

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

January 18, 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.

I hope that you're all enjoying today's holiday and national day of service in honor of Dr. King and taking some time to remember how he sacrificed his life in the fight for civil rights and the many ways in which each one of us can and should rededicate ourselves to carrying out his legacy of opposing racism, pursuing equal justice and serving others.

I begin this week's message with an update on the COVID vaccination process. We're very pleased, of course, that our Court Officers, who regularly interact with the public in our courthouses, have been given priority for the vaccine, and many have already begun to receive it. We have also advised our professional court staff that they,

too, are eligible for vaccination at this time under the New York State Department of Health's phase 1b guidelines.

We are extremely disappointed, however, that Judges have not been included in this same category, and the Chief Administrative Judge and I have repeatedly urged our state officials to immediately expand the vaccination guidelines. Failure to include judges in the priority category runs counter to our ability and our efforts to maximize the provision of justice services, and to our central role in protecting public safety and upholding the rule of law. I assure you that we are persisting in our efforts to have judges included, and we hope to soon be in a position to inform you that the Department of Health's regulations have been amended to prioritize the vaccination of judges.

In the meantime, we will continue relying on our virtual court model, and expanding and refining that model, to meet the demand for our services. Last week, the second full week of the new year, our judges and staff conferenced and heard 23,256 matters, settled or disposed of 6,632 cases, and issued over 1,800 written decisions on motions and other undecided matters. In addition, over 950 virtual

bench trials and evidentiary and fact-finding hearings were commenced last week.

Even though our judges and staff are doing a remarkable job of moving their dockets forward during this challenging time, the pandemic continues to challenge our courts in many areas. A case in point is the large increase in unindicted felony complaints now awaiting grand jury presentation in New York City. The number of those cases has doubled over the last year and is now hovering around 16,000, because we could not safely empanel grand juries during the early months of the pandemic and can only empanel a limited number of grand juries at the present time.

In an effort to respond to this massive back-up of pending unindicted felony matters in New York City, we have launched a new initiative to provide a forum in which these cases can be heard. The District Attorneys' Offices have undertaken to conduct a review of their pending unindicted felony caseload, as they would if the grand jury system was operating at full capacity, in order to identify those cases that in their judgment may be appropriate for disposition, rather than

passively wait by for the unknowable day in the future when sufficient grand juries can be safely empaneled to hear these pending matters.

The District Attorneys initially identified over 2,300 cases they deemed eligible to be conferenced in our “Unindicted Felony Parts,” and we have assigned nine of our most experienced Acting Supreme Court Justices to preside over these parts and remotely conference the designated cases in all five boroughs. I’m pleased to report that our judges and staff have wasted no time in getting down to work. During their first week of operations they calendared and heard almost 1,100 cases and were able to achieve dispositions in a full third (363) of the matters heard.

The overwhelming majority of these cases being heard in the Unindicted Felony Parts involve defendants who are at liberty. And notwithstanding the fact that speedy trial requirements are presently suspended by Executive Order, fairness to all parties dictates that these matters receive a timely and responsible review. And equally important, we have a responsibility to proactively manage our dockets and avoid the build-up of backlogs that could delay our ability to

resume normal operations at full speed when the pandemic finally subsides.

I want to thank the District Attorneys in New York City -- Cyrus Vance, Eric Gonzalez, Darcel Clark, Melinda Katz, and Mike McMahon -- and the defender organizations and members of the defense bar who are participating in this initiative. Their cooperation and support are necessary and appreciated.

And I'm especially grateful to George Grasso, our Supervising Judge of Bronx County Criminal Court, for his efforts to organize this project and oversee its day-to-day operations, as well as Tamiko Amaker, our Administrative Judge of the New York City Criminal Court, and Justin Barry, Chief Clerk of the Criminal Court.

And finally, of course, the 9 outstanding judges selected to preside in the Unindicted Felony Parts: Judges Thomas Farber and Neil Ross in Manhattan; William Harrington and Raymond Rodriguez in Brooklyn; Ralph Fabrizio and Guy Mitchell in the Bronx; Toni Cimino and

Bruna DiBiase in Queens; and William Garnett in Staten Island. Thank you to all of them.

I turn now to a topic especially apropos on this Martin Luther King Day: our January 7th “Town Hall on Dismantling Racism in the Courts” sponsored by the Franklin H. Williams Judicial Commission. This was a terrific event for all of us, and one that has sparked the interest of many outside our court family as well, so I am pleased to report that a recording of the event has been made available for public viewing on the Franklin Williams Commission’s home page, which can be found on our UCS web site.

The Town Hall provided the Commission with an opportunity to update our judges and professional staff on the status of our efforts to implement Secretary Johnson’s Equal Justice recommendations. And importantly, the format gave participants an opportunity to be heard and to air their concerns and offer their insights and suggestions on how we can work together to meet the challenge of dismantling systemic racism. If you weren’t able to watch on January 7th, I highly recommend that you tune in to listen to the conversation, including the

terrific keynote presentation by Professor Deborah Archer of NYU Law School.

As I mentioned earlier, MLK Day is a national day of service, and so I would like to take a moment today to recognize some unsung members of our court staff who provide exceptional service to the public on a daily basis -- the 20 specially trained professionals who answer our “800-Court-NY” public information line, and who competently handle over 5,000 calls for help each month. Not only do these folks answer a wide variety of questions on everything from: court closures, to jury notices, to small claims matters, to how to access our virtual services, but they go out of their way to actively assist callers in accessing court forms and case information and to connect them to court staff who can provide direct assistance where needed.

Our Court-NY staff perform this important informational service in addition to their regular duties in courthouse law libraries and help centers in New York City, Long Island and Upstate New York. They do a great job of facilitating access for thousands of New Yorkers, and of representing our court system with consummate patience and professionalism. We thank them, and their Supervisor Rena

Micklewright, from our Office of Diversity and Inclusion, for their valuable service.

I also want to recognize and thank the professionals from our Division of Technology who in addition to their regular duties have been answering our 24-hour Coronavirus Hotline -- 833-503-0447 -- ever since the Hotline was launched on March 16th, the same day that we announced the postponement of non-essential in-court proceedings in order to reduce courthouse traffic and contain the spread of the virus.

These fully trained Hotline staffers have handled over 27,500 calls, providing critical information about court services and operations in the COVID era. From late March through late May, the period of peak demand, 16 staff members worked nearly full-time to assist thousands of callers in navigating our virtual courts, including domestic violence victims connecting with judges and court staff to obtain emergency orders of protection, and lawyers and litigants using remote technology to participate in virtual court proceedings and submit documents through our expanded e-filing and new electronic document delivery systems.



Our successful transition to a virtual court model last Spring was greatly aided by the excellent work of our Coronavirus Hotline staff, and I want to thank them, including supervisors Christine Sisario and Tina Richburg, for their valuable service to our justice system.

And with that, I conclude today's "Monday Message" and once again thank you for your time and ask you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.