



ADMINISTRATIVE ORDER
4JD-030-2020
FOURTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, and in accordance with the Governor's Executive Orders and the Administrative Orders issued by the Chief Administrative Judge in response to the COVID-19 pandemic, it is hereby

ORDERED that the following Fourth District Administrative Orders (Attachment A):

4JD-013-2020

4JD-014-2020

4JD-029-2020

remain in full force and effect, except as specifically modified, extended or superseded herein; and it is further

ORDERED that the following directives are established or reaffirmed:

1. Eviction Proceedings: Pursuant to Executive Order 202.8, eviction proceedings will remain stayed until June 20, 2020.
2. Default Judgments: The Fourth District will continue to abide by the policy that no default judgments based on non-appearance shall be granted.
3. Essential Matters: The Fourth District's Virtual Courtroom Protocol (4JD-029-2020) will continue to define the process for receiving, reviewing and conducting proceedings in essential matters in the Supreme, County, Family, Surrogate and City Courts. It also defines the process for conducting business-hours arraignments for local Town and Village Courts. Essential matters are those identified in the March 22, 2020 Order of Hon. Lawrence Marks [A/O 78/20] (Attachment B).
4. Courthouse Access: Commencing at 9:00 A.M. on Monday, April 13, 2020, and continuing until further notice, court employees, chambers staff and Judges shall not enter any of the District's court facilities for an extended period of time absent permission of the Administrative Judge or his designee. During this period, the only court employees authorized to enter and remain in court facilities are those directed to be present pursuant to a staffing plan approved by the Administrative Judge.
5. Virtual Chambers Plan: Pursuant to the District's approved "Virtual Chambers Plan" (Attachment C), beginning April 13, 2020, judicial activity in currently pending, non-essential cases will commence. All judicial activity in currently pending cases in Supreme, County, Family, Surrogate and City Court shall proceed in accordance with this Plan, including any subsequent phases.

6. **Until further notice, except for “essential matters” as defined in A/O 78/20, no new filings will be accepted in the Supreme, County, Family, Surrogate or City Court.**
7. County Clerks are directed to accept for filing all orders and judgments issued by the Court, as well as documents submitted for filing by the parties, *provided the document is accompanied by a written authorization from the Assigned Judge which is consistent with the Virtual Chambers Plan, including any subsequent phases.*
8. County Clerks are directed to accept and file Notices of Appeal in essential case types.

ORDERED that the following will apply to the Fourth District’s Supreme Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.
2. Pending motions in all mortgage foreclosure proceedings will be stayed until June 20, 2020, pursuant to the directives of Executive Order 202.8; and it is further

ORDERED that the following will apply to the Fourth District’s County and City Criminal Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.
2. To the extent that it is not inconsistent with paragraph (1) above, all pending criminal cases *where the defendant is **not in custody*** are administratively adjourned to May 30, 2020, or another date determined by the Assigned Judge, after consultation with the District Attorney and Defense Counsel. Appropriate notice shall be given to all affected parties and counsel.
3. To the extent that it is not inconsistent with Paragraph (1) above, all pending criminal cases *where the defendant **is in custody***, are administratively adjourned to May 7, 2020, or another date determined by the Assigned Judge, after consultation with the District Attorney and Defense Counsel. Appropriate notice shall be given to all affected parties and counsel; and it is further

ORDERED that the following will apply to the Fourth District’s Treatment Parts:

1. Treatment Parts and Opioid Stabilization Parts will continue to the extent that appearances are deemed essential in acute cases by the Assigned Judge after consultation with the Administrative Judge. Further activity in Treatment Parts shall proceed in accordance with subsequent phases of the District’s Virtual Chambers Plan; and it is further

ORDERED that the following will apply to the Fourth District’s Family Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed

- by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.
2. To the extent that it is not inconsistent with paragraph (1) above, all pending cases are administratively adjourned to May 30, 2020, or another date determined by the Assigned Judge. Appropriate notice shall be given to all affected parties and counsel.
 3. Permanency Hearings: Family Judges will continue to address Permanency Planning Hearings on a case-by-case basis and consult with the Administrative Judge in order to ensure that essential issues and all matters which require action pursuant to applicable Federal or State Law are deemed essential and are timely heard.
 4. All remand/removal/placement orders issued under Family Court Act Articles 3, 6, 7, 8 and 10 that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the assigned Family Judge. Due notice shall be given to all affected parties; and it is further

ORDERED that the following will apply to the Fourth District's Surrogate Courts:

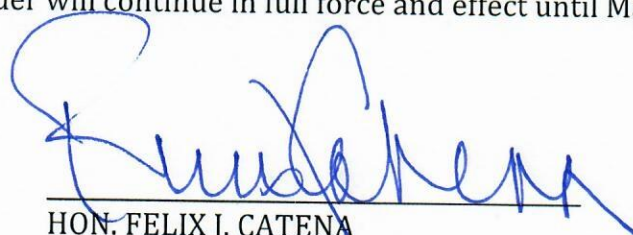
1. In furtherance of the Fourth District's approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Surrogate to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases; and it is further

ORDERED that the following will apply to the Fourth District's Town and Village Courts:

1. All criminal and civil cases currently pending in the Fourth District's Town and Village Courts are subject to an additional administrative adjournment until May 30, 2020, for all civil matters and for criminal matters where the defendant is not in custody. For criminal matters where the defendant is in custody, the further administrative adjournment is until May 7, 2020; and it is further

ORDERED that this Administrative Order will continue in full force and effect until May 30, 2020, unless sooner terminated.

