

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

**September 21, 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 start today with a report on the progress of our jury trial pilots, which began with five civil and criminal trials in Suffolk, Schuyler and Erie Counties on September 9th and 10th, followed last week by another 9 trials, five criminal and four civil, that were scheduled to begin in our Fourth, Fifth, Sixth, Seventh and Ninth Judicial Districts and Suffolk County.

All of these trials are now in progress or have been concluded and I'm pleased to report that the process has gone smoothly, and that there have been no reported incidents or complaints touching on the health and safety of any of the participants. We have made it a point to interview or survey jurors and attorneys at the conclusion of their trials

in order to learn from their experiences and solicit suggestions they may have on how we can further improve our safety protocols and the efficiency of our jury trial operations as we move forward with the gradual restoration of in-person jury trials across the state.

A number of cases were resolved before a jury could be seated as a result of settlements and plea bargains and we have been working to make sure that there are back-up cases standing by and ready to go to trial in order to avoid down time in our trial parts and out of respect for the time of prospective jurors who have reported to our courthouses for service. The resolution of cases before trial is a normal and expected outcome, and it is a reminder of the importance of trial capacity in the effective management of our dockets. When lawyers and clients know that we have judges ready to try their cases, they are incentivized to carefully assess the strengths and weaknesses of their cases and they often enter into settlements and plea bargains rather than undergo the risk and expense of trial. That is how our system works -- that is how our system has always worked -- and that is why our efforts to responsibly re-establish jury trials are so critical and important to our ability to manage our caseloads and deliver timely justice.

Now, as for the coming week, we have scheduled seven additional trials: three criminal jury trials in Oneida, Onondaga and Washington Counties; and four civil jury trials in Oneida, Orange, Suffolk and Westchester Counties.

And, looking a little farther ahead, we are excited about the prospect of expanding our pilots to New York City in mid- to late-October. In fact, jury summonses will begin going out this week for a limited number of civil jury trials that are being scheduled for the Supreme Court, Civil Term, in all five counties of New York City. These trials will be conducted in courtrooms that have been specially retrofitted to handle in-person trials and proceedings in the context of our new normal. And as soon as we are comfortable with the safety and efficacy of the civil pilots, the next step will be to conduct our first in-person criminal jury trials in New York City.

Now, on other fronts, our in-person grand jury operations are proceeding smoothly across the state; in-person matters are being heard on a regular basis in our criminal courts; and in-person bench trials are being conducted every week in our New York City Housing

Court for pre-pandemic cases where both sides are represented by counsel.

Notwithstanding the progress that our judges and professional staff are making to resume and gradually expand in-person operations, we recognize that it will be a long time, if ever, before we can return to even a semblance of the in-person density and activity that took place in our courthouses before the pandemic. And so, we are working constantly to expand our virtual capacity and improve our virtual operations – now and for the future.

An important step in this regard is our migration to the “Microsoft Teams” platform for videoconferencing appearances with lawyers, litigants and witnesses. Many of our courts have already made the transition from “Skype for Business” to Microsoft Teams, and we are actively piloting Teams for virtual appearances in the Court of Claims, the Appellate Division, First, Second and Third Departments, Queens County Supreme Court, Civil Term, Suffolk County Supreme Court and the New York City Housing Court -- and all of these courts are reporting a smooth transition.

The rest of our court system will start conducting virtual appearances using Teams on October 1, with each jurisdiction on track to complete its full transition to Teams by November 25. We will use the next two months to phase out Skype and acclimate attorneys, stakeholders and court users to the new platform.

We made the decision to move to Microsoft Teams because this platform will significantly enhance our virtual operations.

- The Teams product comes with superior layout options, improved video quality and greater capacity to stream multiple high-quality video feeds.
- Teams will also allow for enhanced evidence presentation, including the ability to show documents, videos, audio clips and other materials in a wide range of formats.
- Teams will soon feature “Breakout Rooms” that will allow for sidebar appearances and provide the ability for lawyers and clients to engage in private communications while the main

proceeding continues, a very important capacity, particularly in criminal matters.

Along with Teams, one of the most useful technology innovations we have introduced during the pandemic has been our user-friendly Electronic Document Delivery System, or “EDDS,” which allows lawyers, litigants and agency personnel to digitally upload and deliver documents to our courts over a web portal. EDDS has been particularly welcome, and helpful, in minimizing foot traffic in those courts that have not yet been authorized or equipped for e-filing, especially our high-volume Family Courts.

We are grateful for these technology developments that allow us to move our dockets and deliver justice services safely and efficiently during the pandemic, and we are certainly grateful for our expert and dedicated colleagues in the Division of Technology, led by Christine Sisario and Sheng Guo, and the tech teams in all of our Courts and Districts. They have done an excellent job of providing expertise and support to develop and expand our virtual courts so that we can carry out our mission without interruption. Thank you to each of them for their outstanding service.

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