

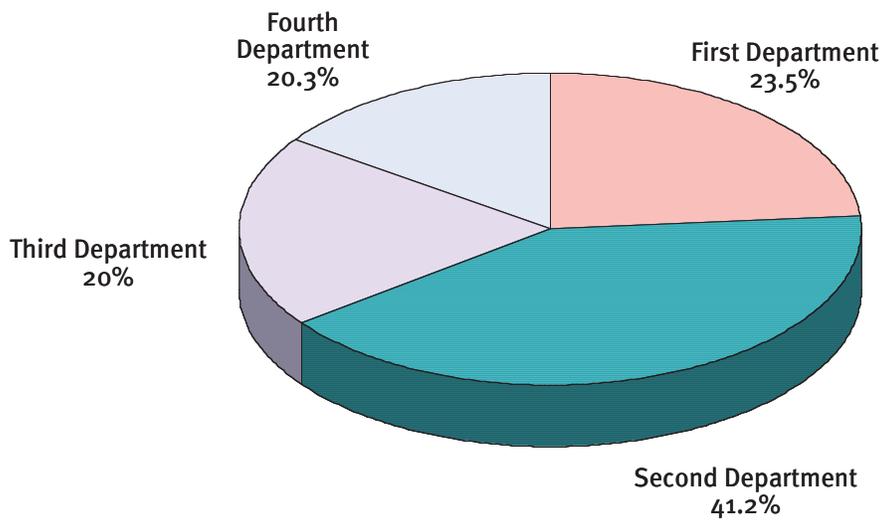
**— APPENDICES —**

— APPENDIX i —  
SELECTED CHARTS



Figure 2

Judicial Departments by Records on Appeal Filed



Note: Based on 2005 data.

Figure 3

New Jersey's Prior Court Structure

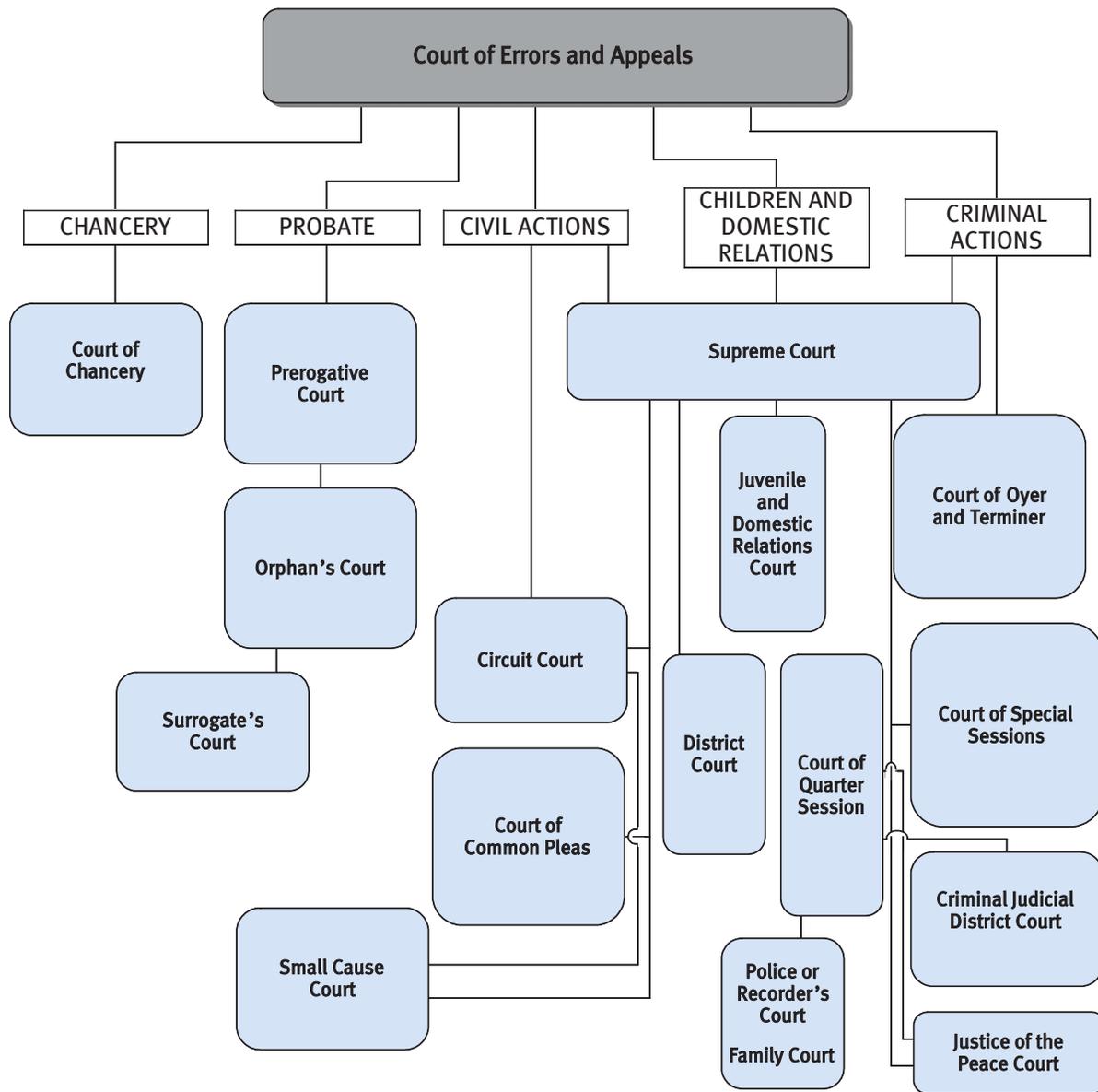


Figure 4

New Jersey's Current Structure

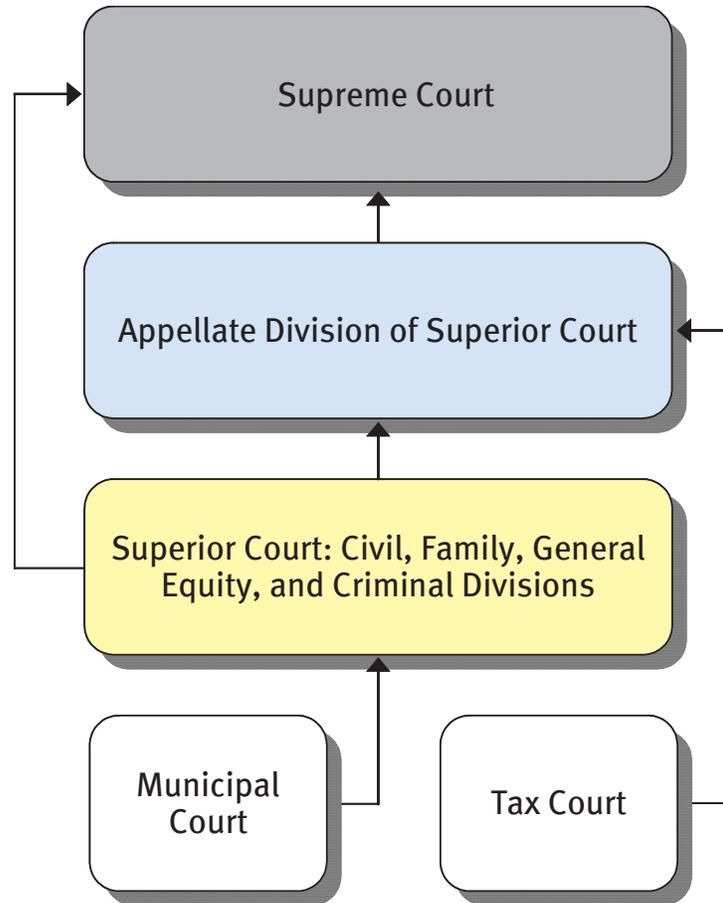


Figure 5

California's Current Structure

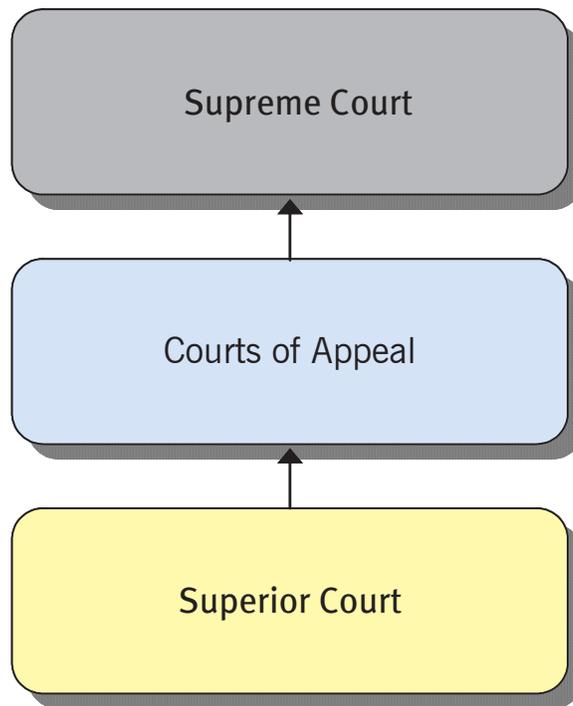
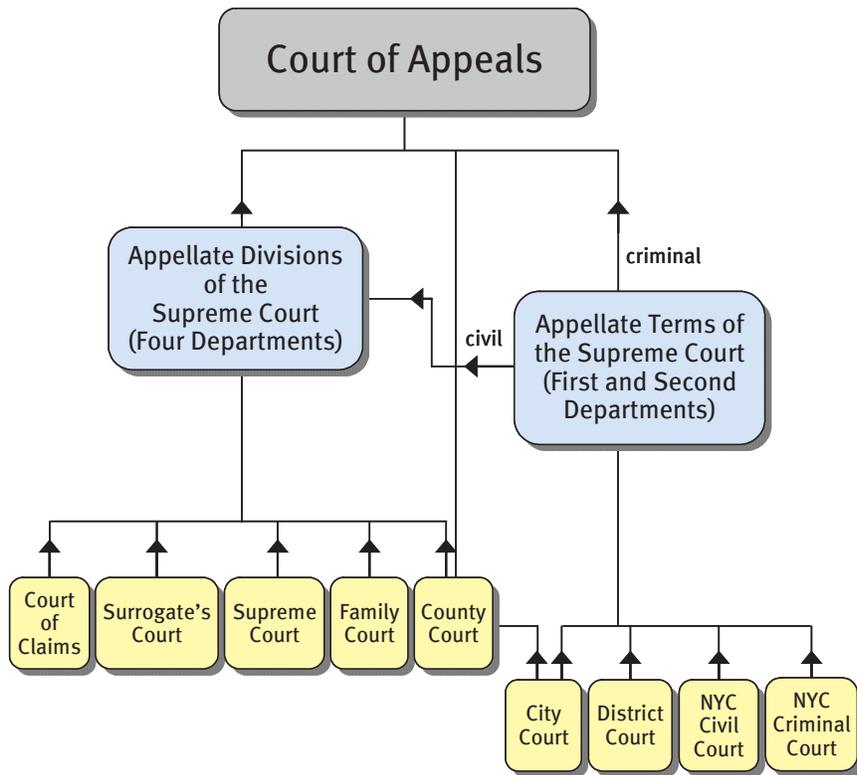
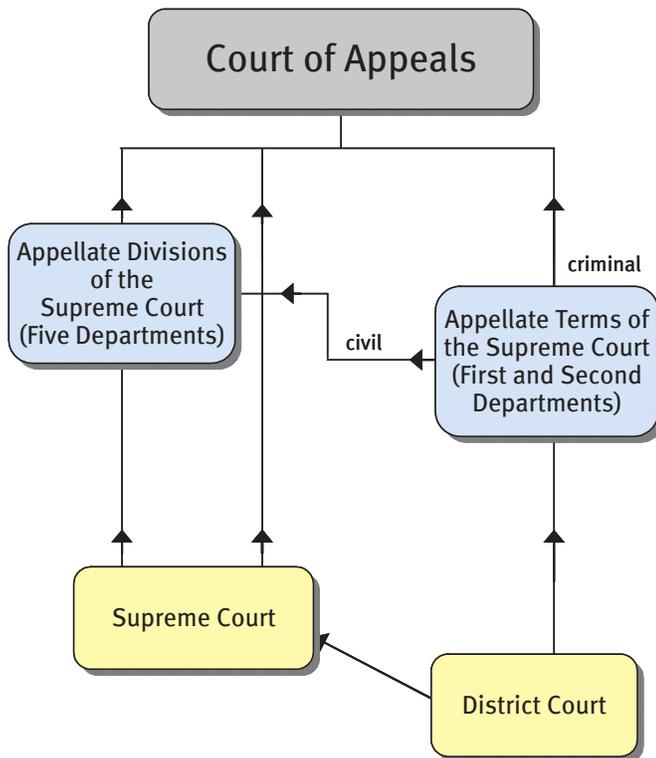


Figure 6

## NEW YORK: CURRENT STRUCTURE



## NEW YORK: PROPOSED STRUCTURE



Note: Town and Village Courts and direct appeals excluded; in the Third and Fourth Departments, criminal appeals from the City Court proceed to the County Court and can be further appealed to the Court of Appeals.

— APPENDIX ii —

THE FINANCIAL COST OF OUR CURRENT STRUCTURE:  
AN ECONOMIC ANALYSIS

We have conducted a detailed economic analysis of the costs of our current structure and the substantial savings that would result if the court system were restructured. As set forth more fully below, we estimate that approximately \$502 million in annual savings would be realized if the state's trial courts were consolidated along the lines set forth in this Report. Of this total, \$443 million (and 8.8 million litigant and attorney hours) would be saved by individual litigants, businesses, municipalities and others. In addition, we estimate that more than \$59 million in annual budgetary savings would be realized by the court system under our plan.<sup>178</sup>

From a fiscal point of view, the problem with the current structure is that there are too many courts with limited jurisdiction. As a result, it is impossible under the current system to manage cases and caseloads in a rational, systemwide manner. Figure 1 below illustrates the wide caseload disparities that currently exist among certain of the state's courts.

