

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to enacting the "court of appeals nomination reform act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "court of appeals nomination reform act".

3     S 2. Subdivision 2 of section 63 of the judiciary law, as amended by  
4     chapter 35 of the laws of 1983, is amended to read as follows:

5     2. [(a) In recognition of the unique responsibilities of the chief  
6     judge of the court of appeals for policies of judicial administration,  
7     for a vacancy in the office of chief judge the commission shall recom-  
8     mend to the governor seven persons.

9     (b) For a vacancy in the office of associate judge, the commission  
10    shall recommend to the governor at least three persons and not more than  
11    seven persons. Should more than one vacancy exist at the same time in  
12    the office of associate judge, the number of persons recommended by the  
13    commission to the governor shall be at least three plus one additional  
14    person for each vacancy in such office, and not more than seven plus one  
15    additional person for each vacancy in such office.

16    (c) Should vacancies exist in the offices of chief judge and associate  
17    judge at the same time, the commission shall recommend for the office of  
18    associate judge the number of persons as provided in paragraph (b) of  
19    this subdivision, provided, however, that in addition thereto the  
20    commission may also recommend for associate judge any of the persons who  
21    have been recommended to the governor for the office of chief judge.]  
22    FOR A VACANCY IN THE OFFICE OF CHIEF JUDGE OR ASSOCIATE JUDGE, THE  
23    COMMISSION SHALL RECOMMEND TO THE GOVERNOR ALL WELL QUALIFIED PERSONS  
24    WHO EXEMPLIFY THE CRITERIA SET FORTH IN SUBDIVISION ONE OF THIS SECTION.

25    S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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