



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on Amending Chief Administrative Judge Rule 126.3 to Increase the Per Diem Rates for Judges Assigned to an Off-Hours Arraignment Part

Date: October 5, 2023

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The Administrative Board of the Courts is seeking public comment on a proposal to amend Rule 126.3 of the Chief Administrator (22 NYCRR § 126.3) concerning the per diem rates paid to town and village judges and justices and part-time city court judges assigned to an off-hours arraignment part. Section 126.3 authorizes compensation to such judges who preside over off-hours arraignment parts (which are commonly referred to as “centralized arraignment parts”). The rule, adopted in October 2017, set compensation at \$250 per day and \$125 per half-day of service.

The judges and justices assigned to these off-hours arraignment parts – some of whom must travel significant distances to get to their assignments – have expressed concerns regarding the relatively low rate of compensation for their time performing these duties. Moreover, since 2017, inflation has risen approximately 25%. The proposed increase in compensation will encourage more judges and justices to participate in pre-existing plans and to support the establishment of new centralized arraignment part plans, which help minimize pre-arraignment detention and ensure counsel at first appearance.

The proposed amendment to Section 126.3 would adjust the compensation for judges and justices assigned to these parts to \$400 per day (which is the rate paid to judicial hearing officers) and \$200 per half day.

The text of the proposed amendment is as follows:

§ 126.3. Off-Hours Arraignment Parts.

Each judge or justice of a city, town or village court temporarily assigned to an off-hours arraignment part established by the Chief Administrator pursuant to Judiciary Law § 212(1)(w) shall receive [~~\$250~~] \$400 per day, or [~~\$125~~] \$200 per half-day, for each day or half-day period of service during which such judge or justice performs one or more judicial functions in the off-hours part. Where an assignment requires a participating judge or justice to remain available on-call for service in an off-hours arraignment part, there shall be no compensation for any day or half-day period of service that does not include at least one in-court judicial function. No state-paid judge may receive compensation under this Part for service in an off-hours arraignment part in lieu of regularly scheduled service in a state paid court without the approval of the Chief Administrator.

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Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than November 27, 2023.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.