

SUMMARY

3rd Judicial District

Phase IV Return to In-Person Operations Plan (“RIOP”)

To Commence July 9, 2020

General Provisions:

1. All social distancing and general health/safety guidelines established and implemented in Phase I and Phase II remain in effect.
2. Masks continue to be required by all persons entering court facilities. Face shields are available for court employees and the public upon request and when required pursuant to OCA directives. Temperature and enhanced screening questions will be performed on any person entering a court facility commencing July 6, 2020.
3. Any persons entering the courtroom will be asked to use hand sanitizer before sitting and in the event they refuse, will be required to don gloves.
4. All courtrooms have been marked for social distancing.
5. In the event that a witness is testifying, or a victim is reading a statement aloud and the Judge determines they should remove their face mask, they will be provided with a face shield which will be required in lieu of a face mask.
6. The determination of what matters is heard in-person and what is heard virtually shall be governed by presumptions that are detailed herein. The Assigned Judge may grant a request to deviate from a presumption for compelling reasons.

In-Person Court Proceedings:

While the following matters are permitted to be held in-person, virtual handling of matters is still encouraged to the extent possible to limit foot traffic within court facilities and maintain a maximum 50% courtroom usage at any given time.

- A. Essential Court Proceedings pursuant to Chief Administrative Judge Lawrence Marks’ Administrative Order AO/78/20, Chief Administrative Judge Lawrence Marks’ Administrative Order AO/99/20, or the Third Judicial District’s Seventh Amended Administrative Order;
- B. Bench Trials;
- C. Oral argument on motions;
- D. Grand Jury Empanelment:
 - a. Prospective jurors shall be brought in on staggered shifts abiding by social distancing guidelines;
 - b. Empaneled jurors shall appear for half day sessions only;
- E. Treatment Court:
 - a. Appearances for individual participants on matters deemed essential by the presiding judge;
 - b. Regular drug court sessions with a limit of 5 participants at any one time;
- F. Arraignments of defendants accused of a violation of any provision of Article 31 of the VTL;
- G. Arraignments of defendants not in custody;
- H. Criminal hearings:
 1. Incarcerated defendants must appear virtually unless the presiding judge orders otherwise and after the appropriate application is made;
- I. Waivers of Indictment, pleas and sentences for defendants not in custody unless exception is made by the assigned justice for defendants in custody;

- J. Civil hearings;
- K. Article 10 consents, admissions and surrenders;
- L. Inquests;
- M. Appearance ticket arraignments;
- N. Small claims cases;
- O. Eviction matters pursuant to statute;
- P. Permanency hearings;
- Q. Child support proceedings;
- R. Adoptions;
- S. Naturalization Ceremonies.

Virtual Court Proceedings:

- 1. Non-essential matters;
- 2. All conferences;
- 3. Oral argument on motions;
- 4. MHL proceedings;
- 5. ADR proceedings;
- 6. Criminal proceedings including arraignments, pleas, sentences and hearings, upon receipt of oral and written consent of defendant and defense counsel;
- 7. Waivers of Indictment, pleas and sentences for all defendants in custody upon receipt of oral and written consent from defendant and defense counsel;
- 8. Juvenile Delinquency proceedings;
- 9. PINS;
- 10. Adoptions;
- 11. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program;
- 12. Small claims assessment review proceedings;
- 13. All other proceedings not listed above that can be legally heard virtually.

III. Town and Village Courts

- 1. In-person arraignments 24/7, including on appearance tickets – scheduled one at a time (virtual arraignments may continue for those that were previously approved, only if all parties consent)
- 2. In-person small claims proceedings – scheduled one at a time (not virtual)
- 3. In-person civil proceedings, except summary proceedings– scheduled one at a time (not virtual)
- 4. In-person dangerous dog proceedings – scheduled one at a time (not virtual)
- 5. In-person preliminary hearings and pre-trial hearings - scheduled one at a time (not virtual)
- 6. Limited in-person criminal matters - scheduled one at a time (max six per hour) (Conferences may be virtual if approved and on consent.)
- 7. In-person Town or Village Code violation proceedings – scheduled one at a time (not virtual)
- 8. Guilty pleas, reduced pleas and fine assessments by mail on vehicle and traffic matters
- 9. Limited in-person Vehicle and Traffic matters – scheduled one at a time (max twelve per hour)
- 10. Decide motions and other matters that may be decided on papers, except summary proceedings
- 11. Processing payments, issuing receipts, lifting suspensions, depositing monies, submitting CDR's and TSLED reports, preparation and submission of the monthly Comptroller's Report, accepting summary proceedings for filing with return dates after August 20, 2020.