



State of New York  
**UNIFIED COURT SYSTEM**  
**SUFFOLK COUNTY**  
**DISTRICT ADMINISTRATIVE JUDGE'S OFFICE**  
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District Administrative Judge  
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VITO C. CARUSO  
Deputy Chief Administrative Judge  
Courts Outside New York City

WARREN G. CLARK, Esq.  
District Executive

**MEMORANDUM**

**TO:** Hon. Vito C. Caruso  
**FROM:** Hon. C. Randall Hinrichs  
**DATE:** April 8, 2020  
**RE:** Virtual Chambers - Phase I

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All the courts in Suffolk County are operating from the Cohalan Court Complex in Central Islip. Essential matters for all courts are being held in this central location. All Judges in the district are assigned on a rotating basis to staff the parts hearing these essential matters. The transition to this virtual court has gone very smoothly and there has been great cooperation between the Judiciary, non-judicial staff, the bar, outside agencies and officials in creating this virtual operation.

The plan as outlined below is an effort by Suffolk County to fully comply with the "Next Steps" memorandum issued April 7, 2020 by Chief Administrative Judge Lawrence K. Marks. We are in the process of getting every Judge, attorney and secretary in the district VPN access in order to fully implement our plan for virtual chambers. Arrangements are being coordinated with security to allow Judges and staff access to their chambers to retrieve papers that are necessary to implement this plan. A common denominator of our plan in all courts is to allow requests from the bar to hear matters that require immediate attention, as well as conferencing of matters at the direction of the Court. In order to expedite communication between the bar and chambers, every Judicial Part in Suffolk County will have an email address that will allow chambers to review requests for conferences and other matters. The emails will be accessible by the Judge, Law Clerk, secretary and Chief Clerk's Office.

The conferences that are being conducted will be set up by chambers and will be conducted either over the telephone or Skype at the Judge's direction. In the event there is a need to make a record of something that transpired at the conference or to place a ruling on the record, the court reporter assigned to the Judge's Part in Supreme Court will be contacted and linked in utilizing either skype or the telephone to make the appropriate record. If, for whatever reason, the court reporter assigned to the Judge is unavailable, the Judge will work with the court reporter or backup court reporter assigned to the Essential Supreme Court Part in Central Islip. In the District Court, County Court and Family Court, if there is a need to make a record, it will be done through the Essential Part operating in Central Islip. The method of scheduling will be left to the individual chambers. The Law Clerk or Judicial secretary will utilize emails, phone calls (utilizing blocked numbers) or the new Softphone program.

Pro Se litigants will be able to access the courts by calling the designated numbers for each court, which are detailed on our court website and are posted on court buildings as well. I have outlined below Phase I of our plan for virtual chambers by court.

### Supreme Court

#### Matrimonial Parts

In an effort to facilitate the movement of cases during the current pandemic, the Matrimonial Courts will expand operations in order to address pending cases that warrant immediate court attention. This will be accomplished by permitting such cases to be conferenced with the Court and deciding pending motions. These expanded Court operations shall proceed under the following procedures:

1. Email addresses will be set up for each dedicated Matrimonial Part allowing chambers to receive requests for conferences and other documents requested by the Court. Those emails will be accessible by the Judge, Law Clerk and secretary.
2. Counsel and self-represented litigants may send a request for conference to the designated email address. The email request shall include the following:
  - a. case name and index number.
  - b. the email addresses and phone numbers for all attorneys and any self-represented litigants.
  - c. a brief history of the case.
  - d. the reason a conference is being requested and the specific issue(s) to be addressed.
  - e. a description of what recent efforts have been made by the attorneys and/or litigants to address the issue(s) for which a conference is requested.
3. The assigned Judge will determine whether to grant the request. If granted, a conference will be scheduled. The conference may be conducted by the Judge or the Law Clerk. A Skype for Business link will be sent to the participants or the Court may require the requesting party to set up a "call-in" conference call for a specific date and time. The Judge will determine whether the conference will be held on the record, and if it will, a court reporter will be contacted to remotely transcribe the proceeding.
4. Counsel or a self-represented litigant may request that a motion that was previously filed but not submitted to the Court be advanced and briefed so that it may be submitted for decision. The request shall be submitted to the assigned Judge's designated email for review. The Judge will determine if the motion warrants advancement and set forth a briefing schedule.
5. The parties shall, upon request of the Court, email copies of all motion papers to the designated email so that the motion can be electronically reviewed and the need to go to the Courthouse is negated. The Court will decide the motion and the assigned Judge can issue a decision via email.

