



Statement to the 2010 Charter Revision Commission Regarding Consolidation of
Administrative Tribunals

August 10, 2010

On July 26, 2010, the New York City Bar Association submitted a statement and presented testimony at the Commission's hearing regarding efforts to place on the ballot a proposal to permit the Mayor to consolidate administrative tribunals within the City's Office of Administrative Trials and Hearings (OATH). In our testimony, we commended these efforts to streamline the adjudicative process, but cautioned that "meaningful changes to the City's administrative justice process require careful consideration of the diverse interests and policies of the City's agencies." Accordingly, we said that the "proposal to reconfigure the consolidation of the various City tribunals into one agency requires a longer and more in-depth study."

At the time of our testimony, we were not aware of any specific charter language that had been offered with regard to the consolidation proposal. We have since received draft charter language and have had discussions with David B. Goldin, the City's Administrative Justice Coordinator. The original draft language we saw provides that a study be undertaken by a committee appointed by the mayor, which would then make recommendations regarding transfer of administrative functions. However, that charter language did not provide sufficient opportunity for public comment, which we believe is necessary prior to the committee's reaching conclusions.

We are pleased to say that today we received revised draft language from Mr. Goldin that we understand will be presented to the Commission. This draft language includes a section providing that, before recommending transfers of tribunals or parts thereof, the committee will solicit public comments, including to the extent practicable segments of the public particularly affected by such transfers. The public comment process would include a public hearing on at least 20 days notice, with the notice specifying the transfers that are under consideration by the committee for recommendations to the Mayor.

We very much appreciate the effort to accommodate our concerns, and we are comfortable with this draft of the charter proposal for agency tribunal consolidation. We understand from Mr. Goldin's testimony to the Commission that consolidations would not take place prior to the evaluation that will be undertaken by the committee the Mayor will appoint, and we believe that this study period, which will include public comment, will provide a sound procedural framework for any consolidation decisions that will follow.

Thank you for your consideration.