Figure 1: Selected Caseloads (2005)

Court	Sitting Judges (full-time equivalents) <sup>179</sup>	Dispositions	Dispositions per Judge
Supreme Court (civil cases)	376	197,214	525
Supreme Court and County Court (felony cases)	241	53,577	222
Court of Claims	27	1,703	63
Family Court	277 <sup>180</sup>	587,181 <sup>181</sup>	2,120
Surrogate's Court	50	113,753	2,275

*Data provided by OCA*

<sup>178</sup> As stated in OCA's 2002 budgetary analysis, the budgetary savings figure does not include the following: (1) additional costs that could result if, after the constitutionally imposed cap on the number of Justices of the Supreme Court is eliminated, the Legislature creates new Supreme Court positions; and (2) any additional costs that could result if a Fifth Judicial Department is created. See THE BUDGETARY IMPACT OF TRIAL COURT RESTRUCTURING, *supra* note 72, at 8 nn.2-3.

<sup>179</sup> The number of sitting judges is expressed in terms of full-time equivalents to reflect that: (1) some Justices in the Supreme Court hear both criminal and civil cases, (2) some County Court judges also serve in the Surrogate's Court, the Family Court or both, and (3) some judges handle supervisory and administrative tasks in addition to hearing cases.

<sup>180</sup> Includes 125 support magistrates.

<sup>181</sup> Includes matters heard by judges and support magistrates; excludes matters handled by attorney referees and judicial hearing officers.

A. Costs to Individuals, Businesses, Municipalities and Others

For those who use New York's courts, the current system wastes time and money in two fundamental ways.

First, as discussed above in Section Three, in the current system, it is generally not possible to reallocate cases from overburdened courts to those with excess capacity. For this reason, docket disparities persist (see Figure 1 above),<sup>182</sup> and cases on the dockets of overburdened courts receive less judicial attention than they would if the system allowed for reallocation of cases. For these languishing cases, less judicial attention means less opportunity for judicial case management (*i.e.*, for the utilization of strategies designed to hasten judicial resolution or settlement), and, as a result, less probability of early dispute resolution. As described below, approximately 3.4 million hours of litigant time and \$314 million in economic value would be saved if the present system were consolidated to permit more efficient allocation of caseloads, thereby facilitating effective case management and earlier dispositions in a greater number of cases.

Second, the current system limits the ability of a single judge to take jurisdiction over all claims arising from a given event or transaction. For example, a variety of different legal claims typically attend criminal allegations of domestic violence. As discussed above in Section Three, under the current system, these claims generally must be adjudicated in separate courts. As described below, approximately 3.7 million litigant hours and \$129 million of economic value would be saved if the present system were consolidated, thereby permitting a single judge to hear all of the actions pertaining to a single family.

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<sup>182</sup> For example, judges sitting in the Supreme Court disposed of 525 civil cases each in 2005. By contrast, Court of Claims judges disposed of just sixty-three cases each during that same time period.

## Savings from Earlier Resolution of Cases Due to More Efficient Allocation of Caseloads

Each year, there are approximately 1.2 million “complex” matters<sup>183</sup> (*i.e.*, matters that generate multiple court appearances prior to disposition) filed in the New York courts that could benefit from effective case management. (See Figure 2 below.) If these languishing cases could be reallocated to underutilized courts, they would receive more judicial attention, and many of them would be resolved at an earlier phase of the litigation process, thereby avoiding court dates and attendant costs to litigants.<sup>184</sup>

As a first step in our analysis, we estimate that each of the above-described 1.2 million complex cases generates an average of 3.9 court dates,<sup>185</sup> and that the total number of court dates for all 1.2 million cases is approximately 4.68 million.

As a second step, data from OCA indicates that the creation of the Criminal Division of the Bronx County Supreme Court (accomplished through the consolidation of the Criminal Term of the Bronx County Supreme Court and the Bronx County Criminal Court) has led to a 14% increase in the number of Bronx criminal cases disposed of each year.<sup>186</sup> Based on this 14% increase in dispositions (which resulted from more

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<sup>183</sup> See N.Y. State Office of Court Admin., New York State Unified Court System: Total Filings & Dispositions for 2005, Calculation of Unrelated Cases, and Type of Attorney. Note that the remaining cases are either (1) minor matters that require no more than one court appearance each or (2) related cases arising from an incident of domestic violence, which are addressed later in this appendix.

<sup>184</sup> Research confirms that judicial involvement can play a key role in resolving cases at an early stage of litigation. See, e.g., DAVID C. STEELMAN ET AL., MICHIGAN TRIAL COURT CONSOLIDATION: FINAL EVALUATION EXECUTIVE SUMMARY 6 (1999) (“Data suggest that consolidation in most of the demonstration courts has generally either helped reduce the size and age of pending case inventories or helped a court deal with increased filings.”); see also DAVID C. STEELMAN WITH JOHN A. GOERDT AND JAMES E. McMILLAN, CASEFLOW MANAGEMENT: THE HEART OF COURT MANAGEMENT IN THE NEW MILLENNIUM 4 (2000) (“The objectives of early intervention are to resolve cases as early in the process as reasonable and to reduce the costs for the parties and the court of doing so.”).

<sup>185</sup> See N.Y. State Office of Court Admin., New York State Unified Court System Appearance Analysis (September 26, 2006).

<sup>186</sup> See N.Y. State Office of Court Admin., Analysis of Bronx Criminal Division.

efficient allocation of caseloads among judges), we (more conservatively) assume that if trial court consolidation were accomplished in New York, there would be a 10% reduction in the number of appearances in connection with the above-

Figure 2: Analysis of Cases That Could Benefit from Case Management

Type of Case	Number	Percentage
Civil	517,000	43%
Criminal	270,000	23%
Family	403,000	34%
<b>Total</b>	<b>1,190,000</b>	<b>100%</b>

*Data provided by OCA*

described 1.2 million complex cases.<sup>187</sup> That is, if the New York State trial courts were consolidated, approximately 468,000 court appearances in connection with the above-described 1.2 million cases could be avoided.

The remainder of this section quantifies the value associated with the 468,000 court dates that could be avoided through a restructuring of the courts.

Litigant Productivity and Travel Savings. The total value of the litigant productivity and travel savings that could be realized through more efficient allocation of caseloads is approximately \$83 million per year. As set forth in Figure 3 below, some 3.4 million hours were spent by litigants in connection with the above-described 468,000 court dates that could be avoided through trial court consolidation. The economic value of these 3.4 million hours is approximately \$75 million, assuming that the hours are valued at an average hourly compensation rate of \$22.39.<sup>188</sup> Furthermore, the 750,000 litigant court trips associated with these 468,000 court dates generate

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<sup>187</sup> Notably, this 10% efficiency estimate mirrors that found by the Dominick Commission. See TEMP. COMM’N ON THE STATE COURT SYS. (PART 2), *supra* note 90, at 13 n.d (1973) (projecting that court merger would lead to a 10% reduction in the number of “judicial man years” required to handle then-existing caseloads).

<sup>188</sup> This \$22.39 hourly compensation figure was derived by a two-step process. First, a weighted average was calculated using the following assumptions. It was assumed that litigants in civil cases (which make up 43% of the 1.2 million complex case total) earn the statewide average of \$24.27 per hour. See (continued...)

some \$7.5 million each year in avoidable litigant travel expenses, assuming that it costs a litigant \$10 to travel to and from court for a given court date.

Attorney Savings. The above-referenced 468,000 avoidable court dates also result in approximately \$231 million in avoidable attorney costs. This figure estimates the avoidable attorney hours for private counsel, government-employed counsel, and assigned counsel. (See Figure 4 below.) As set forth in Figure 4, \$203.1 million (88%) of this total is attributable to avoidable private-counsel hours, \$13.45 million (6%) is attributable to avoidable government-counsel hours, and \$14.01 million (6%) is attributable to avoidable assigned-counsel hours.

### Savings from Unified Treatment of Related Family Matters

The current system deals with related proceedings in a fundamentally inefficient manner. As discussed above, such inefficiency is particularly acute with respect to related family matters, which under the current court structure must be adjudicated in separate courts (most often with separate

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(...continued)

N.Y. DEP'T OF LABOR, OCCUPATIONAL EMPLOYMENT STATISTICS (2006). It was further assumed that litigants in criminal cases (which make up 23% of the 1.2 million complex case total) earn an average hourly wage of \$5.59, which was derived based on assumptions that: (1) 41% of criminal defendants are indigent and have no hourly income, (2) the 50.7% of criminal defendants who are wage-earners but who are represented by public defenders earn the 2007 state minimum wage of \$7.15 per hour, (3) the 7.9% of criminal defendants who can afford private counsel earn the statewide average of \$24.27 per hour, and (4) the 0.4% of criminal defendants who are self-represented earn \$11.17. See N.Y. STATE OFFICE OF COURT ADMIN., SELF REPRESENTED LITIGANTS IN THE NEW YORK CITY FAMILY COURT AND NEW YORK CITY HOUSING COURT 4 (2000). Finally, it was assumed that litigants in Family Court cases (which make up 34% of the 1.2 million complex-case total) earn an average hourly wage of \$11.46, which was derived based on assumptions that (1) the 69% of Family Court litigants who are self-represented earn \$11.17 per hour, (2) the 22% of Family Court litigants who have public representation earn on average the 2007 state minimum wage of \$7.15 per hour, and (3) the 9% of Family Court litigants who have private counsel earn the statewide average of \$24.27 per hour. The above-described Family Court figures take into account those Family Court litigants who have no income. The weighted average of the preceding assumptions results in an average hourly wage of \$15.61.

Second, the resulting hourly wage was adjusted to reflect fringe benefits. According to the United States Department of Labor's Bureau of Labor Statistics, wages and salaries comprise 70.4% of the total average employee compensation package, while benefits account for the remaining 29.6%. See BUREAU OF LABOR STATISTICS, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION – MARCH 2005. Based on that data, the average hourly wage of \$15.61 was adjusted to \$22.39 to reflect the total average hourly employer cost for employee compensation per hour.

Figure 3: Avoidable Litigant Costs Through More Efficient Allocation of Caseloads	
Avoidable Court Dates	468,000
Litigants Per Court Date	1.6 <sup>189</sup>
Avoidable Litigant Court Trips	750,000
Hours Per Court Trip	4.5 <sup>190</sup>
Total Avoidable Litigant Court Hrs.	3.37 MM
Average Hourly Compensation	\$22.39
Value of Avoidable Litigant Court Hrs.	\$75.4 MM
Avoidable Litigant Travel Costs (\$10 per court date)	\$7.5 MM
<b>Total Avoidable Litigant Costs</b>	<b>\$82.9 MM</b>

*Data provided by OCA*

attorneys), thereby increasing litigant costs and delaying resolution of claims. According to OCA, each year there are 240,000 sets<sup>191</sup> of overlapping family-related cases that could be adjudicated before a single judge instead of separate courts. Based on data from a recent study of IDV Courts in Bronx and Erie Counties, it is assumed that unified treatment of related family matters would lead to 1.7 fewer court dates per case.<sup>192</sup>

<sup>189</sup> This assumption is based on OCA data indicating that approximately 32% of the 1.2 million complex cases are civil matters in which the litigants are represented by counsel. Another 10% are civil matters in which at least one litigant is self-represented. Approximately 36% of the 1.2 million complex cases are criminal adjudications, and in such cases the defendant attends all court appearances. Finally, 22% are Family Court matters, and research indicates that two litigants typically attend court appearances in connection with these matters. See AMY MENNERICH ET AL., THE POTENTIAL COST-EFFECTIVENESS OF TRIAL COURT RESTRUCTURING IN NEW YORK STATE 27 n.4 (2005) (the “CENTER FOR COURT INNOVATION STUDY”). Taking all of these factors into consideration, OCA has estimated that 1.6 litigants attend each court appearance in connection with the 468,000 avoidable court dates.

<sup>190</sup> This 4.5 hour assumption is supported by a study that found that the average Family Court litigant waited approximately two hours prior to the commencement of the appearance. See JULIA VITULLO-MARTIN & BRIAN MAXEY, NEW YORK FAMILY COURT: COURT USER PERSPECTIVES (2000). In addition, based on informal survey data, OCA observed that it took two hours to file a petition in Family Court and four hours to see a judge. See FAMILY COURT ACCESS COMMITTEE, FAMILY COURT ACCESS PROJECT PHASE 1: IMPROVING THE PETITION FILING PROCESS FOR SELF REPRESENTED LITIGANTS (2002). Based on this data, it is estimated that a Family Court date takes 2.5 hours per litigant. In addition, it is assumed that each court visit requires two hours of travel time per litigant.

<sup>191</sup> This 240,000 figure is derived from OCA data indicating that each year there are: 220,000 Family Court cases that overlap with a criminal proceeding in County Court or NYC Criminal Court; 20,000 Family Court cases that overlap with housing proceedings in City Court, District Court or NYC Civil Court; and 20,000 Family Court cases that overlap with matrimonial proceedings in Supreme Court. This 260,000 figure was discounted by 20,000 to reflect the fact that some number of these cases involve three or more overlapping proceedings.

<sup>192</sup> The CENTER FOR COURT INNOVATION STUDY, *supra* note 189, at 26.

