

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

October 4, 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 systemwide mandatory vaccination program, which took effect at the close of business on Monday, September 27th. I am very pleased to report that we have had an excellent response from our judges, almost all of whom have submitted either proof of vaccination or a formal request for a medical or religious exemption. Kudos to every single one of them for setting the example for our entire branch of government and demonstrating their commitment and leadership in doing what is right and responsible to safeguard the health and safety of the folks they work with, and the many thousands of court users and visitors who enter our buildings.

We are also very encouraged by the fact that approximately 97% of our court staff who are not parties to the lawsuits brought by several of our court unions have also submitted proof of vaccination or requests for exemption.

And as to the lawsuits, we look forward to demonstrating that the vaccine requirement is fully within our legal powers as a responsible, appropriate and necessary response to the serious threat that COVID-19 poses to the health and safety of our workforce, and the public we serve. And while we hope that the legal challenges will be resolved shortly, it is important for everyone to know and understand that the employees represented by the unions that have secured temporary relief at this point will continue to undergo COVID testing on a weekly basis, so as to ensure a safe and healthy environment to the best of our ability.

So, overall, we are pleased with the progress of our systemwide health and safety protocols, and I want to express my thanks and appreciation to all of the judges and court staff who are in compliance with our protocols for their support and their cooperation. And as for the small minority resisting inoculation, we understand and respect

that they may have different views on this issue, but I want to make it absolutely clear that we have exhaustively studied, examined and discussed the vaccination question, and the bottom line is that all of the data and every factor we look at -- whether it relates to science and public health or law and ethics -- points to the same conclusion: vaccination of our judges and nonjudicial workforce is the responsible, proper and necessary course of action for our institution:

- First, we know that Covid-19 and its variants are highly transmissible, serious and often fatal, especially for the most vulnerable folks among us: our older population, people with compromised immune systems and children too young to be vaccinated;
- Second, the data from 185 million Americans who have been fully vaccinated indicates that the vaccines are extremely safe and effective at limiting serious illness and death from Covid-19, and now we have the Pfizer vaccine, which was given full approval by the FDA on August 23rd after many months of study;

- Third, our New York State judges exercise their power and authority to direct and command people to appear in their courtrooms every single day. And given that those individuals, whether they are defendants, litigants, lawyers, jurors or witnesses have no choice but to appear in our facilities, they deserve, and we have an obligation to provide them with, a safe environment in which their health and safety are not put at risk while they appear in court to resolve their legal cases and controversies.
- And, finally, we are a public-facing organization, and we depend on many types of in-person functions, including jury trials, to conduct our business and carry out our mission. Given this reality, there is simply no equally effective alternative to the vaccine to ensure that our courthouses are safe and healthy places for the delivery of justice.

So once again, we thank you for your patience and support, and for understanding that our actions are all about maintaining the safest possible environment for our court family and the public we serve, so that we can all get back to safely doing our jobs, and safely enjoying all

of the routines, activities and gatherings that bring joy and meaning to our personal lives.

So, with all that said, I will move on to other important matters. In my last message, I announced that Deputy Chief Administrative Judge George Silver was leaving the bench to pursue opportunities in the private sector, and I thanked him for his stellar service to our courts. Today, I am pleased to announce that Justice Deborah A. Kaplan has been appointed to succeed Judge Silver as our Deputy Chief Administrative Judge for the New York City Courts.

Effective next Monday, Judge Kaplan will be responsible for overseeing the day-to-day management of the trial courts in the City's five Boroughs. Judge Kaplan is a highly respected member of the Judiciary who brings a wealth of knowledge and experience to her new position, including her service as the Administrative Judge of the New York County Supreme Court, Civil Term; the Statewide Coordinating Judge for Family Violence Cases; and a trial judge with extensive experience sitting in the New York City Criminal Court and the Matrimonial Division of the Supreme Court in New York County.

Prior to joining the bench, Judge Kaplan held several high-level policy and managerial positions in the court system, including Chief Project Counsel for our Court Treatment Programs. Judge Kaplan also serves as the Co-Chair of the New York State Justice Task Force, a multi-disciplinary body dedicated to preventing wrongful convictions whose research and recommendations have laid the groundwork for important criminal justice reforms in our state.

She is a strong and experienced leader, a dedicated public servant, and the right person to move the New York City Courts forward during these challenging times. We look forward to working with Judge Kaplan as we navigate the continuing challenges of the pandemic and build on the forward progress we have made to expand access to justice and improve the efficiency and quality of our services under the Excellence Initiative.

Shifting now to our equal justice work, next Friday, October 15th, will mark exactly one year since Secretary Johnson issued his “Equal Justice Report and Recommendations.” And so, no coincidence, we will be holding our third virtual “Town Hall Meeting on Dismantling Systemic Racism in the Courts” on that day, from 12:30 to 2:00 PM.

This is the third installment of our ongoing dialogue on issues of racial and ethnic fairness in the New York State courts, and it will feature a special progress report from court leaders and managers, including Chief Administrative Judge Larry Marks and Deputy Chief Administrative Judge Edwina Mendelson, on the enormous amount of work that has been done, and continues to be done, to ensure fair and even treatment of everyone among us.

I want to thank the Co-Chairs of the Franklin H. Williams Judicial Commission, Judges Troy Webber and Judge Shirley Troutman, and the members of the Commission, for facilitating what has been an open and honest conversation about issues of racial justice within our court family. So, I hope that you will be able to tune in on the 15th, and contribute your comments and questions.

Now, we have made it a practice to recognize some of the dedicated members of our court family who have provided exemplary service to the courts during the pandemic. This week, we are proud to highlight Mary Stevens and Andrew Ugalde, Senior Court Clerks in the Orange County Supreme and County Court.

Working closely as a team, Mary and Andrew did an extraordinary job of implementing a new virtual technology platform that allowed Judges, lawyers, litigants and justice agency personnel to seamlessly participate in remote court proceedings in the Supreme and County Court. “Team Mary and Andrew” patiently guided and coordinated everyone’s efforts, training dozens of individuals on how to use videoconferencing technology and fielding endless phone calls on how to navigate the new virtual court protocols to obtain orders of protection, warrants, extraditions, and conduct arraignments, bail hearings and other essential proceedings.

Operating under great pressure and stress, including the untimely loss of Supreme Court Justice Stephen Milligram to COVID in April 2020, Mary and Andrew deserve all credit for preserving the continuity of operations in the Orange County Supreme and County Court during the pandemic. Like their fellow court clerks across the state, Mary and Andrew performed with the highest degree of competence, professionalism, patience and good cheer, earning them the undisputed title of “Team Extraordinary!” Thank you, Mary and Andrew.

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.