

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

January 17, 2022

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're all enjoying today's holiday and national day of service honoring the legacy of Dr. Martin Luther King, Jr., who gave his life in the struggle to secure civil rights and equality for all Americans. As you will hear in a few moments, our judges and court staff are deeply committed, and working hard, to honor Dr. King's legacy and advance equal justice in the New York State courts. --

But first,-- an update on our efforts to safely navigate the latest surge in COVID-19 infections caused by the Omicron variant. Over the last several weeks, we have encouraged judges to exercise their discretion to schedule virtual court appearances where a virtual proceeding is necessary in order to reduce public density in courthouses and relieve the staffing pressures that some of our courts and stakeholder agencies are experiencing due to isolation and quarantine.

But notwithstanding that, at this point in time,-- we are relying more heavily on the virtual component of our hybrid court model for some types of appearances, we strongly believe that certain types of proceedings must continue to move forward on an in-person basis,-- most notably jury trials and criminal arraignments,-- and that is because we all know and understand that the significant rights and interests at stake in those proceedings,-- including considerations of access to justice and court operations,-- are best served by having the parties and their counsel appear in-person before a judge.

And in this regard, I do believe that the many thousands of New Yorkers who continue to honor their civic responsibility and show up, in-person, for jury duty every day have demonstrated that they are ready, and willing to do their part to support us as we keep our trial parts up and running,-- and that they are confident in our ability to properly safeguard their health and safety. As a result of their confidence and participation, we have been able to empanel grand juries and schedule jury trials without any significant disruptions. – So, thank you, to every New Yorker who has come to our courthouses throughout the state, and has answered the call to jury duty.

Each and every day, our Deputy Chief Administrative Judges;... Administrative Judges;... Chief Clerks;... and District Executives are

reviewing the COVID metrics, and assessing the staffing levels and operational needs in their courthouses. Our court leaders and managers have been proactive in anticipating and responding to staffing shortages,-- especially in the New York City Criminal Court;... Family Court;... and Civil Court,-- where we have been able to combine court parts and temporarily reassign judges and staff,-- including Court Officers and Court Clerks,-- to keep our courts up and running safely and efficiently. -- So, thank you to all of them for guiding our courts through this latest surge in the pandemic.

And thank you to our judges and court professionals for their patience and flexibility in responding to these day-to-day operational fluctuations. It hasn't always been easy, but one way or another we have managed to find ways to safely meet the demand for our services.

And while it is too early to draw any definitive conclusions, the number of judges and staff testing positive for COVID-19 has been trending in the right direction over the last few days,--particularly in New York City and downstate regions of the state,-- and so we are hopeful that the operational pressures caused by the Omicron variant will soon subside. - -

Speaking of operational pressures, I turn now to the work of our Housing Courts, where the moratorium on evictions adopted at the

beginning of the pandemic expired this past Saturday, January 15th. In New York City, our Housing Court Judges and staff,-- led by Carolyn Walker-Diallo,-- the Administrative Judge of the New York City Civil Court,-- have been anticipating and preparing for the moratorium's expiration for many months,-- and they are prepared to fully adjudicate these cases, which will be calendared both in-person and virtually. Our scheduled trials will take place in-person;... virtually;... or in a hybrid form that combines both virtual and in-person participants, depending on what is most appropriate for each particular case.

We've also been coordinating with the City's Office of Civil Justice to connect unrepresented tenants with legal service attorneys at their first appearance in Housing Court. This is a key point, because when both sides are represented by counsel not only are the rights of all parties fully protected, but we are able to avoid unnecessary delays and adjournments. Moving forward, the presence of counsel will also help us to promptly identify and dismiss from the docket those cases in which rental arrears have already been satisfied through disbursement of Emergency Rental Assistance Program funding,-- or grants from other sources. We are also implementing new initiatives to help us move the Housing Court docket efficiently, such as our "Small Property Part" for proceedings involving one, two or three-family premises.

In the coming weeks, we will keep you apprised of our progress as we take on the challenge,-- and a significant challenge it most certainly will be,-- of adjudicating the large number of pending eviction matters, and the influx of new case filings anticipated in our Housing Courts across the state. - -

And turning now to a topic that is especially apropos on this Martin Luther King Day: the work of the judges and court staff who are serving on our Equal Justice Committees,-- now established in every Judicial District in the state, including New York City, to help us implement Secretary Johnson's recommendations and effectively change our institutional culture from the bottom up.

Last month, Judge Mendelson hosted a statewide meeting of the Chairs of the Equal Justice Committees, and during that meeting we learned about the broad range of creative programs and initiatives that are underway in support of our mission to promote equity, diversity and inclusion across all of our courts and jurisdictions. I think just a few highlights will give you a sense of the strong commitment and engagement of our judges and staff.

The Seventh J.D.'s Equal Justice Committee has launched a "Judicial Observation Project," working with volunteer judges and

community members to identify and better understand how implicit biases manifest themselves in the justice system.

In Queens County and the Fifth and Sixth J.D.'s, our Committees are reaching out to their respective communities: to hear their concerns;... work collaboratively with justice partners to improve the court experience for litigants of color;... help unrepresented litigants navigate their way through our courts;... and foster positive interactions between Court Officers and court users.

In Suffolk County, judges and staff, including members of our Court Officer ranks, are reaching out to schools and to underserved communities to showcase job opportunities in the courts.

The Third J.D. Committee is developing a video to educate the public about the remarkable life of Sojourner Truth,-- a Black woman born into slavery in Ulster County who became a powerful voice for the abolition of slavery and women's suffrage.

The Committees in the Fourth J.D. and Richmond County are focused on expanding their courthouse Help Centers to assist unrepresented litigants navigating through our buildings.

The Ninth J.D.'s Committee is reaching out to communities of color to address issues of under-representation in the jury pool.

The New York City Criminal Court Committee is working with criminal justice partners to eliminate delays in securing the presence of interpreters at arraignments.

And several Committees,-- including the New York City Family Court, and the Supreme Court, Civil Term, of Manhattan,-- are focused on training and education, including programs on implicit bias in the justice system, as well as the Inspector General's process for investigating complaints of bias.

And so, on this MLK Day,-- a national day of service,-- I want to thank the Chairs and members of our Equal Justice Committees for their impactful service,-- and for leading the way,-- engaging the members of our court family in the hard work of creating a culture of equity, inclusion and respect in our workplaces, and in our day-to-day interactions with colleagues;... litigants;... lawyers;... and court users.

And, of course, we are grateful to our Administrative Judges,--and Judge Mendelson and the Office for Justice Initiatives,-- for guiding and supporting the work of our Equal Justice Committees. -- Important, important work that fosters public trust and confidence in our courts, and in the justice system. So, thank you to all of them.

And, thank you, once again, to all of you for listening, and for remaining disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.