Dated: April 15, 2020



HON. FELIX J. CATENA
Administrative Judge
Fourth Judicial District

Distribution:

Hon. Vito C. Caruso, JSC, Deputy Chief Administrative Judge (outside NYC)
All Fourth District Judges
All Fourth District Chief Clerks
All Fourth District Town and Village Justices
All Fourth District County Clerks
Joanne B. Haelen, Esq., District Executive, Fourth Judicial District

ATTACHMENT A

PROCEEDINGS OF THE JUDICIAL DISTRICT
ADMINISTRATIVE ORDER
JUDICIAL DISTRICT

Pursuant to the authority vested in me, I hereby order that effective at 5:00 PM on March 16, 2020 the following rules be put into effect in the 4th Judicial District ("District") until rescinded.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020. "Designated Judge" shall refer to the judge assigned to hear the case pursuant to a duty roster issued weekly by the Administrative Judge. "Essential Staff" shall refer to chambers staff of Designated Judges or non-judicial staff as designated by the District Executive.

- No eviction orders shall be signed and pending eviction orders shall be stayed for 45 days.
- No default judgments shall be granted for non-appearance.
- No foreclosure auctions shall be held.
- All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District; and shall be designated Youth Part Judges.
- All Court proceedings will occur in the locations identified in the March 15, 2020 Memorandum of Hon. Lawrence Marks, a copy of which is attached, and will be presided over by the Designated Judges listed on the duty roster, or as otherwise approved by the Administrative Judge.
- Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities shall be the lesser of 30 people or ½ the posted room occupancy per code.
- After 5:00 P.M. on March 16, 2020 only Designated Judges and Essential Staff may report to the courthouse for work unless approved by the Administrative Judge or as further restricted pursuant to subsequently issued State or Federal directives.

Supreme Civil

- All non-essential matters are administratively adjourned for a minimum of 45 days (to be determined by the Assigned or Designated Judge). Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates.
- All civil trials that have commenced may continue. No additional civil jury trials shall commence until further notice.
- "Essential matters" are defined as urgent applications or cases in the following categories: Mental Hygiene Law Article 81 cases where the health or safety of the alleged incapacitated person is at issue; Mental Hygiene Law applications for involuntary retention and/or medication over objection; Emergency Orders to Show Cause; Extreme Risk Protection Orders; Applications for Orders of Protection; Isolation and Quarantine matters; Habeas Corpus proceedings; Election Law matters; and any other matter determined to be essential by the Assigned Justice or Designated Justice in consultation with the Administrative Judge.
- All Temporary Orders of Protection shall be extended 90 days by the Assigned or Designated Judge, unless further emergency application is made.

Superior Court Criminal Cases

- Any trial in which jeopardy has attached will continue. No additional jury trials shall commence until further notice.
- All non-essential matters are administratively adjourned for 45 days for defendants not in custody, and for 30 days for defendants in custody. The adjourned date shall be determined by the Assigned or Designated Judge. Essential Staff shall be responsible for notifying attorneys or pro-se defendants of the adjourned date.
- "Essential Matters" include arraignments, new and/or extended Orders of Protection and any other matters determined to be essential by the Assigned Judge or Designated Judge in consultation with the Administrative Judge.
- Currently seated Grand Juries may continue until the expiration of their terms. Thereafter, a District Attorney may make application to the Administrative Judge for the impaneling of a new Grand Jury.
- The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.

Treatment Courts/OSP

- Treatment courts and Opioid Stabilization Parts will be handled by the Judge who is currently assigned to the Part.
- Treatment courts will continue to the extent appearances are deemed essential in acute cases by the Assigned Judge in consultation with the Administrative Judge. All calendars and appearances shall be staggered so as to comply with room occupancy requirements as stated above.
- Essential Staff designated to work in these Courts shall be responsible for notifying attorneys or pro-se defendants of the adjourned dates.

Family Court

- All non-essential matters are administratively adjourned for 45 days. Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates.
- "Essential matters" include urgent Juvenile Delinquency proceedings; Child Protective Proceedings where there is an imminent risk of harm to a child; Family Offense matters; emergency support matters, extension of placement matters and any other matters determined to be essential by the Assigned Judge or the Designated Judge in consultation with the Administrative Judge.
- All Temporary Orders of Protection shall be extended 90 days by the Assigned or Designated Judge, unless further emergency application is made.

Surrogate's Court

- All non-essential matters are administratively adjourned for 45 days. Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates.
- Essential matters shall include urgent guardianships, urgent adoptions, and other essential matters as determined by the Surrogate in consultation with the Administrative Judge.

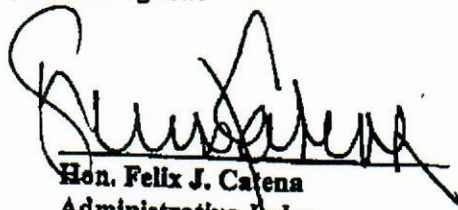
City Court

- All non-essential matters are administratively adjourned for 45 days for defendants not in custody and for civil matters; and for 30 days for defendants in custody. The adjourned date shall be determined by the Assigned or Designated Judge. Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates.
- Essential matters shall include arraignments, applications for Orders of Protection, and any matter deemed to be essential by the Supervising Judge in consultation with the Administrative Judge.

Town and Village Courts

- All non-essential matters are administratively adjourned for 45 days for defendants not in custody and for civil matters; and for 30 days for defendants in custody. The adjourned date shall be determined by the Assigned or Designated Judge. Town and Village staff shall be responsible for notifying attorneys or pro-se litigants/defendants of the adjourned dates.
- Essential Town and Village Matters include arraignments, applications for Orders of Protection and any matter deemed to be essential by the Assigned Judges in consultation with both the Supervising Judge and the Administrative Judge.
- Immediate Arraignments that occur during the day shall occur at the County Courthouse by the designated County or Acting County Court Judge.
- After hours arraignments shall be heard by the Designated Judge in the Centralized Arraignment Part (CAP) in counties which have a CAP. In those locations where there is no CAP, after-hours arraignments will proceed in accordance with the procedure currently in place according to existing law.

