

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

August 17, 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.

And thank you to all of you,-- both inside and outside the court system,-- who have been a part of the steady progress we are making in restoring the courts to in-person operations.

Last week, in New York City alone, approximately 1,500 New Yorkers reported for grand jury service, and with new protocols in place we were able to responsibly empanel 14 grand juries citywide,-- a major milestone for the criminal justice system.

The entry and flow of grand jurors inside our buildings went quite smoothly, and the use of the new protocols, such as staggered reporting times and walk-through temperature scanners, worked out extremely well. Our folks did a terrific job,-- as did the District

Attorneys;... Commissioners of Jurors;... and their staffs,-- to carefully and prudently accomplish this step forward,-- and we thank them for their efforts.

In Housing Court here in New York City, in-person bench trials of pre-pandemic cases are being heard in Brooklyn and Staten Island,-- and trials will begin in Manhattan and Queens in early September, and in the Bronx on September 15th.

Our criminal courts in New York City are also hearing hundreds of in-person matters each week,-- and we've observed that meaningful progress is being made in these cases,-- including dispositions accomplished through guilty pleas, as well as dismissals or reduction of charges in many of the cases. And these in-person matters,-- including a pretrial hearing in a high-profile case in New York County Supreme Court last week,-- have been conducted under our new protocols,-- without incident.

As we move forward restoring in-court operations across the state: we will continue to consult and base our decisions on the latest public health guidance, including that from our own epidemiologist;... we will continue to rely on the comprehensive and helpful report and

recommendations we received from the Commission to Reimagine the Future of New York's Courts;... and we will continue to rely on the cooperation and support of the many lawyers and various stakeholder agencies who have been extremely helpful.

And, of course, while we move toward expansion of in-person operations, the great majority of our cases continue to be heard virtually,-- and we are constantly searching for;... implementing;... and leveraging technology to our advantage, and we are relying on ADR, and other innovative approaches to ensure access to justice during the pandemic,-- and likely beyond.

In New York City, for example, we're conducting virtual summary bench trials in civil matters in Supreme Court, Bronx County,-- and we are expanding that program to New York County effective this week. These streamlined trials, in which the parties consent to relaxed rules of evidence and shorter time frames for presenting their cases, are often completed in a single day. We are working to expand the program to jurisdictions outside the City, with Nassau County on our radar screen for the near future. --

And in order to improve the efficiency of pretrial litigation and further our goal of limiting courthouse traffic during the pandemic, we are developing a uniform preliminary conference order for use in our civil courts citywide. The uniform order will identify the pre-trial issues that can be resolved by the parties on consent, or through virtual court conferences. We have reached out to the bar and the affected stakeholders to get their input on the new preliminary conference form, and we expect to pilot this project in motor vehicle tort cases and tort claims pending against the City, beginning in September.

And, finally, in the New York City Family Court, we added three new virtual intake parts over the last week, bringing the citywide total to 10. Two of the new virtual parts are dedicated to hearing the rising number of family offense cases we've seen, and the third is dedicated exclusively to holding emergency hearings, so that the judges in the other 9 intake parts can move through their calendars more efficiently. Administrative Judge Jeanette Ruiz and her very able judges and staff have done a wonderful job on behalf of the many children, families and litigants who must have immediate access to the critical services this court provides. --

Outside the City, the courts are operating smoothly. Grand jury summonses have gone out for Term 10, which begins on September 8th,-- and by that time we will have empaneled over a hundred grand juries since our July 13th restoration of grand jury operations.

Advancing our operations to the next level, our Administrative Judges;... Supervising and Trial judges;... and professional staff outside the City are busy finalizing plans to restart jury trials in civil and criminal cases as early as September and October. We have asked that each plan be specifically tailored and customized to the specific conditions present in and around each court,-- and for every plan to prioritize social distancing;... cleanliness;... and the creation of an environment that instills confidence in jurors;... staff;... lawyers;... witnesses;... and all other participants.

Our recent experience in re-starting and completing several suspended jury trials around the state,-- including in Cortland, Suffolk and Bronx Counties,-- as well as the state's first hybrid criminal bench trial involving both Skype and live courtroom testimony in Nassau County,-- have helped us to further refine our plan to responsibly move forward with petit jury trials.

And as we respond to the immediate and pressing demands for in-person services, we are operating at high capacity in our virtual courts,-- in Nassau County, our docket of over 60,000 Small Claims Assessment Review cases,-- involving challenges to the assessment of real property,-- is being heard in 10 virtual courtrooms,-- with documents and evidence being submitted over our new Electronic Document Delivery System.

And in our Town & Village Courts, over 11,000 virtual arraignments have been conducted since March 16th,-- made possible because of the efforts of our Supervising Judges;... our Office of Justice Court Support;... and our Town and Village Justices and their staff. We thank each of them for doing their part to keep these important local courts up;... running;... and serving the people. --

Now, moving on to what I know is a most sensitive, and unsettling topic for all of us -- judicial safety and security. -- I want you to know that we are laser focused on the safety and security of everyone who works in and visits our courthouses through constant planning and training;... frequent re-evaluation of our practices;... and careful vigilance to identify;... deter;... and prevent incidents and threats,--

including those often directed at our judges. – And we are actively addressing this issue.

First, we are working alongside our federal judicial colleagues here in New York State,-- and with representatives of both state and federal law enforcement,-- to advance legislation that will shield from public view the personal information of judges and their families.

Second, with the input and participation of the New York State Police, we are conducting an in-depth assessment of our judicial threat management process, with an eye toward strengthening all of our policies and protocols in this area, including how we gather and maintain intelligence about potential threats,-- and how we provide protective services when necessary. When completed, we will implement any and all responsible recommendations and best practices so as to ensure that we have the most effective safety and security measures in place throughout the state. --

And so, as you have just heard, we continue to make careful, steady progress in: -- meeting the challenges of the pandemic;... restoring in-person justice services;... and discharging our mission in the context of the new normal in which we all now live and work.

I want to extend my thanks, once again, for giving us a few minutes of your time, as well as our best wishes for you and your families to be well,-- and to remain disciplined in keeping yourselves, and all those around you safe.