
FOR PUBLIC DISTRIBUTION



2020 PHASED RE-ENTRY PLAN (COVID-19)

No American institutions are more vital than the courts. Courts of law enforce the rules and norms that allow free people to live together in community. Courts stand ready to protect our lives, our liberties and our property; to defend our civil rights; and to protect us from the actions of those who would undermine public safety. The work of our courts is fundamental to the functioning of society.

As the COVID-19 crisis has unfolded over the past few months, all courts, including the United States District Court for the Southern District of New York, have continued to work for justice. But because of the pandemic, we have worked almost exclusively from home, and in a manner very different from our normal operations. We have had to be creative about how we did things, and certain of our most essential functions, including holding trials, we could not perform at all.

As the first wave of the pandemic recedes, we need to reopen our doors to the public and move toward a restoration of the full range of services that courts provide. We are committed to doing this in a way that provides maximum safety to those who work in our courthouses and those who visit them. We will be guided by the best possible scientific and medical advice. That is why we will reopen gradually, as conditions in the eight counties that make up the Southern District permit.

The information below explains how we intend to restore our essential services in the courthouses. It outlines what will happen in four phases of operation – from Phase I, which has already begun, with some of our back office staff reporting to their regular duty stations, until Phase IV, when we can resume normal operations, albeit with security and health protocols in place until health officials assure us that the pandemic is over.

This document also describes the many new protocols that we are putting in place for your protection. It represents hundreds of hours of thoughtful work and research by our Chief Unit Executives – District Executive Edward Friedland, Clerk of Court Ruby Krajick, Chief of Pre-Trial Services Scott Kowal, Chief of Probation Michael Fitzpatrick – and members of their managerial staffs. I hope it answers many of the questions you must have at this difficult and puzzling time.

I regret that I cannot tell you exactly when each phase will commence. We will move carefully, always monitoring for enhanced risk, and stepping back when necessary to preserve the health and safety of our employees, our users, and the public.

With your cooperation, we will restore the full functioning of this, the first federal court to open for business in the United States and continue together our quest for justice for all.

On behalf of all the judges and staff of “The Mother Court,” I look forward to welcoming you back to our courthouses.

Colleen McMahon
Chief Judge

NEW HEALTH AND SAFETY PROTOCOLS FOR COURTHOUSES IN THE SOUTHERN DISTRICT OF NEW YORK

The health and safety of everyone who comes to our courthouses – employees, lawyers, litigants, jurors, the press, contractors, law enforcement personnel, and interested members of the public – is our first priority. After considering guidance from Dr. Amira Roess, an epidemiologist at George Mason University, as well as leading health organizations, including the Centers for Disease Control and New York State, New York City and Westchester County public health guidelines, the Southern District of New York adopts the following health and safety protocols for everyone’s protection. These protocols will remain in effect as long as public health guidance requires them. The SDNY may modify these protocols as necessary.

Before You Come to the Courthouses of the Southern District of New York:

We need your help in the fight against the COVID-19 virus. If you are not feeling well, or have any symptoms associated with COVID-19 that are not explained by allergies or some other underlying condition, including:

- cough
- shortness of breath
- fever
- chills
- muscle pain
- headache
- sore throat
- new loss of taste or smell
- extreme fatigue

you must stay home; you may not come to the courthouse. In addition, if you have been exposed to someone who has COVID-19 within the last 14 days, do not come to the courthouse.

If you are supposed to report to the courthouse for official business – whether you are a lawyer, witness, litigant, juror, or contractor – you should contact the person who directed you to report if you are not feeling well, showing symptoms of the virus, or live with someone who does. You can ask to participate in a proceeding remotely, or to adjourn the proceeding or reschedule the meeting.

SDNY employees have been instructed to report anyone who exhibits COVID-19 symptoms in the courthouse to a Unit Executive or a manager. We encourage our visitors to do the same. You can report your concerns to Thomas Mixon in the District Executive’s Office, by calling 212-805-0507.

As You Enter the Courthouses of the Southern District of New York:

Every person who comes to one of our courthouses, for any reason, must pass through the following screening process:

- 1) Your temperature will be taken, using a contactless thermometer. If your temperature is 100.4 degrees or higher, you will not be permitted to enter the courthouse.
- 2) You will be asked a few screening questions about your COVID-19 status and possible recent COVID-19 exposure. If your answers indicate that you may have COVID-19 or that you may have recently been exposed to COVID-19, you will be asked follow-up questions, so that the screener can determine whether you should be allowed to enter the building.
- 3) You must wear a mask that covers your nose and mouth. If you do not have a mask, a screener will provide one. No one will be admitted without a mask.
- 4) You must apply hand sanitizer, which will be available at all courthouse entrances.
- 5) You will place personal items that need to be screened through an x-ray machine in a single-use plastic bag, which will be discarded after each use. Court staff will not handle personal belongings.
- 6) You will place any electronic device that must be checked in a single-use plastic bag that will be handed to a Court Security Officer.

