

MESSAGE FROM CHIEF JUDGE JANET DIFIORE

September 7, 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 hope that you and your families enjoyed a good holiday weekend in advance of what is certain to be a busy and challenging Fall as we all try to settle into the “new normal” in our workplaces, children’s schools and in our personal and professional lives.

As we leave Summer behind and enter the Fall months we are making some important and necessary changes to our health safety protocols in response to the steadily increasing COVID positivity rate driven by the Delta variant. Today marks the first day of our program of mandatory weekly COVID-19 testing for judges and non-judicial employees who have not yet submitted proof of their vaccinated status through our “Orange Card” program. Importantly, a detailed memo

from Nancy Barry and Justin Barry containing comprehensive information about the program was circulated to all judges and nonjudicial staff last week, on September 1st, and remains available for your reference.

In addition, as Chief Administrative Judge Marks officially announced back on August 25th, we will implement a systemwide mandatory vaccination program for judges and nonjudicial staff, effective Monday, September 27th. Under this program, absent a valid medical or religious exemption, all judges and nonjudicial staff will be required to provide proof of having received at least one dose of the vaccine by September 27th, with weekly testing required thereafter until two weeks after full vaccination. Judges and staff who receive a medical or religious exemption to the vaccine will be required to submit proof of COVID testing on a weekly basis, and exemption request forms are being made available this week.

Our decision to require immunization of judges and court staff was made following the FDA's full approval of the Pfizer vaccine, and our decision is fully supported by all of the science and public health guidance. We have determined that this is the best and most

responsible action that we can take at this time, in the face of the rapidly spreading COVID variants, and as part of our effort to protect the health and safety of our court family and ensure the safest possible environment for the many thousands of New Yorkers who visit and conduct business in our courthouses every day. And we are not alone in that belief, as many public and private employers are now following suit and requiring immunization of their workforces.

Once again, I want to thank you for your patience and support, and for understanding that we are implementing these health and safety measures for one reason and one reason only: to help keep ourselves, and all those around us, safe and healthy during these extraordinary times.

Shifting now to other important matters affecting our courts and the justice system. Next Monday, September 13th, I will be presiding over the 12th annual Public Hearing on Civil Legal Services in New York, and while it will be a hybrid hearing featuring both in-person and virtual presenters, the entire leadership of the courts will be joining me in-person at Court of Appeals Hall in Albany: Chief Administrative Judge, Larry Marks; the four Presiding Justices of the Appellate Division --

Rolando Acosta, Hector LaSalle, Elizabeth Garry and Gerald Whalen; and we will be joined by the President of the New York State Bar Association, T. Andrew Brown.

This year's public hearing will focus on the nature and extent of the "access gap" we are facing as a result of the pandemic, including how to meet the legal needs of the large number of tenants facing eviction, the legal problems of communities of color disproportionately impacted by the pandemic and the importance of bridging the digital divide for litigants seeking to access our virtual courts. The public hearing will inform our recommendations for future action to address these critical issues and ensure that all New Yorkers have access to needed legal services during and in the aftermath of the pandemic. The public hearing will be live-streamed on the court's website starting at 1:00 P.M., and I encourage you to tune in as your time permits.

As COVID-19 has compounded the legal needs of low-income New Yorkers, our Office of Justice Initiatives, led by Deputy Chief Administrative Judge Edwina Mendelson, has intensified *our* operational efforts to ensure court access for unrepresented litigants, especially those facing a "digital divide" in accessing our virtual courts.

For example, while we were compelled by the pandemic to temporarily suspend our “Court Navigators Program,” our program in which trained, non-lawyer volunteers personally guide unrepresented litigants through their court appearances in housing and consumer debt cases and connect them with essential court services and resources. In June, our Office of Justice Initiatives partnered with John Jay College to launch a “**Virtual** Court Navigator Pilot,” with students from the school’s public service “APPLE Corps” receiving training and supervision from court staff in order to assist unrepresented litigants in our virtual courts with child support, custody and visitation, divorce, housing and surrogate’s court matters. The “Virtual Navigators” guide litigants through their virtual appearances, help them complete necessary forms and connect them to essential services and resources.

We are very encouraged by the number of jurisdictions that want to expand the program and the positive feedback received from both court users and the Navigators themselves. One of our Virtual Navigators -- Astrid Rodriguez-Reyes -- told us, and I am quoting Astrid’s words: “Being able to communicate and help others throughout New York was a fulfilling experience . . . an experience that I will never forget and would love to do again... .” Well, as you might

imagine, we'd love to have Astrid and others like her back, to help us expand our virtual Court Navigators Program and restore our in-person model as soon as we can. And as you may recall, this is a model that was favorably cited by Secretary Johnson in his Equal Justice Report, and by the Commission to Reimagine the Future of New York's Courts, as an effective way for us to help unrepresented litigants navigate our courthouses and complex, often intimidating justice system.

So, thank you to Astrid, and to her fellow Virtual Court Navigators at John Jay, for their excellent service. And thank you as well to our outstanding court professionals whose leadership and oversight helped make this pilot program a success -- especially Lisa Zayas, Director of the Access to Justice Division at the Office of Justice Initiatives, and Shanté Thomas, Outreach Coordinator at the Office of Justice Initiatives.

Now, I am sure there are many judges and staff in our Supreme, Surrogate's and Family Courts who will be interested to know that the third annual "Indian Child Welfare Act Conference" will be held on September 24th. This year's conference, entitled "Bringing and Keeping Our Children Home," will offer the usual important updates on

issues affecting child welfare practice and litigation under the ICWA, as well as special presentations focused on the tragic legacy of Indian Boarding Schools, and the recent revelations of unmarked children's graves near those schools in Canada, and here in the U.S.

If you wish to register and attend this year's conference, please be sure to review the instructions in the OCA Broadcast email that went out to judges and staff on September 2nd.

Not many people know that New York ranks 10th nationally in terms of the size of our indigenous population, or that 8 different Indian nations reside and exercise their sovereignty within our borders. Fortunately, our court system has been a national leader in improving the administration of justice for our tribal nations, and that work has been done through the efforts of our Unified Court System "Tribal Courts Committee," co-chaired by Acting Supreme Court Justice Robert Main, Jr., and Supreme Court Justice Mark Montour, as well as through our active participation in the New York Federal-State Justice Forum. We've led the way in educating judges and court staff, child welfare practitioners and tribal justice officials about the ICWA, and working with New York's Indian Nations to ensure an appropriate tribal role in

Family Court decisions involving the best interests and placement of Indian children through the child welfare system.

And now, finally, on a more somber note, I hope that each of you will be able to take a few minutes on Friday to join us as we commemorate the “20th Anniversary of 9-11” and honor and remember our three Court Officer heroes -- Captain William “Harry” Thompson, Sergeant Mitchel Wallace and Sergeant Thomas Jurgens – three of our Officers who gave their lives, along with so many of their fellow first-responders, in order to rescue and protect innocent victims at the World Trade Center.

This year, to honor their service and sacrifice, we will debut a remarkable video documenting the personal recollections of eight of the Court Officers who were awarded “Medals of Valor” in 2002 by Chief Judge Kaye for their heroic actions at the World Trade Center on the morning of 9/11. I’m sure that you won’t want to miss this year’s 20th Anniversary Commemoration, which will be live-streamed on our UCS website, beginning at 11:00 a.m. on Friday. Please make the time to join us then.

So that concludes this week's message. Thank you all again for "tuning in," and for staying disciplined in doing all that you can and should be doing to keep yourselves and those around you safe.