



NEW YORK STATE SENATOR

Sean M. Ryan

## Senator Sean Ryan Announces Passage Of Bill To Reform Town And Village Courts

SEAN M. RYAN May 16, 2024

| ISSUE: **JUSTICE COURTS, NYS SENATOR SEAN RYAN, NYS SENATE DISTRICT 61**



Senator Sean Ryan speaks about S.139C on the Senate floor, May 16, 2024

### Bill Requires Judges in New York's 100 Highest-Volume Town and Village Courts to Be Licensed Attorneys

**ALBANY** – Today, May 16, 2024, New York State Senator Sean Ryan announced that the Senate has passed his legislation ([S.139C](#)) to require justices in New York's 100 justice courts with the highest arraignment volume to be licensed attorneys for five years before becoming

eligible to serve on the court.

Justice courts are the nearly 1,200 town and village courts in New York. These small local courts have jurisdiction over a broad range of both civil and criminal matters ranging from traffic infractions, to small claims, to felony arraignments. Despite the crucial role that justice courts play in the state legal system, there is currently no requirement in New York that a justice court judge must be a licensed attorney.

Because many smaller localities lack the resources and docket to attract an attorney to serve as the town or village justice, this bill imposes the requirement on only those localities that have the largest number of cases in the state. This will maximize the number of defendants who appear before judges who are qualified as attorneys without putting an undue burden on smaller localities.

In the context of criminal proceedings and eviction cases, the lack of attorney judges raises due process issues. Most criminal cases involve a deprivation of liberty or property and eviction cases are by their very nature a deprivation of property. It is a well-established legal principle that such cases be taken very seriously, and due care and thought be given to the decision-making process. Ensuring that judges are attorneys helps to address this issue.

The dissent in a 1976 Supreme Court case, *North v. Russell*, asserted that just as criminal defendants have a right to be represented by an attorney, they also have a due process right to appear before an attorney judge. While the dissent in *North v. Russell* clearly established this right, it left it up to the states to decide how they want to protect it. New York is currently one of only eight states to allow non-lawyer judges to hand down jail sentences for misdemeanors without the right to a new trial before a lawyer-judge.

**Senator Sean Ryan** said, "It's a little-known quirk of our state's justice system that many of the people handing down jail sentences have often never spent a day in law school. It sounds

strange, but it's true – in towns and villages across New York, judges aren't required to be attorneys. Changing the requirements for justice court judges is a common-sense solution to a problem that can have dire consequences for New Yorkers called before the court.”

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#### RELATED LEGISLATION

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## 2023-S139C

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor
  
- 

Relates to requiring certain town and village justices be admitted to practice law in the state

December 28, 2022

In Assembly Committee

Sponsored by Sean M. Ryan

Do you support this bill?