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MEMORANDUM

March 12, 2020

To: Hon. George J. Silver
Hon. Vito C. Caruso
Administrative Judges

From: Lawrence K. Marks *LM*

Re: Coronavirus – Courthouse Procedures

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As you know, the spread of the coronavirus in New York over the last two weeks has raised a number of challenging operational issues within UCS courthouses around the State. This memo will present court procedures, effective immediately, designed to address several of those issues, including:

- A. restrictions on persons who self-identify as at risk of COVID-19 from entering court facilities
- B. procedure when a courthouse visitor self-identifies as a person at risk
- C. procedure when a courtroom visitor self-identifies as a person at risk
- D. mandatory court appearances by persons who self-identify as at risk
- E. procedures when court staff self-identify as at risk
- F. notification procedures upon receipt of a confirmed coronavirus diagnosis of a courthouse visitor or court staff

These procedures are subject to amendment as circumstances require.

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A. Persons Wishing to Enter Court Facilities

Any person who

1. has been in any of the following countries within the last 14 days: China, South Korea, Japan, Italy, Iran, or any other country reported by the Centers for Disease Control as having “widespread sustained” (with or without restrictions on entry to the U.S) or “sustained community” spread of the coronavirus (www.cdc.gov/coronavirus/2019-ncov/travelers/index.html); or
2. resides or has had close contact with anyone who has been in one of the countries listed above within the last 14 days; or
3. has been directed to self-quarantine, isolate or self-monitor for the coronavirus by any doctor, hospital or health agency; or
4. has been diagnosed with, or has had close contact with anyone diagnosed with, COVID-19; or
5. has flu-like symptoms

shall be considered “Persons at Risk,” and should not enter a court building or facility. Instead, Persons at Risk having business before the court should contact the court at the appropriate telephone number for coronavirus matters published by the local court, and follow instructions. Notices to the public providing this contact information will be displayed prominently at courthouse entrances.

B. Persons at Risk Entering Court Facilities

If a court visitor who self-identifies as a Person at Risk as described in par. A enters the courthouse, court personnel should take the following steps:

1. notify court uniformed personnel; and
2. uniformed personnel should notify the visitor of the procedure described in section A, and request that the visitor leave the courthouse immediately and call the contact number for further information.

If the visitor leaves the building:

3. at earliest opportunity, court personnel should direct appropriate cleaning of areas contacted by the visitor.

If the visitor declines to leave the building:

4. uniformed personnel should direct the court visitor to a nearby location away from other members of the public and court staff;

5. uniformed personnel should communicate immediately with local health and police authorities and seek further direction;¹
6. at earliest opportunity, court personnel should direct appropriate cleaning of areas contacted by the visitor; and
7. uniformed personnel should apprise appropriate other court personnel of appropriate steps as directed by health authorities.

Please note that court personnel, including uniformed personnel, should not attempt to identify Persons at Risk, either through measuring flu-like symptoms (e.g., noticing that someone is coughing or short of breath) or by questioning visitors about past travel or quarantine/isolation status. Those assessments should be made by medical authorities only.

C. Persons at Risk Entering Courtrooms

If a court visitor in a courtroom self-identifies as a Person at Risk as described in par. A, the judge presiding should notify uniformed court personnel immediately. Uniformed court personnel staff should take the steps described in par. B above.

D. Persons at Risk Required to Appear in Pending Proceedings

If a party, attorney, witness, or any other person necessary for the proper disposition of a pending matter self-identifies as a Person at Risk, the court should:

1. allow the Person at Risk to appear in the matter remotely by Skype or teleconference; or
2. postpone the proceeding for a period of at least two weeks.

At no time should a court direct or permit the attendance of a Person at Risk at a court proceeding.

E. Court Employees

1. If a court employee self-identifies as a Person at Risk as described in par. A, the employee should
 - a. not come to work;
 - b. notify a work supervisor of the circumstances; and
 - c. contact a personal medical provider or public health provider, and follow medical instructions.
2. If a court employee self-identifies as a Person at Risk as described in par. A and is present at work,

¹ Inside New York City, EMS should be notified; in appropriate cases not requiring immediate on-site medical attention, the local uniformed command should place an inquiry through the NYC Provider Access Line at 866-692-3641. Outside New York City, the Chief of the Judicial District should direct calls to the respective County Health Department.

- a. the employee should immediately notify a work supervisor of the circumstances, should go home, contact a medical provider or public health provider, and follow medical instructions;
- b. the supervisor should immediately notify uniformed court personnel;
- c. if necessary, uniformed personnel should communicate immediately with local health authorities and seek further direction;
- d. uniformed personnel should apprise other appropriate supervisory personnel of steps as directed by health authorities; and
- e. at earliest opportunity, court personnel should direct appropriate cleaning of areas contacted by the employee.

Additional information on time and leave issues will follow shortly in a separate memorandum.

F. Receipt of Notification of a Confirmed Coronavirus Diagnosis

In the event that the court receives notice that a courthouse visitor or employee has been diagnosed with the coronavirus:

- 1. Senior uniformed personnel on site should be informed immediately, should further notify uniformed command outside the courthouse, and should prepare an unusual occurrence report.
- 2. An appropriate administrator should immediately notify the NYC, county or state health department, and obtain health instructions for staff and the public.
- 3. Court personnel should review records of any court locations contacted by the visitor, and the duration and nature of such contacts over the prior two weeks.
- 4. Judges and court staff within these contact areas should be notified immediately about the diagnosis, the contact, and the medical advice proffered by the health department. These judges and staff should be instructed to take the remainder of the day off (as excused leave), to contact their personal physicians, and to notify the court of any further developments or medical directives.
- 5. Best efforts should be made immediately to notify all attorneys and other members of the public who were in the contact areas during the relevant periods.
- 6. Local administrators should inform other UCS personnel in the courthouse of the incident at earliest opportunity.
- 7. At earliest opportunity, court personnel should direct appropriate cleaning of areas contacted by the person diagnosed.
- 8. A public statement describing the incident should be posted on the UCS internal and public websites.

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In all instances described above, court uniformed personnel should be notified and an Unusual Occurrence Report/Aided Report should be prepared. The report should describe all courthouse areas visited by the Person at Risk, and time of such visits. Copies of court calendars

in such visited areas should be maintained, in the event that court visitors must be notified of the incident. Appropriate public notice should issue whenever a Person at Risk is determined to be a high or medium risk for coronavirus contagion according to CDC standards. The Office of Public Safety will follow up with reports of suspected diagnosed courthouse visitor cases as circumstances dictate.

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Perhaps the most critical mission at a time such as this is to share information with our staff as fully and quickly as circumstances allow. Please continue to encourage the prompt reporting of all coronavirus-related issues in our courthouses and other facilities to uniformed personnel and other administrative staff at the earliest possible time. We will continue to keep you fully informed about current and changing practices and plans as this situation continues to develop. As always, thank you for your dedication and cooperation.