

Updated Operating Protocols
Town and Village Courts
Effective December 9, 2020
Fourth Judicial District

For the past many months, the Unified Court System has permitted in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses has been gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. Recently, the metrics have indicated the need to once again reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. Chief Administrative Judge Lawrence Marks' Memorandum dated November 13, 2020 is incorporated herein and this document is intended to provide enhanced guidance thereto.

Commencing December 9, 2020 all Town and Village Court operations in the Fourth Judicial District of the State of New York shall be conducted pursuant to this Plan. **If a matter is not specifically mentioned below, the Court MAY NOT hear the matter in person.**

I. Courthouse Operations

- A. There shall be a maximum of 10 court users in the courtroom at any one time. This includes lawyers/litigants/spectators but does not include any court personnel or security.
- B. All current safety measures and protocols will continue.

II. Court Proceedings

- A. No new prospective trial jurors (criminal or civil) will be summoned for jury service until further notice. Commenced criminal and civil jury trials will continue to conclusion.
- B. No new in-person bench trials and hearings in civil and criminal cases will be conducted. Requests for in-person bench trials and hearings in exigent circumstances may only be conducted after a request is made to and approved by the Administrative Judge and Deputy Chief Administrative Judge. Exception: Preliminary Hearings in Criminal Court may be heard in-person pursuant to the Updated Operating Protocols Effective November 23, 2020
- C. Judges may conduct in-person custodial arraignments in their own courts. Central Arraignment Parts (CAPs) and Virtual Arraignments Parts (VAPs) shall continue for off-hours purposes.
- D. Judges may conduct arraignments on Desk Appearance Tickets where the Court is notified of a request for an arraignment by either the prosecution or the defense. (E.g., Temp Orders of Protection and suspension of drivers' licenses)
- E. Criminal Matters: Judges are encouraged to conference Criminal Matters virtually/telephonically and if an acceptable disposition is reached, plea affidavits are required. Please work with your ADA and defense counsel on procedure. These matters may not be heard in person.
- F. Vehicle & Traffic Matters: Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your ADA and defense counsel on procedure. These matters may not be heard in person.
- G. Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear or failure to pay.