

## **EIGHTH AMENDED ADMINISTRATIVE ORDER THIRD JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that effective immediately the following rules be put into effect in the Third Judicial District until rescinded.

Hereinafter, "Assigned Judge" refers to the judge assigned to hear the case on and before March 16, 2020. "Designated Judge" refers to the judge assigned to hear the case pursuant to this Order (Amended Schedule F). "Essential Staff" refers to chambers staff of Designated Judges, chambers staff of additional judges as designated by the Administrative Judge and non-judicial staff as designated by the District Executive. "Essential Proceedings" refers to those matters listed in Exhibit A attached to Administrative Order 78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended by Administrative Order 99/20 signed by the Chief Administrative Judge of the Courts on May 15, 2020.

### **A. General matters and matters applicable to more than one case type**

1. Pending eviction proceedings are stayed; no eviction orders shall be signed or served (see Governor's Executive Orders 202.8 [dated 3-20-2020] and 202.28 [dated 5-7-2020]).
2. No default judgments shall be granted.
3. All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District.
4. The Virtual Courtroom Protocol (see AO/3JD-2020-52) remains in effect and all provisions of this Eighth Amended Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol.
5. All Essential Proceedings will occur virtually and be presided over by the judges listed in Amended Exhibit J (attached) unless otherwise approved by the Administrative Judge.
6. Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities and other rooms where court functions occur conform to current Executive Orders and recommendations, including, but not limited to, occupancy limits, social distancing standards and the use of face masks.
7. Naturalization Ceremonies are postponed until further notice.
8. After 9:00 AM on April 13, 2020 and except in Counties approved for "Return to In-Person Operations", only approved Essential Staff may report to the consolidated courthouse in each county unless approval is given by the Administrative Judge or his designee. On this same date and time, and with the same exception, entrance to

any court facility by Chambers Staff and Judges shall be by permission of the Administrative Judge or his designee.

9. All deadlines established per judicial directive (including those contained in scheduling orders, service dates and "local rules") that occur during the pendency of this Administrative Order shall be extended for a period of 90 days from the date of the stated deadline, unless further application is made or the parties agree otherwise (see Administrative Order of the Chief Administrative Judge 71-20 dated 3-19-2020; see Governor's Executive Orders 202.8 [dated 3-20-2020] and 202.28 [dated 5-7-2020]).
10. All Temporary Orders of Protection issued in any criminal or civil matter that have expired or are due to expire on or after March 19, 2020 "shall be extended under the same terms and conditions until the date the matter is re-calendared, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order" (Administrative Order 73-20 of the Chief Administrative Judge dated 3-19-2020).

#### **B. Supreme Civil**

1. All non-essential matters shall be reviewed by the Assigned Judge and where necessary scheduled for virtual court proceedings.
2. No civil trials will be held until further order.
3. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted with appearances by means of remote audiovisual technology or telephone (see Administrative Order 72-20 of the Chief Administrative Judge dated 3-22-2020).
5. All foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held (see Governor's Executive Order 202.8 dated 3-20-2020 as extended Executive Order 202.14 dated 4-7-2020 and Governor's Executive Order 202.28 dated 5-7-2020).
6. Otherwise, "essential matters" includes those matters as listed in Exhibit A attached to Administrative Orders 78/20 [dated 3-22-20] and 99/20 [dated 5-15-20] and any subsequent amendments to those orders and any other matters determined to be essential after application by the Assigned Judge or Designated Judge to the Administrative Judge.

#### **C. Superior Court Criminal Cases**

1. All pending criminal cases shall be addressed by the Assigned Judge and where appropriate, scheduled consistent with applicable Executive Orders and Administrative Orders. For defendants in custody, return dates and adjourned dates shall be not greater than 30 days of the signing of this order. For defendants not in custody, return dates and adjourned dates shall not be greater than 60 days of the signing of this order.
2. No criminal jury trials will be held until further order.
3. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Orders 78/20 [dated 3-22-20] and 99/20 [dated 5-15-20] and any subsequent amendments to those orders and any other matters determined to be essential after application by the Assigned Judge or Designated Judge to the Administrative Judge.

4. "Grand juries set to be impaneled within terms four, five and six of the courts for the year 2020 shall be postponed." Currently seated grand juries "may continue, upon application of the appropriate district attorney to the administrative judge" (Deputy Chief Administrative Judge for Courts Outside NYC Administrative Order 77/20 dated 3-21-2020 and any subsequent amendments and order).
5. The Accessible Magistrate procedures currently in place shall continue.

