

## **MESSAGE FROM CHIEF JUDGE JANET DIFIORE**

**October 26, 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 start today's message with a status report on last week's resumption of civil jury trials in New York City. Two cases have already been tried to verdict, four trials are still in progress and five other cases have settled. For this coming week, we have five more civil jury trials scheduled to start in the City in New York and Queens Counties.

I'm pleased to report that the jury pilot is proceeding smoothly, and that there have been no reported incidents or complaints involving the health or safety of the participants. At the conclusion of each trial, we continue our practice of interviewing the jurors and attorneys in order to assess their experiences and get their suggestions on how we can further improve our safety protocols and efficiency.

I'm also pleased to report that the feedback has been positive and encouraging. In fact, one of the attorneys who completed a trial in Bronx Supreme Court was moved to write to us to express the importance and significance of the opportunity he had to try his case, something, he said, he never would have imagined possible just a few weeks ago. The attorney commended everyone in Bronx Supreme for their attention to safety, assistance with courtroom technology and what he called "nonstop customer service." But what really struck me about his note, and why I wanted to share it with you today, was his acknowledgment of the obvious effort that our judges and professional staff devoted to preparing for and conducting these jury trials. I echo the attorney's praise for our folks and acknowledge all who made it happen, especially our trial judges:

- Judge Brigantti and Judge Higgitt in the Bronx;
- Judge Porzio and Judge Ozzi in Staten Island;
- and Judges Partnow, Sweeney, Landicino, Graham and Montelione, in Brooklyn --

all of whom I know are absolutely thrilled to get back to what they do best, which is trying cases.

And I want to thank our Administrative Judges: Doris Gonzalez, Desmond Green and Larry Knipel for their hands-on leadership in working with our trial judges and professional staff to make sure that our facilities were prepared for the safe return of jurors, attorneys and witnesses. And finally, I want to thank Deputy Chief Administrative Judge George Silver for his unwavering commitment to this effort.

And today, our progress continues with the restart of criminal jury trials in Kings, New York and Richmond Counties. We have scheduled one trial in each of those counties, with several backups standing by in the event that a plea is taken on a particular case or some obstacle prevents a case from proceeding to trial. And on November 4th, Queens and Bronx Counties will come on board and begin conducting their first criminal jury trials since last March, almost 8 months ago.

Our confidence in our ability to once again safely and efficiently conduct criminal jury trials is well-placed, especially given the thorough planning and preparation overseen by our Administrative Judge for the New York City Criminal Courts, Tamiko Amaker, and given the outstanding support and cooperation we have received from the City's

District Attorneys, the members of the defense bar and the many other stakeholders who make up our criminal justice system.

And our judges and professional staff outside the City deserve great credit for pioneering our resumption of jury trials in the New York State courts. Since early September, they have done an excellent job of safely conducting 35 jury trials, including four that are now in progress. And as we fully expected, the availability of an imminent trial by jury has generated dozens of case settlements and plea bargains.

It was not that long ago that we were in the difficult position of not being able to know, or even predict, when we would be able to resume jury trials in New York State. But we never doubted for a moment that we would, and we never stopped working and preparing toward that goal, going all the way back to April when a group led by Judges Craig Doran and Anthony Cannataro began studying how we could tailor the CDC's re-opening guidelines to our court facilities. And since then we've worked with an epidemiologist and continuously implemented safety measures to protect the health of everyone in our courthouses; we re-started grand jury operations; completed trials suspended by the arrival of COVID; and, we've had the benefit of being

able to rely on smart, practical recommendations from our Commission to Reimagine the Future of New York's Courts in order to safely re-start in-person jury trials and proceedings.

And while we're obviously encouraged with the progress we've made to resume jury trials, I do want to remind everyone that we've been conducting a large number of in-person and virtual bench trials all across the state since July. And the undisputed leader in this regard has been our New York City Housing Court, where we've completed 106 trials of pre-pandemic eviction matters where both parties were represented by counsel. Half of those trials were conducted in-person, and the other half proceeded virtually or in hybrid fashion. And, about 60% of the cases scheduled to go to trial in the Housing Court settled, enabling us to get back to work on our pre-pandemic caseload. In-person and virtual trials are also taking place throughout the New York City Civil Court.

As I've indicated before, our virtual courts are here for the long haul, and that's why we're working nonstop to improve and expand our virtual capacity. Just last week, our busy New York City Family Court opened an additional virtual intake part to handle the growing number

of family offense matters that require immediate court intervention and critical services. We were able to create and fully staff that new intake part by assigning additional court reporters from the New York City Civil Court to the Family Court. We are grateful to the Court Reporters and their union representatives for their assistance and cooperation.

This development affords me the opportunity -- long overdue -- to highlight the excellent work of our Court Reporters, who have done a remarkable job of seamlessly adjusting to the “new normal” in our virtual courts. They’ve surmounted the challenges of adapting to new videoconferencing technologies, dealing with the audibility issues associated with remote proceedings and accurately transcribing the court record in thousands of these court proceedings. Throughout the pandemic, these folks have been the consummate team players. They have supported the work of our courts with energy and passion, with patience and understanding and, most of all, with great effectiveness. I know I speak for our entire court family when I say, “thank you,” for your outstanding work.

So, today, I want to thank you, once again, for your time and remind you to remain disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.