

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

June 7, 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.

This week marks the third week of our return to full in-person staffing in our courts, and I am pleased to report that the process is going smoothly. The number of judges and court staff testing positive for COVID on a daily basis has, thankfully, been hovering at or near zero for several weeks now, and judges and staff report feeling comfortable with the safety measures in our buildings, and excited to be back at work with their colleagues providing a full range of in-court services to lawyers and litigants. And, of course, we will continue to prioritize everyone's health and safety by enforcing the COVID protocols we have implemented in our courthouses, including temperature checks, use of face masks, physical distancing and strict cleaning and sanitizing.

As we move forward into the new post-pandemic normal, we are gradually expanding the range of court proceedings being heard in-person. And the next significant step in this regard is the resumption of in-person arraignments in the New York City Criminal Court, beginning with day arraignments in the Manhattan Criminal Court on Monday, June 28, followed by Kings County on July 6, and Bronx, Queens and Richmond Counties on July 12. Resumption of in-person night and weekend arraignments will follow one week later in each county.

Since the beginning of the pandemic, our judges and staff across the state have done an exceptional job of working with the District Attorneys, defense bar and criminal justice stakeholders to ensure that every individual arrested and held in custody was expeditiously arraigned before a judge. Over the last 15 months, we have successfully conducted almost 100,000 virtual arraignments in the New York City Criminal Court, and over 200,000 statewide.

While conducting arraignments virtually was an absolute necessity during the pandemic, it was never intended to be anything but a temporary solution. And now that the COVID metrics have greatly improved, more than half of New York City residents have

received at least one dose of the vaccine, and we are back to full in-person staffing, the time is right to restore face-to-face interaction in these important proceedings where charged individuals have the critical opportunity to interact with their lawyers for the first time, and where the Court first exercises its jurisdiction and authority over the defendant, issuing decisions on bail affecting liberty interests, as well as orders of protection and other directions governing an individual's release.

As we move forward with in-person arraignments, safety will remain a top priority. We will require the use of face masks and physical distancing by everyone in the courtroom, and any defendants who are ill, or exposed to COVID, will continue to be arraigned virtually.

We are committed, of course, to restoring and expanding in-person proceedings and services in all of our courts, but we will be measured and deliberate in our approach, and we will continue to rely on technology options, such as virtual appearances and e-filing, to limit courthouse traffic. And speaking of e-filing, I am pleased to report that, as of May 26th, our NYSCEF e-filing system has been expanded to the Surrogate's Court in all 62 counties statewide, and we are grateful to

Statewide Coordinator Jeff Carucci, and his team, for their terrific work. So, thank you to all of them.

Over the last several weeks, I have highlighted, as a point of pride, how our staff and our judges and court leaders have never stopped working during the pandemic to reform our systems and practices and improve the administration of justice. And no group has been more active in this regard than the Franklin H. Williams Judicial Commission.

On June 17th, the Commission is convening a day-long virtual summit on “Achieving Equal Justice Through Jury Service.” The participants include leading judges, lawyers, and jury experts and administrators from New York and around the country who will focus their collective attention on critical issues affecting the fairness and impartiality of our jury system, including: how we educate jurors about implicit bias and cultural sensitivity; how we improve juror diversity through outreach, education and new technologies; and how we strengthen the jury selection process to avoid the unfair exclusion of jurors of color.

The summit's keynote speaker will be the District Attorney of Bronx County, Darcel Clark. And we are grateful to District Attorney Clark for agreeing to share her experiences, particularly from her unique professional perspective as a former trial judge and appellate judge, and now as the elected District Attorney in Bronx County.

Inasmuch as Secretary Johnson's Equal Justice report identified juror bias as an urgent issue in need of our attention and reform, I want to commend the Commission for convening this summit to help us forge effective solutions to ensure fair outcomes in all of our proceedings. So, please save the date -- June 17th -- and look for an email invitation from the Commission containing general information about the summit and instructions on how to register to attend.

This month, the Williams Commission will mark its 30th anniversary as the nation's first permanent court-based organization dedicated to racial and ethnic fairness in the justice system. And over the course of this month, the Commission is sharing excerpts from 13 oral history interviews with many of the Commission's founders, including: former Chief Judges Sol Wachtler, and Jonathan Lippman; former Commission Chairs, Judges Lewis Douglass, Rose Sconiers and

Richard Lowe; former Executive Director Joyce Hartsfield; and many of the original members and staff. The oral history interviews can be found on our court system's website, under "Amici Podcast."

I want to extend my thanks to the Commission's Co-Chairs, Appellate Division Justices Troy Webber, and Shirley Troutman, and the Commission's members and staff, for their outstanding work and creativity in carrying out their mission, and supporting our institutional efforts to foster equal justice and a stronger, more inclusive court system.

Now, our weekly Monday Message has become a valuable tool to disseminate information regarding court operations to our judges, our professional staff, members of the bar, our stakeholders and the media. As an added benefit, our Monday Message has also given us the opportunity to publicly recognize individual members of our court family for their outstanding service to the court system. And over these last 15 months, while the pandemic has certainly taught us many things, it has also revealed that our court system is filled with dedicated, committed and caring individuals, and one of those

individuals, right here in New York City, is Shaun Escobar, Senior Court Clerk in the Queens County Criminal Court.

From the very outset of the pandemic, Shaun played a key role in supporting every operational iteration we implemented in the Queens Criminal Court. Shaun was in the courthouse every day, first handling administrative adjournments, then supporting the new virtual arraignment parts, coordinating preliminary hearings in felony matters, and helping to reopen our very busy Domestic Violence Part, where he organized multiple calendars, five days a week.

And in January, when we launched our Unindicted Felony Parts to tackle the growing backlog of unindicted felony complaints awaiting grand jury presentation, Shaun worked with Judge Toni Cimino in Queens to calendar over 1600 matters in her Part -- with nearly 700 of those matters resolved in less than four months, a remarkable achievement, which Judge Cimino herself would tell you would not have been possible without Shaun's incredible work ethic, his competence, and his total commitment to the project's success.

In describing Shaun's contributions to the Queens Criminal Court during the pandemic, Judge Cimino put it in the simplest of terms: Shaun "kept the wheels turning."

Shaun's supervisors and colleagues consistently characterize him as: "hard-working," "steadfast," "positive," "professional," and "polite." Shaun makes everyone around him feel appreciated, and he does everything with a smile. In Shaun's words: "A smile makes the task go smoother."

Most impressive: throughout this enormously challenging period in his professional life, when his dedication and commitment never wavered, Shaun was dealing with the illness of his beloved sister, Gina, who sadly passed away on February 28th. We express our deepest condolences to Shaun, as well as our gratitude and appreciation, for the model of excellence in public service that he has established for all of us to follow.

And on that note, I thank you for "tuning in," and 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, especially as we return to full staffing in our courthouses. Thank you.