



SIXTH AMENDED ADMINISTRATIVE ORDER  
SEVENTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System and after consultation with the Chief Administrative Judge and the Deputy Chief Administrative Judge and

WHEREAS, New York State and the nation are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); and

WHEREAS, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or “community spread”; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community gather to conduct business in large groups in close proximity to one another; and

WHEREAS the Courts of the 7<sup>th</sup> Judicial have commenced Phase II of the Return to In-Person Operations Plan on June 3, 2020 (The highlights of the RIOP are included in Attachment A hereto); is hereby

ORDRED that effective immediately the following rules be put into effect in the 7th Judicial District until rescinded.

As hereinafter used, “Assigned Judge” shall refer to the judge assigned to hear the case on and before March 16, 2020. “Designated Judge” shall refer to the judge assigned to hear the case pursuant to this Order (Attachment B). “Essential Staff” shall refer to non-judicial staff as designated by the District Executive.

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

1. Until further Administrative Order or Executive Order, eviction proceedings are stayed; no eviction orders shall be signed or served. Reference is made to the Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and

Executive Order 202.28 signed by the Governor on May 7, 2020 with regard to eviction matters.

2. Until further Administrative Order or Executive Order, no default judgments shall be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant's notice pursuant to CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given.
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 Return to In-Person Operations Plan ("RIOP") (Phase I) implemented on May 18, 2020 (May 20, 2020 for Cayuga County), the RIOP (Phase II) implemented on June 3, 2020 and any RIOP plans for any subsequent phase are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the RIOP.
5. The Virtual Courtroom Protocol enacted by 7<sup>th</sup> Judicial District Administrative Order No. 26 signed on March 30, 2020, to the extent not inconsistent with the RIOP, remains in full force and effect and all provisions of this Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol and any subsequent amendments thereto.
6. Occupancy of ALL courtrooms and meeting rooms in Court Facilities and other rooms where court functions occur shall be limited to the lesser of 10 people or  $\frac{1}{2}$  the posted room occupancy per code unless the necessary parties in an action require that more than 10 people be in a courtroom. Notwithstanding the above in all instances the maximum occupancy of any space in the courthouse shall be limited to  $\frac{1}{2}$  the posted room occupancy. To the greatest extent possible, all room occupants shall remain six feet apart.
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein.
8. All Staff shall report to the courthouse as determined by his/her supervisor. All Judges and Chambers' staff should report to the courthouse. Any requests for exemptions must be discussed with the Administrative Judge.
9. All deadlines established per judicial directive (including those contained in scheduling orders, service dates and "local rules") that occur on or after June 4, 2020 and during the pendency of this Administrative Order shall be extended for a period of 60 days from the date of the stated deadline, unless otherwise directed by the Assigned Judge or agreed upon by the parties (reference is made to Administrative Order AO/71/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020 as it relates to civil litigation). Further reference is made to Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020 with regard to statutory deadlines and time frames.
10. All Temporary Orders of Protection issued in any criminal or civil matter that has expired or is 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” pursuant to Administrative Order AO/73/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020.

11. All vouchers submitted pursuant to County Law § 722-b(4), Judiciary Law § 35(8) and Family Court Act §§ 243(c), 245(c) are deemed approved pursuant to the Amended Order signed by the Administrative Judge of the 7th Judicial District dated April 20, 2020.
12. “All individuals seeking legal representation pursuant to Article 18-B of the County Law shall be deemed eligible, regardless of financial ability to obtain counsel” pursuant to the Order signed by the Administrative Judge of the 7th Judicial District dated March 20, 2020.
13. All filings shall be pursuant to the Administrative orders signed by the Chief Administrative Judge of the Courts (AO/111/2020, AO/114/20, AO/115/20 and any amendments thereto).

## **B. Supreme Civil**

1. All non-essential matters shall be addressed by the Assigned Judge and appropriately scheduled.
2. “Essential matters” includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any other matter determined to be essential after application by the Assigned Justice or Designated Justice to the Administrative Judge.
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 pursuant to Administrative Order AO/72/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020.
4. Until further Administrative Order or Executive Order, all foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held. Reference is made to Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020.

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

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days.
2. “Essential matters” include those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any other matters determined to be essential after application by the Assigned Judge or Designated

Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.

3. "Grand juries set to be impaneled within term six of the courts for the year 2020 shall be postponed until further order." Currently seated grand juries "may continue, upon application of the appropriate district attorney to the administrative judge" pursuant to Administrative Order AO/113/20 signed by Deputy Chief Administrative Judge Vito Caruso on May 16, 2020.
4. The Accessible Magistrate procedure (for Adolescent Offenders) 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 Administrative Order AO/87/20 of Chief Administrative Judge Lawrence Marks dated May 1, 2020, "Problem-solving courts may conduct virtual court conferences with counsel, court staff, service providers, and, where practicable, clients."
3. The Assigned Judge may make application to the Coordinating Judge of Treatment Courts to have a matter deemed essential. The Coordinating Judge of Treatment Courts, after consultation with the Administrative Judge, shall permit a matter to proceed if warranted.

