



NEW YORK
CITY BAR

COUNCIL ON JUDICIAL ADMINISTRATION

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By Email

Ms. Elizabeth Garvey

Acting Counsel to the Governor

NYS State Capitol Building

Albany, NY 12224

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Re: Designation of Certificated Appellate Judges

Dear Ms. Garvey:

I am the chair of the Council on Judicial Administration of the City Bar, a group of approximately fifty lawyers, judges and court personnel working in various parts of the court system. Since our chief focus is on the operations of the court system in New York City, we write to address the re-designation of the newly-certificated appellate judges from the First and Second Judicial Departments. Although we appreciate that the court system is in need of support in other critical areas, including Family Court and Housing Court, we believe that these senior appellate judges should be re-designated for service in the Appellate Division – where their knowledge and experience can be put to best use. We respectfully urge the Governor to do so.

There are many good reasons to return the certificated appellate judges to the Appellate Division. First, and most obviously, a veteran appellate jurist can make the greatest contribution to the legal community by resolving appeals. If there is a need for more judges in other parts of the court system, the better solution is to re-assign judges from the trial-court level, as opposed to re-assigning an appellate judge. Second, we are unaware of a prior instance of a certificated appellate judge being re-assigned to another court. If this were to become an established practice, it would surely have a chilling effect on experienced appellate judges seeking re-certification. And third, returning these appellate judges to the Appellate Division would help provide much-needed finality to a difficult and unfortunate public dispute.

Thank you for your time and consideration on this important matter.

Very truly yours,

s/ Michael P. Regan