Figure 4: Calculation of Avoidable Attorney Hours						
	Private Attorneys (\$225 per hour) <sup>193</sup>		Government Attorneys (\$54 per hour) <sup>194</sup>		Assigned Attorneys (\$60-\$75 per hour) <sup>195</sup>	
	Appearances	Hours	Appearances	Hours	Appearances	Hours
Civil - Supreme Court (3.5 hrs. per appearance (Felony Cases))	144,000	504,000	3,000	10,500	n/a	n/a
Civil - other (2.5 hrs. per appearance)	132,000	330,000	700	1,750	n/a	n/a
Criminal (1.5 hrs. per appearance)	8,000	12,000	105,000	157,500	97,000	146,000
Family (1.5 hrs. per appearance)	28,000	42,000	35,000	52,500	34,000	51,000
Total	312,000	888,000	143,700	222,250	131,000	196,500
Total Hourly Attorney Costs	\$200 MM		\$12.01 MM		\$12.7 MM	
Travel Costs (\$10 per appearance)	\$3.12 MM		\$1.44 MM		\$1.31 MM	
<b>Total Avoidable Attorney Costs</b>	<b>\$203.12 MM</b>		<b>\$13.45 MM</b>		<b>\$14.01 MM</b>	

*Data provided by OCA*

That is, if the state's trial courts were consolidated, 408,000 court dates would be avoided in connection with the above-described 240,000 sets of related cases involving Family Court proceedings.

The remainder of this section quantifies the value associated with these 408,000 court dates.

Litigant Productivity and Travel Savings. The total value of the litigant productivity and travel savings that could be realized through unified treatment of the above-described 240,000 sets of related cases is approximately \$68 million per year. As set forth in Figure 5 below, some 3.67 million hours

<sup>193</sup> \$225 per hour is the statewide average billing rate for private attorneys after adjusting for inflation. See N.Y. STATE BAR ASS'N, ECONOMICS OF LAW PRACTICE IN NEW YORK STATE 16-21 (2004) (setting forth the statewide averages for equity partners, non-equity partners, and non-partner attorneys in law firms).

<sup>194</sup> This figure, which includes a fringe-rate factor, was calculated by OCA based on internal data and information received from other agencies.

<sup>195</sup> According to OCA, the assigned-counsel rate paid in connection with these cases is approximately \$75 per hour. It should be noted that some of the attorneys assigned to the above-described cases are employed by institutional providers of legal services. OCA has indicated that \$60-to-\$75 per hour is a reasonable estimate of the cost to counties for such institutional providers.

were spent by litigants in connection with the above-described 408,000 court dates that would have been avoided through trial court consolidation. The economic value of these 3.67 million hours is approximately \$60 million, assuming that the hours are valued at an hourly compensation rate of \$16.28.<sup>196</sup> Furthermore, the 816,000 litigant court trips associated with these 408,000 court dates generate approximately \$8 million each year in avoidable litigant travel expenses (assuming that it costs a litigant \$10 to travel to and from court for a given court date).

Attorney Savings. In connection with the above-described 240,000 sets of overlapping family-related cases, there are also approximately \$61.2 million in avoidable attorney costs. (See Figure 6 below.) As set forth in Figure 6, \$36.45 million (60%) of this total is attributable to avoidable private-counsel hours and \$24.75 million (40%) is attributable to avoidable assigned-counsel hours.

These savings can be realized because under a restructured system, court dates for a set of related cases can be scheduled for a single day before a single judge. This would eliminate the jurisdictional and logistical obstacles that had previously prevented a litigant from being represented by a single attorney with comprehensive knowledge of all aspects of the family-related cases involving that litigant. Given the advocacy advantages to such representation by a single attorney, it is

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<sup>196</sup> This \$16.28 hourly wage figure was derived by OCA by taking a weighted average of the following assumptions. First, it was assumed that self-represented Family Court litigants (who make up 69% of all Family Court litigants) earn an average hourly wage of \$11.17. See N.Y. STATE OFFICE OF COURT ADMIN., SELF REPRESENTED LITIGANTS IN THE NEW YORK CITY FAMILY COURT AND NEW YORK CITY HOUSING COURT 4 (2000). Second, it was assumed that Family Court litigants with appointed counsel (who make up 22% of all Family Court litigants) earn the 2007 state minimum wage of \$7.15 per hour. Third, it was assumed that Family Court Litigants with private counsel (who make up 9% of all Family Court litigants) earn the statewide average salary of \$24.27. It should be noted that the above-described assumptions take into account that a certain number of Family Court litigants have no income.

The weighted average of the preceding assumptions results in an average hourly wage of \$11.46. According to the United States Department of Labor's Bureau of Labor Statistics, wages and salaries comprise 70.4% of the total average employee compensation package, while benefits account for the remaining 29.6%. See BUREAU OF LABOR STATISTICS NEWS, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION – MARCH 2005. Based on that data, the average hourly wage of \$11.46 was adjusted to \$16.28 to reflect the total average hourly employer cost for employee compensation.

assumed that once court restructuring is fully implemented, each litigant involved in a set of overlapping family-related cases will choose to be represented by a single attorney for all such cases in which they are involved.<sup>197</sup>

Figure 5: Avoidable Litigant Costs Through Unified Treatment of Related Cases Involving Family Court Matters	
Avoidable Court Dates	408,000
Litigants Per Court Date	2 <sup>198</sup>
Avoidable Litigant Court Trips	816,000
Hours Per Court Trip	4.5
Total Avoidable Litigant Court Hrs.	3.67 MM
Average Hourly Compensation	\$16.28
Value of Avoidable Litigant Court Hrs.	\$59.7 MM
Avoidable Litigant Travel Costs (\$10 per court date)	\$8.16 MM
<b>Total Avoidable Litigant Costs</b>	<b>\$67.86 MM</b>
<i>Data provided by OCA</i>	

Figure 6: Avoidable Attorney Costs Through Unified Treatment of Related Cases Involving Family Court Matters		
	Assigned Counsel	Private Counsel
Sets of Related Cases	44,000 <sup>199</sup>	21,600 <sup>200</sup>
Attorney Hours Avoided (assuming 7.5 hrs. avoided per set of related cases) <sup>201</sup>	330,000	162,000
Average Hourly Rate	\$60 - \$75 <sup>202</sup>	\$225 <sup>203</sup>
<b>Value of Attorney Hours Avoided</b>	<b>\$24.75 MM</b>	<b>\$36.45 MM</b>
<i>Data provided by OCA</i>		

<sup>197</sup> The court system has begun training assigned counsel to enable them to represent clients in criminal, family and matrimonial court matters. Once a cadre of assigned counsel has been cross-trained and is available to represent a litigant in all related family matters, the savings described herein can be fully realized.

<sup>198</sup> See CENTER FOR COURT INNOVATION STUDY, *supra* note 192, at 27 n.4.

<sup>199</sup> See N.Y. State Office of Court Admin., Analysis of Counsel Type in New York State Family Courts (2006).

<sup>200</sup> See *id.*

<sup>201</sup> See N.Y. State Office of Court Admin., Analysis of 18-B Billing (2006).

<sup>202</sup> See *supra* note 195.

<sup>203</sup> See ECONOMICS OF LAW PRACTICE IN N.Y. STATE, *supra* note 193.

## B. Analysis of Budgetary Savings

For the taxpayer, the current system is inefficient and wasteful, requiring different courts to undertake substantial duplicative work. As set forth below, a simplified court structure could save the people of New York more than \$59 million a year in the court system's budget.

### Unified Treatment of Related Cases

Restructuring will significantly reduce the costs of processing cases by allowing related matters to be heard before a single judge in the reconstituted Supreme Court. The following is a partial list of redundant tasks which, under the current system, are duplicated by court personnel in different courts for related cases:

- Accepting, dating and reviewing petitions and applications and necessary support papers;
- Checking for existing or previous cases involving the same parties;
- Assigning docket numbers;
- Creating and maintaining case files;
- Preparing and maintaining case folders for scheduling and calendar preparation;
- Notifying parties and scheduling appearances;
- Managing court calendars;
- Maintaining records of court appearances and proceedings;
- Preparing and distributing orders;
- Assigning hearing dates and preparing and distributing notices of newly scheduled dates to parties;
- Transmitting statistical information to OCA;
- Transmitting files, calendar and court action records to appropriate offices;
- Updating computer files and case summary sheets, and filing original orders and case files.

Under a simplified system, these case processing redundancies would be eliminated. Based on OCA's 2002 budgetary analysis (as adjusted for inflation and annualization of the five-year savings projected in that report), the resulting net savings is estimated to be some \$232 per case. Thus, the proposed consolidation of 240,000 cases each year would result in an estimated savings of \$55.68 million a year.

## Administrative Consolidation

Court restructuring will also provide the framework needed to increase efficiency of court operations through coordinated court management. For example, under our proposal, a single presiding judge and county-level court administrator could be designated for each county. This management structure would support enhanced judicial coordination and cross-assignment of court personnel to meet caseload demands. A single authority for trial court budgeting, planning and personnel administration across all Supreme Court Divisions and District Courts would streamline management control.

Reducing the number of administrative structures can also reduce middle management and supervisory costs. The consolidation of management authority in a single executive position for a county's courts, for example, would gradually reduce the salary costs of the current fragmented structure. A tighter management structure would also facilitate cross-assignment and cross-training of court personnel allowing for the avoidance of costs for increased staffing as caseload demands change and grow. It is estimated that a minimum of sixty fewer mid-level court managers would be required. The reduction in this cadre of mid-level managers would be realized through attrition, and, after five years, would result in a projected savings of \$5.35 million a year.

## The Costs of Court Restructuring

As discussed above, court restructuring will result in a significant savings to OCA's budget. However, there will be some costs that will partially offset the larger savings. Those costs are estimated at \$1.9 million annually.

These costs will result from the equalization of judicial salaries. In 1977, the state assumed responsibility for the costs of court operations statewide, excluding only those of the Town and Village Justice Courts.<sup>204</sup> Since then, disparities in the pay of judges serving on the same courts and performing like functions have persisted. These disparities have given rise to a significant number of lawsuits, all challenging the constitutionality of the existing pay scheme as it applies to individual judges or groups of judges. These lawsuits, some of which have been successful, are ongoing.

Court restructuring should eliminate many, if not all, of these salary disparities. As has been the case, all Justices of the Supreme Court should continue to earn identical wages. Salary parity should produce an estimated net annual increase of \$1.9 million in the court system's budget appropriation request for judicial salaries.

\* \* \* \*

Based on the foregoing, the potential budgetary savings can be summarized. Once fully implemented, a simplified court structure would save the State more than \$59 million a year, calculated as follows:

\$55.68 Million	Reduced cost of case processing due to the unified treatment of related cases
\$5.35 Million	Reduced administrative costs due to a simplified administrative structure
(\$1.9 Million)	Costs of judicial salary equalization
\$59.13 Million	Total net budgetary savings

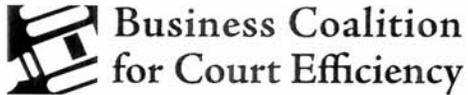
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<sup>204</sup> See L. 1976, c. 966.

### C. Conclusion

As described above, the reform proposals set forth in this Report would generate approximately \$502 million in annual savings. Approximately \$59 million of this total represents savings to the state budget, while \$443 million represents productivity savings related to individuals, businesses, municipalities and others. It should be noted, however, that this \$502 million figure likely understates total savings. That is, it does not quantify the savings to witnesses (including the reduction in overtime paid to police officers who appear as witnesses), family members who accompany litigants to court, and others whose time is impacted by court cases. It is clear, however, that more than half a billion dollars could be saved annually if our court system were finally to be restructured.

— APPENDIX iii —  
STATEMENTS OF SUPPORT



New York State has the nation's most inefficient and expensive trial court system. The state's leading business organizations endorse the recommendations of the Special Commission on the Future of the New York State Courts to consolidate and improve this system. A confusing and redundant court system is not good for the state economy.

The business community will support efforts to secure amendment of the New York State Constitution to create a two-tier court system that will greatly improve the administration of justice and result in significant savings in time and expense to individuals and business.

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212/373-3179  
FAX 212/373-2826  
[malcott@paulweiss.com](mailto:malcott@paulweiss.com)

February 1, 2007

Carey R. Dunne, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

Dear Carey:

As a part of his call for “Judicial Reform” that will include the merit selection of judges, during his state of the state address on January 3, Governor Spitzer also raised another issue of great importance to the Association: Court Reorganization. The Governor stated that, “we must reform our state’s sprawling judicial system. New York has the most complex and costly court system in the country, a system that too often fails to provide justice while imposing an undue burden on taxpayers. Chief Judge Kaye has forged consensus within the legal community for how we must fairly administer justice. Now is the time to Act.”

In April 1998, the NYSBA Task Force on Court Reorganization presented its report on this topic to the House of Delegates. The House approved the report favoring court reorganization, with modification, and proposed legislation for a constitutional amendment to consolidate the state’s trial courts from the current nine courts into two courts. The resolution approved by the House at that time provided, *inter alia*, as follows:

The nine major trial courts should be consolidated into a two-tiered system with the present Supreme Court, Court of Claims, County Court, Family Court and Surrogate’s Court to be merged into Supreme Court and the New York City Civil Court, New York City Criminal Court, City Court, and District Court to be merged into a statewide District Court.

Instead of a constitutional provision mandating separate divisions of Supreme Court, any merger plan should provide that the Chief Judge and the Office of Court Administration establish such divisions as are necessary, to

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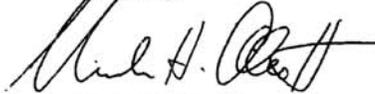
Carey R. Dunne, Esq.

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include a commercial division, criminal division, family division, public claims division, probate division, tort division, and a civil division to cover other matters.

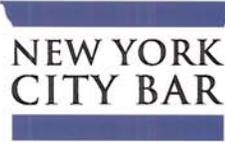
The resolution remains the current position of the Association on this topic, which was among the Association's first "legislative priorities," starting in 2003. At a special meeting of the Executive Committee held on January 16, 2007, Court Reorganization was named as one of the Association's seven legislative priorities for the 2007 session.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark H. Alcott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark H. Alcott

cc: Hon. Seymour Boyers  
Patricia K. Bucklin, Esq.

