

A.5366 (Bores)/S.5414 (Hoylman-Sigal)

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| BILL A.5366 (Bores)/S.5414 (Hoylman-Sigal) |
| SUBJECT Removes Cap on Number of Supreme Court Justices |
| DATE March 05, 2024 |
| SUPPORT |

The Business Council supports A.5366 (Bores)/S.5414 (Hoylman-Sigal).

This legislation would repeal the cap on supreme court justices. Currently the formula to determine how many Supreme Court seats in a judicial district is a ratio of 1 justice per 50,000 people. This formula is outdated and has put a great strain on not just the court system but the people and businesses of New York. The court system is seeing a large backlog in cases due to the limited number of justices to oversee court proceedings. This issue has only been exacerbated since the COVID-19 pandemic, and as a result attributed to the workforce shortage and housing crisis.

Prolonged court proceedings cost money but more importantly it costs people time. This impacts the rights to a speedy trial for those in criminal proceedings, many of the times these are people that do not have the resources for prolonged court proceedings. Due to the large backlog, those being held on pretrial detention have experienced loss of employment and as a result lead to housing instability. Many courts have attempted to adjust and address this backlog through different methods such the use of virtual court proceedings and court data dashboards. Some have experienced success in clearing portions of the backlog, however, there have been many instances where judges from other lower courts have had to step in to fill vacancies on state supreme courts. This leads to vacancies in the lower courts which has resulted in the backlog of other criminal, civil and family law cases to be added to the backlog.

While civil cases are only a portion of the backlog, these civil cases impact businesses both large and small directly, having a much more sever impact on small business owners. As the court proceedings are prolonged, this means having to pay more in court fees and much more in lawyer retainer fees. This hurts the financial outlook for any business but could be the difference between staying open or closing for small businesses. While some businesses have the

ability to stay open after such high costs, this could potentially impact their ability to operate and would need to scale back operational costs, and in some cases that means needing to scale back the number of employees.

Eliminating the cap on supreme court justices and allowing the legislature to adjust the number of justices based on the actual needs of judicial district would be greatly helpful in eliminate the backlog of cases.

For these reasons, The Business Council supports A.5366 (Bores)/S.5414 (Hoylman-Sigal).