

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

January 25, 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 begin this week's message with a report on the productivity in our virtual courts for the holiday-shortened week of January 18th, during which our judges and staff conferenced and heard 19,633 matters; settled or disposed of 5,070 of those matters; and issued over 1,530 written decisions on motions and other undecided matters.

In addition, 673 virtual bench trials and evidentiary and fact-finding hearings were commenced last week.

The increasing number of virtual bench trials and evidentiary proceedings being conducted around the state each week reflects the growing proficiency of our judges and court staff in delivering remote

justice services to lawyers and their clients, as well as the unrepresented, in our new virtual court model. That increasing number also reflects the efforts of our Administrative Judges, who have been collaborating with their judges and local bar associations to develop protocols and best practices for conducting virtual bench trials and evidentiary hearings in their different courts.

In order to capitalize on all of the excellent work that is being done to promote virtual trial activity at the local level, we have asked Nassau County Administrative Judge Norman St. George to oversee the task of collecting and collating these local plans and shaping them into a uniform set of best practices to guide the statewide bench and bar in conducting virtual bench trials and hearings during the remainder of the pandemic, and beyond. Judge St. George is consulting on this project with our Commission on the Future of New York's Courts, and we look forward to the issuance of a valuable guide for the conduct of virtual trials and proceedings early next month.

Our transition to a virtual court model has also been greatly aided by the excellent work of our Division of Technology. Early in the transition, we created a "Test Support Team" that was available 24

hours a day to allow judges, court staff, attorneys, litigants, agency representatives and others with business before the courts to test their Skype audio-visual connectivity prior to their virtual appearances. By ensuring proper connectivity and smoothing out any tech glitches beforehand, the “Test Support Team” played a key role in facilitating the smooth and efficient functioning of our virtual courts.

Early in the pandemic, the Team handled hundreds of test requests each weekday, and a smaller number on weekends for emergency matters. In total, they conducted about 9,000 tests before our system-wide transition to Microsoft Teams in November. A smaller group of staff remains in place to support test requests involving the new Microsoft Teams platform, and to date they have conducted about 500 tests involving Microsoft Teams. Detailed information and instructions on how to participate in our virtual court proceedings, and how to request a test, is available at www.nycourts.gov/appear.

I want to thank the original Team of 20-plus Division of Technology and Court Research programmers, analysts, engineers and managers for providing invaluable support to our judges and staff, and for assisting the thousands of lawyers and litigants who needed help to

participate in virtual court appearances during the critical transition to our new virtual court model. The Team did an excellent job and they deserve our thanks and appreciation, as do their supervisors, Robert Salkin, the Test Support Team Coordinator, and DOT Director Christine Sisario. Thank you to all of them.

Last week, I reported on our new initiative to tackle the backlog of unindicted felony complaints awaiting grand jury presentation in New York City. Week two of the initiative continued to move forward on a successful and productive track, as the 9 judges sitting in our “Unindicted Felony Parts” remotely conferenced and heard 737 cases, resulting in another 295 dispositions. Over the two week period, they have heard 1,830 cases and achieved dispositions in 657, or 36%, of the matters heard.

George Grasso, our Supervising Judge for Criminal Court in Bronx County, is overseeing this citywide initiative and communicating with the District Attorneys in each county as they continue to review their caseloads and identify additional cases they deem appropriate for conferencing in the Unindicted Felony Parts. It is our goal to continue operating these parts for as long as the District Attorneys are able to

identify a sufficient number of eligible cases to be heard. We are grateful to the District Attorneys, and to the members of the defense bar, for their cooperation and support as we seek to responsibly drive down this large backlog, and provide timely justice to all parties involved.

This week is the second and final week of the New York State Bar Association's virtual Annual Meeting for 2021, and many of our judges and court attorneys have been participating in informative events and programs. Last week, the Commercial & Federal Litigation Section sponsored an excellent CLE program on Court-Sponsored ADR in which several of our Administrative Judges and court managers took the time to share their knowledge and educate the bar about the many ADR resources available in our courts to help lawyers and litigants resolve their disputes safely, efficiently and effectively.

And I want to thank the judges and court professionals who served as panelists on that program: Deborah Kaplan, our Administrative Judge of the New York County Supreme Court, Civil Term; Norman St. George, our Administrative Judge of Nassau County; James Murphy, our Administrative Judge of the Fifth Judicial District in

Central New York; Lisa Courtney, our Statewide ADR Coordinator; and Yvonne Marin, ADR Coordinator for Nassau County.

While I'm on the topic of the State Bar, I'd like to thank all of the lawyers participating in the COVID-19 Pro Bono Recovery Task Force for providing urgently needed assistance to New Yorkers facing pandemic-related legal problems. This has been a most inspiring effort, highlighted by the outpouring of 600 lawyers who stepped up and worked with our Surrogate's Courts to provide legal help in probate matters to individuals and families who lost loved ones to COVID-19.

Last week, the State Bar held its annual "Access to Justice Awards Ceremony" honoring a number of lawyers and law firms for their generous pro bono service. Two of those lawyers -- Gary Friedman, an experienced trusts and estates practitioner, and Erica Gomez, an Associate Court Attorney and Director of the Self-Help Center at the New York County Surrogate's Court -- received a special "2020 Covid-19 Pro Bono Surrogate's Court Initiative Award" for devoting countless hours to developing and implementing a web portal for clients and volunteer attorneys that helped demystify the small estates process for clients, eased the process of obtaining essential information about

decedents from family members, and matched clients with volunteer attorneys. Ms. Gomez was also involved in producing a 2 ½ hour training video for volunteer attorneys, and drafting plain language forms and informational materials for family members.

Our entire court family is so very proud of Erica for her incredible dedication and the comforting assistance she provided to the countless individuals and families who lost their loved ones to COVID-19. And, of course, we are grateful to Mr. Friedman, and his colleagues in the Bar, for their noble and generous service to New Yorkers in need.

And apropos of State Bar week, I want to conclude today's message by thanking the State Bar and all of the lawyers across the state who have shown such incredible resilience and ingenuity in serving their clients during the pandemic. Their cooperation and support for our court system over these last 11 months have made it possible for us to continue managing our dockets and meeting the demand for our services in the face of one extraordinary challenge after another. Thank you.

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.