



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

*Committee on
Judiciary*

Jeffrey Dinowitz

Chairperson





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Jeffrey Dinowitz
Assemblyman 81ST District
Bronx County

DISTRICT OFFICE
3107 Kingsbridge Avenue
Bronx, NY 10463
(718) 796-5345

ALBANY OFFICE
Room 831
Legislative Office Building
Albany, New York 12248
(518) 455-5965

CHAIRMAN
Judiciary Committee

COMMITTEES
Rules
Health
Election Law

MEMBER
Puerto Rican/ Hispanic Task Force

CHAIRMAN
Bronx Delegation

December 17, 2018

The Honorable Carl E. Heastie
Speaker of the Assembly
Room 932, Legislative Office Building
Albany, New York 12248

Re: Annual Report of the Committee on Judiciary – 2018

Dear Speaker Heastie:

As Chairperson of the Assembly Standing Committee on Judiciary, I am pleased to present to you the Committee's Annual Report for the 2018 Legislative Session.

The Annual Report reviews the work of the Committee on Judiciary and highlights many of its major initiatives. It also includes a brief overview of various budgetary matters that concern the courts of the state and other areas within the committee's purview.

The Judiciary Committee tackled many high-profile issues in 2018, including protections for domestic violence victims, children and families, tenants and homeowners, workers and consumers and the elderly and disabled.

A top priority of the Committee each year is ensuring that funding is added to the state budget for civil legal services for low-income New Yorkers. The Judiciary Committee remains a strong advocate for providing civil legal services to those in need. This year, the Assembly continued its support for civil legal services in New York State by restoring its traditional funding as well as an increased appropriation for civil legal services through the Judiciary budget.

I would like to acknowledge the hard work of the members of the Committee on Judiciary and all of the members of the Assembly for their continued commitment to its work and to progressive legislation. As always, your continued support is deeply appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Dinowitz".

Jeffrey Dinowitz, Chairperson
Assembly Standing Committee on Judiciary

**2018 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON JUDICIARY**

Jeffrey Dinowitz, Chair

MEMBERS OF THE STANDING COMMITTEE

Majority

Michele R. Titus
Charles D. Lavine
Kenneth Zebrowski
David I. Weprin
Edward C. Braunstein
Aravella Simotas
Dan Quart
Matthew Titone
David Buchwald
Phillip Steck
Rebecca A. Seawright
Jo Anne Simon
Latoya Joyner
Thomas J. Abinanti

Minority

Anthony H. Palumbo, Ranking Member
Michael A. Montesano
William A. Barclay
Andrew Goodell
Ron Castorina, Jr.
Angelo J. Morinello

Staff

Daniel Salvin, Assistant Secretary for Program & Policy
Amy Maggs, Associate Counsel
Kerry Mierzwa, Associate Counsel

TABLE OF CONTENTS

I.	Committee Jurisdiction	4
II.	Summary of Legislative Accomplishments.....	5
	A. Protecting Domestic Violence Victims, Children and Families.....	5
	B. Protecting Tenants, Homeowners and Property Owners.....	6
	C. Administration of Justice.....	7
	D. Protecting Consumers in Arbitration.....	10
	E. Trusts and Estates and Guardianships.....	11
	F. Indian Law.....	12
	G. Constitutional Amendments Reported by the Committee.....	12
III.	Judiciary Committee Hearings.....	13
IV.	Judiciary Budget	14
V.	Civil Legal Services Funding	14
	2018 Committee Workload Summary	16

I. COMMITTEE JURISDICTION

The Assembly Committee on Judiciary has jurisdiction over legislation affecting all aspects of both state and local courts. It has primary jurisdiction over amendments to the Civil Practice Law and Rules, Judiciary Law, Uniform Court Acts, Family Court Act, Surrogate's Court and Procedure Act, Domestic Relations Law, Estates Powers and Trusts Law, Uniform Commercial Code, Lien Law, Debtor-Creditor Law, General Obligations Law, Real Property Law, Real Property Actions and Proceedings Law, Civil Rights Law, Partnership Law, Eminent Domain Procedure Law and Indian Law. The Committee also shares budgetary oversight of the Office of Court Administration and the Department of Law with the Assembly Ways and Means Committee. In addition, all proposed amendments to the New York State Constitution are considered by the Judiciary Committee.

