

## MEMO OF SUPPORT

**UNCAP JUSTICE ACT**  
A.1100-A (AM Bores)  
AND  
**TIMELY JUSTICE ACT**  
A.3305 (AM Bores) / S.8192 (Sen. Cleare)

Our organizations support passage of the **Uncap Justice Act** and the **Timely Justice Act**, complementary measures that modernize how New York allocates judicial resources and advance good government principles—accountability, transparency, responsiveness, efficiency, and adherence to the rule of law.

New York's courts are overwhelmed.<sup>1</sup> Chronic judicial shortages have left courts unable to meet public demand, delaying justice for families, tenants, victims, and defendants alike. A key structural cause is the population-based constitutional cap on Supreme Court Justices—one per 50,000 residents—unchanged since 1961. This outdated formula has produced backlogs, inequities, and an overreliance on temporary judicial assignments.<sup>2</sup>

The **Uncap Justice Act** repeals the cap, empowering the Legislature to authorize new judgeships as, and where, needed. The **Timely Justice Act** requires the Office of Court Administration (OCA) to establish a transparent, data-driven system to assess and publicly report where judges and resources are needed.

Together, these reforms create a modern, accountable, and evidence-based process for ensuring that New York's courts can meet the needs of its people.

### REASONS FOR SUPPORT

#### Accountability and Rule of Law

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<sup>1</sup> "New York's court system is among the largest, busiest, and most complex in the country. Our judicial and nonjudicial personnel address and dispose of millions of new case filings annually. Unfortunately, too many judges in too many of our courts have crushing inventories that make the timely disposition of cases extremely challenging... The only way to address these backlogs and ensure that cases are resolved more efficiently going forward, is to have adequate judicial and nonjudicial staffing." [Joint Legislative Hearing on the FY 2026 Judiciary Budget, Statement of Chief Administrative Judge Joseph A. Zayas](#), Feb.13, 2025.

<sup>2</sup> See generally, "[Repeal the Cap and Do the Math: Why we need a modern, flexible, evidence-based method of assessing New York's judicial needs](#)," New York City Bar Association, Reissued Sept. 2024.

The current cap forces courts into constant “emergency” mode, with hundreds of judges reassigned to Supreme Court from other courts as Acting Supreme Court Justices (ASCJs). This practice—largely opaque and effectively permanent—sidesteps the electorate’s role in choosing Supreme Court judges and may weaken accountability.<sup>3</sup>

Repealing the cap would allow the Legislature to create new judicial seats through an open, constitutional process. The Timely Justice Act complements this by providing objective data to guide those decisions and inform the public and policymakers alike.

## **Transparency and Data-Driven Governance**

The Timely Justice Act establishes public reporting on caseloads, clearance rates, and workloads, introducing transparency long missing from judicial planning. This practice is aligned with the practice in many states and<sup>4</sup> with the Federal Courts, which survey each circuit and district court every two years about the need for new judgeships and make determinations based on a national caseload threshold.<sup>5</sup> Together, these bills replace guesswork with measurable, evidence-based decision-making that builds public trust.

## **Responsiveness to Community Needs**

Population alone doesn’t reflect judicial demand. Case complexity, unrepresented litigants, and evolving laws and community needs all effect workload. A flexible, weighted caseload approach—mandated under the Timely Justice Act—ensures courts can adapt and resources can be allocated as needed across judicial districts. The Uncap Justice Act creates opportunities for local advocacy and more representative judicial elections.

## **Efficiency and Fairness in Resource Use**

Reliance on temporary designations drains lower courts and fuels systemwide delays. Family and Housing Courts face severe backlogs, while Criminal Courts wait months for trial dates. These inefficiencies hit hardest for low-income and unrepresented litigants. Together, the bills enable efficient, permanent staffing and promote fairness across all courts.

## **CONCLUSION**

Repealing the constitutional cap and requiring transparent, data-driven judicial planning will modernize New York’s courts, improve efficiency, and strengthen accountability.

We urge the Legislature to enact the **Uncap Justice Act** and the **Timely Justice Act** to give New Yorkers the fair, transparent, and functioning court system they deserve.

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<sup>3</sup> *Id.* See also “[Backdoor to the Bench](#),” Scrutinize and Reinvent Albany, Oct. 2025.

<sup>4</sup> *Id.*, [Appendix “49-State Survey.”](#)

<sup>5</sup> *Id.* at 54.