



NEW YORK STATE SENATOR

Todd Kaminsky

Kaminsky, Wallace Bill To Require Judges To Explain Recusal Signed Into Law

TODD KAMINSKY December 28, 2020

(Albany, New York) — On Thursday, December 24th, legislation sponsored by Senator Todd Kaminsky and Assemblywoman Monica Wallace requiring judges to provide a rationale for recusing themselves from a case (S.8831/A.9542) was signed into law by Governor Cuomo. The new law comes on the heels of three state Supreme Court judges recusing themselves from politically-charged litigation involving the Town of Hempstead and a company that operated a town-owned golf course with close ties to the Nassau County GOP chairman, as well as a “merry-go-round” of recusals in a lawsuit filed by a Buffalo contractor against New York State’s economic development agency.

“Honesty, integrity and transparency are integral to upholding the public’s trust in our judiciary,” **said Senator Todd Kaminsky**. “When the public is deprived of knowledge as to how important decisions are made inside the courthouse —especially in a politically charged context—it fuels cynicism and undermines that trust.”

“This is an issue of transparency,” **said Assemblymember Monica Wallace**. “Other branches of government are required to provide reasons for acting in a certain way. This bill simply requires that the judiciary do the same. I thank Senator Kaminsky for introducing this bill in the Senate and Governor Cuomo signing it and recognizing the need to ensure all branches

of government be as transparent as possible.”

Under New York law, judges have discretion to recuse themselves from cases, but were previously not required to provide a rationale for doing so. Under Kaminsky and Wallace’s legislation enacted into law today, judges will be required to provide a reason for recusal — either in writing or directly on the record — though the measure includes an exemption if the matter will result in embarrassment or is otherwise of a compelling personal or private nature.

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