

Supreme Court Protocols During Consolidated Court Operations (updated 3/27/20)

In response to the COVID-19 pandemic and the Executive orders issued by the Governor, and the Administrative orders issued by Judges Marks, Caruso and Hinrichs, the court system is operating on an essential needs basis only. All court functions in Suffolk County have been centralized in the Cohalan Complex in Central Islip with only limited ability to make application to the Supreme Court. Our goal is to curtail the spread of the virus by substantially limiting, or when possible, eliminating the need for litigants, lawyers, judges, and court staff to travel to or appear at the Courthouse. To that end we have developed procedures and protocols that will enable us to accept authorized applications electronically, filing fees by overnight mail, and conduct Supreme Court proceedings via Skype.

Limited Applications

All applications to the Supreme Court must comply with the Chief Administrative Judge's Administrative Order, dated March 22, 2020 (AO/78/20), which prohibits the filing of papers with the County Clerk or the Court except for those matters enumerated in the Administrative Order. The Order specifically permits the filing of the following matters in Supreme Court:

C. Supreme Court

1. Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release
2. MHL hearings addressing the involuntary administration of medication and other medical care
3. newly filed MHL applications for an assisted outpatient treatment (AOT) plan
4. emergency applications in guardianship matters
5. temporary orders of protection (including but not limited to matters involving domestic violence)
6. emergency applications related to the coronavirus
7. emergency Election Law applications
8. extreme risk protection orders (ERPO)

In addition to these specifically enumerated matters, the Administrative Order (AO/78/20) also provides under section "E" for the filing of "any other matter that the court deems essential".

Attorneys, or self-represented litigants, seeking to file a matter in Suffolk County Supreme Court that is not specifically enumerated in the Administrative Order that they believe to be essential or an emergency must first call the Supreme Court Clerk's Office at 631-740-3852. Instructions will be given to provide a copy of the proposed application electronically along with contact information (mobile phone numbers and emails). Thereafter, an assigned Supreme Court Judge shall determine after consultation with the District Administrative Judge, if the application is deemed to be an essential matter and if it is an Order will be issued authorizing the filing of such papers necessary to make the application. All filings and the payment of fees for essential matters should be completed electronically by using NYSCEF when authorized; for those essential matters not currently authorized to be e-filed and paid via NYSCEF, instructions will be given on how to file electronically and pay fees via overnight mail.

Attorneys and self-represented litigants are advised that requests to have a matter deemed essential should be limited to applications that are of a true emergency nature and require immediate judicial intervention.

Appearances by Video Conference

Unless otherwise permitted by the Court, all appearance in Suffolk County Supreme Court by litigants, lawyers and judges will be done by video conference via Skype. Once papers have been filed, the Clerk will send an email to the attorneys (and to any self-represented litigant) that includes a specific time that the application will be heard and a link to the Skype meeting. The Skype court session can be accessed via the link on any computer or mobile device with a camera. Litigants' appearances will be waived unless self-represented, however, represented litigants may appear at the direction of the Court, or at the request of counsel, via Skype by having the attorney forward the link to the client. A record of the proceedings will be taken by a court reporter. Any orders that issue as a result of the proceeding will be transmitted electronically.