



PRESS RELEASE

**New York State
Unified Court System**

**Contact:
Lucian Chalfen,
Public Information Director
Arlene Hackel, Deputy Director
(212) 428-2500**

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

www.nycourts.gov/press

Date: March 3, 2022

Chief Judge DiFiore, Senate and Assembly Judiciary Chairs Hoylman and Lavine Announce Introduction of Constitutional Amendment for Court Reform and Simplification

*Proposals Would Achieve Long-Overdue Reform of the New York Court System,
Enhance Access to Justice for Low-Income Litigants and Underserved Communities*

Amendment Would Merge Current Structure of 11 Different Trial Courts

ALBANY, NEW YORK—New York State Chief Judge Janet DiFiore, Senate Judiciary Committee Chair Brad Hoylman (D-Manhattan) and Assembly Judiciary Committee Chair Charles D. Lavine (D-Glen Cove) today announced the introduction of proposals to achieve long-overdue reform and simplification of the State's overly complicated court structure by merging the current 11 trial courts. This would bring New York into line with our comparable sister states, such as California and Illinois, each of which has a single trial court; or Florida, which has two trial courts; or New Jersey and Pennsylvania, each of which has three.

If enacted, the amendment would enhance access to justice for low-income, non-white and long-marginalized communities by untangling a labyrinthian system. The new structure would save millions in legal costs for low-income litigants, provide a greater platform for advancement and promotion of judges, and allow greater flexibility for judges to be assigned where needed. The proposal consolidates New York's major trial courts into the State Supreme Court, consolidates the trial courts of lesser jurisdiction

(not including the Justice Courts) into a new statewide Municipal Court and permits the Legislature, once every ten years, to adjust the number and boundaries of the appellate Judicial Departments.

The current structure causes undue misery and expense for those moving through the system. For example, a woman seeking divorce in a criminally abusive relationship might need to travel to three separate courts – even hiring three separate attorneys – to deal with criminal charges, custody issues and divorce proceedings.

“New York State’s trial court structure remains one of the most antiquated and convoluted in the country—a system with 11 different trial courts that has not been updated in decades. While unintentional, the State’s obsolete trial court structure has created barriers to justice that disparately impact our most vulnerable New Yorkers. We must modernize our outdated trial court structure in remedying these inequities and transforming our court system into a model of efficiency. I am thankful to Chairs Hoylman and Lavine for their leadership on this vital issue and look forward to working with them in our ongoing efforts to secure passage of a constitutional amendment to simplify the State’s trial court structure,” said Chief Judge Janet DiFiore.

“Court reform is a long-overdue opportunity to fix our labyrinthine state courts and make our judicial system fairer, especially for low-income litigants. I look forward to working with the Chief Judge and my legislative colleagues on a consolidation proposal that reflects these goals, while diversifying the bench and respecting our unionized workforce. As we emerge from the pandemic, now is the time to address the deficiencies in New York’s court system,” said Senate Judiciary Committee Chair Brad Hoylman.

"For decades, New York State has had one of the most archaic, complex and bureaucratic court systems in the nation. The result has been a two-tiered system that creates radically different experiences for litigants depending on their racial, economic and geographic backgrounds, and costs everyone time and money. We believe that the time for reform has finally come. Society demands that we seize this moment and change this structure to ensure equal access to justice for all New Yorkers. I look forward to working with the Assembly and Senate members and the Chief Judge to push for first passage this year and advance the cause of equal justice for all," said Assembly Judiciary Chair Charles Lavine.

Key Points:

- In the present system litigants and lawyers must navigate between multiple courts to secure complete relief. For example, these include:
 - Families in crisis, who may be forced to go from court to court for separate adjudication of related matters (domestic violence, custody and child support, matrimonial).
 - Children and others in guardianship cases, which may necessitate simultaneous proceedings in Surrogate's and Family Courts.
 - Injured individuals, large and small businesses, and State government agencies that must litigate cases simultaneously in Supreme Court and the Court of Claims whenever the State and a non-State actor are parties in a personal injury, medical malpractice, or commercial dispute.
 - Practitioners, who must negotiate the many jurisdictional and procedural variations existing across 11 separate trial courts. These add to cost and delay.
- Court consolidation could save hundreds of millions of dollars annually by reducing litigation costs that result from lessened productivity, lost wages, attorneys' fees and related expenses.
- Implementation of any court systemwide improvement (technological, procedural, etc.) must be configured to the multiple types of courts, which, due to their different jurisdictions and provenance, are presently subject to varying statutory and regulatory procedures and systems. This adds greatly to the cost of such improvements. Simplification and reform would break down these barriers and allow for greater efficiency and coordination.
- A consolidated court structure will make it far easier for court administrators to redistribute personnel and other resources to meet court needs than the present system with 11 separate trial courts, each with its particular procedures, history, legal culture and, sometimes, legislative lobby.
- A consolidated court structure will accelerate the ongoing diversification of the judiciary and provide greater access to opportunity for advancement for judges across the judiciary.
- Faced with the present constitutional cap on authorizing additional Supreme Court justices, court administrators have long resorted to extensive use of the power of temporary judicial assignment from the lower courts to meet court needs, especially in New York City. This results in an insufficient number of judges in those courts and leads to further delays.