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

BARRY M. KAMINS  
PRESIDENT  
Phone: (212) 382-6700  
Fax: (212) 768-8116  
bkamins@nycbar.org

January 30, 2007

Carey Dunne, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Dear Carey:

In January 1998, the Council on Judicial Administration of the Association of the Bar of the City of New York (the "Association") published a Report addressing Chief Judge Judith Kaye's 1997 proposal to reform the New York state courts. This report analyzed the Chief Judge's plans, examined the arguments for and against reform and ultimately offered a strong endorsement of restructuring. The Association has since repeated its call for reform on several occasions.

Nine years later, both the New York courts and the Association's position remain unchanged. The State's fragmented court system remains a complex organizational snarl. Citizens find it not only frustrating, inconvenient and difficult to understand, but are often forced to pursue relief before multiple judges in different courts. In addition, because of its rigid jurisdictional boundaries, the courts are incapable of reacting to shifts in the volume, type and complexity of cases filed. This rigidity leaves the court administration hamstrung, unable to redistribute caseloads or effectively respond to changing needs.

New York's citizens deserve better. The Association, therefore, wholeheartedly reaffirms its belief that a significant restructuring of the New York courts must be accomplished. Though many positive reforms could be made, the Association believes that for political and practical reasons, restructuring should focus on the following two core elements:

First, the state's major trial courts should be consolidated into either one tier comprising all the State's courts of record or a two-tier structure consisting of (a) a Supreme Court with specialized divisions, and (b) a Circuit Court with jurisdiction over misdemeanor cases, housing cases, and civil cases involving less than \$50,000. This consolidation would eliminate confusion and waste and would create a much more nimble, efficient, and user-friendly system.

Second, a Fifth Appellate Department should be established. The current Second Department contains over half the state's population and handles more than forty percent of its appeals. The strain of this workload has caused both a reduction in panel sizes and an

increase in the number of Second Department justices, to the point where a coherent body of precedent in that Department is threatened. Adding a Fifth Department would ease this burden and allow for the more even distribution of appeals.

Third, the constitutional ceiling on the number of Supreme Court judgeships should be eliminated. The current number is inadequate to cope with the Court's caseload, and has necessitated stopgap measures such as the assignment of Acting Supreme Court Justices. The number of Supreme Court judgeships should not be fixed in the constitution, to allow for the provision of enough justices to adequately handle the work load as it evolves.

We understand that the Special Commission's consolidation approach would not affect how judges are selected. However, we are aware that there have been consolidation proposals that would reduce the number of New York judges currently chosen by appointment. As the Association supports the use of a commission-based appointment system for selecting judges for all courts of record, we oppose changes that would shift the balance toward having more elected versus appointed judges, as we would not want to see a court consolidation that results in a system even more dependent upon judicial elections than is the current system.

The Association strongly supports the Commission's efforts, and heartily endorses its call for reform. We believe the reforms cited above will vastly improve the quality of New York's court system for all its citizens.

Very truly yours,

A handwritten signature in blue ink that reads "Barry Kamins". The signature is written in a cursive, flowing style.

Barry Kamins



## NEW YORK COUNTY LAWYERS' ASSOCIATION

**Edwin David Robertson**  
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Edwin David Robertson

February 6, 2007

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Carey R. Dunne, Esq.  
David Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

**Immediate  
Past President**  
Norman L. Reimer

Dear Carey:

The New York County Lawyers Association looks forward to receiving and reviewing your Special Commission's reports and recommendations on reforming the judicial system in New York State. Since our founding a century ago, our charter has mandated our mission as "promoting the administration of justice and reforms in the law . . . in the public interest." For more than twenty five years, we have endorsed and advocated a variety of reform proposals which we believe are needed.

For example, on November 13, 1979, our Board of Directors resolved that the Court of Claims, the County Courts, the Surrogate's Courts, the Family Courts, the Civil Courts, the Criminal Courts, and the Supreme Court be "consolidated into a single court of general jurisdiction." On May 12, 1986, our Board confirmed that resolution. On May 13, 1991, our Board again approved a resolution advocating court consolidation.

On June 2, 2000, our Executive Committee reaffirmed our commitment to these goals by endorsing the court consolidation proposals advocated by Chief Judge Kaye.

We have steadfastly supported removing the artificial restrictions on the number of Supreme Court Justices and creating a new Fifth Department. Needless to say, we believe that all these measures will improve the expertise and diversity of not only the bench but also the non-judicial personnel that support the Courts' infrastructure.

We welcome and support the Commission's efforts and hope that support comes from everyone who looks with anticipation and hope toward making our generation's dream for reform become reality. Our Association knows that the citizens of the Empire State deserve nothing less.

With kindest regards,

Sincerely,

Edwin David Robertson  
President

14 Vesey Street, New York, NY 10007-2992 • Tel. (212) 267-6646 • Fax (212) 406-9252  
[www.nycla.org](http://www.nycla.org)



## ASSOCIATION OF JUDGES OF THE FAMILY COURT OF THE STATE OF NEW YORK, INC.

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January 17, 2007

Dear Mr. Dunne,

#### **PRESIDENT-ELECT**

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The New York Courts, as presently structured, are inefficient, outdated, and badly in need of reform. The current compartmentalized system needlessly handcuffs court administrators by prohibiting them from drawing upon the full complement of resources at their disposal. Unable to shift cases from heavily burdened to less utilized trial courts, leaves court administrators powerless to address the backlogs and delays that inevitably develop. This inflexible structure leaves large caseloads in certain courts and much smaller dockets in others. Due to the structure's rigidity, when circumstances change and caseloads shift, court administrators are incapable of reallocating available resources.

#### **VICE PRESIDENT**

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The problem of the current structure is particularly acute in matters relating to the family. Because of the limited jurisdictional reach of the Family Courts, our judges are often unable to address all of the issues pertaining to a single family, and litigants find themselves shuttling from court to court in search of relief. In addition, the dockets of the Family Court are overwhelmed, leading to needless delays in the resolution of critical issues facing our state's families.

#### **TREASURER**

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In order to correct these problems, a more streamlined, simplified structure is necessary. The plan proposed by the Special Commission on the Future of the New York State which calls for the consolidation of the State's trial courts into a simplified, two-tier structure with a new Supreme Court containing Commercial, Criminal, Family, Probate, and Public Claims Divisions, each with porous jurisdictional boundaries – makes sense. The court system that would emerge would be flexible, nimble, and readily able to allocate cases to underutilized courts. It would save litigants time and resources, and would greatly ease the pressure on overwhelmed courts.

#### **SECRETARY**

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Accordingly, the New York State Association of Family Court Judges firmly believes that the Commission's restructuring proposals should be adopted.

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Yours truly,

Hon. Mark M. Meddaugh  
President, New York State  
Association of Family Court Judges

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MMM/sb

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Chief Judge - Yonkers City Court  
Cacace Justice Center  
100 S. Broadway  
Yonkers, New York 10701

January 29, 2007

Mr. Carey Dunne  
Davis, Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

Dear Mr. Dunne,

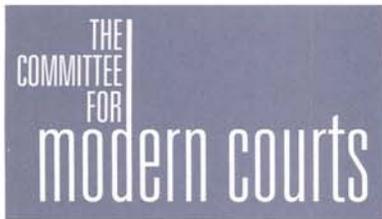
New York's complex and many tiered trial court system has for too long caused unnecessary delay and congestion for New York litigants. The current fragmented court structure not only forces litigants into multiple courts to resolve closely related matters, it also prohibits efficient court management techniques, leaving court administrators powerless to redistribute cases from overburdened to underutilized courts. The result is an unwieldy and profoundly inefficient system, inhospitable to effective administration and wasteful to both litigant and court resources.

For these reasons and as it has in the past, the New York State Association of City Court Judges (the "Association") strongly supports trial court restructuring. The reforms the Special Commission on the future of the New York State Courts (the "Commission") proposes would dramatically improve the quality and efficiency of the New York State court system and would provide all New Yorkers with a streamlined and more accessible court system. The Association accordingly, urges implementation of the Commission's important proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "M. McKeon", written over a light blue horizontal line.

Hon. Michael F. McKeon  
President  
New York State Association of City Court Judges



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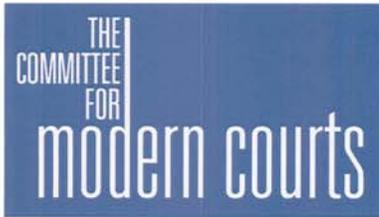
**MEMORANDUM IN SUPPORT  
COURT REFORM AND RESTRUCTURING  
February 2007**

The Fund for Modern Courts supports simplifying our state's trial court system to make it more efficient, effective and accessible. The current court structure is too costly, confusing, and discourages and impedes litigants, both private citizens and business, from pursuing their rights. Consolidating the eleven courts of records into a more simplified system is long overdue. Court restructuring should create a rational, user friendly court system which the public can easily understand; allow resolution of family problems in one court; make the system cheaper and easier for the State to support and litigants to use; simplify probate by creating a Probate Division of Supreme Court; benefit the business community by providing an accessible and efficient court system that can handle a large volume of complex commercial disputes; relieve the backlog of cases that now exists in the Second Department; and, provide for greater diversity on the bench.

One of the most troubling examples of the disjointed New York State court system is found in the experience of domestic violence victims, who can have their cases brought before as many as four different judges in three different courts and often even more adjudicators. For example, a victim may have to try her Civil Order of Protection, visitation, and child support cases in different parts of the Family Court. If there is a criminal proceeding, this same victim must then go to Criminal Court. She may also have to the Supreme Court to obtain a divorce. In each instance, the victim must give the harrowing account of her situation to court personnel, as well as the judges. The victim must take time off from work, secure childcare and figure out how to navigate a complex and confusing system. Victims of domestic violence already grapple with the emotional and physical pain inflicted upon them by their abusers. The current system to which they are relegated exacerbates a highly emotional situation and forces a victim to repeatedly re-live a nightmare.

Although the integrated domestic violence part addresses some of these issues, not all counties have an integrated domestic violence part. Restructuring would provide our court system with even greater consideration of the legal needs of victims of domestic violence.

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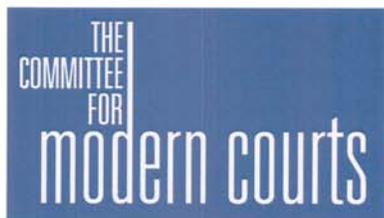
The current system also results in the bifurcation of cases when the state is a defendant and there are also private defendants. The State can only be sued in the Court of Claims, other defendants cannot be sued in Court of Claims. Restructuring would address this common and costly situation.

The Fund for Modern Courts supports merger in place as the least disruptive means of effectuating the important goal of restructuring. Merger in place provides that the future selection process for judges would be the same as it was before the recommended restructuring. Seats that are filled by election would continue to be filled by election, and seats that are filled by appointment would continue to be filled by appointment. Existing terms of office would remain the same. Merger in place would not change the manner in which we select out judges. The Fund for Modern Courts has always supported a commission based appointive system but until the legislature makes the changes required to create an appointive system, the Fund for Modern Courts supports merger in place.

Another benefit of restructuring is assuring that the limited resources for all of the courts would be shared equitably.

In addition to creating a more efficient system, court restructuring could solve the state's worst overcrowding problem by establishing a Fifth Judicial Department - Currently, the Second Department represents half of the State's population and has a large share of the state's caseloads. In fact, the Second Department has three times the number of caseloads as the Fourth Department, which covers more counties. A paucity of judges is available to address the Second Department's burgeoning caseloads, thereby slowing the disposition of cases. Carving out a new Fifth Department from the Second Department would enhance the administration of justice.

Court Restructuring would repair what has become a maze for litigants and streamline administrative practices for counties. Litigants who are now daunted by the system would be better served, as resources would be more equitably distributed. Difficulties litigants undergo in family-related cases would be eased, as the proposal promotes a more efficient and consistent process. The proposal would standardize how counties manage and deliver administrative services in the courts. Current practices vary by county. Improved management and delivery of administrative services would eliminate the factors that impede the movement of cases through the court system.



According to the Office of Court Administration reorganization will also save money. It was estimated that taxpayers would save more than one hundred thirty million dollars. Other savings would be realized after the first five years, as more money would be saved in litigation and other social services costs. Moreover, additional savings would be generated when related cases are tried before a single judge in one courtroom as compared to the current process of trying related cases before numerous and different judges in different courts. Expediently processing cases through the system would also reduce disposition costs. Furthermore, Court restructuring would reduce problems such as jurisdictional disputes that can impede the swift movement of cases through the system, saving litigation costs.

Court restructuring would also enlarge the pool of judges eligible for advancement. More women and people of color could be named to the Appellate Division than under the present statutory processes. Diversity on the bench is important and restructuring is a means to accomplish it.

Greater efficiencies achieved through court restructuring would return the focus back to the administration of quality justice, where it belongs. Public confidence would be restored to a system that has long been viewed in the public eye as insurmountable, and the new, simplified structure would promote public understanding about how the court system operates. For the above reasons, we urge you to support this measure.

Modern Courts is a private, nonprofit, nonpartisan statewide organization dedicated to improving the administration of justice in New York. The Fund for Modern Courts was founded in 1955. It is the only private organization in New York State devoted exclusively to improving the state's judicial system.

Victor A. Kovner  
Chair, Committee for Modern Courts



Westchester  
County Association

Mr. Carey Dunne  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

January 19, 2007

Dear Mr. Dunne,

The Westchester County Association strongly supports restructuring of the New York courts. The courts, as currently structured, are a model of inefficiency, annually costing the State millions in lost economic potential. New York's citizens, municipalities, and businesses collectively deserve much better.

