

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

November 1, 2021

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 begin with an update on our system-wide mandatory vaccination program, which has received an excellent response with almost 100% of our judges and professional staff having submitted proof of vaccination or a request for a medical or religious exemption. So, we are grateful to all of you for doing your part to protect the health and safety of everyone around you, and for assuring the public, including the thousands of lawyers, litigants and court users who enter our courthouses every day that our buildings are safe and healthy places to appear and conduct business.

And it is precisely because our judges and court staff have acted responsibly to ensure a safe environment that we have been able to carefully but steadily expand our in-person operations and increase the number of in-person jury trials, bench trials and other proceedings that are being heard in our courthouses.

Now, we are all aware that the pending dockets in some of our courts have grown in response to the extended impact of the pandemic on court operations. But we cannot, and of course, we will not, use the public health crisis as an excuse for mounting backlogs in those courts. We have an obligation to move and resolve cases efficiently and promptly, and we are determined to get back to the outstanding progress that we were making under the Excellence Initiative to manage our dockets efficiently and effectively.

And so, we are focused and working on all fronts to achieve operational excellence in the context of our “new normal,” and the message has gone out to our Administrative Judges, Supervising Judges, District Executives and Chief Clerks that we are all expected to be assertive and proactive in finding solutions to the issues that may be contributing to delays and inefficiencies in the courts.

And so, notwithstanding the difficulties presented by the 6-foot social distancing restriction that remains applicable in our courthouses, our court leaders and managers are working diligently with their judges and staff to creatively and responsibly maximize trial capacity: using available courtrooms in nearby courthouses, repurposing existing courthouse space and finding new ways to increase jury trials and in-person productivity.

At the same time, we are reaching out to our partners in state government to discuss appropriate and responsible modifications to the current social distancing rules so that we can reclaim additional courtroom space to increase our trial capacity, because we know that maintaining a robust trial capacity is critical not only to the effective management of our dockets but to ensuring full and timely access to justice. When lawyers and litigants know that judges are ready to try their cases, they are fully incentivized to consider the advantages of negotiating settlements and plea bargains. That's how our system works, and that's how we're going to move our dockets.

In addition, we are communicating with the District Attorneys and the defense bar and with the criminal justice and family justice agencies that play a significant role in supporting court operations, such as the New York City Department of Correction, in order to find positive solutions that will improve current processes and better support our efforts to hear and resolve cases as efficiently and effectively as possible.

Now, with all that said, I do want to make clear that our court system is in a very good position. Our judges and staff have been vaccinated, our buildings are safe and we have a new and powerful virtual model at our disposal to safely complement our in-person

productivity. So, it's time for us to put it into the next gear and resume the dramatic progress that we were making pre-pandemic to achieve operational and decisional excellence in many of our courts. I want to thank everyone for your hard work and dedication to our courts, and we will keep you informed of the progress that is underway.

Now, moving on to other matters, I'm excited to inform you of a very special exhibit that is being officially unveiled today in the lobby of the Westchester County Supreme Court in White Plains, a historic exhibit that tells the story of the "Lemmon Slave Rescue Case," a series of 1850s decisions by the New York State courts that ordered the release of eight enslaved people, including six children, who were brought into New York by their Virginia owners while in transit to Texas. The Court of Appeals' ruling in that case was in direct conflict with the Supreme Court's infamous Dred Scott decision of 1857, and it represented one of the most unyielding anti-slavery decisions made by any court in the United States prior to the Civil War.

We are grateful to the Historical Society of the New York Courts for creating this excellent exhibit on the "Lemmon Slave Case," featuring a short documentary narrated by Mr. James Earl Jones that brings to life the courageous lawyers, judges and citizens, including

many New Yorkers of color, who helped rescue and represent the eight enslaved people.

Over the next 90 weeks, the Lemmon exhibit will travel to 45 courthouses in every Judicial District of the state, and it will be displayed, consistent with prevailing COVID health and safety protocols, in the public areas of our courthouses in order to showcase the historic role of the New York State courts in upholding fundamental rights and ensuring equal justice under law. I do encourage you to take the time to experience the exhibit in person, and to tell your colleagues, families and friends all about it.

And speaking of equal justice, on November 9th, at 6 p.m., the Franklin Williams Judicial Commission will be hosting its “Diversity Awards Program,” honoring a total of 11 judges, lawyers and legal professionals for their extraordinary contributions to increasing diversity and inclusion in our courts and the justice system. I want to thank the Williams Commission, which is celebrating its 30th anniversary this year, for hosting this fabulous event celebrating our shared commitment to an inclusive and diverse judiciary and court workforce that reflect the many different people and communities that

make up the “great mosaic” of New York State. I hope that you can join us and tune in to the livestream of the awards ceremony on the Commission’s home page.

And “MOSAIC” is the title of the new newsletter published by our “UCS Office of Diversity and Inclusion,” providing regular updates, profiles and information about the many different racial, ethnic, gender, language, disability and cultural backgrounds that exist within our court family, and highlighting how our wonderfully diverse experiences and backgrounds add up to one strong, beautiful mosaic. Issue number one of MOSAIC, featuring a podcast interview with Deputy Chief Administrative Judge Edwina Mendelson, is available on the ODI’s Intranet page, and we encourage you to click on and read through it. I want to thank Tony Walters, ODI Director; Rena Micklewright, MOSAIC Editor; John Caher, Strategic Advisor for Communications; and Nick Inverso, Graphics Designer, for developing this electronic newsletter to keep us all updated and connected on matters of diversity, inclusion and equal justice.

Finally, as many of you know, last week was “National Pro Bono Celebration Week,” and our Office for Justice Initiatives partnered with the State Bar and the New York County Lawyers Association to host

what was a truly inspiring virtual awards ceremony honoring 22 law firms, lawyers and law students whose pro bono service made a significant difference in the lives of low-income individuals and families. We are especially proud of the seven “Attorney Emeritus” volunteers who were honored for providing urgently-needed legal services during the pandemic, and of the attorney volunteers in our “Housing Court Guardian Ad Litem Program” who provided critical legal aid and representation to mentally and physically impaired litigants in the New York City Housing Court during the public health crisis. Additionally, 98 volunteers received certificates recognizing their service in pro bono projects administered by the Office of Justice Initiatives and the Attorney Emeritus Program. We are grateful and thank all of the honorees for their service.

So that concludes this week’s message. Thank you all again for listening, and most important, for remaining disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.