

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

February 14, 2022

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.

Since my last report two weeks ago, the number of judges and court staff testing positive for COVID-19 has, thankfully, continued to plummet, enabling us, on the operational side of our house, to prioritize the restoration of in-person proceedings and services, including jury trials, and to put all of our focus on resuming full court operations, so that we can clear out our backlogs and return to the outstanding progress of the Excellence Initiative, when we were managing our dockets and resolving cases efficiently and expeditiously.

And toward that end, I'm pleased to announce that, effective today, we are implementing **3-foot** physical distancing for participants in criminal jury trials statewide. Up to this point, one of the main obstacles to our ability to resume full operations has been the 6-foot social distancing guideline, which has prevented us from using our courtrooms to maximum capacity. In many of our criminal court

buildings, 6-foot distancing has necessitated the use of multiple courtrooms in order to conduct a single criminal jury trial, and that has significantly limited the number of trials we have been able to conduct.

Given the important constitutional rights and interests at stake in criminal matters, including the right to a speedy trial for individuals accused of crimes, many of whom are now being detained while they wait for their day in court, it is most important that we be able to schedule the number of jury trials actually needed to move our dockets as efficiently as possible in order to promptly adjudicate these important cases and clear away the large pandemic-related backlogs that have built up in many of our courts.

So, with the COVID metrics having improved dramatically since early January, we believe the time is right to ease the 6-foot guideline, starting with criminal matters. Our decision to move to 3-foot physical distancing was made after discussion and consultation with Governor Hochul's office, and with the State Commissioner of Health, Dr. Mary Bassett. We will continue to enforce all of the established health and safety protocols that have worked so well to prevent the spread of the virus in our buildings, including: screening and temperature checks; disciplined use of face masks and PPE; proper ventilation; and strict cleaning and sanitizing.

And while it makes sense to start first with criminal jury trials, we are hopeful that with the continued improvement of public health conditions we will soon be able to ease physical distancing protocols in our Family and Civil courts, so that we can get back to scheduling a full and normal complement of jury trials, hearings and proceedings in those courts as well.

Now, as I'm sure you've heard, last week Governor Hochul announced changes to the state's masking requirement relating to businesses and certain indoor settings. With regard to the court system, we are not making any change at this time to the requirement that all members of the public entering our court facilities must wear face coverings. And judges and court staff will also continue to wear masks in all public areas of our court facilities, including courtrooms, courthouse lobbies, elevators and other public hallways and spaces. And, finally, judges and staff who have not been vaccinated, due to a valid medical or religious exemption, are required to continue wearing face masks in all areas of the courthouse, including non-public areas.

Our policy reflects the fact that we are a public-facing organization that depends on many types of in-person services and functions to conduct our business and carry out our mission. Given the reality that many of our courthouses can be crowded and busy places,

we believe that requiring the use of masks by members of the public, and by judges and staff in public courthouse areas, is the most effective way, until further notice, to keep everyone safe and healthy.

So, thank you for your cooperation. As I stated in my last message, we don't take anything for granted when it comes to COVID-19. And you can be assured that we will continue to balance the safety and well-being of everyone in our buildings with our resolve and determination to resume full court operations, so that we best position ourselves to honor the responsibilities we have to serve the needs of the lawyers and litigants who depend on our courts for timely and efficient justice services.

Now, moving away from operations, and turning to the annual "State of Our Judiciary Address." This year, once again, on behalf of our judicial branch of government, I will be reporting to the public, our partners in government, the Bar as well as our stakeholders and justice partners on the progress we have made, and the challenges we face, in carrying out our mission of delivering fair and timely justice to all New Yorkers.

The 2022 State of Our Judiciary will be delivered virtually, this Wednesday, February 16th, at 10 a.m. And while I certainly hope that you will make the time to tune in to the "SOJ," or read the written

version, on our website, I am pleased to share some very brief highlights with you today.

This year's message starts, as it should, with a well-deserved tribute to our judges and court staff for their hard work and dedication to our courts during the pandemic, and for how we are now well-positioned to return to full-scale operations and the outstanding progress we were making, pre-pandemic, under the Excellence Initiative.

We will also recognize the enormous amount of work that has been done, and continues, in order to implement Secretary Johnson's recommendations, including, literally, dozens of reforms aimed at correcting harmful policies and practices and eliminating barriers to equity and inclusion.

Admittedly, our work is just beginning, and we have a long way to go, especially to remedy what Secretary Johnson described as a "second-class system of justice" for low-income New Yorkers and litigants of color in our overburdened family, civil, housing and criminal courts, problems and conditions in those courts that are so extensive and systemic in nature that they require nothing less than the coordinated and combined response of all three branches of New York State government.

And I will describe our renewed efforts, calling on our partners in the legislative and executive branches to join us in transforming our inefficient trial court system into a simple, streamlined and equitable structure that eliminates systemic barriers to equity, and that actually works for the benefit of all the people we serve, regardless of who they are or where they come from in life.

So, as you may have guessed, equal justice is the theme that animates the 2022 State of Our Judiciary.

So, once again, I hope that you will be able to watch this year's Address, which I am confident will serve to deepen your understanding and appreciation of the depth and breadth of the important work that is being done to modernize our judicial system, and improve the delivery of justice to all New Yorkers.

So, thank you, once again, for listening, and for remaining disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.