



PRESS RELEASE

**New York State
Unified Court System**

**Hon. Lawrence K. Marks
Chief Administrative Judge**

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Chief Judge DiFiore Delivers 2022 State of Our Judiciary

ALBANY, NEW YORK—Appearing virtually from the Court of Appeals, Chief Judge Janet DiFiore today presented her sixth annual State of Our Judiciary, addressing the pandemic-related challenges still facing the Court System, the significant progress achieved over the past year by courts statewide and the work ahead in eliminating barriers to equal justice and ensuring a fair, inclusive workplace.

“We continue to navigate our way through this historic pandemic ... but, in spite of, or perhaps even because of the challenges presented, we also have experienced growth and positive change,” said Chief Judge DiFiore, in opening this year’s address.

Discussing the return last May of all judges and court staff to their assigned courthouses, Judge DiFiore noted that at every step “we prioritized the health and safety of all who entered our buildings. We adopted and enforced stringent health and safety protocols,” which included the establishment this past September of a statewide mandatory vaccine policy.

She went on to describe the current phase as a “reset” period, stating, “Our workforce is effectively fully vaccinated. We know how to safely navigate the challenges of the

pandemic. And we have developed a powerful and productive new hybrid operating model to help us manage our dockets and deliver justice services as effectively, efficiently and safely as possible.” Adding that the Court System is “poised and prepared” to resume the progress made under the banner of the Excellence Initiative and return to its “pre-pandemic focus on effective management principles,” the Chief Judge said, “The story of last year’s State of Our Judiciary was the heroic and resilient efforts of our court family to keep the courts open and functioning in the midst of an unprecedented public health crisis. The story of this year’s State of Our Judiciary is how our judges, staff and court leaders have risen above the day-to-day pressures of the pandemic not only to resume our singular focus on achieving operational and decisional excellence but also to set their sights on historic reforms to maintain the public’s trust and confidence in our courts and the broader justice system.”

In June 2020, Judge DiFiore asked distinguished attorney and former Secretary of Homeland Security Jeh Johnson to conduct an independent review of the Court System’s policies and practices relating to issues of racial equality and justice within the court system. Based on his findings, Secretary Johnson issued a comprehensive report that, while commending the Court System’s judges and staff for their commitment to equal justice, identified significant issues in need of reform, including the “second-class” treatment of people of color in the State’s high-volume courts, and the need for greater diversity and inclusion within the judiciary and Court System workforce. The Chief Judge dedicated much of this year’s address to the courts’ efforts to remedy such inequities.

“We made it an urgent priority to focus our attention and resources on correcting the harmful policies and institutional practices identified in the report ... The effort we have undertaken is a continuous, ongoing process that requires constant improvement and vigilance,” she said, outlining some of the reforms implemented to date, including the adoption of mandatory racial bias training for all judges and non-judicial staff; the adoption of a social media policy that clearly delineates the boundaries on what constitutes biased conduct; refinements to the courts’ human resources interview, examination and hiring practices to ensure they reflect and effectuate the Court

System's commitment to diversity and inclusion in its workforce; and the adoption of initiatives that aim to foster trust between Court Officers and their local communities, among other measures.

Judge DiFiore lauded Deputy Chief Administrative Judge Edwina Mendelson and her team of judicial leaders for vigorously leading the implementation efforts. "We are grateful to them and the many dedicated court organizations and affinity groups, including the Franklin H. Williams Judicial Commission and the Office of Diversity and Inclusion," she said, later adding, "Our work is just beginning ... And for so long as I have the privilege of serving as Chief Judge, we will not rest on ... empty platitudes ... We will work tirelessly ... on changing the identified institutional policies, rules and practices that perpetuate inequities in our courts."

Alluding to Secretary Johnson's findings of a "second-class system of justice" and "dehumanizing" and "demeaning" culture in our over-burdened housing, family, civil and criminal courts," Judge DiFiore called upon all three branches to work together to streamline the New York courts' "outdated, fragmented and needlessly complex trial court structure." She noted that the current trial court structure forces vulnerable New Yorkers to pursue their related legal issues before different judges in multiple courts, which she said leads to "more court appearances ... more lost work days, more childcare and transportation expenses, more stress and frustration, and, certainly, less trust and confidence in our courts and the justice system."

Streamlining the present trial court structure will require amending Article VI of the New York State Constitution, with Judge DiFiore announcing that the Court System recently submitted a proposal to the Legislature that would amend Article VI "to achieve the vital goals of creating a modern, streamlined and equitably structured court system consisting of a single statewide Supreme Court, a single statewide Municipal Court and the Town and Village Justice Courts located in jurisdictions throughout the state." Further, she reported that a court simplification bill is being introduced in the Assembly, sponsored by Assembly member Charles Lavine, and in the Senate, sponsored by Senator Brad Hoylman. "We are grateful to the bill sponsors and to Assembly Speaker Carl Heastie and Senate Majority Leader Andrea Stewart-Cousins for their

consideration of our court simplification proposal. We look forward to gaining their support and that of Governor Hochul,” she said.

During her address, the Chief Judge also pointed to the pressing need to increase the compensation of 18-B lawyers who, assigned to represent indigent criminal defendants as well as parents and children in Family Court, have not received a salary rate increase since 2004—which “has led to a statewide mass exodus from the pool of qualified assigned counsel who are available to take on new assignments.” “This situation not only impairs court operations but harms countless litigants who are subjected to delays in the assignment of counsel, repeated adjournments ... and an overall substandard quality of representation,” she said, commending Senator Jamaal Bailey for introducing a bill that would increase 18-B rates from \$75 per hour to \$150 per hour for felonies and family court matters, and from \$60 per hour to \$120 per hour for misdemeanors.

In closing, Judge DiFiore paid tribute to the Court System’s administrators, judges, professional staff, stakeholders and justice partners for their ongoing commitment, stating, “As I stand before you today, our Court System is strong ... stronger ... than it was 12 months ago and ... 24 months ago, before the onset of COVID-19 ... We are returning to full in-person operations and ready to resume the forward progress we made under the banner of the Excellence Initiative in pursuit of operational and decisional excellence and equal justice for all.”

The video of the Chief Judge’s address and a full report are available on the Court System’s website at:

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

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