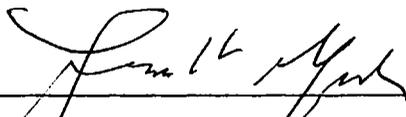


ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with and agreement of the Administrative Board of the Courts, I hereby adopt, effective April 14, 2020, the proposed plans for temporary centralized arraignments parts in the Sixth Judicial District (Exhibit A) and establish off- hours arraignment parts as described therein.

Pursuant to Judiciary Law §212(1)(w), the off- hours arraignment parts shall be held in such courts for the conduct of arraignments and other preliminary proceedings incidental thereto, and for arrest warrant returns in criminal cases, where the use of such parts will facilitate the availability of public defenders or assigned counsel for defendants in need of legal representation at such proceedings. In response to the COVID-19 health emergency, all appearances in the parts will be virtual—by means of video conferencing as detailed in each plan. Judges and justices shall be temporarily assigned to the court on a rotating basis in accordance with a schedule to be published as soon as practicable. This order will remain in effect at least and until the public health emergency necessitating it abates, whereupon this order will be rescinded by a subsequent order.

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: 4-14-2020

AO/96/20

# **EXHIBIT A**

## **SIXTH JUDICIAL DISTRICT PLAN FOR VIRTUAL OFF-HOURS ARRAIGNMENT PARTS PURSUANT TO JUDICIARY LAW §212(1)(w)**

### **I. BACKGROUND**

The Sixth Judicial District is comprised of ten counties. Four counties within the Sixth Judicial District operate for immediate local criminal court arraignments under an approved off-hours arraignment part plan pursuant to Judiciary Law §212(1)(w). Those four counties are Broome, Tioga, Otsego, and Cortland. Schuyler County was due to commence operations on a previously approved off-hours arraignment part plan on April 1<sup>st</sup>, 2020, however that implementation became impossible due to conditions arising during the current unprecedented health crisis. Five counties within the Sixth Judicial District do not operate off-hours arraignment parts. Those counties are Chemung, Tompkins, Madison, Delaware, and Chenango.

In response to the Governor's, Chief Judge's and Chief Administrative Judge's mandate to reduce the density of court users in response to the unprecedented COVID-19 public health crisis, effective Monday April 6, 2020 at 8:30 AM all of the courts of the 6<sup>th</sup> Judicial District began "Virtual Court" proceedings pursuant to the administrative order of Hon. Eugene D. Faughnan dated March 30, 2020. These remote proceedings are accomplished by utilizing "Skype for Business." These virtual appearances are attended by the judge, litigants, and attorneys, all of whom can connect to a virtual courtroom utilizing computers or smart devices from various off-site locations. The March 30, 2020 administrative order permits virtual "remote-only" proceedings for off-hours local criminal court arraignment. A copy of the administrative order is annexed hereto as exhibit 'A'.

Pursuant to the above-referenced administrative order, within the counties that do not

have approved off-hours arraignment plans, arraignments are handled remotely during normal business hours by an assigned consolidated courthouse superior court judge. After normal business hours and on weekends, arraignments are handled remotely by local criminal court judges of appropriate criminal jurisdiction.

There are currently more than two hundred Town and Village Justices who serve the various localities within the ten counties that make up the sixth judicial district. While every effort has been made to ensure that all Town and Village Justices within the Sixth Judicial District can conduct remote arraignments utilizing Skype for Business, as a practical matter, that is not possible at this time. Many Town and Village Justices do not have the necessary equipment to conduct remote arraignments from their homes, and such equipment is now in short supply and largely unavailable, owing in part to a nationwide shortage of web cameras and networking equipment due to the current health crisis. Many justices live in rural areas with poor or no internet connectivity, and therefore cannot access a Skype for Business meeting from home even if they had the necessary equipment. Many justices require extensive training to conduct remote arraignments. While every effort has been made to provide this training, the type of training required would normally take months and require extensive in-person staff-hours. Due to the current crisis, this has been compressed to mere days, cannot be conducted in person, and, owing to reduced staffing levels during the current health crisis, has been conducted solely by the Sixth Judicial District Special Counsel to the Administrative Judge for the Town and Village Courts. Finally, as the current global pandemic continues and spreads throughout the district it is anticipated that some judges may be unable to preside over immediate arraignments due to illness. This phenomenon has been observed in districts bordering New York City.

It is thus anticipated that there may be insufficient local criminal court justices of appropriate jurisdiction to conduct after-hours arraignments in those counties within the Sixth Judicial District that do not have an approved off-hours arraignment plan pursuant to Judiciary Law §212(1)(w). While Criminal Procedure Law §100.55(6) allows any Town or Village Justice to arraign a person charged via felony complaint for all felonies committed in the county where that justice sits, the same is not true of misdemeanor and violation level offenses. Criminal Procedure Law §140.20 allows a Town or Village Justice to arraign upon an accusatory instrument charging a misdemeanor or violation level offense only for those towns or villages that are adjacent to the Town or Village Justice's home jurisdiction. A significant number of misdemeanors and violations require immediate arraignments when such offenses are accompanied by a request for a temporary order of protection pursuant to Criminal Procedure Law §§ 530.12 & 530.13. However, where a county is operating an approved off-hours arraignment part pursuant to Judiciary Law §212(1)(w), any justice assigned to that off-hours arraignment part may arraign any person charged with a misdemeanor or violation anywhere within the county pursuant to Criminal Procedure Law §100.55(11).

This plan constitutes the proposed temporary plan for the Town and Village Courts of the counties of Schuyler, Chemung, Tompkins, Madison, Chenango and Delaware to ensure that the New York State Unified Court System can continue to provide judicial coverage for essential immediate arraignment requests during the COVID-19 global health pandemic. This plan also provides that all individuals will be provided with counsel, remotely at all arraignments.

