

# NOTICE TO THE BAR

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**New York State  
Unified Court System**

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**Hon. Paula L. Feroletto  
Administrative Judge**

**For Immediate Release:  
April 1, 2020**

## **VIRTUAL COURT PROCEEDINGS TO COMMENCE IN THE EIGHTH JUDICIAL DISTRICT COURTS REMAIN OPEN FOR ESSENTIAL PROCEEDINGS**

Hon. Paula L. Feroletto, Administrative Judge for the Eighth Judicial District announces that effective April 3, 2020, in Erie County, and effective April 6, 2020, in Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans and Wyoming Counties, the courts of the Eighth Judicial District will begin virtual court proceedings in essential matters via Skype for Business video conferencing. Judge Feroletto stated, “As part of our efforts to mitigate the impact of the Covid-19 pandemic and in response to guidance from New York State Chief Judge Janet DiFiore, the implementation of virtual court proceedings will serve as a temporary measure to significantly reduce courthouse traffic for the health, safety and welfare of members of the public, attorneys, litigants, court employees and judges who enter our courthouses.”

Under the new virtual court proceedings plan, all essential court proceedings will be conducted remotely using Microsoft Skype for Business video conferencing technology. These include during day time hours Town and Village court matters, City court, County court, Family court, and Supreme Court matters that are essential. The Unified Court System (“UCS”) has a Microsoft Skype for Business license which is HIPAA compliant and provides appropriate secure videoconferencing features, including encrypted communications. Attorneys, self-represented litigants and other agencies and professionals participating in virtual court proceedings can join a UCS court organized videoconference call simply by clicking on a Skype link which will be emailed by the court clerk to the attorneys or self-represented litigants appearing in the court proceeding. Once they receive the email with the Skype link, they simply need to click on the link to participate in the virtual courtroom.

Attorneys, self-represented litigants and agencies interacting with the courts, do not need a Microsoft Skype account or any other type of Microsoft Office 365 license to join a UCS Skype for Business call. All that is needed is a device with a web camera, speaker and microphone and internet connectivity. If an attorney is using Skype for Business for the first time, upon receipt of the email from the court clerk and upon clicking on the Skype line, the attorney will be prompted to join the meeting through his/her internet web browser. First time users will be prompted to download a small “plug in” for Skype for Business. From there click on the Skype icon (usually at the bottom of the screen) to enter the meeting.

The attached information sheet provides more background on Skype for Business. Most importantly

though, as outlined in the attached document, if an attorney is not comfortable with this type of technology, he/she can perform a test Skype video call. To do so, please send your name, cellphone number, email address and preferred date and time for a Skype test to [skypetest@nycourts.gov](mailto:skypetest@nycourts.gov). Staff from the Office of Court Administration will schedule a test call, send you the Skype invitation and conduct the test with you.

For attorneys, self-represented litigants and agencies who are unable to access Skype for Business as outlined above, there will be a telephonic option; however, it is expected that all members of the bar will make a good faith effort to use the Skype for Business video link before resorting to the telephonic option.

It is anticipated that in many instances Judges will be participating in the virtual courtroom remotely as well. The only personnel in the courtroom will be the court clerk, a court reporter, who also might be off-site, and appropriate court security. The courtroom for all virtual court proceedings will be open to the public and media in a manner that respects appropriate social distancing capacity. The courtroom will also have a mobile video unit to enable the court clerk to assist with management of the Skype call and to allow for open transparent court proceedings. The Skype link will only be available to attorneys (their clients if needed), self-represented litigants, and other necessary parties.

Upon implementation of the virtual courtroom plan, in the absence of extremely exigent circumstances, attorneys will not have the option of appearing in person.

For all courts, the Eighth Judicial District has created designated email boxes for the receipt of documents unable to be efiled and the receipt of other relevant communications related to essential matters. The attached listing provides the email addresses that should be used for sending documents to each court. This listing also provides the most up to date telephone numbers to communicate with court personnel as well as facsimile numbers in the event email proves challenging. It is exceptionally important to be aware that email boxes do not serve as a substitute for duly filing documents with either the County Clerks' Office or Surrogate's Court. For Family Court matters, the court will process signed documents in essential matters sent to the court through the designated Family Court email box.

If an attorney wishes to file documents with the court as part of an essential virtual court proceeding, it is preferred that NYSCEF be used for efilings in Cattaraugus and Genesee Counties for Supreme Court civil matters. Note, in Chautauqua, Erie, and Niagara Counties for Supreme Court civil matters, mandatory efilings remains in place. Mandatory efilings also remains in place for Surrogate's Court proceedings in all 8 counties. Also please note that Surrogate's Courts throughout the District require any documents efiled in essential matters to also be sent to the designated email box.

The foregoing continues to apply only to essential court proceedings. Virtual courts will not yet be used for nonessential court proceedings. Judge Feroletto stated, "It is important that we protect the health and safety of court security and court personnel who place themselves at greater risk daily by entering the courthouse to perform essential court work. We are not yet at a point where we can expand virtual court proceedings to nonessential matters which will require additional clerical staffing and court security in open courtrooms. It is my hope that in the weeks ahead we will be able to find creative solutions to allow the courts to progress with additional court business and at the same time protect our court and legal community from potential Covid-19 exposure."

Judge Feroletto also stated, "I am most grateful to members of the bar for their cooperation and patience while we continue to navigate through the Covid-19 pandemic. It is most important that the courts of the Eighth Judicial District remain open and provide access to justice to address the most basic essential needs for members of our communities and to assure continued respect for the rule of law, civility, and justice."

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