During Your Time in the Courthouse:

While you are in the courthouse, you must comply with the following rules. If you fail or refuse to abide by these rules, you will be required to leave the courthouse immediately.

Face Coverings: You must wear a mask that covers your nose and mouth in all public areas of the courthouse (including hallways, public counters, elevators and courtrooms) or in areas where more than two persons are working, unless you are permitted to remove your mask by an authorized SDNY staff member. Anyone who interacts with the public must wear a mask at all times.

Social Distancing: You must adhere to safe social distancing rules, by standing or sitting at least six feet away from other individuals.

To accomplish this, we have changed the look of many areas in our courthouse. We have removed chairs from the Jury Assembly room so potential jurors can sit six feet apart. Courtrooms are being reconfigured in order to provide for proper social distancing. Markings will be placed in the well of the courtroom, at counsel tables and in the public seating gallery, to indicate where people may stand or sit. There will be fewer seats in public galleries, and overflow courtrooms or public call-in phone numbers will be used when necessary. Markings will also be placed on gallery benches, indicating where it is permissible to sit.

When we resume jury trials, they will take place in just our largest courtrooms in each courthouse. Jury boxes are being enlarged and juror chairs separated with plexiglass dividers, so each juror has protected personal space. Plexiglass dividers will be installed around the witness box and may be placed elsewhere in courtrooms if we cannot achieve a full six feet of distancing. Counsel tables will be separated; seating will be limited; some lawyers may have to sit in the gallery.

In addition, plexiglass barriers will be erected in key locations – including public counters, frequently visited desks and workstations – to enhance the safety of those transacting business with the Court.

If you are standing in line, you must keep six feet away from any person around you, unless you are taking care of a small child or assisting someone with special needs. Elevator capacity will be limited as posted to no more than three people, all of whom must wear masks. Markings will be placed on floors in highly trafficked areas, indicating where it is permissible to stand or walk.

Doors: Whenever possible, doors used by the public will be left ajar, so that no one needs to touch door handles to gain entry. This includes restroom doors.

Hand Washing and Sanitizing: Everyone is expected to practice appropriate hygiene, including frequent handwashing with soap and water for at least 20 seconds and the use of hand sanitizer. Hand sanitizers will be placed throughout the courthouses, especially in highly trafficked areas like courtroom entrances, employee work areas, and public counters. You should wash your hands after touching surfaces like elevator call buttons, door handles, public counters, and workplace equipment. You should also wash your hands after using the restroom, sneezing, blowing your nose, eating or drinking, going on break, or interacting with the public. All restrooms will have plenty of soap and paper towels, which will be regularly replenished.

Cleaning: Cleaning crew will be available throughout the day to sanitize heavily trafficked spaces and to disinfect courtrooms after they are used. Cleaning supplies will be available in courtrooms, restrooms and other places where court business takes place.

Instructional Signage: There will be health and hygiene reminders at all entrances and throughout the courthouses. This signage will remind you about SDNY rules on masks, social distancing, occupancy restrictions, and hand washing.

Employee Protocols: SDNY employees are our first line of defense against COVID-19. All our employees will be trained in COVID-prevention measures and will at all times be wearing job-appropriate personal protective equipment. We will be arranging employee schedules to minimize the number of people in the courthouses at any given time. Most important, SDNY employees are under strict instructions not to report to work if they or anyone with whom they have had close contact tests positive for COVID-19 or exhibits symptoms of the virus.

You can rest assured that our employees take your protection very seriously.

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The information that follows outlines the four-phased reopening plan that we have begun to follow in order to restore services from the courthouses here in the Southern District of New York. You will note that the courthouses are not going back to “business as usual” right away. In fact, we expect that reopening to full servicing of cases from the courthouse will take many months to accomplish. Moreover, if there are new outbreaks, we will not hesitate to pull services back until it is safe to resume them. At all times we will balance the need to move court calendars with the safety of our courthouse users, and public safety will be paramount.

SDNY PLAN FOR PHASED RESTORATION OF FULL SERVICES

Introduction

In line with guidance from the Administrative Office of the United States Courts, the SDNY is establishing a four-phase plan for restoration of full services at courthouses.

