

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

November 9, 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.

Last week was “week two” of our resumption of criminal jury trials in New York City. All four of the trials that started in Kings and New York Counties during the week of October 26th were successfully tried to a verdict. Of the two trials that were scheduled to begin last week, one is in progress in Queens County, while the other was adjourned, out of an abundance of caution, after several court employees at the Bronx Hall of Justice tested positive for COVID. The trial will resume when contact tracing has been completed and we are certain that the trial can proceed in a safe environment.

In Queens, we have received positive feedback from both jurors and attorneys about the effectiveness of our mitigation measures, and I

want to commend the trial Judge, Ira Margulis, and our Administrative Judge of Supreme Court, Criminal Term, Joseph Zayas, and all of the Court's professional staff, for doing an outstanding job of preparing for their first criminal jury trial. Thank you to all of them.

On the civil side of our jury pilot, eight cases were successfully tried to verdict in New York City over the last two weeks of October. And outside the City, our judges and professional staff have conducted 36 criminal and civil jury trials since September, with another 16 currently in progress. Not to mention that many cases are settling across the state as a direct result of the pilot.

Our experience has now confirmed that with the exercise of careful and meticulous preparation, it *is* possible to safely conduct jury trials by utilizing courtrooms that are large enough to permit social distancing; implementing important safety measures like plexiglass barriers, COVID screening and temperature checks; and, by being disciplined in using PPE, such as face masks. Our judges and staff have shown everyone that it can be done, and we owe them a great debt of gratitude for their excellent work to maintain and uphold the right to a

trial by jury in the New York State Courts during these very challenging times.

Looking ahead, our plan at this time is to continue scheduling a limited number of jury trials in our courthouses across the State. You can rest assured that we are proceeding cautiously, always keeping a close watch on the COVID metrics in our different communities, and of course, we are prepared to respond quickly and immediately scale back or suspend in-person trials and proceedings should public health conditions demand a scaling back of our plan.

And it is with the possibility of a second wave in mind that we are working nonstop to expand and improve our virtual court capabilities. A major priority in this regard is the New York Family Court, which has heard thousands of urgent, time-sensitive neglect and abuse, family offense, and juvenile delinquency matters during the pandemic. These cases, by their very nature, require immediate court intervention and critical services for children and families in crisis, and the Family Court Judges and professional staff who have been working in our 11 citywide virtual intake parts have done an outstanding job of meeting the immediate justice needs of these most vulnerable litigants.

In addition to the intake parts, we have established 29 virtual courtroom parts citywide, and our Family Court jurists and staff have been extremely busy in our courthouses, working to conference and settle cases and motions, hold hearings and trials, and decide motions in custody, visitation, child support, guardianship, writs of habeas corpus and emergency matters, as well as hearing a limited number of in-person family offense proceedings.

Because every matter filed in Family Court is urgent and requires our careful attention and speedy resolution, we are taking a number of steps to strengthen our virtual operations and resolve our pending caseload more efficiently and effectively, including implementing specially-designed voice recognition software in all of our courtroom parts across the City by the end of the month. The voice recognition software is a critical piece of technology that will streamline and speed the conduct of virtual proceedings while producing more accurate recordings of the proceedings.

Because the digital recording system used in Family Court was designed for in-court appearances, it is unable to recognize and identify individuals participating and speaking by video or telephone from remote locations. As a result, our Family Court Judges have had to

constantly intervene on the record to manage the flow of the proceedings and make sure that all speakers are correctly identified. Given the large number of lawyers, litigants and agency personnel who typically appear in Family Court matters, you can imagine what a slow and frustrating process this has been -- a process that will now be greatly improved by the new voice recognition software. We are very pleased with the addition of this new technology.

As a further move to address our pending Family Court inventory, we are calling upon our Supreme Court Justices and Acting Supreme Court Justices in New York City, who have previous Family Court experience, to hear newly-filed custody and visitation matters. This will allow our Family Court Judges to move through their calendars more efficiently to address the pending matters in need of their attention.

And the final part of our plan, a piece that is critical to its success, involves access to justice. While we have done an excellent job of leveraging technology to create a just and well-functioning virtual court system, we know that many litigants lack access to the technology needed to fully participate in virtual proceedings, including high-quality computer devices and high-speed internet.

So, Edwina Mendelson, our Deputy Chief Administrative Judge, and her staff at the Office for Justice Initiatives have been working tirelessly to bridge that digital divide through collaborative initiatives such our court-based kiosks and faith-based access centers outside New York City. And, now, thanks to a partnership with the Center for Court Innovation, we are creating “court access community centers” across New York City: safe, secure and convenient locations in underserved communities where unrepresented litigants can utilize technology to receive remote legal services, prepare and e-file court papers and fully participate in court proceedings.

The first of these community access pilots, which we expect to have up and running by the end of this month, will be located in the Brownsville Community Justice Center in Brooklyn. And while our initial focus will be on assisting litigants with Family Court orders of protection and certain emergency housing matters, the broader goal is to assist the many unrepresented litigants who are struggling to deal with custody, visitation and child support matters. And that will be the goal as well for the additional access centers that we are planning to house in the Center for Court Innovation’s Community Justice locations

in Harlem, Red Hook and the Bronx, and in houses of worship across the City.

We are grateful to Judge Mendelson, and the Center for Court Innovation, and its outstanding new Director, Courtney Bryan, for their joint leadership and support of this important effort to bridge the digital divide and provide safe access to our courts in underserved communities -- an effort that will also reduce public density in our buildings and help reduce the spread of COVID-19.

All in all, an impressive and multi-faceted plan that will enable the Family Court to safely meet the growing demand for its virtual services during the pandemic, and improve the quality and efficiency of justice services provided to families and children well into the future.

I want to thank our Administrative Judge for the New York City Family Court, Jeanette Ruiz, and our Family Court Judges and professional staff. They are simply terrific, and we appreciate their dedication and ingenuity during this challenging time.

And I want to thank our expert and dedicated staff in the Division of Technology, led by Christine Sisario and Sheng Guo, for working tirelessly to come up with the technology solutions that are allowing us to safely and efficiently meet the demand for our services.

And finally, I want to acknowledge the patience, the understanding and the cooperation of the many family justice agencies and stakeholders that have played a constructive role in supporting our efforts to streamline our virtual operations, enhance the quality of our services and ensure access to justice in the Family Court.

So, today, thank you for your time, and please do remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.