The highlights that follow demonstrate the breadth, diversity, and importance of the Judiciary Committee's work in 2018.

II. LEGISLATIVE ACCOMPLISHMENTS¹

A. PROTECTING DOMESTIC VIOLENCE VICTIMS, CHILDREN AND FAMILIES

Relates to codifying the Court Appointed Special Advocates program (CASA) – Chapter 291 - A.1050-A (Stirpe) / S.2059-A (Bonacic)

This law establishes the Court Appointed Special Advocates program (CASA) in statute and codifies existing Office of Court Administration (OCA) rules pertaining to CASA. The CASA program was established by the Office of Court Administration in 1991 under the Task Force on Permanency Planning to promote and support trained community volunteer advocacy programs.

Extends the authority for referees to make determinations in certain order of protection applications and makes the Judicial Hearing Officer Pilot Program permanent – Chapter 161 - A.10365 (Carroll) / S.8324 (Bonacic)

This law extends the chief administrator of the courts' authority to allow referees to determine certain applications made to a family court for an order of protection; removes the expiration of the judicial hearing officer pilot program in the family courts of the seventh and eighth judicial districts.

Gives members of the New York state legislature the ability to solemnize marriages – Chapter 415 - A.10795 (Paulin) / S.8298 (Gallivan)

The purpose of this bill is to authorize members of the New York state legislature to solemnize marriages, as long as they do not charge or receive a fee.

The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

Designates lay individuals as one-day marriage officiants in order to solemnize marriages – A.1137-D (Galef) / S.5858-B (Ritchie)

This bill adds a “one-day marriage officiant,” as designated by the secretary of state, to the list of who may solemnize a marriage under the Domestic Relations Law and outlines the requirements that must be met to designate a lay person as a one-day marriage officiant.

Relates to name change upon marriage – A.4098 (Simotas) / No Same As

This bill allows one or both parties to a marriage to elect to change their middle name on their marriage license.

Relates to the visitation rights of great-grandparents – A.6151 (Cook) / No Same as

This bill allows great-grandparents to commence special proceedings to obtain visitation rights of infant great-grandchildren in certain circumstances.

¹ All references to chapters, except where otherwise noted, are to chapters of the laws of 2018.

Relates to allowing a person having a lawful order of custody of a child to make medical decisions for such child – A.7928 (Jaffee) / S.6015-A (Avella)

This bill includes non-parents with lawful orders of custody as persons who can make medical decisions for minors in their care, and to include non-parents with lawful orders of custody as parents whose consent is not needed for the provision of medical, dental, health and hospital services when in the judgment of a physician emergency medical care is needed.

Provides for children under the age of eighteen to wear protective headgear while skiing or snowboarding – A.8982 (Simon) / S.7096 (Kavanagh)

This bill requires skiers and snowboarders under the age of eighteen to wear protective headgear and ski area operators to offer for sale or rental such headgear. The bill also permits the Department of Labor to impose fines upon ski area operators for failure to so provide.

Relates to the date of the adjustment of the spousal maintenance cap – A.9919 (Joyner) / S.7675 (Bonacic)

This bill updates the spousal maintenance cap from one hundred and seventy five thousand to one hundred and eighty four thousand and updates the adjustment date to match with the date of adjustment under Social Services Law.

Relates to venue in matrimonial actions – A.9920 (Dinowitz)/ No Same As

The purpose of this legislation is to amend the CPLR by adding a new rule 514 to require that venue in a matrimonial action be fixed where one of the parties to such action resides absent good cause to be shown to fix it elsewhere.

