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MEMORANDUM

TO: Town and Village Justices and Court Clerks

FROM: David A. Dellehunt, Special Counsel

RE: Safety Protocols for Re-Opening of Court Facilities

DATE: May 22, 2020

The following are some recommended steps that might be taken to insure the safe operation of your court facility in the COVID-19 atmosphere. The suggested safeguards are in no way exhaustive and may be supplemented to account for your specific court facility and/or caseload volume.

1. Limit on Calendar Size

It is virtually impossible to provide adequate spacing in any facility regardless of size, if you schedule large amounts of court patrons to arrive simultaneously. Keeping in mind the size of your court facility, you need to either remove seating so that remaining seats are spaced six feet apart or designate those seats that are available for court patrons to sit in using the same spacing technique. In addition, you can either have a court officer control the door and allow the appropriate number of court patrons to enter that may fill the available seating, or if no one is available to control the door, then you will need to schedule matters at intervals in order to spread the arrival times of the court patrons to accomplish the same goal. Unfortunately, the latter method sometimes still requires someone to control the door to prevent early birds and late comers from adversely affecting the numbers of court patrons. Unfortunately, it may also require you to schedule more court dates in order to keep up in high volume courts.

2. Use of the Queue Method

This method may be difficult to manage for larger courts but it is the method employed by bakeries or DMV offices. When court patrons arrive they sign in on a sheet located either in a vestibule or in the rear of the court facility. Each court patron also receives a number when they sign in. Thereafter, the court patrons

return either to a separate room where they can safely wait six feet away from other court patrons (which may require some planning to accomplish safe waiting in the queue), or they return to their vehicle (which requires that the parking lot is located in close proximity to the courthouse entrance). Either by way of a court officer, speaker system or by some electronic means (perhaps a now serving number system) the next court patron is notified in number order that they are authorized to enter the facility, conference their case with the prosecution, and see the Judge.

3. Use of Stanchions/Floor Markings

Use stanchions to provide at least six feet of space from the bench, the payment window and between court patrons. Stanchions are an effective way to control traffic in the courtroom and in the queue. Use tape on the floor or signage to further encourage spacing between court patrons and/or court personnel.

4. Hand Sanitizer

Provide sanitizer at the entrance to the court facility and direct that each court patron must use the same before entering. Encourage court personnel to engage in frequent hand washing and/or use hand sanitizer.

5. Gloves

Provide disposable gloves to all court personnel and court officers for use during each court session.

6. Face Masks/Coverings

Provide face masks to all court personnel and court officers for use during each court session. Require court patrons, including but not limited to attorneys, litigants, and spectators to wear face masks/coverings when entering the court facility.

7. Court Bench

Use stanchions, floor markings and/or tables to maintain at least six feet of space from the bench and court patrons. Use stanchions or tables to separate the well from court patron seating. Court personnel to clean and disinfect the bench area before and after each court session.

8. Payment Window

Have all payments of fines, surcharges and fees at the payment window rather than at the bench, if possible. Use stanchions, signage and/or floor markings to keep court patrons a safe distance from the payment window. Provide a table or stand for court patrons to sign checks away from the window. Install a shield or screen if safe distancing is not possible.

9. Payment at the Bench

If no payment window is available for use during court night, use stanchions, floor markings and/or tables to keep court patrons a safe distance from the payment area on the bench. Install screening/shield if safe distancing is not possible. Provide a small table for writing checks away from the payment area on the bench.

10. Court Clerk's Office

Set up court clerk workstations at least six feet from one another. Where possible

erect barriers, screening or cubicles between court clerk workstations. Provide disposable gloves to all court personnel for opening the mail, handling money, or court files. Provide face masks/coverings for use by Court Clerks as needed, including but not limited to when working the window. Provide hand sanitizer to Court Clerks and Judges using the court offices. Court clerks to clean and disinfect their individual work areas before the beginning and end of each work session.

11. Judge's Chambers

Judges to wear gloves when handling the mail, money or court files. If sharing chambers, set up desks at least six feet from one another. If space does not allow for safe separation, erect barriers or screening between Judges' spaces. Provide hand sanitizer to Judges in chambers. Judges to clean and disinfect their individual chambers before and after each work session.

12. Conference Rooms

Conference rooms should be configured to encourage social distancing and discourage congregating of court patrons. Position any conference table so that chairs are located only on the ends allowing attorneys and court patrons to have safe spacing as a result thereof. Provide hand sanitizer to all attorneys and court patrons using the conference room. Clean and disinfect conference room touch surfaces before the beginning and end of each court session.

