



NINTH AMENDED ADMINISTRATIVE ORDER
SEVENTH 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 the Courts of the 7th Judicial District commenced Phase I of the Return to In-Person Operations Plan ("RIOP") on May 18, 2020 (May 20, 2020 for Cayuga County), Phase II of the RIOP on June 3, 2020, Phase III of the RIOP on June 17, 2020, Phase IV of the RIOP on July 1, 2020 and Phase 4.1 of the RIOP on August 10, 2020 (with the updated RIOP to be effective October 19, 2020) (Attachment - Highlights and Summaries); it is hereby

ORDERED that effective immediately the following rules be put into effect in the 7th Judicial District until rescinded.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 October 9, 2020 and pursuant to Administrative Order AO/231/20. Further reference is made to Executive Order 202.67 signed by the Governor on October 4, 2020 and the CDC Agency Order filed on September 1, 2020.

2. Until further Administrative order or Executive Order, Default judgments shall not be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Notwithstanding the foregoing, a judge presiding over a matter wherein a party has defaulted may grant a default judgment where, after inquiry, the judge determines that (a) the defaulting party has received actual notice of the action or proceeding; (b) the failure of the defaulting party to respond to the action or proceeding is not due to the COVID-19 pandemic; and (c) the granting of the default judgment is not contrary to any statute, Executive Order or Administrative Order. Note: Executive Order 202.67 extends the toll on statutes of limitations (first set forth in EO 202.8 on March 20, 2020 and later extended) through November 3, 2020. Default judgments may be governed by the suspension of "any specific time limit for the commencement, filing or service of any legal action, notice, motion or other process or proceeding, as described by the procedural laws of the state." 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.
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 ("RIOP") (Phase I) implemented on May 18, 2020 (May 20, 2020 for Cayuga County), the RIOP (Phase II) implemented on June 3, 2020, the RIOP (Phase III) implemented on June 17, 2020, the RIOP (Phase IV) implemented on July 1, 2020, the RIOP (Phase 4.1) implemented on August 10, 2020 (with the updated RIOP to be effective October 19, 2020) and any RIOPs for any subsequent phases are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the RIOP.
5. The Virtual Courtroom Protocol enacted by 7th Judicial District Administrative Order No. 26 signed on March 30, 2020, to the extent not inconsistent with the RIOP, 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.
 - Commencing immediately, all virtual court proceedings must be scheduled using Microsoft Teams.
 - Any court proceeding that was previously scheduled using Skype for Business that will be held on or before November 25, 2020 may proceed using Skype for Business.
 - Notwithstanding the foregoing, after November 25, 2020, all virtual court proceedings must be conducted using Microsoft Teams.
6. Occupancy of all courtrooms shall be limited to the lesser of 25 people or ½ the posted room occupancy per code. Notwithstanding the above, in all instances the maximum occupancy of any space in the courthouse shall be limited to ½ the posted room occupancy. A Chief Clerk or judge may apply to the Administrative Judge for an exception for a specific courtroom or court proceeding. The chief clerk must be able to demonstrate that 1) the proposed occupancy limit does not exceed ½ the posted room occupancy and that 2) social distancing can be maintained with the proposed occupancy limit.

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 discussed with 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, 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. The Seventh Judicial District Administrative Order signed on April 20, 2020 regarding vouchers is hereby rescinded and all vouchers must be individually approved by the Assigned Judge.
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, AO/209A/20 and any amendments thereto).
12. The Judges should encourage or require, to the greatest extent possible, the use of virtual technology in matters that occur off court premises (depositions, discovery, etc.). Such language should be included in any scheduling orders.

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.
2. 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 Executive Order 202.28 signed by the Governor on May 7, 2020, Executive Order 202.64 signed by the Governor on September 18, 2020, Executive Order 202.67 signed by the Governor on October 4, 2020, and the Laws of New York 2020, Chapters 112 and 126.
3. Jury Trials shall be held according to the schedule established in the Updated RIOP to be effective October 19, 2020 with scheduling as approved by the Administrative Judge.

