

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

August 9, 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.

In recent days, we announced that the court system will be implementing new health safety protocols in response to the increase in New York's Covid-19 positivity rate.

The new protocols will require all Unified Court System judges and non-judicial employees who have *not* been vaccinated to be tested regularly for Covid-19. Judges and court staff who have been vaccinated – and who have enrolled in the program certifying their vaccinated status – will not have to undergo Covid testing. The new protocols will go into effect on Tuesday, September 7th. We are busy

working out the final details and they will be announced later this week.

As to those of you who are vaccinated but have yet to apply for your orange i.d. cards certifying your vaccinated status, please do so at your earliest convenience. To date, over 7,700 judges and court employees have applied for and received their cards, and we are hoping for and look forward to the participation of all of our judges and court staff. And, of course, we continue to urge everyone to get vaccinated, particularly with the emergence of the highly contagious Delta variant.

As a reminder to all, we are presently permitting fully vaccinated judges and court staff with orange i.d. cards, as well as fully vaccinated court users with acceptable forms of proof of vaccination, to enter and remain in all public areas of our court facilities without wearing a mask.

For those of you who are fully vaccinated but prefer to wear a mask inside our court facilities, we encourage you to do that as well. And, along with social distancing and other safety measures, we will continue to require the use of face masks or coverings in our courthouses for anyone who cannot, upon entry, present an acceptable form of proof of vaccination.

And again, I want to assure you that – as your health and safety remain a foremost priority for us – every day we are closely monitoring the COVID metrics and looking to the guidance of our state and local health officials to assist us. And we stand ready – on even the shortest of notice – to adjust our mask policy and other health safety protocols as circumstances warrant.

We have made great strides in the fight against Covid-19. And we've learned a lot about this virus. And, from the latest hospital statistics and other science-based data, we know that being vaccinated

offers robust protection against serious illness from Covid, including the Delta and other variants. So again, we strongly urge everyone to get vaccinated.

One further point on this topic. Recent reporting indicates that the FDA, which authorized “emergency use” of the Covid vaccine, may, in the coming weeks, grant full approval and licensure of the vaccine. If that comes to pass, employers, institutions and state and local governments across the country will likely be prompted to implement vaccine mandates – a measure that, we too, will seriously consider. And, of course, on that topic, we will keep all of you fully informed.

Now, turning to court operations, on the topic of jury trials – and in moving closer to our goal of a bias-free court system – I am pleased to report that we have created a new juror orientation video, “Jury Service and Fairness,” to be viewed at the very start of jury service, regarding implicit bias – bias that is unconscious, and automatic. The video, which is available for your viewing on our website at

www.nyjuror.gov, describes what implicit bias is, and how jurors can ensure they are making decisions without relying on biases or stereotypes.

I want to thank Deputy Chief Administrative Judge Edwina Mendelson, along with Michelle Smith and Rosemary Martinez-Borges of our Office for Justice Initiatives; our statewide jury coordinator, Jessica Simard, and her staff; and Professor Rachel Godsil and Afua Addo of the Perception Institute, for their collaboration on this informative and critically important orientation video for jurors.

We are also reviewing, for adoption, judge's instructions to jurors explaining the concept of implicit bias and reminding jurors to be aware of their own implicit biases in their decision-making.

Both the video and judge's instructions to jurors on implicit bias are part of our Equal Justice Initiative to address racial bias in the court system.

And finally, we recently distributed an online survey to judges and non-judicial employees statewide, including New York's town and village justices, eliciting input to help guide our efforts to identify and eradicate bias. The survey is completely anonymous, with the responses to be analyzed by an independent organization. We highly encourage the participation of all judges and court staff in completing this important survey. So, if you have not already done so, please take some time to complete and submit the survey. Thank you for that.

Now, turning to our Court Officers, whose critical, frontline duties require them to regularly interact with the public, we are supporting our officers in their work by developing a program on implicit bias geared specifically to their duties, and that training will be introduced this Fall. Training programs for our judges and the rest of our court staff across the state is also in the development stages, and those trainings will be rolled out as each iteration is completed.

Going back for a moment to our Court Officers, I want to thank the contingent of Court Officers from New York City, Syracuse and other parts of the state, who, just last week, joined with local officials and other members of law enforcement to participate in National Night Out Against Crime, which, for those of you not familiar with the National Night Out initiative, is a community-building campaign that promotes police-community partnerships.

Our participation in these “Night Out” events is one of the many initiatives that we are using to expand our court-community partnerships in our shared goal toward equal justice. And we are pleased and proud of the work being done on behalf of the courts in the area of community engagement.

In closing this week’s message, I want to once again express my deep appreciation and gratitude to all of our judges and professional staff for the patience, resilience, understanding and incredible

commitment you have shown as we continue to navigate the many operational and other challenges relating to Covid and the safe and effective provision of our critical services.

So, thank you for tuning in, and for remaining disciplined in keeping yourselves and those around you safe.