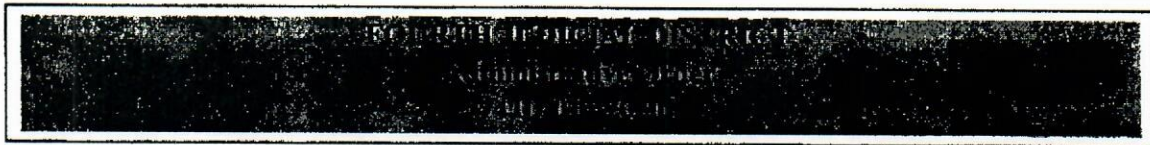
Dated: March 16, 2020 at Fonda, New York


Hon. Felix J. Catena
Administrative Judge
Fourth Judicial District

cc: All Fourth District Justices and Judges
All Fourth District Town and Village Justices
All Fourth District Chief Clerks
Hon. Vito C. Caruso
Joanne Haelen, Esq.
Matthew Chivers, Esq., Special Counsel - Town and Village Courts

4th District

Clinton Co. Supreme/Country/Family/Surrogate Plattsburgh City Court	Clinton County Courthouse, Clinton County Office Building, 137 Margaret Street, Plattsburgh Clinton County Courthouse, Clinton County Office Building, 137 Margaret Street, Plattsburgh
Essex Co. Supreme/Country/Family/Surrogate	Essex County Courthouse, 7559 Court Street, Elizabethtown
Franklin Co. Supreme/Country/Family/Surrogate	Franklin County Courthouse, 355 West Main Street, Malone
Fulton Co. Family Court Fulton Co. Supreme/Country/Surrogate Gloversville City Court Johnstown City Court	Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown
Hamilton County Courthouse Indian Lake Court Offices	Hamilton County Courthouse, 102 County View Drive, Lake Pleasant Hamilton County Courthouse, 102 County View Drive, Lake Pleasant
Montgomery Co. Supreme/Country/Family/Surrogate Amsterdam City Court	Montgomery County Courthouse, 58 Broadway, Fonda Montgomery County Courthouse, 58 Broadway, Fonda
Saratoga Co. Family Court - Building #2 Saratoga Co. Supreme/Country/Surrogate - Bldg. #3 Mechanicville City Court Saratoga Springs City Court	Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa
St. Lawrence Co. Supreme/Country/Family/Surrogate Ogdensburg City Court	St. Lawrence County Courthouse, 48 Court Street, Canton St. Lawrence County Courthouse, 48 Court Street, Canton
Schenectady Supreme/Country/Surrogate - 612 State Schenectady Co. Family Court - 620 State Shaffer Heights Supreme Court Annex - Nott Terrace Schenectady City Court - Civil and Traffic (Jay St.) Schenectady City Criminal (Liberty St. - police station)	Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady
Warren Co. Supreme/Country/Family/Surrogate Glens Falls City Court Warren Co. Centralized Arraignment Part (CAP)	Warren County Courthouse - Family Court wing, 1340 State Route 9, Lake George Warren County Courthouse - Family Court wing, 1340 State Route 9, Lake George CAP will remain open
Washington Co. Supreme/Country/Family/Surrogate Washington Co. Centralized Arraignment Part (CAP)	Washington County Courthouse, 383 Broadway, Fort Edward CAP will remain open



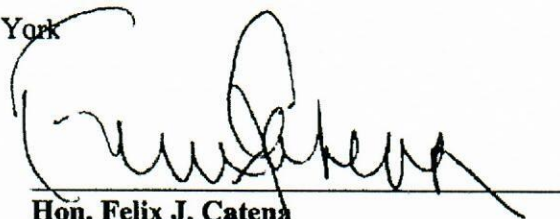
Pursuant to the authority vested in me, I hereby order that effective immediately the following rules be put into effect in the Fourth Judicial District ("District") until rescinded.

All temporary orders of protection issued by Family Courts within the District that are due to expire on a date on which the matter may not be heard due to extraordinary circumstances, including a public health emergency, are extended under the same terms and conditions until the date the matter is re-calendared, unless the order is terminated or modified by a judge or by a referee assigned to the case.

It is hereby further **ORDERED** that:

All remand/removal orders and placement orders issued by Family Courts within the District under Family Court Act Articles 3, 7, 8 and 10 that are due to expire on a date on which the matter may not be heard due to extraordinary circumstances, including a public health emergency, are extended under the same terms and conditions until the date the matter is re-calendared, unless the order is terminated by a judge assigned to the case.

Dated: March 17, 2020 at Saratoga Springs, New York



Hon. Felix J. Catena
Administrative Judge
Fourth Judicial District

cc: All Fourth District Justices and Judges
All Fourth District Chief Clerks
Hon. Vito C. Caruso
Joanne B. Haelen, Esq.

[REDACTED]

Pursuant to the authority vested in me, in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, and after consultation with the Chief Administrative Judge and the Deputy Chief Administrative Judge, and

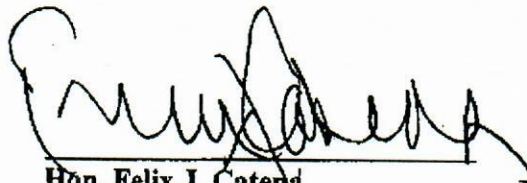
WHEREAS, New York State and the nation are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); and

WHEREAS, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or "community spread"; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community gather to conduct business in large groups in close proximity to one another, it is hereby

ORDERED that effective April 6, 2020 the attached Virtual Courtroom Protocol shall be put into effect in all Counties of the Fourth Judicial District which shall amend, in part, Administrative Order 4JD-013-2020 dated March 16, 2020 insofar as it pertains to the duty judge being physically present in the courtroom.

