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**NYCLA Supports Proposed State Constitutional Amendment to Raise Mandatory Retirement Age for
New York Judges**

Association issues a resolution backing amendment on November 2013 ballot

New York, NY—September 12, 2013—The New York County Lawyers' Association (NYCLA) today announced its support of the proposed amendment to Article VI, §§2 and 25 of the New York Constitution, to allow Court of Appeals judges to serve until age 80 and to allow Supreme Court justices to be certificated from age 76 to age 80. At present, Court of Appeal judges must retire at age 70, and Supreme Court judges can only be certificated until age 76. NYCLA's Board of Directors overwhelmingly approved a resolution in favor of the proposed amendment, which will be on the November 2013 ballot, and which NYCLA hopes will be a first step toward future amendments raising the retirement age for other New York judges as set forth in Article VI, §2 (b). The resolution was prepared by NYCLA's Judicial Selection Task Force, chaired by Hon. Margaret A. Finerty and Susan B. Lindenauer.

"The proposed amendment recognizes the benefit of the continued service to the citizens of New York of many experienced, dedicated and productive judges," said Judge Finerty. "The amendment could also potentially expand the pool of experienced private sector and government lawyers, some of whom have not sought a place in the judiciary due to the constitutional age limitations."

As required, the proposed amendment was approved by two consecutive sessions of the New York State Legislature. Despite efforts over more than a decade, this is the first time since the age limitations were enacted in 1869 that an amendment raising those limitations will be on the ballot. At present, 28 states allow judges to serve past the age of 70 and, of those, 15 have no retirement age at all.

"The Task Force recognizes the amendment does not include jurists of the same age, dedication and experience who serve on other courts throughout the State, and in New York City Civil, Family, Housing and Criminal Courts," said Lindenauer. "Previous resolutions and reports of NYCLA committees advocated raising the retirement age for all New York State judges, but the Legislature has not yet enacted such proposals. The Task Force views the present proposal as a good first step and is hopeful that a further amendment will be pursued in the future."

"NYCLA has supported raising the retirement age for New York State judges for over 14 years, going back to 1999 when we recommended an expansion of the certification system," said NYCLA President Barbara Moses. "It doesn't make sense to lose talented judges to premature retirement based on a provision enacted 144 years ago, when average life expectancy was significantly lower than it is today." Moses also noted that a certificated Supreme Court justice's seat is deemed vacant—even though he or she continues to serve—thus permitting the election or appointment of a new judge to that seat. "There should not be any concern about stifling opportunities for younger judicial aspirants," she said.

The proposal that will be on the ballot would permit certification of Supreme Court justices for up to five two-year periods, two more than the three now allowed. It would also permit a judge of the Court of Appeals to serve until the end of the year in which he or she reaches the age of 80, provided that no judge could be appointed to the Court of Appeals after the last day of December in the year he or she

turns 70. Currently, Court of Appeals judges can also be certificated from age 70 to 76, but only to sit as Supreme Court justices, not to remain on the Court of Appeals.

About the New York County Lawyers' Association

The New York County Lawyers' Association (www.nycla.org) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion or gender. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.

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