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 Commit-
   tee 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 ASSEM-
BLY, 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.