

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

**October 5, 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'm pleased to begin this week's message by reporting on the progress of our jury trial pilots outside New York City, where 54 civil and criminal jury trials had been scheduled through Friday, October 2nd. Sixteen of those trials have now been completed, four are in progress, 27 resulted in settlements or plea agreements and 7 were adjourned.

And, for this coming week, we have scheduled another 13 jury trials -- 8 civil and 5 criminal -- in Nassau and Suffolk Counties and the Third, Fifth, Seventh and Ninth Judicial Districts.

We have been reviewing the feedback from the jurors and attorneys who participated in these trials, and what comes across very consistently is how their understandable anxiety in coming to our buildings was quickly eased by all of the safety precautions we put in place for their safety and comfort, especially the use of masks by everyone in the courthouse as well as social distancing, plexiglass barriers, regular cleaning and the ready availability of hand sanitizing gel and disinfecting agents. And jurors reported that they greatly appreciated the information and explanations provided by our judges and staff about what to expect at the outset and during the course of their service each day.

Naturally, we're encouraged by the positive feedback and grateful to all of our judges and courthouse staff, including our court officers and jury clerks, for working so hard to show our respect and concern for the safety and well-being of the public.

And you can be sure that our New York City Judges and professional staff are watching the progress of our jury pilot with great interest as they meticulously plan and prepare for the first civil and

criminal jury trials scheduled to begin in our New York City courthouses later this month.

And you can also be sure that those trials will be conducted within the bounds of all responsible public health protocols and the full range of safety measures that have earned the confidence of the many jurors, lawyers and witnesses who safely participated in our jury trial pilot across the state.

In New York City, we are also building on our experience with the 35 grand juries that have been empaneled in our City courthouses dating back to August 10th. Fortunately, there have been no reported incidents involving the 800-plus grand jurors or the dozens of lawyers, witnesses and others who participated in these proceedings.

Over the last 7 months we have been called upon to make literally hundreds of decisions relating to the safe operation of the courts, and of course, there have been differing views expressed about how, when and where we should be doing x, y and z, which we do, for the most part, appreciate. But the fact of the matter is that we have been, and we will continue to be, extremely measured, cautious and responsible

in every decision we make about our limited, incremental resumption of in-court proceedings. We all know and understand that the services we provide are absolutely critical to the functioning of a democratic society and that we must move forward toward some semblance of normalcy. And, at the same time, we also know and understand that there can be no return to the densely crowded courthouses of pre-COVID days. And, in fact, the number of people entering our courthouses at this time, by careful and deliberate design, is just one tenth of what it was before COVID struck.

Now, this is not to say that we have been pitch perfect in our approach, or that there won't be setbacks in the future. There very well may be. But what I can assure you is that our number one priority is protecting the health and safety of our judges and professional staff and all of the lawyers, litigants, court users and members of the public who enter our courthouses.

We are monitoring the COVID metrics in the different communities and areas of our state, and we are monitoring the volume and flow of people into our courthouses, and importantly, we are ready

to pivot quickly and make any necessary operational adjustments in response to reported changes in public health conditions.

Back to our work on the ground to limit courthouse density. Today we adopt a new “Uniform Case Scheduling Order” for all civil cases brought against the City of New York. The new uniform order will be issued at the outset of each case in order to promote greater consistency in civil litigation practice and more efficient case management in the Supreme Court in New York City. The uniform order will address disclosure obligations, set deposition dates and identify pre-trial issues that can be resolved by the parties on consent or through virtual court conferences.

I want to thank George Silver, Deputy Chief Administrative Judge for the New York City Courts, and our Administrative Judge for Civil Matters in New York County, Deborah Kaplan, for their leadership in developing and implementing the uniform order, which we hope to quickly expand to other case types. Thank you, Judges Silver and Kaplan.

Last week, while describing how technology is increasing productivity and improving services in our virtual courts, I mentioned the “digital divide” facing New Yorkers who lack the technology needed to remotely access our courts. And so, I’m excited today to announce an innovative pilot program to address this problem: our new “Faith-Based Court Access Initiative,” which will provide a network of fully-equipped, remote access sites in houses of worship located across Westchester County.

Services offered at the pilot sites include access to hi-speed Wi-Fi, computers, videoconferencing equipment, scanners, printers -- in short, everything needed for litigants to participate in virtual court proceedings and receive remote assistance from legal service and pro bono lawyers.

The “Faith-Based Court Access Initiative” is an extraordinary partnership led by Judge Kathie Davidson, our Administrative Judge for the 9th Judicial District; Westchester County Executive George Latimer; and the County’s faith leaders -- led by my Pastor, the Reverend Dr. W. Franklyn Richardson, Senior Pastor of Grace Baptist Church in the City of Mount Vernon, and whose Grace Development Corporation has

generously provided the start-up technology for the five initial sites. Thank you, Judge Davidson. Thank you, County Executive Latimer. And thank you, Pastor Richardson.

The faith community plays such an important role in closing the justice gap, and we appreciate the commitment of the leaders in that community who are stepping forward, particularly at this time when the public health crisis has increased and intensified the serious legal problems facing so many low-income individuals and families. A terrific initiative, one we think will have great impact and success.

With support from our Office for Justice Initiatives, led by Deputy Chief Administrative Judge Edwina Mendelson, our Administrative Judges around the state are also bridging the digital divide. In the Fourth Judicial District in Northern New York, led by Administrative Judge Felix Catena, virtual kiosks have been installed near the entrance of each of our county courthouses. At the kiosks, self-represented litigants can participate in virtual court proceedings and receive live videoconference assistance from court personnel. And in the Capital Region's Third Judicial District, led by Administrative Judge Tom Breslin, our in-person Help Centers have been transformed into virtual Help

Centers and new Help Centers created for Matrimonial and Surrogate's Court matters.

Notwithstanding the challenges of the pandemic, access to justice will always remain at the heart of our mission and a top priority for our court system.

Now, turning to another difficult and painful topic, our Judiciary budget. As I'm sure you know, New York State is facing an enormous budget deficit due in large part to the economic consequences of the pandemic. We have been working hard to achieve \$300 million dollars in savings in this year's previously approved budget allocation, and that exceedingly difficult challenge has occasioned some very tough decisions, including the decision by the Administrative Board of the Courts to deny the applications of 46 Supreme Court Justices for certification or recertification to additional two year-terms of service that would have taken effect on January 1, 2021.

This difficult, but necessary, decision -- made, as we know, on top of an already stretched and limited judicial capacity -- **will** save the

court system about \$55 million dollars over the next two years. So, while not pleased with where we are, we are hopeful that the elimination of this year's certification program along with the other cost saving measures we have put in place -- a strict hiring freeze, deferral of raises, suspension of our JHO program and other hard choices -- will put us in a position to achieve enough cost savings to avoid or at least greatly limit layoffs in our nonjudicial workforce, something we regard as an absolute last resort.

As a responsible partner in state government, we accept our obligation to share in the sacrifices being made by the rest of the state at this difficult time, but from an institutional perspective, we are losing a group of highly experienced public servants at a critical moment in our history. And, of course, on a personal level, it is disappointing to see the judicial careers of friends and colleagues end in this fashion.

One of things that has been so inspiring and reassuring over the last seven months has been the spirit of unity, cooperation and compassion that we have observed among our entire court family. It has defined our response to the pandemic, and I know that it will carry us through this difficult period as well.

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