

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

December 7, 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.

As you know, we are experiencing a resurgence of COVID-19 cases all across the state, something that was predicted by the public health authorities and an eventuality that we have been preparing for. Effective today, we are implementing a number of steps to reduce in-court operations and limit the number of people trafficking through our courthouses and, by these efforts, do our part to prevent the spread of the virus.

Starting today, and until further notice, our in-person staffing levels are being reduced to 40% or less in our courts outside New York City, and to 30% or less in our courts within the City. We are also sharply limiting the number of in-person matters we will allow to

proceed in our courts. Nonessential personal appearances in civil courts are being temporarily suspended, and only a small number of in-person essential and emergency matters will be heard in criminal, family, and housing court. By eliminating nonessential in-person appearances and encouraging virtual appearances whenever possible, we will be able to dramatically reduce the number of people coming into our buildings and thereby curtail the person-to-person contact that allows this horrific virus to spread.

Our Administrative Judges and court managers are implementing these steps within a statewide framework and an established set of protocols that enable us to have a consistent overall response to the impact of the resurgence on court operations. Baked into the protocols is sufficient discretion for each of our Administrative Judges to make operational decisions that are tailored to the specific needs of their courts and the public health conditions demanding action in their localities.

Until such time as the COVID metrics improve and we can safely return to, or move back toward, re-establishing in-person operations, we will rely on the demonstrated ability of our judges and staff to

resolve cases and deliver justice services in our virtual courts, and we will continue to focus on improving and expanding our virtual capacity, especially in the Family Court, where jurists and staff are already handling hundreds of matters remotely each day, including urgent filings involving child abuse and neglect, delinquency, support, custody, visitation and guardianship cases.

We are laser-focused on expanding the Family Court's virtual capacity and giving the judges and staff what they need to carry out the business of that very important court with as little interruption as possible. We have distributed hundreds of laptops and other remote technology statewide, and we are upgrading and improving the virtual court process by, for example, installing voice recognition software to streamline the efficiency and improve the accuracy of virtual proceedings.

Like the Family Court, our New York City Civil Court is also making outstanding use of remote technology to conduct its business. The judges and staff in Civil Court have been doing an excellent job conducting dozens of virtual bench trials and settling large numbers of cases each week. And as a result of their hard work we are seeing the

impact on our pending inventory, especially in automobile no-fault cases where medical providers seek to recover damages from insurance providers for medical services rendered to their insureds. Because the amounts in dispute are under \$25,000 and witness testimony is limited, no-fault cases are especially well-suited for virtual resolution.

So we want to acknowledge our Civil Court Judges, overseen by Administrative Judge Anthony Cannataro, who have done an outstanding job of trying and settling these cases, led by the amazing effort of Queens County Civil Court Judge Tracy Catapano-Fox, who has literally tried and settled hundreds of no-fault cases even as she prepares to assume her new position, on January 1st, as a recently elected Supreme Court Justice in the 11th Judicial District. So, thank you to Judge Cannataro, Judge Catapano-Fox and all of our Civil Court Judges and their staff for their hard work and dedication.

Turning now to access to justice, I'd like to report on a new partnership between our Office for Justice Initiatives, led by Deputy Chief Administrative Judge Edwina Mendelson, the State Bar's COVID Recovery Task Force, pro bono attorneys at the law firm of Davis, Polk & Wardwell, and "Legal Information for Families Today" -- or LIFT -- a partnership that will provide remote legal assistance to the growing

number of unrepresented New Yorkers who are filing child support petitions in the wake of the pandemic.

This initiative, which is expected to launch by the end of next month, expands on LIFT's existing web-based "Family Legal Connection" platform, which links unrepresented litigants with supervised pro bono attorneys who provide limited scope advice and information to litigants and assist them in drafting child support petitions. LIFT is now recruiting volunteer attorneys from all across the state in order to expand the program in the New York City Family Court, and to many of our Family Courts in the 4th, 6th, 8th, and 9th Judicial Districts. I want to thank everyone involved with this project at LIFT, at the State Bar, in our Family Courts, at our Office for Justice Initiatives, and, of course, Sharon Katz, Dara Sheinfeld and the many generous and committed pro bono attorneys under their tutelage at David Polk who are giving selflessly of their time to ease the pain of the pandemic for vulnerable litigants.

Finally, I'd like to close with a few words on the Judiciary's budget. Last Tuesday, December 1st, as mandated by the State Constitution, we submitted our budget request for the next fiscal year that begins on April 1, 2021 to the Governor and the leaders of the New York State

Legislature. Our request, which seeks \$2.25 billion in state operating funds, reflects no change from our current spending level, which as you know was reduced earlier this year by \$291 million dollars -- a reduction necessitated by the unprecedented fiscal challenges facing the State.

And while this operating budget will allow our court system to carry out our constitutional functions, it has certainly called upon us to make many some very difficult decisions, including the strict hiring freeze that we instituted earlier this year, deferral of certain incurred financial obligations and scheduled pay raises for nonjudicial staff, suspension of our JHO Program, and the Administrative Board's decision this year to forego certification of retired Supreme Court Justices.

As a result of our hiring freeze, our court workforce is projected to fall below 15,000 by next April, a 12% reduction from our employment levels in 2009. And if the freeze continues much longer into the next fiscal year, our workforce will be reduced even further, likely to levels not seen in many years. And while we believe that this attrition-driven approach will be less traumatic and disruptive to court operations than immediate large-scale layoffs of our professional staff, there is no

question that we will be challenged by having to operate our courts with a reduced complement of court officers, clerks, back office staff, interpreters, court reporters, specialists, managers and others.

So, at a time when the need for our services has never been greater, we find ourselves in a place where every one of us is being asked to do more with less. And while we are, of course, hopeful that the state's fiscal situation will improve with the availability of a vaccine and a return to economic normalcy, and that a program of federal aid will be enacted and funds will be available to us to mitigate the impact of COVID-19 on the courts and our justice system, we cannot sit back with our fingers crossed and our eyes closed and hope for the best. It would be imprudent and irresponsible for us to make plans based on expectations that may never come to fruition, and we have declined to take that passive approach.

But with all that said, we can be cautiously optimistic about the availability of a vaccine in the not-too-distant future and so there is real hope that the worst of this crisis will soon be behind us. If we stay strong and united, and continue to press forward with the same kind of commitment and resilience that enabled us to navigate each and every

challenge thrown our way since the beginning of this pandemic, I do believe that we may soon be back on the road to recovery.

So, today, I once again thank you for staying strong and positive in carrying out your responsibilities, and I remind you to remain disciplined, in doing all that you can and should be doing to keep yourselves and those around you safe.