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 130a/2020 signed on June 30, 2020.
3. The Youth Part arraignment procedure established in the Virtual Courtroom Protocol is modified only as follows:
 - a. For all counties, during regular court hours, Youth Part arraignments shall be conducted by the designated Youth Part Judge from the courthouse.
 - b. In Livingston, Ontario, Seneca, Wayne and Yates Counties, after-hours Youth Part arraignments shall be held in person, at the CAP before the on-call CAP Judge (as an Accessible Magistrate), during regularly scheduled CAP hours, or on an immediate/emergency basis where necessary. In Monroe, Cayuga and Steuben, the procedure remains virtual as stated in the Virtual Courtroom Protocol.
4. Jury Trials shall be held according to the schedule established in the Updated RIOP to be effective October 19, 2020 with scheduling as approved by the Administrative Judge.
5. Each County, in consultation with the Sheriff, shall develop a plan for the imposition of intermittent sentences.

D. Treatment Courts/OSP

1. Treatment courts and Opioid Stabilization Parts will be handled by the Assigned Judge and reference is made to Paragraph (C)(2)(f) of the Summary of the Updated RIOP to be effective October 19, 2020.
2. Virtual conferences are encouraged (reference is made 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. Virtual calendars are encouraged.
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, 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

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

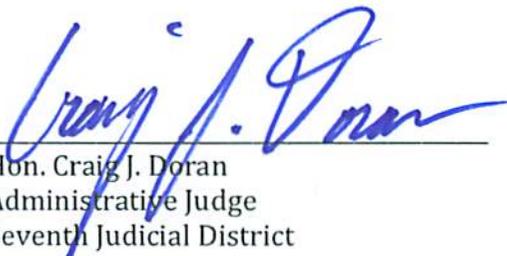
All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of 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.

H. Town and Village Courts

1. All matters shall be addressed by the Assigned Town or Village Judge and appropriately calendared.
2. In Monroe County, all arraignments shall be conducted by a Town or Village Justice.
3. In Cayuga, Livingston, Ontario, Seneca, Steuben, and Wayne and Yates Counties, all arraignments shall be conducted in the Centralized Arraignment Part by a Town, Village or City Court Judge.

Dated: October 14, 2020
Rochester, New York



Hon. Craig J. Doran
Administrative Judge
Seventh Judicial District

Distribution:
HON. VITO CARUSO

Return to In-Person Operations Plan Highlights

Phase I

May 18, 2020

Good News! Our region has met established bench-marks, triggering the first phase of a return to more in-person operations. Throughout this public health crisis, the courts have remained opened and, while limiting foot traffic, have continued to hear Essential Matters.

Over the past several weeks, courts have been steadily increasing cases handled and clearing up existing pending matters. Thanks to the dedication and hard work of our remarkable judges and court staff, we are ready to begin Phase I of the Return to In-Person Operations

We will begin a flexible, measured and steady return to in-person operations commencing on May 18, 2020. We will continue to ensure the safety of all who enter the Courthouses – Judges, Staff and the public by assuring that appropriate safety measures are followed.

- Judges and Chambers Staff in Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties will return to their courthouses commencing May 18, 2020.
 - Use of appropriate PPE required
- On May 18, 2020, the Court will begin accepting filings in new matters by electronic means. On May 18, 2020, the Courts will begin accepting paper filings in new matters, where otherwise permitted.
- All County and City Courthouses in Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates Counties will be open and staffed. Cayuga County will open as appropriate following the Governor's opening of the New York Central Region.
- County Courthouse operations will continue as they are presently.
- Town & Village Court Justices and clerks may return to work in their courthouses handling clerical matters and working on decisions.
- Town & Village Courts will be open but there will be no calendars and foot traffic will not be encouraged.
- Security personnel to ensure proper PPE (masks, hand sanitizer) and spatial distancing for public who enter the courthouse
- Employees
 - Use of masks/gloves
 - Spatial distancing at work stations
 - Provisions for vulnerable employees

