

## **MESSAGE FROM CHIEF JUDGE JANET DIFIORE**

**September 20, 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 COVID-19 testing program for judges and non-judicial employees who have not yet submitted proof of their vaccinated status through our “Orange Card” program. Now entering its third week, the program is by all reports going smoothly, with supervisors and court staff working together to coordinate weekly testing schedules so as to minimize the impact on court operations. So, we are pleased with the progress of the weekly testing program, and we appreciate everyone’s cooperation.

We are also encouraged by the very large number of judges and court staff who have shown proof of vaccination as we approach Monday, September 27th, the first day of our systemwide mandatory

vaccination program for all judges and nonjudicial staff. As you know, absent a valid medical or religious exemption, all judges and staff are required to submit proof of having received at least one dose of a COVID-19 vaccine by September 27th.

Separate memos addressing the procedures that need to be followed to submit proof of vaccination were circulated on Friday, September 10th -- one to all Judges from Chief Administrative Judge Lawrence Marks, and another to all non-judicial personnel from Nancy Barry and Justin Barry. Attached to the memos were the official exemption forms that must be submitted by employees with underlying medical conditions that make receiving a COVID-19 vaccine unsafe for them, and by those employees with sincerely held religious beliefs or practices that prohibit them from receiving the vaccine. And the deadline for submitting those forms is 5:00 P.M. on Monday, September 27th.

I want to express my thanks and appreciation to the many thousands of judges and court staff who have submitted proof of vaccination. This is the most important, and responsible action that we can take right now to protect the health and safety of everyone around

us. Getting immunized can literally save the lives of those around us who are most vulnerable to the virus, especially among our older population, who we know are at the highest risk of developing serious symptoms, as well as the many young children who are currently ineligible to receive the vaccine.

So once again, thank you for your patience and support and for understanding that we are implementing these health and safety measures, in unison with countless other public and private employers, in order to maintain the safest possible environment for every member of our court family and for every member of the public who visits or conducts business in our court facilities across the state.

One of the hardest challenges of navigating this pandemic has been the sheer mental and emotional fatigue caused by 18 months of non-stop change and disruption in our personal and professional lives. And so I do think it's worthwhile to take a step back and remind ourselves about all that we've been able to accomplish working together to keep our courts open and functioning. And so, I want to bring to your attention a new project that helps us do just that. Launched last week by the Historical Society of the New York Courts,

it's called "Dispensing Justice From a Distance," and it is a remarkable archive of nearly 40 interviews documenting the personal accounts of judges and court staff, including many of our public safety and I.T. professionals, who were at the forefront leading our efforts on the ground to keep our courts open and functioning, both virtually and in-person, during the pandemic.

As I've said before, the transformation of our court system from a massive, complex, in-person operating model into a functioning virtual model capable of safely providing access to justice in the midst of an unprecedented public health crisis was an absolutely incredible achievement. And this unique archive brings our achievement to life through these recorded personal accounts. You can access the archive on the court system's home page under "Latest News" or "What's New" or by going directly to the Historical Society's website.

I want to thank the Society's President, our former Chief Judge, Jonathan Lippman, and its Executive Director Marilyn Marcus, for creating an enduring testament to the ingenuity and resilience of our judges and court staff in responding to the challenges of the pandemic.

Now, one of the judges who played a pivotal role in leading our response was our Deputy Chief Administrative Judge for the New York City Courts, George J. Silver, who I am very sad to report has decided to leave us and retire from the bench at the end of this month to pursue exciting opportunities in the private sector.

Judge Silver was a stellar trial judge, widely respected for his ability to efficiently manage and resolve the cases on his docket. Over the years, Judge Silver excelled in every challenging assignment he was asked or volunteered to take on, everything from presiding over the Trial Assignment Part in New York County Supreme Court to leading a pilot program on early settlement of medical malpractice cases.

In July 2017, when it came time to fill the critically important position of Deputy Chief Administrative Judge, there was no question that Judge Silver was the right person to lead the Excellence Initiative in our very busy New York City trial courts. And sure enough, we made historic progress under his leadership: slashing backlogs, improving case processing times, implementing presumptive early ADR and upgrading the quality and efficiency of our justice services.

When COVID-19 struck our court system and communities, Judge Silver worked, literally, around the clock to lead the team of judges and court professionals who accomplished our amazing transition from in-person to virtual. And month after trying month, Judge Silver continued to lead from the front, implementing health and safety protocols and guiding the safe resumption of in-person operations, including grand jury operations and in-person civil and criminal jury trials throughout all five boroughs of New York City.

And through it all, Judge Silver was a beacon of strength for all of us, inspiring everyone around him with his unshakeable commitment to keeping the New York City courts open and accessible, his passion for ensuring equal justice and his genuine care and concern for the emotional well-being of his colleagues and staff. Remarkable, remarkable leadership!

Judge Silver, you will be missed, but we will always be grateful to you for leaving our court system a better place. On behalf of our entire court family, I thank you for your excellent leadership and service, and I wish you every success in all of your future endeavors.

Now from time to time, I have highlighted the exemplary work of our court organizations dedicated to improving the administration of justice. And this week, I am proud to highlight our “New York State Judicial Institute on Professionalism in the Law,” a permanent commission of judges, lawyers and legal educators -- led by distinguished lawyer and public citizen, Paul Saunders -- that is dedicated to fostering the highest standards of professional conduct among the members of the legal profession.

On October 14th, from 11:00 a.m. to 4:00 p.m., the Institute will sponsor an important virtual Convocation entitled, "Watchdogs or Lapdogs? The Ethical Challenges Facing Government Lawyers." Featuring the participation of extraordinary and accomplished professionals with decades of public service experience, including Loretta Lynch, former United States Attorney General; Paul Clement, former Solicitor General of the United States; and Neal Katyal, former Acting Solicitor General. The Convocation will focus on the unique ethical challenges and potential conflicts facing government lawyers.

I want to thank Paul Saunders and the members of the JIPL, as well as Hank Greenberg and the members of our Commission to Reimagine the Future of New York’s Courts, for coming together to

sponsor this timely and much-needed assessment of the ethical role and responsibilities of governments lawyers. Anyone interested in attending the Convocation should email the Institute at [professionalism@nycourts.gov](mailto:professionalism@nycourts.gov) to request an invitation. I hope that you can tune in as your time permits.

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.