

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

January 4, 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.

Happy new year everyone. I hope that you and your families enjoyed a peaceful holiday season in bringing 2020 to a close. As I look back on 2020, I will always remember your hard work and resilience in keeping our courts open and functioning during the most challenging year that any of us can remember. And now, we can confidently look forward to 2021 with renewed hope and optimism, knowing that our judges and professional staff have shown themselves to be unwavering in their dedication to meeting the justice needs of our litigants.

Over the coming year, I expect that we will encounter many new challenges, as well as opportunities to strengthen our court system.

First and foremost, we continue, hopefully just for the short term, our

efforts to remotely manage our dockets and deliver justice as efficiently and effectively as we can until this second wave of the virus subsides, and we can safely re-start in-person proceedings, including conducting jury trials and empanelling the normal complement of grand juries.

But until then, it is reassuring to know that with each passing week our judges and staff are growing more proficient and productive in our virtual courts: conferencing and settling cases;... narrowing disputed issues;... deciding motions;... referring matters to ADR;... and conducting an ever-increasing number of virtual hearings and trials.

In fact, over the months of November and December, our judges and staff commenced 3,857 virtual bench trials, including evidentiary and fact-finding hearings,-- 1,410 in November, and 2,447 in December, when almost all in-person proceedings were temporarily halted. Most of the virtual trial activity took place in our very busy Family Courts across the state, particularly with regard to evidentiary and fact-finding hearings in: child protective;... juvenile delinquency;... termination of

parental rights;... family offense;... child support;... paternity;... and custody and visitation matters.

I'm also pleased to report that over 300 virtual bench trials were commenced in Supreme Court in a broad range of civil, tort, commercial, and matrimonial matters,-- plus 616 trials in our lower civil courts;... and scores of trials in our criminal courts. These numbers are a testament to the resolve and adaptability of our judges, staff and the lawyers who practice in our courts, and their commitment to new and effective ways of delivering justice, and meeting the demand for our services during these extraordinary times.

While remote technology has put us in a good position to deliver services during the pandemic, we are keenly aware of the significant "digital divide" facing many New Yorkers who cannot access our virtual courts because they lack what so many of us take for granted: digital broadband and Wi-Fi capacity;... adequate data plans and smartphone minutes;... and basic computer equipment.

I have asked the Permanent Commission on Access to Justice, and our Office for Justice Initiatives, to take the lead in our efforts to prioritize access in our virtual courts, and they are working closely with

our partners in the legal services community, and the organized bar to find ways to bridge the digital divide, and prepare for an anticipated surge of pandemic-related litigation involving unrepresented New Yorkers, a special cohort of our litigants around whom we provide specialized services and skilled staff to ease their way in accessing the system. -- This work has begun, and we are off to a good start. --

Of all the challenges that are lined up for us in the new year, none is more important than following through on the recommendations in Secretary Johnson’s Equal Justice Report,-- and on the commitment I have made, on behalf of our court system, to achieve a policy of zero tolerance for racial bias and discrimination.

This week, a live “Virtual Town Hall Meeting on Dismantling Systemic Racism in the Courts,” will be held on Thursday, January 7th, from 12:30 to 2:30. Sponsored by the Franklin Williams Judicial Commission, the purpose of the Town Hall is to update judges and court staff on the status of our strategic plan to implement the recommendations Secretary Johnson has made to us, and the work that is being done to accomplish implementation,-- led by Deputy Chief

Administrative Judge Edwina Mendelson. The purpose of the Town Hall is also to give the members of our court family an opportunity to be heard, and to offer up their suggestions and insights on how we can achieve our shared goal of eliminating racism and bias from the Unified Court System. I do hope that the Town Hall is well attended and that folks come prepared to do the work that we are compelled to do,-- and engage in the open, honest and respectful conversations,-- and the follow-up actions it will take for us to move these issues forward,-- to the benefit of all of us,-- and the system we are a part of.

I want to thank the Co-Chairs of the Williams Commission,-- Justice Troy Webber of the Appellate Division, First Department, and Justice Shirley Troutman of the Appellate Division, Fourth Department, -- and all 28 Commission members,-- including Bronx Supreme Court Justice, Llinet Rosado,-- our Town Hall moderator,-- and, of course, the Commission's Executive Director,-- Mary Lynn Nicolas-Brewster,-- and Commission staff for organizing this Thursday's forum.

And because we all know and understand that it will take much more than nicely crafted rules and policies to eliminate bias and racism,-- and that it **will** take honest and meaningful dialogue around

issues that are often difficult, uncomfortable, and painful for many to talk about,-- we know we need to have those conversations,-- because without them,-- without the dialogue, without the openness, without the commitment, and without the serious work it will take to build trust;... empathy;... and mutual understanding,-- we cannot move to real and lasting change.

So, again, we owe a debt of gratitude to the Williams Commission for understanding that need, and for organizing the Town Hall, featuring: Chief Administrative Judge Larry Marks;... Deputy Chief Administrative Judge Edwina Mendelson;... Tony Walters, Director of our Office of Diversity and Inclusion;... Sherril Spatz, our Inspector General;... Kay-Ann Porter Campbell, Managing Inspector General for Bias Matters;... as well as our terrific keynote speaker,-- Deborah Archer,-- Professor at NYU Law School,-- and leading authority on civil rights and racial justice. --

So far, interest in the “Town Hall” has been high,-- causing us to hit the Microsoft Teams’ 300-participant limit in record time,-- so we’ve also arranged to have the forum livestreamed on our website. Judges and court staff interested in viewing the livestream should be on the

lookout for an email that will be sent with appropriate instructions. And, of course, we will also post a recording of the Town Hall on our website for those,-- like myself and my Court of Appeals colleagues who are in session at the Court this week,-- and are unable to view the forum live, the opportunity to view the proceeding at a later time. -- I encourage all of you to tune in. --

I'd like to shift now to the work of our Appellate Divisions, and specifically the important function they perform of admitting attorneys to the New York State Bar. Last week, the four Departments of the Appellate Division took joint action to revise the "Application for Admission to the New York State Bar" by removing the question inquiring into an applicant's citizenship and immigration status. Citizenship is not a prerequisite for admission to the Bar under New York law, and so it has been determined that the question should be eliminated. This action follows last year's removal of questions inquiring into an applicant's mental health conditions and treatment history. We thank and commend the Presiding Justices of the Appellate Division,-- Rolando Acosta;... former P.J. Alan Scheinkman;... Elizabeth Garry;... Gerald Whalen,-- and the members of their respective courts, for addressing these issues in a speedy and responsive manner. --

So today, once again, I thank you all for your efforts to remain strong and positive in carrying out your responsibilities, and confronting the challenges of the new year,-- and I take this opportunity to remind you to remain disciplined, in doing all that you can and should be doing to keep yourselves and those around you safe.