

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 23, 2021

Re: Updated Operating Protocols for Nassau County Courts

With over one full year of the Covid-19 pandemic effecting New York State and the nation as a whole behind us, it is time once again to take measure of the Courts' response to the pandemic and to make adjustments moving forward. As always, we are thankful to Nassau County's Justices, Judges and Non-Judicial Personnel and the entire Nassau County Legal Community for their continued dedication, professionalism, and flexibility during these difficult times.

The updated Operating Protocols contained herein supersede the Updated Operating Protocols that became effective on February 22, 2021. Commencing April 30, 2021, all Court operations in the Tenth Judicial District—Nassau County shall be conducted pursuant to these Protocols. To the extent the provisions of these Updated Operating Protocols are inconsistent with the provisions in the Memorandum issued by this Court on February 22, 2021, and any previously issued memoranda or Administrative Order, the provisions of these Protocols should be relied upon to guide operations.

I. Courthouse Operations

A. Scheduling

1. Calendar times shall be staggered so that different Parts in the same Courthouse start at different times.
2. Each Judge may hold In-Person proceedings up to two days per week, subject to clerk staff availability, Courtroom space, and time availability, unless an exception is requested and granted by the Administrative Judge. Each Judge may hold In-Person proceedings on a third day each week provided that the Judge presiding first consults with the Supervising Judge (where applicable) and the Chief Clerk and is assured that

adequate staffing is available. Further additional time may be granted by the Administrative Judge after the presiding Judge has submitted the request to the Supervising Judge and after the presiding Judge has indicated that they have checked with the Chief Clerk and received an assurance that the Chief Clerk is able to accommodate the request. A Judge presiding over any hearing or trial that continues to an additional day or days shall be granted additional Courtroom time. All scheduling shall be coordinated by Supervising Judges and Chief Clerks to assure appropriate limiting of foot traffic in the Courts.

3. In each Court, there shall be a maximum of 10 cases/proceedings scheduled In-Person per hour, except as stated in Section (II)(C)(9).
- B. Occupancy of all Courtrooms shall be limited to a maximum of the lesser of 30 people or ½ the posted room occupancy per code unless otherwise approved by the Administrative Judge. An exception shall be granted for Jury Trials or Grand Juries. The Administrative Judge may grant an exception for a specific Courtroom or proceeding.
- C. The number of Non-Judicial Personnel reporting to the Courthouse shall be increased or decreased at the discretion of the Administrative Judge to the minimum number necessary to ensure safe operations. In-Person staffing at these levels should be scheduled in a manner that limits the likelihood and adverse consequence of a positive COVID transmission in the Courts. All Non-Judicial Personnel not reporting to the Courthouse shall continue to work remotely. In all circumstances, Non-Judicial Personnel reporting to the Courthouse shall be between 60%-80% of normal pre-COVID staffing. At the direction of the Chief Judge, on May 24, 2021, all Judges and Non-Judicial Personnel shall report to work in their assigned courthouses.
- D. All current safety measures and protocols will continue. Court managers and PPE Compliance Coordinators shall take steps to enhance monitoring and compliance with all safety measures including social distancing at all times.
- E. Each Courthouse shall continue to have a space (kiosk or dedicated room) available for use by litigants who are unable to appear virtually.

II. Court Proceedings

- A. To the extent possible, virtual proceedings should be conducted from the Courtroom, provided that a Courtroom is available.
- B. Notwithstanding any other provision herein, except for Criminal Jury Trials or Criminal Evidentiary Hearings, no adult In-Custody in the Tenth Judicial District's Nassau County Correctional Center shall be produced to any Court (Supreme, County, Family, City, Town or Village), unless the Administrative Judge grants permission for an In-Person appearance. Where an In-Person proceeding involves an adult housed at a facility other than one located in the Tenth Judicial District—Nassau County, that individual shall appear virtually utilizing electronic means unless the Presiding Judge orders otherwise after appropriate application is made.
- C. Matters that may be heard In-Person (or hybrid of In-Person and Virtual) PROVIDED THAT THE PRESIDING JUDGE FIRST FINDS THAT THE MATTER CANNOT PROCEED VIRTUALLY (LEGALLY IMPERMISSIBLE OR LOGISTICALLY IMPRACTICAL).