Dated: April 2, 2020
Fonda, New York



Hon. Felix J. Catena
Administrative Judge
Fourth Judicial District

cc: Hon. Vito C. Caruso, DCAJ

FOURTH JUDICIAL DISTRICT VIRTUAL COURTROOM PROCEDURES

In response to the COVID-19 pandemic, the Governor has mandated reductions in the number of locations open to the public and in the density of people at those locations. The Chief Judge of the State of New York, in furtherance of this mandate, has directed that court operations be consolidated into one "Central Courthouse" in each county, and has directed further that the Central Courthouses only accept filings in "essential matters". A list of essential matters is contained in Administrative Order 78/20 of Chief Administrative Judge Lawrence Marks. A copy is attached (Attachment A).

Now, as the pandemic intensifies, there is a need to institute additional measures to further reduce courthouse density in a continuing effort to reduce disease transmission. Accordingly, effective **Monday, April 6, 2020**, the Fourth Judicial District will begin hearing all essential matters virtually, via videoconferencing.

1. GENERAL POLICIES AND PROCEDURES

a. Central Courthouse Locations and Hours: The Central Courthouses in each county will remain open from 8:00 A.M. to 5:00 P.M. Monday-Friday. A list of Central Courthouses, their physical addresses, telephone numbers and email addresses, is attached (Attachment B).

b. Central Courthouse Staffing: During business hours, each Central Courthouse will be staffed with a minimum number of Court Clerks. They will be available to answer public inquiries and to accept and process essential matters. They will also schedule and facilitate necessary videoconferences. Court Officers will also be present to ensure safety.

c. Duty Judges: Duty Judges are assigned on a rotating schedule to handle all essential matters. However, unless there is insufficient internet connectivity between the Central Courthouse and the Duty Judge's remote location, the Duty Judge will not be physically present in the Central Courthouse. The Judge will be available via remote connection with the Central Courthouse, will review cases electronically and preside over essential matters via videoconference.

d. All Essential Matters to be Heard via Videoconference: Unless exempted for good cause (see below), all essential proceedings shall be heard by the Duty Judge remotely, via videoconferencing.

e. Parties' Consent to Video Appearances: At every appearance, best efforts shall be used to obtain the parties' consent to appearing via videoconference.

f. Videoconference Platform: The videoconference platform used by the Unified Court System to facilitate all remote court proceedings is Skype for Business. An information sheet which contains frequently asked questions about accessing and using Skype for Business is attached (Attachment C).

g. Facilitating Video Appearances: Court Clerks at each Central Courthouse will initiate and facilitate all videoconferences. This will be done from a specifically designated courtroom or courtrooms in the Central Courthouse. All other necessary parties will participate in the court proceedings from remote locations via the Skype for Business connection.

h. Telephonic Appearances: The videoconference "invitation" sent by the Court Clerk to initiate the Skype for Business videoconference will also contain a telephone number for participants. This "call-in" number can be used by parties to attend the proceedings, in lieu of a video appearance. This is only to be used if a party is unable to access Skype for Business or is having difficulty securing a video connection due to poor internet connectivity at his or her end.

IMPORTANT: Broadband Internet access of sufficient quality is necessary. If there is no broadband access where a party is located, he or she will only be able to participate by voice; there will be no ability to see the other participants or to be seen by them.

For those who do have broadband access, the quality of the Skype for Business videoconference depends directly upon the adequacy of internet service for each person who is participating. In many regions of the District, broadband internet service is poor or marginal, either because the service itself is limited or because the volume of internet traffic at the time results in slow data transmission speeds for particular participants. If so, it may negatively impact the quality of the connection for everyone else on the call. As a result, the quality of the connection will be assessed by the Duty Judge at the beginning of each videoconference and parties will be directed to use the telephone link if the Judge determines that the quality of a particular connection is so limited that it is causing resonance or latency which impacts the ability of other participants to see, to hear and to be heard.

i. Confidential Attorney-Client Communications: At every videoconference, counsel will be able to conduct confidential communications with clients during the proceedings. The party needing to confer confidentially simply notifies the Duty Judge. The Judge will direct counsel and the client to disconnect from the call and reconnect after the conversation has concluded. The FTR recording will remain on during this time to ensure that the confidential communication was not heard by others on the call and to ensure that no ex parte communication occurred during the time the others had disconnected from the link.

j. Self-Represented Litigants: If the proceeding involves a self-represented litigant who is not in custody, he or she will be encouraged to appear remotely as well. If not possible, such litigant will be permitted to appear, either from a designated room in the Central Courthouse, or in the courtroom itself.

k. Interpreter Services: Should interpreting services be needed, a court interpreter will be contacted and will appear remotely as well. If no court interpreter is available, the Court Clerk will facilitate interpretation by contacting the Language Line and facilitating the connection at the court end.

l. Recording of Videoconference Proceedings: All videoconference proceedings will be recorded, either via live stenography with a court reporter attending remotely through the videoconference link, or through use of the Unified Court System's FTR digital recording software. If digital recording is used, the Court Clerk will operate the FTR equipment from the courtroom. There are designated courtrooms in each Central Courthouse which are fully capable of hosting a Skype for Business videoconference. Each is equipped with a large monitor to display video, as well as an integrated sound system which allows audio recording directly through the courtroom's sound system.

m. Press and Public Access to Courtroom: The Press, as well as members of the public, will be permitted access to the courtroom where the videoconference is occurring and will have access to the video and audio of the proceedings. Press inquiries should be directed to the Chief Clerk in the Central Courthouse, who will, in turn, contact the Duty Judge to determine if cameras will be permitted in the courtroom, applying existing law and rules. Access to the courtroom may be restricted as necessary in order to comply with density restrictions and to meet the six-foot perimeter required to be maintained under current social distancing directives.

n. Backup Telephone Access in Courtroom: Each designated courtroom shall have a dedicated telephone to use as a backup should difficulties be encountered with the videoconference link.

o. Exceptions to Videoconferencing: If there is a need for an exception to these videoconference policies, the Chief Clerk or the Duty Judge shall notify the Administrative Judge who will determine if an exception is to be made.

p. Signage: Signage shall be placed at the entrance to each Central Courthouse notifying litigants, the Press and the public of the existence of this videoconferencing policy and indicating that the courthouse remains open to the public, albeit with the understanding that required social distancing must be maintained at all times.

q. Technical Support: Technical support is available to all videoconference users by contacting the Fourth District's HelpDesk at 1-518-285-5080. It is staffed during business hours.

