EIGHTH AMENDED ADMINISTRATIVE ORDER
SIXTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, 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, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or "community spread"; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community gather to conduct business in large groups in close proximity to one another; and

WHEREAS on May 18, 2020 (May 20, 2020 for Cortland & Madison Counties) the courts in the 6th Judicial District implemented Phase I of its' return to in-person operations plan (RIPO), on June 3, 2020 the 6th Judicial District implemented Phase II of its' RIPO plan, on June 17, 2020 the 6th Judicial District implemented Phase III of its' RIPO plan, on July1, 2020 the 6th Judicial District implemented Phase IV of its' RIPO plan and on August 10, 2020 the 6th Judicial District implemented Phase 4.1 of its' RIPO plan (Attachment A - Highlights and Summaries); it is hereby

ORDRED that effective immediately the following rules be put into effect in the Sixth Judicial District until rescinded.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020.

A. General matters and matters applicable to more than one case type

1. Until further Administrative Order or Executive Order, eviction matters 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"), as amended by the Memorandum from Chief Administrative Judge Lawrence Marks dated July 7, 2020 and pursuant to Administrative Order AO/160/20 dated August 12, 2020 as provided in the Memorandum from Chief Administrative Judge Lawrence Marks also dated August 12, 2020. All other eviction proceedings are stayed; no eviction orders shall be signed or served. Further reference is made to the Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020, Executive Order 202.28 signed by the Governor on May 7, 2020, Executive order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed by the Governor on August 5, 2020.

2. Until further Administrative Order or Executive Order, no default judgments shall 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. Notwithstanding the above, a judgment adverse to the party seeking relief (plaintiff, petitioner, moving party, etc.) may be granted in the event that a party fails to proceed with the action or appear in court.
3. All Family Court and all County Court Judges are cross assigned to the County and Family Courts in all counties of the District.
4. The Return to In-Person Operations Plan ("RIPO") (Phase I) implemented on May 18, 2020 & May 20, 2020, the RIPO (Phase II) implemented on June 3, 2020, the RIPO (Phase III) implemented on June 17, 2020, the RIPO (Phase IV) implemented on July 1, 2020, the RIPO (Phase 4.1) implemented on August 10, 2020 and any RIPO plans for any subsequent phases are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with those RIPOs.
5. The Virtual Courtroom Protocol (Attachment "B") enacted by the Sixth Judicial District Administrative Order signed on March 31, 2020, to the extent not inconsistent with the RIPO plans, remains in full force and effect and all provisions of this Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol and any subsequent amendments thereto.. Skype for Business is currently required for all court proceedings. After August 31, 2020 Microsoft Teams will be used for court proceedings.
6. Occupancy of ALL courtrooms and meeting rooms in Court Facilities and other rooms where court functions occur shall be limited to the lesser of 25 people or ½ the posted room occupancy per code unless the necessary parties in an action require that more than 25 people be in a courtroom. Notwithstanding the above in all instances the maximum occupancy of any space in the courthouse shall be limited to ½ the posted room occupancy. To the greatest extent possible, all room occupants shall remain six feet apart.
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein.

8. All Staff shall report to the courthouse as determined by his/her supervisor. All Judges and Chambers' staff should report to the courthouse. Any requests for exemptions must be approved by the Administrative Judge.
9. All Temporary Orders of Protection issued in any criminal or civil matter that has expired or is due to expire on or after March 19, 2020 "shall be extended under the same terms and conditions until the date the matter is re-calendared and heard, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order" pursuant to Administrative Order AO/73/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020.
10. Effective July 1, 2020, vouchers submitted pursuant to County Law § 722-b(4)), Judiciary Law § 35(8) and Family Court Act §§ 243(c), 245(c) shall be reviewed by the appropriate judicial authority and shall not be deemed approved pursuant to the Order signed by the Administrative Judge of the Sixth Judicial District dated March 20, 2020. Effective July 1, 2020, the Order signed by the Administrative Judge of the Sixth Judicial District dated March 20, 2020 relating to vouchers is hereby rescinded.
11. All filings shall be pursuant to the Administrative orders signed by the Chief Administrative Judge of the Courts (AO/111/2020, AO/114/20, AO/115/20, AO/149/20 and any amendments thereto).

B. Supreme Civil

1. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted with appearances by means of remote audiovisual technology or telephone pursuant to Administrative Order AO/72/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020.
4. Until further Administrative Order or Executive Order, foreclosure matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and pursuant to Administrative Order AO/157/20 dated July 23, 2020, Further reference is made to Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020, Executive Order 202.28 signed by the Governor on May 7, 2020, Executive order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed by the Governor on August 5, 2020.

C. Superior Court Criminal Cases

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days.