1. Matters as designated in Exhibit A.
 2. Family Court Act Article 10 evidentiary hearings.
 3. Adoptions.
 4. Civil and Criminal Evidentiary Hearings and Trials. The scheduling of jury trials shall be approved by the Administrative Judge in consultation with the Deputy Chief Administrative Judge. Jury Trials shall be conducted in Nassau County in accordance with the individual plan submitted to the Administrative Judge by the Supervising Judges and Chief Clerks of their respective Courts and pursuant to the Tenth Judicial District Jury Trial plan as approved by the Deputy Chief Administrative Judge. Notwithstanding any provision of the aforementioned plans, occupancy shall be limited to the lesser of 40 people or ½ the posted room occupancy per code unless otherwise approved by the Administrative Judge. With regard to Criminal Jury Trials, priority should be given to incarcerated defendants. With regard to Civil Jury Trials, priority should be given to Trials where the parties consent to a Summary Jury Trial.
 5. Pleas and Sentences.
 6. Family Court Evidentiary Hearings.
 7. Surrogate's Court Citations.
 8. Eviction proceedings as authorized by law.
 9. Treatment Court and Judicial Diversion appearances. Notwithstanding the provisions of Section (I)(A)(3), there may be a maximum of 10 Treatment Court or Judicial Diversion cases scheduled every 15 minutes provided that the occupancy of the Courtroom does not exceed the lesser of 30 people or ½ the posted room occupancy code.
 10. Any proceeding involving a self-represented litigant(s) where the Presiding Judge determines that holding the proceeding via Microsoft Teams denies the self-represented litigant(s) meaningful access to the proceeding and where the Presiding Judge determines that the matter can be heard In-Person consistent with all OCA safety protocols.
- D. ALL other matters MUST presumptively be heard virtually, from a Courtroom as such Courtroom is available using Microsoft Teams video conferencing (using the live Courtroom as background; if not appearing from the Courtroom, use other appropriate background), or telephone, including but not limited to:
1. General civil conferences particularly those with counsel only.
 2. Motion arguments.
 3. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20).
 4. ADR where both parties are represented by counsel and counsel will be present.
 5. Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program.
 6. Small Claims Assessment Review proceedings.
 7. Other routine Court matters not expressly included in Paragraph II(C).
- E. Effective immediately, applications for default judgments for a sum certain pursuant to CPLR Section 3215(a) may be made without additional leave of court.

Exhibit A

- A. Criminal matters.
 - 1. Arraignments.
 - 2. Bail applications, reviews, and writs.
 - 3. Temporary Orders of Protection.
 - 4. Resentencing of retained and incarcerated defendants.
 - 5. Essential Sex Offender Registration act (SORA) matters.

- B. Family Court.
 - 1. Child protection intake cases involving removal applications.
 - 2. Juvenile delinquency cases involving remand placement applications, or modification thereof.
 - 3. Emergency Family Offense Petitions/Temporary Orders of Protection.
 - 4. Orders to Show Cause.

- C. Supreme Court.
 - 1. MHL applications for an Assisted Outpatient Treatment (AOT) plan
 - 2. Emergency applications in guardianship matters.
 - 3. Temporary Orders of Protection (including but not limited to matters involving domestic violence).
 - 4. Emergency applications related to the coronavirus.
 - 5. Emergency Election Law applications.
 - 6. Extreme Risk Protection Orders (ERPO).

- D. Civil/Housing matters.
 - 1. Applications addressing landlord lockouts (including reductions in essential services).
 - 2. Applications addressing serious code violations.
 - 3. Applications addressing serious repair orders.
 - 4. Applications for post-eviction relief.

- E. Surrogate's Court - Any matter involving an individual who passed away due to COVID-related causes.