

## MESSAGE FROM CHIEF JUDGE JANET DIFIORE

**November 23, 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 hope that you and your families are staying safe, healthy and disciplined as we approach the Thanksgiving Holiday. There are few things more appealing than a holiday weekend surrounded by the love and fellowship of our closest family and friends when we can take time to reflect on the many things that we are grateful for in our lives, and I hope you have the opportunity to do that in the safest and most prudent way.

I know that I will be reflecting as well, grateful for the many blessings in my life, and at the top of that list is my gratitude to all of you for the incredible dedication and perseverance that you have shown over these last 8 ½ months during which we have been able to

keep our courts up and running to meet the justice needs of the public despite one difficult challenge after another. Eight-and-a-half months during which the judges and professional staff working in our virtual courts have held almost 450,000 case conferences, settled or disposed of more than 146,000 matters, and decided well over 60,000 motions. In the first two weeks of November alone, our judges and staff have held 37,000 conferences, settled or resolved over 11,000 of those matters and decided 3,700 motions.

It has been truly remarkable to witness our transformation to a virtual court system, and to see our judges and staff quickly embrace our new model to manage their dockets and move cases closer to final resolution, taking all kinds of forward litigation steps to resolve discovery disputes, narrow disputed issues, decide motions, settle cases, refer matters to virtual ADR and conduct an increasing number of virtual bench trials and hearings.

And simultaneously, of course, we have safely re-started in-person operations, including the empaneling of grand juries and trials by jury all across the state. And while we decided last week to temporarily postpone both the empaneling of new grand juries and the

scheduling of new jury trials in order to prioritize the health and safety of our judges, our professional staff and the public, we now have the knowledge and the wherewithal to quickly resume in-person proceedings as soon as public health conditions allow us to safely do so.

In any event, we are not looking at the temporary postponement of new in-person trials as a setback, but as an opportunity to dramatically expand the number of virtual trials conducted across our state court system. Our Deputy Chief Administrative Judges, Administrative Judges and Supervising Judges are hard at work reaching out to their bar associations and court stakeholders and developing local plans that will enable us to take virtual trials to scale all across the State.

And this critical goal will be made much easier by our systemwide migration to the “Microsoft TEAMS” platform, a platform with enhanced evidence presentation capacity and superior layout qualities that will greatly improve the quality and efficiency of remote trials and hearings. I’m pleased to report that our transition to TEAMS will be completed by the end of this month, right on schedule. So, you can expect to hear more in the coming days about our plan for virtual trials.

In addition to the productivity of our virtual courts, I am grateful for the many ways in which our judges and staff have gone above and beyond the call of duty to meet the needs of our litigants. In Kings County, our Supreme Court Mental Hygiene Part has not missed a single day due to COVID-19. Judge Steven Mostofsky and his law clerks and staff have worked long hours to create an effective virtual Mental Hygiene Part and coordinate remote hearings involving the many necessary attorneys, doctors, psychiatric facility staff and other stakeholders to ensure that every patient receives a full and fair virtual hearing. Their ingenuity, dedication and plain hard work, together with the support and cooperation of the lawyers and stakeholders, has enabled this court to issue expeditious decisions on whether to release or remand these individuals, while properly matching them with the best course of psychiatric care and treatment.

I want to thank Judge Mostofsky, his staff and Administrative Judge Larry Knipel for the dedication they have shown to meeting the urgent justice needs of this vulnerable group of litigants. Their outstanding work typifies the professionalism and commitment of all of our judges and nonjudicial staff, who are driven, each and every day, by

our shared mission of meeting the justice needs of the millions of people who appear every year in our Family, Criminal, Civil, Surrogate's and Housing Courts all across the state.

I'm also grateful for all of the many caring and committed individuals who serve on court and bar association groups dedicated to improving the administration of justice and strengthening the fairness and effectiveness of our justice system. One of these groups, our prominent and forward-leaning New York State Judicial Committee on Women in the Courts, has, today, issued an important report focused on improving the treatment of women attorneys, litigants and witnesses in our courts.

Based on an extensive survey of over 5,300 attorneys, the Report begins on a positive note, finding that our courts have made significant progress to promote gender fairness since 1986, when the New York State Task Force on Women in the Courts concluded that "gender bias against women litigants, attorneys and court employees is a pervasive problem with grave consequences."

But notwithstanding the gains we have made, the survey revealed disappointing, though not surprising, evidence of continuing inequities, even in 2020, regarding the treatment of women litigants, witnesses and attorneys, including inappropriate or offensive conduct directed at women in the legal profession; the perception among women respondents that male judges give more weight and credibility to the arguments of their male colleagues; and the need for additional legal protections for domestic violence victims, publicizing procedures for filing sexual harassment complaints and mandated gender bias awareness training for judges and nonjudicial staff.

We are indebted to the Committee's members and staff for all of their hard work in devising and conducting the 2020 Gender Survey, and for the analysis and recommendations for improvement they make in their report. The report will help us understand the extent to which gender bias remains a problem in our courts, and help us formulate effective solutions to move forward on the path to equal justice.

Finally, I want to thank and recognize the Committee's Chair, the incomparable Betty Weinberg Ellerin, a true pioneer for women in the judiciary and the legal profession, and someone who has worked

tirelessly throughout her long and distinguished career to promote equal justice, treatment and opportunity for women in the courts. And if I may be indulged a moment of personal privilege, I want to publicly thank Judge Ellerin for the many, many kindnesses she has extended to me, and for the expressions of support she has offered. Thank you, Judge Ellerin.

As you all are keenly aware, even in the midst of these incredibly challenging times, there is no higher priority for us as an institution than combatting any and all forms of bias in our court system. Above all institutions, the courts have an obligation to ensure that every person is treated with equal justice, dignity and respect. That, of course, is the imperative guiding our implementation of Secretary Johnson's Equal Justice recommendations to eliminate racial bias in our courts, and that is the imperative that will guide us in implementing the recommendations of the New York State Committee on Women in the Courts.

And now, let me bring today's message to a close by sending my very best wishes to you and your families for a truly wonderful and blessed Thanksgiving. This has been a challenging year for all of us, but

in hard times we get the chance to see the strength and character of the people around us. And this year, as I reflect on the blessings that have been bestowed upon our court system, my thoughts go directly to the incredibly strong, dedicated, professional and resilient men and women who make up the New York State Unified Court System and who, by their service, lift up all New Yorkers every single day. I am honored and privileged to be able to serve alongside each and every one of you.

Please be safe and responsible and particularly careful this Thanksgiving weekend, and continue doing all that you can and should be doing to keep yourselves and those around you safe.