Chief among the reforms that should be accomplished is the restructuring of the State's nine primary trial courts. Due to the inflexible nature of these courts' present jurisdictional boundaries, court administrators are currently unable to reallocate caseloads from overloaded to underutilized courts. This causes considerable backlog and delay throughout the system, lengthening times to resolution and significantly increasing the costs associated with litigation. These burdens are borne by all New Yorkers, but especially by New York businesses, who must pay higher counsel fees, absorb increased employee absences, and devote added resources to litigation.

We believe court reform is long overdue. Therefore, we strongly support the work of the Special Commission on the Future of the New York State Courts. It is our profound hope that after decades of proposals, the time has finally come to end the waste and inefficiency generated by the New York courts' outmoded and fragmented trial-court structure.

Sincerely,

William M. Mooney, Jr.  
President  
The Westchester County Association

THE WESTCHESTER COUNTY ASSOCIATION, INC.

707 WESTCHESTER AVENUE, SUITE 213 WHITE PLAINS, NEW YORK 10604

Tel: 914 .948 .6444 [www.westchester.org](http://www.westchester.org) Fax: 914 .948 .6913

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# NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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OR

IF CHECKED, PLEASE REPLY DIRECTLY TO  
 THE OFFICE OF THE PRESIDENT AT:  
 112 STATE STREET - SUITE 1005, ALBANY, NEW YORK 12207  
 January 17, 2007

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**EXECUTIVE DIRECTOR**  
 PATRICIA MARCUS, MANHATTAN

Mr. Carey Dunne  
 Davis Polk & Wardwell  
 450 Lexington Avenue  
 New York, New York 10017

Dear Mr. Dunne,

Given the reform climate percolating in Albany as a result of Governor Spitzer's election, a window of opportunity presents itself to modernize and simplify New York's archaic court system. Our byzantine and labyrinth mega-structure should be reorganized into a simplified two-tiered system in each of New York's 62 counties - - i.e, Superior Court and District Court.

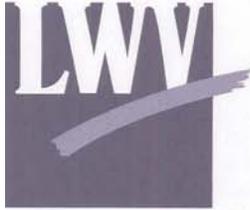
All New York citizens stand to gain from this long-delayed restructuring - including parties in criminal cases, who would benefit immeasurably both from the elimination of overlapping trial-court jurisdictions in family-related criminal matters and from the numerous efficiencies that would be created in a more streamlined, consolidated system.

The proposals set forth by the Special Commission on the Future of the New York State Courts (the "Commission") are long overdue and would vastly improve the quality of the court system in this State. The Commission's proposals, accordingly, should be adopted without delay.

Sincerely,

Ray Kelly, Esq.  
 President -NYSACDL

RAK/rar



The League of Women Voters of New York State  
62 Grand Street, Albany, New York 12207  
Phone: 518-465-4162 Fax: 518-465-0812  
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## THE LEAGUE OF WOMEN VOTERS *of New York State*

January 23, 2007

Mr. Carey Dunne  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

Dear Mr. Dunne:

The League of Women Voters of New York State strongly supports efforts to improve New York's courts. At present, New York's archaic and inefficient court structure needlessly wastes the time and resources of litigants, businesses, municipalities, and the courts. Due to the rigid jurisdictional boundaries separating the state's nine primary trial courts, administrators cannot effectively redistribute cases from overburdened to underutilized dockets. In many cases, it forces litigants to visit more than one court at great emotional and financial cost. It causes lengthy backlogs, unnecessary delays, and sometimes-conflicting results from rulings of different courts dealing with different aspects of a case.

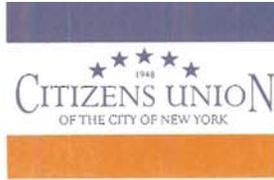
A streamlined, two-tier trial court structure would remedy the system by enabling court administrators to allocate cases away from overloaded courts. This would substantially reduce waste, would allow court administrators to manage caseloads in an efficient way that optimizes court resources and would make the process more understandable and transparent. In addition, litigants in family cases would no longer be forced into multiple courts to resolve closely related matters. Additionally, if the cap on the number of Supreme Court Justices were lifted and cases from the Second Appellate Department were transferred to a new, less crowded department, all New Yorkers would stand to benefit from the simpler, less congested, and far more efficient court system that would emerge.

Redesigning New York's courts has long been overdue. The League urges that this process be started as soon as possible.

Sincerely,

A handwritten signature in dark ink that reads "Marcia A. Merrins". The signature is written in a cursive style with a prominent initial 'M'.

Marcia Merrins  
President



January 19, 2007

Carey R. Dunne, Chair  
Special Commission on the Future of the New York State Courts  
450 Lexington Avenue  
New York, NY 10017

Dear Mr. Dunne,

Citizens Union has long supported judicial reform, both in the selection of judges and the operation and structure of New York State's court system. As the Special Commission on the Future of the New York State Courts, appointed by Chief Judge Judith Kaye, considers ways to modernize the structure of the New York State Court system, Citizens Union wishes to reaffirm its support for consolidation of the court system along the lines being considered by the Commission.

The current court structure consisting of nine courts of record, virtually unchanged since 1962, has proved to be confusing for many citizens who need to navigate through its complex structure, costly for the state and litigants, and a real deterrent to New Yorkers pursuing their rights under law. The consolidation of the courts into a more efficient and citizen-friendly system for New York is long overdue.

New York's antiquated and convoluted court structure has impacted the lives of thousands of New Yorkers seeking justice through the court system in matrimonial matters, cases of domestic violence and abuse, business transactions, and other proceedings that New Yorkers regularly rely upon the courts to adjudicate. Litigants are all too often required to have their cases heard in more than one court to obtain complete relief and are subjected to a maze of administrative hurdles. This complexity has extracted a toll in the lives of New Yorkers in unnecessary time, emotional stress, and financial burdens. Litigants, such as victims of domestic violence, often must take time off from work to attend multiple proceedings in front of multiple judges, secure childcare during that time, and invest the energy and resources to figure out how to navigate the complex and confusing system. The current structure has proven to be too burdensome to preserve.

The consolidation of the courts into a two-tiered structure, along the lines as proposed by Chief Judge Judith Kaye in 1997, and what we believe to be at the core of the Commission's recommendations, would eliminate the need for litigants to appeal to multiple judges, speed the resolution of disputes, reduce costs associated with litigation, insure greater consistency and equity in judicial decisions, and lead to an overall improvement of case management.

Citizens Union supports court restructuring that would achieve these goals and holds out hope that our elected leaders will take the proper actions to implement such changes.

Sincerely,

Handwritten signature of Richard J. Davis in black ink.

Richard J. Davis  
Chair

Handwritten signature of Dick Dadey in blue ink.

Dick Dadey  
Executive Director

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phone 212-227-0342 • fax 212-227-0345 • [citizens@citizensunion.org](mailto:citizens@citizensunion.org) • [www.citizensunion.org](http://www.citizensunion.org)  
Richard J. Davis, Chair • Dick Dadey, Executive Director



**Atlantic Legal Foundation, Inc.** [www.atlanticlegal.org](http://www.atlanticlegal.org)

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January 19, 2007

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The Rockefeller University

Carey Dunne, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Re: Special Commission on the Future of the  
New York State Courts

Dear Mr. Dunne:

The Atlantic Legal Foundation applauds the work of the Commission and welcomes the opportunity to submit a statement in support of court reform.

For more than a quarter of a century, New York's most senior jurists have criticized the state's inefficient and wasteful trial court structure. In March, 2005, Atlantic Legal studied the Chief Judge's proposed reform, and concluded:

"After reviewing the Chief Judge's restructuring proposal and the arguments advanced to oppose it, Atlantic Legal Foundation is convinced that the Chief Judge's proposal should be adopted. The current structure cannot be defended. It is inefficient, costly to litigants and generally not conducive to the swift and sure administration of justice. It fails to take full advantage of the capabilities of the judiciary and makes needless and costly demands on attorneys' and their clients' time."

The business community should focus its considerable resources on securing passage of the reforms proposed by Chief Judge Kaye.

Sincerely,

William H. Slattery  
President

WHS:jbd

January 23, 2007

Carey Dunne, Esq.  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

Dear Mr. Dunne:

I write this letter on behalf of Legal Services for New York City (LSNY), the largest provider of free civil legal services to the poor in the United States. From its work representing members of New York City's low-income communities, LSNY is acutely aware of the myriad problems that result from and are exacerbated by New York's fragmented trial-court structure. The current structure severely constrains court administrators, leaving them unable to evenly distribute caseloads and creating pockets of congestion that adversely affect litigants, court personnel, and lawyers. In addition, because the system does not permit a single judge to hear closely related matters, litigants in similar proceedings often must make repetitive, unnecessary, and time-consuming appearances before different judges.

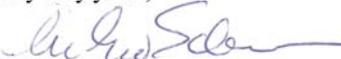
The resulting congestion and confusion particularly affects the lives of poor people in New York City, whose legal matters often involve issues of basic survival such as shelter, domestic violence, income and medical care. The laws governing these areas are complex procedural and substantive statutes, through which low-income litigants are forced to maneuver, often unrepresented. Unable to defend themselves adequately, and often missing rescheduled court dates due to lack of child care options or rigid work schedules, poor people lose their homes, medical care, public benefits and families.

It is crucial to our well-being as a society that we provide meaningful access to the courts for all, regardless of income. The most important measure of any system that resolves and adjudicates disputes is the extent to which it administers justice in a fair and credible manner. If a significant portion of New York's poor are denied meaningful access to the court system, a system for administering justice cannot serve its underlying purpose well.

It is for these reasons that we believe the restructuring proposals set forth by the Special Commission on the Future of the New York Courts (the "Commission") should be adopted. The Commission's plan would simplify the structure of the State courts and allow caseloads to be effectively and efficiently managed. This would significantly ease backlogs and help disperse crowded dockets. Moreover, the plan would both relieve pressure on the overtaxed Second Appellate Department and consolidate related cases before a single judge – each of these changes would considerably benefit low-income parties, among others.

LSNY therefore stands firmly behind the Commission's plan to restructure the New York courts, and urges adoption of these important proposals.

Very truly yours,

  
Andrew Scherer  
Executive Director and President

Bedford-Stuyvesant Community Legal Services ■ Brooklyn Legal Services Corporation A  
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The LSNY Legal Support Unit ■ LSNY Staten Island ■ Manhattan Legal Services  
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Andrew Scherer  
*Executive Director  
and President*  
Fern Schair  
*Board Chair*

CENTER FOR LAW & JUSTICE, INC.

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cflj@knick.net

ALICE P. GREEN, Ph.D.  
*Executive Director*

January 16, 2007

Mr. Carey Dunne, Esq.  
Davis, Polk & Wardwell  
450 Lexington Ave.  
New York, N.Y. 10017

Dear Mr. Dunne:

The Center for Law & Justice, Inc. ("the Center") wholeheartedly supports the Commission's proposed recommendations to restructure New York State's Court system, furthering the efforts of Chief Judge Kaye, begun more than a decade ago.

The Center is a nonprofit organization providing free legal guidance, assistance, information and referral to the poor and underserved in the tri-county region surrounding Albany, New York, as well as to New York State prisoners all over New York State. As such, the Center is well aware of the enormous structural impediments facing those New Yorkers who have more than one legal matter pending in more than one court at the same time, or one legal matter pending, for some reason, in multiple courts simultaneously. Multiple filing fees are forced upon litigants in these situations. Inconsistent rulings are at times handed down by different judges considering divergent aspects of the same basic issue. A postponement in one court can have a "snowball" effect on a related matter being considered in another court.

As our chaotic, blundering court system exists now in New York, judicial resources are wasted, taxpayers are shortchanged, litigants' rights are compromised and justice is not served. Surely we can do better. The Commission's proposals are a good start. Hopefully, with consolidation of the court system, another critical improvement will naturally occur: mandated counsel, not just for those facing criminal charges, but for those faced with serious family court issues, as well.

We are pleased to have had the opportunity to voice our support for the court reform efforts proposed by the Commission.

Sincerely,

Alice P. Green, Ph.D.  
Executive Director

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— APPENDIX iv —  
LETTER FROM THE  
NATIONAL CENTER FOR STATE COURTS



*A nonprofit organization improving justice through leadership and service to courts*

Mary Campbell McQueen  
President

February 1, 2007

Mr. Carey R. Dunne  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017

Dear Mr. Dunne:

We have completed our review of the litigant savings projections dated January 25, 2007 (the "Projections"), which were prepared by the Fiscal Issues Committee of the Special Commission on the Future of the New York State Courts (the "Commission") in collaboration with the Office of Court Administration of the New York State Unified Court System.

The Projections estimate that approximately \$502 million of annual savings would be realized by individual litigants, business litigants, employers, municipalities, the New York State Unified Court System, and others if New York State were to consolidate its trial courts into a two-tiered structure, consisting of a court of general jurisdiction and a court of limited jurisdiction. As set forth in more detail below, we conclude that the Projections are based on reliable data and sound methodology, that the assumptions underlying them are fairly conservative, and that the resulting bottom-line savings (which have been expressed in terms of saved time and saved money) are also conservative. Indeed, we suspect that, for the reasons stated in the last paragraph of section 1 below, the Projections may *understate* the bottom-line savings.

1. Productivity Savings by Individuals, Businesses, Municipalities and Others

Of the \$502 million total annual savings identified in the Projections, \$443 million are productivity savings that will be realized by individual litigants, business litigants, employers, municipalities, and others. The Projections derive this \$443 million figure based on the assumption that in a consolidated court system, litigants and their attorneys would spend significantly less time in court each year. More specifically, the Projections estimate that by reducing the average number of court dates needed per case, court consolidation will save 7.04 million litigant hours annually and 1.80 million attorney hours annually.