2. Grand Juries shall be impaneled in each County pursuant to Administrative Order AO/130/20 signed on June 30, 2020.
3. The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.

D. Treatment Courts/OSP

1. Treatment courts and Opioid Stabilization Parts will be handled by the Assigned Judge.
2. Pursuant to Administrative Order AO/87/20 of Chief Administrative Judge Lawrence Marks dated May 1, 2020, "Problem-solving courts may conduct virtual court conferences with counsel, court staff, service providers, and, where practicable, clients."

E. Family Court

1. All matters shall be addressed by the Assigned Judge and appropriately scheduled.
2. Judges should ensure that all Permanency Planning Hearings are timely scheduled and heard pursuant to existing Federal or State Law. Difficulties in scheduling the hearings should immediately be brought to the attention of the supervising judge.
3. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge or Designated Judge, at a minimum, at least once every fourteen days.
4. No new S (PINS), F (Support), P (Paternity), or U (UIFSA) warrants may be issued unless approved by the supervising judge. Only D (Juvenile Delinquent) warrants may be issued in the discretion of the Assigned Judge.

F. Surrogate's Court

1. All matters shall be calendared consistent with all Administrative Orders and Executive Orders at the discretion of the Presiding Surrogate. Virtual calendars are encouraged.

G. City Court

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that is greater than 30 days.

H. Town and Village Courts

1. All matters shall be addressed by the Assigned Town or Village Judge and appropriately calendared.

2. After hours arraignments in counties without a CAP Court, shall be heard pursuant to the AO/96/20 of Chief Administrative Judge Lawrence K. Marks dated April 14, 2020.
4. After hours arraignments in counties with a VAP court, shall be heard before a VAP Judge and in accordance with AO/96/20 of Chief Administrative Judge Lawrence K. Marks dated April 14, 2020.
5. Town and village court judges and clerks are permitted to return to their local court facilities to process all pending matters as well as new filings, subject to the restrictions of existing Executive Orders and Administrative Orders. Judges and clerks may return to their local court facilities only if appropriate personal protective equipment is provided by their municipalities including, but not limited to facial coverings, hand sanitizer, appropriate cleaning supplies, plexiglass partitions, etc.
6. All Town and Village proceedings, including, but not limited to in-person court proceedings, shall be conducted in accordance with the provisions of the 6th District's "return to in-person operations" (RIPO) plan and all amendments thereto.
7. No Town or Village Justice may issue a bench warrant based solely upon a defendant's failure to appear in court as directed.
8. No Town or Village Justice may issue a license suspension based upon a defendant's failure to answer a summons or upon a defendant's failure to pay a fine.

In all other respects, not inconsistent with the provisions herein, all prior Administrative Orders shall continue until rescinded by subsequent Order.

Dated: August 13, 2020
Binghamton, New York

Hon. Eugene D. Faughnan, J.S.C.
Administrative Judge
Sixth Judicial District

Distribution:
HON. VITO CARUSO, DCAJ

Attachment "A"

SUMMARY

6th Judicial District

Phase 4.1 Return to In-Person Operations Plan ("RIPO")

To Commence August 10, 2020

- All measures contained in the Return to in-person operations plan (RIPO) RIOP dated May 13, 2020 and subsequent Phase amendments will continue and be enhanced during Phase 4.1. All measures contained in the Memoranda of John McConnell and Nancy Barry dated February 28, 2020, March 6, 2020, May 15, 2020, May 29, 2020, June 8, 2020, and June 17, 2020 are incorporated herein. Screening for court visitors and Judges/court employees shall be conducted pursuant to the June 30, 2020 and July 10, 2020 protocols.

- Phase 4.1, like Phases II, III & IV, operates with certain presumptions

A. Incarcerated Individuals - Notwithstanding any other provision herein, where an in- person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the presiding judge orders otherwise.
B. Notwithstanding the presumptions as stated below, virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.
C. Matters that shall presumptively be heard in-person - a Judge may deviate from the presumptions that a matter be heard in-person on their own initiative or based upon a request from a party or attorney.

1. Superior Civil
   a. Trials
   b. Evidentiary hearings and inquests
   c. All appearances and conferences where at least one party is self-represented

2. Superior Criminal (Incarcerated Defendants shall appear virtually, unless otherwise ordered)
   a. Trials
   b. Evidentiary hearings
   c. Non-custodial arraignments
   d. Waivers of Indictment, Pleas and Sentences for defendants at liberty
   e. Motion argument
   f. Treatment court and Judicial Diversion where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
   g. Instances where the defendant cannot be located or communicated with
   h. Grand Jury proceedings

3. Family Court
   a. All evidentiary hearings (priority given to matters filed first)
   b. Child Support proceedings
   c. Permanency Hearings
   d. Article 10 Consents, Admissions and Surrenders

4. Surrogates' Court
   a. Citations and Show Cause orders
   b. Bench trials
   c. Evidentiary hearings

d. All appearances and conferences where at least one party is self-represented

5. City Court Civil
   a. Bench trials
   b. Evidentiary hearings
   c. Small claims matters, including the small claims arbitration program, for matters

6. City Court Criminal
   a. Bench trials
   b. Preliminary Hearings
   c. Evidentiary hearings
   d. Appearance Ticket arraignments for Appearance
   e. Vehicle & Traffic Appearances
   f. Pleas and Sentences for defendants at liberty
   g. Motion arguments
   h. Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
   i. Treatment court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.

