

## **KEY PROVISIONS OF THE CHIEF JUDGE'S COURT CONSOLIDATION PROPOSAL**

The proposal consolidates New York's major trial courts with State Supreme Court, consolidates the trial courts of lesser jurisdiction (not including the Justice Courts) in a new statewide Municipal Court, and permits the Legislature, once every ten years, to adjust the number of Judicial Departments. The following provides greater detail as to these changes:

### ***Supreme Court:***

- Effective October 1, 2022, the Court of Claims will be abolished and its judges will become Supreme Court Justices. Supreme Court will acquire the jurisdiction of the former Court of Claims. Also, all NYC Family, Civil, and Criminal Court Judges who have been serving as Acting Supreme Court Justices for at least the preceding six months will become Supreme Court Justices.
- Effective January 1, 2025, the County, Family, and Surrogate's Courts will be abolished and their judges will become Supreme Court Justices. Supreme Court will acquire their jurisdiction.

### ***Municipal Court:***

- Effective January 1, 2027, the New York City Civil and Criminal Courts, the District Courts on Long Island, and the 61 upstate City Court Courts will be abolished and their judges will become judges of a new statewide Municipal Court (note: while established statewide, the Municipal Court will sit as a separate court in each of the following: New York City, Nassau County, Suffolk County, and each upstate City Court). Also, Housing Judges of the New York City Civil Court (who now are statutory, quasi-judicial officers appointed by the Chief Administrator) will become judges of the Municipal Court in New York City

### ***Justice Courts:***

- No changes. The Justice Court system remains as it is now.

### ***Judicial Selection and Terms After Consolidation:***

- Once merged with the Supreme Court or the Municipal Court, as appropriate, judges of the abolished courts, and their successors in office, will serve out the terms in which they were serving in the abolished courts and, thereafter, they and their successors in office will be selected to service on Supreme Court in the same manner and for the same terms as their predecessors (merger-in-place). Thus:
  - Judges of the Court of Claims once they become Supreme Court Justices will continue to be appointed by the Governor, with the Senate's consent, for nine-year terms.
  - Judges of the New York City Civil Court (who have been Acting Supreme Court Justices for at least six months) once they become Supreme Court Justices will continue to be elected borough-wide (or from a district within a borough as now provided by law) for ten-year terms.
  - Judges of the New York City Criminal Court (who have been Acting Supreme Court Justices for at least six months) once they become Supreme Court Justices will continue to be appointed by the City Mayor for ten-year terms.

- Judges of the New York City Family Court (who have been Acting Supreme Court Justices for at least six months) once they become Supreme Court Justices will continue to be appointed by the City Mayor for ten-year terms.
- Judges of the County Court once they become Supreme Court Justices will continue to be elected county-wide for ten-year terms.
- Judges of the Family Court outside New York City once they become Supreme Court Justices will continue to be elected county-wide for ten-year terms.
- Judges of the Family Court in New York City once they become Supreme Court Justices will continue to be appointed by the City Mayor for ten-year terms.
- Judges of the Surrogate's Court outside New York City once they become Supreme Court Justices will continue to be elected county-wide for ten-year terms.
- Judges of the Surrogate's Court in New York City once they become Supreme Court Justices will continue to be elected county-wide for fourteen-year terms.
- Judges of the New York City Criminal Court once they become Municipal Court Judges will continue to be appointed by the City Mayor for ten-year terms.
- Judges of the New York City Civil Court once they become Municipal Court Judges will continue to be elected borough-wide (or from a district within a borough as now provided by law) for ten-year terms.
- Once they become Municipal Court Judges in New York City, Housing Judges of the New York City Civil Court, and their successors in office, will serve out the terms in which they were serving in the Housing Part of the New York City Civil Court and, thereafter, they and their successors in office will be appointed by the City Mayor from a list of persons found qualified by a statutorily-established advisory council for ten-year terms.

***Changes Affecting Supreme Court:***

- The cap on legislative creation of new Supreme Court Justices (*i.e.*, no additional Justices may be added in a Judicial District where the resulting number in that District will exceed a ratio of one Justice per 50,000 of the population) is eliminated. All newly-created Supreme Court Justices will be elected Judicial District-wide for 14-year terms.
- Except as the Chief Administrator otherwise provides, Supreme Court shall have the following divisions: family, probate, criminal, state claims, commercial, and general.
- Certification of Supreme Court Justices for continued service beyond the mandatory retirement date (*i.e.*, December 31<sup>st</sup> in the year in which a Justice reached 70) shall continue except that the only Justices who will be eligible therefor will be: (1) those who first assumed office prior to January 1, 2022, and (2) those assuming office after such date who, prior to the mandatory retirement date have at least ten years' tenure on Supreme Court.
- Effective upon abolition of the several superior courts being merged with Supreme Court, the Chief Administrator will be divested of his present authority to temporarily designate Acting Supreme Court Justices.

***Changes Affecting the Municipal Court:***

- A statewide Municipal Court will be established having the same criminal jurisdiction as now is exercised by New York's local criminal courts, and the same civil jurisdiction as now is exercised by the New York City Civil Court except that the Municipal Court's ceiling on damage claims will be \$50,000 unless the Legislature provides otherwise.
- The Municipal Court will sit in separate branches: one for New York City, one each for the areas in Nassau and Suffolk Counties now served by the District Courts, and one for each of the 61 cities outside New York City. Additional branches may be established in upstate counties in the same manner as the Legislature may now establish additional District Courts.
- The current Housing Part of the New York City Civil Court, and its jurisdiction, will be merged into the Municipal Court in New York City. The Municipal Court outside New York City may have housing divisions as the Legislature shall provide.
- As noted above, there will be no change in the structure or jurisdiction of the Town and Village Justice Courts.

***Changes Affecting the Appellate Divisions:***

- With merger of the superior courts into Supreme Court, the pool of Supreme Court Justices from which the Governor may designate Justices to the Appellate Divisions will be considerably expanded.
- The Legislature will be empowered to adjust the number of Judicial Departments (and, thus, the number of Appellate Divisions) once every ten years.