



NOTICE TO THE BAR

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New York State
Unified Court System

Contact: James M. McAllister
Telephone: (914) 824-5142

Hon. Kathie E. Davidson
Administrative Judge

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NINTH JUDICIAL DISTRICT PHASE 3 RETURN TO IN-PERSON OPERATIONS

Hon. Kathie E. Davidson, Administrative Judge for the Ninth Judicial District, announces that effective Thursday June 25, 2020, the Courts in the Ninth Judicial District (Dutchess, Orange, Putnam, Rockland, and Westchester counties) commenced a Phase 3 Return to In-Person Operations. The goal of Phase 3 is to continue to enhance foot traffic in the courthouse in a measured manner and to expand the categories of proceedings that are heard in-person, except for New Rochelle Family Court which is currently closed.

In Phase 3, 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. 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
- 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 (with careful planning and controls to limit transports and courthouse traffic). However, incarcerated defendants shall appear virtually utilizing electronic means unless otherwise ordered by the presiding judge after an appropriate application.

- 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.

The following matters shall presumptively be heard virtually:

- Non-essential matters (except those matters that are presumptively in-person as noted above)
- Criminal proceedings (except as noted above). It is encouraged that criminal matters be conferenced virtually/telephonically and, if acceptable dispositions are reached, plea affidavits, where not prohibited by law, are strongly encouraged.
- Juvenile delinquency proceedings
- Persons in need of supervision proceedings
- Evidentiary hearings not noted above may be conducted with the consent of the parties where legally permissible and logistically possible
- Mental Hygiene Law proceedings pertaining to a hospitalized adult

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. 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.

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 3. 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. Virtual/telephonic conferences on criminal matters are encouraged and, if acceptable dispositions are reached, plea affidavits are encouraged. Appearances may be held regarding appeals, Appearance Ticket Returns where the appearance ticket was written before April 1, 2020, or Appearance Ticket Returns where there is a request for an arraignment by the prosecution or defense. 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.