

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

**December 21, 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 want to start today's message by wishing you and your families peace and joy in this holiday season. No matter what our faith or our traditions may be, this is a special time for all of us to safely reconnect with our families and friends and rejuvenate and prepare ourselves, with renewed hope and optimism, for the new year.

In recent weeks, I've had the privilege of highlighting the invaluable work being performed by individuals and court organizations dedicated to improving the administration of justice and supporting our court system through the pandemic. And this week, I want to mention the most recent contributions, starting with our incredibly productive "Commission to Reimagine the Future of New York's Courts," whose

“Working Group on Regulatory Innovation” has issued a report recommending significant innovations to expand access to justice and help our court system deal with the expected increase in pandemic-related filings in eviction, foreclosure, consumer debt, child support and other matters affecting low-income New Yorkers.

The “Working Group on Regulatory Innovation” -- co-chaired by Paul Saunders, the Chair of our New York State Judicial Institute on Professionalism in the Law, and Michael Simons, the Dean of St. John’s Law School -- is proposing that we permit trained and certified non-lawyer professionals, including social workers, to provide limited legal services to unrepresented litigants, and that we expand our existing “Court Navigators Program” which uses trained non-lawyer volunteers to help unrepresented litigants appearing in the New York City Housing Court and the New York City Civil Court’s Consumer Debt parts. Court Navigators assist self-represented litigants in completing necessary forms, guide them through their court appearances and link them to court services and resources, such as language interpreters.

We welcome the Working Group’s recommendations and look forward to the expanded use of trained and supervised non-lawyer

professionals who can appropriately and responsibly provide discrete, limited-scope legal services in our high-volume courts. And I have asked Edwina Mendelson, our Deputy Chief Administrative Judge for Justice Initiatives, who served on the Working Group, to guide and lead our implementation efforts. I want to thank Paul Saunders, Dean Michael Simons and the members of the Working Group for advancing carefully researched and creative solutions that I have no doubt will help us expand access to justice and meet the many short- and long-term challenges presented by this pandemic.

A second report from the Commission has been prepared by the “Working Group on Appellate Practice,” chaired by Rolando Acosta, Presiding Justice of the Appellate Division, First Department, and that report has focused on how we improve the efficiency and quality of our appellate justice services. The Working Group has drawn on the recent lessons learned from our use of technology during the pandemic to come up with a set of initiatives to modernize our appellate courts over the coming months, including completing the transition to e-filing for all case types, moving away from locally maintained servers and data to statewide cloud storage, completing the transition to Microsoft Teams, and creating a single statewide online system for the attorney

grievance committees and attorney requests for certificates of good standing.

And finally, the Working Group has recommended the creation of a single statewide appellate case management system for the Court of Appeals and all four Departments of the Appellate Division, a very important undertaking that will greatly improve the efficiency of appellate practice in New York.

We are grateful to Hank Greenberg and the members of the “Commission to Reimagine the Future of New York’s Courts” for their extraordinary work in support of our efforts to modernize the delivery of justice in our courts -- for now, and for the future.

Turning to another Commission also busy performing extraordinary work on behalf of all New Yorkers, the “New York State Permanent Commission on Access to Justice,” which just issued its 11th Annual Report to the Chief Judge cataloging the impact of the pandemic on both low-income families and communities and legal services providers who like the rest of us have been compelled to rely on remote technology to carry out their work, serve their clients and ensure access to our virtual courts.

Under the leadership of Helaine Barnett, the Permanent Commission never faltered in carrying out its work this year: organizing our annual public hearing on civil legal services, held at Court of Appeals Hall this past September; conducting its annual Technology Conference and Stakeholders meeting; offering free webinars for legal service providers on how to make effective use of remote technology; and highlighting innovative access to justice solutions during a historic pandemic.

The Commission is now in the process of preparing to survey clients of legal service providers in order to obtain detailed feedback about the quality of their experiences in our virtual courts. Hopefully, the survey will enable us to better understand the barriers and challenges presented by the new virtual court environment, as well as the opportunities presented for expanding access to court services.

And speaking of new opportunities, we are very excited about our recently convened Business Council for Access to Justice, with whom we met for the first time last week. The Business Council -- led by Kim Harris, Executive Vice President & General Counsel of NBCUniversal, and Eric Grossman, Chief Legal Officer of Morgan Stanley -- consists of

the General Counsel and leaders of prominent business organizations, including a number of Fortune 500 companies. The mission of the Business Council is animated by the recognition that ensuring access to justice fosters public trust and confidence in our legal system and in the rule of law, which serve as building blocks for private investment, economic growth and prosperity for all of us. We look forward to working with the Council and having this smart and able group of leaders on our side as our advocates and strategic partners in the pursuit of equal access to justice. So, thank you, to Eric, Kim, the Council members, and Bob Fiske, who was instrumental in convening the Council and whose commitment to the work of the Permanent Commission has been just extraordinary.

Turning now to a significant, new and necessary initiative, I'm pleased to announce that, starting today, our Division of Technology and Court Research will publish monthly online statistical reports on misdemeanor offenses and violations in our courts across the state. This information, which is compiled and published pursuant to Judiciary Law, section 212 -- the so-called "OCA STAT Act" -- will be available in downloadable format on our Unified Court System website.

Without identifying the charged individuals, our reports will indicate a subject's race, ethnicity, sex and age, as well as the location and precinct where the charged offense was alleged to have occurred, the disposition of the matter, the sentence imposed, if any, and other relevant data. And, in response to Secretary Jeh Johnson's "Equal Justice Report and Recommendations," we have taken this initiative a step further and expanded our reporting to include data on felony cases as well.

We are confident that the enhanced collection and publication of this data will greatly improve transparency regarding criminal case outcomes, aid our collective ability to identify and understand the points at which racial disparities may exist in the criminal justice system, and enable policymakers to pursue responsible and necessary reforms tied to the data. We are grateful to our folks at the Division of Technology and Court Research, especially Christine Sisario and Karen Kane, for all their hard work in supporting this initiative and making it happen.

And finally, an update on our Court Officer Trainees whose training had to be suspended last March. Over the Spring and Summer,

their classroom curriculum was moved online, and the class was broken down into small cohorts in order to safely carry out in-person training requirements. Today, I happily report that our entire Class of 2020 has finally graduated, and that 179 new Court Officers are being deployed to their first assignments in the New York City courts for orientation and the next phase of their on-the-job training.

So, welcome to our newest Court Officers, and thank you to our Chief of Public Safety, Michael Magliano, and our Chief of Training, Joseph Baccellieri, Jr., for their leadership in developing a plan to safely complete the training and instruction of this long-awaited class of Court Officers.

This brings me to the end of today's "Monday Message," and once again, on behalf of the entire Unified Court System, I wish you and your families a peaceful and joyous holiday season while you remain safe and disciplined in protecting yourselves and all those around you.

Merry Christmas and Happy Holidays to all of you.