



PRESS RELEASE

**New York State
Unified Court System**

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Chief Judge DiFiore Delivers 2021 State of Our Judiciary Address

ALBANY, NEW YORK—Appearing virtually from Court of Appeals Hall, Chief Judge Janet DiFiore today presented her annual State of Our Judiciary, during which she addressed the many challenges faced by the New York State courts amid the COVID pandemic, lauded the court system’s judges, nonjudicial staff and justice partners for their extraordinary perseverance over the past year, and underscored the technological advances and other positive innovations spurred by the public health crisis.

“It was almost exactly a year ago today that I delivered the 2020 State of Our Judiciary Address here at Court of Appeals Hall in Albany. Of course, this majestic courtroom was filled ... 2021 was dawning with great promise and potential for the New York State courts,” the Chief Judge began, recalling that barely two weeks later New York became the epicenter of the COVID pandemic. “We suffered the loss of loved ones, friends and colleagues; the economy was savaged; and the virus forced our courts to transform how we operate and deliver our services. While it was immediately obvious that we had to make dramatic changes in our operating model, closing the courts was never an option for us.”

Judge DiFiore spoke proudly of the court system's statewide transition in the ensuing weeks to a functioning virtual model "capable of providing court access in the broadest range of cases," later adding, "And it was accomplished in record time, through excellent planning and execution by our leadership team; with the support and cooperation of the bar and our many justice partners; and because of the incredible commitment, dedication and ingenuity of our judges and professional staff, especially our professionals in the Division of Technology."

The Chief Judge also discussed the court system's preparations thereafter for the safe resumption of in-person operations. "Our commitment to and consistency in following the best safety practices and public health guidance paid off quickly and enabled us to resume some in-person proceedings," she said. Pointing out that the court system was compelled to pause its resumption of in-person trials with the resurgence of the virus in mid-November, Judge DiFiore added, "We are still conducting the vast majority of court business virtually, but with the second wave of the virus subsiding we are in the process of summoning trial jurors back to our courthouses in order to resume a limited number of in-person civil and criminal jury trials statewide."

Observing that every crisis gives rise to opportunity, she described the virtual court model, which began as a stopgap solution, as "a transformative opportunity for the future of our courts," adding, "And we will continue to work with our technology experts, the bar, all of our stakeholders, the Commission to Reimagine the Future of New York's Courts and the Permanent Commission on Access to Justice to maximize our expertise and strengthen our capacity for effective and appropriate virtual operations."

Continuing her focus on court operations, Judge DiFiore reported that the courts are now remotely conferencing "well over 20,000 cases weekly ... settling cases, referring matters to virtual alternative dispute resolution, hearing motions, and conducting over 1,000 virtual bench trials and evidentiary and fact-finding hearings each week." She also noted that "every individual arrested and held in custody since the beginning of the pandemic has been expeditiously arraigned by a judge."

Judge DiFiore, discussing the court system's proactive response throughout the pandemic "to provide access to the courts, move cases to resolution and avoid the build-up of backlogs," cited some of the measures taken since the onset of the public health crisis. Among such steps, 11 virtual intake parts were established in New York City Family Court to meet the immediate needs of children and families; special parts were created to process the backlog of unindicted felony complaints awaiting grand jury presentation in New York City; and the use of alternative dispute resolution has continued to expand statewide.

With 2020 a turning point nationally in matters of racial justice, the Chief Judge called upon former Secretary of Homeland Security Jeh Johnson to lead an independent review of the court system to help identify and eliminate all forms of racism, bias and disparate treatment. This past October, Secretary Johnson and his team issued a comprehensive report with practical recommendations.

In her address, Judge DiFiore said that the court system has "fully embraced" Secretary Johnson's recommendations and is in the process of implementing them "in a manner that is designed to be inclusive, open and transparent," adding, "Our approach to bias, discrimination and harassment is, and will be, for as long as I have the privilege of serving as your Chief Judge, zero tolerance."

Keeping within the context of equal justice, she talked about the court system's ongoing efforts to narrow the justice gap, including its work to close the "digital divide" facing many New Yorkers who are unable to access the courts and court services remotely because they lack adequate data plans, high-speed Wi-Fi or basic computer hardware. "We are working to bridge the digital divide through innovative initiatives like the Faith-Based Remote Access Centers located in houses of worship in Westchester County ... a smart and special collaboration with faith leaders to establish safe and convenient locations where unrepresented litigants can receive remote legal services, file court papers and participate in virtual proceedings," she said, noting that the courts' Office for Justice Initiatives is partnering with the Center for Court Innovation to create such sites across New York City.

During her address, Judge DiFiore raised the issue of New York's deep budget deficit and its impact on the Judiciary, which has already absorbed an unprecedented 10 percent reduction in planned spending. "We had to make some very difficult decisions, including instituting a strict employee hiring freeze ... deferring certain payments, eliminating all non-essential discretionary spending ... and, for this year, denying all but three of the application of Supreme Court Justices who requested certification to remain on the bench for additional two-year terms beyond age 70. The sum of these actions has allowed us to ...move forward without laying off any members of our court staff," she said, cautioning that any additional reductions would lead directly to layoffs, which "will harm court operations and reduce court services at the worst possible time ... aside from the human toll that would exact on our staff members losing their jobs in the middle of a historic pandemic." While hopeful that the State's fiscal situation will improve, the Chief Judge emphasized the need for the court system to continue to plan and prepare for challenging times.

Additionally, she underscored the urgency to simplify the court system's complex trial court structure, describing it as outdated, inefficient and harmful to the interests of communities of color. "Our constitutional proposal to simplify the structure of our trial courts will go a long way toward addressing these undeniable disparities in our present system ...creating streamlined statewide superior and municipal courts that will provide us with the flexibility necessary to allocate our resources most efficiently," she said of the plan, which would consolidate New York's 11 different trial courts into a simple three-level structure, eliminating jurisdictional barriers to justice.

Looking to the challenges ahead, Judge DiFiore noted with optimism, "Our judges and staff have gained new expertise and skills, and we are eager and excited to apply the lessons we have learned to move our courts forward and resume the great progress we were making under our Excellence Initiative."

In closing, the Chief Judge expressed her sorrow over the lives lost to the pandemic and her gratitude to the court system's judges and staff for "their shining commitment to our mission of delivering justice and upholding the rule of law," also thanking the bar for their contributions.

In previous, in-person State of Our Judiciary addresses, Judge DiFiore traditionally singled out those in the audience who deserved special recognition for their outstanding contributions over the past year. Instead, with this year's format being virtual, the webcast of the Chief Judge's address is being followed by a credit roll, acknowledging the many individuals whose extraordinary dedication and leadership enabled the court system to navigate unprecedented challenges amid the pandemic. "To all of you, I say thank you, God bless you. Your service has made a difference," she concluded.

The webcast of the Chief Judge's State of Our Judiciary address is available at:

<https://ww2.nycourts.gov/admin/stateofjudiciary/index.shtml>

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