conference.
- The trial Judge shall determine whether the exhibits shall be sent into the jury room when the jury is given the case for deliberation.
- The orders of the trial Judge may include preclusion of exhibits that are not exchanged and marked in accordance with the Court's

protocol and/or the specific directives of the trial Judge. This will be in the trial Judge's discretion.

- The trial Judge may require electronic copies of EBT transcripts to be provided prior to trial to ensure that any transcripts that are read into the record or used to impeach or refresh recollection are provided to all ahead of time and easily accessible during the trial.

Miscellaneous/Logistics Issues

- The Courtroom 350 will serve as the jury deliberation room.
- Jurors will not be allowed to take notes during the trials to eliminate the need to handle notebooks and pens.
- When we get to the point of being able to do two jury trials at once, the third floor still presents the best options. Courtroom 330 and Courtroom 373 can both be used simultaneously and we can use Courtroom 350 as a jury room in addition to the jury assembly room. This will ensure that each courtroom would have a jury room of adequate size. The use of the third floor has adequate space to also eliminate travel from floor to floor of the courthouse, thus eliminating additional foot traffic.
- Courtroom 427 on the fourth floor can be utilized if four counsel tables are required, although it is more awkward for the setup of the jury box.
- Hand sanitizer will be outside the entrance to the courtroom and jury assembly room and staff will be present to ensure all participants utilize hand sanitizer prior to entering the courtroom.
- Hand sanitizer and wipes will be placed on each counsel table being used and made available to the jurors in the courtroom and jury room. Gloves will also be available.
- Face shields will be provided by the Court system when a witness' face should be viewed while testifying. The witness shall resume wearing a mask when the need to view the witness' face has concluded. ¹

¹ We are exploring the installation of plexiglass surrounding the witness stand, and will have to determine if this is viable and if it would eliminate the need for the face shields.

- The Court Clerk's office is responsible for the provision of face shields and face masks as needed.
- The County has hired an individual to clean the courtroom and the jury room as needed throughout each day of the trial.
- The trial Judge must determine how he or she would like to handle sidebars during the trial. It may still be possible to have the sidebars occur right in front of the Judge; however, sidebars could be handled by either sending the jury to the jury deliberation room or by the attorneys and the Judge relocating to a location that would accommodate proper physical distancing, if the Judge deems that to be appropriate.
- The Judge must monitor the courtroom to ensure proper physical distancing between attorney and client, the wearing of masks and the maintenance of proper physical distance between all participants/individuals in the courtroom.
- The Judge shall allow attorneys to step out to confer with their client if such a request is made. The Judge shall identify where the attorney and client can go to safely have the conference at an appropriate physical distance. If an additional room is used, it must be cleaned each time following the use of the room by the attorney and client.
- Each day at the beginning of the proceedings, the Judge will read a uniform "script" regarding the safety protocols and the responsibilities of all participants, i.e. properly wearing masks, reporting contacts with people diagnosed with COVID-19, exhibiting symptoms, etc.



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. MCCONNELL, ESQ.
EXECUTIVE DIRECTOR

NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

MEMORANDUM

June 8, 2020

To: District Executives
New York City Chief Clerks

From: John W. McConnell (JW)
Nancy Barry NB

Re: Coronavirus – Courtroom Safety Protocols, Face Shields and Plexiglass

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As we continue to address the health and safety concerns created by the COVID-19 pandemic, the following operational protocols shall apply to all Unified Court System (UCS) courtroom locations for the safety of all judges, nonjudicial personnel and court users.¹

A. Face Masks, Hand Sanitizer and Social Distancing

The primary tools of courtroom protection against the spread of the COVID-19 virus are the wearing of face masks (and where appropriate, gloves), the frequent use of hand sanitizer and hand washing, and the enforcement of social distancing practices in our courts. All judges, non-judicial personnel and court visitors² shall wear masks while in the courtroom; all shall frequently make use of available hand sanitizer or other washing facilities in courthouses; all shall maintain a distance of at least six feet from other persons whenever possible.

B. Marking Social Distancing Locations in Courtrooms and Ancillary Locations

To assist in local distancing practices, local court administrators should use light adhesive colored tape or decals to mark six-foot intervals in front of or around all key courtroom spaces,

¹ This memorandum should be read in conjunction with our memorandum of May 29, 2020 addressing additional safety and operational protocols.