D. Matters that shall presumptively be heard virtually - a Judge may deviate from the presumptions that a matter be heard virtually for compelling reasons on their own initiative or based upon a request from a party or attorney. If a request to appear in-person is granted, the Administrative Judge shall be notified.

1. Superior Civil
   a. All conferences, including foreclosures, where all parties are represented by counsel
   b. Motion arguments where all parties are represented by counsel
   c. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (NOTE: Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20 requires that Mental Hygiene Law proceedings in which a petitioner or other necessary party is confined to a hospital be conducted with appearances by means of remote audiovisual technology or by telephone and therefore a request to deviate from the presumption should not be entertained).
   d. All other proceedings not listed in (C)(1) above

2. Superior Criminal
   a. Conferences
   b. Waivers of Indictment, pleas and sentences where the defendant is incarcerated

3. Family Court
   a. Conferences
   b. Juvenile Delinquency Proceedings
   c. Person in Need of Supervision Proceedings
   d. Adoptions
   e. Appearances calendars
   f. All other proceedings not listed in (C)(3) above

4. Surrogates' Court
   a. Conferences where all parties are represented by counsel

b. Motion Arguments where all parties are represented by counsel
c. Adoptions
d. All other proceedings not listed in (C)(4) above

5. City Court Civil
   a. Conferences
   b. Motion arguments
   c. All other proceedings not listed in (C)(5) above

6. City Court Criminal
   a. Conferences
   b. Pleas and sentences where the defendant is incarcerated
   c. All other proceedings not listed in in (C)(6) above

- Courts should note the following:

  - All virtual matters shall be held via Skype for Business. Included in the Skype 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.
  - ****This provision will require revision following the anticipated Administrative Order and memorandum to be issued by the Chief Administrative Judge**.** Housing matters 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"), as amended by the Memorandum from Chief Administrative Judge Lawrence Marks dated July 7, 2020. Further guidance regarding eviction matters may be found in the Memorandum of Jessica Cherry, Assistant Deputy Counsel dated July 10, 2020.
  - Foreclosure matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and pursuant to Administrative Order AO/157/20 dated July 23, 2020.
  - 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). Notwithstanding the above, a judgment adverse to the party seeking relief (plaintiff, petitioner, moving party, etc.) may be granted in the event that party fails to proceed with the action or appear in court.
  - ADR shall be conducted virtually (Chief Administrative Judge Lawrence Marks' AO/87/20).
  - Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program will occur virtually.
  - Small Claims Assessment Review proceedings shall be conducted virtually.
- Plans to conduct civil and criminal jury trials shall be developed and implemented as approved by the Deputy Chief Administrative Judge. Civil Jury Summonses shall be mailed in Term 10 and Criminal Jury Summonses shall be mailed in Term 11.

Attachment "B"

ADMINISTRATIVE ORDER
SIXTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, and in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that effective immediately, the administrative order dated March 31, 2020 which contains the initial protocols for virtual courtrooms in the 6th Judicial district is hereby amended as follows:

1.) The timetable for implementation of virtual courtrooms for all matters (criminal and civil) throughout the 6th Judicial District is hereby accelerated.

2.) Effective immediately every court in the 6th Judicial District may begin using virtual courtrooms to hear essential matters, and shall do so to the fullest extent possible, under the protocols annexed to the administrative order dated March 31, 2020 and any subsequent amendments thereto.

3.) Notwithstanding the foregoing, no later than **8:30am on Monday, April 6, 2020** all essential matters in the 6th Judicial District shall be heard using virtual courtrooms under the protocols annexed to the administrative order dated March 31, 2020 and any subsequent amendments thereto.

Dated: April 2, 2020
Binghamton, New York

Hon. Eugene D. Faughnan, J.S.C.
Administrative Judge
Sixth Judicial District

Distribution:
HON. VITO CARUSO, DCAJ

ADMINISTRATIVE ORDER
SIXTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, 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, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or "community spread"; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community gather to conduct business in large groups in close proximity to one another, it is hereby

ORDERED that until the Second Amended Administrative Order issued on March 25, 2020 and any subsequent amendments thereto are rescinded, the attached Virtual Courtroom Protocols, and any subsequent amendments thereto, shall remain in effect in all Counties of the Sixth Judicial District.