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

1. All non-essential matters shall be addressed by the Assigned Judge and appropriately scheduled.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter, and any other matters determined to be essential after application by the Designated Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
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 remand/removal/placement orders issued in the 7th 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 **60** 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 appropriately scheduled.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as contained in Administrative Order AO/99/20 signed by the Chief Administrative Judge of the Courts on May 15, 2020 and other matters as determined to be essential after application by the Surrogate to the Administrative Judge.

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

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days.
2. All non-essential Civil matters shall be addressed by the Assigned Judge and appropriately scheduled.
3. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any matter deemed to be essential after application by the Designated Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.

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

1. All non-essential criminal matters are administratively adjourned until a date on or after August 1, 2020 for defendants not in custody. With regard to defendants in custody, all misdemeanor cases shall be reviewed by the Designated Judge and thereafter adjourned to a date no later than July 6, 2020.
2. All Civil matters shall be addressed by the Assigned Town or Village Judge and appropriately calendared.
3. "Essential matters" include those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any matter deemed to be essential after application by the Designated Judge to the Supervising Judge. The

Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.

4. For Monroe County, any arraignments that must occur during the hours of 9AM to 5PM shall take place before a Designated County Court Judge or Acting County Court Judge, pursuant to the Virtual Courtroom Protocol and any subsequent amendments. For Monroe County, after hours arraignments shall be conducted by the Accessible Magistrate.
5. In Cayuga, Livingston, Ontario, Seneca, Steuben, and Wayne Counties, all arraignments shall be conducted in the Centralized Arraignment Part by a designated T&V judge.
6. In Yates County, Monday through Friday, all arraignments shall be conducted in the Centralized Arraignment Part by the Designated Judge listed in Attachment B. On Saturday and Sunday, all arraignments shall be conducted in the Centralized Arraignment Part by a designated T&V Judge.

Dated: June 4, 2020  
Rochester, New York



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Hon. Craig J. Doran  
Administrative Judge  
Seventh Judicial District

Distribution:  
HON. VITO CARUSO

## Return to In-Person Operations Plan Highlights

### Phase I

May 18, 2020

Good News! Our region has met established bench-marks, triggering the first phase of a return to more in-person operations. Throughout this public health crisis, the courts have remained opened and, while limiting foot traffic, have continued to hear Essential Matters.

Over the past several weeks, courts have been steadily increasing cases handled and clearing up existing pending matters. Thanks to the dedication and hard work of our remarkable judges and court staff, we are ready to begin Phase I of the Return to In-Person Operations

We will begin a flexible, measured and steady return to in-person operations commencing on May 18, 2020. We will continue to ensure the safety of all who enter the Courthouses – Judges, Staff and the public by assuring that appropriate safety measures are followed.

- Judges and Chambers Staff in Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties will return to their courthouses commencing May 18, 2020.
  - Use of appropriate PPE required
- On May 18, 2020, the Court will begin accepting filings in new matters by electronic means. On May 18, 2020, the Courts will begin accepting paper filings in new matters, where otherwise permitted.
- All County and City Courthouses in Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties will be open and staffed. Cayuga County will open as appropriate following the Governor's opening of the New York Central Region.
- County Courthouse operations will continue as they are presently.
- Town & Village Court Justices and clerks may return to work in their courthouses handling clerical matters and working on decisions.
- Town & Village Courts will be open but there will be no calendars and foot traffic will not be encouraged.
- Security personnel to ensure proper PPE (masks, hand sanitizer) and spatial distancing for public who enter the courthouse
- Employees
  - Use of masks/gloves
  - Spatial distancing at work stations
  - Provisions for vulnerable employees

## **SUMMARY**

7<sup>th</sup> Judicial District

Return to In-Person Operations Plan (“RIOP”)

Phase II

To Commence June 3, 2020

On May 18, 2020 (May 20, 2020 for Cayuga County) the 7<sup>th</sup> Judicial District implemented Phase I of the RIOP (summary attached). All measures included in Phase I of the RIOP to protect the health and safety of the employees, judges, litigants, lawyers and members of the public who enter the courthouses pursuant to the Amended Return to In-Court Operations Plan dated May 14, 2020 will continue and be enhanced during Phase II.

The goal of Phase II is to increase foot traffic in the courthouse in a gradual, measured manner so that the Court can begin to address matters that require an in-person appearance. The success on Phase II depends upon the Court’s ability to prioritize those matters that require an in-person appearance while continuing to maximize the use of virtual appearances.