2. NECESSARY EQUIPMENT FOR THOSE PARTICIPATING IN VIDEOCONFERENCE PROCEEDINGS

a. Police Stations, County Jails, NYS Correctional Facilities, Mental Health Facilities, Youth Detention Facilities:

- computer with a camera, microphone and speaker
- scanner which is configured to scan from the computer (if needed in order to scan initial paperwork and to confirm receipt of TOP's)
- printer which is configured to print from the computer (if needed in order to print signed orders emailed from the Court)
- telephone for confidential attorney-client communications

- broadband internet access
- ability to participate in a Skype for Business conference call
- e-mail address accessible from the computer (so Court Clerk can send the Skype invite and any signed orders)

b. Attorneys and Government Agencies (including District Attorneys, Public Defenders, 18-b Attorneys, Attorneys for the Child, County Attorneys, Departments of Social Services, Attorney General, MHLS attorneys)

- computer with a camera, microphone and speaker
- scanner for electronic submission of petitions, Orders to Show Cause and other necessary paperwork
- broadband internet access
- ability to participate in a Skype for Business conference call
- telephone
- e-mail address accessible from the computer (so Court Clerk can send any initial paperwork, the Skype invite and any signed orders)

c. Judge:

- computer with a camera, microphone and speaker
- broadband internet access
- telephone

d. Court Clerk:

- computer in office and in courtroom
- videoconference setup in courtroom with FTR and integrated phone system
- scanners which are configured to scan to and from both computers
- printers which are configured to print to and from both computers
- dedicated telephone in courtroom and in office to communicate with all parties, as needed

3. VIDEOCONFERENCING PROCEDURES FOR SPECIFIC CASE TYPES

A. ADULT AND YOUTH ARRAIGNMENTS DURING BUSINESS HOURS

In all Fourth District counties:

(a). Arresting Agencies will call the Central Courthouse to advise that arraignment is necessary. After that, the Agency will transmit the initial paperwork to the Court electronically, directing it to a dedicated court email address. Court telephone numbers and email addresses are set forth in Attachment B.

(b). The Court Clerk will re-confirm with the Arresting Agency the email address to send the Skype videoconference link.

(c). The Court Clerk will call the on-call ADA and the on-call Public Defender (or other additional persons in the case of a youth arraignment, including the Probation Department) and transmit the paperwork to each, directing it to a specified email address, as previously determined and agreed. For youth arraignments, the arresting agency will also provide the Court Clerk with contact information for the youth's parent or guardian.

(d). The Court Clerk will create a case file, call the Duty Judge and transmit the paperwork electronically to the Judge's court email address.

(e). The Court Clerk will initiate the Skype invitation by emailing the Skype videoconference link to the email addresses previously determined and re-confirmed.

(f). If there is no court reporter, the Court Clerk will operate the FTR recording equipment directly from the courtroom.

(g). After the proceeding has concluded, the Duty Judge will confer with the Court Clerk regarding the completion of necessary orders and will authorize the Clerk to conform signatures to be affixed where appropriate.

(h). The Court Clerk will then scan all orders to all participants. The Arresting Agency will print off the orders, deliver them to the arrestee/youth and receive verbal acknowledgments of receipt which will be captured on the record. If there is a temporary order of protection, the Arresting Agency, in addition, will have the arrestee/youth sign to acknowledge receipt and then scan the signed acknowledgement back to the Court at the dedicated court email address specified in (a) above. At this point, the Court Clerk will terminate the Skype connection and stop the FTR recording.

B. AFTER-HOURS ARRAIGNMENTS

In both CAP and non-CAP counties, arraignments will be conducted according to the same procedure currently in place with the exception that the assigned Judge will be at a remote location and will assume the duties of the Court Clerk. This procedure will be altered as needed in those areas where internet connectivity is insufficient to permit a remote Skype conference.

C. OTHER ESSENTIAL CRIMINAL PROCEEDINGS

In all Fourth District counties, the same basic procedure for video arraignments will be followed, the only difference being that the party who commences the proceeding or makes the essential request will be the one who calls the Central Courthouse. If the defendant is incarcerated, the Court Clerk will also call the County Jail to make arrangements for the videoconference. The Court Clerk will also obtain from the initiating party, the names and telephone numbers of all other necessary parties and follow the same process of calling, confirming and re-confirming email addresses for all of them and emailing any and all paperwork, including the Skype videoconference link.

D. REQUESTS FOR TEMPORARY ORDERS OF PROTECTION DURING BUSINESS HOURS

In all Fourth District counties, litigants who come into court seeking a temporary order of protection will be directed to an enclosed room, adjacent to the magnetometer area and in view of a court officer. In this room will be a specially imaged computer which is configured to permit the litigant to communicate directly with a Court Clerk via a perpetual Skype link thereby simulating what would happen in a face-to-face interaction at the public counter. In

addition, the Court Clerk has the ability to "remote-into" that special computer to provide virtual assistance, either in scanning the petition or, if the litigant did not come with paperwork already completed, in preparing the petition, having it electronically signed and then submitted.

Once the paperwork has been completed by the litigant and electronically submitted to the Court, it will be forwarded to the Duty Judge for review and the process will follow the remote review and videoconference procedures described in Paragraph (A), above. The litigant will attend this videoconference right in the same room.

E. REQUESTS FOR TEMPORARY ORDERS OF PROTECTION AFTER-HOURS

Persons will be directed, via signs on the door at all City, Town and Village Courts, to the nearest Police Station for further guidance. In the event that law enforcement believes there to be an emergency situation, the same procedure will be followed as is currently in place for notifying the court of an after-hours arraignment.

