



# PRESS RELEASE

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**New York State  
Unified Court System**

**Hon. Lawrence K. Marks  
Chief Administrative Judge**

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## **Chief Judge DiFiore Delivers 2020 State of Our Judiciary Address**

ALBANY, NEW YORK—Chief Judge Janet DiFiore today at the Court of Appeals delivered her fourth State of Our Judiciary, focusing on several priorities fundamental to the present and future viability of the New York State courts: constitutional simplification of New York’s complex trial court structure; criminal justice reform; and expansion of alternative dispute resolution programs for civil litigation.

Early in her address, she alluded to the Excellence Initiative, a systemwide effort she launched four years ago to improve every facet of court operations and case management and provide litigants with high-quality, timely access to justice services. “I am proud to say that ... the Excellence Initiative has been—by every measure—a resounding success. Thanks to the hard work and commitment of our judges and court staff, and the support and cooperation of the bar, we have cut our backlogs dramatically all across the state,” she said.

Despite such strides, Judge DiFiore said that the court system is “still fighting an uphill battle” due to its antiquated trial court structure, which she referred to as “the single greatest barrier to our ability to deliver the kind of timely and efficient justice services the people of this State expect—and certainly deserve.” In fact, no state in the county has a court system as complex as New York’s. California, with double New York’s population, has a single trial court, while the New York State court system has 11 separate trial courts, each with its own jurisdiction, procedures, culture and defined staff.

“Our current structure results in more court appearances, higher legal fees, more lost workdays ... unnecessary added stress and frustration for everyone including, and most especially, litigants of modest means who can least afford it,” Judge DiFiore said, noting that in September 2019, the court system put forth a proposal to amend Article VI of the State Constitution to consolidate the current patchwork of 11 different trial courts into a simplified three-tier structure comprising a statewide Supreme Court, a statewide Municipal Court and our existing Justice Courts.

Judge DiFiore explained that the proposed new structure will eliminate artificial barriers and fragmentation, resulting in greater efficiency and access to justice. Among other benefits, it will be easy for litigants to understand and navigate; make it easier for the Legislature to establish a badly needed fifth appellate department; and improve the diversity of the Supreme Court and the Appellate Divisions, especially upstate, by adding more minority and women judges to the Supreme Court bench and to the pool of jurists eligible for appointment to the State’s appellate courts.

The Chief Judge expressed her appreciation to the Governor—who submitted a proposed constitutional amendment to simplify New York State’s court structure as part of his executive budget—and to the Legislature for its cooperation, also commending the growing coalition of organizations across the state for their support of the court system’s simplification proposal.

Additionally, she assured the few groups who are not in favor of the proposal that “this reform was not designed to, is not intended to, and will not disenfranchise any constituency or group ... those judges who hold elective positions will continue to be elected, and those who hold appointed positions will continue to be appointed,” adding, “Court simplification has nothing to do with politics or with issues of judicial selection. Court simplification is about creating a modern, accessible and affordable court system for the benefit of the people we serve.”

Moving on to the criminal justice arena, Judge DiFiore discussed New York’s recent bail reforms. “Cash bail has proven to be inherently discriminatory for people of limited means, and it has been revealed that black, brown and poor people have been disproportionately harmed by a bail system that routinely kept them in jail simply because they could not afford to pay their way out ... As the public discourse on bail unfolds and our leaders and stakeholders come together to examine the impact of our

efforts, I am confident that any identified unintended consequences of this sea change in criminal justice can, and will be, addressed,” she said.

She promised to continue to work toward perfecting bail reform and to advocate for the restoration of judicial discretion. Currently, New York is the only state in the nation that, as part of its bail system, does not allow judges the discretion to consider the critically-important factor of whether a defendant poses a credible risk of danger to an identified person or group of persons. “I believe that without compromising the purity of its purpose, the new legislation can be amended, and strengthened, to recognize a narrow exception allowing judges, after a full and fair adversarial hearing, to detain a defendant in those few and extraordinary cases where such a credible threat exists,” she said.

During her address, the Chief Judge reported on the achievements of the courts’ New York City Special Term Additional Resources Team (START), which was launched last year by four highly-experienced trial judges who volunteered for this special initiative. Within months, START disposed of 600 serious felony cases involving detained defendants. “Think about that ... literally hundreds and hundreds of defendants detained on Rikers Island, awaiting trial for unacceptable lengths of time. And with a shift and reassignment of resources we were able to resolve those cases and move those defendants off Rikers Island in a few short months. Just think of what can be done when we achieve reform and simplification of our courts through a permanent model of constitutional change!” she added.

Shifting to civil justice reform, Judge DiFiore highlighted the initial success of the court system’s presumptive early alternative dispute resolution (ADR) initiative, a transformational, systemwide undertaking whereby civil cases, with limited exception, will be referred at an early stage to court-sponsored ADR, including mediation, arbitration, summary jury trials, court-conducted settlement conferences and neutral evaluation.

“By resolving more cases on the front end, we will reduce court congestion, conserve our limited judicial resources, and provide litigants with cost-effective resolutions and better outcomes,” she said, noting that 85,000 cases have already been referred to ADR statewide since last fall—with 49 percent of the cases that have gone through ADR reaching a full or partial settlement. “We are changing the culture to make presumptive early ADR the accepted norm in our civil courts. And we are excited by the way in which

judges, lawyers and litigants are embracing mandatory ADR and recognizing the value of promoting early settlements and having a full range of options available.”

Judge DiFiore also discussed operational improvements in New York City Family Court that are leading to better outcomes for children and families in crisis. Additionally, she announced the creation of a judicial Statewide Child Fatality Review Team, which will develop protocols and best practices to better ensure the safety of vulnerable children involved in the family justice system. The team, led by Deputy Chief Administrative Judge Edwina Mendelson—a former New York City Family Court Administrative Judge—and made up of judges, lawyers and child welfare professionals, will devise guidelines for conducting comprehensive reviews of these tragedies to identify and correct gaps and deficiencies in the family justice system; strengthen the courts and child welfare systems; and prevent future fatalities. “Every time a child dies from maltreatment, the public’s faith in the ability of our courts to do our work is deeply shaken. And it is up to us to lead the way in ensuring that children are protected from preventable harm,” Judge DiFiore said.

On a more upbeat child-centered topic, the Chief Judge announced that the court system is partnering with the State Bar on a civic education initiative and will host a convocation this May at the Court of Appeals focused on how the bench and bar can work together to strengthen civic education and knowledge in our schools. “There is no better way to understand the roles and functions of the three branches of government than to learn about them in school ... Our justice system and our democratic government are not self-sustaining ... They require constant engagement, leadership and, above all, service,” she said.

During today’s address, Judge DiFiore also reported on the court system’s access to justice and professional training initiatives, among other programs and achievements. In closing, she thanked the Judiciary’s judges and staff “for their extraordinary efforts every day, all year long.”

A webcast of today’s address, along with supplementary statistical and other reports, are available online at: <http://ww2.nycourts.gov/admin/stateofjudiciary/index.shtml>

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