



ADMINISTRATIVE ORDER
TENTH JUDICIAL DISTRICT-NASSAU COUNTY

Pursuant to the authority vested in the undersigned as District Administrative Judge; 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 the Courts of the Tenth Judicial District-Nassau County will commence Phase 4.1 of the Return to In-Person Operations Plan on August 17, 2020; it is hereby

ORDERED that the Return to In-Person Operations Plan (Phase 4.1) to be implemented on August 17, 2020 is incorporated by reference herein; and it is further

ORDERED that all Executive Orders, Administrative Orders of the Chief Judge, the Chief Administrative Judge and the Deputy Chief Administrative Judge of the Courts outside of New York City issued in response to the COVID-19 (coronavirus) public health crisis are incorporated by reference in this Administrative Order; and it is further

ORDERED that the following matters shall be presumptively heard In-Person in the Courts of Nassau County. 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. If such request is granted, the Administrative Judge shall be notified.

- a. Supreme Court
 - i. 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 directed by the Judge)
 - i. 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
 - 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.
 - iv. Essential Matters
 - v. Desk Appearance Tickets
 - f. District Court - Criminal (Incarcerated Defendants shall appear virtually, unless otherwise directed by the Judge)
 - i. Bench Trials
 - ii. Evidentiary Hearings
 - iii. Desk Appearance Tickets Arraignments
 - iv. Vehicle & Traffic Appearances
 - v. Pleas and Sentences for non-custodial defendants.
 - vi. Motion arguments
 - vii. Treatment Court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.
 - viii. Essential Matters

and it is further

ORDERED that the following matters shall be presumptively heard virtually in the Courts of Nassau County. However, upon application by any of the parties, the Assigned Judge may agree to allow the matter to proceed In-Person based on the circumstances presented.

- a. Supreme Court

- i. All conferences, including preliminary conferences, compliance conferences, and 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
 - iv. All other proceedings not listed in (1)(b) above
- 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

and it is further

ORDERED that Jury Trials shall recommence in Nassau County pursuant to the following schedule:

1. Jury Trials

- a. Petit Civil Jury Trials in Supreme Court will be conducted in October according to the written protocols developed by the Administrative Judge in consultation

with the Deputy Chief Administrative Judge for the Courts Outside New York City.

- b. In light of the success and positive feedback regarding the impaneling of Grand Juries in Nassau County during Phase Three of the Return to In-Person Operations, Petit Criminal Jury trials in the County Court will commence in November.

- i. Civil Jury Trials

- 1. Summonses for Civil Jury Trials may be mailed in Term 10.
 - 2. Civil Jury Trials shall commence in Term 11.
 - 3. Following the completion of a Civil Jury Trial, the District shall review the jury trial protocols with the presiding Judge, lawyers, and to the extent possible, the jurors, to determine if any part of the protocols should be modified.

- ii. Criminal Jury Trials

- 1. Summons for Criminal Jury Trials may be mailed in Term 11
 - 2. Criminal Jury Trials shall commence in Term 12.
 - 3. Following the completion of a Criminal Jury Trial, the District shall review the jury trial protocols with the presiding Judge, lawyers, and to the extent possible, jurors, to determine if any part of the protocols should be modified.

- c. Prior to the scheduling of any case for trial and again immediately prior to jury selection, there shall be a robust effort to resolve the case through settlement or plea.

and it is further

ORDERED that 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; and it is further

ORDERED that Commercial and Residential Eviction matters may proceed pursuant to the protocols established in the Memorandum from Chief Administrative Judge Lawrence Marks dated August 12, 2020 and pursuant to Administrative Order AO/160/20; and it is further

ORDERED that Foreclosures may proceed pursuant to AO/131/20; and it is further

ORDERED that 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; and it is further

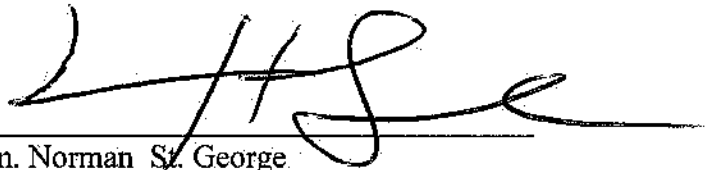
ORDERED that all Alternate Dispute Resolution (“ADR”) shall be conducted virtually (Chief Administrative Judge Lawrence Marks’ AO/87/20); and it is further

ORDERED that Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program will occur virtually; and it is further

ORDERED that Small Claims Assessment Review (“SCAR”) proceedings shall be conducted virtually; and it is further

ORDERED that to the extent possible and feasible and applicable in each particular Village, each Village Court in Nassau County will be permitted to continue reopening during Phase 4.1 pursuant to the Statewide Town and Village plans approved by Chief Administrative Judge Lawrence Marks.

Dated: August 17, 2020
Mineola, New York

A handwritten signature in black ink, appearing to read 'N. St. George', written over a horizontal line.

Hon. Norman St. George
Administrative Judge
Tenth Judicial District—Nassau County