

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

August 23, 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 you are all enjoying the good weather and getting some rest and relaxation before the summer draws to a close. It has been a productive summer as we have made significant progress to resume in-person operations and establish a safe and effective “new normal” in court operations.

With that said, however, we have made important and necessary changes to our health safety protocols in response to the increasing COVID positivity rate driven by the new Delta variant. Effective September 7th, we will implement a program of mandatory weekly COVID-19 testing for those judges and non-judicial employees who have not yet enrolled in the court system’s mask policy program and submitted proof of their vaccinated status. Fully vaccinated judges and

court staff who have submitted proof of vaccination and received an orange I.D. card will be exempt from the testing program.

Last week, we sent two separate memos to judges and nonjudicial staff outlining the details of the testing program. In the broadest strokes, judges and staff who have not secured an orange identification card must submit proof each week that they have taken either a rapid or PCR COVID-19 test from a licensed testing facility. Proof that such a test was administered must be promptly uploaded to the court system's Mandatory Testing Program SharePoint site. Supervisors will work with employees to coordinate scheduled testing each week, and employees will be granted excused leave for the purpose of getting tested. Employees who do not submit proof of testing will not be permitted to report to work, and must charge their time as annual or compensatory leave. And, of course, anyone who tests positive must follow the most current reporting and quarantine protocols.

For additional information and full details, including exceptions to the mandatory testing program, judges should refer to the memo they received from Chief Administrative Judge Marks, and nonjudicial staff

should refer to the memo from Nancy Barry and Justin Barry (no relation).

This new program is being implemented in conformity with the CDC's latest vaccine guidance as an appropriate and necessary precaution to protect our judges, staff and court users from the spread of COVID-19 and its variants, and to maintain the safest possible environment for everyone who works and conducts business in our court facilities. The program is also fully consistent with the steps that many other public and private employers have taken in New York and across the country.

Moreover, as I mentioned in the last "Monday Message," with the FDA soon expected to end its "emergency use" authorization and give full approval to one or more of the COVID vaccines, many public and private employers have announced their intention to mandate the vaccination of their workforces, and now, after much discussion and deliberation, we intend to do the same.

Over the last 18 months, we have experienced a great deal of upheaval and disruption in our lives, and we have all learned that change is the one constant we can be certain of during this pandemic. I have expressed many times, and I will say again today, that we very much appreciate your patience and understanding in the face of all the change and uncertainty that comes with the constantly moving safety measures. I think you know that we have worked hard to craft and implement the very best policies and protocols to both protect you and allow us to safely carry out our mission of providing access to justice for all New Yorkers. It is our number one priority that you and your families, and lawyers and litigants and their families, remain safe, healthy and out of harm's way as we go about our important work.

Shifting now to court operations, last week we launched a new program in the Criminal Court and the Supreme Court in New York City targeting a backlog of felony gun possession cases, a backlog created by a citywide increase in gun arrests and pandemic-related constraints on our criminal court operations. In collaboration with the New York City District Attorneys' Offices and other stakeholders, including the Citizens Crime Commission, we have developed a multi-prong initiative to expedite the handling and resolution of felony cases involving a top

charge of criminal possession of a weapon in the second degree. Key elements of this initiative include: increasing the number of grand juries that are sitting at any given time; the designation of teams of judges in each borough who will work together to expedite pretrial hearings and preside over pleas and trials; and the prioritization and fast-tracking of the resolution of the oldest gun possession cases pending throughout the City.

We have asked Judge George Grasso, our new Administrative Judge for Criminal Matters in Queens Supreme Court, to oversee the daily operation of this important initiative. He will work closely with all of the assigned judges and their staff, coordinate with each of our justice partners and monitor the progress of these serious cases to ensure that they are being prioritized and managed and resolved efficiently and fairly.