## **II. VIRTUAL OFF-HOURS ARRAIGNMENT PLAN**

### **1. HOURS OF ARRAIGNMENT AND PLAN OF COVERAGE**

The Sixth Judicial District Off-Hours Virtual Arraignment Part (hereinafter “VAP”) will operate between the hours of 4:30 PM and 8:30 AM during the week, and at all hours on weekends and court holidays, on an “on-call” and “as-needed” basis. There will be five sixteen-hour shifts during the week (4:30 PM – 8:30 AM), and four twelve-hour shifts during the weekend (8:30 AM – 8:30 PM, and 8:30 PM – 8:30 AM). These hours may be changed or altered at the discretion of the District Administrative Judge. The VAP will be staffed by Village, Town, and City Court Judges of each county who possess the necessary equipment and training to conduct remote arraignments, in a rotating fashion as described in this plan. In addition, County Court Judges and Supreme Court Justices will provide backup staffing should the need arise. There shall be a designated on-call judge for each county in which the VAP operates during all shifts. The public defender of each county and/or assigned counsel plan attorneys shall provide remote legal services for all persons arraigned utilizing the VAP, as described below.

### **2. JUDICIAL STAFFING OF THE CAP**

Judges in each county in which the VAP operates will follow a rotating schedule for staffing the VAP. In each county this will include Town and Village Justices who possess the necessary equipment and technical proficiency to conduct remote arraignments. The Sixth Judicial District Special Counsel to the Administrative Judge for the Town and Village Courts shall create a judicial schedule for each county in which the VAP is operational. These schedules will be created in consultation with the president of the Magistrates Association of

each county where the VAP operates, with the exception of Tompkins County which does not currently have a Magistrates Association. These schedules will be approved by the appropriate Supervising Judge of the Town and Village Courts within the Sixth Judicial District.

Upon approval by the Supervising Judge, the schedules, along with the phone numbers of the various justices will be transmitted to all local law enforcement agencies, the county Office of the Public Defender and/or Assigned Counsel Plan Coordinator, and the District Attorney. Each assigned justice will also have a designated “backup” justice in the event that the justice is unable to perform his or her duties due to exceptional circumstances. The list of backup justices will also be published and distributed with the phone list mentioned above.

### **3. JUDICIAL COMPENSATION**

Town and Village Justices and part-time City Court Judges sitting in the VAP shall be reimbursed by the Office of Court Administration pursuant to Part 126.3 of the Rules of the chief Administrator. Full-time state-paid judges shall not be reimbursed beyond their normal salary.

### **4. VIRTUAL ARRAIGNMENT PART FACILITY AND DESCRIPTION**

The facility for the VAP will be determined by the on-call justice but will generally be the home of that justice. The justice will join the VAP skype meeting from home, an arresting police agency will generally join the VAP skype meeting from their station or barracks, and defense attorneys and prosecutors may join the VAP skype meeting from their home or place of business.

### **5. PLAN FOR REPRESENTATION**

Representation in each county utilizing a VAP will be provided pursuant to the Assigned Counsel Plan of that county utilizing a public defender’s office and/or assigned counsel. All

principals arraigned in the VAP will be presumed indigent for purposes of arraignment. The County Public Defender and/or administrator of the County Assigned Counsel Plan will develop a schedule of assignments for attorneys to cover the VAP and circulate it to all law enforcement agencies in the county as well as to the Sixth Judicial District Special Counsel to the Administrative Judge for the Town and Village Courts.

#### **6. INTERPRETING SERVICES**

When necessary judges will endeavor to have court-certified interpreters present via remote appearance for arraignments of persons who do not speak English. In the event that an interpreter cannot be immediately obtained, remote interpreting services via “LanguageLine Solutions” shall be utilized.

#### **7. ARRESTING AGENCIES**

Following an arrest, the arresting agency, will enter fingerprint information using the ORI number of the court that has geographic jurisdiction over the offense. The arresting agency will then contact the District Attorney’s Office to notify the office of the arraignment. The arresting agency will then contact the “on-call” assistant public defender or assigned counsel plan attorney, email a copy of the accusatory instruments to that attorney, and allow the attorney to have a private phone conversation with the arrested person. Finally the arresting agency shall contact the on-call VAP judge, email the judge a copy of the accusatory instruments, and notify the judge of the need to conduct the arraignment.

#### **8. PRE-ARRAIGNMENT HOLDING**

Owing to the need to prevent introduction of unnecessary persons and potential sources of infection into our county jails during the current health crisis, pre-arraignment detention

pursuant to Corrections Law §500-c shall not be utilized under this plan.

## **9. COURTROOM EQUIPMENT AND INVENTORY**

The VAP judge may use any personal equipment that he or she has on hand and may also utilize his/her recording laptop and any other courtroom equipment which he or she may remove from the courtroom and bring home. If the Office of Court Administration is able to procure more networking supplies such supplies may be provided to VAP judges.

## **10. JUDICIAL TRAINING**

Training in the administration of the VAP shall be provided by the Sixth Judicial District Special Counsel to the Administrative Judge for the Town and Village Courts in conjunction with the Office of Justice Court Support.

## **11. TRANSFER OF CASES, DATA ENTRY, CASE ACTIVITY AND DISPOSITION REPORTING**

Non-felony cases shall be transferred from the VAP to the court with trial jurisdiction pursuant to C.P.L. §100.55. Felony cases shall be transferred from the VAP to the court that has geographic jurisdiction over the situs of the offense. Should any defendant plead guilty in the VAP that case will instead be kept through final disposition by the judge who takes the guilty plea in his home court pursuant to C.P.L. §170.15(1).

Orders of protection will be generally be entered into WebDVS by the on-duty VAP judge, with remote assistance if necessary, from the Law Department of the Sixth Judicial District Office. All arraignment paperwork will be scanned and emailed to the court the case is to be transferred to and copied to the Sixth Judicial District Office. Data entry and CDR uploads concerning the arraignment shall be completed by the court receiving the case when the current

health crisis has ended, and normal judicial operations have resumed. All further data entry shall be completed by the court the case is transferred to.