#### **D. Treatment Courts/OSP**

1. Treatment Courts and Opioid Stabilization Parts will be handled by the Assigned Judge.
2. Pursuant to the memorandum of the Chief Administrative Judge Lawrence Marks dated April 30, 2020, "Problem-solving courts may conduct virtual court conferences with counsel, court staff and service providers via Skype for Business."
3. The Assigned Judge may make application to the Administrative Judge to have a matter deemed essential.

#### **E. Family Court**

1. All non-essential matters shall be reviewed by the Assigned Judge and where necessary scheduled for virtual court proceedings.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Orders 78/20 [dated 3-22-20] and 99/20 [dated 5-15-20] and any subsequent amendments to those orders and any other matters determined to be essential after application by the Assigned Judge or Designated Judge to the Administrative Judge.
3. Judges are required to immediately bring to his/her Supervising Judge's attention any Permanency Planning Hearings that pursuant to existing Federal or State Law require a determination that the matter be deemed essential so as to provide a timely calendar date.
4. All temporary orders of protection and all remand/removal/placement orders issued in the Third Judicial District under Family Court Act Articles 3, 6, 7, 8 and 10 that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Judge or Assigned Judge. To the extent practicable, the Designated Judge or Assigned Judge shall issue an amended order and the lawyers and pro-se litigants notified.
5. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge or Designated Judge, at a minimum, at least once every fourteen days.

#### **F. Surrogate's Court**

1. All non-essential matters shall be addressed by the Assigned Judge and scheduled appropriately.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Orders 78/20 [dated 3-22-20] and 99/20 [dated 5-15-20], specifically matters involving an individual who passed away due to COVID-19 related causes, and any subsequent amendments to those orders and any other

matters determined to be essential after application by the Assigned Judge or Designated Judge to the Administrative Judge.

3. Guardianships, adoptions, issuance of temporary letters, and settlement of estates that are deemed urgent by the Surrogate and other matters also deemed urgent by the Surrogate may proceed with permission of the Administrative Judge.


#### **G. City Court**

1. All pending criminal cases shall be addressed by the Assigned Judge and where appropriate, scheduled consistent with applicable Executive Orders and Administrative Orders. For defendants in custody, return dates and adjourned dates shall be not greater than 30 days of the signing of this order. For defendants not in custody, return dates and adjourned dates shall not be greater than 60 days of the signing of this order.
2. "Essential matters" includes those matters as "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Orders 78/20 [dated 3-22-20] and 99/20 [dated 5-15-20] and any subsequent amendments to those orders and any other matters determined to be essential after application by the Assigned Judge or Designated Judge to the Administrative Judge.
3. For arraignments occurring after 5 PM on a weekday or during the weekends or holidays, such shall take place virtually by the appropriate City Court Judge as listed on Exhibit A attached to this order or as may be designated to be on call for a given City Court.

#### **H. Town and Village Courts**

1. All matters have been designated nonessential for Town and Village Courts except for after-hour and weekend arraignments for qualifying offenses or requests for orders of protection.
2. Any matter scheduled prior to 5:00 PM on March 16, 2020 shall be adjourned to a date on or after May 30, 2020 using the Court notification system. Town and Village personnel should post a sign indicating that defendants should check back with the Court after May 30, 2020.
4. For any arraignments that must occur during the hours of 9AM to 5PM Monday through Friday shall take place before a Designated Superior Court Judge or Acting Superior Court Judge, pursuant to the Virtual Courtroom protocol.
5. For arraignments occurring after 5 PM on a weekday or during the weekends or holidays, such shall take place virtually by the appropriate Town or Village Justices Court as listed on Exhibit A attached to this order.

Dated: May 15, 2020



Thomas A. Breslin  
Administrative Judge  
Third Judicial District

**Distribution:**

Hon. Vito Caruso  
3JD Justices and Judges  
3JD Chief Clerks  
3JD District Attorneys  
3JD Public Defenders  
3JD Sheriff's Departments  
3JD Police Departments  
Mental Hygiene Legal Service  
Third Judicial District Administrative Office

AO/3JD/20-63

## SCHEDULE J

The following are the designated Courthouses and Designated Judges for each county in the Third Judicial District from May 18, 2020 through May 22, 2020:

