

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

February 28, 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.

I'm pleased to begin today's update with good news about the COVID positivity rate. Over the last two weeks, the number of judges and court staff testing positive for COVID on a daily basis has dropped down to the single digits, and for the first time in many months, on Friday, February 18th, there were zero reported positives across the entire court system.

So, encouraging news, indeed, as we resume full-scale operations in all of our courts and get back to scheduling a full and normal complement of jury trials and other in-person hearings and proceedings. And as you know, we took a major step in that direction two weeks ago when, after consultation with our partners in government, we eased physical distancing for participants in criminal jury trials from 6-feet to 3-feet, and that process is going very well.

And today, we are also reducing distancing down to 3 feet for all grand jury proceedings statewide, freeing up additional courtroom space for criminal jury trials. Experience has shown that as we schedule more trials and resolve more cases by plea agreement our dockets begin to flow and the backlogs that have built up over the course of the pandemic begin to clear away.

So, in anticipation that the COVID metrics will continue to improve -- crossing our fingers -- we are laser-focused on planning for the next step in our return to full court operations and easing the physical distancing protocols in our Family and Civil courts. Our Administrative Judges have submitted detailed plans for operationalizing the reduced distancing guideline in all of our courthouses, including plans to safely summon and deploy more jurors and increase the percentage of scheduled in-court appearances, particularly for those types of matters best heard and adjudicated on an in-person basis for reasons of access to justice or operational efficiency.

Again, the process is going well. What we are hearing from our judges and court staff, as well as from many bar associations and practitioners, is that folks are genuinely eager and excited to return to our new normal in court operations, and they are eager and excited to

hit the “reset button” on the Excellence Initiative and use our new virtual model and newly acquired skills to complement our existing tools of presumptive ADR, case management dashboards and “standards and goals” to get us back to delivering prompt, efficient, high-quality justice services.

So, a lot to be encouraged about, and a lot to look forward to. But make no mistake, we are not letting our guard down when it comes to COVID-19. We will continue to enforce the public health protocols, including the use of masks in public courthouse areas, that have worked so well to keep everyone safe and healthy. And we will encourage judges to use their discretion and make smart use of our new virtual model to safely complement our in-person productivity by limiting unnecessary personal appearances and keeping courthouse traffic down.

Now, before we leave this topic, I would like to remind everyone that a memo went out to all judges and non-judicial personnel on February 24th from Nancy Barry, our Chief of Operations, and Justin Barry, our Chief of Administration, reiterating our current Unified Court System masking policy and explaining how judges and staff can extend the expiration date of their UCS “Orange Cards” by uploading proof of a booster or third shot to our “Revised Mask Policy Sharepoint Site.”

Thank you for your cooperation and for honoring your responsibility to keep yourself, and those around you, safe and healthy.

While the pandemic has brought a great deal of worry and disruption to our personal and professional lives, one of the silver linings has been the many opportunities we have been presented to innovate and improve our services. A case in point is our new “WebSurrogate” Program, which is being launched today in our Surrogate’s Courts in 47 counties across the state. WebSurrogate is a free 24/7 online search tool that allows lawyers, litigants and members of the public to search for Surrogate’s Court files and retrieve and view records and documents, including wills, court orders and decisions.

In-person access to Surrogate’s Court files and records was significantly limited when COVID-19 made it necessary for us to restrict foot traffic in our buildings in order to slow the spread of the virus. In response, the judges and staff in our Surrogate’s Courts immediately began working with our Division of Technology to make these important records available online. The result of their effort is now available at “websurrogates.nycourts.gov,” and it is a “game changer” for the many thousands of litigants, lawyers and members of the public who no longer have to travel to our Surrogate’s Courts to physically access court files and records during business hours.

For now, WebSurrogate is available in 47 counties, including Queens and Richmond counties in New York City, but we are working hard to bring the program's convenience and benefits to all 62 counties and expand the number of records and documents searchable online.

So, kudos to everyone who helped develop this great new service for the public in our Surrogate's Courts, special and important courts where timely access matters.

Now, moving away from court operations, I would like to take a moment today to congratulate Judge Richard Rivera, who I appointed last week to serve as the Co-Chair of the Franklin H. Williams Judicial Commission. Judge Rivera currently serves as the Supervising Judge of the Family Courts in the Third Judicial District, and as Supervising Judge of the District's Domestic Violence and Mentor Courts. Judge Rivera was elected to the Albany County Family Court in 2014, becoming the first Latino elected to the bench in the Third Judicial District, and the first person of color elected to a countywide judgeship in Albany County.

Judge Rivera has been a committed and active member of the Williams Commission, and a dedicated mentor and role model for young people of color in his community. Judge Rivera will work closely with the Commission's Co-Chair, Justice Troy K. Webber of the

Appellate Division, First Department, as they lead and guide the Commission's members in educating and advising decision makers on issues affecting employees and litigants of color in the New York State Courts.

Judge Rivera is succeeding Judge Shirley Troutman, the newest member of the Court of Appeals. We thank Judge Troutman for her service as Co-Chair of the Williams Commission over the last four years, and we thank and congratulate Judge Rivera for his future service.

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.