Dated: March 31, 2020
Binghamton, New York

Hon. Eugene D. Faughnan, JSC
Administrative Judge
Sixth Judicial District

Distribution:

Hon. Vito C. Caruso, Deputy Chief Administrative Judge, Courts Outside New York City

Sixth Judicial District Remote Criminal Courtroom Protocols

Effective 8:30 PM on Monday April 6th, all essential criminal matters in the Sixth Judicial District will be handled remotely utilizing Skype for Business. No matters will be handled in person. Essential matters are generally defined as:

I. Arraignments on qualifying offenses for which bail is sought;
   a. This includes arrest warrants and bench warrants on qualifying offenses for which bail is sought. Arrest warrants for non-qualifying offenses should not be executed. Bench warrants for a failure to appear on a non-qualifying offense should not be executed;

II. Arraignments for which an order of protection is sought;

III. Bail applications, reviews and writs;

IV. Resentencing of retained and incarcerated defendants;

V. Essential SORA matters;

VI. A matter deemed essential and time-sensitive by the duty judge when no alternative to a court appearance can be utilized.

All criminal matters will be handled in a Skype Meeting/Channel which has been created for each county. In each county, all law enforcement agencies, judges, defense attorneys and prosecutors have received a weblink/invitation. Any attorneys, judges, or law enforcement agencies who have not received the appropriate weblink may contact Joshua Shapiro at jshapiro@nycourts.gov, or (607) 766-1079.

Scheduled court appearances for incarcerated principals will be handled by accessing this skype channel from a computer at the county correctional facility thus allowing incarcerated individuals to "appear" remotely. Unscheduled immediate arraignment requests will be handled by accessing this skype channel from the Centralized Arraignment Part, in those counties that have such a part generally,

and by accessing the channel from the police station, precinct, or barracks which has taken custody of an arrested person, for those counties that do not have a Centralized Arraignment Part generally. Out of custody essential appearances shall be handled by allowing such principals access to the county's consolidated courthouse where an isolated webcam and monitor will be set up. Procedures for immediate arraignments are described in greater detail below (contact information for Clerks Districtwide is annexed as Exhibit "A").

Immediate Arraignment Requests for Arrested Individuals

I. Monday-Friday 8:30 AM – 4:30 PM

a. All counties: Immediate Arraignment Requests will be handled by the "on-duty" consolidated courtroom judge;

II. Monday – Friday 4:30 PM – 8:30 AM

a. Broome County:

i. City of Binghamton Immediate Arraignment Requests:

1. Qualifying offenses where bail is sought or offenses for which an order of protection is sought will be handled remotely by one of the three Binghamton city court judges. If no City Court Judge is available, they may be handled by the on-call T&V Centralized Arraignment Part (Hereinafter "CAP") judge, or by the on-call county court judge;

ii. Immediate Arraignment Requests Outside of the City of Binghamton:

1. For a qualifying offense for which bail is sought, the principal may be dropped off at the Broome County Jail to be held for the next session of the Centralized Arraignment Part. These arraignments will be conducted remotely by the on-call CAP judge;
2. For an offense where an order of protection is sought, but bail is not sought, the defendant shall not be dropped off at the Broome County Jail. Instead the police agency must request an immediate arraignment by the on-duty CAP judge. This arraignment will be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

b. Tioga County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal shall be dropped off at the Tioga County Jail to be held for the morning session of the Centralized Arraignment Part. These arraignments shall be conducted remotely by the on-call CAP judge;

c. Otsego County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal shall be brought to the Otsego County Jail where an immediate arraignment shall be conducted remotely by the on-call CAP judge;

d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:

i. When a principal is arrested for a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the arresting agency may request an immediate arraignment from an appropriate Town, Village, City, or County Court Judge based upon jurisdictional requirements. The arraignment shall be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

III. Saturdays & Sundays

a. Broome County:

i. City of Binghamton Arraignment Requests: follow the same rules as weekday evenings as discussed above;

ii. Immediate Arraignment Requests Outside the City of Binghamton:

1. For a qualifying offense for which bail is sought, the defendant may be dropped off at the Broome County Jail to be held for the next session of

the Centralized Arraignment Part. There will continue to be both a morning and an evening session of the CAP on weekends. These arraignments will be conducted remotely by the on-call CAP judge;