## **12. ARRAIGNMENT RECORDING PROCEDURES**

All arraignments will be electronically recorded using Liberty recording software, or if that is unavailable, utilizing the “record skype” feature of Skype for Business.

## **13. COLLECTION OF BAIL AT ARRAIGNMENT**

In the event that the on-call judge sets cash bail, then the County Sheriff will collect the bail and transfer the bail to the court of original jurisdiction. The on-call judge shall provide the arresting agency with the required securing order, electronically via email.

## **14. PAYMENT OF FINES AND SURCHARGES**

Defendants who are assessed fines and/or surcharges at the VAP will be provided electronically by the court with a notice to pay such fine and/or surcharge, by a date set by the CAP judge, to the home court of the Judge who conducted the arraignment pursuant to C.P.L. §170.15(1).

## **15. RELEASE ON OWN RECOGNIZANCE**

Defendants released on their own recognizance will be given a Notice of Adjournment with his/her next appearance date in the court of original geographical jurisdiction.

## **16. ORDERS OF PROTECTION**

If the on-call judge issues an order of protection, he or she shall enter it into WebDVS within twenty-four hours. The Sixth Judicial District’s Law Department shall provide assistance to any judges who have difficulty making such entry. The Law Department shall enter any orders of protection issued by a City Court Judge, County Court Judge, or Supreme Court Justice.

## **18. ARRAIGNMENT PROCEDURE**

When a law enforcement agency has arrested a person who requires an immediate arraignment, that agency should first contact the District Attorney's Office to notify them of the arrest. Immediate arraignments utilizing the VAP should only be requested for cases where the District Attorney is requesting bail or other conditions of release, or for which a temporary order of protection will be requested. The arresting agency should next contact the on-call assistant public defender or assigned counsel plan attorney. The arrested person should be allowed to have a private phone conversation with the on-call defense attorney and a copy of any accusatory instruments should be emailed to the defense attorney. The law enforcement agency should then contact the on-call VAP judge and should email a copy of the accusatory instruments to the VAP judge.

The VAP judge should then conduct the arraignment via Skype for Business. At the conclusion of the arraignment, the VAP judge should email a securing order and temporary order of protection if appropriate to the arresting agency, the District Attorney, and the defense attorney for the arrested person.

## **19. EXPIRATION OF PLAN**

This plan will expire, via administrative order of the Chief Administrative Judge, when the current health crisis has ended and administrative orders requiring that essential arraignments be conducted remotely have been rescinded.

### **III. CONSULTATIONS**

Hon. Eugene D. Faughnan, Administrative Judge of the Sixth Judicial District, through his staff, has reviewed with the leadership of the necessary stakeholders in each county consisting of police agencies, Sheriffs, District Attorneys, local Magistrates, Assigned Counsel Programs and Public Defenders offices, by the Town and Village Special Counsel. Due to the nature of the overwhelming health crisis, no objections have been received.

It is anticipated that, upon approval, the VAP will be ready for commencement of operations immediately.

# EXHIBIT 'A'



ADMINISTRATIVE ORDER  
SIXTH 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

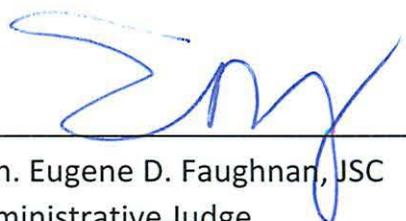
WHEREAS, New York State and the nation are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); and

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, it is hereby

ORDERED that until the Second Amended Administrative Order issued on March 25, 2020 and any subsequent amendments thereto are rescinded, the attached Virtual Courtroom Protocols, and any subsequent amendments thereto, shall remain in effect in all Counties of the Sixth Judicial District.

Dated: March 31, 2020  
Binghamton, New York



---

Hon. Eugene D. Faughnan, JSC  
Administrative Judge  
Sixth Judicial District

Distribution:

Hon. Vito C. Caruso, Deputy Chief Administrative Judge, Courts Outside New York City

## **Sixth Judicial District Remote Criminal Courtroom Protocols**

Effective 8:30 PM on Monday April 6<sup>th</sup>, all essential criminal matters in the Sixth Judicial District will be handled remotely utilizing Skype for Business. No matters will be handled in person. Essential matters are generally defined as:

- I. Arraignments on qualifying offenses for which bail is sought;
  - a. This includes arrest warrants and bench warrants on qualifying offenses for which bail is sought. Arrest warrants for non-qualifying offenses should not be executed. Bench warrants for a failure to appear on a non-qualifying offense should not be executed;
- II. Arraignments for which an order of protection is sought;
- III. Bail applications, reviews and writs;
- IV. Resentencing of retained and incarcerated defendants;
- V. Essential SORA matters;
- VI. A matter deemed essential and time-sensitive by the duty judge when no alternative to a court appearance can be utilized.

All criminal matters will be handled in a Skype Meeting/Channel which has been created for each county. In each county, all law enforcement agencies, judges, defense attorneys and prosecutors have received a weblink/invitation. Any attorneys, judges, or law enforcement agencies who have not received the appropriate weblink may contact Joshua Shapiro at [jshapiro@nycourts.gov](mailto:jshapiro@nycourts.gov), or (607) 766-1079.

Scheduled court appearances for incarcerated principals will be handled by accessing this skype channel from a computer at the county correctional facility thus allowing incarcerated individuals to “appear” remotely. Unscheduled immediate arraignment requests will be handled by accessing this skype channel from the Centralized Arraignment Part, in those counties that have such a part generally,

and by accessing the channel from the police station, precinct, or barracks which has taken custody of an arrested person, for those counties that do not have a Centralized Arraignment Part generally. Out of custody essential appearances shall be handled by allowing such principals access to the county's consolidated courthouse where an isolated webcam and monitor will be set up. Procedures for immediate arraignments are described in greater detail below (contact information for Clerks Districtwide is annexed as Exhibit "A").

