

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

**August 10, 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 am pleased to report that as we pass the mid-summer point, grand jury operations are resuming in New York City as scheduled, an important step forward in the Court System's steady return to in-person operations. Starting today, grand jurors -- who play such a vital role in our criminal justice system -- will begin reporting for service in the City's five boroughs. We have summoned more than 8,000 New Yorkers for service, and we expect to empanel 14 grand juries citywide.

We have been thoughtfully and carefully preparing for this day, under the direction of Deputy Chief Administrative Judge George Silver -- and in coordination with the District Attorneys and defense bar,

as well as with the guidance of our own epidemiologist -- retrofitting courtrooms and adjusting operations, among other measures, to ensure the safety of grand jury operations throughout the City.

I also note that grand jury operations outside New York City, which resumed last month, have been proceeding safely and efficiently. During a successful four-week period, 66 grand juries were empaneled in the 57 counties outside New York City.

And building on the lessons learned throughout this process, plans are already in motion, in coordination with our justice partners, for the summoning and selection of jurors to serve on civil and criminal jury trials outside New York City. I want to thank Deputy Chief Administrative Judge Vito Caruso and our Administrative Judges and professional staff outside the City for helping lay the groundwork for the safe resumption of petit jury operations -- with a special thank you to Judge Craig Doran, who continues to play a major role in our statewide planning for the restoration of in-person operations.

As we move forward on our measured path back to in-person proceedings, I am pleased to announce that in-person bench trials begin today in New York City Housing Court on Staten Island, in retrofitted courtrooms at the Richmond County Civil Court building. The bench trials are currently limited to matters filed before the pandemic in which both sides are represented by counsel. Litigants and lawyers who are unable to appear in person due to public health concerns may request a virtual bench trial.

We are also preparing for the start of in-person bench trials in early September in Housing Court in Manhattan and Queens, and in mid-September in the Bronx; and in Brooklyn Housing Court, which held its first in-person bench trial back in July in a retrofitted courtroom in the Kings County Supreme Courthouse, additional in-person bench trials began last week. And we are very pleased with the Court's progress.

As you may recall, in June I appointed a blue-ribbon panel to guide our efforts in safely restoring in-person operations and help us look forward. The Commission to Reimagine the Future of New York's Courts, led by former State Bar President Hank Greenberg, released its

first report, outlining recommended plans and goals for restarting grand juries, jury trials and related proceedings. The report, based on feedback from experts across the State, as well as procedures developed by other state and federal courts around the country, contains step-by-step guidance on creating customized court plans that prioritize public health and safety, including suggestions regarding access to courts; jury reporting and jury selection; among other key areas. The Commission's report is a valuable guide as we carefully and steadily re-establish in-person court operations.

I am grateful for the work of the Commission which, along with being tasked to develop these short-term proposals in response to our immediate needs, has also been charged with developing a blueprint for the court system of tomorrow as we work to keep pace with the justice needs of our rapidly evolving society. As to its first report, I especially want to thank the Commission's working group on trials, which produced the report within a very compressed time frame, and its co-chairs, my Court of Appeals colleague, Michael Garcia, and Bob Giuffra, a partner at Sullivan and Cromwell. The report can be accessed by going to: [www.nycourts.gov](http://www.nycourts.gov) and scrolling to the "Latest News" section. And again, we thank the Commission for its work.

Each day as we work through the many logistical; operational; and other challenges that are presented, I try to remind myself of the significant progress that has been made in our gradual return to in-court proceedings, and how, at every juncture and every twist and turn, everyone at every level has worked so hard to fulfill our constitutional duty while protecting the health and safety of our court family and all those who use and visit our courthouses. It has been extraordinary to watch, and to be associated with the energy and the commitment that has been demonstrated.

Now, in addition to our work to restore in-person proceedings and on a parallel track, I want to assure you that our folks are equally committed and working hard to develop and expand our virtual services. Technology has played an important and integral role for us, allowing us to move our cases forward while, at the same time, limiting courthouse traffic and mitigating the spread of COVID. So, as we creatively explore the many ways in which technology, and virtual operations can, appropriately, become a permanent part of our operation, we are equally excited about the prospect of a new, and even more productive, normal.

And to that very point, among our recent developments using technology in new and exciting ways, the New York City Civil Court today launched a new initiative -- employing the use of virtual mediation and trials for small claims matters -- to expedite the resolution of those cases. The Court will begin scheduling mediation sessions, by teleconference, and we will start with those matters filed before March 17, and for which no court appearance has been held. Virtual trials will be scheduled for the cases that don't resolve through mediation, as well as for those cases that were filed before March 17 and for which there has already been a court appearance. Parties who are unable to participate in virtual mediation or trial may request to proceed in person.

Also, as of today, NYSCEF -- our free, easy-to-use e-filing program -- is available to attorneys and unrepresented litigants in New York City Housing Court in Brooklyn, allowing for the electronic filing and serving of legal papers at any time of the day. NYSCEF, which is already in use in our Housing Court in Manhattan, will be available in Bronx County's Housing Court by mid-September, with plans under way for its expansion to both Queens and Staten Island. All important steps forward.

And so, this past week has been yet another challenging, but very productive week for the New York State courts.

And all of us -- myself and the entire leadership team -- continue to be humbled, and inspired, by the resilience of our Judges and professional staff, and by the unwavering dedication to the Court System's mission. And, together, we gratefully acknowledge the support and cooperation of those justice partners and stakeholders who continue to work with us during these extraordinary times.

So, again, thank you for your time today, and we wish you the continued strength to remain disciplined in keeping yourself, and those around you, safe.