In this regard, the Projections' central premise is that New York's current trial court system, with its great many narrow jurisdictional boundaries, gives rise to two fundamental sources of inefficiency. First, in the current system, it is generally not possible to reallocate cases from overburdened courts to those with excess capacity, so many cases do not received the sort of early judicial attention they need in order to encourage early resolution of claims. Second, the current system limits the ability of a single judge to take jurisdiction over all claims arising from a given event or transaction. The Projections hypothesize: (1) that these two sources of inefficiency would be eliminated through trial court consolidation and (2) that, as a result, there would be a reduction in the average number of court dates generated by a given case prior to disposition.

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[www.ncsconline.org](http://www.ncsconline.org)

Based on our expertise in state court administration, our prior research on court reform efforts in various states, and our review of relevant research, we conclude that these central hypotheses are entirely reasonable. Furthermore, the Projections' estimates as to the average reduction in court dates for various types of cases are based on credible data and conservative methodology.

To quantify the economic value associated with the above-described reduction in court dates, the Projections have estimated, for various categories of cases, the average numbers of litigants attending each court date, the average amount of time spent by litigants in connection with each court date, the average hourly wage and other compensation of litigants, the average travel costs to litigants for each court date, the average number of attorneys involved in each court date, the average amount of time spent by attorneys in connection with each court date, and the average hourly cost of these attorneys. Having reviewed these various estimates, we conclude that they are the product of credible data and conservative methodology.

Finally, we note that in addition to those quantified by the Projections, there are other forms of productivity savings that, although harder to quantify, will likely be realized in the event that New York's trial courts are consolidated. For example, the Projections have not attempted to estimate the savings to witnesses. Nor have they attempted to estimate the savings to family members who accompany litigants to court.

2. State Budgetary Savings

The Projections also estimate that court consolidation (once fully implemented) would produce \$59 million in annual budgetary savings by the New York State Unified Court System. These budgetary savings are projected to be achieved in two ways: (1) by eliminating redundant case-processing tasks that currently must be performed in each of New York's nine primary trial courts, and (2) by consolidating administrative duties in a simplified management structure made possible by court consolidation. Based again on our considerable court-administration expertise, and after a close review of the relevant data, we find the budgetary-savings component of the Projections to be reasonable and well-supported.

\* \* \*

For the foregoing reasons, we conclude that the Projections' bottom-line savings number of \$502 million annually is reasonable as a conservative estimate of the savings that could be realized were New York's trial courts to be consolidated along the lines that the Commission has recommended.

Sincerely yours,



Mary C. McQueen

— APPENDIX v —  
A DRAFT CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to article 6 of the constitution, in relation to the composition of judicial departments and the restructuring of the unified court system, and the repeal of sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c and 37 and subdivision j of section 22 of article 6 of the constitution relating thereto

Section 1. Resolved (if the \_\_\_\_\_ concur), That section 1 of article 6 of the constitution be amended to read as follows:

Section 1. a. There shall be a unified court system for the state. The state-wide courts shall consist of the court of appeals[,] and the supreme court including the appellate divisions and the appellate terms thereof[, the court of claims, the county court, the surrogate's court and the family court,] as hereinafter provided. [The legislature shall establish in and for the city of New York, as part of the unified court system for the state, a single, city-wide court of civil jurisdiction and a single, city-wide court of criminal jurisdiction, as hereinafter provided, and may upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city-wide court of both civil and criminal jurisdiction.] The unified court system for the state shall also include the district, town[, city] and village courts [outside the city of New York], as hereinafter provided.

b. The court of appeals, the supreme court including the appellate divisions and the appellate terms thereof, [the court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York,] the district courts and such other courts as the legislature may determine shall be courts of record.

c. All processes, warrants and other mandates of the court of appeals[,] and the supreme court including the appellate divisions and the appellate terms thereof[, the court of claims, the county court, the surrogate's court and the family court] may be served and executed in any part of the state. All processes, warrants and other mandates of the district courts [or court of civil and criminal jurisdiction of the city of New York] may, subject to such limitation as may be prescribed by the legislature provided it applies uniformly to all

district courts, be served and executed in any part of the state. The legislature may provide that processes, warrants and other mandates of [the district court may be served and executed in any part of the state and that processes, warrants and other mandates of] town[,] and village [and city] courts [outside the city of New York] may be served and executed in any part of the county in which such courts are located or in any part of any adjoining county.

§2. Resolved (if the \_\_\_\_\_ concur), That subdivision a of section 2 of article 6 of the constitution be amended to read as follows:

a. The court of appeals is continued. It shall consist of [the] a chief judge and [the] six [elected] associate judges [now in office, who shall hold their offices until the expiration of their respective terms, and their successors], and such justices of the supreme court as may be designated for service in said court as hereinafter provided. The official terms of the chief judge and the six associate judges shall be fourteen years.

Five members of the court shall constitute a quorum, and the concurrence of four shall be necessary to a decision; but no more than seven judges shall sit in any case. In case of the temporary absence or inability to act of any judge of the court of appeals, the court may designate any justice of the supreme court to serve as associate judge of the court during such absence or inability to act. The court shall have power to appoint and to remove its clerk. The powers and jurisdiction of the court shall not be suspended for want of appointment when the number of judges is sufficient to constitute a quorum.

§3. Resolved (if the \_\_\_\_\_ concur), That subdivisions a, b, c and d of section 4 of article 6 of the constitution be amended to read as follows:

a. [The] (1) Except as provided in paragraph two of this subdivision, the state shall be divided into four judicial departments. The first department shall consist of the counties within the first and twelfth judicial [district] districts of the state. The second department shall consist of the counties within the second, ninth, tenth and eleventh judicial districts of the state. The third department shall consist of the counties within the third, fourth and sixth judicial districts of the state. The fourth department shall consist of the counties within the fifth, seventh and eighth judicial districts of the state. [Each department shall be bounded by the lines of judicial districts.]

(2) On or after September first, two thousand ten, the legislature shall divide the state into five judicial departments. Once every ten years thereafter, the legislature may [alter the further adjust the number or boundaries of the judicial departments[, but without changing the number thereof]. Upon any adjustment hereunder, each department shall be bounded by the lines of judicial districts, and the justices of each appellate division affected by such adjustment may be re-apportioned, and appeals in their respective courts transferred, as provided by subdivision h of section twenty-seven of this article.

b. The appellate divisions of the supreme court are continued[,] and shall consist of seven justices of the supreme court in each of the first and second departments, and five justices in each of the other departments unless the legislature, upon adjustment of the number or boundaries of departments pursuant to paragraph two of subdivision a hereof, shall provide that any department adjusted thereby shall consist of seven justices. In each appellate division, four justices shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

c. The governor shall designate the presiding justice of each appellate division, who shall act as such during his or her term of office and shall be a resident of the department. The other justices of the appellate divisions shall be designated by the governor, from all the justices [elected to] of the supreme court other than those appointed to fill a vacancy pursuant to subdivision a of section fifteen of this article, for terms of five years or the unexpired portions of their respective terms of office, if less than five years.

d. The [justices heretofore designated shall continue to sit in the appellate divisions until the terms of their respective designations shall expire. From time to time as the terms of the designations expire, or vacancies occur, the governor shall make new designations. The] governor may [also], on request of any appellate division, make temporary designations in case of the absence or inability to act of any justice in such appellate division, for service only during such absence or inability to act.

§4. Resolved (if the \_\_\_\_\_ concur), That section 6 of article 6 of the constitution be amended to read as follows:

§6. a. The state shall be divided into [eleven] twelve judicial districts. The first judi-

cial district shall consist of the [counties] county of [Bronx and] New York. The second judicial district shall consist of the counties of Kings and Richmond. The third judicial district shall consist of the counties of Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, and Ulster. The fourth judicial district shall consist of the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington. The fifth judicial district shall consist of the counties of Herkimer, Jefferson, Lewis, Oneida, Onondaga, and Oswego. The sixth judicial district shall consist of the counties of Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga and Tompkins. The seventh judicial district shall consist of the counties of Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne and Yates. The eighth judicial district shall consist of the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming. The ninth judicial district shall consist of the counties of Dutchess, Orange, Putnam, Rockland and Westchester. The tenth judicial district shall consist of the counties of Nassau and Suffolk. The eleventh judicial district shall consist of the county of Queens. The twelfth judicial district shall consist of the county of Bronx.

b. Once every ten years the legislature may [increase or decrease] adjust the number or boundaries of judicial districts [or alter the composition of judicial districts] and thereupon re-apportion the justices to be thereafter [elected] selected in the [judicial] districts so [altered] adjusted. Each judicial district shall be bounded by county lines.

c. [The] Except as otherwise provided in this article, the justices of the supreme court shall be chosen by the electors of the judicial district in which they are to serve[. The] for terms of [justices of the supreme court shall be] fourteen years from and including the first day of January next after [their] election.

d. The supreme court is continued. [It shall consist of the number of justices of the supreme court including the justices designated to the appellate divisions of the supreme court, judges of the county court of the counties of Bronx, Kings, Queens and Richmond and judges of the court of general sessions of the county of New York authorized by law on the thirty-first day of August next after the approval and ratification of this amendment by the people, all of whom shall be justices of the supreme court for the remainder of their terms.

The legislature may increase the] In each judicial district it shall consist of such number of justices [of the supreme court in any judicial district] as may be authorized by law, except that [the number in any district shall not be increased to exceed one justice for fifty thousand, or fraction over thirty thousand, of the population thereof as shown by the last federal census or state enumeration. The legislature may decrease the number of justices of the supreme court in any judicial district, except that]:

(1) the number in any judicial district shall not be less than the number of justices of the supreme court authorized by law in such judicial district on [the effective date of this article] August thirty-first, two thousand ten; and (2) there shall be at least one justice of the supreme court in each county outside the city of New York chosen by the electors thereof.

e. The clerks of the several counties shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law.

§5. Resolved (if the \_\_\_\_\_ concur), That section 7 of article 6 of the constitution be amended to read as follows:

§7. a. The supreme court and any division thereof shall have general original jurisdiction in law and equity, including the jurisdiction of the former court of claims subject, however, to such power as the legislature had to withdraw jurisdiction from the court of claims on August thirty-first, two thousand ten; the appellate jurisdiction of the former county court, except that the legislature may provide, in accordance with section eight of this article, that one or more appellate terms shall exercise any or all of such appellate jurisdiction instead of the supreme court; and [the] such other appellate jurisdiction as herein provided.

[In the city of New York, it] Except as the legislature may otherwise provide pursuant to paragraph four of subdivision a of section ten of this article, the supreme court shall have exclusive jurisdiction over crimes prosecuted by indictment[, provided, however, that the legislature may grant to the city-wide court of criminal jurisdiction of the city of New York jurisdiction over misdemeanors prosecuted by indictment and to the family court in the city of New York jurisdiction over crimes and offenses by or against minors or between spouses or between parent and child or between members of the same family or household].

b. If the legislature shall create new classes of actions and proceedings, the supreme

court shall have jurisdiction over such classes of actions and proceedings, but the legislature may provide that another court or other courts shall also have jurisdiction and that actions and proceedings of such classes may be originated in such other court or courts.

c. Except as the chief administrator of the courts may otherwise provide, the supreme court shall have the following divisions:

(1) a family division, for actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage, and actions and proceedings within the jurisdiction of the former family court on August thirty-first, two thousand ten;

(2) a probate division, for actions and proceedings within the jurisdiction of the former surrogate's court on August thirty-first, two thousand ten;

(3) a criminal division, for crimes and other violations of law;

(4) a state claims division, for actions and proceedings within the jurisdiction of the former court of claims on August thirty-first, two thousand ten;

(5) a commercial division, for civil actions and proceedings as may be provided by law or by the chief administrator; and

(6) a general division, for all other actions and proceedings in the supreme court.

To the extent practicable, justices assigned to any such divisions shall be experienced in the business coming before them.

§6. Resolved (if the \_\_\_\_\_ concur), That subdivisions d and e of section 8 of article 6 of the constitution be amended to read as follows:

d. If so directed by the appellate division of the supreme court establishing an appellate term, an appellate term shall have jurisdiction to hear and determine appeals [now or hereafter authorized by law to be taken to the supreme court or to the appellate division other than appeals from the supreme court, a surrogate's court, the family court or appeals in criminal cases prosecuted by indictment or by information as provided in section six of article one] from the district court in the city of New York.

e. As may be provided by law, an appellate term shall have jurisdiction to hear and determine appeals from [the district] a district court outside the city of New York or from a town[,] or village [or city] court [outside the city of New York].

§7. Resolved (if the \_\_\_\_\_ concur), That sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c and 37 and subdivision j of section 22 of article 6 of the constitution be REPEALED.

§8. Resolved (if the \_\_\_\_\_ concur), That sections 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of article 6 of the constitution be renumbered sections 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28.