**Immediate Arraignment Requests for Arrested Individuals**

I. **Monday-Friday 8:30 AM – 4:30 PM**

- a. All counties: Immediate Arraignment Requests will be handled by the “on-duty” consolidated courtroom judge;

II. **Monday – Friday 4:30 PM – 8:30 AM**

a. Broome County:

i. City of Binghamton Immediate Arraignment Requests:

1. Qualifying offenses where bail is sought or offenses for which an order of protection is sought will be handled remotely by one of the three Binghamton city court judges. If no City Court Judge is available, they may be handled by the on-call T&V Centralized Arraignment Part (Hereinafter “CAP”) judge, or by the on-call county court judge;

ii. Immediate Arraignment Requests Outside of the City of Binghamton:

1. For a qualifying offense for which bail is sought, the principal may be dropped off at the Broome County Jail to be held for the next session of the Centralized Arraignment Part. These arraignments will be conducted remotely by the on-call CAP judge;
2. For an offense where an order of protection is sought, but bail is not sought, the defendant shall not be dropped off at the Broome County Jail. Instead the police agency must request an immediate arraignment by the on-duty CAP judge. This arraignment will be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

b. Tioga County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal shall be dropped off at the Tioga County Jail to be held for the morning session of the Centralized Arraignment Part. These arraignments shall be conducted remotely by the on-call CAP judge;

c. Otsego County:

i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal shall be brought to the Otsego County Jail where an immediate arraignment shall be conducted remotely by the on-call CAP judge;

d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:

i. When a principal is arrested for a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the arresting agency may request an immediate arraignment from an appropriate Town, Village, City, or County Court Judge based upon jurisdictional requirements. The arraignment shall be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

### III. Saturdays & Sundays

a. Broome County:

i. City of Binghamton Arraignment Requests: follow the same rules as weekday evenings as discussed above;

ii. Immediate Arraignment Requests Outside the City of Binghamton:

1. For a qualifying offense for which bail is sought, the defendant may be dropped off at the Broome County Jail to be held for the next session of

the Centralized Arraignment Part. There will continue to be both a morning and an evening session of the CAP on weekends. These arraignments will be conducted remotely by the on-call CAP judge;

2. For an offense where an order of protection is sought, but bail is not sought, the defendant will not be dropped off at the Broome County Jail. Instead the police agency shall request an immediate arraignment by the on-duty CAP judge. This arraignment will be conducted remotely with the defendant given access to skype at the police station or NYSP barracks;

b. Tioga County:

- i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal may be dropped off at the Tioga County Jail to be held for the next session of the Centralized Arraignment Part. These arraignments will be conducted remotely by the on-call CAP judge;

c. Otsego County:

- i. For a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the principal may be brought to the Otsego County Jail where an immediate arraignment shall be conducted remotely by the on-call CAP judge;

d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:

- i. When a principal is arrested for a qualifying offense for which bail is sought, or for an offense for which a temporary order of protection is sought, the arresting agency may request an immediate arraignment from an appropriate Town, Village, City, or County Court Judge based upon jurisdictional requirements. The

arraignment will be conducted remotely with the defendant given access to  
skype at the police station or NYSP barracks;

## Procedures for Immediate Arraignment Requests

- I. Arraignments utilizing a county court judge Monday-Friday 8:30 AM – 4:30 PM;
  - a. All Counties:
    - i. The law enforcement agency shall contact the correct on-duty county court judge following a schedule to be provided;
    - ii. The law enforcement agency shall also contact the Supreme and County Court Clerk's Office. Separate contact information shall be provided for each office;
    - iii. The law enforcement agency shall contact the on-call assistant public defender or 18-b attorney depending upon the county. That attorney shall be given a chance to speak with their client on the phone privately prior to the arraignment.
    - iv. The law enforcement agency shall contact the District Attorney's Office to advise them of the arraignment so that they may join the skype arraignment if they wish to;
    - v. The law enforcement agency shall scan and email the accusatory instruments to the county court clerk, the on-call assistant public defender, and the District Attorney's Office utilizing email addresses which shall be provided;
    - vi. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an electronically signed securing order and shall email to all parties an order of protection if appropriate.
    - vii. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court should also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov);

**II. Arraignments Monday-Friday after hours and on weekends:**

**a. Broome & Tioga County:**

- i. For a qualifying offense for which bail is requested the defendant may be dropped off at the Broome Jail to await the next CAP arraignment session.**

**b. Broome County Only:**

- i. For an offense outside the City of Binghamton other than those where a temporary order of protection is requested:
  - 1. The law enforcement agency shall contact the correct on-call CAP judge following a schedule to be provided. If that judge cannot be reached any of the other judges listed on the schedule can be attempted as a backup, as can the city and county court judges.**
  - 2. The law enforcement agency shall contact the on-call assistant public defender at to advise them to join the skype channel. The on-call assistant public defender shall be given a chance to speak to their client on the phone privately prior to the arraignment;**
  - 3. The law enforcement agency shall contact the on-call Assistant District Attorney to advise them of the arraignment so that they may join the skype arraignment if they wish to;**
  - 4. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge, the on-call assistant public defender, and the District Attorney's Office utilizing email addresses which shall be provided**
  - 5. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an****

electronically signed securing order and shall email to all parties an order of protection if appropriate.

6. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov) ;

**ii. Arraignments for Binghamton City Court:**

1. The law enforcement agency shall contact a Binghamton City Court Judge to conduct the arraignment remotely following a schedule to be provided. If a city court judge cannot be reached, any of the CAP or county court judges can conduct such arraignment.
2. The law enforcement agency shall contact the on-call assistant public defender to advise them to join the skype channel. The on-call assistant public defender should be given a chance to speak to their client on the phone privately prior to the arraignment;
3. The law enforcement agency shall contact the on-call Assistant District Attorney to advise them of the arraignment so that they may join the skype arraignment if they wish to;
4. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge, the Binghamton City Court Clerk's office, the on-call assistant public defender, the Binghamton City Court Chief Clerk, and the District Attorney's Office utilizing email addresses to be provided;
5. The judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an

electronically signed securing order and shall email to all parties an order of protection if appropriate.

6. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov);

**c. Otsego County:**

- i. The law enforcement agency shall contact the on-call assistant public defender to advise them of the arraignment and to allow the assistant public defender to have a private conversation with the defendant;
- ii. The law enforcement agency shall contact the District Attorney's Office to notify them of the arraignment and allow them to join the arraignment channel;
- iii. The arresting agency shall notify Otsego County Dispatch of the arraignment;
  1. Otsego County Dispatch shall notify the on-call CAP judge;
  2. Otsego County Dispatch shall notify the Otsego County Sheriff's Office;
- iv. The law enforcement agency shall scan and email the accusatory instruments to the on-call judge and the on-call assistant public defender.
- v. The law enforcement agency shall transport the principal to the Centralized Arraignment Part where an immediate arraignment shall be conducted via Skype;
- vi. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov) ;

**d. Schuyler, Chemung, Tompkins, Cortland, Madison, Chenango, and Delaware County:**

- i. The law enforcement agency shall contact the on-call assistant public defender to advise them of the arraignment and to allow the assistant public defender to have a private conversation with the defendant;
- ii. The law enforcement agency shall contact the District Attorney's Office to notify them of the arraignment and allow them to join the arraignment channel;
- iii. The law enforcement agency shall contact a Town, Village, City, or County Court Judge of appropriate jurisdiction to conduct the arraignment remotely via Skype from the police station or NYSP barracks;
- iv. The law enforcement agency shall scan and email the accusatory instruments to the judge and the assistant public defender;
- v. The judge shall conduct the arraignment via Skype;
- vi. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov) ;

**III. Arraignments utilizing a Centralized Arraignment Part:**

**a. Broome & Tioga County:**

- i. Corrections staff shall contact the on-call CAP judge utilizing the attached CAP schedule if there are custodial detainees who need to be arraigned at the start of each CAP shift, utilizing the phone numbers listed above;
- ii. Corrections staff should contact the on-call assistant public defender at to advise them to join the skype channel. The on-call assistant public defender shall be given a chance to speak to his or her client on the phone privately prior to the arraignment;

- iii. Corrections staff shall contact the District Attorney's office to advise them of the arraignment so that they may join the skype arraignment if they wish to;
- iv. Corrections Staff shall scan and email the accusatory instruments to the on-call judge, and the on-call public defender;
- v. The Judge shall conduct the arraignment via skype. At the conclusion of the arraignment the judge shall email to the law enforcement agency an electronically signed securing order and will email to all parties an order of protection if appropriate.
- vi. All original paperwork shall be mailed to the court of geographic jurisdiction. The arraigning court shall also email a copy of the original paperwork to [6jdcap@nycourts.gov](mailto:6jdcap@nycourts.gov);

**b. Otsego County:**

- i. Arraignments at the Otsego County Centralized Arraignment Part shall be conducted as described in section II(c) above.

## Miscellaneous Procedures

### **I. Recording of Court Procedures**

- a. Recording of County Court procedures conducted during normal business hours shall be done utilizing a court reporter who may remote into the skype channel if necessary;
- b. Recording of matters conducted by a CAP Judge shall be done utilizing a Liberty Recording Laptop or the “record skype” feature;
- c. Recording of matters conducted by a City Court Judge shall be done utilizing an FTR or the “record skype” feature;

### **II. Technical Assistance**

- a. Should technical assistance be required by one of the judges they may obtain it by contacting the Sixth Judicial District Help Desk (normal business hours) at (607) 240-5344, OCA DOT at 1 (800) 622-2522, or Joshua Shapiro at (607) 766-1079;
- b. Should any Law enforcement agency need assistance with instructions on how to join the skype channel they should contact Joshua Shapiro at (607) 766-1079;

### **III. Electronic Signatures**

- a. Securing Orders shall be electronically signed utilizing the sample securing order already emailed to all judges. If this is not possible judges may also print, sign, and scan and email securing orders.
- b. Orders of Protection may be generated in WebDVS and saved as a .pdf file. That .pdf file may then be emailed to the parties. A physical signature is not necessary provided the defendant has been given notice on the record of the TOP and is served with a copy of it. In the alternative judges may sign a long-hand TOP and scan and email it.

### **IV. Orders of Protection**

- a. Where possible law enforcement agencies should provide the duty judge with the temporary order of protection request and order of protection information sheet at least 30 minutes prior to the arraignment to allow the judge to enter the appropriate information into WebDVS prior to the arraignment;

**V. Criminal History Reports**

- a. Where possible, law enforcement agencies shall fingerprint principals and transmit the DCJS fingerprint criminal history report electronically. If this is not possible law enforcement agencies should dictate the criminal history report to the arraigning judge and defense counsel during the arraignment, or scan and email it to the judge;

**VI. Equipment Set Up:**

- a. Equipment for utilizing skype has been and is being tested with judges, district attorneys, public defenders, and law enforcement agencies;

**VII. Equipment Backup:**

- a. In the event the skype call fails a speakerphone may be used with conference call features. All judges will be provided with one;

**VIII. Updated Signs**

- a. Updated signs will be posted at the entrance to all courthouses;

**IX. Police Departments which will need to connect via Skype**

- a. All county sheriff's offices;
- b. All local law enforcement agencies in the sixth judicial district;
- c. All NYSP barracks in the sixth judicial district;

