

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

November 15, 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 am pleased to report that we have been able to significantly, but safely, expand our in-person operations over the last several weeks. Last week, and again this week, well over 200 jury trials were scheduled in our courts statewide, in addition to many hundreds of nonjury bench trials -- numbers that we have not seen since before the pandemic.

I want to thank our Deputy Chief Administrative Judges, Deborah Kaplan in New York City, and Norman St. George outside the City, for working tirelessly and creatively with their Administrative Judges to find ways to reorganize and reshuffle operations and responsibly maximize the trial capacity in our buildings, notwithstanding the challenges presented by the 6-foot social distancing restriction that remains applicable in all of our courthouses, a challenge that we are addressing with our partners in government and public health officials.

Now, moving away from operations and turning to our important work on equal justice, later this week we will be issuing our “Year in Review Report” documenting the significant progress we have made to implement Secretary Johnson’s Equal Justice recommendations and begin the transformation of our court system into a model of fairness, equity and inclusion. The report catalogues the reforms that have already been implemented as well as many more that are underway or in the planning stages.

While I intend to address our equal justice progress in more detail in future messages, I did want you to know that the report will be out very shortly. I hope that you make the time to read through it and also take a moment to appreciate the extent to which our judges and staff at every level of our court system have rededicated themselves to the highest standards of fairness, equity and meaningful inclusion. And, of course, to also recognize the extraordinary way in which Judge Mendelson and her staff, including our Implementation Committee of judges and court administrative leaders, have executed their responsibilities in the day-to-day work being done to implement and operationalize the recommendations. Excellent work, and we thank them.

Last Thursday, as you know, was Veteran's Day, a national holiday honoring the military veterans who have served and continue to serve our country. New York State has the 6th largest population of veterans in the nation, and many of these veterans experience challenges in readjusting to civilian life, including substance abuse and mental health problems. Our court system has been a national leader in serving the justice needs of those who served our nation. And with the support and oversight of our Office for Justice Initiatives, the dedicated judges and court staff who operate our 32 Veterans Treatment Courts in 24 counties across the state are doing truly remarkable work.

A case in point is our new Veteran's Court in Westchester County, which began operating during the pandemic, in July 2020, hearing misdemeanor and felony cases referred from other County Court Judges and from the City Courts and the Town & Village Courts located in the County. Presiding Judge David Everett, himself an Iraq and Afghanistan veteran, and his staff do an outstanding job of working with an interdisciplinary team of treatment professionals, prosecutors, defense attorneys, Veterans Administration officials and others to connect justice-involved veterans with tailored clinical, medical and mental health treatment services in their communities.

Everyone works as part of a team, and the team's goal is to foster a positive justice outcome for each veteran. And no part of the team has been more effective than the "Veteran Peer Mentors," or "Battle Buddies," volunteers who provide encouragement, comradery and advocacy to help these individuals get through the treatment process, and achieve sobriety and stability in their lives. On November 4th, Judge Everett hosted a hybrid ceremony to recognize these volunteer peer mentors, as well as the 35 members of our Westchester court family who served in our nation's armed forces. I'm told it was a wonderful event, attended by 140 participants, including 40 attending in-person.

We are grateful to the dedicated judges and court professionals who never stopped working throughout the pandemic to find new ways to serve the justice needs of our veterans, including:

- Syracuse City Court Judge Vanessa Bogan, an Air Force veteran, who presides over the Syracuse Veterans Treatment Court and regularly organizes programs to educate Syracuse residents about the challenges and needs of the veteran population in their area.
- And Newburgh City Court Judge Paul Trachte, who presides over a combined Drug and Veteran's Treatment Court that held one of its graduation ceremonies last week, a ceremony attended by the

Court's secret weapon, a certified therapy dog named Sierra, who does an incredible job of making veterans and their family members feel comfortable and welcome in Veteran's Court.

We are proud of our veterans, and grateful to them for their service to our country, and we will continue to support them in every appropriate way.

Now, this past August, following the withdrawal of U.S. military forces from Afghanistan, we began to see alarming media reports of the desperate plight of more than 270 Afghan women judges who lost their judicial positions after the Taliban's takeover. Unable to leave Afghanistan, these women are now living in hiding, living under fear of death for having ruled against men in divorce and custody cases and for having sentenced hundreds of men to prison in cases involving assault, kidnapping, rape and murder of women -- men who reportedly have now been released from prison by the Taliban, leaving these women judges in grave danger.

In response to this disturbing situation, my Court of Appeals colleague, Madeline Singas, suggested that we put our heads together to find a way to help and assist these women. I reached out to the National Center for State Courts and the Conference of Chief Justices to

discuss what our nation's judicial leaders could do to help. And with Judge Singas leading the way, we drafted a Resolution that, on November 3rd, was unanimously adopted by the highest judicial officer of every State, Commonwealth and Territory of the United States.

The resolution entitled "Resolution In Support of Assisting the Resettlement of Afghanistan's Women Judges and Other Vulnerable Justice System Refugees," which has been submitted to the Department of State, expresses unqualified support and solidarity for these courageous jurists and judicial officers who have risked their lives over the last 20 years to enforce the human rights of women and girls living in Afghanistan. The Resolution urges state court systems to cooperate with the State Department to identify employment opportunities for Afghan women judges and justice system refugees here in the U.S., and encourages the National Center for State Courts to establish an "Afghan Justice Sector Clearinghouse" to facilitate their resettlement.

I want to express my thanks and admiration to Judge Singas for providing the impetus that led to this important Resolution, as well as to Paul Suttell, the Chief Justice of Rhode Island and President of the Conference of Chief Justices, for immediately taking ownership of this

issue on behalf of all our Chief Justices across the country, and to Mary McQueen, the President of the National Center for State Courts, for immediately responding to our inquiry and working with Judge Singas to quickly get this important initiative off the ground.

We hope and believe that the unqualified support of our nation's Chief Justices will lend urgency and momentum to the efforts that are underway to assist at-risk Afghan women judges. And in this regard, I want to commend the State Bar for sponsoring a CLE program last Tuesday, attended by over 200 attorneys, to raise awareness and train pro bono lawyers to participate in Afghan evacuation and resettlement.

As we move forward, it is incumbent upon our entire legal community to assist these refugees and support their transition to appropriate law-related employment commensurate with their professional qualifications, skills and training. A most worthy effort, and the least that we can do for our international colleagues who risked everything to ensure equal justice and uphold the rule of law in Afghanistan. We will keep you informed of our progress, and thank you Judge Singas for taking the lead.

Before I get to the end of my message, I would like to take a moment to congratulate Judge Alvin Yearwood, who was appointed last week to the position of Administrative Judge for Criminal Matters in the

12th Judicial District. Judge Yearwood is a highly-experienced jurist who has presided over many busy court parts and conducted hundreds of felony trials over the course of his 18-year career on the bench. Judge Yearwood knows what it takes to move and resolve cases efficiently and effectively in the Bronx County Supreme Court, Criminal Term, and he is extremely well-prepared to bring operational excellence to the day-to-day management and operations of that busy and important court. Judge Yearwood, good luck to you in your new role as Administrative Judge.

Finally, I want to close today by sending you and your families my early, and very best wishes for a happy and healthy Thanksgiving. Please know that among the blessings that I am most grateful for in my life is your incredible dedication to our court system, and the privilege I have of working with you each and every day as we provide justice services to the public across the state.

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