

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

Bill Number: A3866-A

Assembly Sponsor: Lancman

Senate Sponsor: Sampson

TITLE OF BILL: An act to amend the judiciary law, in relation to directing the commission on judicial nominations to forward to the governor all well qualified candidates for associate judge and/or chief judge

PURPOSE OR GENERAL IDEA OF BILL: To broaden the pool of judicial nominees for the court of appeals by amending the statute governing the commission on judicial nominations to direct the commission to pass all well qualified candidates to the governor.

SUMMARY OF SPECIFIC PROVISIONS: Subdivision 2 of section 63 of the judiciary law is amended to direct the commission on judicial nominations to recommend to the governor all well qualified persons to fill vacancies in the offices of chief judge and associate judge of the court of appeals.

JUSTIFICATION: The current statute directs the commission on judicial nomination to recommend to the governor at most seven candidates to fill a vacancy on the court of appeals. This arbitrary cap needlessly limits the number of well qualified candidates the governor can consider, impairing the creation of a broad, representative pool of judicial nominees. The state constitution merely requires the commission to for "well qualified" candidates. Directing the commission to forward all well qualified candidates to the governor will increase the likelihood of creating a representative slate of nominees, and limit the commission's ability to exceed its intended mandate.

PRIOR LEGISLATIVE HISTORY: None.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.