

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

September 7, 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.

I hope that you and your families enjoyed some rest and relaxation over the holiday weekend in advance of what is certain to be a busy and challenging Fall as we all try to settle into the “new normal” in our workplaces and schools and in our personal and professional lives.

As we leave Summer behind and enter the month of September, I can't help but look back at the remarkable journey we've travelled together over the last six months: from the dark days of March and April when the rapid spread of COVID-19 compelled us to transform and reinvent ourselves as a virtual court system essentially overnight; to the resourcefulness and resilience of our judges and professional

staff in using remote technology to manage their dockets and ensure access to justice; to our ongoing, gradual and careful restoration of in-person court operations.

And our journey has now taken us to the critical point where we are about to restart a limited number of jury trials on a pilot basis outside New York City this week, starting with a pair of criminal and civil jury trials currently scheduled to begin in Suffolk County on Wednesday, September 9th, and a civil jury trial in Schuyler County, in the 6th Judicial District, scheduled for that same day. And these will be followed by a civil jury trial currently scheduled to begin on September 10th in Erie County in the 8th Judicial District.

The right to a trial by jury is one of the keystones of our justice system, and so this week's restart of a limited number of jury trials marks an important step in our journey toward our "new normal."

Based on the many weeks of careful preparation by our judges and professional staff, and based on our successful experience in safely and smoothly empaneling over 100 grand juries across the state without significant incident or illness, we are confident in our ability to

begin to safely conduct jury trials throughout the New York State courts.

And I do want to take a moment to recognize and thank the thousands of New Yorkers who discharged their civic responsibility as grand jurors during this historic public health crisis. In fact, notwithstanding the challenges and risks, 1739 of them appeared in person for Grand Jury duty in our New York City courthouses during the week of August 10th, a remarkable number only slightly lower than our pre-COVID response rates. All of this suggests, of course, that New Yorkers rightly expect our courts to be up and functioning in-person even at this difficult time, and that they have confidence in our ability to properly safeguard public health and responsibly discharge our duties, with safety as our number one priority.

The thousands of New Yorkers reporting for Grand Jury service in every county of our State have shown us that they are ready to do their part. Implicit in their actions is the expectation that the courts are ready to do ours and to carry out our constitutional mandate during this difficult time for all of us.

And we will continue to work diligently to prove that the public's faith and confidence in our court system is well placed, by carefully and continually monitoring our environment, and by consulting with our epidemiologist and relying on her guidance and recommendations to improve the safety of our facilities and operating procedures as she personally tours our courthouses and reviews our detailed plans for our courtrooms and facilities. And we will continue our practice of having our Administrative and Supervising Judges report back to us on a daily basis, particularly as they closely monitor jury trial operations in their courts and speak with their trial judges and professional staff about all aspects of participant safety. We evaluate these reports each day and follow up whenever necessary or appropriate to guard against and reduce exposure to risk.

At the same time that we are restarting jury trials across the state, our judges and staff continue to make forward progress on many other fronts. For instance, on Wednesday, September 9th, the Appellate Term of the Supreme Court, First Judicial Department, will begin hearing in-person oral argument of appeals in a newly retrofitted courtroom located in the New York County courthouse at 60 Centre. I want to thank Presiding Justice Carol Edmead, and the Justices of that Court, for their commitment to restoring in-person operations.

And elsewhere, our judges and staff continue to schedule hundreds of in-person matters each week in our criminal courts statewide; in-person and virtual bench trials are being conducted in all five boroughs of the New York City Housing Court; virtual summary bench trials are going forward in civil matters in the Supreme Court in New York, Queens and Bronx Counties; and thousands of cases are being conferenced and settled each week in our virtual courts around the state through the use of remote technology and ADR.

As we look ahead to the Fall months, we can be sure of one thing: there **will** be additional challenges for our court system, but I believe that we have shown beyond a shadow of a doubt that we can be nimble and responsive and have the collective talent, experience, professionalism and dedication to meet whatever challenges lie ahead and responsibly and safely keep our courts up and running. We have demonstrated, and the public can be assured, that come what may the New York State courts will ensure access to justice and uphold the rule of law.

And now, finally, on a more somber note, I hope that each of you will be able to take a few minutes on Friday to join us as we commemorate the 19th anniversary of 9-11 and honor and remember our three Court Officer heroes -- Captain William "Harry" Thompson, Sergeant Mitchel Wallace and Sergeant Thomas Jurgens -- who gave their lives, along with so many of their fellow first-responders, in order to rescue and protect innocent victims at the World Trade Center. We will never forget them, or the ultimate sacrifice they made, to serve and protect all of us and our families. I do hope you join us this Friday.

So, thank you for your time today, and please do stay safe and disciplined in keeping yourselves, and all those around you, safe.