

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

**June 29, 2020**

Thank you for a few minutes of your time as we update you on the latest COVID developments affecting our courts and the justice system.

As we approach the Fourth of July holiday, I hope that you and your families will be enjoying the warm weather together and staying safe and healthy.

I'm pleased to report that our court system is making steady progress in our gradual return to in-person operations.

As of this past Friday, June 26th, all of our courts outside New York City have entered Phase 3 of our return to in-person operations. Under Phase 3, we have increased our staffing levels and the types of matters that are being heard in-person. However, most non-essential matters continue to be heard virtually, in order to limit courtroom occupancy rates and ensure personal distancing. And all of our safety

measures and best practices are being strictly enforced to prevent the spread of COVID-19 in our courthouses.

And in New York City, our courts officially entered Phase 2 of operations last Wednesday, June 24th, involving a modest increase in courthouse staffing levels and in-person services. In a significant development, I'm pleased to report that we have added 14 new virtual parts in our very busy New York City Family Court, more than doubling our virtual capacity from 11 parts to 25, with most of those parts dedicated to hearing neglect and abuse, family offense and child support proceedings.

These are urgent, time-sensitive matters that require immediate court intervention and critical services for children and families in crisis, and I want to thank Administrative Judge Jeanette Ruiz, and our Family Court Judges and professional staff, for the dedication and ingenuity they have shown in meeting the justice needs of our families and children during this challenging time.

As we plan for each new Phase of our return to in-court operations, we are consulting with our epidemiologist to ensure that our decisions are guided by the most responsible public health

guidance and protocols, and we are communicating with and receiving the input of our judges, union representatives and stakeholders.

Outside the City, several of our upstate Judicial Districts are getting ready to move into Phase 4 later this week, which will involve a significant increase in in-court operations and staffing.

Also outside the City, we have begun summoning Grand Jurors to report for service on July 13th. This milestone development follows several weeks of careful planning and coordination with our justice partners, during which we have identified and retrofitted appropriate space and developed new protocols to ensure that Grand Jury proceedings will be safely conducted.

And we are wasting no time in calling upon the expertise of our new Commission on the Future of New York's Courts. The very first deliverable for this extraordinary group of leaders in law, government, business, technology and public service will be a fast-track report with guidance and recommendations on how we can safely restart jury trials.

The right to a jury trial is one of the pillars of our justice system, and we have an obligation to be proactive and creative in order to restore this fundamental right as soon as it is safe to do so. And I want to thank the Commission for turning their attention to this immediate challenge and concern.

On other fronts, we have established new procedures for residential and commercial foreclosure proceedings, which went into effect last Wednesday, June 24th. These procedures are similar to those which took effect for residential and commercial eviction proceedings on June 20th. They require the commencement of foreclosure proceedings by NYSCEF or mail and require that the commencement papers in those matters include two additional documents: an affirmation of counsel, and a form notice to defendants. Copies of these forms are available on our website. Finally, whether or not an answer is filed in these matters, proceedings will be stayed until further notice, except for settlement conferences where both sides are represented by counsel.

Now, this is a complex procedure, and a number of exceptions apply, so anyone affected or interested in this area is strongly encouraged to visit our website to review and download the

explanatory memoranda, implementing Administrative Orders, required forms and future updates.

Moving now to the September bar exam, I'm pleased to report that the application process is now complete and that all candidates who successfully completed an application will be able to sit for the bar exam, provided that they follow up with timely proof of eligibility and that new public health concerns don't preclude us from moving forward as planned.

The task of securing appropriate and sufficient space to administer a two-day exam to upwards of 5,000 candidates, in multiple locations across the state, in the midst of a public health crisis, has been very challenging, to say the least. And so, I want to thank and commend my Court of Appeals colleague, Michael Garcia, who led the working group that, together with the Board of Law Examiners, did an excellent job of making smart and responsible recommendations that balanced the complex logistics and public health concerns and put us in a good position, as of now, to safely administer the September bar exam. Truly a job well done.

So, another busy and eventful week with lots of forward progress for our court system. New York has come a long way in its recovery from COVID-19. And the progress that the Unified Court System has made would not have been possible without all of your hard work, your support and cooperation, and your patience and understanding.

But at the same time that we recognize our progress, we are mindful and aware that the virus has not yet been defeated, and that all of the public health best practices that have come into play must now become a regular part of our personal and professional routines in order that we may safely coexist with, and prevent a resurgence of, COVID-19. And we remain committed and disciplined in our approach.

So, please enjoy a fun and responsible Fourth of July. Stay safe, stay disciplined and stay tuned for additional updates.