



**SIXTH JUDICIAL DISTRICT
UPDATED OPERATING PROTOCOLS
Town & Village Courts**

EFFECTIVE FEBRUARY 22, 2021

Throughout the COVID-19 pandemic, our courts have remained open although there have been periods of time that have required modifications to court operations based upon virus metrics. Early on, the courts dramatically reduced in-person proceedings, limiting those proceedings to essential matters. In the late Spring and into the Fall of 2020, the Unified Court System progressed to permitting in-person proceedings in accordance with the Governor's un-PAUSE New York plan. Foot traffic in the courthouses was gradually increased to correspond with an improvement in the metrics measuring the spread of the Coronavirus. In the Fall of 2020, the metrics indicated the need to, once again, reduce foot traffic in the courthouses to protect the health and safety of litigants, lawyers, court staff and judges. Courts decreased in-person proceedings beginning on November 23, 2020 and again on December 9, 2020 in order to protect the health and safety of all court users, court staff and judges and to further reduce the community spread of the Coronavirus.

At this point the metrics once again indicate an opportunity to increase in-person proceedings in the courthouses and while virtual appearances continue to be encouraged, in-person proceedings are permitted where access to justice and court operations require an in-person proceeding. The metrics will continue to be monitored. The court system remains nimble and ready to quickly adapt operations as conditions warrant.

In any district, the Administrative Judge may, based upon local conditions, enact more restrictive operational protocols deemed appropriate by the Administrative Judge.

This Plan supersedes the Updated Operating Protocols Effective December 9, 2020. Commencing February 22, 2021 all Town & Village Court operating in the Sixth Judicial District of the State of New York may once again conduct in-person proceedings which shall be conducted pursuant to this Plan.

I. Court Facility Operations/Safety Protocols

A. Occupancy of all public areas of the court facility is limited to the lesser of 20 people or 25% of the posted room occupancy per code. Individuals will not be allowed to congregate in hallways or entry ways while awaiting entry into the courtroom. In addition, occupancy of all courtrooms is limited to the lesser of 20 people or 25% of the posted room occupancy per code.

B. Courts are encouraged to use the notification system in the Courtroom Program provided it would allow for a text message to be sent to the defendant when the case is called, allowing individuals to safely wait outside court facilities and enter the building only when their case is ready.

C. There may be only one Judge hearing cases at any given time in a court facility.

D. While in the court facility (other than in a closed private office), all court personnel and visitors must cover their nose and mouth with a mask or cloth face-covering.

E. A distance of a minimum of six feet must be kept between all individuals at all times.

F. Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with your ADA and defense counsel on procedure. These matters may not be handled in person.

G. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your ADA and defense counsel on procedure.

II. Court Proceedings

A. Trials: Bench trials and evidentiary hearings may proceed provided that no more than one case is scheduled within a 30-minute time frame. No jury trials may proceed.

B. With the exception of jury trials and subject to the restrictions of any law, Administrative Order or Executive Order to the contrary, these updated operating protocols do not prohibit any particular case type or proceeding from being heard in-person. However, the following calendaring rules must be followed:

1. Traffic infractions/violations: No more than 10 cases will be scheduled every 15 minutes.

2. Criminal matters (to include all penal law and misdemeanor traffic charges): No more than 10 cases will be scheduled every 30 minutes.

C. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.

D. Off-hour arraignments shall continue to be conducted virtually in those counties with a VAP. Arraignments during normal business hours in those counties with a VAP may be conducted virtually or in-person by a court of competent jurisdiction. In those counties with a Virtual CAP (Tioga, Broome, Otsego), all arraignments will continue to be

conducted virtually pursuant to existing CAP plans. In Cortland County, Off-hours arraignments shall continue to be conducted virtually pursuant to the modified CAP plan in that county. Arraignments during normal business hours in Cortland County may be conducted virtually or in-person by a court of competent jurisdiction.

E. Judges may conduct arraignments of in-custody defendants virtually or in-person in counties without a CAP at a time when the VAP is not in session.

F. Judges may conduct out of custody arraignments either virtually or in-person.

G. Pre-trial conferences for all matters may be conducted virtually or in-person.

H. All other judicial functions not specifically referenced herein may be exercised by judges as “normal” pursuant to existing statutes, executive orders, and administrative orders.