

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



MEMORANDUM

To: Nassau Legal Community

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

Date: July 6, 2020

Re: Return to In-Person Operations for Nassau County-Phase Four

As we continue transitioning back to normal operations during the Covid-19 pandemic, I sincerely hope this message finds each and every one of you and your families well and healthy. The Nassau County Legal Community continues to have my thanks for the cooperation and support you have given to the Nassau County Courts during these challenging times.

As you know, Phase One of the Return to In-Person Operations, which began on May 29, 2020, allowed the individual Courthouses throughout the County to re-open with Judges and their Staff returning to Chambers. Emergency and Essential Proceedings continued to be held virtually, with the Judges appearing in the Courtroom via Skype audio conference. Phase Two of the Return to In-Person Operations, which began on June 12, 2020, allowed an increase in foot traffic in the Courthouses with Emergency and Essential Proceedings occurring In-Person in designated courtrooms throughout the County. Phase Three of the Return to In-Person Operations, which began on June 26, 2020, began the expansion of the type and manner of cases which were permitted to be heard In-Person.

The Nassau County Courts have been approved to begin Phase Four of the Return to In-Person Operations on July 10, 2020. For Phase Four, all of the General Safety Protocols implemented in Phase One, Phase Two, and Phase Three, including Cleaning and Sanitizing regimens that were designed to help protect the health and safety of all individuals coming into the Courthouses in Nassau County, will remain in effect and be enhanced during the implementation of Phase Four. Masks must be worn at all times by anyone entering any Courthouse. Public spaces in the Courthouses have all been configured to maintain appropriate social distancing. The signs and floor markings that have been placed throughout the Courthouses will remain in place. Plexiglass has been installed around all magnetometers and

select security posts. Plexiglass has now also been installed at all public counters, central jury counter and essential courtrooms. Content specific social distancing signage provided by OCA has been posted in both English and Spanish in elevators, restrooms and water coolers. Court Officers will continue to monitor foot traffic, ensure social distancing, and screen all Courthouse visitors for Covid-19 pursuant to the protocols developed by the Office of Court Administration.

The goal of Phase Four will be to position the Courts to hear all case types In-Person while continuing to leverage virtual technology where it is appropriate and preferred. The Phase Four plan will be fluid and subject to change should the volume of foot traffic exceed expectations. The Phase Four plan contemplates the opening of up to one-half of the available Courtrooms in each Courthouse to accommodate the expansion of cases that may be heard In-Person. In addition, each Courtroom will be limited to a maximum capacity that is 25% of the Courtroom's actual capacity.

In planning for Phase Four, it is acknowledged that this Phase could last longer than two weeks. Should Phase Four last longer than two weeks, the Administrative Judge's office will solicit input from all courts to monitor the adequacy of the courtroom space made available, the volume of foot traffic coming into the courthouses, and the ability of the Judges to hear In-Person cases.

In all cases herein, any and all proceedings involving an incarcerated individual will continue to be conducted virtually via Skype. The summoning of petit jurors will remain suspended.

In any matter which requires the testimony of a live witness, the Justice or Judge presiding over the case will have the discretion to configure the Courtroom in a manner that maximizes social distancing. Consistent with Office of Court Administration policy, face shields will be made available in active Courtrooms to Judges, non-judicial personnel, witnesses and others upon request.

Expansion of In-Person Cases

1. The following matters shall be presumptively heard In-Person. However, upon application by any of the parties, the Assigned Judge may agree to allow the matter to proceed virtually based on the circumstances presented.
 - a. Supreme Court
 - i. Bench trials
 - ii. Evidentiary Hearings
 - iii. Inquests
 - iv. All appearances and conferences where at least one party is self-represented
 - v. Essential Matters
 - b. County Court (Incarcerated Defendants shall appear virtually, unless otherwise ordered)
 - i. Bench trials

- ii. Evidentiary Hearings
 - iii. Non-custodial arraignments
 - iv. Waivers of Indictment, Pleas and Sentences for non-custodial defendants
 - v. Motion arguments
 - vi. Treatment court and Judicial Diversion where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
 - vii. Grand Jury proceedings (commencing on or after July 13, 2020)
 - viii. Essential Matters
- c. Family Court
- i. All Evidentiary Hearings (priority given to matters filed first)
 - ii. Child Support proceedings filed prior to June 1, 2020
 - iii. Permanency Hearings
 - iv. Article 10 Consents, Admissions and Surrenders
 - v. Essential Matters
- d. Surrogate's Court
- i. Citations and Show Cause orders
 - ii. Bench trials
 - iii. Evidentiary Hearings
 - iv. All appearances and conferences where at least one party is self-represented
 - v. Essential Matters
- e. District Court - Civil
- i. Bench trials
 - ii. Evidentiary Hearings
 - iii. Small claims matters, including the small claims arbitration program, for matters that were filed prior to April 1, 2020
 - iv. Essential Matters
- f. District Court Criminal (Incarcerated Defendants shall appear virtually, unless otherwise ordered).
- i. Bench trials,
 - ii. Evidentiary Hearings
 - iii. Desk Appearance Tickets filed prior to June 1, 2020
 - iv. Pleas and Sentences for non-custodial defendants
 - v. Motion arguments
 - vi. Treatment Court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.
 - vii. Essential Matters
2. The following matters shall be presumptively heard virtually. However, upon application by any of the parties, the Assigned Judge may agree to allow the matter to proceed virtually based on the circumstances presented.
- a. Supreme Court

- i. All conferences, including foreclosures, where all parties are represented by counsel
 - ii. Motion arguments where all parties are represented by counsel
 - iii. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20)
 - iv. All other proceedings not listed in (1)(a) above
 - b. County Court
 - i. Conferences
 - ii. Waivers of Indictment, pleas and sentences where the defendant is incarcerated
 - iii. Felony Exams/Preliminary Hearings
 - c. Family Court
 - i. Conferences
 - ii. Juvenile Delinquency Proceedings
 - iii. Person In Need of Supervision Proceedings
 - iv. Adoptions
 - v. Appearances calendars
 - vi. All other proceedings not listed in (1)(c) above
 - d. Surrogate's Court
 - i. Conferences where all parties are represented by counsel
 - ii. Motion Arguments where all parties are represented by counsel
 - iii. Adoptions
 - iv. All other proceedings not listed in (1)(d) above
 - e. District Court Civil
 - i. Conferences
 - ii. Motion arguments
 - iii. All other proceedings not listed in (1)(e) above
 - f. District Court Criminal
 - i. Conferences
 - ii. Pleas and sentences where the defendant is incarcerated
 - iii. All other proceedings not listed in (1)(f) above
- 3. All virtual matters shall be held via Skype for Business. Included in the Skype for Business invitation is a call-in number for lawyers and litigants that do not have access to Skype for Business video. In the event that a self-represented litigant is unable to access Skype for Business, arrangements shall be made at the courthouse for the litigant to appear virtually.
- 4. Housing matters (Landlord/Tenant evictions, and foreclosures) may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated June 18, 2020 and pursuant to Administrative Order AO/127/20 ("Evictions

matters in which all parties are represented by counsel shall be eligible for calendaring for virtual settlement conferences”). Foreclosures may proceed pursuant to AO/131/20.

5. Default Judgments shall not 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 (7th Judicial District’s Seventh Amended Administrative Order).
6. ADR shall be conducted virtually (Chief Administrative Judge Lawrence Marks’ AO/87/20).
7. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program will occur virtually.
8. Small Claims Assessment Review (“SCAR”) proceedings shall be conducted virtually.