

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

February 15, 2021

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 hope that everyone is enjoying the President's Day weekend and recharging for the week ahead.

I begin today's message with a report on the productivity of our virtual courts for the holiday-shortened week of February 8th, when our judges and staff conferenced and heard: 21,384 matters; settled or disposed of 5,430 of those matters; and issued over 1,710 written decisions on motions and other undecided matters.

In addition, 843 virtual bench trials and evidentiary and fact-finding hearings were commenced last week across the state.

It has been encouraging to see the increasing number of virtual bench trials and hearings that are being conducted around the state as our judges and professional staff, and the lawyers and litigants who appear in our courts, grow more comfortable and proficient working with the new virtual platform. Our Administrative Judges deserve a lot of the credit for our progress, as they have been working with our trial judges and local bar associations to encourage virtual trials and hearings in our different courts.

In order to capitalize on all of the local innovation taking place around the state, we asked Nassau County Administrative Judge Norman St. George to identify the best practices from our Judicial Districts and synthesize them into a statewide manual to guide the bench and bar in conducting virtual bench trials and hearings during the pandemic and beyond. Judge St. George wasted no time in getting to work and consulting with his judicial colleagues, bar associations, District Attorneys and public defenders.

And today, I'm pleased to report that we are publicly issuing the Unified Court System's "Virtual Bench Trial Protocols and Procedures," simple, practical guidelines that can be readily modified and tailored for

use in different courts and case types, and that will assist judges and lawyers all across the state in conducting fair, efficient and effective virtual bench trials and evidentiary hearings.

The new Protocols and Procedures inform participants of what to expect during a virtual bench trial and address key issues such as: proper decorum; safeguarding the integrity of the proceedings; handling and presenting testimonial, documentary and physical evidence; and conducting sidebars. Also included is a separate section on “Virtual Criminal Bench Trial Considerations,” and a helpful “Proposed Stipulation and Order” allowing the parties to agree on how the different aspects of the trial will be handled.

The new Protocols and Procedures can be found on the court system’s website under “Latest News” and “What’s New,” and we encourage judges, lawyers and bar associations to distribute and implement them as widely as possible. All in all, a valuable tool that will be of enormous benefit to the bench and bar as we move forward into what will be our new and “better normal,” highlighted by a well-functioning virtual court system. So, kudos to Judge St. George for his excellent work, and thank you to our Deputy Chief Administrative

Judges, George Silver and Vito Caruso, our Administrative and Supervising Judges and everyone else who supported and facilitated the development of this valuable guide.

And now, a brief update on the Judiciary's budget request for the next fiscal year that begins on April 1st. Last Wednesday, Chief Administrative Judge Lawrence Marks testified before a Joint Legislative Public Hearing in support of our budget request for the next fiscal year, a budget request that maintains the same spending level as our current budget, which as you know, was reduced by \$291 million dollars or 10% during the current year. As Judge Marks made clear, this is a very austere budget, reflecting our obligation to share in the sacrifices being made by the rest of the state at this difficult time, but one that will enable us to keep our courts open to provide access to justice and carry out our constitutional mission.

Judge Marks also described the difficult choices that we had to make in order to reduce our spending level by 10%, including the strict hiring freeze that has left us unable to fill the 730 nonjudicial positions that were lost to attrition since March, a number that we expect will reach 1,000 by June. Our nonjudicial work force is the life-blood of our

court system, yet we are now operating with 2,200 (or 13%) fewer employees than our peak staffing level of the past.

These are grim numbers that underscore why we've made every possible responsible effort to avoid nonjudicial layoffs as we've gone about implementing the reductions to our budget. And given our depleted staffing levels, any further budget reductions, which would almost certainly require layoffs, would have a crippling effect on court operations, and especially so in the high-volume housing, family and criminal courts, the courts in which we serve so many low-income and self-represented litigants who rely heavily on our front-line court staff for essential services and for the assistance they need in navigating the court process.

The budget we have requested will allow us to meet our basic needs, but make no mistake, the austerity measures we have implemented to achieve the necessary cost-savings will continue to affect every judge, every court professional, and every lawyer and litigant in our courts.

With that said, we are hopeful that the state's fiscal condition will improve; we are hopeful that the federal government will follow through on financial assistance for state and local governments; and we are hopeful that one or both of these developments will redound to the benefit of the courts and enable us to ease our austerity measures.

But, of course, we cannot, and we do not, operate on hope. And so, until conditions actually improve in a concrete way we must plan and prepare for continued challenging times, but we do so now with confidence knowing that our judges and court professionals have demonstrated, beyond any doubt, that they have exactly what it takes to meet whatever challenges the future may hold in store for us.

And with that final thought, I conclude today's Monday Message and once again thank you for your time, and ask you to stay disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.