#### Civil Parts

The Supreme Court Civil Parts have an extremely large backlog of submitted motions. The extensive workload generated by the statewide opioid litigation has contributed to this motion backlog. The first priority of the virtual chambers plan is to utilize this time to render decisions on outstanding motions and decisions following hearing or trial. The Parts will coordinate this effort with their Law Clerks, the Law Department and any attorneys from other courts that can be temporarily assigned to assist with this critical project.

Justice Paul Baisley, who presides over the TAP Part, will work with three other Judges, Hon. Thomas Whelan, Hon. John Rouse and Hon. Carmen St. George, who are all caught up with their motion inventories, to conference cases as outlined below.

1. The oldest cases that are currently ready for trial. First priority will be given to cases pending on the jury selection calendar (the "slip"calendar) that have appeared on at least three prior dates.
2. Cases pending on the regular ready day calendar in CCP that have been marked for a settlement conference (since these are the types of appearances where the parties are potentially most anxious to get before a judge, they could be productive).
3. Pending Infant Compromise settlements where the papers have already been submitted.

In addition, counsel for litigants may send their request to Justice Baisley in the TAP Part or any of the other IAS Civil Parts requesting a conference. The IAS Judges, in addition to working on the backlog of motions and decisions, will attempt to conference five cases a day on a daily basis utilizing their existing inventory as well as the requests they receive from counsel. The requests from the bar to have matters conferenced will be made through the Part's email which will be accessible by the Judge's Law Clerk, the Judge's secretary and the Chief Clerk.

#### District Court

The first obligation of the District Court Judges will be to cover the Essential Part that is up and running when assigned. Each Judge currently assigned to preside in a Civil or Criminal Part will address any outstanding motions and any outstanding trial and hearing decisions.

In addition to addressing motions and covering the Essential Part, on the criminal side, the Judges will begin conferencing all in-custody cases with the DA's office and the defense bar to either resolve the matter with a plea or continue to ready the cases for trial once we are back to court. Our Chief Clerk has created a list of incarcerated defendants with attorney information that will be distributed to the Judges. The District Court Judges can access the file/arrest paperwork through UCMS and contact the parties directly to schedule conferences. If a resolution is arrived at, the case will be scheduled in the Essential Part for disposition.

The Civil Parts in our outlying District Courts will be available upon request of counsel to conference civil matters requiring immediate attention.

I recognize that the Treatment Parts have been deferred until a later phase. I would note, however, that if approved, we are ready to schedule conferences with ADAs and defense counsel on cases in our Drug Court, Mental Health Court and Veterans Court. On an informal basis, Judges have begun conferencing cases with Probation Officers and resource coordinators to check on the progress and status of participants in these courts utilizing telephonic and Skype conferences.

Once motions in District Court are up to date, attorneys from the District Court Law Department will be reassigned to assist with the Supreme Court motion backlog.

### County Court (Superior Criminal Parts)

Judges sitting in the Felony Parts in County Court will address any fully submitted motions and any outstanding hearing or trial decisions. In addition, the Chief Clerk has created a list of incarcerated defendants with attorney information by Part and the Judges will conference all in-custody felony cases on the telephone or via skype.

Similar to the Treatment Parts in District Court, we are ready to schedule conferences with ADAs and defense counsel on cases in our Felony Youth Part and Judicial Diversion Parts. On an informal basis, Judges have begun conferencing cases with Probation Officers and resource coordinators to check on the progress and status of participants in these courts utilizing telephonic and Skype conferences.

