

## MESSAGE FROM CHIEF JUDGE DIFIORE

April 6, 2020

Once again, I'd like to take a few minutes to provide an update to our court family, the Bar and the entire legal community on the status of the New York State Courts during this ongoing coronavirus pandemic.

My first thoughts, of course, are with all of you. And I do sincerely hope that you and your families are staying safe and healthy, and that you are protecting yourselves and doing what is necessary to protect those around you. By now, most of us have been affected by the virus in one way or another, including family members, friends and colleagues who have become ill, hospitalized or, sadly, even passed away. We are keeping all of you, and your loved ones, in our thoughts and prayers while we continue to stay positive, productive and help and support each other through this difficult time.

The coronavirus has stunned us all, spreading with lightning speed and changing every aspect of our lives, literally overnight. It's hard to believe that Governor Cuomo's statewide stay-at-home order directing nonessential workers to work from home took effect only two short weeks ago.

It seems incredible but here we are, two weeks later, in a completely new and different place, with virtual court operations to process essential and

emergency matters up and running throughout the entire system covering each of our 62 counties.

Our transformation to a virtual court system has made it possible for the participants in these proceedings to appear remotely via Skype, and it has allowed us to dramatically reduce the number of people in our courthouses in order to protect public health and safety. Our operation still requires a very small number of our court clerks and court officers to staff the virtual parts to process necessary paperwork, troubleshoot technology issues and provide essential security in our buildings. We are deeply grateful to the dedicated men and women who continue to report to work so that we can deliver justice services at this critical time.

Our ability to implement a statewide system of virtual court operations in just two weeks' time is an extraordinary accomplishment. To the judges and professional staff, especially our IT team, who worked around the clock to make this happen, I have said this before, and I will say it again and again: we can never thank you enough.

But like all of you, I do look forward to the day -- and hopefully that day will come very soon -- when we can look back on this incredible accomplishment and properly recognize the hard work, resourcefulness and sacrifices of not just our IT team but everyone who is doing their part to help us navigate through this extraordinary period. But in the meantime, please know that you all have our respect, our admiration and certainly our gratitude.

So, now that we have established the framework for a statewide virtual court system that can handle essential matters in a prompt and careful manner, we have turned our attention to the rest of our caseload.

We have had discussions with leaders of the Bar in tort, matrimonial, family, commercial and other important practice areas. We understand the desire, and the necessity, of expanding our operation to provide lawyers, their clients and the self-represented with needed relief in their pending matters -- and we are working and moving forward to address this need.

At the same time, I will tell you that I am hearing every day from our judges and professional staff. They, too, are very anxious to get back to work and do their part to make sure that our court system continues to meet the needs of our court users.

We are working on a plan, which will be announced in the coming days and implemented next week, to expand our virtual operation beyond the limited category of essential and emergency matters.

While the details of the plan will be shared with everyone as soon as we finalize it, in short:

Judges will be asked to schedule and conduct compliance and settlement conferences in pending matters by video or telephone with the goal of resolving outstanding issues, moving cases closer to final resolution and, wherever possible and appropriate, facilitating settlements.

In addition, judges and legal staff will maximize this opportunity and prioritize the resolution of undecided matters while working from home. Even though we cannot conduct trials or complete other aspects of our business right now, this is our opportunity to cut into the motion backlog, which is quite large in

some jurisdictions. By resolving our motion backlog now, we will put ourselves in a better position to resume normal operations at full speed.

We are also working on similar plans for our appellate courts.

And please rest assured that we will continue to work with the organized bar, the law school community and all of our partners in the justice system to address the other challenges that have been presented, including:

- Marshalling the legal profession's pro bono resources and preparing to supplement the response to what will very likely be an enormous surge in demand for civil legal services created by the economic disruption of the pandemic; and
- Working toward a successful administration of the bar exam on September 9 and 10, with backup plans in development for other eventualities.

As we have learned from the public health experts, we have yet to reach the apex of this pandemic. But it is important for the public to know that whatever happens our courts will remain open for business. Within the guidelines issued by the authorities, we will continue to carry out our mission as the third branch of government -- delivering justice and upholding the rule of law.

Please take good care of yourselves and your families. Stay safe, stay home, and be disciplined in doing your part to stop the spread of this awful enemy.

God bless all of you and your loved ones -- and please stay tuned for further updates. Thank you.