

7th JUDICIAL DISTRICT VIRTUAL COURTROOM PROTOCOL

The following guidelines apply to all categories of cases and general courthouse operations.

1. The courthouse shall be staffed with the minimum number of employees to ensure the ability to intake papers, operate Skype equipment, process orders, keep the court record, answer telephone inquiries, process the mail and maintain necessary equipment.
2. Security shall be maintained at the entrance to the Courthouse and throughout the facilities, including courtrooms as necessary.
3. Signs shall be posted at the entrance to every operating building notifying the public of the existence of the video appearance protocol and indicating that the court proceedings remain open to the public (with the understanding that social distancing shall be maintained at all times).
4. The Designated Judge and stenographer (where used) will participate in the Skype call via personal computer. To the greatest extent possible, using the procedures established below, ALL participants in the proceeding shall appear via Skype.
5. If a video appearance cannot be facilitated via Skype for Business, the appearance shall be telephonic per the phone number contained in the Skype link. If the internet connection (whether Skype video or Skype telephone) cannot be used, the initiator of the Skype proceeding shall initiate a conference call.
6. The Court Clerk shall be present in the courtroom. If the proceeding involves a self-represented litigant not in custody, the litigant shall be directed to a room in the courthouse where the litigant will have access to a computer with a Skype connection or a phone to access the Skype call. A phone shall also be available for the self-represented litigant to contact a lawyer. If the attorney wishes to appear in the courtroom, the lawyer should apply to the chief clerk pursuant to Paragraph 9.
7. An individual who is not able to enter the courthouse, shall be provided with the phone number of the S&C Chief Clerk (or his/her designee) for information regarding access to the proceeding.
8. The press/public shall be permitted in the Courtroom and have visual access to Skype monitor. Press inquiries shall be directed to the Administrative Judge prior to the proceeding.
9. If the defendant/litigant requires the use of an interpreter, the following step shall be taken.
 - If a Spanish Language Interpreter is needed during regular court hours, the Interpreter will provide interpreting services via Skype.
 - If an interpreter is needed for a language other than Spanish, or for any off-hours proceeding, the Language Line (1-866-874-3972; Account Number 502970) shall be used.
 - Each County has an access code as referenced in Attachment 1, Table A.
9. If there is a need for an exception to the Virtual Courtroom Protocol, application shall be made by the Chief Clerk of the relevant court or Designated Judge to the

Supervising Judge or to the Administrative Judge where there is no Supervising Judge. The Supervising Judge shall consult with the Administrative Judge to determine if an exception shall be made.

10. If the County Clerk receives a filing that requires immediate action by the Court, the County clerk shall access the Chief Clerk per the information in Attachment 1, Table B.
11. For IT support contact support per the information in Attachment 1, Table H.

Category I (Adult Criminal Essential Appearances during business hours)

A. Arraignments

1. Counties with CAP (CAP courts will operate during regularly scheduled CAP hours.)
 - a. CAP court paperwork will be transferred as per previously established procedure.
 - b. The Designated Judge shall preside over the proceeding from a remote location using a pre-established Skype link.
 - c. Jails will utilize Skype abilities with pre-established Skype link at CAP computer with in-custody defendant in front of camera with microphone.
 - d. The lawyers shall participate in the proceedings using the pre-established Skype link.
 - e. Record will be kept via Liberty Recorder on CAP computer.
 - f. At the conclusion of the proceeding, the Designated Judge will communicate with the CAP clerk regarding the completion of necessary paperwork and will authorize his/her conformed signature to be affixed where appropriate.
 - g. Attachment 1, Table C includes Skype contact information and cell phone numbers for necessary parties.
2. Monroe County
 - a. Contact with Court
 - Outside City of Rochester - Law Enforcement will contact CAP clerk with necessary paperwork.
 - City of Rochester - Law Enforcement will contact the Rochester City Court Deputy Chief Clerk or her designee and notify her in the need for an arraignment.
 - b. CAP Clerk/Deputy Chief Clerk will send the paperwork to the Designated Judge and district attorney and defense attorney.
 - c. The Designated Judge shall preside over the proceeding from a remote location using a pre-established Skype link.
 - d. Law enforcement shall utilize Skype abilities at precinct with in-custody defendant in front of computer with microphone and camera.
 - e. The lawyers shall participate in the proceedings using the pre-established Skype link.
 - f. Record will be kept via stenographer in the first instance. Liberty Video Recorder may be used as a backup.

