



CHAMBERS OF THE COUNTY COURT  
COUNTY OF NASSAU  
262 OLD COUNTRY ROAD  
MINEOLA, NEW YORK 11501

HON. ROBERT G. BOGLE  
COUNTY COURT JUDGE  
ACTING SUPREME COURT JUSTICE  
SUPERVISING JUDGE OF THE  
NASSAU COUNTY VILLAGE COURTS

(516) 493-3541  
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To: All Nassau County Village Justices, Associate Village Justices and all Village Clerks and Village Court Personnel

From: Hon. Robert G. Bogle, Supervising Judge of the Nassau County Village Courts

Date: February 22, 2021

Re: Immediate Re-Opening of the Nassau County Village Courts and Operating Protocols for In-Person Proceedings

Effective today, February 22, 2021, the Village Courts in Nassau County are permitted to have In-Person proceedings in their respective courtrooms. These In-Person matters shall include arraignments, guilty pleas, sentencing, bench trials, hearings and other applications live in the Village Courtroom. As our Village Courts do not engage in Jury Trials, the Village Courts are limited to engaging in Bench Trials. Each Court should pace its re-opening according to its own scheduling needs. Please review the attached memorandum from the Hon. Norman St. George, Nassau County District Administrative Judge setting forth the new plan for Village Court In-Person operations, commencing effective February 22, 2021 and superceding all prior plans previously set forth.

The following are the highlights under the new plan:

**I. Court Facility Operations/Safety Protocols**

A. Occupancy of all public areas of the Court facility is limited to 25% of the posted room occupancy per code. Individuals will not be allowed to congregate in hallways or entryways while awaiting entry into the courtroom. In addition, occupancy of all courtrooms is limited to the lesser of 20 people or 25% of the posted room occupancy per code.

B. Courts are encouraged to use the notification system in the Courtroom

Program which allows for a text to be sent to the defendant when his case is called. This will allow for individuals to wait outside Court facilities and enter the building only when their case is ready.

C. There may be only one Judge hearing cases at any given time in a Court facility.

D. While in the Court facility (other than in a closed private office), all Court personnel and visitors must cover their nose and mouth with a mask or cloth face-covering.

E. A distance of a minimum of six feet must be kept between all individuals at all times.

F. Judges are encouraged to robustly conference court cases virtually/telephonically and if an acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with you Village Prosecutor and defense counsels on procedure.

G. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your Village Prosecutor and defense counsels on procedure.

H. While currently there exists no Executive Order nor statutory directive that would excuse a failure to appear or prevent a Judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear.

## **II. Court Proceedings**

A. Trials: Bench Trials and Evidentiary Hearings may proceed In-Person but must be scheduled so that there is strict compliance with the room occupancy limits in all Courtrooms and public areas. No more than one hearing or bench trial every 30 minutes may be scheduled.

B. These updated operating protocols do not prohibit any particular case type or proceedings from being heard In-Person, this includes but is not limited to arraignments, guilty pleas, sentencing and applications for adjournments. However, the following calendar rules must be followed:

1. Traffic infractions/parking violations: no more than 10 cases will be scheduled every 15 minutes.

2. Local ordinance matters (and misdemeanor traffic cases): No more than 10 cases will be scheduled every 30 minutes.

3. At all times, all safety protocols listed above must be adhered to, including maximum occupancy, social distancing and PPE outlined in Court Facility Operations/Safety Protocols above.

C. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.

In conclusion, you have my sincerest appreciation for all your professionalism and hard work during the Covid Pandemic crisis. If there is any questions whatsoever, please feel free to contact me at 516-493-3541 or e-mail me at [RBOGLE@NYCOURTS.GOV](mailto:RBOGLE@NYCOURTS.GOV).

Be well and best wishes.

