



# 2023 New York State Court Modernization Progress Report

*Progress on Recommendations  
of the Pandemic Practices Working Group*

*A Report of the Court Modernization Action Committee*

*February 2024*

# Introduction

---

In January 2023, the Pandemic Practices Working Group of the Commission to Reimagine the Future of New York’s Courts issued a report reviewing the response of the New York State Unified Court System (“UCS”) to the Covid-19 pandemic (the “PPWG Report”)<sup>1</sup>. The PPWG Report identified the ways in which the pandemic caused disruption to the administration of justice in the state. But it also identified areas of opportunity where innovations implemented during the pandemic helped the court system to operate more efficiently and better serve the needs of many court users, as well as other changes that could help improve the court system’s performance and make it better prepared for future disruptions.

The PPWG Report set forth fourteen recommendations to build upon observations and lessons learned during the pandemic. Among those observations was that enhanced investment in, and the expanded implementation of, appropriate technologies was a strategic imperative in expanding access to justice.

In March 2023, the Court Modernization Action Committee (“CMAC”)<sup>2</sup> was formed to help the UCS implement those recommendations. The membership of the CMAC comprises stakeholders both inside and outside the court system and meets regularly to assess progress on implementation of the PPWG recommendations. Its subcommittees help to support and advise the New York State Courts in executing these recommendations.

This report summarizes the progress of the New York State Courts so far in adopting and implementing the PPWG Report’s recommendations.



---

<sup>1</sup> A copy of the PPWG Report can be found at <https://www.nycourts.gov/LegacyPDFS/press/pdfs/NYCourtsPandemicPracticesReport.pdf>

<sup>2</sup> See Appendix

# Executive Summary

---

The Unified Court System made significant progress in implementing the fourteen goals set forth in the PPWG Report. Noteworthy achievements include the promulgation of guidelines regarding the types of proceedings that are best done remotely; investigation into improved software for virtual proceedings; expansion of means for court users who lack internet access to participate in virtual proceedings; issuance of an RFP for a new court system website; expansion of e-filing in the Family Courts; and the establishment of a statewide Division of Court Modernization (“DCM”) to facilitate modernization of courtrooms around the state. These accomplishments reflect a concerted effort to leverage technology for improved court operations.

While there has been impressive progress since the issuance of the PPWG Report, much remains to be completed. This includes implementation of an online calendaring system that will provide court users and the public with transparent access to virtual proceedings; training for judges, court staff and court users in the effective use of virtual proceedings; the procurement and implementation of new virtual proceeding software; the design and implementation of a new court website; more public access points to virtual proceedings; and the expansion of e-filing to all courts in all jurisdictions. Furthermore, steps should be taken to develop a disaster preparedness plan and secure supplemental funds for court modernization and emergency preparedness. The Unified Court System continues to drive these projects forward, and CMAC remains a steadfast partner to court leaders in continuing to bring these initiatives to fruition.

Not all of these can reasonably be accomplished in 2024, and the priorities for the upcoming year should include promoting the consistent use of virtual proceedings; enhancing the accessibility of these proceedings; expanding electronic filing; upgrading court technology for virtual proceedings and the website; and bolstering training and support for court users and staff. These priorities aim to solidify the foundation laid by the progress to date, ensuring that the court system is responsive, accessible, and efficient in the face of evolving needs and challenges.

Further details about progress made by the court system to implement these recommendations, and next steps for the courts to advance these goals, are as follows.

# Progress on Individual Recommendations

---

## Recommendation 1: Expand and Encourage the Use of Virtual Proceedings

There is general consensus that virtual proceedings can be effective and efficient when used in appropriate circumstances. The court system should take steps that encourage judges and court administration to expand the usage of virtual proceedings for suitable case types and activities.



### Progress to Date

- Distributed default “guidelines” for the use of remote proceedings, to judges and court staff.
- Substantially completed distribution of laptops to court reporters to address technical impediments to their participation in virtual proceedings.
- Completed pilot project and study on the use of virtual *voir dire* in four Supreme Courts.



### Next Steps

- Consideration of potential rule changes or legislation related to virtual proceedings as necessary.

