

**December 2025**

# **BUILDING A 21ST CENTURY JUDICIARY**

*A Reform Agenda for New York City*

**Reinvent  
Albany.**

**scrutinize**

## Executive Summary

About one third of the judges appointed to the bench in New York City are chosen outside of public view. These roughly 180 judges are appointed by the mayor after being screened by the Mayor's Advisory Committee on the Judiciary (MACJ). Unfortunately, because MACJ releases nothing about the size of its applicant pools, the makeup of those pools, or the basis for its recommendations, the public cannot tell whether MACJ is advancing candidates for their ability or for their connections.

This matters because these judges make life-defining decisions in New York City's Criminal, Family, and Civil courts. When the public cannot tell why their judges were picked, trust in the courts and the rule of law erodes.

## The Solution

The incoming mayor can immediately modernize the judicial appointment process and set a new standard for good governance by establishing stronger rules for membership, vetting, reappointments, and transparency. Our recommendations would establish a better appointment system with public standards, defensible decisions, and insulation from political pressure.

## Action Plan

Below are the five core recommendations from the report, which includes additional proposals to reform New York City's judicial selection process.

1. Broaden the power to nominate MACJ members to include the Public Advocate, the City Council Speaker, and the Comptroller;
2. Diversify MACJ membership so it reflects the legal fields and the populations the courts serve;
3. Ensure process transparency, including a public, searchable appointments and tenure tracker;
4. Make reappointments competitive by measuring incumbents against the applicant pool;
5. Create enforceable conflict of interest and conduct rules.

## CONTENTS

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Why Judicial Appointments Matter</b>	<b>4</b>
<b>3</b>	<b>A Timely Opportunity for Reform</b>	<b>4</b>
<b>4</b>	<b>The Current NYC Judicial Appointment Process</b>	<b>5</b>
<b>5</b>	<b>Guiding Values</b>	<b>6</b>
<b>6</b>	<b>Rule Recommendations</b>	<b>6</b>
6.1	Spread Out Nominating Power Across NYC Officials to Increase Legitimacy and Independence	6
6.2	Diversify Membership to Reflect the Work and Populations of the City's Courts	7
6.3	Keep the Mayor's Veto Power Over MACJ Nominations and Make Its Use Public	8
6.4	Keep the Mayor's Final Choice From the MACJ Shortlist	8
6.5	Require a Supermajority Vote So Only Broadly-Supported Candidates Advance	8
6.6	Make Reappointments Competitive by Measuring Incumbents Against the Applicant Pool	9
6.7	Ensure Full Process Transparency While Keeping First-Time Applicants Confidential to Increase the Pool of Candidates	9
6.8	Create a Public, Searchable Appointments and Tenure Tracker	10
6.9	Create Enforceable Conflict of Interest and Conduct Rules	10
6.10	Make All Appointment Decisions Based on Public Merit Criteria	11
6.11	Give Members Full Access to All Candidate Files	12
6.12	Increase Staff Capacity to Support Rigorous Screening	12
6.13	Maintain Key Practices from Executive Order 14	13

# 1. Introduction

*The importance of public confidence in the courts is difficult to overstate. The ability of the courts to serve their purpose in a constitutional democratic republic turns on the public's acceptance and support. Without it, an otherwise sound judiciary cannot long endure.*

*The American Bar Association Commission on the 21st Century  
Judiciary, 2003.<sup>1</sup>*

State courts handle over 95% of legal disputes,<sup>2</sup> yet for many, the courts remain a mystery. This lack of transparency erodes public trust. A recent Gallup survey found public confidence in the judicial system and courts has plummeted to just 35%, down from 59% only four years ago.<sup>3</sup> In this climate of mistrust, there is an urgent need to increase the transparency of New York City's judicial appointments.

Since 1978, the mayoral appointment process in NYC has been governed by mayoral Executive Orders.<sup>4</sup> These Orders created a Mayor's Advisory Committee on the Judiciary (MACJ) to screen and recommend judicial candidates. Roughly one-third of the city's judges, about 180,<sup>5</sup> are appointed through this process.<sup>6</sup>

Yet no one outside City Hall or MACJ knows how or why individual candidates are chosen. There is little public documentation regarding MACJ's work<sup>7</sup> and there is little willingness among those involved to speak publicly about MACJ's operations and decisions. As a result, attempts to understand or report on the decision-making process are nearly impossible. In this information vacuum, political relationships and party influence are widely understood to play a role in determining who is appointed.<sup>8</sup>

The mayoral executive-order framework has not been thoroughly modernized despite its decisive role in shaping who serves on New York City's bench. Since the framework's creation in 1978, successive mayors have largely replicated the same structure and rules, making only minor adjustments at the margins.<sup>9</sup> The result is a judicial selection system that operates much as it did decades ago, even as expectations for open government and judicial accountability have evolved.