- g. At the conclusion of the proceeding, the Designated Judge will communicate with the CAP clerk/Deputy Chief Clerk regarding the completion of necessary paperwork and will authorize his/her conformed signature to be affixed where appropriate.
- h. Attachment 1, Table C includes Skype contact information and cell phone numbers for necessary parties.
- i. Defendants appearing in court for the return of an Appearance Ticket shall be provided with a notice adjourning the Appearance Ticket to a date after April 30, 2020.

B. Other Appearances

- 1. The Chief Clerk (or his/her designee) shall distribute necessary paperwork to the Designated Judge and parties.
- 2. The Chief Clerk (or his/her designee) will forward the pre-established Skype link to the attorneys if necessary.
- 3. The in-custody Defendant's Appearance shall be via Skype as follows:
 - a. Jails in CAP counties will utilize Skype abilities at CAP computer with in-custody defendant in front of camera with microphone.
 - b. Jail in Monroe County will utilize their own Skype with microphone and camera.
- 4. Record will be kept via stenographer.
- 5. At the conclusion of the proceeding, the Designated Judge will communicate with the Chief Clerk (or his/her designee) regarding the completion of necessary paperwork and will authorize his/her conformed signature to be affixed where appropriate.
- 6. Attachment 1, Table C includes Skype contact information and cell phone numbers for necessary parties.

Category II (Adult Criminal Off-hour Immediate Arraignments)

A. CAP Counties: see CAP procedure above.

B. Monroe County:

- 1. Necessary paperwork for the appearance will be sent to the on-duty Judge (who is the Accessible Magistrate), district attorney and defense attorney by law enforcement. Information regarding the on-duty judge is found in Attachment 1, Table D.
- 2. Law enforcement shall utilize Skype abilities at precinct with defendant in front of computer with microphone and camera.
- 3. Attorneys will join Skype Call using pre-established Skype link.
- 4. Record will be kept via Liberty Recorder by the on-duty Judge.
- 5. At the conclusion of the proceeding, the on-duty Judge will communicate with the CAP clerk regarding the completion of necessary paperwork and will authorize his/her conformed signature to be affixed where appropriate.
- 6. Attachment 1, Table D includes Skype contact information and cell phone numbers for necessary parties.

Category III (Hospitalized Adults)

1. Upon the filing of an Essential Proceeding pertaining to a hospitalized adult (including but not limited to a proceeding pursuant to Article 9 of the Mental Hygiene Law, Article 33 of the Mental Hygiene Law, or Article 81 of the Mental Hygiene Law), the lawyer instituting the proceeding shall provide a cell phone number and email address for himself or herself and for a representative at the hospital who will be responsible to facilitate the appearance by Skype for Business (Preliminary Contact information for the Hospitals and Attorneys is listed Attachment 1, Tables E and F, respectively).
2. For matters involving RGH/Unity and Strong Memorial Hospital, the document transfer shall occur pursuant to the email from Heidi Schult Gregory dated March 20, 2020 (Attachment 2), including distribution to the Designated Judge.
3. The Chief Clerk (or his/her designee) in each county shall be responsible for sending out the Skype link to the Judge, the attorney for the hospitalized individual (MHLS), and the representative at the Health Care Facility.
4. The Supreme and County Clerk's office shall be responsible for ensuring the video equipment is in the courtroom and establish the Skype connection.
5. At every appearance, best efforts shall be used to obtain the Respondent's consent to appearing by video, but the Designated Judge may permit the proceeding to continue via video without the Respondent's consent pursuant to Administrative Order 72 issued by Chief Administrative Judge Lawrence Marks on March 20, 2020.
6. At every appearance, the Designated Judge shall ensure that the Respondent and his/her counsel have an opportunity to consult privately.
7. At the conclusion of the proceeding, the Designated Judge will communicate with the Chief Clerk (or his/her designee) regarding the completion of necessary paperwork and will authorize his/her digital signature to be used where appropriate.

