



Memorandum in Support

NYSBA #12

March 6, 2025

S. 4825-A

By: Senator Hoylman-Sigal

Senate Committee: Advanced to Third Reading

Effective Date: Immediately

AN ACT to amend the judiciary law, in relation to the age limitation for judges.

LAW AND SECTION REFERRED TO: Section 23 of the Judiciary Law.

**THE NEW YORK STATE BAR ASSOCIATION
SUPPORTS THIS LEGISLATION**

The New York State Bar Association supports S.4825-A, a bill which would increase the mandatory retirement age limitation for judges in the State of New York from 70 to 76 years of age.

In 2007 NYSBA adopted a resolution made by the Task Force on the Mandatory Retirement Age of Judges which concluded that mandatory retirement of judges deprives the courts and the people of New York of experienced and productive individuals and discourages otherwise qualified and experienced judicial candidates from seeking judicial offices. The Task Force recommended that all state judges of the County, Surrogate, Family, City, District, New York City Civil and New York City Criminal Courts and of the Court of Claims be allowed to serve to age 76, subject to the two-year certification process currently in place for Supreme Court Justices with certification beginning at age 70 and service until age 76.

This legislation would amend section 23 of the judiciary law, as added by chapter 649 of the laws of 1945 to set the retirement age for city court judges in the State of New York to 76 years of age. Current state law, which sets a mandatory retirement age for city court judges at age 70, was established in 1945 when the average life expectancy was 63 years. Today, average life expectancy is 79.1 years of age, and many individuals live healthy and productive lives well past age 79 with many choosing to remain in the professional workforce. Allowing city court judges to serve over the age of 70 will only strengthen our criminal justice system ensuring that those accused of a crime in our cities appear before a jurist who is the most qualified and experienced.

Based on the foregoing, the New York State Bar Association **SUPPORTS** this legislation.