**§ 2104. Organization of city courts.**

(a) The number of judges for each city court outside the city of New York, their jurisdiction and terms of office, and the methods of their selection and of filling vacancies in their offices shall be as provided in this section.

(b) Each judge of a city court, including acting city court judges, shall:

* (1) be an attorney admitted to practice law in this state for at least five years as of the date he or she commences the duties of office, and be a resident of the city in which he or she is elected or appointed, except that the judges of the Sherrill city court may reside anywhere in either Oneida or Madison counties, the city court judge who serves in the office that formerly was that of acting judge of the Oneida city court may reside anywhere in Madison county, the judges of the Peekskill city court may reside anywhere in Westchester county, the city court judge who serves in the office that formerly was that of acting judge of the Port Jervis city court may reside anywhere in either Sullivan or Orange counties, the judges of the Hudson city court may reside anywhere in Columbia county, the city court judge who serves in the office that formerly was that of acting judge of the Mechanicville city court may reside anywhere in Saratoga county, the judges of the Ogdensburg city court may reside anywhere in St. Lawrence county, the judges of the Rensselaer city court may reside anywhere in Rensselaer county, the part-time judge of the Lackawanna city court may reside anywhere in Erie county provided his or her term of office commenced during the two thousand eighteen calendar year and one judge of the Cohoes city court and the city court judge who serves in the office that formerly was that of acting judge of the Watervliet city court may reside anywhere in Albany county.

* NB Effective until the day the term of office of the first part-time judge of the Lackawanna city court to be appointed during the 2018 calendar year expires or on the day such judge otherwise vacates his or her office, whichever occurs first

* (1) be an attorney admitted to practice law in this state for at least five years as of the date he or she commences the duties of office, and be a resident of the city in which he or she is elected or appointed, except that the judges of the Sherrill city court may reside

anywhere in either Oneida or Madison counties, the city court judge who serves in the office that formerly was that of acting judge of the Oneida city court may reside anywhere in Madison county, the judges of the Peekskill city court may reside anywhere in Westchester county, the city court judge who serves in the office that formerly was that of acting judge of the Port Jervis city court may reside anywhere in either Sullivan or Orange counties, the judges of the Hudson city court may reside anywhere in Columbia county, the city court judge who serves in the office that formerly was that of acting judge of the Mechanicville city court may reside anywhere in Saratoga county, the judges of the Ogdensburg city court may reside anywhere in St. Lawrence county, the judges of the Rensselaer city court may reside anywhere in Rensselaer county and one judge of the Cohoes city court and the city court judge who serves in the office that formerly was that of acting judge of the Watervliet city court may reside anywhere in Albany county.

* NB Effective the day the term of office of the first part-time judge of the Lackawanna city court to be appointed during the 2018 calendar year expires or on the day such judge otherwise vacates his or her office, whichever occurs first

(2) exercise all jurisdiction possessed by the court on which he or she serves.

(3) serve a term of six years, except that full-time judges each shall serve a term of ten years.

(c) A full-time judge of a city court shall not engage in the practice of law, act as an arbitrator, referee, or compensated mediator in any action or proceeding, or engage in the conduct of any other professional business that interferes with the performance of his or her judicial duties.

(d) The number of judges of the city court in each city shall be as provided herein. Full-time judgeships are specifically so designated, all others are part-time:

| Par. | Name of city |
|---|---|
| 1 | Albany, five full-time; |
| 2 | Amsterdam, one full-time and one part-time; |
| 3 | Auburn, one full-time and one part-time; |
| 4 | Batavia, one full-time and one part-time; |
| 5 | Beacon, one full-time and one part-time; |