2. For an offense where an order of protection is sought, but bail is not sought, the defendant will not be dropped off at the Broome County Jail. Instead the police agency shall request an immediate arraignment by the on-duty CAP judge. This arraignment will be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

b. Tioga County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal may be dropped off at the Tioga County Jail to be held for the next session of the Centralized Arraignment Part. These arraignments will be conducted remotely by the on-call CAP judge;

c. Otsego County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal may be brought to the Otsego County Jail where an immediate arraignment shall be conducted remotely by the on-call CAP judge;

d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:

i. When a principal is arrested for a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the arresting agency may request an immediate arraignment from an appropriate Town, Village, City, or County Court Judge based upon jurisdictional requirements. The

arraignment will be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

Procedures for Immediate Arraignment Requests

I. Arraignments utilizing a county court judge Monday-Friday 8:30 AM – 4:30 PM:

a. All Counties:

i. The law enforcement agency shall contact the correct on-duty county court judge following a schedule to be provided:

ii. The law enforcement agency shall also contact the Supreme and County Court Clerk's Office. Separate contact information shall be provided for each office;

iii. The law enforcement agency shall contact the on-call assistant public defender or 18-b attorney depending upon the county. That attorney shall be given a chance to speak with their client on the phone privately prior to the arraignment.

iv. The law enforcement agency shall contact the District Attorney's Office to advise them of the arraignment so that they may join the skype arraignment if they wish to;

v. The law enforcement agency shall scan and email the accusatory instruments to the county court clerk, the on-call assistant public defender, and the District Attorney's Office utilizing email addresses which shall be provided;

vi. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an electronically signed securing order and shall email to all parties an order of protection if appropriate.

vii. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court should also email a copy of the original paperwork to 6jdcap@nycourts.gov;

II. Arraignments Monday-Friday after hours and on weekends:

a. Broome & Tioga County:

i. For a qualifying offense for which bail is requested the defendant may dropped off at the Broome Jail to await the next CAP arraignment session.

b. Broome County Only:

i. For an offense outside the City of Binghamton other than those where a temporary order of protection is requested:

1. The law enforcement agency shall contact the correct on-call CAP judge following a schedule to be provided. If that judge cannot be reached any of the other judges listed on the schedule can be attempted as a backup, as can the city and county court judges.
2. The law enforcement agency shall contact the on-call assistant public defender at to advise them to join the skype channel. The on-call assistant public defender shall be given a chance to speak to their client on the phone privately prior to the arraignment;
3. The law enforcement agency shall contact the on-call Assistant District Attorney to advise them of the arraignment so that they may join the skype arraignment if they wish to;
4. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge, the on-call assistant public defender, and the District Attorney's Office utilizing email addresses which shall be provided
5. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an

electronically signed securing order and shall email to all parties an order of protection if appropriate.

6. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to 6jdcap@nycourts.gov ;

ii. Arraignments for Binghamton City Court:

1. The law enforcement agency shall contact a Binghamton City Court Judge to conduct the arraignment remotely following a schedule to be provided. If a city court judge cannot be reached, any of the CAP or county court judges can conduct such arraignment.
2. The law enforcement agency shall contact the on-call assistant public defender to advise them to join the skype channel. The on-call assistant public defender should be given a chance to speak to their client on the phone privately prior to the arraignment;
3. The law enforcement agency shall contact the on-call Assistant District Attorney to advise them of the arraignment so that they may join the skype arraignment if they wish to;
4. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge, the Binghamton City Court Clerk's office, the on-call assistant public defender, the Binghamton City Court Chief Clerk, and the District Attorney's Office utilizing email addresses to be provided;
5. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an

electronically signed securing order and shall email to all parties an order of protection if appropriate.

6. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to 6idcap@nycourts.gov;

c. Otsego County:

i. The law enforcement agency shall contact the on-call assistant public defender to advise them of the arraignment and to allow the assistant public defender to have a private conversation with the defendant;

ii. The law enforcement agency shall contact the District Attorney's Office to notify them of the arraignment and allow them to join the arraignment channel;

iii. The arresting agency shall notify Otsego County Dispatch of the arraignment;

1. Otsego County Dispatch shall notify the on-call CAP judge;

2. Otsego County Dispatch shall notify the Otsego County Sheriff's Office;

iv. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge and the on-call assistant public defender.

v. The law enforcement agency shall transport the principal to the Centralized Arraignment Part where an immediate arraignment shall be conducted via Skype;

vi. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to 6idcap@nycourts.gov ;

d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:

i. The law enforcement agency shall contact the on-call assistant public defender to advise them of the arraignment and to allow the assistant public defender to have a private conversation with the defendant;

ii. The law enforcement agency shall contact the District Attorney's Office to notify them of the arraignment and allow them to join the arraignment channel;

iii. The law enforcement agency shall contact a Town, Village, City, or County Court Judge of appropriate jurisdiction to conduct the arraignment remotely via Skype from the police station or NYSP barracks;

iv. The law enforcement agency shall scan and email the accusatory instruments to the judge and the assistant public defender;

v. The judge shall conduct the arraignment via Skype;

vi. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to 6jdcap@nycourts.gov ;