The Office of the District Executive will oversee implementation of this plan, in consultation with the Chief Judge and Chairs of the Court's Committees on Security, House and Space, Criminal Law and Probation, and the Clerk's Office. The District Executive will also coordinate with the other Unit Executives – the Clerk of Court and the Chiefs of Probation and Pre-Trial Services.

Phase 1 began on June 15. No dates have been fixed for the commencement of Phases 2-4. The Chief Judge, in consultation with the COVID-19 Response Team, will determine when the SDNY will start Phase 1 and when it will move to a subsequent phase. The Chief Judge and the COVID-19 Response Team will also decide when it may be necessary to reduce services in the event of a new round of viral infections.

Prior to Any Restoration of Courthouse Services:

In anticipation of implementing Phase 1, significant physical modifications were made to courthouse facilities. You will see modifications to the following spaces that were made to promote social distancing and ensure safe environment for everyone:

- a) **Employee Work Areas:** Staff areas were measured for compliance with social distancing rules (minimum six feet) and reconfigured where needed to comply with social distancing standards. All employee work areas were equipped with disinfectant and hand sanitizer so that shared equipment can be regularly cleaned during the day and employees can follow recommended hand sanitation practices.
- b) **Cafeteria:** Service was modified. Self-service counters and salad bars have been eliminated. Seating in the dining area is reduced. Remote ordering and contactless pick-up have been instituted.
- c) **Jury Assembly Rooms:** In Foley Square and White Plains, jury assembly rooms are being reconfigured so that every prospective juror sits at least six feet away from any other person.
- d) **Courtrooms:** The largest courtrooms in both Foley Square and White Plains (Courtrooms 23, 24, and 26 A and B in the Moynihan Courthouse; Courtrooms 110, 318, and 506 in the Marshall Courthouse; and Courtrooms 275, 520 and 521 in the Briant Courthouse) are being renovated to allow for socially distanced jury trials. Jury boxes and deliberation tables are being enlarged to accommodate jurors, and plexiglass barriers will be placed between jury seats, giving each juror

personal space in both the courtroom and the deliberation room. Witness boxes will have plexiglass sneeze guards to protect courtroom deputies and court reporters. Counsel tables are being separated and chairs are being eliminated so that lawyers can remain socially distanced. Portions of public seating galleries are being repurposed for alternate jurors or for seating for additional lawyers or clients in civil cases. Benches in the gallery designated for public seating are being marked for social distancing.

All other courtrooms in Foley Square and White Plains have been measured to ensure compliance with social distancing protocols. Where necessary, furniture and podiums have been relocated.

- e) **Mail Room:** Plexiglass barriers have been installed in the mail room to protect staff from individuals who are delivering or picking up mail and packages.
- f) **Press Room:** The in-house press room is being modified for social distancing.
- g) **Public Hallways:** Floors have been marked to indicate where people can stand in line for elevator or counter service.
- h) **Hand Sanitizer:** Dispensers have been installed throughout the courthouses and disinfectants and paper towels placed in all shared spaces, including podiums, witness boxes, and restrooms.

Phase I:

During Phase 1, the SDNY is focused on bringing some employees back to their regular duty stations and acclimating them to the modified courthouse environment. The courthouses remain closed to the general public except for emergency matters and the filing of papers in drop boxes.

During Phase I, you can expect the following services from court units:

Judicial Proceedings:

- a) Judicial Proceedings, except for emergency matters, are being held remotely.
- b) Ceremonial Sessions are suspended.
- c) Naturalization Ceremonies are suspended.

Clerk's Office:

- a) All Attorney Admissions are being performed on paper.
- b) The Foley Square Clerk's Office will operate as follows:

- 1) All managers and supervisors are on-site.
 - 2) The front office staff is reporting on a rotating basis.
 - 3) Criminal and Civil Case Operations are working with minimal staff on-site, with most functions performed remotely.
 - 4) Incoming mail is being processed three days a week.
 - 5) The following units have some staff members working on-site:
 - a) Pro Se Intake Unit
 - b) Finance and Cashiers (Civil Case Opening)
 - c) Office of Clerk of Court
 - d) Miscellaneous Case Operations
 - e) Judicial Services (Jury, Records Management and Open and Closed Records)
 - 6) Computer Systems has some staff members on-site, on a rotating schedule.
 - 7) Interpreters Unit has some administrative staff on-site on a rotating schedule. Court interpreting services will continue to be conducted remotely.
 - 8) Mediation Unit has some staff on site on a rotating schedule. All mediations are being conducted remotely.
 - 9) Supply Room has some staff on-site on a rotating schedule.
 - 10) Jury staff is preparing to qualify new jurors.
 - 11) Courtroom Deputy Clerks are working as directed by the judge to whom they are assigned.
- c) The White Plains Clerk's Office is operating as follows:
- 1) Managers and supervisors are on-site.
 - 2) Criminal and Civil Case Operations are working with minimal staff on site, with most functions being performed remotely.
 - 3) Mail is being processed daily.
 - 4) Some Clerk's Office staff members are on-site on a rotating basis.
 - 5) Computer Systems staff have resumed full operations on-site.
 - 6) Interpreters Unit is working remotely.
 - 7) Courtroom Deputy Clerks are working as directed by the judge to whom they are assigned.

