

**SUMMARY**  
**9<sup>th</sup> JD TOWN & VILLAGE COURTS**  
**Return to In Person Operations Plan (RIOP) 41. Expansion**  
**Updates Effective October 19, 2020**

In the Town and Village Courts, as in the state paid courts, each phase has added additional matters which can be handled by the courts. The return to in person operations has been slow and deliberate, allowing for pull backs if the virus progresses. The following is a bullet point list of all matters that can be handled by Town and Village Courts beginning in October 13, 2020. Matters which could be handled in Phases I – 4.1 are included so that this list is an exhaustive list of everything that can be handled. **You may ONLY handle matters on this list<sup>1</sup>.**

- Matters which are new to the list are in **bold** letters.
- If a matter is not included in this list, the Town and Village Courts may not handle it at this time.
- **At all times, the capacity of the courtroom cannot exceed 25% of capacity.**
- Proper PPE must be worn by all present.
- Social distancing must be followed.
- Proper cleaning protocols must be followed.

**Criminal Matters:**

- Judges may conduct arraignments in-person or virtually pursuant to approved virtual arraignment plans.
- Preliminary hearings. Judges may conduct in-person preliminary hearings.
- Bench Trials and Hearings. Scheduled one at a time.
- **IN PERSON ARRAIGNMENTS ON APPEARANCE TICKETS. (No date restriction).**
- Judges may hold in-person pleas and sentences.
- In-person appearances regarding appeals.
- In-person motion argument.
- Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable dispositions are reached, plea affidavits (pleas on paper) are strongly encouraged (Sample Form attached). Please work with your ADA and defense counsel on procedure. This will not only limit the foot traffic in your courts, it will also give you an opportunity to address the backlog of case.
- **In person jury trials ONLY UPON CONSENT OF THE DISTRICT ADMINISTRATIVE JUDGE**

**Civil Matters:**

- Bench Trials and Hearings. Scheduled one at a time.
- Small Claims matters
- Town Code Violations
- **Landlord/Tenant and Eviction matters in accordance with Judge Marks' Administrative Order-231/20. Lockouts and other essential matters shall be brought to the Town and Village Court. The Centralized Part shall only hear essential matters, such as a lockouts, only if the Town and Village Court is unavailable due to COVID-19.**
- **In person jury trials ONLY UPON CONSENT OF THE DISTRICT ADMINISTRATIVE JUDGE**

**Vehicle and Traffic Matters:**

- **IN PERSON VTL TICKET RETURNS. (There is no longer a restriction based upon when it was issued)**
- Within ethical guidelines, Judges are encouraged to cooperate with their local prosecutor and public defender/assigned counsel office/local Bar Association to establish a mail-in dispositional process that would allow a defendant charged with a VTL infraction to elect to proceed without a personal appearance in order to mitigate the effects of the COVID-19 outbreak, and to control in-person traffic within Town and Village Courts

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<sup>1</sup> Please note, **NOT INCLUDED** in this list are routine matters that **CANNOT** be scheduled at this time, such as payments, attorney appearances, post-sentencing issues (not requiring a hearing), and appearances for further proceedings (i.e. compliance check & status updates).