

Memorandum Urging Approval

NYSBA #35-GOV

August 18, 2016

S. 7196
A. 9273

By: Senator Robach
By: M. of A. Morelle
Senate Committee: Rules
Assembly Committee: Rules
Effective Date: Immediately

AN ACT to amend the labor law, the tax law and the social services law, in relation to jury pools for United States district courts.

This bill would amend current law and permit the United States district courts in New York State to obtain access to jury-panel source lists used by New York's Unified Court System.

The purpose of the bill is to eliminate limitations in New York State law that prevent the United States district courts from having access to the broad base of potential jurors available to litigants in New York State courts. Because of these limitations, United States district courts have access to fewer persons potentially qualified to serve as jurors at a time when the number and types of cases filed in the district courts have increased.

Currently, the federal district courts in New York have access to lists of registered voters and licensed drivers. However, the state courts have access to "lists of unemployment insurance recipients, tax filers and public assistance benefits recipients." The bill would authorize release of these lists to a United States district court in New York State upon the request of the Chief Judge of such district court. They would be subject to the same conditions applicable to New York State courts.

Providing New York's federal district courts with access to the state's lists would enhance diversity among jury panels in those federal courts.

This legislation is consistent with long-standing Association policy to expand jury pools. Based on a report and recommendation by our Commercial and Federal Litigation Section, the Association had previously approved the elimination of all juror exemptions then set forth in Section 512 of the Judiciary Law, as well as the disqualification applicable to government officials under Section 511 of the Judiciary Law.

Based on the foregoing, the New York State Bar Association respectfully urges **APPROVAL** of this bill by the Governor.