SUMMARY

7th Judicial District

Return to In-Person Operations Plan (“RIOP”)

Phase II

To Commence June 3, 2020

On May 18, 2020 (May 20, 2020 for Cayuga County) the 7th Judicial District implemented Phase I of the RIOP (summary attached). All measures included in Phase I of the RIOP to protect the health and safety of the employees, judges, litigants, lawyers and members of the public who enter the courthouses pursuant to the Amended Return to In-Court Operations Plan dated May 14, 2020 will continue and be enhanced during Phase II.

The goal of Phase II is to increase foot traffic in the courthouse in a gradual, measured manner so that the Court can begin to address matters that require an in-person appearance. The success on Phase II depends upon the Court’s ability to prioritize those matters that require an in-person appearance while continuing to maximize the use of virtual appearances.

- Phase II operates with certain presumptions:
 1. Essential Matters (except as follows in Number 2) will be conducted in-person and heard by the Assigned Judge.
 2. Criminal, Juvenile Delinquency and Mental Hygiene Law Proceedings pertaining to a hospitalized adult shall be virtual and heard by the Assigned Judge.
 3. Non-Essential matters shall be virtual and heard by the Assigned Judge.In all case types, a request to deviate from the presumption may be made to the Assigned Judge. If such request is granted, the Administrative Judge shall be notified.
- ADR shall be conducted virtually
- Steps shall be taken by staggering case types, court calendars and courtroom use, to reduce the number of court users entering the building at the same time and to reduce the number of court users congregating on any floor/at any courtroom.
- Non-judicial staffing levels may again be minimally increased to support necessary administrative functions such as adjournments/calendaring/chambers as well as to provide support for the increase in foot traffic into the courthouse. In-person court staff will rotate with non-reporting staff to work virtually.

SUMMARY

7th Judicial District

Phase III Return to In-Person Operations Plan (“RIOP”)

To Commence June 17, 2020

- All measures contained in the Amended RIOP dated May 14, 2020 will continue and be enhanced during Phase III. 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 and June 8, 2020 are incorporated as part of this Plan.
 - Judges should continue to expand their use of the virtual format where legally permissible and logistically possible.
 - **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 after appropriate application is made.**
 - Phase III, like Phase II, operates with certain presumptions.
 1. The following matters shall presumptively be heard in-person
 - a. Essential Matters (excepting those matters that are presumptively virtual as noted in [2] below)
 - b. Bench trials
 - c. Family Court Act Article 10 evidentiary hearings
 - d. Child Support proceedings filed prior to April 1, 2020
 - e. Permanency Hearings
 - f. Criminal Preliminary Hearings and Criminal Pre-trial Evidentiary Hearings
 - g. Pleas and Sentences for defendants at liberty that do not involve a sentence of incarceration
 - h. Arraignments of defendants accused of a violation of any provision of VTL 1190 et seq.
 - i. Arraignments of defendants whose Appearance Tickets were filed prior to April 1, 2020
 - j. Treatment court and Judicial Diversion appearances where the Assigned Judge determines that an appearance in an acute case is necessary to protect the health and safety of a defendant
 2. The following matters shall presumptively be heard virtually
 - a. Non-essential matters (except those matters that are presumptively in-person as noted [1] above)
 - b. Criminal Proceedings (except those matters noted in [1] above) Note: Judges are encouraged to conference criminal matters virtually/telephonically and if acceptable dispositions are reached, plea affidavits (where not prohibited by law) are strongly encouraged.
 - c. Juvenile Delinquency Proceedings
 - d. Person In Need of Supervision Proceedings
 - e. Evidentiary hearings not noted in (1) may be conducted with the consent of the parties
 - f. MHL Proceedings pertaining to a hospitalized adult (Chief Administrative Judge Marks’ AO/72/20).
- In all instances under (1) or (2), with the exception of MHL Proceedings pertaining to a hospitalized adult, a request to deviate from the presumption may be made by an attorney or litigant to the Assigned Judge. If a request to appear in-person is granted, the Administrative Judge shall be notified.
- ADR shall be conducted virtually (Chief Administrative Judge Lawrence Marks’ AO/87/20).
 - Courts should note the following:
 - Housing matters (Landlord/Tenant, evictions, and foreclosures) may proceed only for purposes of Alternative Dispute Resolution (ADR) and settlements where all parties are represented by counsel.
 - 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 Fifth Amended Administrative Order).
 - Preparations (confirming appropriate locations as well as preparing and mailing summons [specific dates to be established by the Administrative Judge]) may begin in Phase III to have Grand Jurors seated in Phase IV.

