

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

March 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.

I'm pleased to begin today's update with the announcement that, effective today, we are moving to **3-foot** physical distancing for all judges, court staff and court users in all of our trial courts, and for all types of cases. This latest decision follows our successful implementation of 3-foot distancing in our criminal courthouses over the last month, and the very encouraging trend in New York State's COVID positivity rate, which has, thankfully, declined to its lowest level since last Fall.

Our decision to reduce physical distancing in all trial court facilities marks a major milestone in our return to full-scale court operations, enabling us to significantly increase the number of in-person jury trials, hearings and proceedings that can be scheduled in all courthouses. Six-foot distancing necessitated the use of multiple

courtrooms in order to conduct a single jury trial, a circumstance that significantly limited our trial capacity and our productivity.

Not surprisingly, since we adopted 3-foot distancing in criminal court a month ago, we have seen a substantial increase in the number of jury trials scheduled and the number of cases resolved by plea agreement. So, this is a most welcome change that will allow our judges to once again schedule a normal complement of in-person trials, hearings and proceedings in civil and family courts, and it's a critical change that will speed the flow of cases through our dockets and help us clear out the pandemic-related backlogs that have built up in many of our courts.

So, in anticipation of this modification, we have increased the number of jurors reporting to our courthouses across the state, beginning today. And to ensure their health and safety, and that of everyone entering our courthouses, we will continue to enforce all of our established public health protocols, including the use of face coverings in public courthouse areas, as well as encouraging judges to make smart use of our new virtual model in order to limit unnecessary personal appearances and keep courthouse traffic down.

As you know, it was two years ago that COVID-19 struck New York with lightning speed, turning our personal and professional lives upside

down and taking a heavy toll on every one of us. And now, after 24 challenging, stressful and exhausting months, as we finally enter into a new and better normal, I do think that, without in any way diminishing the awful impact of the pandemic, we can look back on the last two years with pride and satisfaction in the progress we have made to keep our courts up and running to meet the demand for our services. And while it hasn't always been perfect, I am so very proud of the way in which our court family has performed and honored our responsibilities to the public.

Going forward, we have a lot of catching up to do, and a lot of work ahead of us. But this public health crisis has presented us with an opportunity, an opportunity we have seized, to improve our performance and our services as we gain new skills and develop new tools to make our court system stronger and better.

And now, speaking of the "catching up" we need to do, a progress report on an important initiative that we announced several weeks ago to prioritize the adjudication of our large inventory of illegal gun possession cases in New York City, cases which make up fully one-third of the docket of the Supreme Court, Criminal Term, in New York City.

In January, we asked Deputy Chief Administrative Judge Deborah Kaplan, and Judge George Grasso, our Administrative Judge for Criminal

Matters in Queens Supreme Court, to expand the multi-prong initiative that Judge Grasso had been overseeing to reduce the backlog of these pending cases in New York City.

Since then, Judges Kaplan and Grasso have met on a regular basis with the Administrative Judges who oversee criminal court operations in New York City; individual judges have been designated to handle these cases from start to finish; and city-wide comprehensive written protocols have been established to govern the fair and timely processing and resolution of these cases.

I am pleased to report that the number of top-count gun cases adjudicated in the City has been steadily increasing from week to week, and last week, for the first time, surpassed 100 weekly dispositions. We know, of course, that there is a lot more work to do to clear out the backlog of these serious cases, but we are pleased with the real progress that has been made to date and fully expect to achieve our objectives.

We are most grateful to all of the stakeholders who are cooperating and working together effectively in support of this initiative, especially the Mayor's Office; the District Attorneys' offices; the defense bar; the NYPD; and the Department of Correction. I also want to thank Judge Kaplan and Judge Grasso; our Administrative

Judges -- Ellen Biben in New York County, Matthew D'Emic in Kings County, Alvin Yearwood in Bronx County, and Desmond Green in Richmond County; the designated trial judges; and the court professionals who are working to resolve this large inventory of top-count gun cases.

We will carefully monitor operations, collect all the relevant data, and report back to you on our progress.

Now, as you may recall, in the State of Our Judiciary Address a few weeks ago, I called upon our partners in the Legislature to take action on our proposal to amend the State Constitution to simplify the structure of our court system, which is widely acknowledged to be the most complicated, wasteful and inefficient in the nation.

So, I am pleased to report that on March 3rd, Senate Judiciary Chair Brad Hoylman, and Assembly Judiciary Chair Charles Lavine, announced the introduction of bills to merge New York's confusing conglomeration of 11 different trial courts into a simplified structure consisting of three trial courts: a single statewide Supreme Court; a single statewide Municipal Court; and the Town and Village Justice Courts.

We are encouraged and energized by their proposals, which fully capture the reforms we have called for, simplifying our trial court

system in order to eliminate longstanding systemic barriers to equal justice, and empowering us to deliver more efficient, equitable and accessible justice services to all New Yorkers, including low-income litigants and underserved communities of color.

We look forward to working with the New York State Legislature, including Assembly Speaker Carl Heastie and Senate Majority Leader Andrea Stewart-Cousins, as well as Governor Hochul, the Bar, the Bench, and all of our stakeholder communities, in order to address everyone's concerns and bring about this long-overdue reform for the benefit of the people of New York State. We will keep you updated on the progress of court simplification.

Turning now to a more somber topic, it was a year ago this month that Judge Paul Feinman sadly passed away, much too young. Judge Feinman, the first openly LGBT person to sit on the New York Court of Appeals, was an extraordinary judge, a devoted public servant and a cherished friend and colleague.

And to honor Judge Feinman's legacy, the "International Association of LGBTQ+ Judges" has created a scholarship in his name to be awarded annually to a law student with a demonstrated commitment to the LGBTQ+ community who will be working as a judicial intern, extern or clerk prior to the student's final year of law

school. Information on how to apply for the scholarship is available at: www.lgbtqjudges.org. The deadline is April 1st, so all those interested in learning more about the scholarship should move quickly to access the information.

I want to extend our thanks to the International Association of LGBTQ+ Judges for honoring Judge Feinman's legacy in this special way, especially the Association's President, Tara Flanagan of the Alameda County Superior Court, in California, and our own Beth Garry, Presiding Justice of the Appellate Division, Third Department. A wonderful opportunity, in honor and memory of a wonderful human being.

Now, moving away from court matters for a moment, I know that many of you are deeply troubled and concerned over the destruction and loss of life that is taking place in Ukraine. As the branch of government dedicated to justice and the rule of law, we join with the countless law- and justice-related organizations around the globe that have strongly condemned the Russian Federation's unlawful invasion of a sovereign state. And we stand with all those, including the New York State Bar Association, who have denounced the military aggression against Ukraine as a violation of international law.

Let's join together in keeping the people of Ukraine in our thoughts and prayers, and in support of a swift and peaceful restoration of the rule of law in their country.

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.