



Resolution No. 260-23

Resolution In Opposition To New York State Senate Bill S139B & New York State Assembly Bill A1358B An Act To Amend The Uniform Justice Court Act, The Town Law And The Village Law, In Relation To Requiring Certain Town And Village Justices Be Admitted To Practice Law In The State

WHEREAS, New York Senate Bill number S139B has been passed which, if adopted by the NYS Assembly (A1358B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the New York State Bar Association for at least five years; and

WHEREAS, the Town and Village Courts in Greene County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, the Town and Village Courts are known as the "Courts Closest to the People" and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, the Town Court of Catskill is a vital service to our residents and the Greene County community as a whole; and

WHEREAS, the Justices in Greene County's Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, the Justices are required to be on-call 24 hours a day, 365 days a year to review and sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, the Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, the Justices of the Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that all defendants, witnesses, and victims of those offenses may be heard; and

WHEREAS, the Town and Village Courts provide a venue for citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, the Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Greene County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, the New York State Office of Court Administration must certify all Justices as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, the New York State Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either "State-paid" judges (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, this Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, this Bill implicitly suggests that members of the community are incapable of making informed decisions about who should sit in judgment of matters from the straightforward to the highly complex as may arise in their local courts; and

WHEREAS, at this time, Greene County is facing a shortage of attorneys and those currently in practice are reportedly overburdened;

NOW, THEREFORE, BE IT RESOLVED, that the Greene County Legislature, in unequivocal terms, calls on both the leadership in the New York State Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this Resolution to New York State Governor Kathy Hochul, Senator Michelle Hinchey, Assemblyman Christopher Tague, the New York State Association of Counties, all Greene County Town and Village Clerks, and all others deemed necessary and proper.

Meeting History

08/14/23 Government Operations **MOVED FOR ADOPTION**

RESULT:	MOVED FOR ADOPTION [UNANIMOUS]
MOVER:	Thomas Hobart, Legislator
SECONDER:	Joseph J Lucas, Legislator
AYES:	Davis, Martinez, Overbaugh, Hobart, Lucas, Legg, Linger, Lennon
ABSENT:	Matthew Luvera

Current Meeting

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Hobart, Legislator
SECONDER:	Gregory Davis, Joseph J Lucas, Matthew Luvera, Charles A. Martinez
AYES:	Bloomer, Bulich, Davis, Handel, Hobart, Legg, Lennon, Lucas, Luvera, Martinez, Overbaugh, Thorington, True, Linger