

Updated Operating Protocols
Town and Village Courts
Effective April 26, 2021
District 7

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. Recently, the metrics (as well as the increasing number of vaccinated New Yorkers) have once again indicated an opportunity to gradually increase in-person proceedings in the courthouses. While the “normal” remains a presumptively virtual appearance, in-person proceedings are permitted where access to justice and court operations require an in-person proceeding. The court system remains nimble and ready to quickly adapt operations as conditions warrant.

This Plan supersedes the Updated Operating Protocols Effective February 22, 2021. Commencing April 26, 2021, all Town & Village Court operations in the 7th Judicial District of the State of New York shall be conducted pursuant to this Plan.

Unless expressly prohibited or restricted by any law, Administrative Order or Executive Order, all matters may be heard in Town & Village Courts subject the provisions and procedures contained herein.

I. Court Facility Operations/Safety Protocols

- A. Occupancy of all public areas of the court facility is limited to 50% 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 30 people or 50% 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 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. 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.
- D. A distance of a minimum of six feet must be kept between all individuals at all times.
- E. Scheduling
 - 1. Traffic infractions/violations: No more than 25 cases will be scheduled every 15 minutes.
 - 2. Criminal matters (to include all penal law and misdemeanor traffic charges): No more than 25 cases will be scheduled every 30 minutes.
 - 3. Trials: No more than one hearing or bench trial every 30 minutes will be scheduled.

II. Court Proceedings

- A. Trials: Bench trials and evidentiary hearings may proceed in-person but must be scheduled so that there is strict compliance with the room occupancy limits in all courtrooms and public areas. Jury trials may be conducted only with the approval of the Administrative Judge.
- B. 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.
- C. 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.

- D. While currently there exists no Executive Order nor statutory directive that would excuse a failure to appear or prevent a judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear.
- E. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.
- F. In-custody defendants may be transported only with the approval of the Administrative Judge.