§9. Resolved (if the \_\_\_\_\_ concur), That section 9 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§9. a. The [legislature shall by law establish a single court of city-wide civil jurisdiction and a single court of city-wide criminal jurisdiction in and for the city of New York and the legislature may, upon the request of the mayor and the local legislative body of the city of New York, merge the two courts into one city-wide court of both civil and criminal jurisdiction. The said city-wide courts] district court system is hereby established.

b. There shall be a district court in the city of New York. Effective September first, two thousand ten, it shall consist of such number of judges as may be [provided] authorized by law. The judges of the district court [of city-wide civil jurisdiction] in the city of New York shall be residents of such city and, except as otherwise provided in this article, shall be [chosen] selected in the manner provided by law for terms of ten years [by the electors of the counties included within the city of New York from districts within such counties established by law. The judges of the court of city-wide criminal jurisdiction shall be residents of such city and shall be appointed for terms of ten years by the mayor of the city of New York.

b. The court of city-wide civil jurisdiction of the city of New York shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such court in the manner provided by law: actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels and actions and proceedings for the foreclosure of mechanics liens and liens on personal property where the amount sought to be recovered or the value of the property does not exceed twenty-five thousand dollars exclusive of interest and costs, or such smaller amount as may be fixed by law; over summary proceedings to recover possession of real property and to remove tenants therefrom and over

such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law. The court of city-wide civil jurisdiction shall further exercise such equity jurisdiction as may be provided by law and its jurisdiction to enter judgment upon a counterclaim for the recovery of money only shall be unlimited.

c. The court of city-wide criminal jurisdiction of the city of New York shall have jurisdiction over crimes and other violations of law, other than those prosecuted by indictment, provided, however, that the legislature may grant to said court jurisdiction over misdemeanors prosecuted by indictment; and over such other actions and proceedings, not within the exclusive jurisdiction of the supreme court, as may be provided by law.

d. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article]. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

c. Outside the city of New York there shall be district courts as follows:

(1) The legislature may, at the request of the board of supervisors or other elective governing body of any county outside the city of New York, establish a district court for the entire area of such county or for a portion of such county consisting of one or more cities, or one or more towns which are contiguous, or of a combination of such cities and such towns provided at least one of such cities is contiguous to one of such towns; provided that: (i) no law establishing a district court hereunder for an entire county shall become effective unless approved at a general election on the question of the approval of such law by a majority of the votes cast thereon by the electors within the area of any cities in the county considered as one unit and by a majority of the votes cast thereon by the electors within the area outside of cities in the county considered as one unit; and (ii) no law establishing a district court hereunder for a portion of a county shall become effective unless approved at a general election on the question of the approval of such law by a majority of the votes cast thereon by the electors within the area of any cities included in such portion of the county considered as one unit and by a majority of the votes cast thereon by the electors within the area outside of cities included in such portion of the county considered as one unit.

(2) Unless the legislature shall otherwise provide, a district court shall be established for the area of each city outside the city of New York.

The judges of a district court outside the city of New York shall be residents of the county or portion thereof for which such court has been established and shall be chosen by the electors of such county or portion thereof for terms of six years; except that judges of a district court established pursuant to paragraph two of this subdivision shall be residents of the city for which such court is established unless otherwise provided by law, and shall be chosen in such manner and for such terms as shall be provided by law. Where a term of office prescribed hereunder is elective, it shall be from and including the first day of January next after election.

d. The legislature may create districts of a district court outside the city of New York established pursuant to paragraph one of subdivision c of this section which shall consist of an entire county or of an area less than a county; and may discontinue any district of such a district court. The judges of a district court for which districts have been created hereunder shall be apportioned among such districts as may be provided by law and, to the extent practicable, in accordance with the population and the volume of judicial business.

e. Each district court outside the city of New York shall consist of such number of judges as may be authorized by law, provided there shall be at least one judge for each district court and, for each district court in which districts have been created hereunder, at least one judge for each of such districts.

§10. Resolved (if the \_\_\_\_\_ concur), That article 6 of the constitution be amended by adding a new section 10 to read as follows:

§10. a. The jurisdiction of the district courts shall be uniform statewide and shall include:

(1) actions and proceedings for the recovery of money, actions and proceedings for the recovery of chattels, and actions and proceedings for the foreclosure of mechanics liens and liens on personal property, where the amount sought to be recovered or the value of the property does not exceed fifty thousand dollars exclusive of interest and costs or such smaller amount as may be fixed by law; provided, however, that the jurisdiction of the district court

to enter judgment upon a counterclaim for the recovery of money only shall be unlimited;

(2) actions and proceedings in law and equity involving the enforcement of state and local laws for the establishment and maintenance of housing standards, and summary proceedings to recover possession of real property and to remove tenants therefrom;

(3) such other equity jurisdiction as may be provided by law;

(4) jurisdiction over crimes and other violations of law, other than those prosecuted by indictment; provided, however, that the legislature may grant to the district courts jurisdiction over misdemeanors prosecuted by indictment; and

(5) any other jurisdiction of the former city-wide courts of civil and criminal jurisdiction for the city of New York on August thirty-first, two thousand ten not otherwise provided herein and, where it is provided by law after such date, such further jurisdiction as those courts might have exercised on such date had such jurisdiction then been provided by law.

b. The district court in the city of New York shall have a housing division, for actions and proceedings specified in paragraph two of subdivision a of this section.

c. The provisions of this section shall in no way limit or impair the jurisdiction of the supreme court as set forth in section seven of this article.

§11. Resolved (if the \_\_\_\_\_ concur), That section 11 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§11. a. Courts for towns[,] and villages [and cities outside the city of New York] are continued and shall have the jurisdiction prescribed by the legislature but not in any respect greater than the jurisdiction of [the district] a district court as provided in section [sixteen] ten of this article.

b. The legislature may regulate such courts[, establish uniform jurisdiction, practice and procedure for city courts outside the city of New York] and may discontinue any village [or city] court [outside the city of New York] existing on the effective date of this article. The legislature may discontinue any town court existing on the effective date of this article only with the approval of a majority of the total votes cast at a general election on the question of a proposed discontinuance of the court in each such town affected thereby.

c. The legislature may abolish the legislative functions on town boards of justices of

the peace and provide that members of the town [councilmen] council be elected in their stead.

d. The number of [the judges] justices of each of such town[,] and village [and city] courts and the classification and duties of [the judges] such justices shall be prescribed by the legislature. The terms, method of selection and method of filling vacancies for the [judges] justices of such courts shall be prescribed by the legislature[.]; provided, however, that the justices of town courts shall be chosen by the electors of the town for terms of four years from and including the first day of January next after their election.

§12. Resolved (if the \_\_\_\_\_ concur), That section 13 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§13. a. The supreme court may transfer any action or proceeding, except one over which it shall have exclusive jurisdiction which does not depend upon the monetary amount sought, to any other court having jurisdiction of the subject matter within the judicial department provided that such other court has jurisdiction over the classes of persons named as parties. As may be provided by law, the supreme court may transfer to itself any action or proceeding originated or pending in another court within the judicial department [other than the court of claims] upon a finding that such a transfer will promote the administration of justice.

b. The [county court shall transfer to the supreme court or surrogate's court or family court any action or proceeding which has not been transferred to it from the supreme court or surrogate's court or family court and over which the county court has no jurisdiction. The county court may transfer any action or proceeding, except a criminal action or proceeding involving a felony prosecuted by indictment or an action or proceeding required by this article to be dealt with in the surrogate's court or family court, to any court, other than the supreme court, having jurisdiction of the subject matter within the county provided that such other court has jurisdiction over the classes of persons named as parties.

c. As may be provided by law, the supreme court or the county court may transfer to the county court any action or proceeding originated or pending in the district court or a town, village or city court outside the city of New York upon a finding that such a transfer

will promote the administration of justice.

d. The surrogate's court shall transfer to the supreme court or the county court or the family court or the courts for the city of New York established pursuant to section fifteen of this article any action or proceeding which has not been transferred to it from any of said courts and over which the surrogate's court has no jurisdiction.

e. The family court shall transfer to the supreme court or the surrogate's court or the county court or the courts for the city of New York established pursuant to section fifteen of this article any action or proceeding which has not been transferred to it from any of said courts and over which the family court has no jurisdiction.

f. The courts for] district court in the city of New York [established pursuant to section fifteen of this article] shall transfer to the supreme court [or the surrogate's court or the family court] any action or proceeding which has not been transferred to [them] it from [any of said courts] the supreme court and over which the [said courts for the city of New York have] district court has no jurisdiction.

[g.] c. As may be provided by law, the supreme court shall transfer any action or proceeding to any other court having jurisdiction of the subject matter in any other judicial district or county provided that such other court has jurisdiction over the classes of persons named as parties.

[h.] d. As may be provided by law, the [county] district court[, the surrogate's court, the family court and the courts for] in the city of New York [established pursuant to section fifteen of this article] may transfer any action or proceeding, other than one which has previously been transferred to it, to any other court, except the supreme court, having jurisdiction of the subject matter in any other judicial district or county provided that such other court has jurisdiction over the classes of persons named as parties.

[i.] e. As may be provided by law, [the district] a district court outside the city of New York or a town[, ] or village [or city] court [outside the city of New York] may transfer any action or proceeding, other than one which has previously been transferred to it, to any court, [other than] except the [county court or the surrogate's court or the family court or the] supreme court, having jurisdiction of the subject matter in the same or an adjoining county

provided that such other court has jurisdiction over the classes of persons named as parties.

[j.] f. Each court shall exercise jurisdiction over any action or proceeding transferred to it pursuant to this section.

[k.] g. The legislature may provide that the verdict or judgment in actions and proceedings so transferred shall not be subject to the limitation of monetary jurisdiction of the court to which the actions and proceedings are transferred if that limitation be lower than that of the court in which the actions and proceedings were originated.

§13. Resolved (if the \_\_\_\_\_ concur), That section 14 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§14. a. No person[, other than one who holds such office at the effective date of this article,] may assume the office of judge of the court of appeals[,] or justice of the supreme court[, or judge of the court of claims] unless he or she has been admitted to practice law in this state at least ten years. No person[, other than one who holds such office at the effective date of this article,] may assume the office of judge of [the county court, surrogate's court, family court, a court for the city of New York established pursuant to section fifteen of this article, district] a district court [or city court outside the city of New York] unless he or she has been admitted to practice law in this state at least five years or such greater number of years as the legislature may determine.

b. A judge of the court of appeals, justice of the supreme court[, judge of the court of claims, judge of a county court, judge of the surrogate's court, judge of the family court] or judge of [a] the district court [for] in the city of New York [established pursuant to section fifteen of this article who is elected or appointed after the effective date of this article] may not:

(1) hold any other public office or trust except an office in relation to the administration of the courts, member of a constitutional convention or member of the armed forces of the United States or of the state of New York in which latter event the legislature may enact such legislation as it deems appropriate to provide for a temporary judge or justice to serve during the period of the absence of such judge or justice in the armed forces;

(2) be eligible to be a candidate for any public office other than judicial office or

member of a constitutional convention, unless he or she resigns from judicial office; in the event a judge or justice does not so resign from judicial office within ten days after his or her acceptance of the nomination of such other office, his or her judicial office shall become vacant and the vacancy shall be filled in the manner provided in this article;

(3) hold any office or assume the duties or exercise the powers of any office of any political organization or be a member of any governing or executive agency thereof;

(4) engage in the practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter or engage in the conduct of any other profession or business which interferes with the performance of his or her judicial duties.

Judges and justices of the courts specified in this subdivision shall also be subject to such rules of conduct as may be promulgated by the chief administrator of the courts with the approval of the court of appeals.

c. Qualifications for and restrictions upon the judges of [district,] district courts outside the city of New York and justices of town[,] and village [or city] courts [outside the city of New York], other than such qualifications and restrictions specifically set forth in subdivision a of this section, shall be prescribed by the legislature[,]; provided, however, that the legislature shall require a course of training and education to be completed by justices of town and village courts [selected after the effective date of this article] who have not been admitted to practice law in this state. Judges and justices of such courts shall also be subject to such rules of conduct not inconsistent with laws as may be promulgated by the chief administrator of the courts with the approval of the court of appeals.

§14. Resolved (if the \_\_\_\_\_ concur), That section 15 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§15. a. When a vacancy shall occur, otherwise than by expiration of term, in the office of an elective justice of the supreme court[, of judge of the county court, of judge of the surrogate's court or judge of the family court outside the city of New York], it shall be filled for a full term at the next general election held not less than three months after such vacancy occurs and, until the vacancy shall be so filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or, if the senate not be in session, the gov-

ernor may fill such vacancy by [an] appointment [which]; except that, where the vacancy is in the office of a justice who was a judge of the city-wide court of civil jurisdiction of the city of New York who became a justice of the supreme court pursuant to paragraph one of subdivision c of section twenty-seven of this article, or his or her successor in office, the mayor of the city of New York shall fill such vacancy by appointment. Each appointment pursuant to this subdivision shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

b. When a vacancy shall occur, otherwise than by expiration of term, in the office of [judge of the court of claims] an appointive justice of the supreme court, it shall be filled for the unexpired term in the same manner as an original appointment.

c. When a vacancy shall occur, otherwise than by expiration of term, in the office of judge elected to the [city-wide] district court [of civil jurisdiction of] in the city of New York, it shall be filled for a full term at the next general election held not less than three months after such vacancy occurs and, until the vacancy shall be so filled, the mayor of the city of New York may fill such vacancy by [an] appointment which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

When a vacancy shall occur, otherwise than by expiration of term on the last day of December of any year, in the office of judge appointed to the [family court within the city of New York or the city-wide] district court [of criminal jurisdiction of] in the city of New York, the mayor of the city of New York shall fill such vacancy by [an] appointment for the unexpired term; except that, where the vacancy is in the office of a judge who was a housing judge who became a judge of the district court pursuant to paragraph one of subdivision c of section twenty-seven of this article, or his or her successor in office, the mayor shall fill such vacancy by appointment for the unexpired term on the recommendation of a commission established by law.

d. When a vacancy shall occur, otherwise than by expiration of term, in the office of judge of [the district] a district court outside the city of New York established pursuant to paragraph one of subdivision c of section nine of this article, it shall be filled for a full term at the next general election held not less than three months after such vacancy occurs and,

until the vacancy shall be so filled, the board of supervisors or the supervisor or supervisors of the [affected district] area for which the court was established if such [district] area consists of a portion of a county or, in counties with an elected county executive officer, such county executive officer may, subject to confirmation by the board of supervisors or the supervisor or supervisors of such [district] area, fill such vacancy by an appointment which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

e. When a vacancy shall occur, otherwise than by expiration of term, in the office of judge of a district court outside the city of New York established pursuant to paragraph two of subdivision c of section nine of this article, it shall be filled in the manner provided by law.

