

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

**February 22, 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 begin today's message with a report on the productivity of our virtual courts for the holiday-shortened week of February 15th, when our judges and staff conferenced and heard: 18,576 matters; settled or disposed of 4,838 of those matters; and issued over 1,514 written decisions on motions and other undecided matters.

In addition, nearly 700 virtual bench trials and evidentiary and fact-finding hearings were commenced last week across the state.

Even though we have every reason to be pleased with the productivity of our virtual courts, and the manner in which they have enabled us to safely meet the demand for our services in the midst of a

historic pandemic, we all know and understand that there are limits to what technology can accomplish. Digital technology cannot serve as a substitute for the many types of face-to-face interactions that are essential to the delivery of justice in our courts. And that is why we remain committed to expanding in-person proceedings, including jury trials, as soon as it safe and responsible for us to do so.

You may recall that right after the holidays, on January 11th, I discussed the prospects for resuming in-court proceedings, and I indicated then that we needed to remain patient and disciplined for a while longer, as the seven-day rolling average for COVID positivity had climbed to nearly 8% at the time, up from 2.9% in mid-November when we had announced a temporary pause of in-person proceedings and trials.

Now, six weeks later, we are in a distinctly better place: the seven-day rolling average is down to 3.4% as of February 20th, and the metrics are moving in the right direction. In anticipation of this positive trend continuing, we have started developing plans to resume some in-person operations, including a limited number of jury trials statewide.

We are in the process of consulting with our justice partners on these plans, and no final decisions will be made until we have completed that process. And, of course, it goes without saying that our plans very much depend on the continued positive trajectory of the COVID metrics. The second wave of the virus appears by most indications to be subsiding, but we know that there are new and unpredictable variants in the mix and that the situation remains fluid and changeable, so we will be moving forward cautiously while carefully following the latest public health guidance.

You can be sure that we will make responsible decisions and that no lawyers, jurors or witnesses will be asked to report to our courthouses unless we are confident in our ability to ensure that proper health and safety protocols are in place. As you know, we have implemented extensive safety measures and protocols in our courthouses, safety measures that have enabled us to empanel at least one active grand jury in every county of the state even during the period of the virus's resurgence. And before that, we were able to responsibly conduct dozens of criminal and civil in-person jury trials, statewide, from early September through mid-November. Please be assured that we will keep you apprised of our progress.

Now, as you know, February is Black History Month, and this Thursday, February 25th, from 12:30 p.m. to 2:00 p.m., we will celebrate the Unified Court System's 31st annual commemoration of Black History Month. During this year's virtual program, we will honor three extraordinary Judges for their service and commitment to our courts, and their leadership in promoting equal justice.

Judge Anne-Marie Jolly, the Deputy Administrative Judge of the New York City Family Court, will receive "The Equality in Justice Award;" Judge Sylvia Hinds-Radix, Associate Justice of the Appellate Division, Second Department, will receive "The Hon. Theodore T. Jones, Jr., Lifetime Achievement Award;" and Judge Juanita Bing Newton, who recently retired from the position of Dean of the New York State Judicial Institute, will receive "The Hon. Harold A. Stevens Trailblazer Award." Please don't miss this wonderful event.

And there are two more upcoming programs that our judges and court staff should know about. The first is our "UCS Summit on Diversity and Inclusion," taking place next Thursday, March 4th, from 12:00 p.m. to 2:00 p.m. This is an important opportunity for our court family to hear directly from the judges and court officials who are

working to create the path forward to an inclusive workforce and judiciary that reflects the rich diversity of our state. The Summit will also feature an excellent keynote speaker -- Khalil Gibran Muhammad -- who is a Professor of History, Race and Public Policy at Harvard's Kennedy School and a nationally renowned award-winning scholar who has written extensively on issues of race, inequality and criminal justice in American history.

And on the following Thursday, March 11th, the Franklin H. Williams Judicial Commission will host its second Town Hall, which will be dedicated to hearing the voices of our judges and staff and answering as many questions as possible about Secretary Johnson's Equal Justice Report and the opportunity we have before us to implement his recommendations and move us closer to eliminating systemic racism and bias within our court system.

The Diversity Summit and Town Hall have been developed and organized with the goal of engaging our entire court family in an honest and ongoing dialogue about how we can work together to ensure that everyone who works in or enters our courthouses receives fair and equal treatment, without regard to race, ethnicity, sex, gender identity

or any other personal attributes. Registration for the Diversity Summit and Town Hall programs is limited to judges and court staff. Please check your e-mail for instructions on how to register and attend.

And, finally, I want to thank all of the dedicated individuals and organizations that are working so hard to set the stage for the necessary dialogue and reforms that will enable us to reaffirm our commitment to ensuring that our court system is all about equal justice under law, including: the Franklin Williams Judicial Commission, the Office of Diversity and Inclusion, and Deputy Chief Administrative Judge Edwina Mendelson. Thank you to all of them.

And on that note, 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.