

MESSAGE FROM CHIEF JUDGE DIFIORE

April 13, 2020

Thank you for a few minutes of your time to provide an update on how our court system is dealing with the challenges presented by the ongoing coronavirus pandemic.

I hope that you and your families are staying safe and healthy. Over the course of the last week we have all endured a great deal of sadness and sorrow. We saw the number of deaths from COVID-19 climb to staggering highs each day, and many of us lost family members, friends, neighbors and colleagues. We are keeping all of them, and you and your loved ones, in our thoughts and in our prayers.

Despite that grim news last week, there have been some hopeful developments. The number of new confirmed cases and hospitalizations appears to be leveling off, and according to our public health officials, that suggests that the impact of the virus is plateauing. Based on informed accounts, all the hard but necessary steps that were taken over the last month appear to be working and having their intended effect, which is to contain the virus's spread, reduce the number of infected individuals in our communities and, ultimately, save lives.

I want to reiterate what Governor Cuomo and others have said time and again: what we do at a time like this matters, and it matters in the most profound of ways. And we have seen that in the form of the Governor's actions in putting New York State on pause; we've seen it in the disciplined response by New

Yorkers in practicing social distancing and helping and supporting each other; and we have lived it, through our own efforts to go to a virtual court system in order to reduce the number of people in our courthouses. Every one of these actions has made a difference, a difference in the most important thing we can do, which is to stop the spread of the virus and save lives.

When we come out on the other side of this darkness -- and we will -- there will be many critical lessons to be learned, but right now we will focus on the positives, in order to keep pressing forward. And one of those positives, which the Governor publicly hailed in a press conferences this past week, is the New York State courts' ingenuity and use of technology to develop our statewide virtual court system.

Our decision to temporarily limit court business to essential and emergency matters only, combined with our ability to create a statewide virtual court system in just two weeks' time, has enabled us to go from having many thousands of people trafficking through our courthouses every single day, to a tiny fraction of that across the state. Going virtual has enabled us to do our part to safeguard the health and safety of the public, of our judges, of our staff, of the bar and of our court users.

So, while the last month has been extremely stressful for all of us, I truly believe that we will be able to look back some day – and hopefully that day comes soon – and we will take satisfaction in knowing that our court system played a quiet but significant role in limiting the impact of the virus and moving those grim COVID-19 statistics in the right direction. And we thank every one of you for doing your part.

With that said, we all know and appreciate that we still have a long way to go. And we will stay focused. We will follow the expert guidance on fighting the virus and we will work hard every day to continue delivering justice without putting people at unnecessary risk.

In this regard, in our new world of virtual courts, over the last two weeks we have carefully and successfully heard thousands of essential and emergency matters in all 62 counties of our state.

And, starting today, we have expanded the scope of our virtual courts to address other important matters on our dockets. Lawyers and litigants are anxious to obtain needed relief in these pending matters, and our judges and staff are equally anxious to get back to work and attend to pending cases. As of today, our judges are:

- Conducting conferences by video and telephone to resolve outstanding issues, move cases forward, and facilitate settlements whenever possible and appropriate.
- Our judges are focusing on their undecided matters, including fully submitted motions. Backlogs of undecided motions have been prioritized, as this is an excellent opportunity to get those backlogs cleared out.

On other fronts, as I mentioned during my last message, we are working closely with the organized bar, the Deans of our state's 15 law schools and the

entire legal community to address the various challenges facing our profession, including the economic impact that COVID-19 is having on lawyers and law school graduates.

A few brief updates.

- The Presiding Justices of the Appellate Division announced that their courts are now using virtual technology to resume the stalled attorney admissions process.
- On behalf of the Court of Appeals, which regulates attorney admission, my colleague, Associate Judge Michael Garcia, is heading a working group that is focused on developing contingency plans in the event that continuing public health concerns prevent the administration of the currently scheduled September 9th and 10th bar exam, including a plan that would temporarily allow recent graduates to engage in the limited practice of law until such time as they can safely sit for the bar.
- And, of course, as I also mentioned last week, we are working with our partners in the State Bar to marshal New York's pro bono resources and prepare for the surge in demand for pandemic-related legal services that is expected in the months ahead. Lawyers are directed to the State Bar's website, where we encourage you to sign up and volunteer your services.

And a special thanks goes to the State Bar and its President, Hank Greenberg, for their commitment and leadership on this issue and throughout this difficult period.

So, while there does appear to be reason to believe that the rate of COVID-19 infection is slowing down, and that the terrible death toll we have witnessed in recent days will, hopefully, begin to decline, where we go from here is not yet known. Who can physically return to work, and how soon we can begin our new normal, and what that will look like, is largely uncharted territory. We don't know the answers to those questions yet.

But I can assure you that we are planning for the future, as best we can, and we are, of course, guided in our planning by the science, by the facts and the data, and by the information and recommendations issued by our experts and public health professionals. And operating within the sound guidelines they provide, we will continue to keep our courts open to meet the justice needs of our fellow New Yorkers, and we will do so in the finest tradition of the New York State Unified Court System.

Time does not permit me to thank all of the resilient judges, professional court staff, and members of the bar and the justice system who have supported us in our challenge to keep the courts up and running, but I would be remiss if I did not single out our Chief Administrative Judge, Larry Marks, whose steady leadership and positive outlook have guided our court system through this crisis. Thank you, Judge Marks.

And to all of you, please take good care of yourselves and your families.
We will continue to help and support each other, and we will get through this.

God bless all of you and your loved ones, and please stay tuned for further updates. Thank you.