



5AO2020-44

**ADMINISTRATIVE ORDER  
FIFTH JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that effective 5:00 PM on March 16, 2020 the following rules be put into effect in the 5<sup>th</sup> Judicial District until rescinded.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020. "Designated Judge" shall refer to the judge assigned to hear the case by the Administrative Judge or his designee. "Essential Staff" shall refer to chambers staff of Designated Judges or non-judicial staff as designated by the District Executive.

- No eviction orders shall be signed.
- No default judgments shall be granted.
- No foreclosure auctions shall be held.
- All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District; and shall be designated Youth Part Judges.
- All Court proceedings will occur in the locations described in Attachment A and presided over by the judges assigned by the Administrative Judge or his designee.
- Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities shall be the lesser 30 people or ½ the posted room occupancy per code.
- After 5:00 PM on March 16, 2020 only Designated Judges and Essential Staff may report to the courthouse for work unless approved by the Administrative Judge.

## **Supreme Civil**

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- All civil trials that have commenced may continue.
- “Essential matters” is defined as urgent applications or cases in the following categories: Article 81 cases, Mental Hygiene Law applications (Retention Cases/Medication Over Objection cases), Orders to Show Cause, Extreme Risk Protection Orders, Applications for Orders of Protection, Isolation and Quarantine matters and any other matter determined to be essential by the Assigned Justice or Designated Justice in consultation with the Administrative Judge.
- All Temporary Orders of Protection shall be extended 90 days by the designated Supreme Court Justice, unless further emergency application is made.

## **Superior Court Criminal Cases**

- Any trial in which jeopardy has attached will continue.
- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (for defendants not in custody) or on or after April 15, 2020 (for defendants in custody). The adjourned date shall be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned date.
- “Essential Matters” includes arraignments, new and/or extended Orders of Protection and any other matters determined to be essential by the Assigned Judge or Designated Judge in consultation with the Administrative Judge.
- Currently seated Grand Juries may continue until the expiration of their terms. Thereafter, a District Attorney may make application to the Administrative Judge for the impaneling of a new Grand Jury.
- The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.

### **Treatment Courts/OSP**

- Treatment courts and Opioid Stabilization Parts will be handled by the designated City Court Judge or the designated County Court Judge in counties with no City Court.
- Treatment courts will continue to the extent appearances are deemed essential in acute cases by the designated judge in consultation with the Coordinating Judge of Treatment Courts and the Administrative Judge. All calendars and appearances shall be staggered so as to comply with room occupancy requirements as stated above.
- Essential Staff designated to work in these Courts shall be responsible for notifying attorneys or pro-se defendants of the adjourned dates.

### **Family Court**

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- “Essential matters” shall be defined as urgent Juvenile Delinquency proceedings, Child Protective Proceedings where there is an imminent risk of harm to a child, Family Offense matters, emergency support matters, and any other matters determined to be essential after application by the designated judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- All Temporary Orders of Protection shall be extended 90 days, by a designated Family Court Judge, unless further emergency application is made.

### **Surrogate’s Court**

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the assigned or designated judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- Essential matters shall include urgent guardianships, urgent adoptions, and other essential matters as determined by the Surrogate in consultation with the Administrative Judge.

### **City Court**

- 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 - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned date.

- Staff designated to work shall be responsible for notifying attorneys or pro-se litigants/defendants of the adjourned dates.
- Essential matters shall include arraignments, applications for Orders of Protection, and any matter deemed to be essential by the Supervising Judge in consultation with the Administrative Judge.

### **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 by the Supervising Judge in consultation with the Administrative Judge.
- Immediate Arraignments that occur during the day shall occur at the County Courthouse by the designated County Court Judge.
- 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.

Dated: March 16, 2020  
Syracuse, New York

s/James P. Murphy  
Hon. James P. Murphy  
Administrative Judge Fifth Judicial District

Distribution:  
HON. VITO CARUSO

## ATTACHMENT A

### 5th District

Herkimer County	Herkimer County Court - 301 N. Washington St. Herkimer, NY 13350
Little Falls City Court	Herkimer County Court - 301 N. Washington St. Herkimer, NY 13350
Jefferson County	Jefferson County Court - 163 Arsenal St. Watertown, NY 13601
Watertown City Court	Jefferson County Court - 163 Arsenal St. Watertown, NY 13601
Lewis County	Lewis Multi-Bench - 7660 N. State St. Lowville, NY 13367
Oneida County	Oneida Family Court - 200 Elizabeth St. Utica, NY 13501
Utica City Court	Oneida Family Court - 200 Elizabeth St. Utica, NY 13501
Rome City Court	Oneida Family Court - 200 Elizabeth St. Utica, NY 13501
Sherrill City Court	Oneida Family Court - 200 Elizabeth St. Utica, NY 13501
Onondaga County	Onondaga Family Court - 401 Montgomery St. Syracuse, NY 13202
Syracuse City Court	Onondaga Family Court - 401 Montgomery St. Syracuse, NY 13202
Oswego County	Public Safety Center, 39 Churchill Road, Oswego, NY 13126
Fulton City Court	Public Safety Center, 39 Churchill Road, Oswego, NY 13126
Oswego City Court	Public Safety Center, 39 Churchill Road, Oswego, NY 13126