The 2026 change in the Mayor's Office is an opportunity to rethink and restructure the mayoral appointment process: to break from an entrenched status quo, modernize the system, and make it transparent, accountable, and worthy of public trust.

## 2. Why Judicial Appointments Matter

At a time when the federal courts have worked to dismantle constitutional protections, state courts have become the primary line of defense protecting fundamental rights, from voting and abortion to due process in criminal prosecutions.<sup>10</sup>

New York City's judges embody that front line. Nearly one-third of them are appointed directly by the mayor - a share large enough to shape how justice is administered citywide. These judges sit in Criminal, Family, and Civil Courts, deciding questions involving liberty and family stability. Their rulings reach New Yorkers immediately and profoundly every day.

Because these judges exercise broad power over people's lives, the integrity of their selection process shapes the fairness of the City's courts. When appointments occur behind closed doors or appear driven by political considerations, trust in both individual judges and the judiciary's overall legitimacy declines.

To strengthen public trust, New Yorkers must be able to see *how* their judges are chosen.

## 3. A Timely Opportunity for Reform

New York City's mayor cannot single-handedly resolve the crisis of legitimacy and trust in the courts. But they can start to repair it by making judicial appointments transparent and substantively stronger, thus transforming the process into one that is balanced, credible, and effective.

For certain judicial seats, the state constitution vests judicial appointment authority in the mayor of New York City.<sup>11</sup> The constitution does not specify how that authority must be exercised, and historically mayors have taken that silence to mean they may design the advisory process as they see fit. The Mayor's Advisory Committee on the Judiciary (MACJ) thus exists entirely at the mayor's discretion.

Because the mayor's appointment power is so broad and discretionary, only a transparent and reliable process can sustain public confidence in its use.

## 4. The Current NYC Judicial Appointment Process

MACJ does not publicly disclose its evaluation criteria,<sup>12</sup> judicial vacancies, the names of judges seeking reappointment, the term end dates for appointed judges, or any information about its deliberations and decision-making. For New Yorkers, the Executive Order is the only window into MACJ's operation and it reveals very little about how decisions are made.

Mayor Eric Adams' Executive Order 14,<sup>13</sup> the most recent iteration of a mayoral order establishing MACJ, illustrates how the appointment process has operated for decades. Although each mayor has issued their own executive order, the core structure has changed little over time.

MACJ screens and recommends candidates for Criminal Court, Family Court, and interim Civil Court judgeships and evaluates sitting judges for reappointment. To do so, MACJ interviews references and, for judges, attorneys who have appeared before them; interviews the candidates directly; reviews their submissions; and refers all candidates to the Department of Investigation for independent screening.

MACJ once relied on a parallel review by the New York City Bar's Judiciary Committee, a separate vetting system with its own investigations and interviews.<sup>14</sup> However, no MACJ executive order has ever acknowledged or formalized this partnership.<sup>15</sup> In 2024, MACJ ended the partnership citing redundancy and confidentiality concerns.<sup>16</sup>

For each vacancy, the Committee typically forwards three names to the mayor; if multiple vacancies exist, it may forward fewer unless the mayor requests a full list. After the mayor selects a nominee, MACJ holds a public hearing (except for reappointments) and may withdraw a nomination based on new information received. These hearings are largely procedural; nominees appear to be virtually assured of appointment once they reach this stage.<sup>17</sup>

The Committee's membership is listed on its website and appointed judges are identified, with short biographies, on the Committee's website.<sup>18</sup> MACJ has 19 volunteer members, most appointed by the mayor, with additional nominations from the Chief Judge of the Court of Appeals, Presiding Appellate Division Justices, and law school deans. The mayor may veto any nominee from these other appointing authorities, but such vetoes are not required to be made public. Members serve two-year terms.

In practice, based on testimony from members, MACJ's Executive Director and Chair handle most day-to-day screening and administration.

## 5. Guiding Values

To meaningfully strengthen New York City’s judiciary, the mayoral appointments process should advance the following values:<sup>19</sup>

