



PRESS RELEASE

New York State
Unified Court System

Hon. Lawrence K. Marks
Chief Administrative Judge

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Chief Judge DiFiore Announces Overhaul of NYC Housing Court, New Plans to Address NY’s Opioid Crisis and Justice Gap, Among Other Reforms, in Second Annual State of Our Judiciary Address

Albany, New York – Chief Judge Janet DiFiore today in Albany delivered her second annual State of Our Judiciary address, announcing a range of new court system reforms to improve the quality of justice services in New York State, including key changes to the New York City Housing Court that were spurred by a panel she appointed last year.

The Special Commission on the Future of the New York City Housing Court, designated in 2017 by Judge DiFiore to devise a blueprint for the future of this high-volume court, just released a report with its recommendations (attached), which center on improving Housing Court facilities and instituting procedures to reduce overcrowding and promote orderly, expeditious proceedings.

In today’s address, Judge DiFiore stated, “We are wasting no time in implementing the Commission’s excellent recommendations. Chief Administrative Judge Lawrence K. Marks will lead a group of high-level judges and court managers. This group will follow through on major structural and operational changes, adoption of new court rules and legal forms, relocation and redesign of facilities, access to justice enhancements, and expanded technology and alternative dispute resolution.”

The Commission's report comes at a critical time in the history of the Housing Court, with the New York City Council having enacted the Universal Access to Legal Services Law, which when fully implemented over five years will provide free legal representation to all low-income tenants facing eviction.

In today's speech, Judge DiFiore also addressed the State's opioid crisis, noting the success of the Buffalo City Court's recently launched Opioid Treatment Intervention Court – the first of its kind in the nation – where prosecution of cases is suspended at arraignment for those who enter treatment immediately. “Recognizing that this court holds great promise for the rest of the State, we asked the New York State District Attorneys Association to reach out to the defense bar and the treatment community to formulate a Statewide Opioid Action Plan that incorporates the latest knowledge and best practices in this field to guide our courts, the broader justice system and the treatment community in fashioning more effective responses for defendants caught up in the deadly cycle of opioid abuse,” she announced.

Additionally, she spoke of the new Overdose Avoidance and Recovery Track (OAR) that opened several weeks ago in New York City Criminal Court in the Bronx, which is tailored to offenders at high risk of opioid overdose, linking them to immediate treatment and giving them a chance to stay out of jail and rebuild their lives. The OAR model allows for the defendant, with the consent of all parties, to enroll in an individualized treatment program before a plea is entered. “The protocol adopted in Bronx County highly incentivizes treatment as the District Attorney has agreed, where no new arrests occur while the case is pending, and upon completion of treatment, to dismiss the case and have the record sealed,” she said, reporting that the OAR approach will be expanded citywide.

New York's justice gap was another issue underscored in today's address, with Judge DiFiore announcing a strategic action plan – spearheaded by the Permanent Commission on Access to Justice, with a grant from the National Center for State Courts – to enhance access to justice for all New Yorkers, regardless of income, background or special needs. Judge DiFiore said the action plan includes the launch of a pilot project in Suffolk County that will “spawn local strategic plans around the State, with the goal of knitting those plans together into an overall statewide network that makes the most effective use of all available resources.”

Judge DiFiore also discussed the ongoing progress of her signature Excellence Initiative, a comprehensive plan begun in 2016 to eliminate case delays, attain excellence in every facet of

court operations and improve the quality of justice services systemwide. “After almost two years of this sustained and intensely-focused attention to court operations, I am pleased to report that outside New York City our cases are being resolved more efficiently and promptly, and our backlogs are shrinking rapidly. In New York City, we have made significant progress in many of our highest volume courts and our leadership team has made operational changes to set the stage for further improvement in those courts where we need to do better,” she said.

Among the successes she highlighted today were a 61 percent reduction in the oldest pending misdemeanor cases in New York City; reductions in the oldest pending felony cases of 91 percent in the Ninth Judicial District, 77 percent in the Seventh Judicial District, 65 percent in Suffolk County and 56 percent in the Fourth Judicial District.

Judge DiFiore also reported noteworthy reductions in civil case backlogs both in and outside New York City, including a 36 percent reduction in Brooklyn, a 30 percent reduction in Queens, a 69 percent reduction in Nassau County, a 57 percent reduction in the Third Judicial District, a 49 percent reduction in the Fifth Judicial District and a 37 percent reduction for foreclosures alone in the Eighth Judicial District.

Additionally, the Chief Judge noted further steps being taken to improve the delivery of justice in felony cases in New York City. She announced a new program that, where appropriate, would allow the defendant to waive the right to a grand jury, as allowed by the Constitution, instead resolving the case via the use of a Superior Court Information (SCI), a written accusation of charges against the defendant.

SCIs are used widely in many other areas of the State, providing for early, expanded discovery – and giving defendants the opportunity and the information they need to make intelligent decisions about whether to plead guilty or go to trial. For instance, in Westchester County, the use of this approach has been a major factor in drastically reducing felony case backlogs.

Judge DiFiore reported that this past December a court part was established in New York County – and in the coming weeks court parts will be established in Brooklyn and the Bronx as well – to pilot the increased use of SCIs. She expressed her gratitude to District Attorneys Darcel Clark, Eric Gonzalez and Cyrus Vance, and to the defense bar and the court system’s judges and staff, for their earnest support of the pilot “to promote the imperatives of speedier justice, a fairer

process for the accused, more efficient use of limited resources, and fewer defendants in pretrial detention in Rikers and local jail facilities.”

Judge DiFiore also addressed the court system’s ongoing efforts to leverage technology to streamline operations, promote efficiency and enhance public access to the courts. For example, in New York’s Surrogate’s Courts, which handle the administration of estates in addition to other sensitive matters, technology will soon play a key role in improving operations and enhancing the quality of justice.

“The Surrogate’s Court Clerks and our IT staff got to work – developed new case management software and dashboards. They are now preparing the statistical reports necessary to track caseloads, measure court performance and implement the operational changes and adjustments necessary to expedite and thereby improve our services,” Judge DiFiore stated.

Other initiatives highlighted today by the Chief Judge include expansion of centralized arraignment courts to ensure effective legal representation for indigent criminal defendants in arraignment proceedings in rural areas during off hours and on weekends; continuation of efforts to identify measures to prevent wrongful convictions and ensure a fair, equitable justice system in New York; creation of a commission to examine the current state of mandated representation for indigent parents in child neglect and other Family Court proceedings and develop a plan for the delivery of quality, cost-effective parental representation; and implementation of new uniform practice rules, to take effect in September 2018, to harmonize appellate practice in the State, bringing cost-savings and other benefits to litigants.

In closing, Judge DiFiore said, “We can look back on the last two years with great pride and a sense of accomplishment. And while there is much more to do, we look to the future with confidence and optimism, because we are poised and positioned to build upon everything we have achieved to date. We have every good reason to be excited about the future of our Judiciary.”

For a webcast or transcript of Chief Judge DiFiore’s State of Our Judiciary address, go to: www.nycourts.gov/admin/stateofjudiciary.

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