

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

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

AN ACT to amend the judiciary law, in relation to the timeliness of judicial decisions

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

1 Section 1. Article 2-A of the judiciary law is amended by adding a new
2 section 49 to read as follows:

3 S 49. TIMELY JUDICIAL DECISIONS. 1. A JUDGE SHALL RENDER DECISIONS ON
4 MOTIONS AND ISSUE NON-JURY VERDICTS IN A TIMELY MANNER.

5 2. TIMELY IS DEFINED AS BEING NO LATER THAN NINE MONTHS FROM THE DATE
6 THE PARTIES HAVE FULLY SUBMITTED THE MATTER FOR THE JUDGE'S CONSIDER-
7 ATION.

8 3. THE FAILURE TO MAKE A TIMELY DECISION SHALL BE CONSIDERED MISCON-
9 DUCT. THE CLERK OF THE COURT SHALL REFER ANY UNTIMELY DECISIONS TO THE
10 COMMISSION FOR CONSIDERATION OF POSSIBLE DISCIPLINE OF THE JUDGE.

11 4. A JUDGE SHALL NOT INTERFERE WITH THE CLERK'S DUTY TO TRANSMIT SUCH
12 INFORMATION TO THE COMMISSION. ANY SUCH INTERFERENCE MAY SUBJECT A JUDGE
13 TO REMOVAL FROM OFFICE.

14 5. THE COMMISSION SHALL REMOVE FROM OFFICE ANY JUDGE FOUND TO BE IN
15 VIOLATION OF THIS SECTION MORE THAN FIVE TIMES, AND MAY ISSUE SUCH LESS-
16 ER PENALTIES AS IT DEEMS APPROPRIATE FOR LESS NUMEROUS VIOLATIONS.

17 6. A JUDGE SHALL BE REMOVED FROM OFFICE FOR FAILURE TO RENDER A DECI-
18 SION ON A MOTION OR A NON-JURY VERDICT WITHIN TWO YEARS FROM THE DATE
19 THE PARTIES HAVE FULLY SUBMITTED THE MATTER FOR THE JUDGE'S CONSIDER-
20 ATION.

21 7. WITH RESPECT TO MATTERS CURRENTLY PENDING BEFORE A JUDGE WHICH HAVE
22 NOT BEEN DECIDED WITHIN THE TIME LIMIT SET FORTH IN SUBDIVISION SIX OF
23 THIS SECTION, THE JUDGE SHALL HAVE SIX MONTHS TO RENDER A TIMELY DECI-
24 SION. IF A DECISION IS NOT RENDERED WITHIN SUCH TIME, ALL PENALTIES SET

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

1 FORTH IN THIS STATUTE SHALL APPLY, INCLUDING THE PENALTY PRESCRIBED IN
2 SUBDIVISION SIX OF THIS SECTION.

3 8. A JUDGE MAY BE EXCUSED FROM COMPLIANCE FOR EXTRAORDINARY CIRCUM-
4 STANCES AS SUCH ARE DETERMINED BY THE COMMISSION OR WHEN A JUDGE HAS
5 REQUESTED THAT THE CHIEF ADMINISTRATIVE JUDGE TRANSFER THE MATTER TO
6 ANOTHER JUDGE WHEN HE OR SHE HAS A GOOD FAITH BASIS FOR BELIEVING HE OR
7 SHE CANNOT DECIDE THE MATTER IN A TIMELY FASHION.

8 S 2. This act shall take effect January 1, 2017.