

OFFICE OF THE ADMINISTRATIVE JUDGE
10TH Judicial District - Nassau County



MEMORANDUM

To: Nassau County Legal Community

From: Hon. Norman St. George, District Administrative Judge

Date: April 1, 2020

Re: Revised Virtual Courtroom Protocols for Nassau County

First and foremost, it is my sincere hope that this message finds you and your families safe and healthy. Each of you has my utmost thanks and appreciation for the cooperation and support that you have given our Court community during the Coronavirus pandemic. The Courts in Nassau County and throughout the State are engaged in an unprecedented effort to continue providing essential and emergency services to the general public while taking prudent measures to protect the public's health and safety.

To that end, as indicated in my memo dated March 26, 2020, the next phase of Chief Judge DiFiore's plan to dramatically decrease the traffic in every Courthouse involves setting up a completely Virtual Courthouse. We are pleased to announce that effective at 9 a.m. on April 1, 2020, all Nassau County Courts will be set up for video conferencing via the Skype for Business application. All parties, defendants in criminal cases, litigants, attorneys, Judges and Court personnel involved in a proceeding will be able to appear virtually through Skype. For all Skype appearances, you will be sent a link by the Court Clerk. By clicking on that link and utilizing Skype, you will be able to participate in the conference with the Court from your home, office computer, or even cell phone. This technology, which you may already be familiar with, is simple and straightforward. It has been successfully utilized and tested in all our Courts.

General Provisions

The designated central Courthouse for Nassau County, the Nassau County Courthouse at 262 Old Country Road in Mineola (the "Courthouse"), will remain open from 9:00 a.m. to 5:00 p.m. daily and will be open on Saturday and Sunday for weekend arraignments. The Courthouse will be staffed with the minimum number of employees needed to ensure that Court operations run smoothly and effectively. Court Officers will be maintained at the Courthouse entrances

and in Courtrooms as needed. Signs will be posted at the entrance to the Courthouse notifying the public of the video appearance protocol and indicating that all proceedings remain open to the public and that social distancing guidelines will be maintained and enforced.

Only matters deemed essential/emergency will be heard by each Court. All decisions as to whether any matter is essential or an emergency will be made by the Supervising Judge in consultation with the Administrative Judge. All documents requiring a Judge's signature, upon direction by the Judge, will be stamped by the Court Clerk with the Judge's name and will be signed on behalf of the Judge by the Court Clerk marking the signature area with: "/s/", indicating that the Clerk signed on the Court's behalf.

Supreme Court

General Civil Cases

Essential/Emergency Supreme Court proceedings will be held in Judge Sullivan's Courtroom. Arrangements have been made for all appearances to be held via Skype permitting the Judge, attorneys, parties and Court staff to appear virtually. Any application to have an essential matter calendared or to have questions answered about the new video conferencing protocol may be answered by calling the Chief Clerk's office at (516) 493-3401.

Once it is determined by the Administrative Judge that the matter is an Essential/Emergency matter, the Clerk shall send a Skype link to the Judge and the attorneys. If a litigant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). On the day of the Skype appearance, the Clerk in the Courtroom will call the case and ask for attorney appearances. The Designated Judge will ensure that, wherever necessary, the parties and counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

MHL Article 81 and Article 9 proceedings

Essential/Emergency MHL Article 81 and Article 9 proceedings will be held in Judge O'Brien's Courtroom. Arrangements have been made for all appearances to be held via Skype permitting the Judge, attorneys, respondents and Court staff to appear virtually. Any application to have an essential matter calendared or to have questions answered about the new video conferencing protocol may be answered by calling the Chief Clerk's office at (516) 493-3401.

Once it is determined by the Supervising Judge for Guardianship Matters and the Administrative Judge that the matter is an Essential/Emergency matter, the Clerk shall send the Skype link to the Judge, the attorney for the hospitalized party, Mental Hygiene Legal Services and the representatives at the healthcare facility. The Courtroom Clerk will call the case and ask for attorney appearances. The Designated Judge will ensure that, wherever necessary, respondent and counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will

direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature.

Matrimonial Matters

Essential/Emergency Matrimonial Proceedings will be held in Judge Sullivan's courtroom. Arrangements have been made for all appearances to be held via Skype permitting the Judge, attorneys, and Court staff to appear virtually.