III. Arraignments utilizing a Centralized Arraignment Part:

a. Broome & Tioga County:

i. Corrections staff shall contact the on-call CAP judge utilizing the attached CAP schedule if there are custodial detainees who need to be arraigned at the start of each CAP shift, utilizing the phone numbers listed above;

ii. Corrections staff should contact the on-call assistant public defender at to advise them to join the skype channel. The on-call assistant public defender shall be given a chance to speak to his or her client on the phone privately prior to the arraignment;

iii. Corrections staff shall contact the District Attorney's office to advise them of the arraignment so that they may join the skype arraignment if they wish to;

iv. Corrections Staff shall scan and email the accusatory instruments to the on-call judge, and the on-call public defender;

v. The Judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an electronically signed securing order and will email to all parties an order of protection if appropriate.

vi. All original paperwork shall be mailed to the court of geographic jurisdiction.. The arraigning court shall also email a copy of the original paperwork to 6jdcap@nycourts.gov;

b. Otsego County:

i. Arraignments at the Otsego County Centralized Arraignment Part shall be conducted as described in section II(c) above.

Miscellaneous Procedures

I. **Recording of Court Procedures**

a. Recording of County Court procedures conducted during normal business hours shall be done utilizing a court reporter who may remote into the skype channel if necessary;

b. Recording of matters conducted by a CAP Judge shall be done utilizing a Liberty Recording Laptop or the "record skype" feature;

c. Recording of matters conducted by a City Court Judge shall be done utilizing an FTR or the "record skype" feature;

II. **Technical Assistance**

a. Should technical assistance be required by one of the judges they may obtain it by contacting the Sixth Judicial District Help Desk (normal business hours) at (607) 240-5344, OCA DOT at 1 (800) 622-2522, or Joshua Shapiro at (607) 766-1079;

b. Should any Law enforcement agency need assistance with instructions on how to join the skype channel they should contact Joshua Shapiro at (607) 766-1079;

III. **Electronic Signatures**

a. Securing Orders shall be electronically signed utilizing the sample securing order already emailed to all judges. If this is not possible judges may also print, sign, and scan and email securing orders.

b. Orders of Protection may be generated in WebDVS and saved as a .pdf file. That .pdf file may then be emailed to the parties. A physical signature is not necessary provided the defendant has been given notice on the record of the TOP and is served with a copy of it. In the alternative judges may sign a long-hand TOP and scan and email it.

IV. **Orders of Protection**

a. Where possible law enforcement agencies should provide the duty judge with the temporary order of protection request and order of protection information sheet at least 30 minutes prior to the arraignment to allow the judge to enter the appropriate information into WebDVS prior to the arraignment;

V. **Criminal History Reports**

a. Where possible, law enforcement agencies shall fingerprint principals and transmit the DCJS fingerprint criminal history report electronically. If this is not possible law enforcement agencies should dictate the criminal history report to the arraigning judge and defense counsel during the arraignment, or scan and email it to the judge;

VI. **Equipment Set Up:**

a. Equipment for utilizing skype has been and is being tested with judges, district attorneys, public defenders, and law enforcement agencies;

VII. **Equipment Backup:**

a. In the event the skype call fails a speakerphone may be used with conference call features. All judges will be provided with one;

VIII. **Updated Signs**

a. Updated signs will be posted at the entrance to all courthouses;

IX. **Police Departments which will need to connect via Skype**

a. All county sheriff's offices;

b. All local law enforcement agencies in the sixth judicial district;

c. All NYSP barracks in the sixth judicial district;

X. **Courtroom Access**

a. In all essential criminal court proceedings, going forward, the judge, court reporters, parties, their attorneys and any other interested party, will not be physically present in the courtroom unless required to do so by the court.

b. Members of the public may join the remote skype channel to view the proceedings.

    i. Judges will have the ability to "mute" any member of the public who is disruptive in the skype channel;

c. While court clerks may continue to use the courtrooms when necessary, like all other court participants, they are encouraged to use available technology and appear remotely, to the greatest extent possible;

Sixth Judicial District Protocol for Court Appearances

in Essential Civil Matters

1. When accepting a filing for a potentially essential matter, the Clerk shall require the Petitioning party to provide contact information including address, telephone and email for all necessary parties and counsel to the extent that information can be reasonably obtained at the time of filing. If the Court determines that the matter is essential and requires a court appearance, the Clerk shall schedule a virtual Court appearance. All Court appearances shall be conducted by telephone and/or videoconference (contact information for Clerks Districtwide is annexed as Exhibit "A").

2. Using **Skype for Business**, the Clerk will send an invitation to all necessary parties and counsel to join in the scheduled virtual court appearance. Court proceedings remain open to the public, but to the maximum extent possible, parties, lawyers, witnesses and judges will not be present in the courthouse. While Clerks may find it necessary to be present in the Courtroom, they are also encouraged to participate remotely when possible.

