

## Memorandum in Support

April 28, 2025

S. 3849

A. 1100-A

By: Senator Hoylman-Sigal

By: M. of A. Bores

Senate: Judiciary

Assembly: Judiciary

Effective Date: The foregoing amendments be submitted to the people for approval at the general election to be held in the year 2026 in accordance with the provisions of the election law.

**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.

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<sup>1</sup> [Report on the Judiciary Article of the New York State Constitution](#), Approved by NYSBA HOD 2017

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** A.1100-A/S.3849.