# Progress on Individual Recommendations

---

## Recommendation 2: Bring Greater Transparency and Consistency to the Use of Virtual Proceedings

Virtual proceedings are often used inconsistently from county to county, court to court, or even judge to judge. Stakeholders including litigants, attorneys, and court staff have expressed a preference for more transparency regarding when proceedings are taking place virtually and more consistency in how they proceed.



### Progress to Date

- Submitted staffing request for the revamping of online calendars for all court proceedings, to permit better awareness of when and how proceedings are taking place.
- Began research into nationwide best practices for virtual proceedings in state court systems post-pandemic.



### Next Steps

- Implement online calendaring system for virtual and in-person proceedings.
- Develop guidelines for best practices in virtual appearances for all court stakeholders (judges, court staff, attorneys, litigants).
- Develop guidelines for recording of virtual proceedings, as a potential supplement to the official record.

# Progress on Individual Recommendations

---

## Recommendation 3: Improve the Functioning of Virtual Proceedings

The current platform used for virtual proceedings lacks certain features that court users, staff, and judges appreciate about in-person proceedings. The courts should adopt a new platform for hosting virtual proceedings that is better suited for court proceedings and allows for features like waiting rooms, simultaneous interpretation, and a more user-friendly interface.



### Progress to Date

- Begun investigation of alternative software that includes features to support:
  - Improved usability and interface, of particular benefit to self-represented and telephone participants
  - Simultaneous interpretation
  - Waiting and breakout room



### Next Steps

- Procure new virtual software.
- Determine implementation plan.
- Continue to address court reporter challenges with virtual and hybrid appearances.

# Progress on Individual Recommendations

---

## Recommendation 4: Expand Alternatives for Court Users to Access Virtual Proceedings and Other Court Resources

Court users who lack access to, or familiarity with, technology can find it difficult to participate in virtual proceedings. Additionally, many courthouses do not have dedicated spaces for court users to participate in virtual proceedings. Expansion of UCS initiatives like the Virtual Court Access Network (“VCAN”) – a program that provides locations in local communities where litigants and other court users can connect with the courts and participate in virtual conferencing via computers sited in locations including public libraries, houses of worship, and community-based organizations – as well as increased availability of kiosks, will expand access to justice for all court users regardless of technology availability.



### Progress to Date

- Submitted a proposal for expanding courthouse technology kiosks statewide.
- Expanded VCAN to 27 sites statewide.
- Finalized MOU with participating locations, conducted exit survey to gather statistics, and distributed standard equipment.
- Implemented four additional centralized arraignment parts (CAPs) outside New York City bringing the total to thirty statewide, with the development of nine more in progress.
- Assessment of kiosk facilities available in correctional facilities has begun.



### Next Steps

- Continue expansion of all alternatives.

# Progress on Individual Recommendations

---

## Recommendation 5: Improve Accessibility for People Who Require Accommodations

Court users with disabilities or who are elderly can encounter difficulties in requesting and accessing accommodations within the court system. Accommodations should be clearly available, simple and confidential to request, and seamlessly implemented into both virtual and in-person proceedings.



### Progress to Date

- Implemented an online accommodations request system in eight counties, with further expansion planned.
- Hired a dedicated “plain language coordinator” to assist the courts in revision of forms and other resources.



### Next Steps

- Implement new virtual appearance software with support for various accessibility needs.
- Implement online accommodation request form and procedures statewide.
- Incorporate training for judges and court staff on accommodating persons with disabilities when attending virtual appearances.



# Progress on Individual Recommendations

---

## Recommendation 6: Improve Systems for Communicating with and Supporting Court Users, Including a New Website

Court users have often noted that they find the court system’s website and other communication tools difficult to navigate. Reimagining these resources will greatly enhance their utility and ensure that court users have the information they need to participate effectively in proceedings.



### Progress to Date

- Issued RFP to redesign the court system’s website with a vendor is to be selected in 2024.
- Formed a consolidated Communications Department with responsibility for all aspects of public communication, including online functions.
- Expanded automated court notification to new court types and case types.
- Sought approval for additional technical staff.
- Developed pilot for an automated chatbot to answer court users’ questions.



