STATE OF NEW YORK

7516

2023-2024 Regular Sessions

IN SENATE

June 2, 2023

Introduced by Sen. SALAZAR -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, in relation to statements to be filed by judges or justices fixing or approving fees, commissions, or other compensation for certain court appointees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 35-a of the judiciary law, as amended by chapter 834 of the laws of 1975, paragraph (a) as amended by chapter 401 of the laws of 2000, and paragraph (b) as amended by chapter 41 of the laws of 2010, is amended to read as follows:

1. (a) On the first business day of each week any judge or justice who has during the preceding week fixed or approved one or more fees or allowances of more than [~~five~~] seven hundred fifty dollars for services performed by any person appointed by the court in any capacity, including but not limited to appraiser, special guardian, guardian ad litem, general guardian, referee, counsel, special referee, auctioneer, special examiner[~~, conservator, committee of incompetent~~] or receiver, shall file a statement with the office of court administration on a form to be prescribed by the [~~state~~] chief administrator of the courts. The statement shall show the name and address of the appointee, the county and the title of the court in which the services of the appointee were performed, the court docket index or file number assigned to the action or proceeding, if any, the title of the action or proceeding, the nature of the action or proceeding, the name of the judge or justice who appointed the person, the person or interest which the appointee represented, whether or not the proceeding was contested, the fee fixed or approved by the judge or justice, the gross value of the subject matter of the proceeding, the number of hours spent by the appointee in performing the service, the nature of the services performed and such

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

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other information relating to the appointment as the [~~state~~] **chief** administrator shall require. The judge or justice shall certify that the fee, commission, allowance or other compensation fixed or approved is a reasonable award for the services rendered by the appointee, or is fixed by statute. If the fee, commission, allowance or other compensation for services performed pursuant to an appointment described in this section is either specified as to amount by statute or fixed by statute as a percentage of the value of the subject matter of the action or proceeding, the judge or justice shall specify the statutory fee, commission or allowance and shall specify the section of the statute authorizing the payment of the fee, commission, allowance or other compensation.

(b) Paragraph (a) **of this subdivision** shall not apply to any compensation awarded to appointees assigned to represent indigent persons pursuant to [~~Article 18-B~~] **article eighteen-B** of the county law, counsel assigned pursuant to section thirty-five of [~~the judiciary law~~] **this article** or counsel appointed pursuant to the family court act.

(c) Any judge or justice who fixes or approves compensation for services performed by persons appointed as referees **or court examiners** to examine accounts [~~of incompetents~~] pursuant to section [~~78.25~~] **81.32** of the mental hygiene law shall file, annually, with the office of court administration a statement containing such information regarding such appointments as the [~~state~~] **chief** administrator shall require.

§ 2. Notwithstanding any other provision of law, any judge or justice who has during the preceding week fixed or approved one or more fees or allowances of more than seven hundred fifty dollars for services performed by a conservator or committee of an incompetent shall file with office of court administration the statement specified in paragraph (a) of subdivision 1 of section 35-a of the judiciary law; and any judge or justice who fixes or approves compensation for services performed by persons appointed as referees or court examiners to examine accounts of incompetents pursuant to former section 78.25 of the mental hygiene law shall file, annually, with the office of court administration a statement containing such information regarding such appointments as the chief administrator shall require.

§ 3. This act shall take effect immediately.