

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

April 19, 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 with the most important message I can communicate to our court family, to the bar, to our partners in government and to the public at large. Last week, a court clerk who was staffing a juvenile delinquency part in the New York City Family Court was reported to have used a racial slur and vulgar language in reference to a young person who was appearing before a judge in a virtual proceeding.

The judge presiding over the proceeding promptly and appropriately reported the incident, and the matter was referred to the Office of the Managing Inspector General for Bias Matters for the start of an immediate investigation. The following day, formal disciplinary charges were filed against the employee in question, and that

employee was suspended without pay. Appropriate due process will now be accorded to the employee, and should the charges be proven by the evidence presented at her disciplinary hearing you can be assured that we will act swiftly to take the strongest possible disciplinary action.

As I have publicly stated, made absolutely clear, and will continue to make clear on a daily basis, not only by my words, but by my actions, we have **zero tolerance** for racially biased conduct and language on the part of any individual who works for or represents the New York State Unified Court System. As employees of the branch of government charged with the solemn obligation to deliver equal justice under law, it is up to each and every one of us to make sure that every individual who appears before us is treated with equal dignity and respect, and that every member of our institution is as well. This is not an obligation that we grudgingly accept. Rather, this is a responsibility and a commitment that we embrace, that we share and that we are motivated and determined to honor.

Going forward regarding this most recent incident, as has been our practice we will be as transparent as the process permits and we will keep you all informed.

Over the course of the last 5 ½ years, we have worked hard to demonstrate that whatever challenges come our way, our leadership team, our judges and our professional staff do not waver from our mission. Our resilience and commitment have been tested, particularly over the last 14 months, but we have met every challenge. And as we come to grips with and confront racism in our ranks our institution will only grow stronger.

And as we move forward together into the new post-pandemic normal, I do see many signs of hope and renewal for our court system, and for our state. Tomorrow, April 20th, is a very special day for our state, marking New York's official birthday. On that date in 1777, in Kingston, New York, a government that was literally on the run from the British Army approved the first New York State Constitution. Drafted in large part by John Jay, New York's and later the nation's first Chief Judge, that document began with notice to all that its aim was to

form a government “best calculated to secure the rights and liberties of the good people of this State.”

I am honored to lead a court system that has demonstrated its competence and commitment in meeting every challenge that has been heaped on us over the last 14 months, all the while continuing our 244-year-old tradition of upholding the rule of law and protecting the people’s rights and liberties. And our work, indeed, continues.

And to that point, effective Monday, May 24th, all judges and court staff will be required to physically return to work in their assigned courthouses. It is time to return to our normal and full courthouse staffing levels in order to support the fuller resumption of in-person operations, including jury trials and other proceedings in our courts.

The COVID vaccine is now widely available to New Yorkers over 16 years of age, the state is easing public health restrictions on indoor gatherings, and the economy is reopening in response to the continuing decline in COVID positivity rates and hospitalizations. Our plan to restore full staffing is in line with the state’s reopening efforts, and with

the latest public health guidance. The extensive safety measures that we have implemented to protect the health of everyone working in and entering our buildings, including: COVID screening and temperature checks; disciplined use of face masks and PPE; social distancing protocols; installation of acrylic barriers; and strict cleaning and sanitizing, will continue.

With normal staffing levels, we will be able to conduct an increased number of in-court proceedings, including jury trials -- 55 of which have been scheduled for this week. Of course, our return to full staffing does not mean that we will be returning to the densely crowded courthouses of pre-COVID days. We are drafting a responsible plan that will limit the number of people physically present in our courthouses to safe and responsible levels, and we will do so by relying on the permanent integration of remote technology and virtual appearances to hear those matters not requiring the physical presence of lawyers and litigants in our buildings.

And with regard to our virtual courts, I'm pleased to report that 1,440 online bench trials and hearings were commenced last week, and that our judges and staff remotely conferenced over 24,200 matters;

settled or disposed of almost 6,000 of those matters; and issued 2,350 written decisions on motions and other undecided matters. We will continue to support and enhance virtual court operations.

Finally, before I close today, I would like to take a moment to acknowledge John McConnell, Executive Director of the Office of Court Administration. John has decided to retire after what all would agree has been a very distinguished career in public service that included serving as: Counsel to the Office of Court Administration; Clerk of the Appellate Division, First Department; Deputy Solicitor General in the State Attorney General's Office; Assistant Secretary to Governor Mario Cuomo; as well as nearly a decade in private practice as a commercial litigator.

As Executive Director of OCA, John managed many of the offices and units that provide essential support services to our trial courts, a role that proved to be absolutely critical during the pandemic, when John's deep experience and knowledge helped guide our entire court system and court leadership team in successfully overcoming the many complex operational and public health challenges posed by COVID-19.

Both as Executive Director and Counsel to OCA, John McConnell was a paragon of excellence. He made our institution better and stronger in every way. We will miss his deep wisdom and intelligence; unassailable integrity; unmatched work ethic; and his complete and total dedication to our judiciary. We salute John for his valuable contributions to the New York State courts, and we wish him the very best in all of his future endeavors. Thank you, John. We will miss you.

And now, in closing this week's Message, I once again urge you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe. Thank you.