- Court consolidation will provide the Legislature with a platform to review/rewrite the State's procedural statutes, which have not been recodified in 50 years or more, to reflect decades of new technology and case law development.

The reforms would require an amendment to the State Constitution. For that to happen, both houses of the State Legislature must vote to approve the measure for two consecutive sessions. Then it is put before the voters as a referendum.

The Senate amendment introduced by Chairman Hoylman is S8424 and the Assembly amendment introduced by Chairman Lavine is A9401.

Below are statements of support from current and former New York State judges, bar associations, legal and community advocates and the business community:

Honorable Jeh Johnson on Efforts to Pass a Constitutional Amendment Reforming and Simplifying the New York State Court System

"I commend Chief Judge DiFiore for her continued commitment to equal justice in the New York State court system, featured front and center in her annual State of the Judiciary address delivered last week. In the report I issued in October 2020 on equal justice in our court system, I noted a "second class system of justice" and a "dehumanizing" and "demeaning" culture in the Housing, Family, Civil and Criminal courts of New York City. Rather than shy away from these criticisms, Judge DiFiore highlighted them, and is determined to do something about them.

But, the judicial branch of government cannot remedy these problems on its own. All three branches of New York State government must commit to a major overhaul of our over-burdened, under-resourced, archaic and incomprehensibly complex court system. The movement for court simplification, championed by Judge DiFiore and key leaders in the New York State Legislature, is an opportunity to address many of the inequities I noted in my report. I offer the leaders of New York state government my help in achieving that goal."

Albany Times Union Op-Ed – New York Needs Structure in the Courts

Hon. Rolando T. Acosta, Presiding Justice, New York State Supreme Court, Appellate Division, First Department

Hon. Randall T. Eng, Retired Presiding Justice, Appellate Division

Hon. Carolyn Walker-Diallo, New York State Supreme Court Justice and Administrative Judge, Civil Court of the City of New York.

"New York State has rightfully earned its place as one of the progressive capitals of the nation. New Yorkers have been at the forefront of some of the greatest movements for change over the course of our history — from workers' rights to women's suffrage, from civil rights to criminal justice reform.

But for decades, if not longer, that has not been true of needed reform of the court system. Right now, we are engaged in a struggle to transform our justice system to reverse generations of inequality and injustice. New York is today far behind many states in enacting long overdue reforms that we can and must pursue to ensure equal access to justice for all New Yorkers.

Year after year, commission after commission and chief judge after chief judge have made the path to reform clear, but Albany has failed to act. The national demand for true justice reform starts with equal access to justice and that requires a court system, both Criminal and Civil, that operates equitably and efficiently for all. It is long past time to make these reforms a reality. We must enact them now.”

[New York Daily News Op-Ed – Finally Bring Order to New York Courts](#)

Hon. Edwina G. Richardson-Mendelson, Deputy Chief Administrative Judge for Justice Initiatives in the NYS Unified Court System

Hon. Ronald Richter, former New York City Family Court judge and former commissioner of New York City’s Administration for Children’s Services.

Hon. Juanita Bing Newton, former dean of the Judicial Institute.

“The pandemic has accelerated and emphasized deep flaws in New York State’s justice system. Most glaringly, it has thrown a spotlight on how the state’s antiquated and complex trial court system puts our most vulnerable citizens at a terrible disadvantage in their pursuit of fair, speedy and equal access to justice...

To begin with, we must replace our 11 trial courts with a Supreme Court and a Municipal Court. All the existing courts, other than the upstate town and village courts, would become divisions of these two larger entities, with the Family Court becoming a division of the Supreme Court, allowing for smooth coordination and streamlined processes for all members of society.

California and New Jersey, among other states, have successfully instituted such reforms.

The streamlining will have a critical secondary benefit. New York State’s judiciary has become more diverse in recent years, at least downstate. Expanding the Supreme Court will create more opportunities for jurists to move up the judicial ranks and greatly increase the opportunity for advancing statewide diversity.

For this to happen, both houses of the Legislature will have to approve an amendment to the state Constitution during the 2022 and 2023 sessions, to be followed by a public referendum approving the amendment by voters. This can and must be a central focus in Albany’s drive for overall justice reform.”