District Executive Office:

- a) District Executive Management Staff are working on-site.
- b) District Executive Front Office Staff are reporting to work on a staggered- hour rotating schedule.
- c) Mailroom services are being provided three days per week (Monday, Wednesday and Friday). The mailrooms are open from 9:00 AM to 4:30 PM.
- d) Issuance and renewals of Attorney Service Passes are being done by mail only. For information on Attorney Service Passes, contact: alexa_fisher@nysd.uscourts.gov.
- e) Audio/video staff are working on-site on a staggered-hours rotation schedule.
- f) Telecommunications staff are operating on-site.
- g) Court Reporters are working on-site on an as-needed basis. Otherwise, court reporting will continue remotely.
- h) Property, Procurement, Accounts Payable and Space and Facilities staff are on-site on a staggered-hours rotating schedule.

Pretrial Services Unit:

- a) **Bail Investigations:** Bail interviews are being conducted by telephone. Bail reports are being disseminated electronically by Pretrial Services and must be shredded and discarded by counsel in compliance with local rule: *See* Standing Order in *In re Coronavirus/COVID- 19 Pandemic*, M 10-468 (CM).
- b) **Bail Hearings:** Bail-related court proceedings are being covered remotely by teleworking officers.
- c) **Supervision:** Defendants under Pretrial Services supervision are continuing to report if directed to do so.
- d) **Staffing Levels:** Pretrial Services has a duty manager on-site in the Foley Square courthouse to support Phase I operations. A small number of Pre-Trial officers are working on a rotating basis from the courthouse; all other officers are working remotely.

For any inquiries or requests related to the processing of new arrests or supervision of pretrial defendants please contact Pretrial Services bail investigation department at (212) 805-4344.

Probation Department:

- a) The Chief Probation Officer, or one of the Deputy Chief Probation Officers is on-site in Foley Square. A Deputy Chief Probation Officer is on- site in White Plains two days a week.
- b) **Presentence Division:** To limit the number of employees reporting to the courthouses during Phase 1, no more than two Probation Officers are on-site each day. All interviews are being conducted telephonically.
- c) **Supervision Division:**
 - 1) Two Probation Officers are on-site each day in Foley Square. One Probation Officer is on-site in White Plains each day.
 - 2) An intake team consisting of four employees is on-site to schedule appointments for supervisees who have been released but have not reported for intake. Five appointments are being scheduled each day, beginning at 11:00 AM, and continuing until 3:00 PM, on an hourly basis.
 - 3) Regular intake has resumed for all new cases.
 - 4) Fieldwork/home visits are being conducted for supervisees who were released after the COVID-19 restrictions were put in place. Field work for other high- risk cases are taking place with the approval of

a deputy chief probation officer.

- 5) Office visits by persons under supervision are being conducted with the approval of a deputy chief probation officer.

Phase II:

During Phase II, the courthouses will reopen to the public. Courtrooms may be used for conferences, hearings, and bench trials. Subject to BOP and USMS restrictions, prisoners will be produced to courtrooms or the cellblock and attorney visitation will be permitted in the cellblock and/or holding cells.

During Phase II, you can expect the following services from court units:

Judicial Proceedings:

- a) Subject to the discretion of individuals judges, courtrooms will be opened for conferences, hearings, pleas, sentencings, and bench trials. However, proceedings may also be held remotely, and judges are encouraged to use video and teleconferencing whenever possible.
- b) For criminal proceedings: Defendants who are out on bail should report for scheduled proceedings. The USMS will produce incarcerated defendants to the courthouse, and in the discretion of the district judge, to the courtroom.
- c) For all proceedings: litigants (in civil cases), family members of the defendants or victims (in criminal proceedings), and the press have first priority for seating in a courtroom. All seating will conform to SDNY social distancing rules. Overflow courtrooms will be utilized when necessary to accommodate seating limitations. Courtroom deputies should continue to provide a call-in line for all courtroom proceedings.
- d) Ceremonial Sessions will remain suspended.
- e) Naturalization Ceremonies will remain suspended.

