



Deputy Chief Administrative Judge · Courts Outside New York City

HON. JOSEPH A. ZAYAS
Chief Administrative Judge

HON. NORMAN ST. GEORGE
First Deputy Chief Administrative Judge

HON. JAMES P. MURPHY
Justice of Supreme Court
Deputy Chief Administrative Judge
Courts Outside New York City

LAUREN H. SEITER, ESQ.
Special Counsel

STACI DENNIS-TAYLOR, ESQ.
Principal Law Clerk

SARAH K. BURGESS
Principal Administrative Secretary

May 30, 2024

Via Overnight Mail and Email (Lisa.Stenshorn@orleanscountyny.gov)

Lisa Stenshorn
Clerk of the Legislature
14016 State Route 31 West, Suite 201
Albion, NY 14411

Re: Introductory Local Law No. 3 of 2024

Dear Ms. Stenshorn, Clerk of the Legislature:

By way of introduction, I oversee the operations of all the Courts outside of New York City, including Orleans County. I recently learned that Orleans County has expressed interest in establishing a district court and dissolving its town courts. As I understand it, the County's plan is motivated predominantly by projected efficiency gains and savings that would result from the shifting of operational and personnel costs to the State. To achieve these ends, Orleans County is considering a local law (Introductory Local Law No. 3 of 2024), which purports to establish a state-funded district court after a county-wide referendum. As you probably know, there are only two Counties in New York with District Courts, Nassau and Suffolk. Both were established more than 60 years ago under very unique circumstances. I am surprised that no one has reached out to the Unified Court System for any input on this complex matter. I wanted to write and let you know of serious constitutional issues with your pending proposal.

Any County attempting to establish a district court must strictly comply with Section 16 of the New York Uniform District Court Act ("UDCA"). Although a referendum is necessary before a district court plan may go into effect, your proposed Introductory Local Law, as currently drafted, is unconstitutional. To establish a district court for Orleans County, Article VI, Section 16 of the New York State Constitution requires enactment by the New York Legislature of a specific *state* law — passed at the request of the county government — enabling the county to consider a district court. No such bill has even been introduced in either house of the State Legislature, and, therefore, there is no existing enabling statute. Additionally, there is no precedent for the State to retroactively adopt a county plan. Rather, it is a State Law that must be adopted and then approved at a referendum, not a local law. Accordingly, **the Local Law under consideration in Orleans County will NOT achieve dissolution of the town courts or the creation of a new district court system.**

I also would like to address the funding and fiscal responsibilities of establishing a district court. First and foremost, under Section 29 of Article VI of the New York State Constitution, it is the State Legislature, not the County Legislature, that determines the allocation of responsibility for covering the



New York State
Unified Court System

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costs of operating and maintaining a district court. Under Section 220 of the Judiciary Law, “the salaries and expenses of judges and justices of the unified court system, except justices of town and village courts, shall be paid by the state ...” *Id.*, see Judiciary Law § 39. Accordingly, district court judicial salaries must be included in the Unified Court System’s budget, as well as any personnel costs associated with a district court, such as for clerks, court officers, and operational expenses. See Judiciary Law § 39(1).

Under Section 2409 of the UDCA, the duty “to provide suitable places for holding court” would presumptively remain with the county government as is the case with all other courthouses across the State in which State-paid judges and court personnel work. See Judiciary Law § 39(3)(a) (“Notwithstanding any other provision of law, all ... facilities presently furnished ... by any political subdivision to the courts ... shall continue to be furnished and paid for by the political subdivision. Each political subdivision shall also be responsible for supplying such additional facilities suitable and sufficient for the transaction of business as may become needed....”). Section 7 of your proposed Local Law incorrectly suggests that the Judicial District — instead of the County — is responsible for providing a physical courthouse. That is simply not the law in New York.

There are several other provisions of your proposed Local Law that are contrary to New York State Law, including but not limited to establishing residency requirements of staff, defining who designates the number of judges and determines their salaries. I respectfully submit that the passage of your proposed Local Law is unconstitutional and will not achieve the results that you are hoping to accomplish. I would be happy to meet with you to discuss this further but wanted to make you aware of my concerns as soon as possible.

Sincerely,

James P. Murphy, J.S.C.
Deputy Chief Administrative Judge,
Courts Outside New York City