F. ESSENTIAL FAMILY COURT PROCEEDINGS

In all Fourth District counties, the same basic procedure for video arraignments will be followed, the only difference being that the party who commences the proceeding or makes the essential request will be the one who calls the Central Courthouse. If the proceeding is submitted in paper only, the initiating party must include a telephone number and email address. In Juvenile Delinquency proceedings, it must also include the name of a representative from the facility where the youth is located who can be contacted to facilitate the Skype videoconference, as well as contact information for all other parties, as the case may be. The Court Clerk will then follow the same process, identified above, for contacting the Duty Judge, calling, confirming and re-confirming email addresses for all other necessary parties and attorneys and scheduling the videoconference. The Court Clerk will also ensure the electronic transmission of all paperwork to all parties via email, including the Skype videoconference link.

G. MENTAL HYGIENE LAW PROCEEDINGS

In all Fourth District counties, the same basic procedure for video arraignments will be followed, the only difference being that the party who commences the proceeding or makes the essential request will be the one who contacts the Central Courthouse. If the proceeding is submitted in paper only, the initiating party must include a telephone number and email address. Also included must be the name of a representative from the facility where the respondent is detained who can be contacted to facilitate the Skype videoconference, as well as contact information for all other parties. The Court Clerk will then follow the same process, identified above, for calling, confirming and re-confirming email addresses for all other necessary parties and attorneys and for scheduling the videoconference. The Court Clerk will also ensure the electronic transmission of all paperwork to all parties via email, including the Skype videoconference link.

Videoconferencing ability has been developed and tested with all State operated or licensed psychiatric hospitals. In addition, a "bridge" procedure has also been established through the Court System's Division of Technology, to facilitate videoconferencing with all DOCCS facilities.

H. OTHER ESSENTIAL CIVIL PROCEEDINGS, INCLUDING INVOLUNTARY ISOLATION AND QUARANTINE PROCEEDINGS

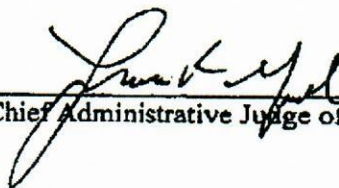
Upon the presentation of an application in an essential civil matter, the Court Clerk will confer electronically and telephonically with the Duty Judge. The Duty Judge shall determine the feasibility of either a videoconference or a telephonic appearance by the parties and their attorneys. Special effort will be made to determine if the matter can be resolved on the papers alone.

If it cannot be so resolved, the Court Clerk will then follow the same process, identified above, for calling, confirming and re-confirming email addresses for all other necessary parties and attorneys and for scheduling the videoconference. The Court Clerk will also ensure the electronic transmission of all paperwork to all parties via email, including the Skype videoconference link.

Involuntary Isolation and Quarantine proceedings, will proceed in the same manner as video arraignments, with the County Attorney calling the Court. Skype connections to laptop computers issued to Public Health nurses have been established and tested in every county. These permit respondents to appear remotely via a Skype link sent to the public health nurse's email address, either from a residential or a hospital location. In those areas where there is no broadband service, arrangements have been made for telephonic appearance by the respondent while the other necessary parties appear via the Skype link.

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, in light of the emergency circumstances caused by the continuing COVID-19 outbreak in New York State and the nation, and consistent with the Governor of New York's recent executive order suspending statutes of limitation in legal matters, I direct that, effective immediately and until further order, no papers shall be accepted for filing by a county clerk or a court in any matter of a type not included on the list of essential matters attached as Exh. A. This directive applies to both paper and electronic filings.



Chief Administrative Judge of the Courts

Dated: March 22, 2020

AO/78/20

Exhibit A

Essential Proceedings
Administrative Order AO/78/20
March 22, 2020

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters
- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. newly filed juvenile delinquency intake cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
 - 5. stipulations on submission
- 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)
- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief
- E. All Courts
 - 1. any other matter that the court deems essential

This list of essential proceedings is subject to ongoing review and amendment as necessary.

ATTACHMENT B

CLINTON COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
CLINTON COUNTY COURTHOUSE CLINTON COUNTY OFFICE BUILDING 137 MARGARET STREET PLATTSBURGH, NY 123901	Supreme & County Court	ClintonSupremeCo@nycourts.gov	518-536-3800
	Family Court	ClintonFamily@nycourts.gov	518-536-3800
	Surrogate Court	ClintonSurrogate@nycourts.gov	518-536-3800
	Plattsburgh City Court	PlattsburghCity@nycourts.gov	518-536-3870

ESSEX COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
ESSEX COUNTY COURTHOUSE 7559 COURT STREET ELIZABETHTOWN, NY 12932	Supreme & County Court	EssexSupremeCo@nycourts.gov	518-873-3370
	Family Court	EssexFamily@nycourts.gov	518-873-3320
	Surrogate Court	EssexSurrogate@nycourts.gov	518-873-3384

FRANKLIN COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
FRANKLIN COUNTY COURTHOUSE 355 WEST MAIN STREET MALONE, NY 12953	Supreme & County Court	FranklinSupremeCo@nycourts.gov	518-353-7333
	Family Court	FranklinFamily@nycourts.gov	518-353-7333
	Surrogate Court	FranklinSurrogate@nycourts.gov	518-353-7333

FULTON COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
FULTON COUNTY COURTHOUSE FAMILY COURT BUILDING 11 NORTH WILLIAM STREET JOHNSTOWN, NY 12095	Supreme & County Court	FultonSupremeCo@nycourts.gov	518-706-3290
	Family Court	FultonFamily@nycourts.gov	518-706-3260
	Surrogate Court	FultonSurrogate@nycourts.gov	518-706-3280
	Gloversville City Court	GloversvilleCity@nycourts.gov	518-706-3320
	Johnstown City Court	JohnstownCity@nycourts.gov	518-706-3310

