

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

May 24, 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.

Today is the day that we have been planning for and looking forward to for many weeks, marking the physical return of all judges and court staff to our assigned courthouses across the state. We are happy and excited to officially welcome everyone back. And we appreciate the many calls and emails and texts we have received over the past few weeks from so many of you, judges and court professionals, who have reached out to express how excited and happy you are to be back at work, doing the people's business: working with your colleagues, lawyers and litigants to deliver justice services, assisting with the administration of jury trials and other court proceedings, and moving forward, together, into our new and better normal for the court system and the people of the state of New York.

Over the last 15 months, we have traveled a long, remarkable journey together: we have sadly suffered the losses of family members, friends and colleagues; we have worked together to transform and reinvent ourselves as a virtual court system -- nearly overnight; we have adopted and then mastered virtual technology to manage our dockets and ensure access to justice in the broadest range of cases; and now, we are all working safely and smartly to restore and expand our in-person operations.

Our return to full staffing is a very positive development, one that lawyers and litigants have been eagerly awaiting. And that's because we **all** know, understand and appreciate that most court proceedings, for reasons including access to justice or court operations, are most appropriately heard in-person. And our efforts to once again provide a full range of court services to lawyers and their clients and unrepresented litigants is absolutely the right thing to do. And this is the right time to do it.

But make no mistake, this is not a return to "business as usual," as we knew it before the pandemic. In the short term, we will continue to limit the number of people present in our buildings at any given time,

primarily through the continued use of virtual technology, but also by continuing our staggered scheduling of court appearances, court calendars and courtroom usage.

And, to do our part to keep everyone safe and healthy, we will continue to require that judges, staff, lawyers, litigants, justice partners and members of the public who enter our courthouses follow all of the safety measures and protocols we have implemented, including: COVID screening and temperature checks, social distancing, strict cleaning and sanitizing and disciplined use of PPE, including the continued use of face masks.

As you likely know by now, Governor Cuomo announced last week that folks who are fully vaccinated are no longer required to wear face masks in most indoor public spaces. Nonetheless, Chief Administrative Judge Marks and I have determined, at least for the time being, to continue to require the use of face masks by everyone entering our buildings. We are doing so out of an abundance of caution, and in order to carefully monitor and evaluate the impact of increased traffic in our courthouses following today's return to full staffing levels. We

will revisit our decision regarding face masks once we acquire more data and experience.

And on the topic of keeping everyone safe and healthy, today and tomorrow we are partnering with New York City to provide pop-up vaccination sites at three locations near our courthouses: one at Borough Hall Plaza in Queens; one at Lou Gehrig Plaza in the Bronx; and one at 26 Central Avenue in Staten Island. The sites will operate throughout the workday, from 9 a.m. to 5 p.m., and qualified personnel will be on site to answer any questions you may have about the vaccine. Once again, I encourage everyone who hasn't yet received a vaccine to take advantage of this opportunity or schedule an appointment with your own medical provider. And as a reminder, and hopefully an incentive, court employees are entitled to up to 3 ½ hours of excused leave in order to get vaccinated. Please do consider these options, for the sake of your health and well-being, and for that of your colleagues around you.

And now, for an update on our virtual courts. Last week, I'm pleased to report that we commenced nearly 1,200 online bench trials and hearings, and that our judges and staff remotely conferenced

almost 25,000 matters; settled or disposed of more than 6,100 of those matters; and issued a little over 2,000 written decisions on motions and other undecided matters.

And if I may, I would like to comment -- and boast a bit about a point of pride -- and that is the way in which our staff, our judges, and our court leaders have never lost sight of the need to keep improving the broader administration of justice despite the relentless daily pressures and operational challenges the pandemic has presented.

A recent case in point is the new “Elder Justice Resource Guide” issued just last week to help judges and court staff handle issues of elder abuse and neglect as effectively as possible. Elder abuse is a serious public health issue in the United States, with one in 10 individuals over the age of 60 having suffered some form of verbal, physical or sexual abuse or financial exploitation, and studies have shown that elder abuse is significantly under-reported. Moreover, the isolation of the pandemic, combined with known risk factors like cognitive impairment, physical frailty and dependence on others for care, have led to an increase in reports of elder abuse nationally.

The new “Elder Justice Resource Guide,” which is the most up to date and user-friendly Guide of its kind in the nation, is the product of a collaboration between our Office for Justice Initiatives, led by Deputy Chief Administrative Judge Edwina Mendelson, and the “Harry and Jeanette Weinberg Center for Elder Justice at the Hebrew Home at Riverdale,” led by the very talented Director and Managing Attorney at the Center, Joy Solomon

The Guide’s key feature is an interactive “Elder Abuse Directory Map” that displays comprehensive contact information for the many organizations that provide critical services to older adults in all 13 Judicial Districts across the state. The Guide also contains a “Bench Book” for judges and staff, and provides helpful tips and information for: interacting effectively with older adults; identifying and responding to elder abuse and neglect; understanding cognitive impairment and other aging-related issues; relevant statutes and rules; benefits and entitlements available to meet the special needs of older adults; and best practices for courtroom access for elderly people with special needs, including a description of New York’s first “Elder-Friendly Courtroom,” which was created in New York County Supreme Court

under the leadership of Administrative Judge Deborah Kaplan to enable older adults to participate as fully as possible in court proceedings.

I want to thank Judge Mendelson and Joy Solomon at the Weinberg Center for jointly developing this impressive resource to enhance the quality and effectiveness of justice services for older adults. And be assured that the Resource Guide is just the first of many planned initiatives to combat elder abuse and neglect and provide court personnel, legal professionals and members of the public with helpful information about available services to assist older adults in our state. Truly excellent work in support of elder justice.

I close this week's Monday Message by once again expressing my thanks and appreciation to everyone who made it possible for us to return to full in-person staffing in our courts today, starting with our Administrative Judges and court managers who worked so diligently to craft their local "return plans" and prepare their buildings; our trial judges and professional staff who demonstrated extraordinary patience and cooperation in working through all of the different operational and logistical challenges presented; and the countless lawyers, bar

associations, stakeholders and justice partners whose flexibility, understanding and constructive input enabled us to appropriately balance the interests of court access and public safety over the last 15 months. Thank you to all of them -- a truly collaborative effort.

And on that uplifting note, I thank you for “tuning in,” and once again I urge you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe, especially as we return to full staffing in our courthouses. Thank you.