In an effort to evaluate Essential/Emergency applications prior to calendaring, members of the Matrimonial Bar should send an email request for a conference to the Supervising Judge of the Matrimonial Center and his Law Clerk (jgoodste@nycourts.gov and smaffei@nycourts.gov). The request should include the nature of the Essential/Emergency matter, emailed copies of the proposed Essential/Emergency Order to Show Cause, any supporting papers, and contact numbers and emails for all counsel. The Supervising Judge or his Law Clerk will contact all parties to facilitate a conference call in an effort to resolve all the issues. If after the conference the matter is not settled, the Supervising Judge, in consultation with the Administrative Judge, will determine if permission shall be given to bring an Essential/Emergency application before the Designated Judge. The Supervising Judge will issue an order either granting or denying permission for the application.

In the event the parties are unrepresented, a request can be made to the Chief Clerk at (516) 493-3401 for permission to make an Essential/Emergency application. The Supervising Judge will hold a Skype/telephone conference on the record with the parties to ascertain if the matter meets the criteria for an Essential/Emergency application. The Supervising Judge will issue an order either granting or denying permission for the application.

If permission to bring an Essential/Emergency application is granted, the Supervising Judge will notify the Chief Clerk of the application and the matter will be calendared before the Designated Judge or the Supervising Judge for a hearing on the requested Essential/Emergency relief. When an Essential/Emergency proceeding is approved to proceed by the Supervising Judge of the Matrimonial Center, the attorney bringing the Essential/Emergency action will be instructed on how to proceed by designated staff. The lawyer commencing the proceeding will provide their cell phone number and email address, together with a cell phone number and email address for all interested parties.

The Clerk shall send the Skype link to the Judge, the attorneys for all the parties and the litigants if they are unrepresented. The Courtroom Clerk will call the case and ask for attorney and parties' appearances. The Designated Judge will ensure that, wherever necessary, the parties and counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

If the Judge hearing the matter finds it necessary to appoint counsel or an Attorney for the Child, the Judge will contact the Supervising Judge to have an order prepared appointing said counsel.

Surrogate's Court

Essential/Emergency Surrogate proceedings will be held in the Surrogate's Courtroom in the Courthouse. Arrangements have been made for all appearances to be held via Skype permitting the Judge, attorneys, and Court staff to appear virtually. Any application to have an essential matter calendared or to have questions answered about the new video conferencing protocol may be answered by emailing the Surrogate's Chief Clerk at dkeller@nycourts.gov or by calling the Clerk's office at (516) 493-3805.

The Clerk shall be responsible for sending out the Skype link to the Surrogate and the attorneys. If a litigant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). On the day of the Skype appearance, the Clerk in the Courtroom will call the case and ask for attorney appearances. The Surrogate Judge will ensure that, wherever necessary, the parties and counsel can consult privately. At the conclusion of the proceeding, the Surrogate Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

Family Court

All Essential/Emergency Family Court proceedings will be held in the IDV/DV Courtroom. Arrangements have been made for all appearances to be held via Skype permitting the Judge, attorneys, and Court staff to appear virtually. Any application to have an Essential/Emergency matter calendared or to have questions answered about the new video conferencing protocol may be answered by calling the Clerk's office at (516) 493-3900.

Unrepresented litigants in the Family Court will remain able to access the Courthouse for their appearance and to file paperwork. A Family Court window will remain open in the Courthouse where a Clerk will give the litigant forms to fill out and then return to the Clerk. Attorneys may contact the Court to arrange filing of Essential/Emergency applications electronically instead of in person.

For ex parte applications for a temporary order of protection or other Essential/Emergency matter, an unrepresented litigant will appear before the Judge via Skype or telephone in a room separate from the Courtroom.

The Clerk shall be responsible for sending out the Skype link to the Judge and the attorneys and parties. If a litigant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). On the day of the Skype appearance, the Clerk in the Courtroom will call the case and take appearances. The Designated Judge will ensure that, wherever necessary, respondent and

counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

County Court

All Essential/Emergency County Court matters will be held in Judge Corrigan's Courtroom. All appearances will be conducted via Skype, permitting the Judge, attorneys, Court reporters and Court staff to appear virtually. Incarcerated defendants will appear by Skype from the Nassau County Police Department or the Nassau County Correctional Center. Any application to have an Essential/Emergency matter calendared or to have questions answered about the new video conferencing protocol may be answered by emailing the County Court Clerk's office at ncountycourtvideo@nycourts.gov or by calling the Clerk's office at (516) 493-3690.