SUMMARY
7th Judicial District
Phase IV Return to In-Person Operations Plan (“RIOP”)
To Commence July 1, 2020

- All measures contained in the Amended RIOP dated May 14, 2020 will continue and be enhanced during Phase IV. 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.
- It is essential that Judges make maximum use of out of court time utilizing virtual technology.
- 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, upon the request of one of the parties, orders otherwise.
- Phase IV, like Phases II & III, operates with certain presumptions
 1. **Matters that shall presumptively be heard in-person**
 - a. Superior Civil
 - i. Bench trials
 - ii. Evidentiary hearings and inquests
 - iii. All appearances and conferences where at least one party is self-represented
 - iv. Essential Matters
 - b. Superior Criminal (Incarcerated Defendants shall appear virtually, unless otherwise ordered)
 - i. Bench trials
 - ii. Evidentiary hearings
 - iii. Non-custodial arraignments
 - iv. Waivers of Indictment, Pleas and Sentences for defendants at liberty
 - v. Motion argument
 - 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 filed prior to June 1, 2020
 - iii. Permanency Hearings
 - iv. Article 10 Consents, Admissions and Surrenders
 - v. Essential Matters
 - d. Surrogates’ 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. City Court Civil
 - i. Bench trials
 - ii. Evidentiary hearings
 - iii. Small claims matters, including the small claims arbitration program, for matters that were filed prior to April 1, 2020
 - iv. Essential Matters
 - f. City Court Criminal
 - i. Bench trials
 - ii. Preliminary Hearings
 - iii. Evidentiary hearings
 - iv. Appearance Ticket arraignments for Appearance Tickets filed prior to June 1, 2020
 - v. Pleas and Sentences for defendants at liberty

- vi. Motion arguments
 - vii. Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
 - viii. Treatment court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.
 - ix. Essential Matters
2. **Matters that shall presumptively be heard virtually**
- a. Superior Civil
 - i. All conferences, including 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. Superior Criminal
 - i. Conferences
 - ii. Waivers of Indictment, pleas and sentences where the defendant is incarcerated
 - 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. Surrogates' 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. City Court Civil
 - i. Conferences
 - ii. Motion arguments
 - iii. All other proceedings not listed in (1)(e) above
 - f. City Court Criminal
 - i. Conferences
 - ii. Pleas and sentences where the defendant is incarcerated
 - iii. All other proceedings not listed in (1)(f) above

In all instances under (1) or (2), with the exception of MHL Proceedings pertaining to a hospitalized adult, a request to deviate from the presumption may be made by an attorney or litigant to the Assigned Judge pursuant to the Guidance for Judges (attached). If a request to appear in-person is granted, the Administrative Judge shall be notified.

- 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.
 - Housing matters (Landlord/Tenant evictions and foreclosures) 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"). Foreclosures may proceed pursuant to AO/131/20
 - 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 JD Seventh Amended AO).
 - 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.

