



NOTICE TO THE BAR

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**New York State
Unified Court System**

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**Hon. Paula L. Feroletto
Administrative Judge**

**For Immediate Release:
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EIGHTH JUDICIAL DISTRICT PHASE 3 RETURN TO IN-PERSON OPERATIONS

Hon. Paula L. Feroletto, Administrative Judge for the Eighth Judicial District, announces that effective Monday June 22, 2020, the Courts in the Eighth Judicial District (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming counties) will commence a Phase 3 Return to In-Person Operations. Throughout the COVID-19 public health pandemic, the county courthouses in the Eighth Judicial District have remained open and continued to hear essential matters.

In Phase 3, all essential custodial criminal court matters, Mental Hygiene Law proceedings, Juvenile Delinquency Proceedings, and Person In Need of Supervision Proceedings will continue to be held through the virtual courtroom program. All chambers conferences will continue to be conducted through the virtual chambers model. For essential civil matters in the Supreme and County Courts, Family Courts, Surrogate's Courts, and City Courts, virtual proceedings are strongly encouraged. If a party wishes to appear in person for an essential civil matter, the party should contact chambers to make the request. If the opposing party does not wish to appear in-person, accommodations will be made. All Judges will continue to have discretion to appear remotely. In the event an in-person appearance is held, the attorneys and members of the public in the courtroom must wear a mask at all times. Courtroom capacity will be limited and social distancing will be required.

In addition to essential matters the following matters may be heard in-person or virtually:

- Bench trials of all case types (excluding incarcerated individuals).
- Family Court Act Article 10 evidentiary hearings
- Child Support proceedings filed prior to April 1, 2020
- Permanency hearings
- Criminal preliminary hearings and criminal pre-trial evidentiary hearings for out of custody defendants (with careful planning and controls to limit transports and courthouse traffic)
- Pleas and sentences for defendants at liberty that do not involve a sentence of incarceration

- Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
- 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.
- Other evidentiary hearings not noted in this list shall be presumptively virtual with the consent of the parties where legally permissible and logistically possible.

For any other non-essential matters, all proceedings will be virtual in the absence of a special request made by a party for an in-person appearance. Alternative Dispute Resolution (ADR) shall be conducted virtually. Housing matters (landlord/tenant evictions and foreclosures) may proceed only for purposes of ADR and settlements where all parties are represented by counsel. Attorneys should continue to file using NYSCEF in Supreme Court and Surrogate's Court. In Family Court, attorneys should use the EDDS System to request filing of pleadings (including commencement documents) and motions. In City Court, attorneys should use the EDDS system to request filing of pleadings and motions (but not for commencement documents).

The Town and Village Justice Courts are also expanding court operations in Phase 3; however, all criminal court arraignments and felony hearings will continue to be held at a central location. For information on civil matters and VTL guilty pleas by mail, litigants should contact the appropriate Town and Village Justice Court.

Court security personnel will continue ensure proper PPE (masks, hand sanitizer) and spatial distancing for all members of the public entering the courthouse. Any member of the public who self-identifies as at risk of Covid-19 will be restricted from entering the courthouse.

Upon implementation of Phase 3, the courts will continue to be exceptionally focused on ensuring the safety of all who enter our court facilities, including attorneys, members of the public, Judges and non-judicial employees. Phase 3 is intended as the next step in our incremental approach for the expansion of court operations.

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