### Albany County

Albany County Judicial Center, 6 Lodge Street, Albany, New York

Hon. Peter A. Lynch, Supreme Court

Hon. Andra Ackerman, County Court

Hon. Richard Rivera, Youth Part, County Court, Family Court

Hon. Thomas Marcelle, City Courts

Hon. Holly Trexler, City Courts

Hon. Joshua Farrell, City Courts

Hon. John Reilly, City Courts

### Columbia County

Columbia County Courthouse, 401 Union Street, Hudson, New York

Hon. Richard Mott, Supreme Court

Hon. Richard Koweek, Supreme (Acting), County and Family Courts, Youth Part

Hon. John Connor, Jr., City Court

### Greene County

Greene County Courthouse, 320 Main Street, Catskill, New York

Hon. Lisa M. Fisher, Supreme Court

Hon. Terry J. Wilhelm, County and Family Courts, Youth Part

### Rensselaer County

Rensselaer County Courthouse, 80 Second Street, Troy, New York

Hon. Andrew G. Ceresia, Supreme Court

Hon. Jill Kehn, Family Court

Hon. Elizabeth Walsh, Family Court

Hon. Jennifer Sober, County Court, Youth Part

Hon. Christopher T. Maier, City Courts

Hon. Matthew J. Turner, City Courts

### Schoharie County

Schoharie County Courthouse, 290 Main Street, Schoharie, New York

Hon. George R. Bartlett, III, Supreme (Acting), County and Family Courts, Youth Part

### Sullivan County

Sullivan County Courthouse, 414 Broadway, Monticello, New York

Hon. Stephan Schick, Supreme Court

Hon. Sara W. McGinty, Acting Supreme Court, Preliminary Hearings

Hon. Mark M. Meddaugh, Supreme Court (Acting), Family Court, Youth Part

Hon. James R. Farrell, County Court

Ulster County

Ulster County Courthouse, 285 Wall Street, Kingston, New York

Hon. Christopher Cahill, Supreme Court

Hon. Sara W. McGinty, Acting Supreme Court, Preliminary Hearings

Hon. Anthony McGinty, Family Court, Youth Part

Hon. Bryan Rounds, County Court

Hon. Lawrence E. Ball, City Court

**EXHIBIT A**

**TOWN AND VILLAGE AND CITY COURT DESIGNATED JUDGES TO HEAR AFTER HOUR/WEEKEND  
ARRAIGNMENTS AND ESSENTIAL MATTERS**

<b>Albany County by Town/Village/City</b>	<b>Judge</b>
Bethlehem	Andrew Kirby
Bethlehem	Ryan Donovan
New Scotland	David Wukitsch
Westerlo	Kenneth Mackey
Colonie	Andrew Sommers
Colonie	Peter Crummey
Colonie	Norman Massry
Menands	Christopher Flint
Albany	Holly Trexler
Albany	Josh Farrell
Albany	John Reilly
Albany	Helena Heath
Albany	William Kelly
Cohoes	Thomas Marcelle
Cohoes	Eric Galarneau
Watervliet	Thomas Lamb
Watervliet	Susan Reinfurt
<b>Columbia County by Town/Village/City</b>	
Kinderhook	David Dellehunt
Chatham	James Borgia-Forster
Taghkanic	Jeffrey S Tallackson
Livingston	Angela Marie Guzzi
Greenport	Barry Sack
Hudson	John Connor
Hudson	Brian Herman
<b>Greene County by Town/Village</b>	
Catskill	William Jacobs
Prattsville	David Rikard
Coxsackie	Wanda Dorpfeld
Hunter	Kimberly Prince Walsh
Durham	Raymond J. Kennedy
<b>Rensselaer County by Town/Village/City</b>	
Brunswick	Terrance Buchanan
East Greenbush	Jessica Mocerine
Hoosick	Harold McClellan
North Greenbush	George Burke
Sand Lake	David Fryer
Rensselaer	Kathleen Robichaud



Troy	Christopher Maier
Troy	Jill Kehn
Troy	Matthew Turner
<b>Schoharie County by Town/Village</b>	
Jefferson	Lynn Hait
Cobleskill	Dawn Fiorillo
Gilboa	David Lapinel
Carlisle	Richard Smith
Wright	F. Christian Spies
<b>Sullivan County by Town/Village</b>	
Cochecton	Craig Fine
Highland	Anthony LaRuffa
Rockland	Peter Feinberg
Thompson	Sharon Jankiewicz
<b>Ulster County by Town/Village/City</b>	
Ulster	Susan Kesick
Olive	Tim Cox
Woodstock	Jason Lesko
Marbletown	Claudia Davenport
Marlborough	Michael Krazia
Gardiner	Bruce Blatchly
New Paltz	Rhett Weires
Kingston	Lawrence Ball
Kingston	Phil Kirschner