T. Andrew Brown, President of the New York State Bar Association and founder of the law firm Brown Hutchinson

“Chief Judge Janet DiFiore’s bold plan to merge and modernize New York’s courts has the unequivocal support of the New York State Bar Association. For more than four decades, the New York Bar has advocated for simplifying New York’s convoluted system of courts, which are exceedingly inefficient, inordinately complex, and extremely costly. We cannot delay this vitally important initiative if we want to achieve our most cherished ideals – securing public confidence in our judicial system and ensuring access to justice.”

Sheila S. Boston, President of the New York City Bar Association

“The City Bar has long supported proposals to consolidate the State’s major trial courts, in the firm belief that a unified court system will be more efficient and will result in justice that is swifter and more equitable than that which is dispensed via the current patchwork of courts, some of which are, in the words of Secretary Jeh Johnson in his [Equal Justice in the New York State Courts](#) report, subject to “second class” status. As part of this effort, we must ensure more equitable distribution of resources among our courts, a keen focus on increasing judicial diversity and the diversity pipeline into the profession, and a collective determination to use consolidation as a way not only to improve court efficiencies, but also to advance the recommendations contained in Secretary Johnson’s report.”

Helaine M. Barnett, Chair of the New York State Permanent Commission on Access to Justice

“The New York State Permanent Commission on Access to Justice strongly endorses the Chief Judge’s Court Simplification proposal. The present court structure frequently impedes access to justice for low-income New Yorkers. The proposed constitutional reforms replace New York’s complex maze of 11 separate trial courts with a more accessible, easier to navigate, three-level structure.”

Laura Bierman, Executive Director, League of Women Voters of New York State

“The League of Women Voters has long supported simplifying the New York State court system. Simplifying the court system is better for a healthy democracy and strengthens our system of government. The League is proud to support Chief Judge DiFiore, Chair Hoylman, and Chair Lavine’s leadership on this important issue.”

Kathryn Wylde, President and CEO, Partnership for New York City

“The city’s business community has been increasingly frustrated with delays and structural inefficiency in the court system, which are issues that the reforms proposed by the Chief Judge address. We urge the adoption of these reforms as promptly as possible so that the long overdue streamlining of the courts can begin.”

Cathy A. Cramer, CEO, Legal Information for Families Today (LIFT)

“The pro se litigants LIFT works with have a hard enough time navigating one court, but when they have to go to multiple courts to resolve their issues, challenges seem completely overwhelming and often insurmountable. The simplification of the court process would mitigate some of those challenges for litigants and help them to proceed with their cases in a more streamlined manner.”

Karen J. Freedman, Executive Director, Lawyers For Children

“Our State can no longer afford a two-tier system of justice—one for the affluent in Civil/Supreme Court and one for the marginalized and predominantly Black & Brown litigants in our Family Courts. We urge the Legislature to move forward on the critical reforms necessary to simplify our court system and ensure racial equity and equal access to justice for all. Children and families desperately searching for justice in life-changing cases, including foster care, child custody, domestic violence, and child abuse & neglect, deserve and urgently need a truly unified court system.”

Kristin Brown, President and CEO, Empire Justice Center

“Empire Justice Center focuses on improving the systems low income and marginalized New Yorkers interface with. In areas outside of New York City where policies and practices often vary greatly between one court and another, we believe a simplified court structure is essential in providing greater equity, responsiveness and accessibility for all New Yorkers but especially for those who encounter barriers at every turn. We appreciate the leadership of Chief Judge Janet DiFiore in this matter and thank Judiciary Chairs, Senator Brad Hoylman and Assemblymember Charles Lavine for moving us one step forward in the journey toward a more straightforward judicial system.”

William C. Silverman, Chair, Fund for Modern Courts

“Our current court structure has all the flexibility of a straitjacket, making it difficult for the Court to allocate judges and other resources where they are most needed and thereby locking in disparities among the 11 trial courts and disproportionately impacting poor people and people of color. This proposed constitutional amendment would provide our best chance of achieving a court system that is accessible, navigable, and trusted by all New Yorkers—a court system rational in its design, equitable in its distribution of resources, accessible to those with or without counsel, and responsive to everyone, regardless of the specific issue, judge, courthouse or litigant seeking justice.”

Hon. Jonathan Lippman, Former Chief Judge of the State of New York

“As the former Chief Judge of New York, I know firsthand the urgent need to simplify and streamline the structure of our trial courts. Chief Judge DiFiore’s proposal will create a court system that is more efficient and cost effective, while promoting diversity, fairness and equity. Judge DiFiore’s smart, thoughtful and innovative vision for the future of New York’s courts deserves the support of all New Yorkers.”

Michael A. Cardozo, Partner, Proskauer Rose and former New York City Corporation Counsel and New York City Bar Association President

“As the former Corporation Counsel of New York City (2002-2013), I oversaw the more than 150 cases a week brought by and against the City and observed firsthand the court system’s inefficiencies and the harm to all litigants resulting from New York’s fractured court structure. I strongly endorse the court modernization proposal, which represents a giant step forward that, if enacted, will enable New York courts to efficiently deal with the volume of cases in the 21st century.”