B. PROTECTING TENANTS, HOMEOWNERS AND PROPERTY OWNERS

Relates to the presence of a companion animal when executing a warrant for eviction or dispossession of property – Chapter 205 - A.8684-B (Rosenthal) / S.7388-B (Tedisco)

When a marshal executes an eviction order and takes legal possession of the property located within the evictee's premises, the marshal is required to prepare a written inventory of all items inside, store the items for a specified amount of time, and allow the evicted tenant to later retrieve their belongings. Since animals are considered property under the law, there is no distinction between how a couch and an animal is treated. Unlike couches, animals are living sentient beings, and need food, water, air and affection to survive. This new law ensures that the safety and well-being of an animal is not compromised when a tenant is evicted.

Authorizes county clerks to establish a system to receive and retain maps utilizing electronic means – Chapter 489 - A.4127 (Magee) / S.7751 (Marchione)

This bill amends real property law authorizing county clerks to adopt systems to receive and retain maps using electronic means, saving time and money for county taxpayers.

The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

Enacts the "zombie property remediation act of 2018" – A.1563-A (Magnarelli) / No Same As

This bill allows a city, village or town to commence a proceeding to compel a bank to move forward with a foreclosure or to release a mortgage on a building that has been deemed “Vacant and Abandoned” pursuant to Real Property Actions and Proceedings Law Section 1309 or Section 1971.

Requires signatures of all owners of leased premises for a lease of oil, gas or mineral rights, and for any modification, renewal or extension thereof – A.2499-A (Lifton) / No Same As

This bill requires signatures of all owners of leased premises for a lease of oil, gas or mineral rights, and for any modification, renewal or extension thereof.

Prohibits inclusion of non-disclosure agreements in settlements of hydraulic fracturing actions when there is evidence of threat to public health or safety – A.4134 (Rosenthal) / No Same As

This bill prohibits inclusion of non-disclosure agreements in settlements of hydraulic fracturing actions when there is evidence of threat to public health or safety.

Relates to inspecting, securing and maintaining vacant and abandoned residential real property – A.6470 (Magnarelli) / S.5800 (Marchione)

This bill requires mortgage holders of vacant and abandoned residential properties that are part of a homeowners association (HOA) or co-op to continue paying HOA or cooperative fees when a property has been abandoned during the foreclosure process.

Requires the posting of broker and management information on commercial property – A.10125 (O’Donnell) / No Same As

This bill requires the posting of broker and property management information on the window of commercial property that has been vacant for at least one month.

Prohibits commercial leases from including a waiver of the right to a declaratory judgment action – A.10414 (Otis) / No Same As

This bill prohibits commercial leases from including a waiver of the right to seek a declaratory judgment. The ability to cure through this process protects commercial tenants from landlords seeking to remove tenants in the middle of a lease period without appropriate ability to cure or judicial review.

Relates to prohibiting pre-payment penalties for mortgages secured by real property owned in a cooperative form of ownership – A.10727 (Dinowitz) / No Same As

This bill will forbid prepayment penalties and fees from being charged or collected on a loan or forbearance secured by real property owned in a cooperative form ownership where over fifty percent of the units are shareholder occupied and will make such prepayment penalties unenforceable.

C. ADMINISTRATION OF JUSTICE

Establishes the commission on prosecutorial conduct – Chapter 202 – A.5285-C (Perry) / S.2412-D (DeFrancisco)

This law establishes a Commission on Prosecutorial Misconduct. This commission would be empowered to investigate, hold hearings and remove District Attorneys for misconduct.

Provides that the attorney-client privilege shall apply to communications between a lawyer referral service and a client – Chapter 235 - A.9029 (Dinowitz) / S.5845 (Bonacic)

This law provides that communications between a consumer of legal services and a legal referral service be deemed to be privileged on the same basis as those provided by law for communications between attorney and client.