CC: Hon. Norman St. George  
Administrative Judge of the  
Nassau County Courts

**OFFICE OF THE ADMINISTRATIVE JUDGE**  
10<sup>TH</sup> Judicial District - Nassau County



**MEMORANDUM**

To: Hon. Robert Bogle, Supervising Judge, Nassau County Town and Village Courts

From: Hon. Norman St. George, District Administrative Judge

Date: February 19, 2021

Re: Updated Operating Protocols for Nassau County Town and Village Courts

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As we approach the one year anniversary of the Covid-19 pandemic affecting New York State and the nation as a whole, it is important to take measure of the Nassau County Court's response to the pandemic and to map out the direction the Courts will take moving forward. We thank Nassau County's Justices, Judges and Non-Judicial Personnel and the entire Nassau County Legal Community for their continued dedication, professionalism, and flexibility during these difficult times.

Throughout the pandemic, Nassau's Courts have remained open. There have been various periods of time that have required modifications to Court operations based upon the Covid-19 metrics published by the State of New York. In March and April of 2020, the Courts dramatically reduced the amount of In-Person proceedings, limiting those proceedings to essential matters. During the late Spring and into the early Fall of 2020, Nassau's Courts increased the level of In-Person proceedings in accordance with the Governor's un-PAUSE New York Plan. In late Fall of 2020, the metrics again required a reduction of In-Person proceedings in Nassau's Courthouses to protect the health and safety of litigants, lawyers, Court staff and Judges.

Currently, the metrics permit an opportunity to increase In-Person proceedings. While Virtual Appearances remain preferred, certain additional In-Person proceedings will recommence. As always, Nassau's Courts will continue to monitor the changes in metrics, and, in conjunction with the Office of Court Administration and Courts throughout the state, remain flexible and ready to quickly adapt as conditions warrant.

This Plan supersedes the Updated Operating Protocols for Town and Village Courts effective December 9, 2020. Commencing February 22, 2021 all Town and Village Court operations in the Tenth Judicial District—Nassau County, State of New York shall be conducted pursuant to this Plan.

#### I. Court Facility Operations/Safety Protocols

- A. Occupancy of all public areas of the Court facility is limited to 25% of the posted room occupancy per code. Individuals will not be allowed to congregate in hallways or entry ways while awaiting entry into the courtroom. In addition, occupancy of all courtrooms is limited to the lesser of 20 people or 25% of the posted room occupancy per code.
- B. Courts are encouraged to use the notification system in the Courtroom Program which allows for a text to be sent to the defendant when his case is called. This will allow for individuals to wait outside Court facilities and enter the building only when their case is ready.
- C. There may be only one Judge hearing cases at any given time in a Court facility.
- D. While in the Court facility (other than in a closed private office), all Court personnel and visitors must cover their nose and mouth with a mask or cloth face-covering.
- E. A distance of a minimum of six feet must be kept between all individuals at all times.
- F. Judges are encouraged to robustly conference criminal matters virtually/telephonically and if acceptable disposition is reached, plea affidavits are strongly encouraged. Please work with your ADA and defense counsel on procedure.
- G. Judges are encouraged to use a mail-in plea bargaining disposition process that would allow a defendant charged with a VTL infraction to proceed without a personal appearance. Please work with your ADA and defense counsel on procedure.
- H. While currently there exists no Executive Order nor statutory directive that would excuse a failure to appear or prevent a Judge from suspending a motorist's license for failing to appear at a court session, Judges are encouraged to utilize their judicial discretion when considering the suspension of a motorist's license for failure to appear.

#### II. Court Proceedings

- A. Trials: Bench Trials and Evidentiary Hearings may proceed In-Person but must be scheduled so that there is strict compliance with the room occupancy limits in all Courtrooms and public areas. No more than one hearing or bench trial every 30 minutes may be scheduled. No Jury Trials may proceed.
- B. With the exception of Jury Trials and notwithstanding any law, Administrative Order or Executive Order to the contrary, these updated operating protocols do not prohibit any particular case type or proceeding from being heard In-Person. However, the following calendaring rules must be followed:
  - 1. Traffic infractions/violations: No more than 10 cases will be scheduled every 15 minutes.
  - 2. Criminal matters (to include all penal law and misdemeanor traffic charges): No more than 10 cases will be scheduled every 30 minutes.

At all times, all safety protocols listed above must be adhered to, including maximum occupancy, social distancing and PPE outlined in Court Facility Operations/Safety Protocols above.

- C. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.