

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

**November 2, 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's message with a report on "week one" of our resumption of criminal jury trials in New York City. Four of the five scheduled trials are still in progress: two in New York County, and two in Kings County, one of which is now a bench trial after the defendant waived a trial by jury. And in Richmond County, while no trial has gone forward yet, 18 pleas have been taken on felony cases during our jury trial pilot there.

I'm pleased to report that these trials have proceeded safely and smoothly to date. We have received positive feedback regarding our preparation and safety protocols, including a note from one of the District Attorneys commending the effectiveness of court operations, and expressing the hope that there will be more trials in the coming

weeks. I second the praise for our judges, professional staff and defense counsel coming from the D.A.'s office, and also thank everyone who has worked so hard to prepare for and carry out the safe resumption of jury trials, especially our trial judges: Judges Michael Obus and Mark Dwyer in New York County, Judges Danny Chun and Donald Leo in Kings County, as well as Administrative Judges Ellen Biben in New York County, Matthew D'Emic in Kings County and Desmond Green in Richmond County.

And for this coming week, we are looking forward to the restart of criminal jury trials in Queens and Bronx Counties.

As for the civil side of our jury trial pilot, after two weeks I am pleased to report that 8 cases have been tried to verdict and 7 others have been settled. And we also want to take a moment to thank everyone who contributed to the successful "week two" restart of civil jury trials, starting in New York County with our trial judges: Judge Adam Silvera and Judge John J. Kelly, and of course, our Administrative Judge, Deborah Kaplan. And in Queens County, Judge Phillip Hom and Administrative Judge Marguerite Grays.

And finally, a huge thank you to Deputy Chief Administrative Judge George Silver for overseeing the entire effort citywide, and to Administrative Judge Tamiko Amaker for coordinating the re-start of criminal jury trials. A job well done! Thank you.

And even though we are pleased to be conducting jury trials again, we're keeping a very close eye on the daily COVID metrics all across the state. We will be cautious and deliberate in deciding where and when to schedule future jury trials. Given the rising number of infections around the country, and the very real possibility of a "second wave" here in New York, we are prepared to make immediate adjustments and to scale back or suspend jury trials and in-person proceedings on a moment's notice. Our number one priority is the health and safety of our court family; the jurors, the lawyers and litigants who enter our courts; and the public we serve. We will continue to make smart, responsible, nimble decisions that protect everyone's health and safety.

It is with that overarching goal in mind that we are working around the clock to expand and enhance our virtual operations. And this all-out effort is underway not only to safely meet the demand for

our services during the pandemic, but just as important, to improve the quality and efficiency of our justice services well into the future. And an essential piece of this effort is e-filing, which enables convenient access to our courts while avoiding the need for in-person filing of court papers.

On October 20th, Chief Administrative Judge Larry Marks issued an Administrative Order authorizing e-filing of civil cases in the Supreme Court in seven additional upstate counties as well as the Broome County Surrogate's Court. As a result, by November 18th, e-filing will be available in the Supreme Court in 60 of our 62 counties, and in Surrogate's Court in 47 counties. And we are committed to extending e-filing to all of the remaining counties in the near future.

Also, less than a month ago, we completed our expansion of e-filing to all five boroughs of the New York City Housing Court, an enormous accomplishment that is certain to benefit everyone appearing in that very busy court. And further to that effort, our e-filing program for actions transferred from the Supreme Court to the New York City Civil Court will soon be expanded citywide when Kings

County comes on board next Monday, followed by Bronx and Richmond Counties on December 7th.

All of this progress has been made possible by the dedicated, hard-working staff in our NYSCEF Resource Center, and the NYSCEF team at our Division of Technology. Jeff Carucci and his team have stepped up and met every challenge thrown their way during the pandemic, and they have earned our thanks and appreciation for providing indispensable support for our virtual courts. So, thank you to all of them.

And now, moving away from operations, I turn to the topic of racial justice. Last week, I addressed all of you in a letter regarding our commitment to a policy of zero tolerance for racial bias and discrimination in the Unified Court System. As I indicated in the letter, and in numerous conversations we have had, Deputy Chief Administrative Judge Edwina Mendelson has been appointed and empowered to lead our day-to-day efforts to put the Equal Justice recommendations into action, and she is working with our judicial leaders, top court managers, judges and staff across the state to develop implementation plans and timelines.

Implementation of the reforms will be critical, of course, but we all know and understand that transformative change -- real change -- requires more than nicely worded policies or protocols. Real change, meaningful change, durable and institutional change requires that each of us make a personal commitment to foster fairness and equity on a daily basis in our workplaces and in our communities.

Our leadership here in the courts understands the need for cultural change and are committed to strengthening and supporting court diversity as well as our important community outreach efforts at the local level. A fine case in point relating to our outreach efforts is already underway in the Seventh Judicial District with their work to reconfigure their diversity and inclusion efforts into a new and more impactful focus group -- the “**R**ead-Time Focus Group to **E**liminate **I**mplicit Bias, **E**nhance Trust and **P**romote Equity and Diversity” -- REEP -- dedicated to reaching out to communities of color and promoting respectful interactions and trusting relationships surrounding issues of racial justice. And I want to thank Administrative Judge Craig Doran, and the judges and professional staff in the 7th JD, for so promptly answering the call and getting to work, rededicating themselves to the issue of public trust and confidence.

Not surprisingly, one of the key observations of the Equal Justice Report prepared by Secretary Johnson, is that our judges and court professionals are working hard to get it right when it comes to equal justice. And while we surely can -- and we **will** do better -- we should not overlook the progress and the good work that is being done to foster fairness and equity by our court institutions, such as our Franklin H. Williams Commission, led by Justices Troy Webber and Shirley Troutman, who so ably served as liaisons to Secretary Johnson as he went about his work, our Judicial Committee on Women in the Courts, and our Richard C. Failla LGBTQ Commission.

Typical of the commitment and important work going on all around us is the recent Failla Commission conference commemorating the 25th anniversary of the New York Court of Appeals' landmark decision in Matter of Jacob, which allowed the same sex partner of a legal parent to adopt a child without terminating the existing parent's rights. The entire conference, including key developments affecting LGBTQ rights and litigants, has been posted on You Tube, and it can be accessed through the Failla Commission's home page on our Unified Court System web site.

Kudos to the Commission's co-Chairs, Judge Anthony Cannataro and Judge Joanne Winslow, the 22 Commission members, and especially, Executive Director Matthew Skinner, for organizing the conference and for their energetic work to promote equal participation and access to the courts by all, regardless of sexual orientation, gender identity or gender expression.

Finally, as many of you know, last week was National Pro Bono Celebration Week, and our Office for Justice Initiatives partnered with the State Bar and the New York County Lawyers Association to host a virtual awards ceremony honoring dozens of attorneys who made a significant difference in the lives of low-income individuals and families through their pro bono service. We are especially proud of the many UCS attorneys and Attorney Emeritus volunteers who were honored, including those who contributed to the success of the "Legal Information for Families Today" program, a valuable videoconferencing and document-sharing platform that allows thousands of unrepresented litigants in our Family Courts to meet remotely with pro bono attorneys in order to receive free legal advice and assistance. We salute and thank these volunteer lawyers for answering the call to serve during these challenging times.

And so, I close today confident that our court family is engaged and committed to our mission of maintaining access to justice and ensuring equal justice under law.

So, thank you for your time, and please do remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.