Relates to making certain technical corrections – Chapter 237 – A.9564 (Dinowitz) / S.6179-A

This law makes certain technical corrections relating to the UCC revisions.

Relates to the residence of the part-time judge of the city court of Lackawanna – Chapter 138 – A.9719 (Ryan) / S.8780 (Jacobs)

This law authorizes the part-time judge of the Lackawanna city court to reside anywhere in Erie County, provided his or her term of office commences during the two thousand eighteen calendar year.

Relates to residency requirements for stenographers in the county of Broome – Chapter 165 – A.10487 (Lupardo) / S.8282 (Akshar)

This law allows the Broome County District Attorney to appoint a stenographer residing in the county of Onondaga or in any county of the sixth judicial district.

Extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings – Chapter 168 – A.10647 (Dinowitz) / S.8416 (Bonacic)

This law extends provisions of law relating to the use of electronic means for the commencement and filing of papers in certain actions or proceedings.

Relates to a referee's compensation – Chapter 376 – A.5837 (Lentol) / S.8351 (Golden)

This bill increases the amount that referees receive for each day spent on the business of a reference to \$350, and on a sale of real property to \$750, from the current statutorily listed amounts of \$50 and \$500, respectively.

Authorizes the town justice court of the town of Canandaigua to hold justice court in the city of Canandaigua - Chapter 441 – A.10095-A / S.7935-A (Helming)

This bill authorizes the town justice court of the town of Canandaigua to hold justice court in the city of Canandaigua.

Relates to allowing judicial notice of Google Maps and other web mapping or global imaging websites – Chapter 516 – A.11191 (Dinowitz) / S.9061 (Gianaris)

This bill amends the civil practice law and rules, in relation to judicial notice of an image, map, location, distance, calculation, or other information taken from a web mapping service.

The following bills were reported by the Assembly Judiciary Committee and were pending

at the conclusion of session.

Provides that for settlements that require a court order the order shall provide for the payment of interest on the settlement amount at the statutory rate – A.1499 (Weinstein) / No Same As

This bill permits interest to accrue where there is a delay in a proposed settlement of a claim by an infant, incompetent, or in a wrongful death action, caused by the need for court approval.

Requires the Office of Court Administration to collect and maintain data on limited English proficient litigants in the state – A.1936-A / No Same As

This bill requires the Office of Court Administration to collect and maintain data on all limited English proficient individuals who are litigating in New York State Courts.

Relates to the availability of certain benefits to exonerees; repealer – A.3894-B (Quart) / S.53-B (Hoylman)

This bill ensures exonerees are entitled to the same re-entry services as other formerly incarcerated persons, as well as providing additional benefits intended to ameliorate their wrongful conviction.

Increases the amount of allowance that trial and grand jurors are entitled to in each court of the unified court system – A.5433 (DenDekker) / No Same As

This bill increases the entitled allowance amount that trial and grand jurors receive in each court of the unified court system to seventy-two (\$72) dollars per day for every day of physical attendance when the court convenes pursuant to the limitations of section 519 of the Judiciary Law.

Requires all actions for personal injury or wrongful death to include a general prayer for relief – A.8852-B (O'Donnell) / S.8918 (O'Mara)

This bill amends sections 305 (b) and 3017 of the Civil Practice Law and Rules, as well as section 50-e of the General Municipal Law, to prohibit the inclusion in a summons with notice of a prayer for specific monetary relief in actions for personal injury or wrongful death.

Relates to admissibility of an opposing party's statement – A.9009-A (Dinowitz) / S.4868-A (Bonacic)

This bill renders admissible the statement of a party's agent or employee, provided that the statement was on a matter within the scope of that employment or agency relationship, and made during the existence of the relationship. This measure follows the approach of the Federal Rules of Evidence.

