



NEW YORK STATE SENATOR

Michael Gianaris

## Senate Deputy Leader Gianaris & Judiciary Chair Hoylman-Sigal Introduce Bills To Mandate Judicial Bail Training And Close Judicial Accountability Loophole

MICHAEL GIANARIS February 9, 2023

| ISSUE: JUDICIARY, COMMISSION ON JUDICIAL CONDUCT, BAIL REFORM, COURTS, TRANSPARENCY



NEW YORK –Senate Deputy Leader Michael Giaaris (D, WFP - Queens) and State Senator Brad Hoylman-Sigal (D, WFP - Manhattan), Chair of the Senate Judiciary Committee, introduced legislation to require all judges exercising criminal jurisdiction to undergo annual bail training ([S.4397](#)), and a bill to close a loophole allowing judges and justices to avoid

investigation from the Commission on Judicial Conduct (CJC) by retiring or resigning and allow the CJC to make investigations public after filing formal charges (**S.4398**).

**Judiciary Chair Hoylman-Sigal** said: “The true administration of justice requires public faith in an impartial, unimpeachable, and competent judiciary. Sadly, New York’s judicial accountability laws are shrouded in secrecy, fostering perceptions of corruption, incompetence, and unaccountability. We don’t even know if our judges are keeping up with major changes in the law. These bills will ensure our judiciary is properly trained and that bad apples are publicly identified and disciplined, restoring the public’s trust in our court system.”

**Deputy Leader Michael Gianaris** said: “The lack of transparency and accountability from our court system is shocking and should alarm all New Yorkers. These bills are two of many steps necessary to instill greater public confidence in our judicial branch of government.”

The Senators introduced the legislation after co-chairing the **Joint Legislative Budget Hearing on Public Protection**, during which Senator Hoylman-Sigal and Senator Gianaris questioned Office of Court Administration (OCA) Acting Chief Administrative Judge Tamiko Amaker and CJC Administrator & Counsel Robert Tembeckjian.

During questioning, Judge Amaker stated that all New York City Criminal Court judges were required to undergo annual training, but there was no such requirement for judges outside New York City, and OCA kept no records of which judges took the training. Judge Amaker also stated that OCA does not audit the training programs or have any measurement of their effectiveness. Furthermore, OCA has refused to provide the public or legislators with the training curriculum or other educational materials provided to judges.

Senator Hoylman-Sigal and Senator Gianaris's bill ([S.4397](#)) would direct the Chief Administrative Judge to require and provide at least three hours of annual training regarding bail, recognizance, and commitment procedures and standards for any judge or justice exercising preliminary jurisdiction over criminal offenses. Willful failure to comply with the required training would constitute misconduct that the CJC would be empowered to investigate and enforce.

In Mr. Tembeckjian's testimony, he was unable to answer questions from committee members about the [considerable ethical questions](#) surrounding the former chief judge, who was reportedly under investigation when she resigned last year. He explained that this is due to New York's strict statutory non-disclosure requirements preventing the CJC from making investigations public until disciplinary action has been taken, a requirement at odds with 38 other states. Furthermore, had there been an ongoing investigation, it would have been thwarted by the CJC's limited jurisdiction over judges that retire or resign.

Senator Gianaris and Senator Hoylman-Sigal's second bill ([S.4398](#)) increases transparency and accountability by allowing the CJC to publicize investigations once a formal charge has been filed and extending the CJC's jurisdiction to allow investigations to continue despite a judge's resignation or retirement.

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#### RELATED LEGISLATION

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### [2023-S4397](#)

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- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
- 

Authorizes the chief administrator of the courts to require and provide annual training regarding bail, recognizance, and commitment procedures and standards

February 08, 2023

Senate Floor Calendar

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?

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## 2023-S4398

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- Introduced

- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to the powers and authority of the state commission on judicial conduct

February 08, 2023

In Assembly Committee

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Do you support this bill?