



Memorandum in Support

NYSBA #16

May 22, 2023

S.139A
A.1358A

By: Senator Ryan
By: M of A Thiele

Senate Committee: Judiciary
Assembly Committee: Judiciary

Effective Date: The first of January next succeeding
the date on which it shall have become
a law.

AN ACT to amend the Uniform Justice Court Act, the Town Law and the Village Law, in relation to requiring certain town and village justices be admitted to practice law in the state

LAW AND SECTIONS REFERRED TO: §105 of the Uniform Justice Court Act, §31 of the Town Law and §3-300 of the Village Law

NEW YORK STATE BAR ASSOCIATION **SUPPORTS THIS LEGISLATION**

This bill will require that all justices in the 50 busiest town and village courts in the state of New York be attorneys duly admitted to practice law in the state of New York with no less than 5 years of experience. This change would set town and village judges on par with the requirements of city court judges.

Interpreting and applying the law is complicated and becoming more so every year. Town and village courts, “the courts closest to the people”, are the courts in which most people have their first encounters with the justice system. The jurisdiction of town and village courts outside the City of New York include vast legal areas such as housing, landlord-tenant matters, traffic tickets, criminal law, among other pressing issues.

To demonstrate the complexities of cases handled by town and village courts, the practice of real property law has changed dramatically in recent years with new notice requirements and shifting burdens of proof. Evictions have the greatest impact on the lives of tenants and in the City of New York these cases are litigated in specialized courts where the judges are attorneys with experience in this area of law. In other examples, the criminal law jurisdiction of the town and village courts includes arraignments involving ever-evolving bail reform in which the courts provide on the record or written justifications for bail decisions, enforcement of new discovery laws, issuance of orders of protection and issuance of search and arrest warrants. Town and village justices may also conduct preliminary felony hearings in which a person may be detained ahead of the action of the grand jury, as well as probable cause hearings in vehicle and traffic law 1192 cases involving alcohol and drugs. Without justices properly educated, trained and experienced in the complexities and ethical practice of law, a person’s right to be represented by

an attorney would become ineffective because the justice hearing the case would not understand the legal arguments being made. The litigant would be denied due process.

The New York State Bar Association adopted a policy in 2001 and has repeatedly reaffirmed, most recently in 2018, that all town and village justices must be attorneys duly admitted to practice law in the state of New York. This bill puts that policy into practice in the 50 busiest town and village courts as determined by OCA and DCJS reviewing criminal and civil caseloads. This bill will ensure that the justices in the busiest courts have the knowledge and experience to readily understand and properly apply the procedural, substantive and evidentiary laws to matters before them.

For the reasons stated above, the New York State Bar Association **SUPPORTS** this legislation.