Binghamton, three full-time;
Buffalo, fourteen full-time;
Canandaigua, one full-time and one part-time;
Cohoes, two;
Corning, one full-time and one part-time;
Cortland, one full-time and one part-time;
Dunkirk, one full-time and one part-time;
Elmira, two full-time;
Fulton, one full-time and one part-time;
Geneva, three;
Glen Cove, two;
Glens Falls, one full-time and one part-time;
Gloversville, one full-time and one part-time;
Hornell, two;
Hudson, two;
Ithaca, two full-time;
Jamestown, two full-time;
Johnstown, two;
Kingston, two full-time;
Lackawanna, one full-time and one part-time;
Little Falls, two;
Lockport, two full-time;
Long Beach, two full-time;
Mechanicville, two;
Middletown, two full-time;
Mount Vernon, three full-time and one part-time;
Newburgh, three full-time;
New Rochelle, three full-time;
Niagara Falls, four full-time;
North Tonawanda, one full-time and one part-time;
Norwich, one full-time and one part-time;
Ogdensburg, one full-time and one part-time;
Olean, one full-time and one part-time;
Oneida, one full-time and one part-time;
Oneonta, two;
Oswego, one full-time and one part-time;
Peekskill, one full-time and one part-time;

Plattsburgh, one full-time and one part-time;
Port Jervis, two;
Poughkeepsie, two full-time;
Rensselaer, two;
Rochester, ten full-time;
Rome, two full-time;
Rye, one full-time and one part-time;
Salamanca, two;
Saratoga Springs, two full-time;
Schenectady, four full-time;
Sherrill, one;
Syracuse, nine full-time;
Tonawanda, one full-time and one part-time;
Troy, two full-time and one part-time;
Utica, three full-time;
Watertown, one full-time and one part-time;
Watervliet, two;
White Plains, four full-time;
Yonkers, seven full-time.

(e) Method of selection; vacancies. (1) Each judge of a city court shall be elected for the term provided in this section, except that each of the following judges shall be appointed:

(i) by the mayor of the city for which the court on which he or she will serve has been established, with the advice and consent of the city council: part-time city court judge of Beacon, part-time city court judge of Corning, part-time city court judge of Cortland, part-time city court judge of Gloversville, city court judge of Glen Cove who serves in the office that on June first, two thousand one was an appointive office pursuant to this subparagraph, part-time city court judge of Olean, city court judges of Plattsburgh, city court judge of Port Jervis who serves in the office that formerly was that of acting city court judge of Port Jervis, city court judges of Rye, the city court judge of Salamanca who serves in the office that formerly was that of acting city court judge of Salamanca, and the part-time city court judge of Watertown who serves in the office that was full-time on March thirty-first, two thousand twenty-one.

(ii) by the city council of the city for which the court on which he

or she will serve has been established: part-time city court judge of Auburn, part-time city court judge of Batavia, part-time city court judge of Canandaigua, city court judge of Johnstown who serves in the office that formerly was that of acting city court judge of Johnstown, city court judge of Newburgh who serves in the office that on March thirty-first, two thousand one was part-time, city court judge of Norwich who serves in the office that was created during the calendar year commencing January first, two thousand thirteen, city court judges of Peekskill, and city court judges of White Plains.

(iii) by the mayor of the city for which the court on which he or she will serve has been established: city court judges of Cohoes, part-time city court judge of Dunkirk, part-time city court judge of Fulton, city court judge of Geneva who serves in the office that formerly was that of acting city court judge of Geneva, city court judge of Hornell who serves in the office that formerly was that of acting city court judge of Hornell, city court judge of Hudson who serves in the office that formerly was that of acting city court judge of Hudson, part-time city court judge of Lackawanna, city court judge of Little Falls who serves in the office that formerly was that of acting city court judge of Little Falls, city court judge of Mechanicville who serves in the office that formerly was that of acting city court judge of Mechanicville, city court judge of Middletown who serves in the office that was created during the calendar year commencing January first, two thousand thirteen, part-time city court judge of Mount Vernon, city court judge of New Rochelle who serves in the office that was created during the calendar year commencing January first, two thousand thirteen and the city court judge of such city who serves in the office that on January first, two thousand thirteen was an appointive office pursuant to this subparagraph, part-time city court judge of North Tonawanda, part-time city court judge of Ogdensburg, part-time city court judge of Oneida, city court judge of Oneonta who serves in the office that formerly was that of acting city court judge of Oneonta, part-time city court judge of Oswego, city court judges of Poughkeepsie, city court judge of Rensselaer who serves in the office that formerly was that of acting city court judge of Rensselaer, city court judge of Saratoga Springs who serves in the office that was created during the calendar year commencing January first, two thousand thirteen, part-time city court

