

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

**August 29, 2022**

Thank you for giving us a few minutes of your time for an update on the latest developments affecting our courts and the justice system.

Today's Monday Message is my 99th, and last, as Chief Judge of the Court of Appeals and the State of New York, and so I want to devote these last few minutes to thanking you for your hard work and dedicated service in support of the great progress we have made as a court system since February 8, 2016, the day that I was sworn in as Chief Judge and announced the "Excellence Initiative," our sustained, systemwide campaign to achieve both operational and decisional excellence -- an extraordinary initiative that has enabled us to manage our cases more efficiently, eliminate backlog and delay, expand court access, advance equal justice and improve the quality of our services for the benefit of the people we serve.

From the outset, our judges and court staff were "all in" on the Excellence Initiative, because the judges and staff understood, better than anyone, that the Excellence Initiative was all about access to justice and public trust and confidence in the courts. When cases are filed only to languish for years without resolution, and people feel like

they can't get their day in court because it takes too long and costs too much, the very legitimacy of our courts and the justice system is called into question.

Our judges and court staff, with the support and cooperation of our partners in the Bar, accepted the challenge of the Excellence Initiative, pursuing their responsibilities with a renewed sense of purpose and passion as we implemented systemic reforms to support their efforts, including: enhancing training to improve case management skills; overhauling and modernizing our case management systems; integrating early presumptive ADR into our case processing structure; expanding access to civil legal services for individuals of modest means; and appointing and empowering a strong leadership team of Administrative Judges, Supervising Judges and court managers to make certain that everyone kept their eye on the ball.

The Excellence Initiative has transformed our organizational culture, and our trial judges and court staff are working with a new mindset that is laser-focused on proactively moving their dockets; prioritizing resolution of the oldest cases; referring cases for early settlement; and meeting the "standards and goals" that we use as our performance measurement standard.

And, above all, we showed that it works. Our performance improved under the Excellence Initiative, and it improved dramatically.

In less than four years, we cut our backlogs in half all across the state, and eliminated them entirely in many of our courts. Year after year, the numbers kept getting better, demonstrating, unmistakably, that our judges and staff were resolving cases more efficiently and promptly than anyone could remember.

And then, of course, the pandemic struck, and we were forced to completely alter the way we operated and delivered our services overnight. But thanks to the incredible resilience, resourcefulness and sacrifices of so many judges and nonjudicial staff, and the skill and expertise of our I.T. professionals, we quickly transformed our massive, in-person operating model into an effective virtual model that provided safe and efficient access to justice during the pandemic.

But we didn't stop there. We seized every opportunity presented by the crisis to improve our services, leveraging the innovations of the pandemic into a powerful new hybrid operating model that supported our safe and timely return to full-scale operations, and that has now positioned us to exceed our pre-pandemic efficiency, access and productivity.

A remarkable, remarkable achievement by our court family on every level -- one never to be forgotten.

And equally remarkable is that notwithstanding the relentless daily pressures of the pandemic, we never lost sight of our broader

mission and our values as the third branch of government, especially the need to maintain public trust and confidence through our faithful implementation of Secretary Jeh Johnson's historic equal justice reforms to foster racial equity and meaningful inclusion at every level of our court system. And I am very proud of our work in that regard.

Now, I will be the first to admit that it wasn't always perfect, or without controversy, but considering that none of us had a blueprint for how to manage one of the world's largest and most complex court systems through a once-in-a-century pandemic, I think we all did an absolutely superb job.

And I could not be more proud of the judges; court managers; law clerks and court attorneys; court clerks, including our great back-office staff; I.T. professionals; court interpreters; court reporters; County Clerks; Jury Commissioners; and so many others who performed magnificently, demonstrating great courage and resilience to help keep our courts up and running, safely and effectively, during an extraordinary and unprecedented time.

And speaking of courage and resilience, who could forget the heroic contributions of our uniformed Court Officers and public safety staff, led by Chief Michael Magliano, who along with our court clerks continued reporting to work and serving on the front lines so that we

could keep our courts open to deliver critically needed justice services. Thank you to each and every one of them.

And, of course, I will never forget your collective faith and support during those difficult and uncertain months, or the spirit of unity, cooperation and compassion that lit the way for us so that we could ably honor our responsibilities to the public. Thank you, thank you, thank you.

And now, as I get ready to turn the page leading into the next chapter of my professional life, I am, as you would expect, feeling the cross-current of lots of conflicting emotions: the excitement and anticipation of what lies ahead, of course, as well as the bittersweetness of saying goodbye to colleagues and friends with whom I have shared the highs and lows of what has been, by far, the most rewarding and satisfying assignment of my professional life, a position of enormous public trust and responsibility to which I have unhesitatingly devoted every fiber of my being, and every ounce of energy and passion I possess.

As Chief Judge, I set out to bring operational and decisional excellence to the New York State courts while leading the Court of Appeals in developing a strong, predictable body of law to guide our communities, our economy and the lives of our citizenry.

As I move on to the next chapter, I take great pride and satisfaction in knowing that, together, we have made incredible progress toward achieving those goals.

We have set our court system on a strong foundation for the future, and we have implemented many permanent improvements in service of our mission of delivering fair, timely and accessible justice services to the people of our state -- and not just for today or tomorrow, but for many years to come.

Our institution is now fortunate to be moving forward under the able leadership of Acting Chief Judge Anthony Cannataro, who brings his skill and administrative experience to the position of Acting Chief Judge, having served as Administrative Judge of the New York City Civil Court and as a key member of the statewide leadership team that helped guide our system through the complex operational and public health challenges of the pandemic. Our court system will be in most capable hands until a new Chief Judge is confirmed. Thank you, Judge Cannataro, for accepting this responsibility.

And while time does not permit me to thank even a small fraction of the many, many individuals who have contributed to the progress of our court system, I do want to express my appreciation to my colleagues on the Court of Appeals with whom I have shared the honor of hearing and resolving the novel and important appeals that come

before our state's high court in a just, impartial and timely fashion. And, of course, we realize that we are able to carry out our mission in an atmosphere of high efficiency and professionalism because of the hard work and the dedication of the Court's outstanding professional staff, so ably led by our current Clerk of the Court, Lisa LeCours, and prior to April 2022, by John Asiello, who recently retired from service.

I am grateful also to the four Presiding Justices of the Appellate Division, Rolando Acosta, Hector LaSalle, Elizabeth Garry and Gerald Whalen, for always leading and guiding their respective courts in a positive direction, and for serving as diligent and responsive members of the Administrative Board of the Courts.

Now, there is one more individual to whom I owe a very special debt of gratitude, and that is our extraordinary Chief Administrative Judge, Lawrence Marks. As Chief Judge, I have benefitted enormously, as we all have, from Judge Marks' unmatched knowledge and experience, selfless public service and boundless dedication to improving the quality of justice for all New Yorkers. Thank you, Judge Marks, for your excellent service to the people of the State of New York, and for agreeing to stay on to support and assist Acting Chief Judge Cannataro during the upcoming transitional period.

I wish that I could personally acknowledge and thank all of the terrific Bar leaders and practicing lawyers with whom we have enjoyed

a positive and supportive relationship over the last seven years. Together, we have dramatically improved our court system, preserved access to justice during the pandemic and honored our shared responsibility of maintaining a strong and independent court system. Thank you.

Finally, to each and every one of you who has represented and supported our court system during my tenure, please know that you have my deepest respect and admiration, and, above all, my undying gratitude for your dedication and commitment to the New York State courts and the people we serve. It has been an honor and a privilege to serve with you.