§15. Resolved (if the \_\_\_\_\_ concur), That section 17 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§17. a. Judges of the court of appeals and justices of the supreme court may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein.

b. Judges of [the court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article,] the district court and such other courts as the legislature may determine may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein.

c. No judge or justice shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he or she shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

§16. Resolved (if the \_\_\_\_\_ concur), That section 19 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§19. a. The compensation of a judge of the court of appeals, a justice of the supreme court, a judge of [the] a district court [of claims, a judge of the county court, a judge of the surrogate's court, a judge of the family court, a judge of a court for the city of New York es-

established pursuant to section fifteen of this article, a judge of the district court or of] and a retired judge or justice shall be established by law and shall not be diminished during the term of office for which he or she was [elected or appointed. Any judge or justice of a court abolished by section thirty-five of this article, who pursuant to that section becomes a judge or justice of a court established or continued by this article, shall receive without interruption or diminution for the remainder of the term for which he or she was elected or appointed to the abolished court the compensation he or she had been receiving upon the effective date of this article together with any additional compensation that may be prescribed by law] selected.

b. Each judge of the court of appeals, justice of the supreme court[,], and judge of [the] a district court [of claims, judge of the county court, judge of the surrogate's court, judge of the family court, judge of a court for the city of New York established pursuant to section fifteen of this article and judge of the district court] shall retire on the last day of December in the year in which he or she reaches the age of seventy. Each such former judge of the court of appeals and justice of the supreme court may thereafter perform the duties of a justice of the supreme court, with power to hear and determine actions and proceedings[.]; provided, however, that it shall be certificated in the manner provided by law that the services of such judge or justice are necessary to expedite the business of the court and that he or she is mentally and physically able and competent to perform the full duties of such office. Any such certification shall be valid for a term of two years and may be extended as provided by law for additional terms of two years. A retired judge or justice shall serve no longer than until the last day of December in the year in which he or she reaches the age of seventy-six. [A retired judge or justice shall be subject to assignment by the appellate division of the supreme court of the judicial department of his or her residence.] Any retired justice of the supreme court who had been designated to and served as a justice of any appellate division immediately preceding his or her reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. [A retired judge or justice shall not be counted in determining the number of justices in a judicial district for purposes of subdivision d of section six of this article.

c. The provisions of this section shall also be applicable to any judge or justice who

has not reached the age of seventy-six and to whom it would otherwise have been applicable but for the fact that he or she reached the age of seventy and retired before the effective date of this article.]

§17. Resolved (if the \_\_\_\_\_ concur), That section 20 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

§20. a. A justice of the supreme court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district [or to the court of claims]. A justice of the supreme court [in the city of New York] may be [temporarily] assigned to [the family court in the city of New York or to the surrogate's court in any county within the city of New York when required to dispose of the business] any division or divisions of such court.

b. [A judge of the court of claims may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in any judicial district.

c. A judge of the county court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the surrogate's court in any county outside the city of New York or to a court for the city of New York established pursuant to section fifteen of this article.

d. A judge of the surrogate's court in any county within the city of New York may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence.

e. A judge of the surrogate's court in any county outside the city of New York may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to a court for the city of New York established pursuant to section fifteen of this article.

f. A judge of the family court may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the surro-

gate's court in any county outside of the city of New York or to a court for the city of New York established pursuant to section fifteen of this article.

g. A judge of a court for the city of New York established pursuant to section fifteen of this article may perform the duties of office or hold court in any county and may be temporarily assigned to the supreme court in the judicial department of his or her residence or to the county court or the family court in any county or to the other court for the city of New York established pursuant to section fifteen of this article.

h.] A judge of [the district] a district court [in any county] may perform the duties of office or hold court in any county [and], may be [temporarily] assigned to [the county court in the judicial department] any district of his or her [residence or to a] court [for the city of New York established pursuant to section fifteen of this article or] and may be temporarily assigned to [the district] any district, town or village court in [any county] the judicial department of his or her residence. Housing judges of the city-wide court of civil jurisdiction who became judges of the district court in the city of New York pursuant to paragraph one of subdivision c of section twenty-seven of this article and their successors in office, and such other judges of the district court in the city of New York who are selected to office in the same manner as such judges, shall be assigned to the housing division of such district court but may be temporarily assigned in the same manner and to the same courts as any other district court judge. Any other judge of the district court in the city of New York may be assigned to such housing division.

[i. Temporary assignments of all the foregoing judges or justices listed in this section, and of judges of the city courts pursuant to paragraph two of subdivision j of this section, shall be made by the chief administrator of the courts in accordance with standards and administrative policies established pursuant to section twenty-eight of this article.

j. (1) c. The legislature may provide for temporary assignments within the county of residence or any adjoining county[, ] of [judges] justices of town[, ] and village [or city] courts [outside the city of New York]. Such assignments may include temporary assignment to a district court outside the city of New York provided the justice so assigned is permitted to practice law.

[(2) In addition to any temporary assignments to which a judge of a city court may be subject pursuant to paragraph one of this subdivision, such judge also may be temporarily assigned by the chief administrator of the courts to the county court, the family court or the district court within his or her county of residence or any adjoining county provided he or she is not permitted to practice law.

k.] d. Temporary assignments of all the foregoing judges and justices listed in this section shall be made by the chief administrator of the courts in accordance with standards and administrative policies established pursuant to section twenty-two of this article.

e. While temporarily assigned pursuant to the provisions of this section, any judge or justice shall have the powers, duties and jurisdiction of a judge or justice of the court to which assigned. After the expiration of any temporary assignment, as provided in this section, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which he or she was assigned with respect to matters pending before him or her during the term of such temporary assignment.

§18. Resolved (if the \_\_\_\_\_ concur), That subdivision a of section 23 of article 6 of the constitution, as renumbered by section 8 of this resolution, be amended to read as follows:

a. The legislature shall provide for the allocation of the cost of operating and maintaining the court of appeals, the appellate division of the supreme court in each judicial department, the appellate terms, the supreme court[,] and the [court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article and the] district [court,] courts among the state, the counties, the city of New York and other political subdivisions.

§19. Resolved (if the \_\_\_\_\_ concur), That article 6 of the constitution be amended by adding a new section 27 to read as follows:

§27. a. The court of claims, the county court, the family court and the surrogate's court shall be abolished on September first, two thousand ten. Upon the abolition of such courts, their seals, records, papers and documents shall, unless otherwise provided by law, be deposited in the offices of the clerks of the supreme court of the several counties in which

these courts now exist. Each of the judges of these courts in office on the date of their abolition shall, for the remainder of the term of office for which he or she was selected to the abolished court, be a justice of the supreme court in and for the judicial district in which he or she was elected to such term or, if appointed, in which he or she resided on such date. Thereafter, his or her office shall be an office of justice of the supreme court, to be filled in the same manner and for the same term as provided by this article on August thirty-first, two thousand ten for the office he or she held on such date.

b. The justices of the supreme court in office on August thirty-first, two thousand ten shall, for the remainder of the terms for which they were selected, be justices of the supreme court in and for the judicial district in which they were elected or for which they were appointed. Retired judges and justices who, prior to August thirty-first, two thousand ten, were authorized to perform the duties of a justice of the supreme court pursuant to certification in accordance with the provisions of subdivision b of former section twenty-five of this article, shall be certificated justices of the supreme court for the remainder of the terms for which they were certificated and thereafter shall be eligible for further certification in accordance with subdivision b of section nineteen of this article.

c. Effective September first, two thousand ten:

(1) The city-wide courts of civil and criminal jurisdiction for the city of New York, as authorized by former section fifteen of this article, shall be merged and continued as the district court in the city of New York. Each of the judges of such city-wide courts in office on the date of such merger shall, for the remainder of the term of office for which he or she was selected to the merged court, be a judge of such district court. Thereafter, his or her office shall be an office of judge of the district court in the city of New York, to be filled in the same manner and for the same term as provided by this article on August thirty-first, two thousand ten for the office he or she held on such date. Notwithstanding the foregoing, each judge of a court merged pursuant to this subdivision who, on August thirty-first, two thousand ten, was temporarily assigned to the supreme court pursuant to former section twenty-six of this article shall, for the remainder of the term of office for which he or she was selected to the merged court, be a justice of the supreme court in and for the judicial district

in which he or she was elected to such term or, if appointed, in which he or she resided on such date and, thereafter, his or her office shall be an office of justice of the supreme court, to be filled in the same manner and for the same term as provided by this article on August thirty-first, two thousand ten for the office he or she held on such date. For purposes of this paragraph, housing judges of the city-wide court of civil jurisdiction on August thirty-first, two thousand ten shall be deemed judges of such city-wide court of civil jurisdiction; provided, however, that successors in office to such judges shall be residents of such city and shall be appointed for terms of ten years by the mayor of such city on the recommendation of a commission established by law.

(2) The district courts, as authorized by former section sixteen of this article, shall be continued as district courts outside the city of New York established pursuant to paragraph one of subdivision c of section nine of this article and the judges of such courts in office on August thirty-first, two thousand ten shall, for the remainder of the terms for which they were selected, be judges of such district courts.

(3) The city courts outside the city of New York, as authorized by former section seventeen of this article, shall be continued as district courts established pursuant to paragraph two of subdivision c of section nine of this article and the judges of such courts in office on August thirty-first, two thousand ten shall, for the remainder of the terms for which they were selected, be judges of such district courts.

d. Effective September first, two thousand ten:

(1) Each action and proceeding pending in the supreme court, the court of claims, the county court, the family court or the surrogate's court on August thirty-first, two thousand ten shall be deemed pending in the supreme court in the county in which such action or proceeding was pending on such date, or otherwise as may be provided by law.

(2) Each action and proceeding pending in the city-wide court of civil or criminal jurisdiction for the city of New York, a district court or a city court outside the city of New York on August thirty-first, two thousand ten shall be deemed pending in the district court that is the successor to such former court pursuant to subdivision c of this section.

e. In the event that a judgment or order was entered before the effective date of this

section and a right of appeal existed and notice of appeal therefrom is filed after such effective date, such appeal shall be taken to such court as it might have been taken before the effective date of this section, except such an appeal from a city, town or village court in the third or fourth judicial department shall be taken to any appellate term that has been established if, prior to September first, two thousand ten, such appeal could have been taken thereto or, otherwise, to the supreme court. Further appeal from a decision of an appellate court in an action subject to this paragraph shall be as provided by law, consistent with this article.

f. In the event that an appeal was decided by a county court before the effective date of this section and a further appeal could be taken as of right and notice of appeal therefrom is filed after such effective date, such appeal may be taken to any appellate court to which such an appeal could have been taken prior to August thirty-first, two thousand ten. Further appeal from a decision of such appellate court shall be governed by the provisions of this article. If a further appeal could not be taken as of right, such appeal shall be governed by the provisions of this article.

g. As may be provided by law, the nonjudicial personnel of the courts abolished by this section in office on the date of abolition shall, to the extent practicable, be continued without decrease in salaries and with the same status and rights in the courts established or continued by this article; and especially skilled, experienced and trained personnel shall, to the extent practicable, be assigned to like functions in the district court and the supreme court. If the abolition of such courts shall require or make possible a reduction in the number of nonjudicial personnel, or in the number of certain categories of such personnel, such reduction shall be made, to the extent practicable, by provision that the death, resignation, removal or retirement of an employee shall not create a vacancy until the reduced number of personnel has been reached.

h. Notwithstanding any provision of this article to the contrary, when there is an adjustment in the number of the judicial departments of the state or in the boundaries of such departments pursuant to paragraph two of subdivision a of section four of this article:

(1) The legislature shall provide for the transfer of appeals then pending in the appel-

late division or in an appellate term in each department so adjusted to the appellate division or an appellate term, respectively, for the department in which such appeals could have been taken had such adjustment been effective on the date such appeal was taken, or if no appellate term has been established therefor, to the supreme court.

(2) The governor may re-apportion, among the departments so adjusted, the justices theretofore designated to the appellate divisions thereof, provided that: (i) the presiding justice of any judicial department affected by such adjustment shall be the presiding justice of the department that includes the county of his or her residence for the remainder of his or her term of office, unless there already is a presiding justice in such department, in which event he or she shall serve as a justice in such department for the duration of the term of office for which he or she was designated as presiding justice; and (ii) each other justice designated pursuant to subdivision c of section four of this article to the appellate division of any department so adjusted shall, for the remainder of the term for which he or she was so designated, be a justice designated pursuant to such subdivision in the department to which he or she is re-apportioned.

(3) Where compliance with paragraph two of this subdivision is inconsistent with the provisions of section four of this article as to a judicial department affected by such adjustment, until such time as there is compliance with such provisions all subsequent designations of justices by the governor to the appellate division of such department shall be as provided by law.

(4) If a department is abolished, the legislature shall provide for the deposit of the seals, records, papers and documents of the appellate division thereof, as appropriate.

§20. Resolved (if the \_\_\_\_\_ concur), That article 6 of the constitution be amended by adding a new section 29 to read as follows:

§29. a. Except as provided in subdivision b of this section, this article and all amendments thereto, as heretofore approved and ratified by the people, shall remain in full force and effect.

b. The amendments to sections one, two, four, six, seven and eight and to sections nine, eleven, thirteen, fourteen, fifteen, seventeen, nineteen, twenty and twenty-three as

renumbered by section eight of this resolution, and the addition of new sections ten, twenty-seven and twenty-nine to this article, as first proposed by a concurrent resolution passed by the legislature in the year two thousand seven, entitled “CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing amendments to article 6 of the constitution, in relation to the composition of judicial departments and the restructuring of the unified court system, and the repeal of sections 9, 10, 11, 12, 13, 14, 16, 34, 35, 36, 36-a, 36-c and 37 and subdivision j of section 22 of article 6 of the constitution relating thereto”, shall become a part of the constitution on the first day of January next after the approval and ratification of such amendments by the people but the provisions thereof shall not become operative until the first day of September next thereafter which date shall be deemed the effective date of such provisions.

§21. Resolved (if the \_\_\_\_\_ concur), That the forgoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.