

MESSAGE FROM CHIEF JUDGE DIFIORE

May 18, 2020

Thank you for a few minutes of your time to update you on the latest COVID-related developments affecting the courts and the justice system. Today is a milestone day for us.

As you are aware, New York has continued to make steady progress in the battle against COVID-19. Last week, five upstate regions of our state were cleared to begin the phased reopening of economic activity. Today we have resumed limited in-person court operations in the 23 counties making up the Finger Lakes, Mohawk Valley and Southern Tier regions and, later this week, we will do so in the 12 counties of the North Country and Central New York.

So, beginning today, Monday, May 18th, judges and their personal staff, as well as designated court personnel, are returning to their assigned courthouses, and new case filings are being accepted electronically in those regions.

The reopening of these five regions is a very significant turn in the State's emergence from the COVID-19 pandemic, and our court system is pleased to be able to begin our return to fuller service. But make no mistake, this is most decidedly not a return to business as usual.

We are advised that COVID-19 remains a very serious public health threat, and that its spread must be contained through ongoing, rigorous safety measures to protect workers and consumers; continued limitations on public gatherings; and careful monitoring of the facts on the ground, particularly new infections and hospitalizations.

And this return we are beginning is a return to what we all recognize will be a "new normal." And our return to "new normal" will be careful, and it will be incremental.

Under Phase 1 of the guidance provided by the Governor and our public health officials, courthouse traffic will be limited in order to minimize the risk of community transmission. We will continue using virtual technology to conduct as much court business as possible, and we will extend the ongoing suspension of jury operations.

To protect our judges, staff and court visitors, we have adopted new protocols and safety measures. They will be prominently posted on signs at our courthouse entrances, including information regarding COVID-19 screening and the mandatory use of face masks by everyone who enters our buildings. Additional public health measures will include:

- The deep cleaning of court facilities before resumption of public operations, and upgraded regular cleaning;
- The availability of PPE, including masks and gloves for court personnel, and sanitizing agents for court visitors;
- The installation of plexiglass barriers around magnetometers, x-ray machines and other courthouse locations as needed;
- The placement of blue tape indicators in public areas to ensure physical distancing;
- And setting aside certain spaces where unrepresented litigants can safely conduct court business and obtain assistance.

As we go forward, we will be closely monitoring, and learning from, this phased-in resumption of in-person court operations. We will be standing by, and prepared, to make any needed adjustments.

And while we understand and appreciate that everyone is eager to see the resumption of in-person court operations throughout the state, that moment will come at different times in different regions, based on the progress made to meet the applicable criteria involving new infections and hospitalizations, healthcare capacity and availability of testing and tracing.

I know you are all anxious for our courts to get back to full operations. I am as well. But what I ask each of you to keep in mind is the great care we have all taken throughout this crisis to safely keep our courts open despite the very difficult challenges presented. Closing the courts was never an option for us, and I am proud of the way our court system pivoted, and re-pivoted, to carefully adopt a series of operational iterations in response to a fluid and fast-moving situation. And as we went along, each iteration was developed with the dual purpose of service and safety -- the safety of our judges, our professional staff and the public.

So, let's be patient and remind ourselves of the careful, incremental way in which we've responded effectively to the pandemic, so that we don't forget, and aren't tempted, to jump ahead of where we need to be right now.

- We responded to the first confirmed cases in our state in early March, and we started out by restricting courthouse entry by high-risk individuals. Do you remember that? Seems so long ago.
- Within days of that first order, we suspended jury operations and high-traffic civil parts, and we directed that court business be handled by videoconference, to reduce the number of people in our courthouses.
- On March 15th, we temporarily postponed all non-essential court functions and consolidated essential and emergency matters into a limited number of courthouses.
- By the following week, we stood up virtual court parts in the high-volume New York City Criminal and Family Court to hear essential and emergency matters.
- Then, by April 6th, all essential and emergency matters across the state were being heard virtually.
- And by April 13th, non-essential matters were added, enabling us to conference, move forward and settle thousands of cases every week.

And since then, we have continuously expanded and improved our virtual operations:

- Accepting new motions in pending cases;
- Referring cases to virtual ADR;
- And even holding virtual preliminary hearings in criminal cases, to protect the rights of defendants being held in jail on felony charges.

And we're continually adjusting the plan. In fact, as of today:

- We're opening a 6th virtual part in the New York City Family Court to handle, I am sad to report, the rising number of child welfare cases;
- We're also permitting COVID-related estate matters to be filed in our Surrogate's Courts;
- And this week, New York City Housing Court Judges will begin scheduling and hearing virtual conferences in pending eviction cases where both sides are represented by counsel, in an effort to mediate settlements and reduce our caseload prior to what we expect will be a large influx of new eviction cases.

And in our appellate courts, the four Departments of the Appellate Division have also met the challenge and safely continued the business of the Court by transitioning to a virtual model for oral

argument and carrying out their important auxiliary operations, such as the attorney admissions process, through virtual technology.

And so, now, after a little more than two months of working in our reinvented court system, we do look forward to coming back full circle to the time when we can restore in-person court operations in a careful, measured, region by region manner. But as we go forward, we must remain mindful and disciplined not to squander all of the hard work and sacrifice every one of us has made to safely negotiate through this difficult and threatening time.

And, to that point, and as you would rightfully expect, Judge Vito Caruso, our Deputy Chief Administrative Judge for the Courts Outside New York City, working with Judges Craig Doran and Anthony Cannataro, and the Administrative Judges of the courts in the five upstate regions -- Tom Breslin, Felix Catena, Craig Doran, Eugene Faughnan, Paula Feroletto and Jim Murphy -- along with their union representatives and county managers, have put together a smart blueprint, in full alignment with the pertinent metrics, for how we safely transition back to our “new normal” in court operations. And we thank them for their work on our behalf.

So, it seems that we may be finally emerging from the shadow of this pandemic. And as we gradually transition back on this region by region basis, you can be assured that our number one priority will always be the health and safety of our court family, and the public we serve, and that we will continue to make smart, responsible decisions informed by science and data; by the recommendations of public health officials; and by the leadership and guidance of Governor Cuomo.

So, stay well, continue to take the necessary precautions to keep yourselves, your families and those around you safe -- and stay tuned for additional updates.

Thank you.