

State of New York
Unified Court System



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

FROM: Lawrence K. Marks *LM*

SUBJECT: Coronavirus – Revised Courthouse Procedures

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As you know, the spread of the coronavirus in New York over the last two weeks has raised a number of extremely challenging issues for Judges, court staff and court users. To address these issues, we are instituting several new procedures.

Our most important new protocol is a restriction of access to court facilities by persons who self-identify as at risk of COVID-19. "Persons at Risk" include those who have been diagnosed with COVID-19, have had close contact with a diagnosed person, have recently traveled abroad to areas where the disease is widespread and sustained (including community spread) have been directed to quarantine/isolate/self-monitor, or have flu-like symptoms associated with the disease. Going forward, those persons who self-identify accordingly will be directed not to enter court facilities. They (or where relevant, their attorneys) will instead contact the court telephonically, where they will receive instructions on how to proceed with their court business in a manner consistent with the safety of the public and our Judges and courthouse staff. We began this program yesterday in New Rochelle, and are now expanding it statewide.

In addition, we are instituting clear procedures for addressing situations where court visitors self-identify as a Person at Risk inside a courthouse, or in a courtroom. In brief, these visitors will be asked to leave the courthouse; information about their visit will be recorded; enhanced cleaning of visited areas will take place immediately, and in appropriate cases, uniformed personnel will conduct follow-up investigation of the incident. Court personnel will also consult with city or county medical authorities in the courts of such incidents.

Cases where a courthouse visitor has been diagnosed with COVID-19 (either before or after a court visit) are especially serious, and have a special protocol. Upon receipt of a confirmed report of such a diagnosis, we investigate the dates, times, and locations of the visitor; immediately notify court personnel of the visit and direct that they stay home for the day and consult with their medical providers, and follow recommended isolation, self-monitoring or quarantine directions recommended by those providers. (Absence of affected staff under these medical directives is treated as excused leave.) We also reach out immediately to all members of the public known to have been in close contact with the diagnosed visitor (through review of court calendars and other records) and notify them about the incident. Finally, we report such events on our public and internal court websites.

We have taken, and are taking, a series of additional steps to limit traffic in the courts during this medical emergency. Judges have been directed to entertain applications to extend deadlines and postpone proceedings whenever possible, and to consider use of remote appearances (video and telephonic) to the fullest extent permitted by law. We are reassessing a number of court procedures – with a particular focus on high-volume court parts -- which bring together large numbers of people in courtrooms. We are reviewing prisoner transport practices statewide. We have postponed all use of courthouses for non-essential events, both during and after court hours. We are reviewing our travel policies and group assembly policies. We have requested more frequent and more rigorous cleaning of court facilities statewide. Each of these steps will contribute to a reduction in non-essential activity in our courthouses; each will benefit the health and safety of all court users and staff.

It goes without saying that the safety and health of our Judges; court workforce and court users is the primary concern underlying these measures – and it will continue to be, as we evaluate and prepare for further measures and contingencies in the days ahead. As Chief Judge DiFiore noted earlier this week, New Yorkers are extremely fortunate to have the dedicated and professional workforce that keep our court system in operation each day – especially in challenging days such as these. Thank you for your service.