3. Counsel should be preemptively advised that, unless special arrangements are made, the Skype hearing will not provide a forum for confidential communication and thus privileged discussions and preparation must take place outside of the virtual court appearance. Whether to meet in person or electronically is left to the discretion of individual counsel. Counsel and their client shall decide whether they will be in the same physical location for participation in the virtual court appearance.

4. Counsel intending to call a remotely located witness must inform the Court Clerk in a timely fashion to allow the Clerk to send the remote witness a Skype invitation.

5. When a Court Reporter is required, the Reporter may, where appropriate, join the appearance remotely. When not required, the Clerk shall utilize the existing FTR system to record the appearance from the courtroom.

6. Each County Department of Social Services should equip one additional office with a Skype enabled device for use by a party, counsel or witness who does not otherwise have access to Skype and who is necessary for the conduct of an essential court appearance.

7. In the rare circumstance where a necessary respondent or witness does not have access to Skype and cannot travel to a Skype enabled location, the District Office has Wi-Fi and Cellular enabled devices available. Please call (607) 240-5350 to make arrangements for a device to be temporarily provided for the use of a necessary party or witness.

The attached Skype for Business information sheet may be provided to counsel, litigants, parties and witnesses.

Joining a Skype For Business Meeting

New York State Unified Court System has been using Skype for Business (SfB) for both internal videoconferencing and remote video appearances with external parties, such as attorneys, litigants, and witnesses. This guide is for those who wish to join a court-organized videoconferencing call.

Q1. What are the minimum requirements for participating a SfB videoconferencing call?

A1. You must have a decent computer or smartphone with up-to-date operating system, and a high-speed Internet connections.

Q2. I don't have a Microsoft Office365 Account, can I join a SfB videoconferencing call?

A2. Yes, you can still fully participate in a SfB video call from a web browser without paying for a license.

Q3. Why is it important to have a decent computer with an up-to-date operating system?

A3. Videoconferencing requires more computer horsepower than regular applications, such as a word processor. Obsolete Operating Systems, such as Windows 7, not only have security holes, but also may exhibit unpredictable behavior when joining a Skype call.

Q4. Can I join a SfB videoconference call without a webcam?

A4. Most laptops or tablets, as well as smartphones, have built in webcams. If you don't have a webcam, you can still join the SfB meeting. People can hear you, however, they cannot see you, which is not desirable in most court proceedings.

Q5. What would you recommend for the audio?

A5. Obviously, you don't have a meaningful videoconferencing calls without the audio. To achieve the best effects, we recommend the use of a USB headset. You may use an external speakerphone or built-in speaker and microphone within your device, however it might pick up background noises. In those cases, you should sit close to the microphone.

Q6. How can I know my Internet connection is good enough for a Skype video call?

A6. Most people have broadband (highspeed) connections from their service providers, such as Spectrum, Cablevision Lightpath (Xfinity), or Verizon Fios. Under normal circumstance, those broadband connections are more than sufficient to support Skype video calls. Keep in mind that when you are joining a Skype video call during the emergency, you are competing the same bandwidth with other people staying home working, learning and being entertained. Sometimes you may see your video has a lag and a pixelization. This is a sign of Internet traffic congestion. The problem usually will clear up by itself after a few seconds, so please be patient. In addition, please connect your computer to a network port in your router if possible. A wired connection has better performance than a Wi-Fi connection.

Q7. How can I prepare myself for the Skype video calls?

A7. We cannot emphasize enough the importance of performing a test well ahead of time to ensure equipment compatibility and to familiarize with the interface. You may send your cell phone number, email address, and preferred date and time for the test to

skypetest@nycourts.gov. We will schedule a test call, send you the invitation and conduct the test with you.

Q8. Is Skype for Business secure?

A8. All communications on Skype for Business are encrypted. Microsoft designed the product with security in mind. To learn more about security features: https://docs.microsoft.com/en-us/skypeforbusiness/optimizing-your-network/security-guide-for-skype-for-business-online

Q9. Can you share documents with all the participants?

A9. While you can use Skype for Business for document sharing, we recommend you contact the clerk handling your case about the best approach for sharing/sending documents. If you have to, you can share documents within SfB in two ways: either open the document and share the desktop for the parties to view, or share the document as an attachment for the parties to download, view and print. Be aware that the document sharing feature might not work on all platforms.

Q10. Where I can find tutorial on using Skype for Business?

A10. Please click on the link below:

https://support.office.com/en-us/article/join-a-skype-for-business-meeting-3862be6d-758a-4064-a016-67c0febf3cd5#OS_Type=Windows

Q11. What are the most common problems a user will encounter, and where I can get technical support during the video call?

