

## **MESSAGE FROM CHIEF JUDGE JANET DIFIORE**

**October 19, 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.

I begin this week's message on a most important topic -- the topic of racial justice. In order to function as intended, our justice system depends on the public's trust and confidence in our ability to carry out our mission of fair and equal justice for all. And equally important, the people who make up our court system, and those who represent and lead our system, must inspire that very same confidence. As judges and court professionals, we have a solemn obligation to identify and eliminate racial bias from our courts and from the justice system wherever it may exist.

In early June, acting on these imperatives, I asked Jeh Johnson, a nationally respected lawyer and public servant, to conduct an

independent “Equal Justice Review” of our court system’s policies and practices as they relate to issues of racial justice. After a thoroughgoing four-month study, Secretary Johnson has issued his Report and recommendations. And while we are encouraged by his finding that our judges and court professionals are working hard to get it right when it comes to equal justice, we also acknowledge that we are falling short in a number of areas, and we accept and embrace our responsibility to do better -- much better -- in those areas, from improving the treatment of minority litigants in our high-volume courts to addressing racial tension and intolerance within our court family to clarifying our discrimination policies and strengthening their enforcement.

Secretary Johnson has advanced an excellent set of practical recommendations, which I agree will help us to ensure fairness, diversity and meaningful inclusion within our court system. And the first and most important of his recommendations -- that we make “a commitment from the top” to embrace a policy of zero tolerance for racial discrimination -- is one that I fully embrace on behalf of our entire court leadership team across the state. We will honor that commitment, and we will honor our commitment to implement all of the recommendations laid out in the Report, from improving the way

we train, educate and sensitize judges and court staff on issues of implicit bias to strengthening the enforcement of our discrimination policies to implementing clear policies and guidelines addressing social media. There can be no higher priority for us as an institution than ensuring that every person is treated with equal justice, dignity and respect.

And to help guide us on our path and make certain that we follow through on all of our commitments, we have engaged Alphonso David, President of the Human Rights Campaign, to serve as the Independent Monitor who will evaluate and report on our court system's progress in implementing the system-wide reforms recommended by Secretary Johnson. Mr. David is a nationally recognized civil rights advocate, and we are pleased to have his assistance and guidance in our effort to rid the courts of racial bias in all of its forms.

Finally, a special thank you to Secretary Johnson and his dedicated team of talented lawyers at the Paul Weiss law firm. They accorded the "Equal Justice Review" their highest priority and devoted countless hours of their time to conducting an in-depth study of our organization, interviewing hundreds of current and former judges, court managers,

court clerks, court officers, court attorneys, private attorneys, public defenders, prosecutors and court observers, as well as consulting with numerous judicial associations, bar associations, court employee unions and court reform groups. An enormous task, a wonderful public service, and a job extremely well done.

It is now up to each and every one of us to work diligently and in good faith to achieve the highest standards of fairness, equity and meaningful inclusiveness within our institution, and I will be writing to all of you very shortly about what we need to do as a court family to implement the Equal Justice recommendations and maintain and enhance the public's trust and confidence in the New York State Courts.

Now, regarding operations,-- this week we are resuming a limited number of civil jury trials in New York City. We have scheduled 5 trials in Kings County, 4 in Richmond County and 2 in Bronx County. And next Monday, Queens County and New York County will come on board, with two civil jury trials scheduled to begin in each of those counties.

We know and understand that one of the defining features of our democratic system of government is the right to a trial by jury, and so

our ability to once again hold jury trials, even on a limited basis, is exceedingly important notwithstanding the disruption of the pandemic. And we are fully committed to functioning as normally as possible in order to carry out our mission of delivering justice and upholding the rule of law.

We are confident in our ability to safely and efficiently resume in-person jury trials based on our ongoing jury pilot experience outside New York City where we have successfully completed 24 civil and criminal jury trials, with 6 more in progress, and another 16 scheduled to begin next week.

And we are confident in our ability to ensure the safe return of petit jurors because we have benefitted from the learning experience of empaneling dozens of grand juries, involving hundreds of grand jurors across New York City since August 10th. And, of course, we have been preparing for this day for weeks, retrofitting our facilities and courtrooms to permit social distancing, installing plexiglass barriers and instituting extensive safety measures and best practices that should be immediately apparent to anyone entering our courthouses.

And I have said this before: all of this is not to say that there won't be difficulties, or even setbacks, as we head into the cold weather months, but you can be assured that we are moving ahead cautiously, we are monitoring the COVID metrics closely, and we are prepared to pivot quickly and make all appropriate adjustments in response to public health developments and guidance.

I want to thank George Silver, our Deputy Chief Administrative Judge for the New York City Courts, and our Administrative Judges and professional staff, for all of their hard work in preparation for the restart of jury trials inside the City. And we are grateful as well to our County Clerks, the members of the bar and, especially, the many hundreds of New Yorkers who will be reporting for jury service this week, demonstrating by acknowledging and performing their civic duty that they not only want to see our courts up and running but are confident in our ability to properly safeguard their health and safety.

And our plan is to follow this week's restart of civil jury trials with the restart next week of our first criminal jury trials in New York City, for which I want to thank Tamiko Amaker, our Administrative Judge for the New York City Criminal Courts, who has taken on the responsibility

to lead our efforts to restart criminal jury trials across the City. Judge Amaker has been busy meeting with Administrative Judges, trial judges, prosecutors, defense counsel and stakeholders, and conducting walk-throughs of our buildings and courtrooms with all of the participants. And I look forward to reporting on the outcome of these efforts in the coming weeks.

While we are encouraged by the progress we are making to restore in-court services around the state, it is important to note that the vast majority of court matters will continue to be heard virtually for the foreseeable future in order to minimize courthouse traffic. With each passing week, we are conducting an increasing number of virtual trials, proceedings and conferences in all of our courts, and as I mentioned last week, we are also making great use of virtual ADR to settle cases, resolve issues and move our dockets forward. And all of this positive activity is a testament to the resilience, ingenuity and creativity of our people and the lawyers who practice in our courts, as we find new and effective ways to meet the full demand for our services during these extraordinary times.

So, today, I want to thank you once again for your time and remind you to remain disciplined in doing all that you can, and should be doing to keep yourselves and those around you safe.