HAMILTON COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
HAMILTON COUNTY COURTHOUSE 102 COUNTY VIEW DRIVE LAKE PLEASANT, NY 12108	County Court	HamiltonCounty@nycourts.gov	518-648-5411
	Family Court	HamiltonFamily@nycourts.gov	518-648-5411
	Surrogate Court	HamiltonSurrogate@nycourts.gov	518-648-5411

MONTGOMERY COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
MONTGOMERY COUNTY COURTHOUSE 58 BROADWAY FONDA, NY 12068	Supreme & County Court	MontgomerySupremeCo@nycourts.gov	518-853-4516
	Family Court	MontgomeryFamily@nycourts.gov	518-853-8133
	Surrogate Court	MontgomerySurrogate@nycourts.gov	518-853-8108
	Amsterdam City Court	AmsterdamCity@nycourts.gov	518-842-9510

ST. LAWRENCE COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
ST. LAWRENCE COUNTY COURTHOUSE 48 COURT STREET CANTON, NY 13617	Supreme & County Court	StLawrenceSupremeCo@nycourts.gov	315-379-2219
	Family Court	StLawrenceFamily@nycourts.gov	315-379-2410
	Surrogate Court	StLawrenceSurrogate@nycourts.gov	315-379-2217
	Ogdensburg City Court	OgdensburgCity@nycourts.gov	315-379-3240

SARATOGA COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
SARATOGA COUNTY COURTHOUSE FAMILY COURT BUILDING #2 30 McMASTER STREET BALLSTON SPA, NY 12020	Supreme & County Court	SaratogaSupremeCo@nycourts.gov	518-451-8840
	Family Court	SaratogaFamily@nycourts.gov	518-451-8888
	Surrogate Court	SaratogaSurrogate@nycourts.gov	518-451-8830
	Saratoga Springs City Court	SaratogaCity@nycourts.gov	518-451-8780
	Mechanicville City Court	MechanicvilleCity@nycourts.gov	518-453-5959

SCHENECTADY COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
SCHENECTADY COUNTY FAMILY COURT 620 STATE STREET SCHENECTADY, NY 12305	Supreme & County Court	SchenectadySupremeCo@nycourts.gov	518-285-8401
	Family Court	SchenectadyFamily@nycourts.gov	518-285-8435
	Surrogate Court	SchenectadySurrogate@nycourts.gov	518-285-8455
	Schenectady City Court	SchenectadyCity@nycourts.gov	518-453-6989

WARREN COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
WARREN COUNTY COURTHOUSE FAMILY COURT WING 1340 STATE ROUTE 9 LAKE GEORGE, NY 12845	Supreme & County Court	WarrenSupremeCo@nycourts.gov	518-480-6335
	Family Court	WarrenFamily@nycourts.gov	518-480-6305
	Surrogate Court	WarrenSurrogate@nycourts.gov	518-480-6360
	Glens Falls City Court	GlensFallsCity@nycourts.gov	518-480-6365

WASHINGTON COUNTY CONSOLIDATED COURTHOUSE

LOCATION	COURT	EMAIL CONTACT	PHONE #
WASHINGTON COUNTY COURTHOUSE 383 BROADWAY FORT EDWARD, NY 12828	Supreme & County Court	WashingtonSupremeCo@nycourts.gov	518-746-2521
	Family Court	WashingtonFamily@nycourts.gov	518-746-2501
	Surrogate Court	WashingtonSurrogate@nycourts.gov	518-746-2545



Joining Skype For Business Meeting

New York State Unified Court System has been using Skype for Business (SfB) for both internal videoconferencing and remote video appearances with external parties, such as attorneys, litigants, and witnesses. This guide is for those who wish to join a court-organized videoconferencing call.

Q1. What are the minimum requirements for participating a SfB videoconferencing call?

A1. You must have a decent computer or smartphone with up-to-date operating system, and a high-speed Internet connections.

Q2. I don't have a Microsoft Office365 Account, can I join a SfB videoconferencing call?

A2. Yes, you can still fully participate in a SfB video call from a web browser without paying for a license.

Q3. Why is it important to have a decent computer with an up-to-date operating system?

A3. Videoconferencing requires more computer horsepower than regular applications, such as a word processor. Obsolete Operating Systems, such as Windows 7, not only have security holes, but also may exhibit unpredictable behavior when joining a Skype call.

Q4. Can I join a SfB videoconference call without a webcam?

A4. Most laptops or tablets, as well as smartphones, have built in webcams. If you don't have a webcam, you can still join the SfB meeting. People can hear you, however, they cannot see you, which is not desirable in most court proceedings.

Q5. What would you recommend for the audio?

A5. Obviously, you don't have a meaningful videoconferencing calls without the audio. To achieve the best effects, we recommend the use of a USB headset. You may use an external speakerphone or built-in speaker and microphone within your device, however it might pick up background noises. In those cases, you should sit close to the microphone.

Q6. How can I know my Internet connection is good enough for a Skype video call?

A6. Most people have broadband (highspeed) connections from their service providers, such as Spectrum, Cablevision Lightpath (Xfinity), or Verizon Fios. Under normal circumstance, those broadband connections are more than sufficient to support Skype video calls. Keep in mind that when you are joining a Skype video call during the emergency, you are competing the same bandwidth with other people staying home working, learning and being entertained. Sometimes you may see your video has a lag and a pixelization. This is a sign of Internet traffic congestion. The problem usually will clear up by

itself after a few seconds, so please be patient. In addition, please connect your computer to a network port in your router if possible. A wired connection has better performance than a Wi-Fi connection.

Q7. How can I prepare myself for the Skype video calls?

A7. We cannot emphasize enough the importance of performing a test well ahead of time to ensure equipment compatibility and to familiarize with the interface. You may send your cell phone number, email address, and preferred date and time for the test to skypetest@nycourts.gov. We will schedule a test call, send you the invitation and conduct the test with you.