In Custody Arraignments

There should be very few County Court arraignments. However, when an arraignment is required, the Supervising Judge will advise both the Clerk in Judge Corrigan's Courtroom at (516) 493-3531, and the Designated Judge that an arraignment is forthcoming. Once it is determined by the Supervising Judge, in consultation with the jail (or headquarters), as to the location of the defendant, the Supervising Judge will advise the Clerk and the Designated Judge which Skype link to utilize for the proceeding. The Designated Judge will be provided with the list of invitees and will be responsible for sending the invite from his/her laptop. If a defendant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). The DA and Defense Counsel will be asked to join. The defendant will be brought into the designated Skype area in the Nassau County Police Department, or Nassau County Correctional Facility. The Clerk in the Courtroom will call the case, ask for attorney appearances, inquire of the defendant as to whether he/she can hear and see the Judge and attorneys.

If a Temporary Order of Protection ("TOP") is sought, the District Attorney's office will email the jail, the defense attorney, the Judge and the Court Clerk a copy of the order. As noted, the Clerk's e-mail address is: ncountycourtvideo@nycourts.gov The defendant's address must be on the top of the Order (under the defendant's name). The jail will print the document for the defendant's signature and rescan and send the document to all parties in the email chain. The Court Clerk will then print the document for purposes of the Judge's signature if the Order is issued. The Designated Judge is required to make a record of the restrictions, inquire whether the defendant understands the restrictions, and then ask the Clerk to stamp and sign the TOP on behalf of the Designated Judge. The Designated Judge should also note on the record the order is "deemed served" on the defendant and then ask the Clerk to stamp and sign any other necessary documents on the Designated Judge's behalf. The Clerk will then send a copy of the Order with the Judge's "signature" to the jail for service upon the defendant if he/she is incarcerated or for service by the Sheriff if he/she is released.

In Custody Essential/Emergency Pleas and Applications

Essential/Emergency requests will be vetted by the Supervising Judge and her Law Secretary. Attorneys should email their Essential/Emergency requests to Kmcclroy@nycourts.gov and/or Tkcorrig@nycourts.gov. Please do not text their cellphone numbers. The email should include the name of the assigned ADA, the docket/indictment number, where and on what date the case is pending, and the nature of the emergency. Attorneys must send requests at least 24 hours before the case is to be calendared.

Once a case is determined to be an Essential/Emergency matter, it will be added to the calendar for the following day (or a specific day if requested). The Designated Judge and the Clerk, who may be reached at (516) 493-3531, will be advised of the matter by the Supervising Judge. All attorneys will receive a Skype invitation from the Designated Judge on the day the case is on the calendar. This invitation will be via the email address which was used to make the request. If an attorney wants the Skype invite to be sent to a different email address, the attorney must indicate that in the initial request. Attorneys must download Skype for Business on their device. If an attorney has difficulty joining the visual Skype meeting, there will be a telephone number that allows the attorney to dial in.

In the event defense counsel wishes to speak with the defendant before a scheduled video appearance, counsel should contact the Sheriff's Department to schedule a call. The Sheriff's Department should obtain a call back number for defense counsel and facilitate the defendant calling back defense counsel at the number provided by defense counsel. Once defense counsel has conferred with their client, the Sheriff will bring the defendant to the video conference area and notify the Clerk in Judge Corrigan's Courtroom. The Clerk will contact the Designated Judge, defense counsel and the Assistant District Attorney and advise them to sign into the Skype meeting.

Once the parties have signed in, the proceeding will commence. Following the conclusion of the plea/application, the Clerk will forward all necessary paperwork to the Correctional Center.

District Court (Including City Court of Long Beach and Glen Cove)

All Essential/Emergency District Court matters will be held in Judge Quinn's Courtroom. All appearances will be conducted via Skype, permitting the Judge, attorneys, Court reporters and Court staff to appear virtually. Incarcerated defendants will appear by Skype from the Nassau County Police Department or the Nassau County Correctional Center. Any application to have an essential matter calendared or to have questions answered about the new video conferencing protocol may be answered by emailing the District Court Clerk's office at correspondenceD@nycourts.gov or by calling the Clerk's office for Criminal matters at (516) 493-3201 or 3202 and for Civil matters at (516) 493-4113.

