

## Memorandum in Support

May 14, 2024

S. 5414

By: Senator Hoylman-Sigal

A. 5366

By: M. of A. Bores

Senate: Passed

Assembly: Third Reading

Effective Date: That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

**A COCURRENT RESOLUTION** proposing amendments to article 6 of the constitution, in relation to the number of supreme court justices in any judicial district.

**LAW AND SECTIONS REFERRED TO:** Subdivision d of section 6 of article 6 of the constitution

This legislation would remove the current constitutional limitation on the number of Supreme Court justices, allowing the legislature to set the number of justices, as they can for every other court.

The New York State Bar Association's Committee on the New York State Constitution addressed the issue of the cap on the number of New York State supreme judges in their Report on the Judiciary Article of the New York State Constitution, Opportunities to Restructure and Modernize the New York Courts, approved as policy by NYSBA's House of Delegates at their January 2017 meeting.

The State Constitution allows the Legislature to increase the number of Justices of the Supreme Court once every 10 years; however, these increases are subjected to a cap so that the number of justices in any judicial district "shall not be increased to exceed one justice for fifty thousand, or fraction over thirty thousand, of the population thereof as shown by the last federal census or state enumeration."<sup>1</sup> This is only slightly reduced from the cap that was originally established in 1925 and which has long been a concern of NYSBA and the legal community at large. This cap results in an overburdened judiciary across the state, a severe backlog in cases and litigants who must unnecessarily await legal resolution of their claims.

<sup>1</sup> [Report on Judiciary Article\(nysba.org\)](http://www.nysba.org)

This legislation will allow the legislature to establish the number of judges at a level that is sufficient to dispense justice efficiently and ensure that the courts are properly meeting the needs of all New Yorkers.

For the above reasons, and the attached report, the New York State Bar Association **SUPPORTS** A5366/S5414.

<sup>3</sup>[Task-Force-on-Free-Expression-in-the-Digital-Age-FINAL-with-edits-from-HOD-meeting-and-cover.pdf \(nysba.org\)](#)