Provides, in tort cases where one defendant has settled, that remaining defendants must elect prior to trial as to reduction in liability – A.9028 (Dinowitz) / No Same As

This bill repeals and enacts a new section 15-108 of the General Obligations Law regarding settlements in tort actions involving two or more tortfeasors. The proposed section 15-108 aims to provide more guidance to courts and to parties when a settlement with one or more parties has been reached. A non-settling tortfeasor would be required to elect the method by which the settling defendant's liability is to be offset against the verdict before opening statements commence. The bill's provisions resolve the effect of settlements on remaining tortfeasors, the liability of settling tortfeasors, and contribution and indemnification issues. In addition, the bill clarifies the relationship between this section and CPLR

Articles 50-A and 50-B regarding structured judgments and between this section and CPLR Article 16 regarding limited liability.

Enacts the "patient privacy protection act" – A.9030 (Dinowitz) / S.243 (DeFrancisco)

This legislation prohibits, in any action for personal injury, medical, dental or podiatric malpractice or wrongful death, the defendant from conducting ex parte interviews with the plaintiff's non-party treating physicians.

Permits a plaintiff to recover directly against a third-party defendant found to be liable to the defendant in certain actions – A.9031 (Dinowitz) / No Same As

This bill allows a plaintiff to recover from a third-party defendant found liable to a defendant/third-party plaintiff, where plaintiff's judgment against the defendant/third-party defendant remains unsatisfied.

Increases the various fixed fees for the provision of certain services by the sheriff – A.9032 (Dinowitz) / S.5110 (Hamilton)

This bill increases the statutorily fixed fees for New York City sheriffs and marshals to perform their duties so that such rates and fees reflect the rate of inflation since such rates were last increased in 2002.

Relates to expanding service of process to the department of state in the City of New York – A.10357 (Dinowitz) / S.8631 (Lanza)

This bill allows service of process on the Secretary of State in New York City in addition to Albany.

Relates to the permitted submissions in a default judgment – A.10363 (Abinanti) / No Same As

This bill amends section 3215 (b) of the Civil Practice Law and Rules in order to outline the procedures for an inquest upon a default judgment.

D. PROTECTING CONSUMERS IN ARBITRATION

The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

Relates to providing for vacation of an arbitration award on the ground that the arbitrator was affiliated with a party, or has a financial interest in a party or the outcome – A.6637 (Titone) / S.8710 (Sepulveda)

This bill clarifies the intent and protects the purpose of the existing laws regarding arbitration by creating a definition of the term arbitration and protects the efficacy and fairness of the arbitration process for all parties before an arbitrator in New York State.

Relates to the appointment of an arbitrator – A.10393 (Weinstein) / No Same As

This bill requires that the appointment of any arbitrator shall reasonably ensure the personal objectivity of the arbitrator; authorizes the arbitrator, for good cause, to postpone or adjourn the hearing upon request of a party or upon the arbitrator's own initiative; provides that the award of the arbitrator shall state the issues in the dispute and contain the arbitrator's findings of facts and

conclusions of law; makes related provisions.

E. TRUSTS AND ESTATES AND GUARDIANSHIPS

Relates to limitations on powers and immunities of executors and testamentary trustees – Chapter 245 – A.10100 (Dinowitz) / S.6138 (Bonacic)

This legislation amends the EPTL to add inter vivos trusts to current law to prohibit inter vivos trustees from having exoneration clauses for failure to exercise reasonable care.

The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

Relates to the disqualification of a surviving spouse – A.8325 (Braunstein) / S.6640 (Bonacic)

This bill provides for the disqualification of a surviving spouse to take a share of a decedent's estate if the marriage is annulled or voided after the death of the spouse.

Relates to the privilege between a personal representative and the attorney to lifetime trustees – A.9000 (Dinowitz) / No Same As

This bill includes lifetime trustees in the definition of fiduciaries to whom the attorney-client privilege applies.

