

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

June 22, 2020

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

Last week, our courts in the 5th, 6th and 7th Judicial Districts entered Phase 3 of the State's economic reopening plan, and they are being followed today by the 4th and 8th Judicial Districts. Under Phase 3, our courts have begun hearing an expanded number of in-person matters in our courthouses, including child support proceedings, certain categories of criminal proceedings and a limited number of civil bench trials. While there has been an increase in courthouse traffic, we have been able to safely manage the flow of people by staggering court calendars and courtroom usage, and, of course, we are adhering to all the safety measures, such as personal distancing and the use of face masks, that are key to preventing the spread of the virus.

Elsewhere, our courts in the 3rd and 9th Districts, and the 10th District on Long Island, are now proceeding and operating smoothly under Phase 2, with planning underway for the transition into Phase 3 following the Governor's announcement.

And, of course, in New York City, our judges and professional staff have been back at work in their assigned courthouses since June 10th, coinciding with the City's entry into Phase 1 of economic reopening, and all has been going well.

As of today, New York City has officially entered Phase 2 of reopening, and our courts in the City will follow suit this Wednesday, June 24th. While there will be a measured increase in courthouse activity and staffing under Phase 2, the vast majority of non-essential matters will continue to be heard virtually.

So, we are encouraged by the smooth and steady progress being made all across the state as we gradually restore in-person court operations, but we do recognize that there are many difficult

challenges ahead of us, especially with regard to our high-volume courthouses in New York City and other populous areas of the state.

As we have managed our way through this public health crisis, our first priority has always been, and remains, the health and safety of our judges, professional staff and all court users and visitors. We have been consulting with an epidemiologist to help guide our decision making process and ensure that we are following all responsible public health protocols as we navigate the challenges of gradually restoring in-person service. And the challenges, and our concerns, are particularly acute with respect to our busiest courthouses.

In our Housing Courts, we know and understand that we must be careful to avoid any adverse public health consequences that could result from a sudden influx of cases involving crowds of unrepresented tenants appearing personally in our buildings. So, in response to this and other very real concerns, we have adopted new practices for both residential and commercial evictions.

Effective June 20th, commencement documents in eviction proceedings must be filed by mail or through NYSCEF only. And petitions must now include two additional documents. The first is an affirmation from the petitioner, or petitioner's counsel, stating that they have reviewed all of the state and federal legal restrictions on commencing new eviction proceedings and believe in good faith that the petition is consistent with those provisions. The second document is a plain language notice advising tenants that they may be eligible for an extension of time to answer the petition and providing telephone numbers and website links where tenants can get further information about their rights. Finally, whether or not an answer is filed by the tenant, the proceeding will be stayed until further notice, consistent with the Governor's Executive Orders that are still in place suspending the timetables for prosecution of legal matters.

All those interested in learning more about the plan for Housing Court can go to our website for additional details, to read the Administrative Orders addressing these matters and for updates relating to these protocols.

Despite our continuing relentless focus on responding to the imperatives of the COVID pandemic, we have not lost sight of the broader values and longer-term objectives of our court system. Last week, I appointed a new Commission to help formulate a comprehensive, long-term vision for how our court system can leverage technology, online platforms and other innovations to expand access to justice and improve the delivery and quality of justice services in the future.

Our Commission to Reimagine the Future of New York's Courts is comprised of a highly distinguished group of judges, including my colleague at the Court of Appeals, Leslie Stein, and leading lawyers, academics and technology experts. It will be led by Hank Greenberg, the immediate-Past President of the State Bar and a partner at Greenberg Traurig, LLP. The Commission's charge is two-fold: offering short-term recommendations to help our court system safely manage its ongoing return to in-person operations, and the formulation of our long-term blueprint for how we create the court system of tomorrow.

Over the last months, we have experienced, in the most profound ways, the tragic impact that the COVID pandemic has had on our

families, on our communities and on our economy. But this crisis has also been an impetus for positive innovation, and in the courts we have seen that first-hand with our incredible transformation to a virtual court system. In every crisis, there are opportunities. And this crisis has presented us with a unique opportunity to learn from the pandemic's impact on court operations and embrace the latest technologies and innovations, in order that we may build a new, and better court system for the future, a court system well-equipped to meet the evolving justice needs of our fellow New Yorkers. And I want to thank Hank Greenberg, and the members of the Commission, for taking on this important assignment.

So, this past week has been yet another busy and eventful week for our court system. And while we continue to make encouraging progress toward restoring in-person court operations across the state, we also remain focused on our constant and overarching obligation to serve the public and earn their trust and confidence -- by rallying our court family around the imperative to eliminate systemic racism and foster inclusion and diversity, and reimagining our court system of the future.

As a final note today, I want to thank our dedicated judges and court professionals who have never faltered in meeting every challenge presented to us with competence, professionalism and resilience. Your support and service to the public has been extraordinary.

So, stay well, continue to take the necessary precautions to keep yourselves, your families and those around you safe -- and stay tuned for additional updates. Thank you.