² We will discuss an exception to this requirement – temporary use of a face shield when court operations require the clear viewing of the facial features of a witness or other person – below. Another exception – persons unable to wear face masks for medical reasons – will be addressed in a later protocol.

including: (1) the judge's bench; (2) the jury box; (3) the court clerk's desk; (4) the witness stand; and (5) the court reporter's station. In addition, tape should be used to mark six-foot intervals on (6) attorney tables and seating; (7) spectator benches; (8) any location in the courtroom where attorneys or others typically line up for orderly court business; and (9) ancillary lobby/waiting areas.

C. Face Shields

As an added precaution in active courtrooms, clear plastic face shields shall be made available upon request to judges and non-judicial court personnel, witnesses, and jurors, for use together with a face mask. These face shields will be provided in bulk to local court administrators in both disposable and reusable formats, and shall be made available to local uniformed personnel for appropriate distribution. Although use of a face shield is optional, if requested and provided, the face shield must be worn.

Face shields shall be worn without a face mask for limited periods in any courtroom setting where the judge deems it important to view the facial features of the wearer (e.g., during witness testimony). On such occasions, the wearer shall temporarily store her/his mask in a paper bag or other container, and shall again wear the mask as soon as the need for facial viewing has ended.

Reusable face shields should be stored in paper bags or other containers when not in use, and should be cleaned regularly by the user with soap and water or disinfectant. Manufacturer's cleaning instructions are attached (Exh. A). Users should perform hand hygiene after cleaning.

D. Plexiglass

Plexiglass (in both movable and fixed configurations) will be made available for use in courtrooms at the request of administrative judges, and may be particularly suitable in high volume courts with substantial foot traffic. Plexiglass will continue to be installed at clerk's office counters and similar courthouse locations.

While these general protocols will apply to courthouses statewide, each courthouse and courtroom may present unique features and concerns which will require adjustment of practices. In all cases, a rule of reason and common sense shall apply.³ As always, the health and safety of our workforce and of the public remain the top UCS priorities as we return to courthouse and office settings around the State in coming days and weeks. If you have any questions about these protocols, please contact the Division of Human Resources. Thank you for your dedication and cooperation in this effort.

³ In addition, we recognize that COVID-19 raises challenges to normal courtroom practice that are not addressed in this brief memorandum – the handling of documents and exhibits, juror protocols, etc. These will be addressed at a later date.

c Hon. Lawrence K. Marks
Hon. George J. Silver
Hon. Vito C. Caruso
Administrative Judges
Carolyn Grimaldi
Michael Magliano
Scott Murphy
Linda Dunlap-Miller
Jennifer DiLallo

EXHIBIT A

Face Shield Cleaning Instructions

Recommended cleaning instructions for polycarbonate, PETG and acrylic

- **DON'T** use cleaners that contain ammonia or other alkaline-based products (including popular household glass cleaners). This will damage material and cause crazing.
- **DON'T** use a dry cloth as sand and dust particles clinging to the exterior of the panels may scratch the surface.
- **DON'T** use abrasive cleaners or brushes.
- **DON'T** autoclave or clean with high heat
- **DON'T** leave cleaners on material for extended periods of time. Rinse immediately with cold, clean water.
- **DON'T** apply cleaners in direct sunlight.
- **DON'T** use sharp objects, squeegees or razors.
- **DON'T** clean with gasoline, benzene or acetone.
- **DON'T** use pressure washers as they often have enough pressure at the spray tip to penetrate or tear thin-gauge material.
- **DO** test cleaners in a small inconspicuous area prior to cleaning entire panel to insure against adverse results.
- **DO** use a plastic-specific cleaner, such as Novus No. 1, and a soft cloth. A mild solution of warm water and dish soap can effectively clean material as well.
- **DO** rinse material with water before cleaning to remove any debris.
- **DO** use anti-static cleaners to eliminate static electricity charge that can attract debris.



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CHIEF ADMINISTRATIVE JUDGE

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NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

MEMORANDUM

May 29, 2020

To: All Judges and Nonjudicial Personnel of the Unified Court System

From: John W. McConnell *JWM*
Nancy Barry *NJB*

Re: Coronavirus – Additional Safety and Operational Protocols

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As we continue to address the health and safety concerns created by the COVID-19 pandemic, the following additional safety and operational protocols shall apply to all Unified Court System (UCS) locations for the safety of all judges, nonjudicial personnel and court users. alcohol.¹

