

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Jesse M. Furman, United States District Judge

Chambers Email:

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Unless otherwise ordered by the Court, these Emergency Individual Rules and Practices apply to *all* matters before Judge Furman (whether criminal or civil and whether involving a *pro se* party or all counseled parties), and they are a supplement to Judge Furman’s standard Individual Rules and Practices. If there is a conflict between these Rules and Judge Furman’s standard Individual Rules and 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 Rules and Practices, emailed to Furman_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. In Civil Cases.** 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 (888) 363-4749, and enter Access Code 542-1540, followed by the pound (#) key.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. No later than one week before a scheduled appearance, counsel must confer and submit a letter to the Court indicating their views on whether the Court can, consistent with the U.S. Constitution, Federal Rules of Criminal Procedure (*see, e.g.*, Rules 5(f), 10(b) & (c), and 43) and any other relevant law, conduct the matter by telephone or video and, if applicable, whether the Defendant either consents to appearing in that manner or to waiving his or her appearance altogether. Counsel should include the same information in any request for a conference or other proceeding.
- C. Teleconferences Generally.** The following procedures shall apply to all teleconferences with the Court:
 - i.** In addition to any pre-conference submissions required by the Court’s standard Individual Rules and Practices or by order of the Court, the parties

shall confer and advise the Court by Thursday of the week before any conference indicating whether they believe a conference is necessary. If the parties agree that a conference is not necessary, they should, if appropriate, propose in their joint letter a schedule to govern the next steps in the case. If either or both parties believe a conference is necessary, the joint letter should specify the reasons the conference should be held as scheduled.

- ii. At least twenty-four hours before a scheduled teleconference, the parties must jointly email to the Court a list of counsel — absent permission of the Court, no more than two per party — who may speak during the teleconference. The email should also provide the telephone numbers from which counsel expect to join the call.
- iii. Counsel should use a landline whenever possible, should use a headset instead of speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
- iv. To facilitate orderly teleconferences and the creation of an accurate transcript where a teleconference is held on the record, counsel are *required* to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
- v. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

3. Communications with Chambers

- A. Telephone Calls.** Telephone calls will not be answered but will go to voicemail; and there may be significant 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 Rules and 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 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 the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.
- F. In New Criminal Cases.** Upon assignment of a new criminal case to Judge Furman, the Assistant United States Attorney must immediately email the Court to arrange for a prompt conference/arraignment.

4. Applications for Temporary Restraining Orders (“TROs”).

Parties intending to file applications for TROs or other emergency relief must send all of their papers (in text-searchable PDF format) to the Court by email. The email should (1) include the word “URGENT” in the subject line; (2) provide a telephone number at which the party (and any other relevant parties) can be reached; and (3) provide the relevant parties’ availability for a telephone conference in the next few days. As noted above, parties should not hand-deliver any documents without advance permission.

5. *Pro Se* Parties

- A.** The New York Legal Assistance Group’s Pro Se Legal 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.**
- B.** *Pro se* parties may make submissions in their cases via email by sending documents in PDF format to Temporary_Pro_Se_Filing@nysd.uscourts.gov. *Pro se* parties should follow the instructions contained in the April 1, 2020 Addendum to the Court’s ECF Rules & Instructions, available at <https://www.nysd.uscourts.gov/electronic-case-filing>.
- C.** *Pro se* parties may also consent to receive notices of filings in their cases by email. To consent to receive electronic notifications, *pro se* parties should fill out the Consent to Electronic Service Form, available at <https://www.nysd.uscourts.gov/node/845>, and submit it to the Court, either by email sent to the email address for *pro se* filings listed above or by regular mail addressed to the Pro Se Intake Unit, Thurgood Marshall Courthouse, 40 Centre Street, Room 105, New York, New York 10007. If a *pro se* party consents to receive electronic notifications, the *pro se* party will no longer receive notices of filings by regular mail.