13. Making Deposits

All deposits shall be made within 72 hours of receipt of the monies as required by the State Comptroller, while still following recommended safety protocols. Deposits made via drive-thru bank methods are preferred; deposits made in the bank facility should be made while exercising appropriate social distancing guidelines including but not limited to while wearing a mask and gloves.

14. Mail Pick-up

Court personnel shall exercise appropriate safety protocols when picking up the mail from the post office, including but not limited to wearing an appropriate face mask/covering, wearing gloves and disinfecting the mail with Lysol or some other appropriate disinfectant spray.

15. Signage

Appropriate signage shall be posted informing the public of the safety protocols in place, including but not limited to the following:

- a. No person may enter without wearing a face mask/covering.
- b. Court patrons will be called in the order in which they signed in.
- c. Remain in the court queue area (or in your vehicle) until you are called to enter the court facility (or until your number is posted).
- d. All court patrons must remain seated in the designated seats until called either by the prosecution or the court. After seeing the prosecutor, all court patrons must return to their designated seat until called by the court.
- e. After seeing the Judge, all payments will be made at the payment window.
- f. For the safety of all concerned, please observe the social distancing guidelines as outlined by the appointed stanchions, signage or floor tape.
- g. No food or drink allowed in the courtroom.

- h. Please use hand sanitizer before entering the court facility.
- i. If you are sick, have a fever or any symptoms whatsoever, please leave the court facility and call XXX-XXX-XXXX; you will be granted an adjournment.
- j. If you have an attorney, do not sign in or enter the court facility until your attorney arrives.
- k. Please notate your scheduled time when you sign in.
- l. Spectators must adhere to the same safety protocols as court patrons.

16. Cleaning

The municipality shall be responsible to thoroughly clean and disinfect all touch surfaces in the court facility, daily and after each court session, with a disinfectant designed to kill the COVID-19 virus.

[REDACTED]

From: [REDACTED]

Sent: Thursday, May 28, 2020 1:40 PM

To: [REDACTED]

Subject:

Attachments:

Fw: Attached Please see Dave's Safety Protocols and examples of signs for your court. Wipe Down Equipment.pdf; 1 Person at a Time (002).pdf; No Entry without a Face Mask.pdf; One Person at a time.docx; Please Wash Hands.docx; memo.reopening.protocols.docx; COVID_Mask_Poster.pdf; COVID_Courthouse_Poster-2 (003).pdf

[REDACTED]

Sent: Friday, May 22, 2020 4:51 PM

[REDACTED]

Subject: Attached Please see Dave's Safety Protocols and examples of signs for your court.

Attached please see Dave Dellehunt's Safety Protocols Memo and examples of signs for your court areas.

The following counties have been given permission to allow staff and Judges into the court to process paperwork, money and monthly reports. Social distancing (min of 6' ft between individuals), wearing of face masks and frequent sanitizing of office equipment and surfaces should be observed at all times. Judge's business is still limited to virtual after hour arraignments for those judges with equipment. All other court business remains suspended. Evictions are stayed until at least August 30, 2020.

**Schoharie
Albany
Rensselaer
Columbia
Greene**

The following counties are allowed to have one clerk at a time in the court office to process paperwork, money and monthly reports only. Judge's business is still limited to virtual after hour arraignments for those judges with equipment. All other court business remains suspended. Evictions are stayed until at least August 30, 2020.

**Ulster
Sullivan**

As as of today, no county has been given the directive to go back to doing business as we did before the COVID-19 shutdown, we realize many questions still remain unanswered. Our Courtrooms and offices are to remain closed to the public until the directive is given to allow entry.

Cases are to be adjourned until your county is allowed to re-open. Our office is suggesting that cases be adjourned to August or later. If your court is allowed to open sooner than August there will be enough new cases filed to fill your calendars. Keep in mind that specific dates to re-open to the public are complete unknowns at this point.

Our office will host a series of skype meetings in the near future to “live chat” with Dave Dellehunt about the pending re-opening process. If you are in need of guidance/training on using Skype for Business please call our office at 518-285-8724 or e-mail sbauman@nycourts.gov or jniemiec@nycourts.gov for assistance.

We hope that you and your families are healthy and remain safe during these unprecedented times. Enjoy the holiday weekend and we will continue to supply you with re-opening information as it becomes available.

Dave & Sue

Please be CAREFUL when clicking links or opening attachments.

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