A. Protective Equipment and Hand Sanitizer

1. Face Masks. All judges and nonjudicial personnel working in open workspaces, cubicles, or in areas that are not otherwise partitioned/separated from others, must wear face masks any time they are within six feet of another person. Face masks may be removed in private offices but must be worn whenever those offices are occupied by more than one person, even briefly. All judges and nonjudicial personnel must also wear face masks when in transit around the workplace, in common areas, when dealing directly with the public or when distancing of at least six feet is not otherwise possible. e.g., elevators, hallways, locker rooms, restrooms, etc.
2. UCS-issued Face Masks. All judges and nonjudicial personnel will be provided with a face mask for their use during work hours at no cost. Because the court system's supply

¹ For more information on the protocols addressed in this memorandum and Exh. A, see the New York State Coronavirus (COVID-19) website (<https://coronavirus.health.ny.gov/>) and the United States Centers for Disease Control and Prevention Coronavirus (COVID-19) website (<https://www.cdc.gov/coronavirus/2019-ncov/index.htm>).

of face masks is limited and does not allow for new masks to be issued daily, judges and nonjudicial personnel using UCS-issued face masks are expected to take proper care to allow for reuse of their mask to the fullest extent possible. Generally speaking, face masks should be cleaned or replaced when damaged or soiled, should not be shared, should be properly stored when not in use, and should be safely discarded (in a general trash receptacle) when no longer usable. (See Exh. A, "Mask Guidance," for recommended steps for use and reuse of face masks.)

3. Personal Face Masks. Judges and nonjudicial personnel are permitted to furnish and wear their own face masks, so long as such masks are professional in appearance. (For example, scarves or bandana-type face coverings should not be used.)
4. Gloves and Hand Hygiene. The UCS will maintain a supply of gloves for use by judges and nonjudicial personnel. While all employees are entitled to use gloves, gloves must be worn when opening mail and/or sharing materials such as court files (especially with the public). Frequent hand washing and/or use of hand sanitizer that contains at least 60% alcohol is strongly encouraged. Hand sanitizer meeting this requirement will be available in dispensers throughout the workplace.
5. Removing Gloves: Because the outside of gloves can be contaminated, they must be removed with care by: (1) using a gloved hand, grasping the palm area of the other gloved hand and peel off the first glove; (2) holding the removed glove in the gloved hand; (3) sliding fingers of the ungloved hand under the remaining glove at the wrist; (4) peeling off the second glove over the first glove.

Judges and nonjudicial personnel should be sure not to touch eyes, nose or mouth while or immediately after removing gloves, and should finish the removal process by washing hands thoroughly with soap and water or, where hand washing stations are not close in proximity, using hand sanitizer that contains at least 60% alcohol.

6. Disposing of Masks and Gloves: Following use (or, in the case of masks, final reuse), masks, gloves and disinfectant wipes should be placed in the trash or household garbage.

B. Physical Distancing

1. Judges and nonjudicial personnel are to make every effort to ensure that a distance of at least six feet is maintained from work colleagues and the public at all times. Where this is not possible, (e.g. while moving prisoners or moving and lifting equipment, or at locations lacking six feet of space for social distancing), face masks must be worn.
2. Employees must not congregate in locker rooms, break rooms, lunchrooms/cafeterias or other confined areas used by multiple people. Crowded elevators should similarly be avoided.
3. Judges and nonjudicial personnel are encouraged to take their lunch break in open outside areas wherever possible.

C. Movement and Commerce

1. To the extent possible, locations for pick-up and delivery of mail, packages, and other items should be designated that minimize foot traffic in the workplace by non-UCS personnel.
2. Public or common areas (e.g. lines, parking areas, conference rooms) should be arranged to maximize social distance among clients and minimize interaction with others in the area.
3. Like all unnecessary court traffic, visitors to court personnel in the workplace for reasons other than necessary in-person court business are strongly discouraged.
4. UCS staff travel will be limited to essential travel only.

D. Hygiene and Cleaning

1. Hand hygiene stations -- including handwashing facilities with soap, water, and disposable paper towels, and/or hand sanitizer containing 60% or more alcohol (for areas where handwashing facilities may not be available or practical) -- will be provided for both public and personnel use in all court facilities and should be located in high-traffic areas (elevator locations, central staff locations, etc.).
2. Use of water fountains in UCS facilities is prohibited. Water coolers in the workplace may be used only with clean drinking containers or fresh paper cup.
3. Work locations will be provided with appropriate locally-obtained cleaning/disinfection supplies for use in wiping down frequently touched surfaces in court facilities, e.g. water cooler handles, telephones, chair handles, etc. Judges and nonjudicial personnel (and where appropriate, the public) are encouraged to use these supplies liberally.
4. Regular daily cleaning and disinfection of facilities will continue. More frequent cleaning and disinfection should be performed on high use areas and frequently touched surfaces.
5. In the event of exposure of an area to a person testing positive to COVID-19, such cleaning will include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. vending machines, handrails, bathrooms, doorknobs).

