



NEW YORK STATE SENATOR

Sean M. Ryan

## Senator Sean Ryan Announces Senate Passage Of Bill To Reform New York's Town And Village Courts

SEAN M. RYAN June 6, 2023

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



## SENATOR SEAN RYAN ANNOUNCES SENATE PASSAGE OF BILL TO REFORM NEW YORK'S TOWN AND VILLAGE COURTS

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

**ALBANY** – Today, June 6, 2023, New York State Senator Sean Ryan announced that the Senate has passed his legislation ([S.139B](#)) to require justices in New York’s 100 highest-volume justice courts to be licensed attorneys for five years before becoming eligible to serve on the court. 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.

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 no requirement in New York that a justice court judge must be a licensed attorney.

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, “Most people would probably be shocked to learn that judges in New York’s small local courts are not required to have any background in law. That means that in towns and villages across the state, the people handing down jail sentences have often never spent a day studying law. This legislation is a significant criminal justice reform which will help ensure that New Yorkers receive their due-process right to appear before a judge who is qualified as an attorney.”

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RELATED LEGISLATION

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## 2023-S139

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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

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Do you support this bill?