

**EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19**

**Judith C. McCarthy, United States Magistrate Judge**

**Chambers Email:**

[McCarthy\\_NYSDChambers@nysd.uscourts.gov](mailto:McCarthy_NYSDChambers@nysd.uscourts.gov)

**Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge McCarthy (whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge McCarthy’s standard Individual Practices. If there is a conflict between these Rules and Judge McCarthy’s standard Individual Practices, these Rules control.**

**1. No Paper Submissions Absent Undue Hardship**

- A. No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. All documents must be filed on ECF or, if permitted or required under the Court’s Individual Practices, emailed to [McCarthy\\_NYSDChambers@nysd.uscourts.gov](mailto:McCarthy_NYSDChambers@nysd.uscourts.gov)
- B. In the event that a party or counsel is unable to submit a document electronically – either by ECF or email – the document may be mailed to the Court. To the maximum extent possible, however, this means of delivery should be avoided, as delivery of mail to the Court is likely to be delayed.

**2. Conferences and Proceedings**

- A. Unless otherwise ordered by the Court, all conferences and proceedings in civil cases will be held by telephone. In some cases, the Court may direct one of the parties to set up a conference line. In all other cases, the parties should call into the Court’s dedicated conference line at (877) 873-8017, and enter Access Code 4264138, followed by the pound (#) key. Upon connecting to the conference, individuals must state their names and, if they are counsel, which party they represent. Individuals shall also follow these guidelines:
  - 1. Use a landline whenever possible.
  - 2. Use handset rather than speakerphone.
  - 3. Identify yourself each time you speak.
  - 4. Be mindful that, unlike in a courtroom setting, interrupting can render both speakers unintelligible.
  - 5. Mute when not speaking to eliminate background noise.
  - 6. Avoid voice-activated systems that don’t allow speaker to know when someone else is trying to speak and they cut off the beginning of words.
  - 7. Spell proper names.
- B. **Settlement Conferences.** Settlement conferences will begin with all parties calling in to Judge McCarthy’s conference line. Chambers will then coordinate individual telephone calls with the parties to conduct *ex-parte* settlement

discussions. If a settlement is reached at the conference, the Court may elect to record the terms of the settlement after discussions with the parties.

- C. If a party has trouble dialing into Judge McCarthy’s conference line, the party should e-mail [McCarthy\\_NYSDChambers@nysd.uscourts.gov](mailto:McCarthy_NYSDChambers@nysd.uscourts.gov), cc’ing the other parties, to obtain further direction from the Court.

### 3. Communications with Chambers

- A. **Telephone Calls.** Telephone calls may not be answered but will go to voicemail. There may be delays in responding to any voicemail messages. Thus, parties are encouraged to make **any** requests or inquiries to the Court through ECF or, if permitted or required under the Court’s Individual Practices, by email. If leaving a voicemail, a party should (1) briefly state the nature of the issue (including, if applicable, the case name and docket number); and (2) provide a call-back telephone number.
- B. **Urgent Matters.** For *urgent* matters requiring immediate attention, parties should either contact Judge McCarthy’s Courtroom Deputy at 914-390-4123 or send an email to Chambers that (1) includes the word “URGENT” in the subject line; (2) specifies the case name and docket number; (3) briefly describes the nature of the issue; and (4) provides a telephone number at which the party (and any other relevant parties) can be reached.
- C. **Faxes.** Faxes are *not* permitted for any purposes.
- D. **Hand Deliveries.** Nothing may be delivered to Chambers absent advance permission from the Court.
- E. **By *Pro Se* Parties.** *Pro se* parties are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court’s permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be mailed to:

Pro Se Intake Unit  
Charles L. Briant Courthouse  
300 Quarropas Street  
White Plains, NY 10601

### 5. Pro Se Clinic

The New York Legal Assistance Group’s Pro Se Clinic has suspended all in-person client meetings until further notice. Limited-scope legal assistance will continue to be provided, **but only by appointment and only over the telephone**. To schedule an appointment, call (212) 659-6190 and leave a message **specifying a call-back number**.