E. Signage and Safety Precautions for Facilities

Appropriate signage will be posted on and throughout UCS facilities memorializing safety concerns and protocols, such as the need to wear face masks, practice social distancing and engage in frequent hand hygiene. Additional safety precautions utilized in UCS facilities may include installation of plexiglass barriers, floor and other markings to denote proper social distancing, reconfiguration of common areas such as conference rooms or workspaces to ensure adequate spacing, and similar steps. All Judges and nonjudicial personnel are asked to adhere to

local guidance and/or safety protocols provided in any of our facilities – for example, signage indicating the maximum number of people that may be in certain areas at a time, floor markings denoting proper distancing, and the like.

F. Testing

While the court system has no independent COVID-19 testing capacity, we highly recommend that court personnel make use of the testing facilities of State, county, and municipal agencies. See, e.g., <https://coronavirus.health.ny.gov/covid-19-testing> (State); <https://www.nychealthandhospitals.org/covid-19-testing-sites/> (New York City); <https://www2.monroecounty.gov/health-COVID-19> (Monroe County); <https://www.wkbw.com/news/coronavirus/coronavirus-testing-where-to-get-a-covid-19-test-in-western-new-york> (Western New York); etc. An internet search should disclose the best available local testing options.

The health and safety of our workforce and of the public remain the top UCS priorities as we return to courthouse and office settings around the State in coming days and weeks. If you have any questions about these protocols, please contact the Division of Human Resources. And as always, thank you for your dedication and cooperation in this effort.

c: County Clerks

EXHIBIT A

Mask Guidance

Pursuant to gubernatorial Executive Orders and UCS policy, face masks must be worn by all members of the public in court facilities, as well as by judges and nonjudicial court personnel who are in direct contact with members of the public or are unable to maintain social distancing (six feet) from other court personnel.

A. Rationale for Mask Guidance

This Guidance is designed to provide judges and nonjudicial personnel with the necessary information on proper mask use and reuse, to ensure maximum protection of court personnel and the public, and to ensure optimal use of the Court System's supply of masks.

B. Distribution, Use and Reuse of Masks

The Department of Public Safety will regularly supply each District or court with the appropriate supply of face masks based upon estimated staffing and in accordance with operational needs. Masks will be securely stored at each worksite/location and shall be issued to employees by a uniformed supervisor.

Because the UCS supply of masks is limited, we ask that all UCS judges and nonjudicial personnel make every effort to store and reuse those masks whenever possible – that is, whenever a worn mask has not become visibly soiled, damp or damaged through extensive use during the day. However, soiled, damp or damaged masks should always be replaced by making a request to a uniformed supervisor.

Masks should not be diverted to persons outside the UCS, unless specifically authorized by a uniformed supervisor or otherwise in accordance with established protocols/procedures.

Face masks that are no longer useable should always be discarded in an appropriate receptacle, e.g., any garbage can or waste basket, but never the hallway or sidewalk.

Questions about this guidance or mask distribution/use, generally, should be directed to the UCS Department of Public Safety.

C. Removal and Re-Use of Mask

To remove a mask with intent to reuse:

- 1. Perform hand hygiene**
- 2. Remove mask**
 - Ear-Loop Mask Style: remove mask by holding the ear loops. Because the mask front may be contaminated, remove slowly and carefully.
 - Tie Back: remove mask by untying lower ties **FIRST**; untie upper ties last. Because the mask front may be contaminated, remove slowly and carefully. Ensure ties do not fall into clean interior side of mask.
- 3. After removing mask, **visually inspect** for stains, contaminants, tears, or distortion in shape/form. If soiled, torn, or saturated, the mask should be discarded.**

4. If the mask is NOT visibly soiled, torn, or saturated, **carefully store in a brown paper (lunch) bag**, or if a bag is not available, a paper envelope labeled clearly with the following information: "face mask", date, your name, and "front" and "back" on the two sides. Insert your mask so that the front of the mask faces the side of the bag/envelope labeled "front."
5. **Perform hand hygiene.**

To re-apply used mask:

1. **Perform hand hygiene**
2. **Grasp mask**
Pinch mask at the ear loops or grasp upper ties
3. **Place mask over face**
For ear-loop style mask: secure ear loops behind the ears; secure mask. For tie back style mask: secure upper ties first, behind head; then secure lower ties behind head.
4. **Perform hand hygiene**

******A single mask can be safely worn during several workdays or shifts when these procedures are followed.******

While adherence to these guidelines is expected for UCS-issued masks, employees that are not in direct and/or frequent contact with the public who elect to wear their own mask, including cloth masks, may also find this guidance helpful. Note: personal cloth masks that will be reused by an employee should be laundered at home between each use.

