

## **MESSAGE FROM CHIEF JUDGE JANET DIFIORE**

**December 13, 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 open today's message with my early and very best wishes to you and your families for a happy and healthy holiday season and a peaceful and joyous new year.

As we approach the end of 2021, I want to thank you for your hard work and dedication over the course of what has certainly been a challenging year for us, but what has also been a rewarding and progress-filled year in which we made great strides to resume normal operations and deliver justice services to lawyers and litigants in the context of our new hybrid model of in-person and virtual operations.

But what really stands out for me when I look back on 2021 is the perseverance and the positive spirit of cooperation shown by our judges and staff, a positive spirit that never wavered as we dealt with the non-stop safety and operational challenges brought on by the different stages of the pandemic.

As the second wave of the virus subsided in March, we began increasing our courthouse staffing levels to support the resumption of in-person jury trials and the expansion of in-court services to lawyers and litigants. And, of course, as the COVID vaccine became available at that time, our judges and staff moved quickly and responsibly to get immunized, not only to protect themselves and those around them, but to expedite their ability to safely provide a full range of in-court services to litigants, lawyers and court users.

By May, judges and staff were back at work in their courthouses conducting jury trials and in-court proceedings and restoring the full range of in-person services and operations, including criminal arraignments. And through it all, we continued to prioritize public health and safety by leaning on our virtual court model to move cases

forward while limiting unnecessary personal appearances and foot traffic in our buildings.

And over the course of the year, our judges and staff demonstrated great patience and did an outstanding job of responding to the evolving public health and safety guidance and to the many necessary revisions that had to be made in our protocols, including our masking and testing policies.

In fact, it is a major point of pride for us that we were leaders in the State in implementing two major COVID preventative policies: our “Mandatory Testing Program,” announced in August, and, of course, the “Mandatory Vaccination Program” that took effect on September 27th, requiring all judges and staff to submit proof of full vaccination absent a valid medical or religious exemption.

It is a further point of pride that our vaccination program received a near perfect response from our judges and an overwhelmingly positive response from our court staff. So, kudos to everyone for their leadership and commitment to doing the right and responsible thing to

safeguard the health and safety of the folks we work with, and to publicly assure the many thousands of litigants, lawyers and court users we serve on a daily basis that our buildings are safe places to appear and conduct their important business.

So, we can take pride and satisfaction in knowing that our court system is in a good place as we prepare to enter the new year: our workforce is vaccinated, we have learned how to safely navigate the current challenges of the pandemic and find ways to safely expand in-person operations and services despite the 6-foot social distancing restriction that remains applicable in our buildings, and we have a powerful new virtual court model at our disposal to safely and appropriately complement our in-court productivity as we move forward into the new post-pandemic normal.

And if that's not cause enough for optimism, our judges, staff and court leaders have done an extraordinary job of rising above the relentless day-to-day operational pressures and safety issues of the pandemic to implement significant reforms to improve the administration of justice, including Secretary Johnson's equal justice recommendations to ensure equity, diversity and inclusion in the courts

as well as innovative initiatives to expand access to justice and bridge the digital divide in our virtual courts.

It's impossible not to feel positive and optimistic about our future when we have so many dedicated judges and staff doing their level best every single day to see that justice is done and going above and beyond the call of duty to make a meaningful difference in the lives of our litigants, including, and especially, families and children who need our services. An excellent case in point is the dedicated efforts of so many judges, judicial hearing officers, court attorneys, referees and clerks who volunteer countless hours of their time each year to finalize adoptions for children in need of permanent loving homes.

Last month was "National Adoption Month" and many of our Family Courts, including the New York City Family Court, sponsored month-long programs and celebrations to raise awareness about the importance of family preservation and reunification. And highlighting National Adoption Month were the many virtual adoption ceremonies held all across the state during the month of November, beautiful and inspiring ceremonies in which 180 children found their "forever families."

And while the number of adoptions has not quite returned to pre-COVID levels, we are on pace to finalize 33% more adoptions in 2021 than in 2020. So, thank you to all of the dedicated judges and professional staff -- with a special shout out to JHOs Richard Ross and Susan Danoff -- for whom adoption proceedings are a special and true labor of love. Thank you, thank you, thank you.

And now, on bittersweet note, I want to take this opportunity to bid a public farewell to my colleague on the Court of Appeals, Associate Judge Eugene Fahey, who will be retiring from the Court of Appeals on midnight, December 31st, after nearly 7 years of dedicated service. Judge Fahey has been everything that one could ask for in a colleague: smart, experienced, hard-working, collegial and dedicated to the institutional mission of the Court of Appeals. He has not only enjoyed a distinguished 27-year career as a trial and appellate judge but has earned the esteem and respect of his colleagues in the Judiciary and the Bar.

And while we will miss Judge Fahey, we are pleased and excited that Governor Hochul has nominated an exceptional judge to fill his vacancy on the Court: Shirley Troutman, Associate Justice of the

Appellate Division, Fourth Department. Justice Troutman is a highly experienced and respected jurist who started her judicial career on the Buffalo City Court in 1994. She has also served as a County Court Judge in Erie County, an elected Supreme Court Justice in the 8th Judicial District, and an Associate Justice of the Fourth Department since 2016. Justice Troutman's career has been marked by her generous public service and her leadership and commitment to the fair administration of justice, including her service as Co-Chair of the Franklin H. Williams Judicial Commission. So, we congratulate Judge Troutman, we wish her "good luck" in her Senate confirmation hearing, and we look forward to her joining the Court of Appeals in the new year.

I also want to take a moment today to congratulate Judge Vito DeStefano, who was appointed the Administrative Judge of the Nassau County Courts on December 1st. Judge DeStefano, who had been serving as the Acting Administrative Judge in Nassau County while presiding over a civil case inventory in Supreme Court, is an energetic leader and innovative thinker, and a judge who is highly regarded for his legal expertise and strong work ethic. He is well prepared to oversee the day-to-day operations of our busy trial courts in Nassau

County during the ongoing pandemic. Judge DeStefano: welcome to our leadership team.

So once again, I wish you and your families Happy Holidays and Happy New Year. I look forward to updating you again on January 3rd, and to resuming our work together to build on all of our forward progress and momentum from 2021.

Thank you all for listening, and as always, thank you for remaining disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.