judge of Tonawanda and city court judge of Watervliet who serves in the office that formerly was that of acting city court judge of Watervliet. Provided, however, the following special provisions shall be applicable in the city of Poughkeepsie:

(A) except as otherwise provided in clause (B) of this subparagraph, the mayor shall submit the name of the person he or she intends to appoint to fill a vacancy in the office of city court judge, together with such background information as he or she may deem appropriate, to an advisory judicial screening committee. Such committee shall be comprised of three residents of the city of Poughkeepsie, two of whom shall be attorneys duly licensed and in good standing to practice law in the state of New York and who shall be designated by the president of the Dutchess county bar association, and one of whom shall be a non-lawyer who shall be designated by the president of the Dutchess county community college. Within thirty days after such submission, the committee shall rate the person named therein for his or her fitness for the office of Poughkeepsie city court judge and shall notify the mayor in writing of such rating, which may be "highly-qualified", "qualified", or "not rated". The committee's rating shall be advisory only and the mayor's authority to appoint the person whose name has been submitted, or to choose not to appoint such person, shall not in any way be limited thereby.

(B) In the event that a vacancy in the office of city court judge of the city of Poughkeepsie is anticipated to occur on the first day of January of any year in which a new mayoral term shall commerce, the person who will assume the office of mayor on such first day of January shall submit the name of the person he or she intends to appoint to fill such vacancy to the advisory judicial screening committee not later than the immediately preceding first day of December.

(iv) by the city commission of the city in which the court on which he or she will serve has been established: city court judge of Sherrill.

(2) Whenever a vacancy in the office of city court judge occurs other than by expiration of term, it shall be filled as herein provided:

(i) If the office is elective, the part-time city court judge of the court on which the vacancy has occurred or, if there be more than one part-time city court judge of such court, the part-time city court judge senior in service, shall fill the vacancy temporarily until the

thirty-first day of December following the next general city election at which the vacancy can be filled. At such election, a successor shall be elected to fill the vacancy for a full term of office, to commence on January first next thereafter. If there is no part-time city court judge of the court on which the vacancy has occurred or if the incumbent part-time city court judge declines to serve as provided herein or if the vacancy is in the office of part-time city court judge, the mayor of the city in which the court on which the vacancy has occurred is located shall appoint a qualified person to fill the vacancy temporarily as provided in this subparagraph. Where a part-time city court judge fills a vacancy in the office of full-time city court judge pursuant to this subparagraph:

(A) he or she shall not be deemed to have vacated the office of part-time city court judge, his or her term in such office shall not be deemed to have been interrupted and, upon expiration of service as full-time city court judge hereunder, he or she shall resume service as part-time city court judge for the remainder of such term;

(B) for the duration of such service, he or she shall be paid the compensation provided by law for the office of city court judge thereby filled; and

(C) the mayor may appoint a qualified person to serve as part-time city court judge in his or her stead for a period not to exceed the period during which he or she serves as full-time city court judge hereunder.

(ii) If the office is appointive, a successor shall be selected for a full term in the manner provided in paragraph one of this subdivision.

(f) Notwithstanding the designation hereunder of a judge of a city court as part-time or as an acting city court judge, such judge shall, for purposes of determining his or her entitlement to credit under the retirement and social security law for service rendered prior to April first, nineteen hundred ninety-four, be deemed to work full time.