Frequently Asked Questions

Will N95 respirators be provided to UCS personnel?

The UCS supply of N95 respirators is currently out of stock, but we anticipate receiving an additional supply in June. However, N95 respirators are difficult to wear for long periods of time and are impractical for generalized use. Also, because our supply of N95 respirators is anticipated to be much smaller than our supply of surgical and/or cloth masks, ***any supply of N95 respirators will be reserved for employees with an elevated risk of coming into contact with the virus. (Guidance about the use of N95 respirators will be provided to such employees upon distribution.)***

Should court visitors be wearing face masks?

Yes. Pursuant to the Governor's Executive Order, all visitors must have a face mask/covering in order to enter our courts, offices and/or facilities. Please refer to the *revised* Courthouse Protocols issued on May 15, 2020, for more detailed information and guidance about members of the public and face masks.

How can I eat/drink when I am supposed to wear a mask?

Proceed to an appropriate location where social distancing can be accomplished and you are able to wash your hands or use hand sanitizer. Perform hand hygiene, remove the mask, eat or drink, and then replace your mask following the above guidelines.

May I use my UCS mask for personal use, including commuting to and from work?

UCS-issued masks are intended for use only for court purposes during business hours.



MEMORANDUM

May 15, 2020

To: All Judicial and Non-Judicial Personnel of the Unified Court System

From: John W. McConnell
Nancy Barry

Re: Coronavirus – Courthouse Procedures

With the anticipated expansion of courthouse operations in coming days and weeks, we thought it appropriate to summarize the current Unified Court System protocols addressing COVID-19 issues in our facilities.

A. Wearing of Personal Protective Equipment (PPE)

While present in a UCS facility (other than in a closed private office), all court personnel and visitors shall be required to cover their nose and mouth with a mask or cloth face-covering. The UCS will provide appropriate personal protective equipment to court personnel; members of the public will be required to provide their own.

B. Persons at Risk Shall be Prohibited From Entering Court Facilities

1. Any person who (1) has been diagnosed with, or has had close contact with anyone diagnosed with, COVID-19, and has not obtained medical clearance to appear in public; or (2) has been directed to self-quarantine, isolate or self-monitor for the coronavirus by any doctor, hospital or health agency, and has not obtained medical clearance to appear in public, or (3) has traveled internationally in the previous 14 days; or (4) has flu-like symptoms (including cough, sore throat, temperature of 100.4° or higher, shortness of breath) (collectively, "Persons at Risk") should not enter a court building or facility.

2. Persons at Risk having business before the court should contact the court by telephone or email and follow instructions on how to proceed.
3. Uniformed court personnel may inquire to ensure that court visitors understand and are in compliance with this directive.

C. Persons at Risk Entering Court Facilities

If a court visitor who self-identifies as a Person at Risk as described in par. B enters a court facility, court personnel shall take the following steps:

1. court uniformed personnel shall be notified; and
2. uniformed personnel shall notify the visitor of the procedure described in section A, and request that the visitor leave the court facility immediately and call the contact number for further information.
3. If the visitor declines to leave the building, a uniformed supervisor shall assess the situation and take appropriate steps (including contacting local medical assistance).
4. at earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the visitor.

D. Court Employees

1. If a court employee self-identifies as a Person at Risk as described in par. B, the employee:
 - a. shall not come to work;
 - b. shall notify a work supervisor of the circumstances; and
 - c. shall contact a personal medical provider or public health provider and follow medical instructions.
2. If a court employee self-identifies as a Person at Risk as described in par. B and is present at work,
 - a. the employee shall immediately notify a work supervisor of the circumstances and shall go home, contact a medical provider or public health provider, and follow medical instructions;
 - b. the supervisor shall immediately notify uniformed court personnel;
 - c. at earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the employee; and
 - d. uniformed personnel shall apprise other appropriate supervisory personnel of steps as directed by health authorities.

