

Memorandum in Support

December 11, 2023

A8285

By: M. of A. Bichotte Hermelyn

Assembly: Judiciary

Effective Date: 1st of January after Enacted

AN ACT to amend the uniform justice court act, the town law, and the village law, in relation to requiring town and village justices be admitted to practice law in the state.

LAW AND SECTIONS REFERRED TO: Section 105 of the Uniform Justice Court Act.

This bill would create new universal requirements so that town and village justices must have a law degree and a minimum of five years of practice in the State of New York. Non-attorney justices in office would be phased out as their terms expire. A8285 is supported by the New York State Bar Association's 2023 "Report and Recommendations of the New York Bar Association Task Force on the Modernization of Criminal Practice." (see attached)

One of the paramount issues concerning justice courts is that more than 1,000 of 1,800 town and village justices are not attorneys admitted to practice in New York State. New York is one of just eight remaining states in the country that still permits non-lawyer justices.¹ In order to provide constitutional due process, every judge should be an attorney. Although a law degree and years of practice are no guarantee of fairness or competence, employing lay justices with nominal training is not a constitutionally acceptable substitute. Criminal law is complex and becoming more so daily, and while there are some lay justices who have extensive knowledge and understanding of law, many do not.

The gatekeepers of all the constitutional rights of the accused are the justices who are empowered to apply the rule of law and who are given the enormous responsibility of determining someone's liberty. Having justices on the bench who are trained in and have a deep understanding of the law is paramount in ensuring that the rights of defendants and citizenry are protected.

For the above reasons and the attached report, the New York State Bar Association **SUPPORTS** this legislation.

¹*Report and Recommendations of the New York State Bar Association Task Force on Modernization of Criminal Practice*, New York State Bar Association, June 2023, [final-report-Task-Force-on-Modernization-of-Criminal-Practice-June-2023.pdf](http://www.nysba.org/final-report-Task-Force-on-Modernization-of-Criminal-Practice-June-2023.pdf) ([nysba.org](http://www.nysba.org))