Arraignments

An email for arraignment paperwork will be transmitted from Nassau County Police Department to the Court. The group address, nassarr@nycourts.gov, has been created for this purpose. All necessary staff will have access to the email. The Nassau County Police Department will email the arraignment paperwork to the Court Clerk, the Nassau County District Attorney's Office, Legal Aid, Assigned 18b Counsel and Probation.

A roster and the day's arrest paperwork including the Defendant's Rap Sheets to the Court Clerk's Office, Legal Aid, 18B, Probation, and the District Attorney at the following email addresses:

Court Clerk's Office – nassarr@nycourts.gov

Legal Aid – arraignments@nclas.org

18B – NCACDP@nassau18B.org

Probation – jplackis@nasscountyny.gov and jcappelletti@nassaucountyny.gov

District Attorney - ArrNCDA@nassauda.org

The Court Clerk's Office will review the paperwork, initialize files in UCMS and e-mail a copy of the calendar to each of the agencies in addition to the Designated Judge and Court Reporter. Upon receipt, agencies shall organize the arrest charges so that they conform to count numbers on the court calendar.

LAS Conflicts - In the event there is a conflict, Legal Aid will notify the Court Clerk by email to nassarr@nycourts.gov, and the assigned 18B, of the defendant's name and DOB, and indicate they have a conflict. LAS will forward the arraignment paperwork to the assigned 18B.

Private Counsel - Once retained, private counsel shall send an email to correspondenceD@nycourts.gov with the name of the defendant and DOB, notifying the Court that he or she represents the defendant. Upon receipt of the email, the Court will email a copy of the paperwork to counsel at the email address provided. Private counsel will be sent an invitation to join the Skype meeting. The attorneys should then join the meeting and mute the audio until the Clerk calls the cases.

Interviews – All interviews by probation and defense attorneys will be conducted remotely utilizing (516)573-7814. Arrangements will be made between Police Liaison and probation/defense attorneys as to how best to conduct those interviews.

Skype - An invitation will be sent out by the Clerk of the emergency part to all participants to join the Skype. Participants will be advised to join the Skype when ready. This link will bring participants into the Virtual Courtroom.

Judges - At 9:00 a.m. on the scheduled day, Judges will join the Skype and keep their audio on mute until ready to begin arraignments or needed otherwise.

Police Headquarters - When the Court is ready to begin the arraignments, and all parties are present via Skype, the defendant will be escorted to the designated arraignment area in Police Headquarters and the Clerk will call the cases.

Temporary Order of Protection (TOP)

In the event a TOP is requested, the DA will email the TOP to the Clerk through the Court Clerk's Office at nassarr@nycourts.gov. In the event the TOP is not granted, the Clerk will dispose of the TOP. In the event the TOP is granted, the Court will inform the defendant of its contents and inquire whether the defendant understands the restrictions. The Designated Judge should also note on the record that the Order is "deemed signed" and instruct the Clerk to stamp and sign the TOP and any other necessary documents on the Court's behalf. The signature placed on the document by the Clerk should have a marking /s/ indicating the Clerk signed on the Court's behalf. In addition, the Order will be marked by the Clerk, "arraignment held via video arraignment, defendant acknowledged receipt". The Order will be scanned to NCPD and sent by email to CLOSupervisors@PDCN.org for service upon the defendant. The defendant will acknowledge receipt.

Release Conditions/Securing Orders

In the event a defendant is held on bail, the securing order will be transmitted to Police Headquarters and the Sheriff's Department at the following email addresses:

CLOSupervisors@PDCN.org and mgolio@nassaucountyny.gov.

In the event the defendant is released with PTSA conditions, the form will be emailed to Police Headquarters: CLOSupervisors@PDCN.org to be handed to the defendant and a copy to the Probation department at:

jplackis@nassaucountyny.gov; lmise@nassaucountyny.gov;
jcappelletti@nassaucountyny.gov; lmccarthy@nassaucountyny.gov;
mfanning@nassaucountyny.gov; omcqueen@nassaucountyny.gov

In Custody Essential/Emergency Pleas and Applications

At least a day before the required appearance or sooner, the Clerk will contact the Nassau County Correctional Facility to schedule the appearance by Skype. The Clerk will provide the Sheriff with notice of the video appearance and the time of the appearance so the Sheriff can properly prepare.