E. Receipt of Notification of a Confirmed Coronavirus Diagnosis

In the event that the court receives notice that a courthouse visitor or employee has been diagnosed with the coronavirus:

1. Senior uniformed personnel on site shall inform uniformed command outside the courthouse, and shall prepare an Unusual Occurrence Report/Aided Report (UOR) that includes the name of the diagnosed person. Court managerial personnel shall contact the diagnosed person, inquire whether that person consents to the disclosure of his or her identity as part of follow-up health and safety notifications to UCS judges and staff, and note in the UOR whether such consent has been received.
2. Court personnel shall review records of any court locations contacted by the diagnosed person, and the duration and nature of such contacts over the prior two weeks.
3. Judges and court staff within these contact areas shall be notified immediately about the diagnosis and the contact. If the diagnosed person has given permission for disclosure of his or her identity, that name may be disclosed in the course of such notification. If not, as required by current law, that identity shall not be disclosed; instead, the diagnosed person shall be described in a general fashion (e.g., “an attorney,” “a court employee working in ____,” etc.). In either case, judges and staff shall be provided with all available details about the scope of the diagnosed person’s presence, time and whereabouts in the courthouse, instructed to contact their personal physicians to receive medical advice, provided excused leave to seek medical advice if they choose, and directed to notify the court of any further developments or medical directives.
4. Best efforts shall be made immediately to notify all attorneys and other members of the public who were in the contact areas during the relevant periods, while keeping the name of the diagnosed person confidential.
5. Local administrators shall inform other UCS personnel in the courthouse of the incident at earliest opportunity, while keeping the name of the diagnosed person confidential unless granted permission to disclose it (as described in pars. 1 and 4).
6. At earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the person diagnosed.
7. A public statement describing the incident, without disclosing the identity of the diagnosed person, shall be posted on the UCS internal and public websites.

* * *

In all instances described above, court uniformed personnel shall be notified and an Unusual Occurrence Report/Aided Report shall be prepared. The report shall describe all

courthouse areas visited by the Person at Risk, and time of such visits. Copies of court calendars in such visited areas shall be maintained, in the event that court visitors must be notified of the incident. Appropriate public notice shall issue whenever a Person at Risk is determined to be a high or medium risk for coronavirus contagion according to CDC standards. The Department of Public Safety will follow up with reports of suspected diagnosed courthouse visitor cases as circumstances dictate.

As we return to more conventional work arrangements throughout the State in coming weeks, the health and safety of our workforce remains the top UCS priority. As always, thank you for your dedication and cooperation.

c: County Clerks



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District Administrative Judge
Third Judicial District

CHRISTY Q. BASS
Acting District Executive

MEMORANDUM
3JD/2020/M-9

TO: All Justices, Judges and Support Magistrates
Third Judicial District

FROM: Hon. Thomas A. Breslin, Administrative Judge T.A.B.

RE: COVID-19 Safety Protocols

Date: July 8, 2020

As the COVID-19 pandemic continues, please be reminded, masks must be worn at all times, including in courtrooms. The only exception to this remains when you are in a private office alone and for staff when they are seated at their desk and socially distant from any other person.

To prepare for in-person court appearances, each courtroom has been marked for social distancing for staff, attorneys, parties and the viewing public. In the event a witness needs to testify, or a victim needs to read a statement aloud, disposable face shields are available for their use and must be worn in lieu of a face mask. Those two instances remain the only exceptions to mask wearing requirements in the courtroom.

If attorneys need to speak with their clients, they should be allowed a brief recess to do so outside of the courtroom in an area where they can remain socially distant. Further, each person entering a courtroom will be directed to use hand sanitizer located on each table before sitting or in the event they refuse, don gloves. Disinfectant wipes are available for use by staff, attorneys and the public in each courtroom.

I understand the tedium and frustration with this prolonged pandemic. As Judges, you are in control of the courtroom and thereby responsible for enforcing the rules, including mask wearing and social distancing. To ensure our progress towards returning to in-person operations remains linear, we must be diligent in our adherence to mask wearing and social distancing protocols. We should also avoid in-person social gatherings and celebrations in our facilities as there is no foolproof way to ensure everyone's safety.

Thank you in advance for your continued cooperation with these efforts. Please let me know if you have any questions or concerns.

cc: Christy Q. Bass
3JD Chief and Deputy Chief Clerks
3JD Security Managers