### Next Steps

- Select web design vendor, finalize design plan, migrate existing site content, and implement new site.
- Continue expansion of automated court notification options.

# Progress on Individual Recommendations

---

## Recommendation 7: Ensure That There Is Appropriate Public Access to Virtual Proceedings

It is not always clear who can access virtual proceedings, and when or how to do so. Courts should adopt uniform policies for the livestreaming of virtual proceedings that simplify access to these appearances in order to maintain free and open access to the courts, while also appropriately safeguarding privacy.



### Progress to Date

- Implemented online form for requesting livestream access to virtual proceedings.
- Begun investigation into potential livestreaming platforms for all proceedings.



### Next Steps

- Provide a mechanism for publishing date and time of virtual proceedings so that interested parties can attend.
- Develop policies governing livestreaming of proceedings.
- Identify and implement livestreaming tool and interface for the public.

# Progress on Individual Recommendations

---

## Recommendation 8: Expand Use of Electronic Filing

Court users, especially those who are self-represented, appreciate the flexibility and speed of e-filing their cases. The courts should seek to expand the use of e-filing to include all courts and case types.



### Progress to Date

- Gained passage of law permitting authorizations in lieu of notarized affidavits, effective January 1, 2024.
- Prepared NYS Assembly and Senate bills to expand authorization for e-filing, which will be re-submitted in 2024.
- Currently expanding E-filing in Family Courts, with ten counties currently active.
- E-filing currently available in the following court types statewide: Supreme, Surrogate's, Court of Claims, Appellate Divisions.



### Next Steps

- Advocate for legislation authorizing the courts to expand e-filing to all courts and case types.
- Complete the rollout of e-filing in Family Courts statewide.
- Support ongoing expansion of e-filing to appropriate courts and case types.

# Progress on Individual Recommendations

---

## **Recommendation 9: Invest in Locally Appropriate Modernization Projects That Will Permit Courthouses to Better Support Virtual, Hybrid, and In-Person Proceedings**

New York’s courthouses are located in geographically and demographically diverse communities that have different needs for virtual, in-person, and hybrid proceedings. Local court systems should work with the Division of Court Modernization (“DCM”) to develop suitable court modernization initiatives that facilitate the advancement of technology in a locally appropriate manner.



### **Progress to Date**

- Completed “basic” modernization of 1,032 courtrooms and implemented full “virtual evidence courtroom” in 73 courtrooms statewide.
- Created the OCA Division of Court Modernization, including the filling of nine new positions.
- Established a Court Modernization Office in western New York.



### **Next Steps**

- Continue DCM implementation statewide.
- Continue partnerships with local court institutional partners for technology implementation of DCM-led projects.

# Progress on Individual Recommendations

---

## Recommendation 10: Improve Training and Technical Support Available for Judges, Court Staff, and Users

Court technology is only useful if people know how to use it. Courts should expand training opportunities for judges, court staff, and court users alike to ensure that all are confident in their ability to successfully use court technology.



### Progress to Date

- Established a Committee on Judicial Technology Training at the New York Judicial Institute.
- Submitted a staffing request for a centralized, virtual-proceedings help desk.
- Provided multiple cybersecurity CLE trainings to judges and attorneys and mandated trainings for all court employees and judges, including in Town and Village Courts.



### Next Steps

- Work with the Judicial Institute to develop training curriculum for virtual proceedings and related technology; implement training.
- In partnership with local organizations, conduct training for litigants on virtual hearings.
- Fund and expand OCA help desk support for court users participating in virtual and hybrid appearances.
- Develop and publish minimum technical standards for Town and Village Courts.

# Progress on Individual Recommendations

---

## Recommendation 11: Expand and Provide Better Support for Court Staff

Court staff are the backbone of the court system and ensure that it can continue functioning at the highest level. The value they add to the administration of justice was especially apparent during the pandemic. Court staff roles and work arrangements should be updated to ensure the court system remains a competitive and attractive employer, and to ensure that the court system can recruit the best possible staff.



### Progress to Date

- Updated title standards for Deputy Chief Clerk I and Court Interpreter titles.