Judges assigned to the Felony Criminal Courts have been contacted and, in that there is not a backlog of motions in the Criminal Parts, their Law Clerks will be assigned to assist with the Supreme Court Civil motion backlog.

### Family Court

The Family Court has been our busiest in conducting essential operations and all of the Judges have been covering the Essential Parts on a very regular basis. This remains the Judges' first responsibility.

Judges, Support Magistrates and Court Attorney-Referees will address any motion and/or decision backlog in an effort to get fully up to date. As part of this effort, a backlog in motions involving Special Immigration Juvenile status will be addressed. In addition, these cases will be screened for age sensitivity and will be advanced if necessary.

Judicial Parts will begin conferencing cases remotely on a daily basis based on requests from the bar and matters the Judge deems appropriate. The requests from the bar will come in to the Part by email and will be conferenced at the discretion of the Judge. In selecting cases to conference, the Judicial Parts will first look at the voluminous emergency matters that have been filed as essential matters. These matters will be reviewed in an effort to resolve issues and curtail the number of hearings that are required.

### Surrogate's Court

All members of the Law Department, as well as the Surrogate's Principal Law Clerk will be working from home on both pro forma submitted matters and more complex motions that have been fully submitted. Following an internal review, the draft decisions will be forwarded to the Surrogate for finalization and signature where appropriate. The Surrogate and the Law Department will be available to conference matters virtually upon request from counsel or a party on matters that require immediate attention. These requests will be received via email.

We will commence processing and executing previously filed voluntary administration, probate, administration, accounting, miscellaneous, and guardianship matters that have been fully submitted with all appropriate waivers, or where service was complete and no objection was filed as of the last process calendar on March 10, 2020. All new matters will be handled under the existing essential matters protocol.

With respect to matters where no written decision is required, we will have an appropriate clerk review the file. If everything is in order, the clerk will notify the Chief Clerk who will also review the file. This is in accordance with our existing procedures. Once approved, the clerk will email the decree to the Surrogate for signature. The Surrogate will scan and email the decree back to the clerk for issuance of letters and certificates and he or she will enter it into UCMS. Where the clerk realizes only minor paperwork or a minor amendment to the petition is needed (in other words, where no new process is needed), he or she can email the lawyer or pro se party what is needed, again in accordance with existing procedure. Any matter requiring further citation would not be processed but would set aside for a day in the future when we resume normal operations.

These matters will be processed by using the single clerk assigned to our field office in Cohalan Court Complex and will be supplemented as we get clerks VPN access. In addition to continuing to answer the phone and field essential applications, this employee would now review submitted applications, in his or her respective department. We would rotate clerks from each department so we can address all outstanding applications. We also propose that eventually another clerk with VPN access could work from home. Whether the papers are reviewed in the field office or at home the clerk should forward the decree to the Chief Clerk for approval prior to emailing to the Surrogate. The Surrogate can sign at home, scan and email back to the clerk in Central Islip for processing as indicated above. We also propose that a court clerk specialist who is able to process revenue be given VPN access, so he or she can continue to perform that function, even when they are not physically in court.

We further propose to allow email applications for updated certificates. Since these certificates of letters issued last only six months, this may become a regular application. Moreover, since these requests only involve submission of a nominal fee and review of the file, they can be readily processed by the clerk assigned to the field office.

#### Conclusion

We are ready to implement the above mentioned plan immediately upon approval. If there are any questions, please do not hesitate to contact me at anytime. Thank you very much.

CRH:dah

cc: Hon. Andrew A. Crecca, Supervising Judge, Matrimonial Parts  
Hon. Paul J. Baisley, Jr., TAP Judge  
Hon. Theresa Whelan, Surrogate  
Hon. Mark Cohen, Supervising Judge, County Court  
Hon. James F. Quinn, Supervising Judge, Family Court  
Hon. Karen Kerr, Supervising Judge, District Court  
John George, Chief of Administration  
Scott Murphy, Chief of Staff  
Jennifer DiLallo, Deputy Chief of Staff  
Warren G. Clark, District Executive  
Mary Porter, Court Attorney Referee