

# *Chief Judge of the State of New York*



*Janet DiFiore*

October 29, 2020

Dear Court Family:

The public rightly looks to the courts, above all institutions, for fair and equal treatment. The existence or even the perception of bias or racism anywhere in our institution undermines public trust and confidence in the important work of our courts. Without the public's trust and confidence in our ability to deliver equal justice, the Judiciary cannot carry out its mission or uphold the rule of law. And most importantly, we need to eliminate any bias or racism because it is the right thing to do.

Because the courts have a solemn obligation to take a leadership role in addressing these issues, we engaged Jeh Johnson, a nationally respected lawyer and public servant, and asked him to conduct a rigorous, independent "Equal Justice Review" of our court system's policies and practices as they relate to issues of racial bias and fairness.

After conducting a comprehensive four-month study and interviewing hundreds of individuals, Secretary Johnson and his team have issued their Report ([www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf](http://www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf)). We thank him and his team for their excellent and prompt work on these difficult issues. And while we are encouraged by the finding that our judges and court professionals are working hard to get it right when it comes to equal justice, we acknowledge and embrace our responsibility to do better in a number of areas, including improving the treatment of minority litigants in our high-volume courts, combatting instances of racial intolerance within our court family and strengthening and supporting our commitment to diversity and inclusion within our judicial and nonjudicial ranks.

Secretary Johnson and his team have issued a comprehensive set of practical recommendations that will help our court system achieve these goals and by doing so promote fairness, diversity and meaningful inclusion. The first and most important of his recommendations -- that we make "a commitment from the top" to embrace a policy of zero tolerance for racial discrimination -- is one that I fully embrace on behalf of our entire court system. We will honor that commitment with more than words. We will begin to honor that commitment by taking concrete action to implement the Equal Justice recommendations, including, among others:

- Mandating comprehensive bias training for all judges and court staff on issues of implicit bias and cultural sensitivity, with that training tailored to the role that each individual plays within our institution;
- Combatting juror bias by incorporating a segment on the dangers of implicit bias in our juror orientation video, adopting uniform rules governing *voir dire* on that issue, and developing model jury instructions relating to the existence of implicit bias;
- Adopting a social media policy for judges and nonjudicial staff with clear limits and guidance;
- Improving awareness of the Inspector General's Office for Bias Matters, strengthening policies and procedures for investigating complaints of racial bias and discrimination, and increasing transparency of the IG process;
- Improving the collection and publication of court data to enable analysis of racial disparities in case outcomes and assess diversity and inclusion levels within the judiciary and our nonjudicial workforce;
- Strengthening and supporting our existing institutions charged with addressing issues of racial justice, such as the Franklin Williams Commission and Office of Diversity and Inclusion, and promoting awareness of their missions;
- Improving Human Resources practices and eliminating barriers to diversity in the areas of recruitment and outreach, hiring and promotion, and performance evaluation; and
- Enhancing trust between our Court Officers and our litigants and communities of color.

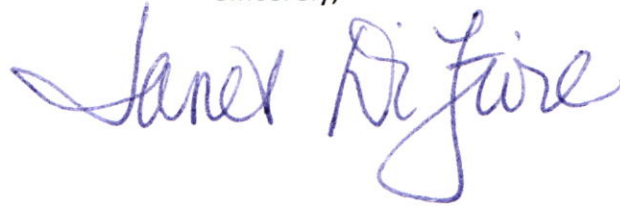
Chief Administrative Judge Lawrence Marks and I have appointed and empowered Deputy Chief Administrative Judge Edwina Mendelson to lead our day-to-day efforts to implement the Equal Justice recommendations. Judge Mendelson has begun working with our judicial leaders and top court managers across the state to develop detailed plans and timelines for putting Equal Justice reforms into action. In the days ahead, she will be reaching out in connection with the different steps to be taken in all of our respective courts and job titles.

Our institutional changes will be important, but it is also up to each and every one of us to renew and redouble our personal commitment to work diligently and in good faith to foster the highest standards of fairness, equity and meaningful inclusiveness within our institution. In this respect, to help us meet our commitments, we have engaged an Independent Monitor --

Alphonso David, Esq., President of the Human Rights Campaign and a nationally recognized civil rights advocate -- to review and guide our efforts to implement the Equal Justice reforms.

I am proud and honored to serve with each and every one of you, and proud of our work to deliver justice and uphold the rule of law during these extraordinary times. But we surely can do better, and we will. We will answer the call of the Equal Justice Report and rededicate ourselves and our court system to ensuring equal justice under law. There can be no higher priority for the men and women who represent the New York State Courts.

Sincerely,

A handwritten signature in blue ink that reads "Janet DiFiore". The signature is written in a cursive, flowing style.