### Next Steps

- Continue review of title standards.
- Consider implementing remote work strategy.

## Recommendation 12: Implement a Plan for Responding to a Future Pandemic or Other Court Disruption

Like many institutions, the court system did not have adequate plans in place to respond to an unforeseen and unprecedented global pandemic and the historic mass disruption that resulted. While a similar event hopefully never recurs, the court system must be prepared for that possibility. Moreover, there will be future disruptions to court operations, such as weather-related events or technology failures. The court system should have a readily executable plan in place for any such disruptions.



### Progress to Date

- Begun consulting with various government and non-government organizations for technology-related preparedness.



### Next Steps

- Hire Disaster Preparedness Director.
- Develop emergency response plan for declaring and responding to disruptions.
- Conduct preparedness “tabletop exercises” of possible outage scenarios.
- Conduct test runs of 100% virtual appearance preparedness for courts.
- Document Continuity of Operations Plans for technical outages.

# Progress on Individual Recommendations

---

## Recommendation 13: Appropriate and Earmark Supplemental Funds for Court Modernization and Emergency Preparedness

In order for the above initiatives to move forward, they must be properly funded. The court system should work with the legislature to identify areas of need and ensure adequate funding to address them.



### Progress to Date

- Cost estimates to support court modernization initiatives in upcoming budget years are under review.
- Identification of existing (e.g. UCS, court partners) and additional (e.g. grants, legislature) funding sources is underway.



### Next Steps

- Continue investigating additional funding opportunities.

## Recommendation 14: Authorize a Permanent Commission of Stakeholders, External Experts, and Internal Decisionmakers to Help Implement the Above Recommendations and Identify Future Needs

A dedicated group of individuals from within and outside the court system can help promote the implementation of the above recommendations. The CMAC is committed to continuing this work through partnership with all parts of the UCS and through continued advocacy for the needs of court users, court staff, judges, and the UCS as a whole.



### Progress to Date

- CMAC has been formed and is working on developing and implementing all of the above initiatives.



### Next Steps

- Continue CMAC's role with implementation of recommendations; consider its long-term role.

# 2024 Priorities

---

Last year saw important strides towards the implementation of the PPWG Report's recommendations. CMAC has identified the following priorities for 2024:

- **Supporting the consistent use of virtual proceedings**

The PPWG Report set forth guidelines for the presumptive format of specific proceeding types (in-person vs. virtual) and outlined factors courts should consider when deviating from those guidelines, and these guidelines were distributed to judges and court staff statewide. The CMAC is currently undertaking research on best practices for virtual proceedings in a post-pandemic court system and will use those findings to advise the court system on consistent use of virtual proceedings in accordance with the PPWG Report recommendations.

- **Increasing the accessibility of virtual proceedings**

The UCS has taken important steps to increase the accessibility of virtual proceedings, such as expanding the VCAN program and facilitating the development of an online request form for disability accommodations. The continued expansion of these and similar programs is a top priority for 2024, with the ultimate goal of ensuring every court user can meaningfully participate in virtual proceedings.

- **Expanding and standardizing electronic filing availability**

In 2023, e-filing was expanded to more courts within New York State (including ten family courts). Governor Hochul also signed a law permitting authorizations in lieu of notarized affidavits, which eliminated a burdensome pre-filing requirement for self-represented litigants. In 2024, the court system should prioritize passage of a bill in the New York State legislature that would allow for e-filing in all courts.

- **Upgrading court technology, including for virtual proceedings, modernized courtrooms, and a new website**

The Courtroom Modernization Initiative has upgraded the technology available in hundreds of courtrooms statewide, and OCA has created a Division of Court Modernization to build on this progress. The court system should continue to expand these efforts, which improve the functioning of both virtual and in-person proceedings. Rolling out upgraded software for virtual proceedings as well as a new website should also be priorities.

- **Promoting availability of training and support for court users and staff**

Technology training efforts for court staff and judges are well underway, and OCA has proposed increased funding for its centralized help desk for court users. The court system should continue to expand training efforts both through programs offered to court staff and judges, and also facilitate development of training programs that help court users navigate virtual proceedings, e-filing, and other technical programs.



