

## Court Matters in NY and COVID-19

Many of local municipalities have a town or village court which operates out of their facilities. While the funding for these courts comes from the local government, the courts operate under the supervision and direction of the Unified Court System and the Chief Justice of the State of New York. The supervising and administrative judges of each judicial district may also issue administrative orders for the courts that they supervise. The following is a breakdown of the current directives which apply to the town and village courts in the Tug Hill region.

### **UPDATE as of May 15<sup>th</sup>:**

Administrative Order 111 of 2020 from the Chief Administrative Judge of New York Lawrence Marks, outlined the next steps in re-opening the courts in the regions of the state that have begun phase 1 of re-opening from the NY Pause order. Starting May 18<sup>th</sup> in Oneida County and May 20<sup>th</sup> in Jefferson, Lewis and Oswego County:

- “filings through the New York State Courts Electronic Filing System (NYSCEF), including the filing of new matters, shall be accepted by courts...in case types approved for electronic filing. Service in such matters (other than service of commencement documents) shall be by electronic means through NYSCEF, except that unrepresented parties may file, serve and be served in such matters by non-electronic means.”
- “to the extent that NYSCEF electronic filing is unavailable in courts or case types...(a) the filing of new matters shall be accepted by courts...if commenced by mail; (b) the Unified Court System’s Electronic Document Delivery System (EDDS) must be employed to deliver documents for filing following commencement; (c) service (other than service of commencement documents) shall be by electronic means; except that(d) unrepresented parties may file, serve and be served by non-electronic means.”
- The order has no effect on upon filing and service in essential matters in any county (per Administrative Order 78-2020) or in non-essential matters in counties not covered by this order.

### **UPDATE as of May 6<sup>th</sup>:**

In a letter dated May 6<sup>th</sup> Hon. Vito Caruso, Deputy Chief Administrative Judge for Courts Outside of NYC offered some procedures and protocols to prepare for an eventual return to regular court operations.

- The Town and Village Courts (Justice Courts) **remain closed to the public** until further notice.
- Authorization for one court clerk (or a judge with no court clerk) to return to the Court facility in a limited capacity to complete the tasks listed in the following bullets.

- If the municipality has provided remote VPN access clerks (or judges) are recommended to work from home to the extent possible.
- Any court which placed a hold on its mail delivery through the US Postal Service may now rescind that hold and mail should be processed as soon as possible upon return to the court facility.
- All monies received, including online payments, should be receipted and deposited with banking institutions as soon as possible. Under no circumstances should money be taken home or otherwise outside the court facility except for immediate deposit.
- Mail and court file processing and any other file work which can be safely conducted at the court facility, such as data entry to the CourtRoom program, with priority given to after-hours proceedings since March 16<sup>th</sup>. Criminal Disposition reporting and recently filed or pending vehicle and traffic matters should be processed.
- There are also a list of safety precautions listed for Judges and or clerks who will be returning to their municipal spaces to work and it should be noted that public access to the judge/court clerk's office or window or a dedicated court room is still prohibited until further directive from the Deputy Chief Administrative Judge is received.

### **TAKE AWAYS**

In a letter dated March 15, 2020 the Chief Administrative Judge of NY, Lawrence Marks, advised that as of March 16, 2020 at 5 pm all non-essential functions of the courts would be postponed until further notice. The following details were provided:

- Pending trials for criminal and civil matters will continue to conclusion, no new criminal or civil trials to commence until further notice.
- Outside New York City special parts will be established in individual jurisdictions where essential matters will be consolidated and handled in a centralized location.
- Additionally, on March 22, 2020, Judge Marks issued another administrative order which sharply curtailed the receipt of filed papers by Unified Court System courts and county clerks in litigation matters consistent with Executive Order 202.8. The list of "Essential Matters" is available at [www.nycourts.gov/whatsnew/pdf/Essential-Matters-ExhibitA.pdf](http://www.nycourts.gov/whatsnew/pdf/Essential-Matters-ExhibitA.pdf)
- Eviction procedures, court ordered auctions and foreclosure proceedings have been suspended temporarily.
- Under Executive Order 202.8 ([www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency](http://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency)) any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state is tolled (extended) until April 19,

2020. Additionally, the expiration date of any driver's license, non-driver id or vehicle registration occurring on or after March 1 is extended.