A11. Common issues include:

- People cannot hear you: Make sure you are not muted. B) Select the correct audio device.
- I cannot hear other people: Make sure other people are not muted. B) Raise your speaker volume.
- My video is off: Make sure the camera is turned on and the correct camera is selected when you have a multiple cameras.
- I hear echo: Lower the volume of your speakers will usually reduce echo.
- Hanging up and reconnecting a call will many times resolve the issue.
- My Skype call becomes non-responsive: This is usually caused by some other software or background process running on your computer. Make sure your all your software is updated and security patched well ahead of the video call. It is also a good idea to reboot your computer at least one hour before the meeting to get a fresh start.
- I am in the middle of the video call, something goes wrong. What should I do: It is impossible to provide technical support in the middle of a call? If problems cannot be resolved using the tips above, the best bet is to hang up Skype and reconnect.

Q12. Can I use my Skype to join a SfB video call?

A12. Many of you may be familiar with Skype, a videoconferencing and IM product targeted at the consumer market. Skype for Business (SfB) is an enterprise platform for secure communications and collaboration. For all intent and purpose, you cannot use Skype in court-organized SfB video calls.

Q13. Why can't I use other products, such as FaceTime, for videoconferencing with the courts?

There are many videoconferencing products in the market. For example, FaceTime is excellent for point-to-point video calls if both ends use Apple products. When using videoconferencing in a court proceeding, we must use SfB, a proven product current in use by the court system that is secure, scalable to support multi-party call, versatile to work with different computers and smartphones.

Q13. Whom should I contact to schedule a Skype video call with the judge and other parties?

A13. You should contact the clerk of the appropriate court for procedure on how to schedule and participate a videoconferencing call for courtroom proceedings or attorney/client consultation. More information could be found at www.nycourts.gov

Q14. Can I join a Skype video call using an iPhone or Mac?

A14. Yes, please go to Apple App Store to download the Skype for Business app (not the regular Skype app).

Q15. If I join the meeting from home, what should I do to achieve the best audio and visual experience?

A15. Select a quiet room, preferably no windows behind you. If you do have windows behind you has to be behind you, close the blinds.

Q16. How come I am unable to download the Skype web plug-in?

A16. This is most likely a security setting on your computer that is set to prevent you from downloading the plug-in. Please see technical support in your organization and let them know you need this mission critical application to work.

Q17. Can I join the meeting from multiple devices at the same time?

A17. Some of you have set up multiple devices at home to be ready for S4B video calls. We want to commend you being prepared for equipment failure. However, it is not a good idea to have two devices, such a smartphone and a laptop, joining the Skype call at the same time. In addition to create confusions for everyone, this will waste Internet bandwidth, and cause feedback and echo for everyone.

Q18. How can I have the best Virtual Courtroom experience?

A18. If at all possible, adding a second monitor will enhance the virtual court room experience. One screen can be used for viewing the video feed of the call and the second screen can be used for document viewing or other work. Here are three common approaches to setting up dual monitors at home:

- Connect an external monitor to your existing laptop or desktop.
- Use your laptop for videoconferencing, use your desktop PC for email and document viewing.
- Use your smartphone for videoconferencing, use your laptop or desktop for email and document viewing.

BROOME COUNTY

NAME	OFFICE	SKYPE	PHONE
Judith Osburn	Chief Clerk – S&C Deputy Clerk	josburn@nycourts.gov	607-240-5926
Cheryl Obenauer Anne Simms	Chief Clerk – Family Deputy Clerk - Family	clidell@nycourts.gov amsimms@nycourts.gov	607-240-5870 607-240-5871
Rebecca Malmquist Tracy Allen	Chief Clerk -Surrogates Deputy Clerk - Surrogates	rmalmqui@nycourts.gov tallen@nycourts.gov	607-240-5793 607-240-5794

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Laurie Hubbard Donna Marrone	Chief Clerk – Surrogates Deputy Clerk - Surrogates	lhubbard@nycourts.gov dmmarron@nycourts.gov	607-873-9441 607-873-9442

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Maria Matott	Chief Clerk – Surrogates	mmatott@nycourts.gov	607-337-1827

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Lisa Hulse	Chief Clerk – Surrogates	lhulse@nycourts.gov	607-376-5406

MADISON COUNTY

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Deborah Samoyedny	Chief Clerk – Surrogates	dsamoyed@nycourts.gov	315-231-5321

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Lisa Weite	Chief Clerk – Surrogates	lweite@nycourts.gov	607-322-3148

SCHUYLER COUNTY

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Jack Miller	Chief Clerk – Surrogates	jacmille@nycourts.gov	607-228-3351

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Lori Decker	Chief Clerk – Surrogates	ldecker@nycourts.gov	607-216-6655