

EMERGENCY INDIVIDUAL RULES AND PRACTICES IN LIGHT OF COVID-19

Lorna G. Schofield, United States District Judge

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

1. No Paper or CD Submissions Absent Undue Hardship

- A.** No papers, including courtesy hard copies of any filing or document, may be submitted to Chambers. Specific directions for *Pro Se* parties are located on page two. All documents must be filed on ECF. Parties are also directed to file confidential and sealed materials on ECF, in accordance with the Court's standard Individual Rules.
- 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.
- C.** Any materials required to be submitted by mailing a CD per the standard Individual Rules and Practices shall instead be provided to the Court by email. To the extent possible, the materials shall be attached to a single email.

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 AT&T dedicated conference line. The Court will provide the call-in information in the relevant scheduling order.
- B. In Criminal Cases.** To the maximum extent possible, all conferences and proceedings will be held by either telephone or video. In each criminal case, no later than one week before the first scheduled appearance on a date on or after March 19, 2020, the Government and each Defendant shall file a letter on ECF stating either that (1) the party consents to participating in any proceedings (except trial, any evidentiary hearings, and any sentencing) telephonically or otherwise remotely as needed, and consents to Judge Schofield's participating in

such proceedings and issuing orders from any location, including locations outside of the Courthouse; or (2) the party does not so consent and why.

- C. At least three business days before each scheduled proceeding, each Defendant shall file a letter stating 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.

3. Communications with Chambers

- A. **Communications in General.** Communications with Chambers shall be as provided in the Court’s Individual Rules — i.e., via ECF or for confidential matters via the Chambers email. Phone calls and voicemails will not be answered.
- 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. However, until further order, the Court will accept filings via email from *pro se* parties without ECF privileges. Filings submitted by email must be sent to Temporary_Pro_Se_Filing@nysd.uscourts.gov, and done so in accordance with the procedures found in the April 1, 2020, Addendum to ECF Rules and Instructions located at <https://www.nysd.uscourts.gov/rules/ecf-related-instructions>. *Pro se* parties who do not have ECF privileges or who are unable to send documents by email may continue to submit documents by regular mail or through the drop box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, New York. Any questions should be directed to the Pro Se Intake Unit at (212) 805-0175.

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 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**.