Reforms the statutory short form and other powers of attorney for purposes of financial and estate planning – A.9033 (Weinstein) / S.6501-A (Hannon)

This bill simplifies the current power of attorney form, which under the present law includes a separate gift rider with different execution requirements. The requirements under current law are complex and prone to improper execution. In addition, the new legislation allows for substantially compliant language, and provides several safe-harbor provisions for those who, in good faith, accept an acknowledged power of attorney without actual knowledge that the signature is not genuine.

Relates to the computation and allocation of the commissions of trustees of charitable trusts – A.9764-A (Dinowitz) / S.6765-B (Lanza)

This bill addresses the need to treat trustees of private trusts and charitable trusts uniformly and to eliminate the disparate treatment of trustees of wholly charitable trusts.

Relates to trust accounting income and principal – A.9765 (Dinowitz) / S.4866 (Bonacic)

This bill allows a trustee to allocate to income gains from the sale or exchange or other disposition of specified principal assets.

Relates to the granting of letters of administration and letters of administration with will annexed – A.11048 (Abinanti) / No Same As

This bill will remedy an apparent inconsistency in the law for issuance of letters of administration and letters of administration with the will annexed (cum testamento annexo, or c.t.a.) and bring the law into accord with judicial interpretations.

Relates to providing a presumption that credit shelter bequests be construed to set aside the maximum amount that may be shielded from both federal and state estate taxes – A.11049 (Dinowitz) / No Same As

This bill overcomes the presumption that credit shelter bequests be construed to set aside the maximum amount that may be shielded from federal estate taxes.

F. INDIAN LAW

The following bills were reported by the Assembly Judiciary Committee and were pending at the conclusion of session.

Relates to the state recognition and acknowledgement of the Montaukett Indians – Veto 360 – A.9898 (Thiele) / S.7770 (Lavalle)

This legislation provides for State recognition of the Montaukett Indians.

Requires the Department of State to promulgate rules and regulations providing for the recognition of Indian tribes as Indian Nations – A.11023-A (Jaffee) / No Same As

This bill requires the Department of State to promulgate rules and regulations providing for the recognition of Indian tribes and make recommendations to the Legislature based on the information received in the process.

G. CONSTITUTIONAL AMENDMENTS

Calling for ratification of the Equal Rights Amendment – K.168 (Seawright)

This resolution calls for the ratification of the Equal Rights Amendment by members of the U.S. Senate and House of Representatives and asks the Assembly to affirm strong support of the Equal Rights Amendment and a commitment to put the ERA into the Constitution.

III. JUDICIARY COMMITTEE HEARINGS

PUBLIC HEARING ON GESTATIONAL SURROGACY – THE CHILD PARENT SECURITY ACT

The hearing provided a synopsis of the current practice of surrogacy with an emphasis on the need to update New York laws. New York is currently one of only six states that do not allow surrogacy agreements. The hearing examined the hardships that many individuals seeking to become parents go through with an emphasis on the unnecessary cost and issues that arise from not having a gestational agreement. It also clarified some of the details of the Child Parent Security Act including the requirement that no gestational carrier may use her own genetic material in the process and the safeguards in place for all parties. Witnesses included legal experts, fertility doctors and advocates who generally supported the bill. The public was invited to submit written testimony.

PUBLIC HEARING ON ELECTRONIC FILING

In 1999, New York State authorized the use of electronic filing of court papers for certain cases. Since then, more than 100,000 users have registered with the New York State Courts Electronic Filing System (“NYSCEF”) to e-file more than 1.6 million cases. The hearing examined the current status of the electronic filing system in New York, from the standpoint of legal aid providers, pro se individuals, attorneys and the Office of Court Administration. The committee received testimony about the use of electronic filing and how any such expansion of the program may impact the court system and access to justice for New Yorkers seeking redress in the courts.

