



NOTICE TO THE BAR

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New York State
Unified Court System

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Hon. Kathie E. Davidson
Administrative Judge

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NINTH JUDICIAL DISTRICT PHASE 4 RETURN TO IN-PERSON OPERATIONS

Hon. Kathie E. Davidson, Administrative Judge for the Ninth Judicial District, announces that effective Thursday July 9, 2020, the Courts in the Ninth Judicial District (Dutchess, Orange, Putnam, Rockland, and Westchester counties) will commence a Phase 4 Return to In-Person Operations. The goal of Phase 4 is to put the Courts in the Ninth Judicial District in a position to hear all case types in person while enhancing a more robust use of virtual technology where it is preferred.

In Phase 4, all courts in the Ninth Judicial District remain focused on ensuring the safety of all those who enter court facilities. All Judges, non-judicial employees, and members of the public entering the courthouse are expected to use appropriate PPE. Court calendars and docket times will be staggered to reduce the number of individuals in courthouses and courtrooms. Court security will ensure proper PPE and spatial distancing for all members of the public entering courthouses and will conduct temperature checks. No one shall be permitted to enter a court facility without a mask covering their mouth and nose. Any member of the public who self-identifies as at risk of COVID-19 will be restricted from entering the courthouse.

The following matters shall presumptively be heard in-person:

- Essential matters (except those matters that are presumptively virtual as noted below)
- Bench trials
- Superior Civil matters where at least one party is self-represented
- Evidentiary hearings
- Criminal non-custodial arraignments, motion arguments, waivers of indictments, pleas and sentences for defendants at liberty
- Treatment court and judicial diversion where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
- Grand Jury proceedings (commencing on or after July 13, 2020)

- Permanency hearings
- Family Court Article 10 consents, admissions, and surrenders
- Surrogate's Court citations and show cause orders
- Small claims matters, including the small claims arbitration program, for matters that were filed prior to April 1, 2020
- Arraignments of defendants whose appearance tickets were filed prior to June 1, 2020
- Criminal preliminary hearings
- 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.)

The following matters shall presumptively be heard virtually:

- Mental Hygiene Law proceedings pertaining to a hospitalized adult
- Superior Civil conferences and motion arguments, including foreclosures, where all parties are represented by counsel
- All other Superior Civil matters not noted above
- Superior Criminal conferences and waivers of indictment, pleas and sentences where the defendant is incarcerated.
- Family Court conferences, juvenile delinquency proceedings, persons in need of supervision proceedings, child support proceedings filed prior to June 1, 2020, appearance calendars, and all other Family Court proceedings except as noted above
- Adoptions
- Surrogate's Court conferences and motion arguments where all parties are represented by counsel
- City Court conferences and motion arguments and all other City Court civil proceedings except as noted above
- City Court criminal conferences, pleas and sentences where the defendant is incarcerated, and all other City Court criminal proceedings except as noted above

In all instances, except Mental Hygiene Law proceedings pertaining to a hospitalized adult, a request to deviate from the presumption may be made by an attorney or litigant to the Assigned Judge. 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. For all in-person appearances, 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.

Small Claims Assessment Reviews are permitted to be conducted virtually. 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 New York State Courts Electronic Filing System (NYSCEF), where available, or through the Electronic Document Delivery System (EDDS). Information regarding NYSCEF and EDDS is available at www.nycourts.gov

The Town and Village Justice Courts are also expanding court operations in Phase 4. In the Town and Village Justice Courts, arraignments, preliminary hearings, bench trials, and hearings may be conducted in-person. Where an in-person proceeding involves an incarcerated individual, that individual shall appear virtually unless the presiding judge orders otherwise after the appropriate application is made. Appearances may be held in-person regarding appeals, Appearance Ticket Returns where the appearance ticket was written before June 1, 2020, Appearance Ticket Returns where there is a request for an arraignment by the prosecution or defense, pleas and sentences for out of custody defendants where the sentence does not involve incarceration, pleas and sentences for in-custody defendants if sentence would result in release of the defendant, and motion argument. Virtual/telephonic conferences on criminal matters are encouraged and, if acceptable dispositions are reached, plea affidavits are encouraged. With respect to civil matters, Town and Village Justices may hear bench trials and hearings, small claims matters, town code violations, and landlord/tenant eviction matters in accordance with Chief Administrative Judge Lawrence Marks Administrative Order 127/20 in person. Lockouts shall be brought to the centralized part in each county. With respect to vehicle and traffic matters, VTL ticket returns where the ticket was written before June 1, 2020 may be heard in-person. There is a strict maximum occupancy of 25% in all Town and Village courtrooms and all in-person foot traffic will be conducted by the established social distancing rules.