Q8. Is Skype for Business secure?

A8. All communications on Skype for Business are encrypted. Microsoft designed the product with security in mind. To learn more about security features: <https://docs.microsoft.com/en-us/skypeforbusiness/optimizing-your-network/security-guide-for-skype-for-business-online>

Q9. Can you share documents with all the participants?

A9. While you can use Skype for Business for document sharing, we recommend you contact the clerk handling your case about the best approach for sharing/sending documents. If you have to, you can share documents within SfB in two ways: either open the document and share the desktop for the parties to view, or share the document as an attachment for the parties to download, view and print. Be aware that the document sharing feature might not work on all platforms.

Q10. Where I can find tutorial on using Skype for Business?

A10. Please click on the link below:

https://support.office.com/en-us/article/join-a-skype-for-business-meeting-3862be6d-758a-4064-a016-67c0febf3cd5#OS_Type=Windows

Q11. What are the most common problems a user will encounter, and where I can get technical support during the video call?

A11. Common issues include:

- People cannot hear you: Make sure you are not muted. B) Select the correct audio device.
- I cannot hear other people: Make sure other people are not muted. B) Raise your speaker volume.
- My video is off: Make sure the camera is turned on and the correct camera is selected when you have a multiple cameras.
- I hear echo: Lower the volume of your speakers will usually reduce echo.
- Hanging up and reconnecting a call will many times resolve the issue.
- My Skype call becomes non-responsive: This is usually caused by some other software or background process running on your computer. Make sure your all your software is updated and security patched well ahead of the video call. It is also a good idea to reboot your computer at least one hour before the meeting to get a fresh start.

- I am in the middle of the video call, something goes wrong. What should I do: It is impossible to provide technical support in the middle of a call. If problems cannot be resolved using the tips above, the best bet is to hang up Skype and reconnect.

Q12. Can I use my Skype to join a Sfb video call?

A12. Many of you may be familiar with Skype, a videoconferencing and IM product targeted at the consumer market. Skype for Business (Sfb) is an enterprise platform for secure communications and collaboration. For all intent and purpose, you cannot use Skype in court-organized Sfb video calls.

Q13. Why can't I use other products, such as FaceTime, for videoconferencing with the courts?

There are many videoconferencing products in the market. For example, FaceTime is excellent for point-to-point video calls if both ends use Apple products. When using videoconferencing in a court proceeding, we have to use Sfb, a proven product current in use by the court system that is secure, scalable to support multi-party call, versatile to work with different computers and smartphones.

Q13. Whom should I contact to schedule a Skype video call with the judge and other parties?

A13. You should contact the clerk of the appropriate court for procedure on how to schedule and participate a videoconferencing call for courtroom proceedings or attorney/client consultation. More information could be found at www.nycourts.gov

Q14. Can I join a Skype video call using a iPhone or Mac?

A14. Yes, please go to Apple App Store to download the Skype for Business app (not the regular Skype app).

Q15. If I join the meeting from home, what should I do to achieve the best audio and visual experience?

A15. Select a quiet room, preferably no windows behind you. If you do have windows behind you has to be behind you, close the blinds.

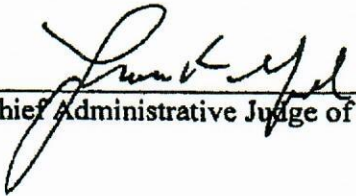
Q16. How come I am unable to download the Skype web plug-in?

A16. This is most likely a security setting on your computer that is set to prevent you from downloading the plug-in. Please see technical support in your organization and let them know you need this mission critical application to work.

ATTACHMENT B

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, in light of the emergency circumstances caused by the continuing COVID-19 outbreak in New York State and the nation, and consistent with the Governor of New York's recent executive order suspending statutes of limitation in legal matters, I direct that, effective immediately and until further order, no papers shall be accepted for filing by a county clerk or a court in any matter of a type not included on the list of essential matters attached as Exh. A. This directive applies to both paper and electronic filings.



Chief Administrative Judge of the Courts

Dated: March 22, 2020

AO/78/20

Exhibit A

Essential Proceedings
Administrative Order AO/78/20
March 22, 2020

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 - 4. orders to show cause
 - 5. stipulations on submission
- 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
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 - 4. emergency applications in guardianship matters
 - 5. temporary orders of protection (including but not limited to matters involving domestic violence)
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 - 7. emergency Election Law applications
 - 8. extreme risk protection orders (ERPO)
- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief
- E. All Courts
 - 1. any other matter that the court deems essential

This list of essential proceedings is subject to ongoing review and amendment as necessary.

ATTACHMENT C

4th JD Virtual Chambers Plan Phase I

Commencing April 13, 2020, each court shall begin addressing and working on the following:

Supreme Court

1. Fully submitted motions and bench decisions (provided they do not violate prohibition against granting default judgments for non-appearance).
2. DRL 211 Matrimonials w/waiver of appearance.
3. Case conferencing on existing cases with emphasis on post-NOI cases presenting circumstances favorable for settlement.
4. Stipulations and consent orders on submission.

County Court

1. Fully submitted omnibus motions and CPL 440 motions.
2. Preparation of decisions on suppression hearings previously held.
3. Case conferencing involving incarcerated defendants.

Family Court

1. Fully submitted motions.
2. Decisions on hearings held.
3. Case conferencing on pending custody & visitation cases.

Surrogate's Court

1. All uncontested proceedings with waiver and/or consent (Includes Probate, Administration, Accountings, Discovery, Guardianships and Misc. Proceedings).
2. Case conferencing on existing cases.

City Court

1. Fully submitted motions
2. Decisions on hearings held.
3. Case conferencing on existing cases.
4. Requests for ext. of time (fines/perform conditions of discharge)

(Note: the assignment of a "duty judge" in each part will continue to handle "essential matters" only.)