PUBLIC HEARING ON WAGE THEFT

The New York State Assembly Standing Committee on Labor and the Assembly Standing Committee on Judiciary conducted a public hearing examining the challenges in the prevention and adjudication of wage theft in New York State. The Wage Theft Prevention Act was enacted in 2010, and amended in 2014, to help empower employees in New York State to recover wages that have been withheld by unscrupulous employers. Despite this progress, many employees still remain vulnerable to wage theft, particularly those in low-wage occupations. The Committees received testimony about the implementation of the Wage Theft Prevention Act and the barriers that remain with regard to recovering employees’ lost wages and holding employers accountable for wage theft.

IV. NEW YORK STATE'S JUDICIARY FUNDING

The 2018-2019 State budget adopted without change the Judiciary's budget request in the amount of \$2.23 billion, an increase, in terms of the General Fund Operating Budget, of \$44.4 million, or 2 percent over last year. The courts' budget absorbs statutorily mandated salary increments for represented non-judicial employees, statutorily-mandated increases for indigent legal defense, supplemental funds for IOLA, a much-needed increase in funding for civil legal services to address the crisis in legal services funding. With this year's Judiciary budget, the Office of Court Administration will maintain current staffing levels, filling just a limited number of positions critical to operations, and plans to keep courtrooms open to the public until 5 p.m. each day. The 2018-19 enacted budget also provided for additional Supreme Court Justices in five judicial districts. The additional justices will be seated in Bronx, Queens, and Richmond Counties as well as in the 9th and 10th judicial districts comprising parts of Long Island and the Hudson Valley.

Additionally, the following Article VII legislation was enacted as part of the 2018-2019 State budget:

- Amend the State False Claims Act to automatically adjust the penalty amounts to equal the civil penalties allowed under the Federal False Claim Acts. The Federal Deficit Reduction Act created a financial incentive for the State to enact a law at least as strict as the Federal standards. States that enact compliant False Claims Act(s) are permitted to receive an additional ten percent of fraud recoveries.
- Amend real property actions and proceedings law to include reverse mortgages in the definition of home loan and extend certain due process protections to homeowners with reverse mortgages. Also added a new 90 day notice provisions in foreclosure actions specific to reverse mortgages.

V. FUNDING FOR LEGAL SERVICES

In 2018, the Assembly built on its support for civil legal services in New York State by supporting an increased appropriation for civil legal services through the Judiciary budget by \$15 million for a total of \$100 million to help bridge the tremendous gap between civil legal service needs of low-income New Yorkers and the availability of services to meet these needs. As part of the SFY 2018-19 budget, the Assembly also restored its traditional funding for civil legal services in the amount of \$2.83 million and \$609,000 for domestic violence programs. Further, the SFY 2018-19 enacted budget appropriated \$161.25 million for the New York State Office of Indigent Legal Services, representing an increase of over \$51 million from the prior year. This additional funding is the first installment necessary to a measure enacted in the 2017-2018 budget that will require the state to gradually increase criminal defense funding over the next six years according to a plan developed by the Office of Indigent Legal Services. The plan will

ensure defendants have counsel at arraignment, establish new caseload standards so that attorneys can devote sufficient time and attention to each case, and ensure that attorneys receive effective training and have the necessary qualifications and experience. When fully implemented in 2023, it is anticipated that the state will increase funding to counties and New York City through the Office of Indigent Legal Services by approximately \$250 million annually.

2018 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

JUDICIARY

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 8

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	14	0	14
Judiciary	0	0	0
Ways and Means	7	0	7
Rules	3	0	3
Floor	26	0	26
TOTAL	50	0	50

COMMITTEE ACTION

Held For Consideration	43	0	43
Defeated	0	0	0
Enacting Clause Stricken	24	0	24
REMAINING IN COMMITTEE	293	16	309

BILLS REFERENCE CHANGED TO:

Health
Children and Families
Local Government
Way and Means

TOTAL	4		4
--------------	----------	--	----------