# Appendix: Court Modernization Action Committee Members

---

## *Chair*

---

- **Hon. Craig Doran**, *Supreme Court Justice, 7th Judicial District*

## *Co-Chairs*

---

- **Hon. Patria Frias-Colón**, *Justice of the State of New York, Supreme Court, Kings County, Civil Term*
- **Scott B. Reents**, *Of Counsel, Cravath, Swaine & Moore LLP*
- **William Silverman**, *Partner, Proskauer Rose LLP*

## *Project Manager*

---

- **Christine Sisario**, *Director of Technology, Office of Court Administration*

## *Members*

---

- **Hon. Tamiko Amaker**, *Administrative Judge of New York City Criminal Court*
- **Justin Barry**, *Executive Director, Office of Court Administration*
- **Nancy J. Barry**, *Principal Settlement Coordinator, Westchester Supreme and County Court*
- **Mark A. Berman**, *Member, Bond Schoeneck & King PLLC*
- **Wilderness Castillo-Dobson**, *Associate, Proskauer Rose LLP*
- **Jessica Cherry**, *Assistant Counsel to the Governor, NYS Executive Chamber*
- **Michael DeVito**, *Manager, Office of Record Production, Office of Court Administration*
- **Hon. Alicea Elloras-Ally**, *Family Court Judge, Kings County*
- **Stephen Fiala**, *County Clerk, Commissioner of Jurors, Richmond County*
- **Hank Greenberg**, *Shareholder, Greenberg Traurig, Past President of NYS Bar Association*
- **Sheng Guo**, *Director, Division of Court Modernization, Office of Court Administration*
- **Hon. Craig Hannah**, *NYS Supreme Court Justice, Erie County*
- **Rezwanul Islam**, *Deputy Executive Director, Nassau Suffolk Law Services*
- **Hon. Deborah Kaplan**, *Deputy Chief Administrative Judge, New York City Courts*
- **Leanne Lapp**, *Past President, Chief Defenders Association of New York, Ontario County Public Defender*
- **Richard Lewis**, *President, NYS Bar Association, Special Counsel, Hinman, Howard & Kattell, LLP*
- **Roger Juan Maldonado**, *Partner, Smith, Gambrell & Russell, LLP*
- **Michael Miller**, *Law Offices of Michael Miller, Past President of NYS Bar Association and New York County Lawyers Association*
- **Lillian M. Moy**, *Former Executive Director, Legal Aid Society of Northeastern New York*
- **Barbara Mule**, *Staff Counsel, NYS Permanent Commission on Access to Justice, Office of Court Administration*
- **Hon. James P. Murphy**, *Deputy Chief Administrative Judge, Courts Outside the City of New York*

# Appendix: Court Modernization Action Committee Members

---

- **Hon. Shannon Pero**, *Justice, Town of Greece*
- **Anthony R. Perri**, *First Deputy Counsel for Criminal Matters, Office of Court Administration*
- **Portia Proctor**, *Associate, Proskauer Rose LLP*
- **Hon. Edwina G. Richardson**, *Deputy Chief Administrative Judge for Justice Initiatives*
- **Hon. Raymond L. Rodriguez**, *NYS Supreme Court Acting Justice, Kings County*
- **Janet Sabel**, *Founding Director, Access to Justice Initiative at NYU Law School*
- **Adam Spence**, *Managing Partner, Spence Curnalia, PLLC*
- **Hon. Norman St. George**, *First Deputy Chief Administrative Judge*
- **Nicole Swanson**, *Associate, Proskauer Rose LLP*
- **Raymond A. Tierney**, *District Attorney, Suffolk County*
- **Kyle VanZutphen**, *Senior Budget Analyst, Division of Financial Management, Office of Court Administration*

## *Liaisons*

---

- **Jordan Dressler**, *Special Counsel UCS Advisory Groups, Office of Court Administration*
- **Eric Washer**, *Special Counsel to the Chief Administrative Judge, Office of Court Administration*
- **Jeneen Wunder**, *Principal Law Clerk to Justice Norman St. George, Office of Court Administration*