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July 9, 2024

The Honorable Kathy Hochul  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

*Re: NYSBA Support for S7567-A(Sepulveda)/A9143(Tapia)*

Dear Governor Hochul:

The New York State Bar Association supports this bill which would ensure state-paid judges and justices receive death benefits even if they were not retired by their time of death.

In 2015, the New York State Bar Association adopted a resolution supporting the amendment of section 60 of the retirement and social security law to allow for state-paid judges and justices of the Unified Court System to elect to have their beneficiaries receive a pension in lieu of the regular death benefit, upon their death while in service, providing state-paid judges and justices with the same benefits that are provided to most other state employees.

Presently, if a New York State judge dies in office, under Section 60 of the New York State Retirement and Social Security Law, the judge's beneficiaries do not receive the proceeds of their pension, but rather receive only a payment of death benefits in lieu of a pension; benefits which are generally of significantly less value than the pension to which such a deceased judge or their beneficiaries would be entitled to if the judge had retired before death. Also, under Section 60 of the New York State Retirement and Social Security Law, a deceased judge's beneficiaries may not elect any of the benefit options available to a judge who retires.

Legislation enacted in 2000 removed the so-called "Death Gamble" for thousands of police officers, fire fighters, and teachers, but specifically excluded members of the judiciary. Many judges enter service later in life and therefore must continue their work at some risk to their family's financial welfare. It is grossly unfair that New York State judges, who are the cornerstone of our state's justice system, are excluded from the benefit options available to most other state employees.

Based on the foregoing and the attached resolution, the New York State Bar Association

**SUPPORTS** this legislation and urges that it be signed into law. We welcome the opportunity to meet with the Chamber to discuss S7567-A/A9143 and address any questions your office may have regarding this legislation or the attached report. Please do not hesitate to contact me, or NYSBA's General Counsel, David Miranda, who can be reached at [dmiranda@nysba.org](mailto:dmiranda@nysba.org), 518-487-5524.

Respectfully,

A handwritten signature in black ink, appearing to read "Domenick Napoletano". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Domenick Napoletano  
President, NYSBA

Cc: Liz Fine, Esq.