

## **MESSAGE FROM CHIEF JUDGE DIFIORE**

**June 8, 2020**

Thank you for taking the time to hear our update regarding the latest COVID developments affecting our courts and the justice system.

As of today, New York City has entered into Phase 1 of Governor Cuomo's regional, phased-in plan for the economic reopening of our state, and by Wednesday, our judges, chambers staff and designated court personnel in every region of the state will be back at work in their assigned courthouses.

This marks a major milestone in our continuing recovery from COVID-19, and especially so for New York City. We owe a great debt of gratitude to the frontline healthcare heroes who provided urgent medical care to those stricken with the virus; to all of the essential workers, including our very own Court Officers and Court Clerks, who kept on reporting to work to support the delivery of vital services; and to all New Yorkers who stayed unified and disciplined in flattening the curve and protecting and supporting each other.

Last Wednesday, June 3rd, our courts in the upstate regions encompassing the 5th, 6th and 7th Judicial Districts transitioned to Phase 2, followed on Friday, June 5th, by the 4th and 8th Judicial Districts.

Under Phase 2, essential family matters are being conducted in-person and heard by assigned judges in their courtrooms, with other matters continuing to be heard virtually. The goal of Phase 2 is to safely increase courthouse foot traffic in a gradual, controlled manner in order to begin returning to in-person operations, while doing all we can to prevent the spread of COVID-19.

We are limiting the number of people present in our courthouses at any given time through the staggered scheduling of court appearances, court calendars and courtroom usage. We are requiring lawyers, litigants, justice partners and members of the public entering our courthouses to wear masks and follow physical distancing requirements, and we are maintaining all of the other safety measures implemented in Phase 1 to protect public health and safety. Finally, we are modestly increasing our staffing to support necessary in-person administrative functions and increased foot traffic.

With regard to New York City, even though as part of Phase 1 our judges and a limited number of staff will be back at work in our courthouses, they will be conducting court business through virtual technology in order to keep courthouse traffic down and minimize the risk of community transmission during this initial start-up period. For unrepresented litigants who lack the technology to access our virtual services, we have set aside courthouse space where they can safely access essential court services.

At the same time that we have been moving forward with our gradual return to in-person functions, our criminal courts, especially in New York City, have been dealing with the challenge of processing hundreds of daily arrests stemming from the protests over the tragic death of George Floyd at the hands of the Minneapolis police on Memorial Day.

Despite the high volume of arrests, our courts were ready, and performed admirably, in arraigning all of the defendants who appeared in our virtual parts. In response to the protests, and in order to be prepared, we doubled our virtual arraignment parts in Manhattan and implemented additional evening and overnight arraignment parts as needed. I want to thank Administrative Judge Tamiko Amaker, and our

criminal court judges in New York City, for stepping up to handle this challenging surge of additional cases. They did an outstanding job.

And so, to recap. As of Wednesday, our entire court system will be engaged in either Phase 1 or Phase 2 of our gradual restoration of in-person operations, depending on the region of the state. And in every one of those regions, our Administrative Judges are closely monitoring the volume and flow of courthouse traffic, making necessary adjustments and carefully planning for the next phase of in-person services and operations, including Phase 3 in some of our upstate regions.

We are confident that our approach of incrementally opening the valve to additional in-person activities and courthouse traffic is the smartest way to deal with the reality that COVID-19 is still a presence. Because until a vaccine is available, no one really knows what will happen as restrictions are eased and more and more people come into contact with each other on a regular basis. And we've all come much too far since the dark days of March and April to move forward carelessly and risk another resurgence of the virus; so, hence, our careful, methodical and deliberate approach to reestablishing our in-court operations.

I turn now to our efforts to administer the bar exam in September. As previously reported, our normal seating capacity has been significantly reduced due to the health concerns and related constraints within which we must operate. While it is not possible to seat all candidates who want to take the exam in September, the New York State Board of Law Examiners has been accepting applications on a rolling basis as space permits, starting with first-time exam takers with degrees from New York law schools. A second registration period is now in effect for first-time exam takers with J.D. degrees from ABA-accredited law schools outside New York state. That period ends this Friday, June 12, at 10 a.m.

While we are working to seat as many candidates as possible, our foremost concern is ensuring the health and safety of every individual who participates in the bar exam, and so all of our decisions are being made on the basis of the latest public health and safety guidance. I want to thank my colleague, Associate Judge Michael Garcia, the working group he has been leading in this area, and the members and staff of the Board of Law Examiners, for their hard work in addressing the complex logistics of administering a two-day exam to thousands of candidates around the state in the midst of a public health crisis.

So, with all that said, this has been another week of encouraging progress in our emergence from the pandemic -- a week marked by the remarkable story of Sergeant Darrell Cross, who returned home last Thursday after a long bout with COVID-19 that nearly took his life. Our entire court family has been inspired by Sergeant Cross's recovery. He is truly "New York tough"-- a symbol of the resilience and hope that has gotten our City and our State through a very difficult period.

But while we are hopeful for the future, let's remember that our road to recovery -- like Sergeant Cross's -- will be a long one, and that we cannot afford to relax or let down our guard.

So, let's continue to move forward in the smart and prudent manner that has been charted, and let's be careful and disciplined in protecting ourselves and keeping everyone around us safe and healthy.

Thanks again for your time, and please stay tuned for additional updates.