Guidance for Judges

The Plan allows for a party to request a deviation from the presumptions contained therein (note: Judge Marks' 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). Requests should be granted on an individual case by case basis. Furthermore, requests to deviate from the presumption that matters be heard virtually should be granted sparingly and only for compelling reasons. Upon receiving a request, a judge may:

- Summarily deny the request. If the Assigned Judge summarily denies the request, he/she must communicate the denial to the party/parties who made the request and to the court clerk.
- Require that the non-requesting party be provided notice that a request to deviate from a presumption has been made. Once notice has been provided and the non-requesting party has been given the opportunity to be heard, the Assigned Judge must either grant or deny the application and communicate the decision to all parties and the court clerk. If the application is granted:
 - The Assigned Judge must permit, but shall not require, the non-requesting party to likewise deviate from the presumption.
 - If the Assigned Judge grants a request to appear in-person, the Assigned Judge must timely (the same day) notify the Administrative Judge by email and provide him with the name of the case, the name of the requesting party and whether the non-requesting party is likewise deviating from the presumption.

SUMMARY

7th Judicial District

Phase 4.1 Return to In-Person Operations Plan ("RIOP") To Commence August 10, 2020

- All measures contained in the Amended RIOP dated May 14, 2020 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.
 - 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. **Updates regarding housing matters will be forthcoming in the near future.**
 - 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. Summonses may be mailed and trials commenced upon the approval of said plans.

SUMMARY
7th Judicial District
Return to In-Person Operations Plan ("RIOP") Updates Effective October 19, 2020

- All measures contained in the Amended RIOP dated May 14, 2020 will continue. All measures contained in the Memoranda of John McConnell and Nancy Barry dated February 28, 2020, March 6, 2020, March 31, 2020, May 15, 2020, May 29, 2020, June 8, 2020, June 17, 2020, August 5, 2020 and August 18, 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.
- 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 or where there is a concern that the defendant is not compliant.
 - 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
 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 or where there is a concern that the defendant is not compliant.
 - 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 MHL proceedings in which a petitioner or other necessary party is confined to a hospital be conducted with appearances by means of remote audiovisual technology).
 - 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. Eviction Proceedings
 - d. 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 until the conversion to Microsoft Teams is fully implemented. The transition to Microsoft Teams will commence on October 1, 2020. After November 25, 2020 all virtual court proceedings will be conducted using Microsoft Teams. In the event that a self-represented litigant is unable to access Skype for Business or Microsoft Teams, arrangements shall be made at the courthouse for the litigant to appear virtually.
 - Housing matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated October 9, 2020 and pursuant to Administrative Order AO/231/20.
 - 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. Notwithstanding the foregoing, a judge presiding over a matter wherein a party has defaulted may grant a default judgment where, after inquiry, the judge determines that (a) the defaulting party has received actual notice of the action or proceeding; (b) the failure of the defaulting party to respond to the action or proceeding is not due to the COVID-19 pandemic; and (c) the granting of the default judgment is not contrary to any statute, Executive Order or Administrative Order. Note: Executive Order 202.60 extends the toll on statutes of limitations (first set forth in EO 202.8 on March 20, 2020 and later extended by 202.48, 202.38, 202.28, and 202.14) through October 4, 2020. Default judgments may be governed by the suspension of "any specific time limit for the commencement, filing or service of any legal action, notice, motion or other process or proceeding, as described by the procedural laws of the state." 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.
 - Superior Court Criminal trials may be conducted in all counties in Term 12 and thereafter. Supreme Court civil trials may be conducted in all counties in Term 11 and thereafter. Those counties approved to conduct criminal and civil jury trials as part of the pilot plan may continue to conduct trials. Planning for a Special City Court Criminal Jury Trial Pilot shall commence in Term 11 with Jury Summonses to be sent in Term 12 and trials to be held in Term 13 (in selected jurisdictions). Scheduling of trials in all courts must be approved by the Administrative Judge.