

# COMMENTS ON THE REPORT AND RECOMMENDATIONS OF THE NYSBA COMMITTEE ON THE STATE CONSTITUTION REGARDING THE JUDICIARY ARTICLE

Submitted by:  
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***I am disappointed that the Committee failed to consider many of the ideas that have been offered to reinvigorate our State's Judiciary by increasing the public's participation and confidence in its ability to function effectively on behalf of the people of the Empire State. It also does not address the urgent need to promote greater integrity in the judicial branch by imposing at least the same modest disclosure and conflict of interest rules that applies to the remainder of State Government.***

Among the items I would have like to see at least discussed by the Committee and the Bar Association to generate credible information for intelligent public debate are:

1. The election of all Judges to Courts of Record within the State of New York. New York has a rich history of electing true giants to its court system. We should enable the voters of this State to elect those they deem worthy to all of our Courts, beginning with the Court of Appeals down to every village magistrate. In addition, the Justices of the Appellate Divisions should be elected by the voters of their respective departments.
2. The current denial of equal rights to the voters in New York City should end and the Judges of the Criminal and Family Courts in the City should be elected, just like their equivalent Family, County and District Courts are outside the City of New York.

3. All judicial officers should be elected for a uniform term (# of years).
4. Term limits for judicial office.
5. Assignment of any Judge as Acting Supreme Court Justices should be prohibited. A mandatory formula should be added to the Constitution to provide for the election of additional Supreme Court Justices when the population or workload of the Judicial District requires the same.
6. Similar language should also be added to address the workloads of the Civil, Criminal, Family, County, District and Surrogates courts throughout the State.
7. Cross-Endorsements by multiple political parties and independent bodies should be prohibited for judicial candidates.
8. There should be a system of matching public funds for judicial candidates who qualify for the ballot and raise a sufficient amount of small donor contributions.
9. No judicial officer shall be appointed to any position, including Chief Administrator of the Office of Court Administration. Judges should be in Courtrooms administering justice, not in offices, pushing paper.
10. Like the federal system, the senior Justice or Judge in the Judicial District or for each of the inferior courts in the City or County shall serve as the Administrative Judge for that Court and each such Administrative Judge such have a Court Administrator to assist in the performance of administrative matters under the direction of the Chief Administrator.
11. The same fundamental financial reporting and code of ethics for all State Government officers should apply to the members of the judicial branch, in addition to any other regulations promulgated by the Administrative Board of the Courts.
12. The Court of Claims should be limited to hearing only claims against the State of New York. Its Judges should be elected, one from each of the State's Judicial Districts.