



State of New York
UNIFIED COURT SYSTEM
SUFFOLK COUNTY
DISTRICT ADMINISTRATIVE JUDGE'S OFFICE
JOHN P. COHALAN, JR. COURT COMPLEX
400 Carleton Avenue
P.O. Box 9080
Central Islip, NY 11722-9080
(631) 208-5610 Fax (631) 853-7741

LAWRENCE K. MARKS
Chief Administrative Judge


ANDREW A. CRECCA
District Administrative Judge
Suffolk County

VITO C. CARUSO
Deputy Chief Administrative Judge
Courts Outside New York City

WARREN G. CLARK, ESQ.
District Executive

MEMORANDUM

TO: Suffolk County Legal Community

FROM: Hon. Andrew A. Crecca, District Administrative Judge 

DATE: June 25, 2021

RE: **10th Judicial District, Suffolk County Updated Operating Protocols
(Effective June 30, 2021)**

Throughout the COVID-19 pandemic, our courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Recently, the metrics (as well as the increasing number of vaccinated New Yorkers) have once again provided an opportunity to gradually increase in-person proceedings in the courthouses. With the expiration of the Governor's Declaration of Emergency, additional in-person appearances are both required and warranted. While civil courts continue to operate with many presumptive virtual appearances, in-person proceedings are required where access to justice and court operations necessitate in-person proceedings. The court system remains nimble and ready to quickly adapt operations as conditions warrant.

The Administrative Judge may enact more restrictive operational protocols as deemed appropriate.

This Plan supersedes the Updated Operating Protocols for the 10th Judicial District, Suffolk County effective April 26, 2021. Commencing, June 30, 2021 all court operations in the 10th Judicial District, Suffolk County, State of New York shall be conducted pursuant to this Plan. To the extent the provisions of these Updated Operating Protocols are inconsistent with the prior protocols as set forth in the April 22, 2020 memorandum, or any previously issued memoranda, the provisions of these Protocols should be relied upon to guide operations.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered so that different courts (e.g. Family, Criminal, etc.) in the same building start at different times.
 2. Each Judge may schedule in-person proceedings in their discretion and in consultation with their Supervising Judge and Chief Clerk. All matters shall be scheduled to maximize court resources, including courtroom space, clerk availability and technology constraints. Judges should be mindful that Supervising Judges and Chief Clerks may be required to indicate times and locations when matters may be scheduled by a particular judge.
- B. Occupancy of all courtrooms shall be limited to the lesser of one-half of the posted room occupancy per code or the number of people that can safely socially distance in the courtroom. The Administrative Judge may grant an exception for a specific courtroom or court proceeding.
- C. All Judges and court staff shall continue to report to work in their assigned courthouses.
- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures including social distancing at all time.
- E. Each Suffolk County court facility shall have a space (kiosk or separate room) available for use by litigants who are unable to appear virtually.

II. Court Proceedings

- A. All virtual proceedings shall be conducted from the courtroom, as such courtroom is available.
- B. Matters that must be heard in-person
1. All proceedings pursuant to the Criminal Procedure Law, unless the use of electronic appearances is authorized pursuant to Criminal Procedure Law Article 182 and the defendant consents.
 2. Proceedings pursuant to Mental Hygiene Law Article 10
 3. Judicial Surrenders of Parental Rights
- C. Matters that may be heard in-person, or a hybrid of in-person and virtual (except as to those matters listed in Paragraph [II][B]), in the discretion of the presiding judge:
1. Matters as designated in Exhibit A
 2. Family Court Act Article 10 proceedings
 3. Adoptions
 4. Civil Evidentiary Hearings and Trials. Jury selection in civil trials shall continue to be supervised by the presiding trial judge.
 5. Family Court evidentiary hearings
 6. Surrogate's Court citations
 7. Eviction proceedings as authorized by law
 8. Any proceeding involving a self-represented litigant(s) where the presiding judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the presiding judge determines that the matter can be heard in-person consistent with all OCA safety protocols.
 9. Mental Hygiene Law proceedings pertaining to a hospitalized adult are governed by Chief Administrative Judge Lawrence Marks' Administrative Order AO/144/21.
 10. General Civil post Note of Issue settlement and pre-trial conferences.

- D. The scheduling of jury trials shall be approved by the Administrative Judge in consultation with the Deputy Chief Administrative Judge. Jury trials shall be conducted in each county pursuant to the individual plan submitted to the Administrative Judge by the Supreme and County Court Chief Clerk and pursuant to the District Jury Plans as approved by the Deputy Chief Administrative Judge. Notwithstanding any provision of the aforementioned plans, during a jury trial, occupancy shall be limited to $\frac{1}{2}$ the posted room occupancy per code or the number of people that can safely socially distance in the courtroom. With regard to criminal jury trials, priority should be given to incarcerated defendants. With regard to civil jury trials, priority should be given to trials where the parties consent to a summary jury trial.
- E. ALL other matters MUST presumptively be heard virtually, from a courtroom as such courtroom is available using Microsoft Teams video conferencing (using the live courtroom as background; if not appearing from the courtroom, use other appropriate background), or telephone, including but not limited to:
1. General civil conferences particularly those with counsel only (except as to those items listed in [II][C][10])
 2. Civil Motion arguments
 3. ADR where both parties are represented by counsel and counsel will be present
 4. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program
 5. Small Claims Assessment Review proceedings
 6. Other routine court matters, not expressly included in Paragraph II(C)