



Surrogate's Court
541 Hall of Justice
Rochester, New York 14614-2186
Phone (585) 371-3310

John M. Owens
Surrogate

Mark L. Annunziata
Chief Clerk

TO: MEMBERS OF THE BAR
FROM: Mark L. Annunziata, Chief Clerk *MCA*
DATE: 8/31/2020

RE: COVID Public Health Emergency - Update on court operations

I last wrote in March, indicating that "in-court" proceedings were being suspended and that only "essential" proceedings would be addressed. We transitioned to a mostly remote operation, with a skeleton crew remaining in court to handle mail, receipt checks, and produce raised seal certificates. We did our best to treat all proceedings submitted on waivers as "essential" and to expedite all requests for preliminary or temporary Letters in cases requiring future court appearances. Except for the lack of in court proceedings, our court users should not have suffered any negative consequences to their proceedings during the "pause" period.

On July 21, 2020, Judge Owens resumed presiding over citations in court, so we are now functioning at 100%, with most staff working from the courthouse, and a small percentage working remotely.

We are, however, anticipating the possibility of having to operate up to 100% remotely in the future, and we are looking at modifying the way we do some things to facilitate our ability to serve you in such an event.

First, our public record database will transition to a web based program which will be available online and free to all to use from the comfort and safety of their home or office (or home office!). We are working diligently with our technology folks to make this available this Fall. I will update you with more specifics as I have them, but this is exciting news!

Secondly, we will be switching to the use of a "digital" court seal in place of a pressed raised seal. This change will allow us to seal Letters and Certificates while working remotely, and to communicate those items back to you using NYSCEF. Erie County has already successfully made this transition to a digital seal, and banks and other financial institutions in western New York are accepting the new certificates.

Next, we have had to examine whether the court should still accept paper checks for the payment of fees on e-filed matters. We can only receive and receipt checks if we are physically present at the court. On the other hand, electronic payments (by credit or debit card) can be processed and receipted remotely. The E-filing system for Supreme Court does not allow for payment by check. Some Surrogate's Courts have disabled the ability to choose "pay at court" from NYSCEF. While we are not going to mandate electronic payment at this time, please note that in the event we are compelled to operate remotely in the future, it is highly likely that payments made by check will result in a delay in the processing of your matter. My strong suggestion is those who are still paying by

check consider switching to payment by credit or debit card.

Lastly, due to the financial impact of the COVID pandemic on NY State, a hiring freeze has been instituted that is expected to last through the balance of this fiscal year (March 31, 2021). We currently have four vacant positions out of sixteen "non-judicial" positions. We started the Spring carrying two vacancies and were days from filling one of them when the freeze hit. We have had two retirements since. We will continue to strive to prioritize customer service as we always have here, but we simply will not be able to produce the same volume of work at the same speed as when we are fully or nearly fully staffed.

Please do not hesitate to contact me (371-3289) or Sarah (371-3307) for questions or concerns.