



[No. 5AO2020-50]

**ADMINISTRATIVE ORDER
FIFTH 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 experiencing an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); and

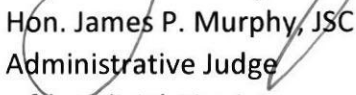
WHEREAS, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or "community spread"; and

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 daily to conduct business in large groups in close proximity to one another within often small courtrooms, it is hereby

ORDERED that, effective March 30, 2020 at 8:30 a.m. until the Second Amended Administrative Order No. 5AO2020-49 issued on March 28, 2020 and any subsequent amendments thereto are rescinded by further Order, the attached Fifth District Virtual Courtroom Procedures, and any subsequent amendments thereto, shall remain in effect in all Counties of the Fifth Judicial District.

Dated: March 28, 2020

Syracuse, New York



Hon. James P. Murphy, JSC
Administrative Judge
Fifth Judicial District

Distribution:

Hon. Vito C. Caruso

Deputy Chief Administrative Judge

FIFTH JUDICIAL DISTRICT VIRTUAL COURTROOM PROCEDURES

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 March 30, 2020, at 8:30 a.m., all of the Courts in the 5th Judicial District (except Town and Village Courts in a County without a Centralized Arraignment Part) will move toward "Virtual Court" proceedings. In all "essential" court proceedings, all parties, judges, court reporters, interpreters, etc. will participate by videoconferencing using Skype for Business. While the proceedings will be open to the public, uniformed staff will strictly monitor and may limit access so as to maintain appropriate social distancing in accordance with current public health authorities' guidelines and the occupancy limit of the particular courtroom.

The following guidelines shall apply to all categories of cases and general courthouse operations at the Central Court location previously designated by the Chief Administrative Judge in each County:

I. GENERAL PROVISIONS

1. The Central Courthouse shall be open from 8:30 a.m. until 4:30 p.m., Monday through Friday.
2. The Central Courthouse shall be staffed with the minimum number of employees to ensure the ability to intake papers, operate Skype equipment, process orders, keep the court record, answer telephone inquiries, process the mail and maintain essential court functions.
3. Security shall be maintained at the entrance to the Courthouse and throughout the facilities, including courtrooms when in session.
4. Signs shall be posted at the entrance to every Central Courthouse notifying the public of the existence of the video appearance protocol and indicating that the court proceedings remain open to the public (with the understanding that social distancing shall be maintained at all times).
5. The Designated Judge and court reporter (where used) shall participate in the Skype call from remote locations. The District IT Department shall test all computer connections with the Designated Judge at least 3 days before the Judge sits. All court reporters have remotely tested their connections. Technical staff shall be available to address any problems.
6. The Court Clerk shall be present in the courtroom. If the proceeding involves a defendant/self-represented litigant not in custody, the Court Clerk at the courthouse will

establish the Skype call using the "Skype cart" in the courtroom and the defendant/self-represented litigant shall appear via Skype from the courtroom. If possible, the defendant/self-represented litigant shall be encouraged to appear by Skype video remotely. Each courtroom shall have a dedicated cell phone as backup.

7. The press/public shall be permitted in the Courtroom and have access to video and audio of the proceeding. Press inquiries shall be directed in writing to the Administrative Judge prior to the proceeding. The presiding judge shall have the ultimate determination as to whether cameras will be allowed in the virtual courtroom, applying existing law and rules.

8. If the defendant/litigant requires the use of an interpreter, the Clerk shall contact the Language Line at: 1-866-874-3972; Client ID: 502970; Access Code: 5495027.

9. If there is a need for an exception to these Virtual Courtroom Procedures, application shall be made by the Chief Clerk or Designated Judge to the Supervising Judge or to the Administrative Judge. The Supervising Judge shall consult with the Administrative Judge to determine if an exception shall be made.

10. If the County Clerk receives a filing that requires immediate action by the Court, the County Clerk shall contact the Supreme Court Clerk. Appropriate contact information has been exchanged.

II. ADULT CRIMINAL ESSENTIAL APPEARANCES DURING BUSINESS HOURS

1. Arraignments

(a) All Counties shall adhere to the following procedures:

(i) All court paperwork shall be digitally transferred by the arresting agency to the District Attorney's Office (DA). The DA shall digitally provide a copy of all papers to the Chief Clerk, or his/her designee for distribution to the Designated Judge, Public Defender, Assigned or retained Attorney.

(ii) The Designated Judge shall preside over the proceeding from a remote location using a pre-established Skype link.

(iii) Jails will utilize Skype abilities with pre-established Skype link at court computer with in-custody defendant in front of camera with microphone.

(iv) The lawyers shall participate in the proceedings using the pre-established Skype link.

(v) At every appearance, the Designated Judge shall ensure that the Respondent and his/her counsel have an opportunity to consult privately.

(vi) The record will be kept via a remote court reporter, FTR and/or a Liberty Recorder on a court computer.