I want to thank the judges and staff serving on this project, and our justice partners, including the District Attorneys and the defense bar, for their support and cooperation. And, of course, I want to thank Judge Grasso for spearheading yet another important initiative on our behalf. I have every confidence that he will not only lead a successful

initiative appropriately expediting the resolution of these gun cases, but that he will bring strong leadership and results to his new position as the Administrative Judge for Criminal Matters in Queens County Supreme Court.

Recently, we have begun to dedicate a portion of our Monday Message to recognizing the extraordinary work of folks who have excelled in their service to the courts and the public during the pandemic. And this week, the spotlight falls on Dahyana Grullon, the Deputy Coordinator of our “Office of Language Access,” our office that works to eliminate barriers to court access by providing prompt and accurate translation services to individuals with limited English proficiency or hearing disabilities. In addition to providing foreign language translation and sign interpretation services in over 200 different languages, the “Office of Language Access” coordinates the delivery of remote and in-person interpreting services in many thousands of court proceedings all across the state.

Now, Dahyana is a very special individual, caring and enthusiastic about her job, widely admired for her work ethic and proficiency as an interpreter and deeply committed to the mission of her office. When

the pandemic restricted in-person services in March of last year, Dahyana stepped up and worked tirelessly to ensure that our statewide corps of language interpreters made a seamless transition to remote interpreting services in virtual court proceedings. During the pandemic, Dahyana also fast-tracked the Spanish translation of numerous public notices and court forms in response to pandemic-related changes in court operations and health safety protocols.

So, today we commend Dahyana Grullon, her colleagues and the nearly 300 court interpreters whose hard work and unwavering dedication enabled us to meet the diverse language access needs of New Yorkers during the pandemic.

There is someone else who deserves our heartfelt thanks and appreciation today, a judicial leader and public servant of the highest order who is retiring at the end of this month -- Justice Vito C. Caruso, our Deputy Chief Administrative Judge for the Courts Outside New York City -- and a leading standard-bearer of the Excellence Initiative. Under Judge Caruso's leadership, the courts outside New York City made historic progress to eliminate backlogs, improve efficiency and upgrade the quality of our services. And when the pandemic dramatically impacted our work, Judge Caruso distinguished himself by leading the

640 judges and 6,000 court professionals outside the City in making the bold transition to a virtual operating model, and then implementing the health protocols that enabled our courts to safely resume in-person operations.

Judge Caruso's tenure as DCAJ was the capstone of an absolutely remarkable career on the bench that included 15 years as the Administrative Judge of the Fourth Judicial District in northern New York, and we are all indebted to him for his dedicated leadership and service to the courts. Thank you, Judge Caruso. We will miss you, and we will miss the sense of pride and joy that you brought to us each and every day.

And on the heels of Judge Caruso's retirement, this past week we announced the appointment of a most worthy successor -- Justice Norman St. George -- an experienced trial judge and skilled administrator who will assume his new duties on September 1st. Judge St. George has served as the Administrative Judge of the Nassau County Courts since January 2019 and has done an outstanding job of guiding that Judicial District through the pandemic, all the while maintaining



the momentum of the Excellence Initiative by expanding virtual ADR services and preparing the “Virtual Bench Trial Protocols and Procedures” that we’ve adopted to guide judges and lawyers in conducting effective virtual bench trials and hearings. We are so pleased and excited to work with Judge St. George in his new capacity as DCAJ, and we look forward to building on the progress we have made under the banner of our Excellence Initiative to improve the performance of the courts outside New York City.

And finally, we are excited about working with our newest Administrative Judge for the Seventh Judicial District in Western New York -- Justice William Taylor. Judge Taylor has served with distinction as an elected Supreme Court Justice since 2016, and brings with him strong leadership skills and broad public service experience, including his clerkship on the New York Court of Appeals to then-Associate Judge Hon. Richard C. Wesley, who now serves on the United States Court of Appeals for the Second Circuit. Judge Taylor is well-prepared to build on the 7th JD’s long tradition of excellence, and the many forward-leaning initiatives that have been implemented in the 7th. We look forward to working with him.

On that note, I will conclude this week's message, and thank you all again for "tuning in," and for staying disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.