

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

**March 1, 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.

I am pleased to begin today's message with the news that we are moving forward with our plans to resume some in-person operations, including a limited number of jury trials in our courthouses across the State, and jury summonses are being mailed out in preparation for jury selection to begin statewide on March 22nd.

Over the last week, the seven-day rolling average for COVID positivity in New York State has continued to decline and is now at the lowest level since the holiday season. We will move forward responsibly and deliberately, carefully monitoring the COVID metrics and the public health guidance as we get closer to the 22nd. In the meantime, we are revisiting all of our safety measures and protocols in

preparation for the safe return of jurors to our courthouses and consulting with our stakeholders and justice partners.

Everyone understands and appreciates the need to gradually and carefully return to in-person operations, and we are grateful for the cooperation and support we are getting from stakeholders and justice partners. Virtual courts have shown us a new way, and our judges and staff have done a great job of safely meeting the demand for our services in the midst of this historic pandemic, but we all know that technology can only go so far to supplant the human element that is essential to the delivery of justice services. Face to face interaction is an indispensable component of our justice system, especially when it comes to deciding the guilt or innocence of individuals accused of crimes.

As we incrementally expand in-person services, our operating protocols will be flexible and adaptable, taking into account the conditions in each courthouse and region of the state, so that some courts may be more expansive or restrictive in scheduling in-court appearances. In general, and for the foreseeable future, the default

approach for us will continue to be virtual appearances in order to limit the number of people in our courthouses, but judges will now have the discretion to schedule a limited number of in-court matters where the judge determines that doing so would further important considerations of access to justice or court operations.

As we move forward with the gradual resumption of jury trials and in-person proceedings, you can be sure that we will continue to make responsible decisions based on the public health guidance in order to prioritize the health and safety of our judges and professional staff and every single person who enters our buildings. And we will keep you apprised of our progress.

In the meantime, last week our judges and staff virtually conferenced and heard almost 26,000 matters (a new high); settled or disposed of over 6,100 of those matters; and issued over 2,250 written decisions on motions and other undecided matters. In addition, 1,045 virtual bench trials and evidentiary and fact-finding hearings were commenced last week across the state.

And now, a word about the State of Our Judiciary. Tomorrow, March 2nd, I will deliver the 2021 State of Our Judiciary message to all of you and to our partners in government, the bar and the members of the public, reporting on the remarkable work done by our judges and staff over the last year to keep our courts open and functioning at all times; detailing the operational and fiscal challenges that we face as a result of COVID 19; the many technological and operational innovations that we have implemented to ensure access to justice in response to the public health crisis; as well as the contributions made by our colleagues in the bar and the many stakeholders and justice partners who have strongly supported our court system throughout the last year.

I hope that you will be able to join us. The address will be available for viewing on the court system's website, [www.nycourts.gov](http://www.nycourts.gov), starting tomorrow morning, Tuesday, March 2nd, at 10 a.m.

One of the main themes of this year's State of Our Judiciary is finding opportunity in crisis and how notwithstanding all of the disruption and tragedy caused by the pandemic, we have identified

opportunities for positive innovation -- the obvious, of course, being our new virtual court model and the many continued uses of online technology to deliver our services in appropriate and productive ways, and the implementation of new programs and processes that will be of lasting benefit to the litigants and lawyers in our courts.

The most recent case in point is the “NYBench Program,” which will be officially launched tomorrow in the New York City Criminal Court, in Queens County. NYBench is a web-based program that connects judges with the New York City Criminal Court’s Universal Case Management System (or UCMS) in new ways that ensure instantaneous electronic access to RAP sheets, orders of protection and outstanding warrants as well as defendants’ files in other cases pending across the city and state. NYBench will greatly improve the efficiency of case conferencing, plea negotiations and bail review in our criminal courts, and strengthen the quality of judicial dispositions, as judges will now have comprehensive information and a real-time 360-degree picture of each defendant appearing before them.

Using NYBench, judges sitting anywhere can create virtual action sheets, court backs and other electronic records and documents that

will now be immediately visible to a judge presiding over additional matters involving the same defendant. Just as importantly, the judicial instructions and documents entered into NYBench are instantly available to court clerks in UCMS, which will produce important time savings and free up clerical staff to work on other critical duties. When leveraged and expanded to its full potential, NYBench will improve the quality of dispositions, and it will boost the productivity of our statewide criminal courts and save many thousands of hours in human capital and costs. The days of paper jackets and paper filings in our criminal courts are now numbered. The future is digital, paperless and fast approaching.

I want to thank everyone who played a part in the development and implementation of NYBench, especially New York City Criminal Court Judges Jeffrey Gershuny and David Frey, for their great work to pilot and test the program's capabilities and their recommendations to improve its performance; First Deputy Chief Clerk Antonio Diaz and DoT Computer Systems Analyst Julia Chowdhury for developing and modifying the program; Applications Programmer David Eberhart for creating the original program; and Technical Manager Cliff De Carlo for spearheading the connection to UCMS.

As I mentioned, NYBench is being launched tomorrow, on a pilot basis, in the Arraignment Parts of the Queens County Criminal Court. And we anticipate that the pilot will be expanded citywide later this Spring. Administrative Judge of the New York City Criminal Court, Tamiko Amaker, and Chief Clerk Justin Barry, deserve credit for prioritizing this initiative, an initiative that will permanently improve the virtual and in-person operations of one of the busiest and most important courts in the system.

Finally, this Wednesday, we are set to review and discuss our Equal Justice implementation plans at a statewide meeting of our Administrative Judges, Supervising Judges and court managers. The purpose of the meeting is not only to bring our judicial leaders and court managers up to date on the content and goals of our plans, but, importantly, to impress upon every one of our leaders and managers the importance of leadership, engagement and collaboration as we go about working together -- judges and professional staff -- to make certain that our court system is a model of fairness, equal treatment, diversity and meaningful inclusion in every corner of our state.

And on that encouraging note, I conclude today's Monday Message, and once again thank you for your time, and ask you to stay disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.