**X. Courtroom Access**

- a. In all essential criminal court proceedings, going forward, the judge, court reporters, parties, their attorneys and any other interested party, will not be physically present in the courtroom unless required to do so by the court.**
- b. Members of the public may join the remote skype channel to view the proceedings.**
  - i. Judges will have the ability to “mute” any member of the public who is disruptive in the skype channel;**
- c. While court clerks may continue to use the courtrooms when necessary, like all other court participants, they are encouraged to use available technology and appear remotely, to the greatest extent possible;**

**Sixth Judicial District Protocol for Court Appearances**  
**in Essential Civil Matters**

1. When accepting a filing for a potentially essential matter, the Clerk shall require the Petitioning party to provide contact information including address, telephone and email for all necessary parties and counsel to the extent that information can be reasonably obtained at the time of filing. If the Court determines that the matter is essential and requires a court appearance, the Clerk shall schedule a virtual Court appearance. All Court appearances shall be conducted by telephone and/or videoconference (contact information for Clerks Districtwide is annexed as Exhibit "A").
2. Using **Skype for Business**, the Clerk will send an invitation to all necessary parties and counsel to join in the scheduled virtual court appearance. Court proceedings remain open to the public, but to the maximum extent possible, parties, lawyers, witnesses and judges will not be present in the courthouse. While Clerks may find it necessary to be present in the Courtroom, they are also encouraged to participate remotely when possible.
3. Counsel should be preemptively advised that, unless special arrangements are made, the Skype hearing will not provide a forum for confidential communication and thus privileged discussions and preparation must take place outside of the virtual court appearance. Whether to meet in person or electronically is left to the discretion of individual counsel. Counsel and their client shall decide whether they will be in the same physical location for participation in the virtual court appearance.
4. Counsel intending to call a remotely located witness must inform the Court Clerk in a timely fashion to allow the Clerk to send the remote witness a Skype invitation.
5. When a Court Reporter is required, the Reporter may, where appropriate, join the appearance remotely. When not required, the Clerk shall utilize the existing FTR system to record the appearance from the courtroom.
6. Each County Department of Social Services should equip one additional office with a Skype enabled device for use by a party, counsel or witness who does not otherwise have access to Skype and who is necessary for the conduct of an essential court appearance.
7. In the rare circumstance where a necessary respondent or witness does not have access to Skype and cannot travel to a Skype enabled location, the District Office has Wi-Fi and Cellular enabled devices available. Please call **(607) 240-5350** to make arrangements for a device to be temporarily provided for the use of a necessary party or witness.

**The attached Skype for Business information sheet may be provided to counsel, litigants, parties and witnesses.**

# Joining a Skype For Business Meeting

New York State Unified Court System has been using Skype for Business (SfB) for both internal videoconferencing and remote video appearances with external parties, such as attorneys, litigants, and witnesses. This guide is for those who wish to join a court-organized videoconferencing call.

Q1. What are the minimum requirements for participating a SfB videoconferencing call?

A1. You must have a decent computer or smartphone with up-to-date operating system, and a high-speed Internet connections.

Q2. I don't have a Microsoft Office365 Account, can I join a SfB videoconferencing call?

A2. Yes, you can still fully participate in a SfB video call from a web browser without paying for a license.

Q3. Why is it important to have a decent computer with an up-to-date operating system?

A3. Videoconferencing requires more computer horsepower than regular applications, such as a word processor. Obsolete Operating Systems, such as Windows 7, not only have security holes, but also may exhibit unpredictable behavior when joining a Skype call.

Q4. Can I join a SfB videoconference call without a webcam?

A4. Most laptops or tablets, as well as smartphones, have built in webcams. If you don't have a webcam, you can still join the SfB meeting. People can hear you, however, they cannot see you, which is not desirable in most court proceedings.

Q5. What would you recommend for the audio?

A5. Obviously, you don't have a meaningful videoconferencing calls without the audio. To achieve the best effects, we recommend the use of a USB headset. You may use an external speakerphone or built-in speaker and microphone within your device, however it might pick up background noises. In those cases, you should sit close to the microphone.

Q6. How can I know my Internet connection is good enough for a Skype video call?

A6. Most people have broadband (highspeed) connections from their service providers, such as Spectrum, Cablevision Lightpath (Xfinity), or Verizon Fios. Under normal circumstance, those broadband connections are more than sufficient to support Skype video calls. Keep in mind that when you are joining a Skype video call during the emergency, you are competing the same bandwidth with other people staying home working, learning and being entertained. Sometimes you may see your video has a lag and a pixelization. This is a sign of Internet traffic congestion. The problem usually will clear up by itself after a few seconds, so please be patient. In addition, please connect your computer to a network port in your router if possible. A wired connection has better performance than a Wi-Fi connection.

Q7. How can I prepare myself for the Skype video calls?

A7. We cannot emphasize enough the importance of performing a test well ahead of time to ensure equipment compatibility and to familiarize with the interface. You may send your cell phone number, email address, and preferred date and time for the test to

[skypetest@nycourts.gov](mailto:skypetest@nycourts.gov). We will schedule a test call, send you the invitation and conduct the test with you.

**Q8. Is Skype for Business secure?**

**A8.** All communications on Skype for Business are encrypted. Microsoft designed the product with security in mind. To learn more about security features: <https://docs.microsoft.com/en-us/skypeforbusiness/optimizing-your-network/security-guide-for-skype-for-business-online>

**Q9. Can you share documents with all the participants?**

**A9.** While you can use Skype for Business for document sharing, we recommend you contact the clerk handling your case about the best approach for sharing/sending documents. If you have to, you can share documents within SfB in two ways: either open the document and share the desktop for the parties to view, or share the document as an attachment for the parties to download, view and print. Be aware that the document sharing feature might not work on all platforms.

