



NEW YORK STATE BAR ASSOCIATION

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July 9, 2025

The Honorable Kathy Hochul,
Governor of New York State
Executive Chamber
State Capitol
Albany, New York 12224

Re: Support for A.5898 (Tapia)/S.5083 (Sepulveda)

Dear Governor Hochul,

On behalf of the New York State Bar Association, I write to express support for A.5898(Tapia)/S.5083(Sepulveda) which would ensure that the beneficiaries of state-paid judges and justices receive death benefits even if the deceased judge was not retired at the time of their death, and to respectfully request that you approve this legislation.

As you know, this is not the first time that the legislature passed judicial death gamble legislation. Last year you vetoed this legislation, and seven other bills that addressed various state and local employee retirement and disability benefit issues. At the time, you expressed that you “fully support [the affected] public employees and appreciate the vital services they provide,” but were constrained to veto the bills because they lack “a funding source or a plan to cover its costs in the current fiscal year or in future years.” The Bar Association respects your analysis and understands the need for more funding, but we were disheartened when legislation that would allocate this funding was not included in the final budget for the next fiscal year.

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.

Currently, 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 current New York State Retirement and Social Security Law, a deceased judge's beneficiaries may not elect any of the benefit options that are available to the beneficiaries of a judge who has retired.

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 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 urge you to reconsider the merits of this legislation, recognizing that this bill will help New York retain members of the judiciary who bring decades of experience to their roles, and who deserve not to be burdened with anxiety of how their loved ones will be supported when they are gone. We welcome the opportunity to meet with the Chamber to discuss A5898/S5083 and address any questions your office may have regarding this legislation. Please do not hesitate to contact me, or NYSBA's General Counsel, David Miranda, who can be reached at dmiranda@nysba.org, 518-487-5524.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathleen M. Sweet". The signature is fluid and cursive, with the first name "Kathleen" being more prominent than the last name "Sweet".

Kathleen M. Sweet
President

Cc: Brian M. Mahanna, Esq., Counsel to the Governor
Denise Gagnon, Director of Legislative Services/ Legislative Secretary