



SIXTH JUDICIAL DISTRICT UPDATED OPERATING PROTOCOLS TOWN & VILLAGE COURTS

EFFECTIVE DECEMBER 9, 2020

For several 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 with respect thereto.

Commencing December 9, 2020, all Town and Village Court operations in the Sixth 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. Occupancy of all courtrooms shall be limited to the lesser of 10 people or 25% of the posted room occupancy per code.
- B. 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.
- C. 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 bench trials and hearings in civil and criminal cases will be conducted in person. Bench trials and hearings may only be conducted in person after a request is made to the Administrative Judge and Deputy Chief Administrative Judge.

- C. Off-hour arraignments shall continue to be conducted virtually in those counties with a VAP. Arraignments during normal business hours in those counties with a VAP must be conducted virtually by a court of competent jurisdiction. In those counties with a Virtual CAP (Tioga, Broome, Otsego), all arraignments will continue to be conducted virtually pursuant to existing CAP plans. In Cortland County, Off-hours arraignments shall continue to be conducted virtually pursuant to the modified CAP plan in that county, arraignments during normal business hours in Cortland County must be conducted virtually by a court of competent jurisdiction.
- D. Judges must conduct arraignments of in-custody defendants virtually.
- E. Judges may conduct out of custody arraignments where the Court is notified of a request for an arraignment by either the prosecution or the defense, but such arraignment must be conducted virtually.
- F. Pre-trial conferences for all matters must be conducted virtually.
- G. Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with your ADA and defense counsel on procedure.
- H. 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.
- I. Judges may not impose license suspensions, for either failure to appear or failure to pay.
- J. Judges may not issue bench warrants based solely upon a defendant's failure to appear in court as directed.
- K. Judges may only issue arrest warrants where a defendant is accused of committing a "qualifying offense" as defined in CPL §530.20(b), or where a temporary order of protection is requested or a judge feels that a temporary order of protection may be appropriate based upon the nature and circumstances of the request for an arrest warrant. In all other matters a judge may instead issue a criminal summons.