

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

November 29, 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.

First of all, I hope that you and your families enjoyed a happy and healthy Thanksgiving holiday. We certainly have a lot to be grateful for this year. Last year at this time we were heading into the cold winter months with the COVID metrics on the rise and no certainty as to when a vaccine would finally become available.

Fast forward one year, and here we are in a much better place: our workforce is overwhelmingly vaccinated, we have learned how to safely navigate the current challenges of the pandemic in our buildings, and we are steadily expanding in-person operations and services in our courthouses all across the state.

With that said, however, we are aware of the developing news on the new COVID variant, and we are prepared to make any and all

necessary and appropriate adjustments based on the science and guidance as explained and set forth by our public health officials.

Now, over the last several weeks, we have been able to schedule and conduct an increased number of in-person jury and bench trials in our courthouses across the state and, no surprise, the number of cases that have been resolved by verdict, settlement or plea has increased quite significantly.

This, of course, confirms what we already know: our ability to set firm trial dates is one of the most powerful tools at our disposal to move cases and reduce backlogs. And with that in mind, where doing so would be safe, sensible and consistent with the applicable 6-foot social distancing restriction, we have asked our Administrative Judges to review their facilities with an eye toward reorganizing court operations and repurposing existing space in order to make greater use of our available courtroom capacity.

Again, we will be safe and smart in our approach. We will keep a watchful eye on the COVID metrics and the emerging variant, and we will be ready to make adjustments on the fly as we do our level best to safely move our dockets forward and promptly and fairly adjudicate cases in these challenging times. Judge Marks and I will continue to address these challenges directly with our partners in government and

public health officials, and we will report back to you as we move forward.

Now, turning to our important work on equal justice. On November 17th, we issued our “Equal Justice in the New York State Courts: Year in Review Report” and emailed a copy to every member of our court family to make everyone aware of the tremendous amount of progress that has been made over the last year to follow through on our commitment to implement the recommendations in Secretary Johnson’s Equal Justice Report of October 2020.

The “Year in Review Report” provides detailed information about dozens of equal justice reforms that have been implemented or that are underway or in the planning stages:

- Starting with the public commitment I have made, on behalf of our entire court system, to achieve a policy of “zero tolerance” for racial bias and discrimination;
- Mandated comprehensive racial bias training for all judges and nonjudicial staff;
- A new “Mission Statement for the Unified Court System” that incorporates principles of equity, diversity, and inclusion;

- A new “Social Media Policy” with clear guidelines and boundaries on what constitutes biased and prohibited conduct;
- Creation of Equal Justice Committees comprised of judges and court staff working in every Judicial District, including New York City, to implement equal justice reforms at the local court level in order to change our institutional culture from the bottom up;
- Targeted changes in our Human Resources job and promotional interview practices to effectuate our commitment to diversity and inclusion in our workforce;
- The production and display of a new orientation video to educate every juror about the dangers of implicit bias and ensure fair decision-making free of biases or stereotypes;
- A new requirement of a full disciplinary hearing for substantiated claims of discrimination;
- New and improved processes in the Office of the Inspector General to facilitate the filing of racial bias and discrimination claims, including the appointment of an ombudsperson to promptly handle complaints;
- Improved availability and transparency of data for those interested in reviewing both our progress on diversity in the

courts, and the impact of the criminal justice system on people of color;

- And a series of programs and initiatives, including the wearing of nametags by Court Officers, designed to foster trust between Court Officers and the communities we serve.

I encourage you to read the Year in Review Report in its entirety, because the summary I just laid out only scratches the surface of the many accomplishments catalogued in the Report.

And without question, our entire court system owes a huge debt of gratitude to Deputy Chief Administrative Judge Edwina Mendelson. When we embraced Secretary Johnson's report and pledged to fully implement his suggested reforms, we knew that our commitment would be measured not by our words, but by our actions, and by our ability to actually get things done. And Judge Mendelson has done an absolutely terrific job of leading our day-to-day efforts to operationalize the Equal Justice Recommendations and help us transform them into meaningful, concrete reforms to advance equal justice in the courts.

The process has been open and transparent manner, and supported by a knowledgeable, hands-on "Implementation Committee" of judicial leaders and court managers, and assisted by the many

dedicated court organizations and affinity groups that have done a remarkable job of facilitating an open, honest and much-needed dialogue on issues of racial justice within our court family. So, thank you to Judge Mendelson, and to her team, for guiding us through the critical early stages of our systemwide commitment to achieve equal justice in the New York State courts.

I also want to thank our Independent Monitor, retired Court of Appeals Judge Carmen Beauchamp Ciparick, for reviewing our Year in Review Report, evaluating the progress we have made and confirming that Secretary Johnson's report is "not collecting dust on a shelf," but rather is being faithfully implemented so that, in her words, the "goal of equal justice for all is far closer to becoming a reality today than it was just a year ago." Thank you, Judge Ciparick, for your service, and we look forward to your continued evaluation and review of our equal justice work.

And, obviously, that work is just beginning, and we have a long way to go to meet our equal justice goals, but I am encouraged, and I am energized, by the commitment and progress documented in our Year in Review Report. And I am especially proud of our judges and court staff for leading by example in their workplaces each and every day, making certain that everyone who appears before them, and

everyone they work with, is treated with the utmost fairness and respect.

The Year in Review Report demonstrates that each of you who represent the New York State Courts have answered the call to equal justice, and that we have rededicated ourselves to transforming our institutional culture. This is our highest priority.

And while we're on the subject of reports I want to thank our "Commission to Reimagine the Future of New York's Courts" for the latest reports issued earlier this month by the Working Groups on "Appellate Practice," and "Technology."

The Working Group on Appellate Practice, which is chaired by Rolando Acosta, Presiding Justice of the Appellate Division, First Department, has issued its second report on improving the efficiency and quality of our appellate justice services, a report that draws on the lessons learned from the successful transition of the four Departments of the Appellate Division to a virtual model early on in the pandemic. The report's principal recommendation is the creation of a comprehensive, integrated e-filing system, extending from the inception of a case to the appellate process, that would allow lawyers and litigants to retrieve previously filed documents in order to seamlessly compile the record on appeal.

Other recommendations include: completing the transition to e-filing for all case types in the Appellate Division; enabling the e-filing system to email counsel with timely notifications of changes in case status; as well as measures to expedite the assignment of appellate counsel and the production of transcripts in criminal appeals involving indigent defendants. We are grateful to the Working Group on Appellate Practice for their valuable report, and we look forward to working with the Presiding Justices of the Appellate Division -- Rolando Acosta, Hector LaSalle, Elizabeth Garry and Gerald Whalen -- to implement the Working Group's recommendations.

We are also grateful to the members of the Technology Working Group, co-chaired by Mark Berman and Sharon Porcellio, knowledgeable and respected practitioners, for issuing their second report with valuable findings and recommendations on how we can use technology to improve court operations and services in our almost 1,300 Town and Village Justice Courts across the state.

So, once again, I extend our sincere thanks and appreciation to the members of the "Commission to Reimagine the Future of New York's Courts." Under the leadership of Chair Hank Greenberg, the Commission has done an absolutely magnificent job of supporting our court system's efforts to modernize the delivery of justice, both during the public health crisis, and beyond.

So, again, thank you all 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.