



Legislation Text

File #: Res 1139-2003, **Version:** *

Res. No. 1139

Resolution calling upon the New York State Legislature to pass Assembly Bill 04440, a bill establishing a system of merit selection for judges in New York State.

By Council Members Yassky, Clarke, Gentile, Koppell, Serrano, Avella and Felder

Whereas, The judiciary is this nation's third branch of government and performs the vital function of adjudicating disputes; and

Whereas, The current practice of judicial selection in New York has serious deficiencies, such as non-competitive races and cross-endorsement by more than one political party so as to give the voters little or no choice; and

Whereas, When there is a competitive race, the voter has little basis upon which to make informed choices since judicial candidates are not permitted by the Canons of Judicial Conduct to campaign on issues on which they may some day have to rule; and

Whereas, A large number of New Yorkers do not vote for judicial candidates because they do not feel qualified to make an informed choice as to who will be most suited for the job; and

Whereas, In the last election, New York City voters were asked to vote for 42 state court judgeships, all the candidates for which ran uncontested, because of the tight control of party endorsers; and

Whereas, With respect to the election of Supreme Court judges, the United States Department of Justice found, "The decision on who will be selected judge is made in a closed process, substantially outside the reach of voters, and dominated by factors such as long party service, which are seldom significant considerations for the voters themselves in determining which persons they believe should serve as judges;" and

Whereas, There is also pending litigation instituted in Federal Court by private parties, claiming that the current elective system does not fairly allow minority voters adequate voice in choosing those judges; and

Whereas, Only the judges of the New York Court of Appeals are selected by a merit selection process while all other New York judges are either appointed or elected; and

Whereas, The New York Court of Appeals' merit selection process, adopted in 1977, requires an independent bi-partisan commission composed of lawyers and non-lawyers that reports up to seven names per vacancy, from which the governor must choose one, resulting in an extraordinarily high quality of individuals, as well as a bench that is more diverse in terms of race, gender and ethnicity; and

Whereas, The merit based system recommended in Assembly Bill 04440 will ameliorate the problems associated with judicial elections by creating judicial nominating commissions similar to the commission for the Court of Appeals; and

Whereas, The judiciary is necessary to the maintenance of our democracy and a merit based system will ensure that the members of this branch of government are both highly competent and reflect the populations they serve; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly Bill 04440, a bill establishing a system of merit selection for judges in New York State.

MK
LS# 2117
3/18/03, 2:30pm