### **INFORMATION FOR TOWN AND VILLAGE COURTS**

Town and village courts will not be operating in local municipal facilities except in very limited circumstances. One centralized location has been determined for each county. The vast majority of court functions will be handled at the following locations for the Tug Hill counties:

**Jefferson County:** Watertown City Court, Jefferson County Court - 163 Arsenal St. Watertown 13601

**Lewis County:** Lewis Multi-Bench - 7660 N. State St. Lowville 13367

**Oneida County:** County Court, Oneida Family Court, Utica City Court, Rome City Court, Sherrill City Court - 200 Elizabeth St. Utica 13501

**Oswego County:** County Court, Fulton City Court, Oswego City Court, Public Safety Center, 39 Churchill Road, Oswego 13126

All four of the Tug Hill counties are within the Fifth Judicial District, [ww2.nycourts.gov/courts/5jd/index.shtml](http://ww2.nycourts.gov/courts/5jd/index.shtml) for information regarding this pandemic.

Administrative Order 5AO2020-47 ([www.nycourts.gov/legacyPDFs/courts/5jd/47.pdf](http://www.nycourts.gov/legacyPDFs/courts/5jd/47.pdf)) from Fifth Judicial District Administrative Judge James Murphy lists various matters which will be considered essential as well as other directives. The portion that relates to town and village courts follows:

#### **Town and Village Courts**

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (for defendants not in custody and for civil matters) or on or after April 15, 2020 (for defendants in custody). The adjourned date shall be determined by the Assigned or Designated Judge - Town and Village staff shall be responsible for notifying attorneys or pro-se litigants/defendants of the adjourned dates.
- Essential Town and Village Matters include arraignments, applications for Orders of Protection and any matter deemed to be essential after application by the Designated Judge to the Supervising Judge. The District Coordinating Judge or a Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- Any matter scheduled prior to 5:00 PM on March 16, 2020 shall be adjourned to a date on or after April 30, 2020 using the Court notification system. Town and Village personnel should post a sign indicating that defendants should check back with the Court after April 30, 2020.
- All temporary orders of protection issued in the 5th Judicial District that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same

terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Judge or Assigned Judge. To the extent practicable, the Designated Judge or Assigned Judge shall issue an amended order and the amended order shall be served.

- After-hours arraignments shall be heard by the CAP judge in counties with a CAP court according to the approved CAP Plan.
- In a County without a CAP Part or if the CAP Part becomes unavailable for any reason, after hours arraignments shall be conducted in the authorized Town or Village Court. The Town or Village Judge shall attempt to obtain defense counsel and make a record thereof. If no defense counsel is available, then the judge shall conclude the arraignment. Any urgent matter (ex. Preliminary Hearing) shall be scheduled at the Central location established in each county. If no urgent matters need to be scheduled, the case shall be adjourned for at least 45 days or to the next court date thereafter.
- All vouchers submitted pursuant to County Law Section 722-b(4) are hereby approved and payment by the Onondaga County Assigned Counsel Program is authorized, provided the Assigned Counsel Director is satisfied that all other requirements of law and procedure have been followed.

#### **UP-TO-DATE COURT INFORMATION**

The NY State Courts website ([www.nycourts.gov](http://www.nycourts.gov)) has up-to-date information on court matters. There is a COVID-19 hotline (833-503-0447) for questions regarding juror service, cases already in court or the need to start a case. Additionally, there is a poster which may be posted outside a municipal facility by judge with their contact information and COVID-19 information and warnings.