**Q10. Where I can find tutorial on using Skype for Business?**

**A10.** Please click on the link below:

[https://support.office.com/en-us/article/join-a-skype-for-business-meeting-3862be6d-758a-4064-a016-67c0febf3cd5#OS\\_Type=Windows](https://support.office.com/en-us/article/join-a-skype-for-business-meeting-3862be6d-758a-4064-a016-67c0febf3cd5#OS_Type=Windows)

**Q11. What are the most common problems a user will encounter, and where I can get technical support during the video call?**

**A11. Common issues include:**

- People cannot hear you: Make sure you are not muted. B) Select the correct audio device.
- I cannot hear other people: Make sure other people are not muted. B) Raise your speaker volume.
- My video is off: Make sure the camera is turned on and the correct camera is selected when you have a multiple cameras.
- I hear echo: Lower the volume of your speakers will usually reduce echo.
- Hanging up and reconnecting a call will many times resolve the issue.
- My Skype call becomes non-responsive: This is usually caused by some other software or background process running on your computer. Make sure your all your software is updated and security patched well ahead of the video call. It is also a good idea to reboot your computer at least one hour before the meeting to get a fresh start.
- I am in the middle of the video call, something goes wrong. What should I do: It is impossible to provide technical support in the middle of a call? If problems cannot be resolved using the tips above, the best bet is to hang up Skype and reconnect.

**Q12. Can I use my Skype to join a SfB video call?**

**A12.** Many of you may be familiar with Skype, a videoconferencing and IM product targeted at the consumer market. Skype for Business (SfB) is an enterprise platform for secure communications and collaboration. For all intent and purpose, you cannot use Skype in court-organized SfB video calls.

**Q13. Why can't I use other products, such as FaceTime, for videoconferencing with the courts?**

There are many videoconferencing products in the market. For example, FaceTime is excellent for point-to-point video calls if both ends use Apple products. When using videoconferencing in a court proceeding, we must use SfB, a proven product current in use by the court system that is secure, scalable to support multi-party call, versatile to work with different computers and smartphones.

**Q13. Whom should I contact to schedule a Skype video call with the judge and other parties?**

**A13.** You should contact the clerk of the appropriate court for procedure on how to schedule and participate a videoconferencing call for courtroom proceedings or attorney/client consultation. More information could be found at [www.nycourts.gov](http://www.nycourts.gov)

**Q14. Can I join a Skype video call using an iPhone or Mac?**

**A14.** Yes, please go to Apple App Store to download the Skype for Business app (not the regular Skype app).

**Q15. If I join the meeting from home, what should I do to achieve the best audio and visual experience?**

**A15.** Select a quiet room, preferably no windows behind you. If you do have windows behind you has to be behind you, close the blinds.

**Q16. How come I am unable to download the Skype web plug-in?**

**A16.** This is most likely a security setting on your computer that is set to prevent you from downloading the plug-in. Please see technical support in your organization and let them know you need this mission critical application to work.

**Q17. Can I join the meeting from multiple devices at the same time?**

**A17.** Some of you have set up multiple devices at home to be ready for S4B video calls. We want to commend you being prepared for equipment failure. However, it is not a good idea to have two devices, such a smartphone and a laptop, joining the Skype call at the same time. In addition to create confusions for everyone, this will waste Internet bandwidth, and cause feedback and echo for everyone.

**Q18. How can I have the best Virtual Courtroom experience?**

**A18.** If at all possible, adding a second monitor will enhance the virtual court room experience. One screen can be used for viewing the video feed of the call and the second screen can be used for document viewing or other work. Here are three common approaches to setting up dual monitors at home:

- Connect an external monitor to your existing laptop or desktop.
- Use your laptop for videoconferencing, use your desktop PC for email and document viewing.
- Use your smartphone for videoconferencing, use your laptop or desktop for email and document viewing.

**BROOME COUNTY**

NAME	OFFICE	SKYPE	PHONE
Judith Osburn	Chief Clerk – S&C Deputy Clerk	<a href="mailto:josburn@nycourts.gov">josburn@nycourts.gov</a>	607-240-5926
Cheryl Obenauer Anne Simms	Chief Clerk – Family Deputy Clerk - Family	<a href="mailto:clidell@nycourts.gov">clidell@nycourts.gov</a> <a href="mailto:amsimms@nycourts.gov">amsimms@nycourts.gov</a>	607-240-5870 607-240-5871
Rebecca Malmquist Tracy Allen	Chief Clerk -Surrogates Deputy Clerk - Surrogates	<a href="mailto:rmalmqui@nycourts.gov">rmalmqui@nycourts.gov</a> <a href="mailto:tallen@nycourts.gov">tallen@nycourts.gov</a>	607-240-5793 607-240-5794

**CHEMUNG COUNTY**

NAME	OFFICE	SKYPE	PHONE
Samantha Pike Kierston Brown	Chief Clerk – S&C Deputy Clerk - S&C	<a href="mailto:spike@nycourts.gov">spike@nycourts.gov</a> <a href="mailto:kabrown@nycourts.gov">kabrown@nycourts.gov</a>	607-873-9451 607-873-9455
Caitlin McGurgan Colleen Phillips	Chief Clerk – Family Deputy Clerk - Family	<a href="mailto:cmcgurgan@nycourts.gov">cmcgurgan@nycourts.gov</a> <a href="mailto:cmphill@nycourts.gov">cmphill@nycourts.gov</a>	607-873-9491 607-873-9483
Laurie Hubbard Donna Marrone	Chief Clerk – Surrogates Deputy Clerk - Surrogates	<a href="mailto:lhubbard@nycourts.gov">lhubbard@nycourts.gov</a> <a href="mailto:dmmarron@nycourts.gov">dmmarron@nycourts.gov</a>	607-873-9441 607-873-9442