- Phase II operates with certain presumptions:
  1. Essential Matters (except as follows in Number 2) will be conducted in-person and heard by the Assigned Judge.
  2. Criminal, Juvenile Delinquency and Mental Hygiene Law Proceedings pertaining to a hospitalized adult shall be virtual and heard by the Assigned Judge.
  3. Non-Essential matters shall be virtual and heard by the Assigned Judge.In all case types, a request to deviate from the presumption may be made to the Assigned Judge. If such request is granted, the Administrative Judge shall be notified.
- ADR shall be conducted virtually
- Steps shall be taken by staggering case types, court calendars and courtroom use, to reduce the number of court users entering the building at the same time and to reduce the number of court users congregating on any floor/at any courtroom.
- Non-judicial staffing levels may again be minimally increased to support necessary administrative functions such as adjournments/calendaring/chambers as well as to provide support for the increase in foot traffic into the courthouse. In-person court staff will rotate with non-reporting staff to work virtually.



7th Judicial District - Emergency Plans COVID-19											
Amended 5.26.20											
County/City	Designated Court/Location for Emergency Proceedings	Back-Up Courthouse	Quarantine Room in Courthouse Location	Video Conferencing Capabilities Yes or No	Video Conferencing Capabilities Yes or No	Video Conferencing Available with Local Jail - Yes or No	Emergency Court Contact for Public/Litigants	On Call Quarantine/Designated Judge	Emergency List of Staff to Work in Designated Location	Any Procedures for Limiting Court Traffic (if so, please describe)	Facility Cleaning Contact for Designated Location Emergency Proceeding
				COURTHOUSE	CAP					Court Chiefs and Deputy Chiefs are listed below. A more extensive list of essential staff is documented on a separate spreadsheet.	Prepare Judges to triage/reduce cases. -Suspend Civil and Criminal trials.- Suspend jury notices.
Cayuga County	Historic Post Office Building	Cayuga County Courthouse	1st Floor Conference Room	yes	Yes	yes	315-237-6450	Thomas G. Leone-Family, Supreme, County, Drug Mark Fandrich-Family, Supreme, County, Surrogate's, Youth Part AJ Craig Doran -Supreme and Quarantine	S & C Chief Clerk Kelly Wejko Family Chief Clerk Jamie Gleason Surrogate Chief Clerk Maryanne Marr		Gary Duckett 315-246-6038 gduckett@cayugacounty.us
Auburn City Court	Historic Post Office Building CAP Jail Visitation (Town/Village)	Cayuga County Courthouse	1st Floor Conference Room 1st Floor Juvenile Holding Rm	yes	yes	yes	315-237-6450	See above Judges & David B. Thurston City	City Chief Clerk Deb Robillard		
Livingston County	Livingston County Courthouse Livingston CAP (Town & Village)	Ontario County Courthouse	Courtroom D	yes	yes	Yes	585-371-3989	Thomas Moran-Supreme Supreme, County Kevin VanAllen- Family, County, Surrogate's, Youth Part Jennifer Noto-Family, County, Surrogate's AJ Craig Doran--Supreme and Quarantine	S & C Chief Clerk Jose Cruzado Family Chief Clerk Sonya Poormon Surrogate Chief Nannette Galvin		William Cavalier 585-245-2566 Wcavalier@co.livingston.ny.us
Monroe County	Monroe County Courthouse Hall of Justice	Monroe Public Safety Building	Courtroom 190 Courtroom 7	yes		yes	585-371-3848	James A. Vazzana - Family, Supreme and County Joseph G. Nesser -Family, Supreme and County, Accessible Magistrate Dandrea Ruhlmann- Family, Accessible Magistrate 5/18-6/14 Alecia Mazzo - Family Court Fatimat Reid - Family Court James Walsh - Family, Accessible Magistrate Ann Marie Taddeo - Quarantine Applications J Scott Odorisi -Supreme Civil Michael Dollinger - County Court (start 5/4 -5/29) Douglas Randall - County Court start 6/1 and (Part 1 Matters 6/15-7/2) Christopher Ciaccio -Supreme, County, Surrogate's Kevin Nasca - Supreme Matrimonial Stacy Romeo - Family, Youth Part, Accessible Magistrate William Taylor-Supreme Civil AJ Craig Doran - Supreme and Quarantine	S & C Chief Clerk Lisa Preston, Deputy Chief Nicholas Sprague Family Court Chief Loreen Nash, Deputy Chief Susan Leach Surrogate Chief Clerk Mark Annunziata, Chief Clerk Sarah Sennett		Thomas Mann Work -585-753-7679 Cell -585-208-1091 Thomasmann@monroecounty.gov
Rochester City Court	Monroe County Courthouse Hall of Justice	Monroe Public Safety Building	Courtroom 190 Courtroom 7	yes		yes	585-372-3848	Teresa Johnson - City (beginning 4/20 backup) Charles F. Crimi Jr - City John Elliot -City/Drug Court Majja Dixon-City Michael Lopez-City (4/20-5/3) Stephen Miller -City (5/4-5/17) (start 5/18-6/12 For Part 1 matters). Nicole Morris- City 5/18-5/29 Melissa Barrett-City 6/1 -6/12	RCC City Chief Clerk Gene Crimi, Deputy Chief April Termine. Court Assist. Dulaney, Zimmer, Ellis, McGee. Ct. Clerk: Moran		see above



