

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

August 3, 2020

Thank you for giving us a few minutes of your time for an update on the latest COVID developments affecting our courts and the justice system.

So here we are in the month of August already! Time is passing quickly, and I am pleased to report that our court system is making safe and steady progress on the road back to in-person operations.

In New York City, our courts are now tracking Phase 4 of the state's economic reopening, marked by yet another measured increase in staffing to support our commitment to restoring in-court proceedings, particularly in our criminal courts where we continue to schedule and hear several hundred in-person matters each week.

Last week, our first in-person bench trial was conducted in the Kings County Housing Court, and I am told that it went off without a hitch. And there are more trials of pre-pandemic housing cases that are

scheduled for the coming week, as well as, on the criminal side, the completion of a suspended murder trial that resumed last week -- with a jury -- in Bronx County Supreme Court.

As you know, we have been carefully planning for the resumption of grand jury operations in New York City next Monday, August 10th. We have been retrofitting our facilities, modifying our operating procedures and working with the District Attorneys and the defense bar to ensure the safe return of grand jurors to our courthouses. We expect to empanel four grand juries in Manhattan, three each in Brooklyn, Bronx and Queens, and one in Staten Island. Obviously, this a most important milestone on the road back to a “new normal” for our courts and the entire criminal justice system.

On the civil side, under the direction of Deputy Chief Administrative Judge George Silver, we are launching our Virtual Summary Trial program this week in Bronx, Queens and Richmond counties, in order to tackle our large inventory of tort cases. While we’re pleased that nearly half of the tort cases referred to virtual ADR have resulted in settlements, for the other half of those cases, the parties will be given the opportunity to consent to a one-day summary

bench trial with relaxed rules of evidence, and the lawyers and litigants will be given the option of appearing virtually or in-person.

Outside New York City, I'm pleased to report that our courts are operating effectively. The return of grand jury operations has gone smoothly, and new grand jury summonses have already gone out for Term 9, which begins next Monday. Last week also saw the resumption of two previously suspended jury trials, a first-degree rape case in Cortland County, in which the jury reached a verdict, and a medical malpractice trial in Suffolk County, in which that jury has been charged. So all of that is good news, and we are grateful for these advances.

I want to turn now to an issue that has recently been the subject of federal litigation as well as much commentary among public officials: how quickly our court system should return to scheduling and hearing in-person matters, particularly in New York City.

I will say this again and again and again. We are absolutely committed to restoring in-person operations across our court system. And we will continue to do so in a careful and deliberate manner and at a safe and appropriate pace, dictated by all of the internal considerations and other factors that inform our operational decisions.

We will not be swayed by the different interests that are seeking to either rush, or delay, our return to in-person operations.

Our number one priority will always be the health and safety of our court family and of the lawyers, the litigants, our agency partners, and the countless members of the public who file into our courthouses on a daily basis. And our careful weighing and balancing of all of the many factors and public health concerns that guide us to smart, responsible decisions are informed always by the science, by the data and by the best available public health guidance, including that of our own epidemiologist.

And one more thing I'd like to make crystal clear. The New York State Unified Court System has never stopped functioning. Not for a day, not for an hour, not for a minute. Since the beginning of this pandemic, notwithstanding the chaos, the stress, the anxiety and the tragedy, our judges and staff have heard over 160,000 essential and emergency matters without interruption, including tens of thousands of criminal arraignments and urgent, time-sensitive family court matters, the vast majority of which were heard in our virtual courts which started up in late March.

And we have worked systematically, week after week, to improve and expand our virtual operations so that our judges and staff all across the state are empowered to manage their dockets and move their cases closer to resolution. In fact, from April 13th through July 27th, the judges and professional staff in this state have:

- Conferenced and heard over 151,000 non-essential matters;
- they have settled or disposed of 53,570 matters -- over a third of all matters heard; and
- they have issued over 26,500 written decisions on motions and other undecided matters, smartly taking advantage of this period to clear out our entire backlog of undecided civil motions outside New York City, and vastly reducing the backlog inside the City.

While our Judges and professional staff don't need a "thank you" for doing their jobs, they do deserve recognition for their productivity, their professionalism and their steadfast commitment to serving the public during these very challenging months.

And I want to thank those of our stakeholders and our justice partners who've stood with us and have supported our efforts. They,

too, deserve our recognition. And we will continue to work together in pursuit of the common goal of meeting the justice needs of the public we serve, while always remaining mindful of, and acting to safeguard, the health and safety of everyone who works in and uses our courts.

We have a mission and we will work to honor that mission every single day.

So, for now, thank you for your time, stay strong and please do remain disciplined in keeping yourself and those around you safe.