

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

**December 14, 2020**

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.

Today, we are entering our second week of limited in-person operations and reduced staffing levels in our courthouses across the state. As you know, the recent metrics showing the continued spread of the virus have dictated the need to once again reduce foot traffic in our courthouses in order to protect the health and safety of litigants, lawyers, court staff and judges.

As I mentioned last week, in-person staffing levels are at 40% or less in our courts outside New York City, and at somewhat lower levels in our courts within the City. Our operating protocols have been updated to create a court environment where the new “normal” is a virtual appearance and in-person appearances are rare.

Among the limited matters that may be heard in-person in some jurisdictions at this time are: arraignments, temporary orders of protection, child protection cases involving removal applications, juvenile delinquency cases involving remand applications, emergency family offense petitions and applications addressing landlord lockouts and serious code violations. In addition, our judges understand that where self-represented litigants are involved it may be necessary to hear those matters in-person if doing so remotely would deny them meaningful access to justice.

Even though we are once again compelled to temporarily reduce in-person operations in response to public health conditions, the good news is that our virtual courts are busier and more productive than ever. For the two-week period ending Friday, December 11th, our judges and staff across the state held over 52,840 remote conferences; settled or disposed of 15,159 of the matters heard; and decided 4,666 motions. These are impressive numbers reflecting the significant amount of business taking place in our courts at this time.

Clearly, all of the effort that we have put into expanding the capacity of our virtual courts over the last several months is paying off.

And this is especially evident on the civil side of Supreme Court, where our statewide pending caseload has increased by only 5% from this past Spring.

We are, of course, encouraged and pleased that the pending caseload in this Court has remained relatively stable despite the difficult challenges of the last nine months. And while stability is driven, in part, by the 27% decrease in filings that we have experienced, our judges and staff deserve credit for having managed to stay current in the face of the abrupt and dramatic adjustment in court operations -- moving from an almost entirely in-person model to what is, at the moment, essentially a 100% virtual model. And not only have our judges and staff made the adjustment, but they have become proficient in working within the new model.

With the support and cooperation of our partners in the Bar, judges and staff have reinvented and transformed the delivery of justice nearly overnight, with everyone quickly adopting remote technology to stay busy and productive, managing our dockets, ensuring access to justice for lawyers and litigants and working hard to prevent the build-up of problematic backlogs. Filings may well increase

at some point, but the fact of the matter is that we are well-prepared to handle an increase thanks to the robust online platform and the many technology improvements that we've implemented to strengthen the quality and efficiency of our services -- improvements that will become permanent features of the New York State courts when we return to conducting in-person appearances, hearings and trials.

And our efforts to strengthen our online courts continue to benefit from the helpful recommendations of our "Commission to Reimagine the Future of the New York State Courts," and from the diligent efforts of our Administrative Judges, Supervising Judges, trial judges, court managers, professional staff and IT professionals who are building up and systematizing the infrastructure of our virtual court model.

Not a week goes by without our judges and staff engaging in new and innovate solutions to resolve our caseloads. A case in point is the expansion of our New York City "Blockbuster Settlement" program to our suburban courts in the 9th and 10th Judicial Districts, where we are making progress in settling and resolving our large inventory of tort cases.

Another example is our Bronx Supreme Court mediation program where, starting in September, negligence and commercial cases have proceeded to consensual mediation and, to date, 53% of the cases mediated have been settled.

I'm also pleased to report that as part of our effort to explore and develop new efficiencies, our courts in Monroe County in the 7th Judicial District have been selected as one of seven jurisdictions nationwide to participate in a "Remote Jury Selection Pilot Project." We are working with the National Center for State Courts to experiment with the use of videoconferencing technology platforms to safely select juries during the pandemic.

These are just a few examples of the many innovative efforts that are underway across the state as our judges and staff push and search for new ways to provide safe, accessible and affordable justice services during these challenging times. And we thank all of you for your extraordinary effort.

And finally, as we approach the end of the year, we find ourselves in the bittersweet position of having to saying goodbye to colleagues and friends who are retiring from the court system. Today, I want to publicly recognize one of those friends, a colleague whose professional life has been devoted to service, and who has enjoyed an incredible and storied career in the New York State courts: Judge Juanita Bing Newton, who is retiring from her position as Dean of the New York State Judicial Institute at the end of the year.

Since becoming Dean of the Institute in 2009, Judge Bing Newton has transformed the J.I. into a leader in the field of judicial training, education and scholarship. The J.I.'s education and training programs have been at the heart of our Excellence Initiative since I became Chief Judge in January 2016, with Judge Bing Newton and her staff helping to change our institutional culture by integrating the practical goals and the philosophy of the Excellence Initiative into the hundreds of in-person and remote programs presented to our judges and nonjudicial staff each and every year.

But Judge Bing Newton's successful tenure as Dean of the J.I. was only the capstone to her extraordinary career in the courts, which over

the years included extensive leadership service as: our Deputy Chief Administrative Judge for Justice Initiatives, where she laid the foundation for our institutional commitment to ensuring meaningful access to justice, and, of course, her service as the Administrative Judge of the New York City Criminal Court, and of the New York County Supreme Court, Criminal Term.

Judge Bing Newton has earned our gratitude and our appreciation for being a shining example of leadership, for her strong voice in support of equity and fairness in the courts and in the criminal justice system, and for her warm friendship and wise counsel to so many of us over many, many years. I know that I have certainly been the lucky beneficiary of her friendship and her honest counsel, and I will always be grateful for her generosity. On behalf of our entire Judiciary, I thank Judge Bing Newton for her extraordinary service to the courts and to our justice system. Juanita, we send you our very best wishes for many years of good health, happiness and fun in all of your next adventures. We will miss you.

So today, once again, I thank you all for your efforts to remain strong and positive in carrying out your responsibilities, and remind you

to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.