Category IV A (Youth Part, Juvenile Delinquents, PINS)

1. Upon the filing of an Essential Proceeding pertaining to a Juvenile Offender or Adolescent Offender in the Youth Part, or pertaining to a Juvenile Delinquent or a Person in Need of Supervision (PINS), the lawyer instituting the proceeding shall provide a cell phone number and email address for himself or herself, any other counsel of record, including the Attorney for the Child, where applicable, and for a representative at the facility where the youth is located, if applicable, who will be responsible to facilitate the appearance by Skype for Business. Preliminary Contact information for the Facilities is listed Attachment 1, Table G.
2. Upon receipt of the papers, the attorney for the Respondent shall provide the Chief Clerk (or his/her designee) with his or her email address and phone number.
3. The Chief Clerk (or his/her designee) in each county shall be responsible for sending a Skype link to the Designated Youth Part Judge, the stenographer, the attorney for the Respondent, other counsel, if applicable, and the representative at the Residential Facility, if applicable.
4. The Chief Clerk (or his/her designee) shall be responsible for receiving court papers

and distributing to the Designated Youth Part Judge.

5. The Chief Clerk (or his/her designee) shall be responsible for ensuring the video equipment is in the courtroom and establish the Skype connection.
6. The Designated Youth Part Judge shall attempt obtain the Youth's consent to appearing by video.
7. At every appearance, the Designated Youth Part Judge shall ensure that the Youth and his/her counsel have an opportunity to consult privately.
8. If a video appearance cannot facilitated via Skype for Business, the appearance shall be telephonic.
9. At the conclusion of the proceeding, the Designated Judge will communicate with the Chief Clerk (or his/her designee) regarding the completion of necessary paperwork and will authorize his/her digital signature to be used where appropriate.
10. For after-hours Arraignments, counties should continue to follow the current protocol: Law Enforcement contacts the District Attorney. If an appearance ticket is written, it shall be returnable after April 30, 2020. If an arraignment is deemed necessary by the District Attorney:
 - a. The District Attorney shall contact the Youth Part Judge (or for Monroe County, the on-call Accessible Magistrate per Attachment 1, Table D).
 - b. The Judge shall inform the DA and PD that the Arraignment will begin and all necessary parties shall access the proceeding using the pre-established Skype link.
 - c. The Youth shall be brought before the camera at the CAP court (in Monroe, Law Enforcement shall access the pre-existing Skype Link via law enforcement computer).
 - b. Record will be kept via Liberty Recorder.
 - In Monroe County, the Judge will initiate the recording.
 - In CAP counties, the jail staff will initiate the recording (back-up provided by the CAP clerk).
 - e. If the Accessible Magistrate listed in Attachment 1, Table D is unable to be reached, the Accessible Magistrate for the subsequent time period shall act as back-up.

Category IV B: (All Essential Matters Not Covered in Categories I-III)

1. The Court will determine the feasibility of either Video or Telephonic Appearance by the parties or in the case of a Family Offense petition or a Quarantine Application whether the matter can be resolved on the papers alone.
2. The Chief Clerk (or his/her designee) or designee shall be responsible for receiving court papers and distributing to parties and/or their attorneys.
3. The Chief Clerk (or his/her designee) or designee shall forward papers electronically to parties and counsel if represented.
4. The Chief Clerk (or his/her designee) or designee shall be responsible for ensuring the video equipment is in the courtroom and establish the Skype connection.
5. At every appearance, best efforts shall be used to obtain the parties consent (or Petitioner's consent in the case of a Family Offense application for a Temporary Order of Protection) to appearing by video, but the Designated Judge may permit the proceeding to continue via video without the party/parties consent.
6. At every appearance, the Designated Judge shall ensure that the parties and his/her counsel have an opportunity to consult privately.
7. If a video appearance cannot facilitated via Skype for Business, the appearance shall be telephonic.
8. At the conclusion of the proceeding, the Designated Judge will communicate with the Chief Clerk (or his/her designee) regarding the completion of necessary paperwork and will authorize his/her digital signature to be used where appropriate.