**CHENANGO COUNTY**

NAME	OFFICE	SKYPE	PHONE
Kimberly Sitts Abigail Rogers	Chief Clerk – S&C Deputy Clerk – S&C	<a href="mailto:ksitts@nycourts.gov">ksitts@nycourts.gov</a> <a href="mailto:arogers@nycourts.gov">arogers@nycourts.gov</a>	607-337-1457 607-337-1439
Karen Mealey Tammy Powrie	Chief Clerk – Family Deputy Clerk - Family	<a href="mailto:kmealey@nycourts.gov">kmealey@nycourts.gov</a> <a href="mailto:tpowrie@nycourts.gov">tpowrie@nycourts.gov</a>	607-337-1820 607-337-1824
Maria Matott	Chief Clerk – Surrogates	<a href="mailto:mmatott@nycourts.gov">mmatott@nycourts.gov</a>	607-337-1827

**CORTLAND COUNTY**

NAME	OFFICE	SKYPE	PHONE
Emily Stith Steven Tillotson	Chief Clerk – S&C Deputy Clerk – S&C	<a href="mailto:erstith@nycourts.gov">erstith@nycourts.gov</a> <a href="mailto:stillots@nycourts.gov">stillots@nycourts.gov</a>	607-218-3322 607-218-3321
Laurie Case Deborah Elliott	Chief Clerk – Family Deputy Clerk - Family	<a href="mailto:lcas@nycourts.gov">lcas@nycourts.gov</a> <a href="mailto:daelliott@nycourts.gov">daelliott@nycourts.gov</a>	607-218-3323 607-218-3324
Lynne Day	Chief Clerk – Surrogates	<a href="mailto:lday@nycourts.gov">lday@nycourts.gov</a>	607-218-3336

**DELAWARE COUNTY**

NAME	OFFICE	SKYPE	PHONE
Kelly Reynolds	Chief Clerk – S&C	<a href="mailto:kreynold@nycourts.gov">kreynold@nycourts.gov</a>	607-376-5401
Lori Metzko	Chief Clerk – Family	<a href="mailto:lmetzko@nycourts.gov">lmetzko@nycourts.gov</a>	607-376-5409
Lisa Hulse	Chief Clerk – Surrogates	<a href="mailto:lhulse@nycourts.gov">lhulse@nycourts.gov</a>	607-376-5406

**MADISON COUNTY**

NAME	OFFICE	SKYPE	PHONE
Vanessa Scott	Jury Analyst S&C Deputy Clerk – S&C	<a href="mailto:vlscott@nycourts.gov">vlscott@nycourts.gov</a>	315-231-5306
Dinquia Sanchez	Chief Clerk – Family	<a href="mailto:dmsanche@nycourts.gov">dmsanche@nycourts.gov</a>	315-231-5312
Stacey Button	Deputy Clerk - Family	<a href="mailto:sbutton@nycourts.gov">sbutton@nycourts.gov</a>	315-231-5308
Deborah Samoyedny	Chief Clerk – Surrogates	<a href="mailto:dsamoyed@nycourts.gov">dsamoyed@nycourts.gov</a>	315-231-5321

**OTSEGO COUNTY**

NAME	OFFICE	SKYPE	PHONE
Michael McGovern	Chief Clerk – S&C	<a href="mailto:mmcgove1@nycourts.gov">mmcgove1@nycourts.gov</a>	607-322-3141
Kimberly Snyder	Deputy Clerk – S&C	<a href="mailto:ksnyder@nycourts.gov">ksnyder@nycourts.gov</a>	607-322-3142
Karen Nichols	Chief Clerk – Family	<a href="mailto:kanichol@nycourts.gov">kanichol@nycourts.gov</a>	607-322-3128
Rachel Howard	Deputy Clerk - Family	<a href="mailto:rachoward@nycourts.gov">rachoward@nycourts.gov</a>	607-322-3129
Lisa Weite	Chief Clerk – Surrogates	<a href="mailto:lweite@nycourts.gov">lweite@nycourts.gov</a>	607-322-3148

**SCHUYLER COUNTY**

NAME	OFFICE	SKYPE	PHONE
Michele Ormsbee	Chief Clerk – S&C	<a href="mailto:mormsbee@nycourts.gov">mormsbee@nycourts.gov</a>	607-228-3350
Amanda Riley	Chief Clerk – Family	<a href="mailto:ariley@nycourts.gov">ariley@nycourts.gov</a>	607-228-3352
Jack Miller	Chief Clerk – Surrogates	<a href="mailto:jacmille@nycourts.gov">jacmille@nycourts.gov</a>	607-228-3351

**TIOGA COUNTY**

NAME	OFFICE	SKYPE	PHONE
Janean Cook	Chief Clerk – S&C	<a href="mailto:jecook@nycourts.gov">jecook@nycourts.gov</a>	607-689-6102
Lisa Poole	Deputy Clerk – S&C	<a href="mailto:lpoole@nycourts.gov">lpoole@nycourts.gov</a>	607-689-6102
Denise Marsili	Chief Clerk – Family	<a href="mailto:dmarsili@nycourts.gov">dmarsili@nycourts.gov</a>	607-689-6080
Roberta Seeley	Deputy Clerk - Family	<a href="mailto:rseeley@nycourts.gov">rseeley@nycourts.gov</a>	607-689-6089
Deborah Pellingier	Chief Clerk – Surrogates	<a href="mailto:dpellingier@nycourts.gov">dpellingier@nycourts.gov</a>	607-689-6098

**TOMPKINS COUNTY**

NAME	OFFICE	SKYPE	PHONE
Mary Hodges	Chief Clerk – S&C	<a href="mailto:mhodes@nycourts.gov">mhodes@nycourts.gov</a>	607-216-6611
Rebecca Jackson	Deputy Clerk – S&C	<a href="mailto:rmjackson@nycourts.gov">rmjackson@nycourts.gov</a>	607-216-6612
Adel Terris	Chief Clerk – Family Deputy Clerk - Family	<a href="mailto:aterris@nycourts.gov">aterris@nycourts.gov</a>	607-216-6639
Lori Decker	Chief Clerk – Surrogates	<a href="mailto:ldecker@nycourts.gov">ldecker@nycourts.gov</a>	607-216-6655

# **EXHIBIT B**