Clerk's Office:

- a) The Clerk's Office will be open from 8:30 AM until 4:00 PM. Public counter hours will be open from 9:30 AM to 1:00 PM in the following units:
 - 1) Pro Se Intake Unit
 - 2) Finance and Cashiers Unit (Civil Case Opening)
 - 3) Miscellaneous Case Operations Unit (Attorney Services, MDL, Orders and Judgments, Appeals)
 - 4) Mediation
- b) Between 8:30 - 9:30AM and 1:00 - 4:00PM, a reduced staff will engage in back office functions.
- c) All other operations will continue as in Phase I.

District Executive Office:

- a) The District Executive Office will be open for full services to the public and staff from 8:30 AM until 4:30 PM.
- b) Otherwise, the District Executive's Office will continue as in Phase I.

Pre-trial Services Unit:

All Pre-trial operations will continue as in Phase I. Pretrial Services will have minimal staff in the office, including a duty manager, necessary to support Phase II courthouse operations.

Probation Department:

All Probation operations will continue as in Phase I, with the same on-site staffing.

Phase III:

During Phase III, jury trials will slowly begin to resume. All jury trials in both Foley Square and White Plains will be conducted in the large courtrooms (Courtrooms 23, 24 and, 26 A and B in the Moynihan Courthouse; Courtrooms 110, 318 and 506 in the Marshall Courthouse; and Courtrooms 275, 520 and 521 in the Brieant Courthouse), which will be set aside for jury trials. All incarcerated defendants will be produced to courtrooms for all proceedings.

During Phase III, you can expect the following services from court units:

Judicial Proceedings:

- a) Courtrooms will be opened for proceedings in the sole discretion of the presiding judge. Jury trials will only be conducted in specially designated courtrooms.
- b) Ceremonial Sessions will remain suspended.
- c) Naturalization Ceremonies will remain suspended in the courthouse, although judges may hold them in other locations, including at 26 Federal Plaza.

Clerk's Office:

All Clerk's Office operations will continue as in Phase II, except that additional staff may be asked to come in on a staggered-hours basis on a rotating schedule.

District Executive Office:

All District Executive operations will continue as in Phase II.

Pre-Trial Services:

COVID-19 Bail Investigation and Supervision Operations and staffing levels continue with additional staff on-site, as needed, for in-person court coverage and increased supervision reporting.

Probation Department:

- a) All probation operations will continue as in Phase II.
- b) RISE Court sessions may resume as agreed by the Chief of Probation and the presiding judge.

Phase IV:

During Phase IV, we will be at our “new normal.” It will not be quite like the “old normal,” in that some operations will continue to be performed remotely until we are sure that the pandemic is safely behind us. But all functions suspended at the outset of the COVID-19 outbreak will be reinstated, albeit on a limited basis.

During Phase IV, you can expect the following services from court units:

Judicial Proceedings:

- a) Jury trials will resume in all courtrooms; criminal jury trials may continue to be held in only in oversized courtrooms, after consulting public health guidelines.
- b) Ceremonial Sessions may resume, perhaps with restrictions on the number of attendees.
- c) Naturalization Ceremonies may resume at the courthouses, but with restrictions on the number of attendees.
- d) Moot courts and other public uses will resume, but any such event must be scheduled through the District Executive’s Office, which will condition acceptance on adherence to health and safety protocols.

Clerk’s Office:

- a) The Clerk’s Offices in both Foley Square and White Plains will be open for services to the public from 8:30 AM until 5:00 PM. Public counters will be staffed throughout the day, from 8:30 until 5:00 PM.
- b) All back-office operations will continue as in Phase III.

District Executive Office:

- a) All District Executive’s Office operations will continue as in Phase III, except that the office will be open until 5:00 PM.

Pre-Trial Services:

- a) Bail Investigation and Supervision Operations resume with the following changes:
 - 1) **Bail Investigations:** Bail interviews will be conducted either face-to-face with plexiglass barriers or telephonically after an in-person introduction.

***Standard (hard copy) dissemination and collection of bail reports resumes.**

- 2) **Staffing Levels:** On-site staffing levels will be enhanced to meet the needs of the Court.
- 3) **Other Services:** Young Adult Opportunity Program sessions and Focus Forward classes will resume in the courthouses with strict adherence to health and safety protocols.

Probation Department:

- a) The Probation Department will resume full operations in all courthouses.
- b) RISE Court sessions will resume if they have not already done so.