In the event that defense counsel wishes to speak with the defendant before a scheduled video appearance, counsel should contact the Sheriff's Department to schedule a call. The Sheriff's Department should obtain a call back number for defense counsel and facilitate the defendant calling back defense counsel at the number provided by defense counsel. Once defense counsel has conferred with their client, the Sheriff will bring the defendant to the video conference area and notify the Clerk in Judge Quinn's Courtroom. The Clerk will contact the

defense counsel and the assistant District Attorney and advise them to sign into the Skype meeting.

Once the parties have signed in, the proceeding will commence. Following the conclusion of the plea/appearance, the Clerk will forward all necessary paperwork to the Nassau County Correctional Facility.

Other Essential/Emergency Applications

(OSC, bail applications, Writs, Other TOP's, resentencing of retained/incarcerated defendants, SORA Matters)

Such Essential/Emergency applications and justifications shall be emailed to request the calendaring of the matter to correspondenceD@nycourts.gov. The determination as to whether a matter is Essential/Emergency will be made by the Supervising Judge in consultation with the Administrative Judge. If determined to be Essential/Emergency, the Designated Judge will be informed that the matter will be heard. If the matter involves a plea and sentence or just a sentence where a defendant will be released, the Clerk will confirm that the parties have consulted with each other and that they are in agreement as to what will occur. All agreements are subject to the Designated Judge's discretion in accepting the terms.

Sheriff: In the event of an emergency application with an incarcerated defendant, the Clerk will notify Captain Golio at mgolio@nassaucountyny.gov and coordinate a date and time for the video conference.

The following contact information may also be utilized for questions with Virtual District Court Procedures:

Hon. Elizabeth Fox-McDonough, Supervising Judge, District Court (516) 965-4848
Angela Diliberti, Chief Clerk, District Court (516) 419-0980
District Court Emergency Courtroom (516) 493-3556
Steve Schwartz, Executive ADA (516) 571-3726 C (917)-657-8000
Dan Looney, Dep. Executive ADA (516) 571-2669 C (516) 404-1032
Dedicated NCDA Arraignments (516) 330-8614
Barbara Raney, LAS (516) 967-0934
Tim Naples, LAS (917)710-1491

Youth Part

Essential/Emergency Youth Part proceedings will be held in Judge Quinn's Courtroom, and will follow the procedures set forth for the District Court above. All appearances will be conducted via Skype, permitting the Judge, attorneys, Court reporters and Court staff to appear virtually. Any application to have an Essential/Emergency matter calendared or to have questions answered about the new video conferencing protocol may be answered by emailing the District Court Clerk's office at correspondenceD@nycourts.gov or by calling the Clerk's office for Criminal matters at (516) 493-3201 or 3202

The Clerk shall be responsible for sending out the Skype link to the Judge and the attorneys. If a litigant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). On the day of the Skype appearance, the Clerk in the Courtroom will call the case and ask for attorney appearances. The Designated Judge will ensure that, wherever necessary, respondent and counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

All Essential/Emergency Matters Not Otherwise Covered Herein

Essential/Emergency proceedings will be held in the designated Courtroom for their respective Courts. When an essential/emergency proceeding is filed, the lawyer instituting the action will provide their cell phone number and email address to the Clerk. The lawyer instituting the proceeding shall be responsible to facilitate their appearance via Skype.

The Clerk shall be responsible for sending out the Skype link to the Judge and the attorneys. If a litigant requires the use of an interpreter, one will be present on Skype. If an interpreter is not available, the Clerk will contact the language line at 1-866 874 3972 (client ID 502970). On the day of the Skype appearance, the Clerk in the Courtroom will call the case and ask for attorney appearances. The Designated Judge will also that, wherever necessary, respondent and counsel can consult privately. At the conclusion of the proceeding, the Designated Judge will direct the Clerk regarding the completion of necessary paperwork and authorize the use of his/her stamp and signature where appropriate.

Rest assured that I will continue to update you throughout this crisis and modify the Virtual Protocols as needed. It is my sincere wish that you and your families continue to enjoy good health and are able to stay safe during this extraordinary time.