

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

April 14, 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 start today's message with some very good news for our court system, and for all New Yorkers. Last week, the Legislature passed a state budget for the new fiscal year that began on April 1, 2021, and I am pleased to report that when the budget bill is signed into law by Governor Cuomo it will enable the Judiciary to reverse or mitigate many of the difficult budget decisions we were forced to make last year.

In response to this most positive development, we will now be in a position, thankfully, to ease our strict hiring freeze and lift many of the other austerity measures imposed last year. We look forward to: increasing our nonjudicial staffing levels, expanding court services,

paying deferred collectively-bargained raises to our employees, restoring \$8.5 million in grant funding for civil legal services, and inviting those Supreme Court Justices who, this past year, were not certificated to serve past their expired terms to reactivate their applications.

The austerity measures we adopted last year, including our decision to forego certification for Supreme Court Justices, were extremely difficult decisions -- principled, responsible and lawful decisions that were driven completely by the numbers, and by the enormous and unprecedented budget crisis we faced due to the necessity of reducing our spending by \$300 million.

But now, thankfully, we are in a far better fiscal place. With New York having received federal aid to relieve the enormous budget deficit caused by the pandemic, and with that aid redounding to the benefit of the Judiciary, we are now able to spend up to our full appropriation level, which means that our commitments can be fulfilled and those Supreme Court Justices who wish to renew their certification applications are now encouraged and welcome to do so.

Fortunately, our Supreme Court dockets have suffered only modestly over the course of the pandemic. However, the crisis has taken its toll, and it has taken its heaviest toll on our Housing and Family Court dockets, where we face not only formidable backlogs, but where we anticipate a large surge in new pandemic-related filings. Clearly, the return of highly experienced judges to the bench will help us tackle these backlogs and meet the increased demand for justice services in those critically important courts. So we look forward to some of our judges returning to service.

I want to thank Governor Cuomo for his efforts to secure federal relief for our state and local governments, and our legislative leaders, Senate Majority Leader Andrea Stewart-Cousins, and Assembly Speaker Carl Heastie, for recognizing the importance of enabling fuller court spending at this critical time when millions of New Yorkers are in need of access to justice and a well-functioning court system.

Now, for an update on our resumption of jury trials, which began exactly three weeks ago. For this week, we have scheduled 50 jury trials statewide, and, again, I want to acknowledge and thank our Administrative Judges, trial judges and professional staff for their

careful adherence to all established protocols in maintaining a safe environment for jurors, lawyers, litigants, witnesses, judges, staff and all other court users.

I also want to express our appreciation to each and every New Yorker who reported for jury service over the past three weeks. Their commitment to fulfilling this important civic duty, especially in these difficult times, is laudable, and it certainly has been inspiring. The right to a trial by jury, before one's peers, is a bedrock constitutional principle. And we are indebted to the jurors across the State who have recognized the importance of performing this vital service in order to help protect our liberties and preserve our system of justice.

Turning now to our virtual courts, I am pleased to report that last week we commenced nearly 1,200 virtual bench trials and hearings; and our judges and staff remotely conferenced 23,870 matters; settled or disposed of almost 6,000 of those matters; and issued over 2,500 written decisions on motions and other undecided matters.

Our virtual courts will undoubtedly play a key role in our operations going forward. But with that said, and as vaccine distribution increases, we are looking forward to and planning for the safe and gradual expansion of in-person court operations.

And in anticipation of having our judges, along with more employees and court users back in our courthouses, I'd like to take a few moments to talk about the vaccination efforts, which are so important and integral to our return to normal operations. While many in our court family have either been vaccinated or have scheduled their vaccination appointments -- and wholly mindful and respectful of the fact that the decision to vaccinate is a personal choice -- I do strongly encourage those of you who have not yet made an appointment to be vaccinated, to do so as soon as possible.

Health experts tell us that by getting immunized, we protect not only ourselves against COVID, but also those around us, including young people who may not be eligible to take the COVID vaccine, and others who may be at increased risk of severe illness due to weakened immune systems or other conditions. This is especially important with

the rise of COVID variants that are reported to spread more quickly and easily than the early form of the virus.

Most of us in the court system work in a public-facing capacity. All of us work closely with our colleagues on a daily basis, even in these times of social distancing. In this environment, it is fair to say that vaccination borders on a social responsibility, even if it's not a legal obligation.

From my own experience as a vaccine recipient, and based on what I am hearing from others who have been vaccinated, the vaccination process has been smooth and efficient, and getting vaccinated should take just a few hours from your day. Also, court employees will be granted excused leave, or compensatory time to get vaccinated.

Supply of the vaccine has increased significantly in recent weeks, and many more sites are administering the vaccine, making the process even more convenient. For more information about the vaccine or to

set up an appointment, I would suggest you go to the State's online vaccine finder.

Additionally, there are other reputable websites and resources you may want to tap for assistance, and in the coming days we will be providing further information to judges and employees about vaccination options, including steps that we are taking to make the process more accessible to court personnel.

Now, while our State and local health departments have largely solved supply and distribution problems in New York, regrettably, vaccination efforts have been impaired by rumor and misinformation.

And so, today, I am strongly encouraging anyone who is still hesitant about the vaccine to carefully review the findings of the experts, and I ask that you consider all the facts, and only the facts, when making your decision.

Fact: the approved COVID vaccines that are now being administered in New York and across the country were rigorously

monitored for safety and efficacy prior to their rollout, and that oversight process continues.

Fact: according to the experts, you will be considered fully protected two weeks after your second dose if you take a two-dose vaccine, or two weeks after the single-dose vaccine, after which your chances of COVID infection are greatly reduced. And even in the rare event that one contracts COVID after being vaccinated, the vaccines are extraordinarily effective in preventing serious illness.

These are the facts that matter. And I ask that you consider these facts carefully and, above all, that you consult with a physician regarding any concerns you may have about getting immunized against COVID-19.

As we gradually return to in-person operations, I cannot overstate how central the vaccination efforts are to our ability to protect and keep each other safe and return to a semblance of normalcy in our personal and professional lives. We cannot and we

must not let our guard down in doing all that we can to control and defeat this virus.

And so, in closing this week's Message, I once again urge you to remain disciplined, to follow the established safety protocols, and do all that you can and should be doing to keep yourselves and those around you safe.

Thank you for your time today.