Janet Sabel, CEO and Attorney-In-Chief of The Legal Aid Society

“As recognized by Chief Judge Janet DiFiore, the barriers to equal justice are extensive and systemic in nature, and we must take meaningful steps to correct what court officials themselves call a ‘second-class system of justice’ for low-income litigants of color. We fully support Chief Judge Janet DiFiore’s push to simplify and consolidate New York’s overly complicated and duplicative court system. Moreover, we fully support measures that would address the longstanding racial inequities that have affected our clients and all New Yorkers of color for far too long. We have an opportunity now to reform our courts and create a simple, modern, equitably-structured court system. Lastly, The Legal Aid Society calls on Albany to act immediately on the Chief Judge’s plan to codify these necessary changes into law.”

Connie Neal, Executive Director, New York State Coalition Against Domestic Violence

“Our mission at the NYS Coalition Against Domestic Violence is to create and support the social change necessary to prevent and confront all forms of domestic violence. One of the most challenging systems for domestic violence victims to traverse is New York’s complicated and overly-bureaucratic court system. The current system requires DV survivors to make multiple appearances in multiple courts for inter-related issues, each time having to retell their story of violence over and over again. New York can and must do better to ensure domestic violence victims are not re-traumatized by the courts that are intended to protect them. Simplifying New York’s court system will honor the right of DV victims across New York to be safe and create new foundations for healing.”

Carla M. Palumbo, President and CEO, Legal Aid Society of Rochester, NY

“As providers of legal representation to low-income people in Monroe County, we work diligently every day to create an environment in our community that values dignity, equality and fairness. Access to justice is of key importance to the people we represent, and simplification of the court system will go a long way to accomplish that. We proudly welcome our partners in government leadership on this essential and timely issue.”

Rodrigo Sanchez-Camus, Director of Legal, Organizing, & Advocacy Services, Northern Manhattan Improvement Corporation

"For over 40 years, NMIC has protected tenant and immigrant rights in the courtroom, provided educational and job skills trainings in the classroom, organized small businesses and tenant associations in our neighborhoods, in the Bronx and Manhattan. Court simplification is one crucial step to provide the people we serve greater access to justice as it will ensure that we finally look at the structural and systemic inequities that fall hardest on immigrants and marginalized New Yorkers every time they enter the judicial system. Looking squarely at the relentless barriers placed on our communities is long overdue."

Matthew Diller, Dean of Fordham Law School

“The New York Court system is a labyrinth of jurisdictional traps and complexities. Its structure is a significant barrier to achieving access to justice. The Chief Judge’s court modernization proposal is an important step in leveling the playing field for all New Yorkers.”

New York Legal Services Coalition

“As a statewide association of over 50 providers of civil legal services, our member organizations protect and advance the rights of low income and marginalized individuals and families who face legal challenges that threaten their personal safety and economic stability. The structure of the court system should not keep our clients from accessing justice, but it does every day. We applaud the effort to initiate court reform in New York State, and look forward to creating a court system that is designed to enhance access to justice for all.”

Brad Karp, Chair, Paul, Weiss, Rifkind, Wharton & Garrison

“Chief Judge DiFiore’s proposed constitutional amendment marks an important step in the crucial fight—in which I have participated my entire professional life—for justice. The New York State court system, designed to preserve our most sacred liberties and rights, has functioned for too long under a complicated structure with insufficient resources. The Chief Judge’s proposal, which creates a more approachable and streamlined court system, will vastly improve the administration of justice for all New York citizens.”

Gail Prudenti, Dean, Hofstra Law School, former Presiding Justice, Appellate Division, Second Department

During my long service as a judge I learned first-hand that the court system often seems designed to confuse and frustrate the people who come to the courts seeking justice. The system is unquestionably inefficient and confusing. Adopting the Chief Judge’s court simplification proposal will unquestionably result in significant improvement in the system’s effectiveness, improve the public understanding of the courts and increase the public’s confidence in the justice system”

Beth Essig, Executive Vice President and General Counsel, Mount Sinai Health System, and Founder, the Mount Sinai Medical Legal Partnership

“As someone who has spent most of her professional life representing hospitals and other medical institutions, I know firsthand that the New York State court system is not only confusing and challenging to navigate but unfit to handle a modern caseload. The result is an inefficient court system that restricts everyday New Yorkers’ access to justice. I believe that the Chief Judge’s proposal will benefit individual litigants and businesses by eliminating the burden and confusion associated with so many courts of limited jurisdiction and reducing administrative costs. The time is now to support Chief Judge DiFiore’s proposal and transform our court system to one that our citizens deserve.”

###