

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

April 26, 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.

We are looking forward to and carefully planning for the physical return of all judges and court staff to their assigned courthouses on Monday, May 24th, in order to support the continued expansion of in-person operations, including jury trials and other essential proceedings.

Our court leadership team and Administrative Judges are working on safe and responsible plans to implement normal staffing levels in all of our courthouses. As you know, our courthouses have diverse layouts and operations and so our plans obviously are being tailored to address all of the different variables. However, the goal will be the same everywhere: ensuring that our judges and staff are physically back in our courthouses so that we are operating at full capacity in order to

support the fuller resumption of in-court proceedings, including jury trials. And consistent with this goal, I'm pleased to report that a total of 53 civil and criminal jury trials are scheduled to commence this week in our trial courts across the state.

We have already begun transitioning to full staffing, which is taking place incrementally between now and May 24th; and as a matter of fact, effective today, our Judicial Districts outside New York City have increased their staffing to levels ranging from 60% to 80%, and we expect to follow suit shortly in New York City.

I do want to make clear, again, that our return to full courthouse staffing levels does **not** mean a return to full in-person operations, or to the crowded conditions that existed in many of our courthouses before COVID-19. We will continue to rely on virtual operations and remote appearances to hear the large majority of court matters, and we are taking additional steps to ensure safe and manageable occupancy levels in our buildings, including the staggering of calendar times for court appearances, and limiting the number of cases that can be scheduled at any one time.

And, of course, we will continue to rely on the latest public health guidance and the extensive safety measures that have been implemented to protect the health of everyone working in and entering our buildings, including: COVID screening and temperature checks; disciplined use of face masks and PPE; social distancing protocols; installation of acrylic barriers where appropriate; and strict cleaning and sanitizing.

In addition to all of these measures, I cannot overstate how important it is for our judges and staff to get vaccinated in order to protect themselves, and protect all those around them, as we now move forward into our new and better normal. And so, mindful that this is indeed a personal choice and that certain individuals may have valid reasons not to be immunized, I strongly encourage those of you who haven't already done so to make an appointment to be vaccinated. COVID vaccine supplies continue to increase, and getting the vaccine has never been easier.

Now, turning to our virtual courts for a moment, I'm pleased to report that nearly 1,200 online bench trials and hearings were commenced last week, and that our judges and staff remotely

conferenced nearly 24,000 matters; settled or disposed of more than 6,000 of those matters; and issued more than 2,400 written decisions on motions and other undecided matters.

Our judges and professional staff are constantly working to expand upon and improve our virtual operations. A case in point is the pilot program we launched last September for virtual bench trials in matrimonial matters. Utilizing Microsoft Teams and our NYSCEF e-filing system, participating matrimonial judges in five pilot counties have successfully and efficiently been conducting virtual bench trials, including many complex and document-heavy proceedings. A new “Virtual Evidence Courtroom Module,” developed for the pilot, allows judges to manage the evidence in their virtual courtrooms, and enables lawyers to upload and share documents and evidence on the computer screen in real time during the course of a trial or proceeding.

On April 5th, the pilot program and module were expanded to all contested matrimonial matters filed through NYSCEF, and in the last three weeks more than 120 virtual trials and evidentiary hearings have already been set up through the new module, a module that we will be expanding to non e-filed matters as well.

This is one more example of how the pandemic has impelled us to adopt innovative solutions that will be of lasting benefit to litigants and lawyers, during and beyond the pandemic. And I want to thank Judge Jeffrey Sunshine, our Statewide Coordinating Judge for Matrimonial Cases, and Jeff Carucci, our NYSCEF Director, for their leadership in developing and piloting this model approach for conducting virtual bench trials in matrimonial matters, an approach that we are now taking to scale.

Now, shifting away from operations, I would like to invite all of you to attend our annual Court of Appeals Law Day Ceremony on Monday, May 3rd, at 11:00 a.m., when we will be joined, virtually, by our traditional Law Day co-host, New York State Attorney General Letitia James, and special guest speaker, State Bar President Scott Karson.

Law Day is a special day set aside each year to celebrate our democratic system of government and our nation's commitment to the rule of law. This year's Law Day theme, "Advancing the Rule of Law Now," offers a unique opportunity to reflect on the vital role of the

courts and the legal profession in maintaining access to justice, protecting fundamental rights and upholding the rule of law during times of crisis.

So, I hope that you will be able to join us next Monday at 11 a.m. by going to our website and clicking on the link for our Law Day celebration.

Finally, before I close today, I would like to take a moment to acknowledge John George, who is retiring this week after a distinguished 45-year career in public service. John joined the Office of Court Administration 5 years ago as our Chief of Administration, following nearly 4 decades of service in the Westchester County District Attorney's Office, where he served as First Deputy during my tenure as District Attorney of Westchester County.

As OCA's Chief of Administration, John played a central role in implementing the Excellence Initiative. Reporting to Chief Administrative Judge Larry Marks and myself, John worked closely with our Administrative and Supervising Judges and court managers to

implement new procedures to improve the performance of our trial courts, tackle our backlogs and encourage and support a new culture of efficiency and accountability throughout our system. And when the pandemic struck last March, John again played a key role in implementing our operational responses, from our systemwide transition to virtual court operations to our safe resumption of in-person operations.

John, we salute you for your invaluable contributions to our court system, and for all that you have done to advance the cause of justice in our state. Please accept our very best wishes for a long, happy and healthy retirement. Thank you, John.

And now, in closing this week's Message, I once again urge you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe. Thank you.