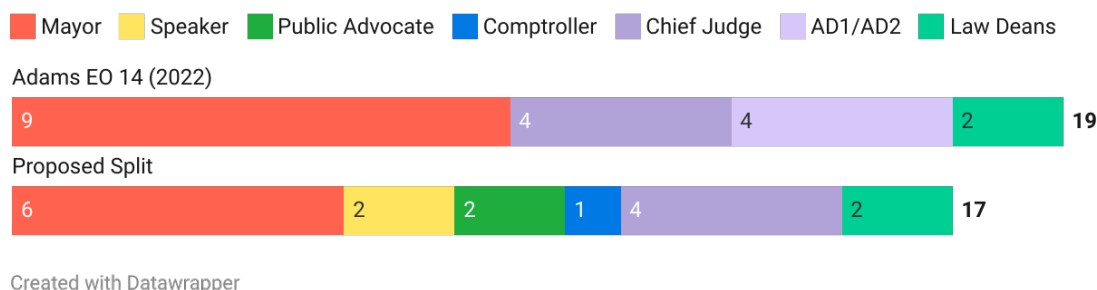
- **Judicial quality:** Candidates demonstrate excellence across the American Bar Association’s criteria for judicial competence.
- **Judicial independence:** Judges decide cases on law and facts, free from improper influence.
- **Transparency:** The selection process is visible.
- **Diversity:** Judicial appointments reflect the City’s racial, gender, socioeconomic, and professional diversity.
- **Public confidence:** New Yorkers see that their courts are fair, impartial, and respectful.
- **Commitment to equal justice:** candidates demonstrate a commitment to promoting fairness, equity, and equal treatment within the legal system.

## 6. Rule Recommendations

### 6.1. Spread Out Nominating Power Across NYC Officials to Increase Legitimacy and Independence

Split nomination of MACJ members among the Mayor (6), City Council Speaker (2), Public Advocate (2), NYC Comptroller (1), the Chief Judge (4), and Law School Deans (2),<sup>20</sup> for a new total of seventeen (17) committee members.<sup>21</sup>

**Figure 1: Current and Proposed Distributions of MACJ Nominating Authority**



Nominating authorities should continue to select nominees with the judgment and

experience needed to evaluate candidates.

**Why it matters.** Spreading nominating authority across branches and civic leaders limits capture and increases perceived independence of the committee.<sup>22</sup> It is considered a best-practice by leading voices in the field.<sup>23</sup> In contrast, when one official controls a majority of appointments (as has been the case for the mayor under previous Executive Orders), committees are more likely to reflect that official's unconstrained preferences.

## 6.2. Diversify Membership to Reflect the Work and Populations of the City's Courts

In making nominations and appointing members from those nominations, the mayor and other nominating stakeholders should ensure that MACJ membership reflects New York City's diversity.

MACJ must include an attorney with at least eight years of prior experience in each of the following areas:

1. Mayor's nominations:
  - a. Public defense;
  - b. Prosecution;
  - c. Representing parents in Family Court;
  - d. Representing children or child services in Family Court;
2. City Council Speaker's nomination:
  - a. Civil legal services (other than criminal or family defense);
  - b. Civil-rights litigation or advocacy.

Membership must also include at least one member from each borough.

**Why it matters.** Diverse committees foster better decision-making and bolster both the actual and perceived fairness and legitimacy of the judiciary.<sup>24</sup> New York's statewide Commission on Judicial Nomination recognizes diversity as a core value.<sup>25</sup> Historically, MACJ membership has skewed towards professional homogeneity, with disproportionate representation of retired judges and private-practice attorneys.<sup>26</sup> Including practitioners with defense, prosecution, family-court, and civil-rights experience aligns MACJ's expertise with the dockets appointed judges handle. Geographic representation is a recommended design principle for nominating



committees.<sup>27</sup>

### 6.3. Keep the Mayor's Veto Power Over MACJ Nominations and Make Its Use Public

The mayor may exercise veto power over any nomination for committee membership by an outside nominating authority, but such vetoes must be made in writing, with a public explanation of the rejection. A rejected nominee's name stays confidential unless they choose to disclose it.

**Why it matters.** The state constitution vests judicial appointment authority in the mayor; MACJ exists by mayoral executive order as a tool to exercise that power with added independence and expertise, not to displace it. Preserving a transparent, written veto over committee nominations respects the constitutional allocation of that authority and keeps ultimate control, and thus accountability, where the constitution puts it, while giving the mayor a strong incentive to maintain a credible, transparent committee rather than centralize decisions inside City Hall. Clear, public veto explanations incentivize a credible committee process.<sup>28</sup>

### 6.4. Keep the Mayor's Final Choice From the MACJ Shortlist

MACJ should forward a slate of three highly qualified nominees per vacancy. As before, the mayor will retain discretion to choose an appointee, but only from among candidates on the shortlist.

**Why it matters.** Committee-vetted shortlists with final executive choice are standard in committee-based systems nationwide.<sup>29</sup> Retaining the mayor's final choice from a committee-vetted shortlist preserves democratic accountability and aligns with the constitutional mandate,<sup>30</sup> which vested the appointment power in the mayor.

### 6.5. Require a Supermajority Vote So Only Broadly-Supported Candidates Advance

MACJ should shortlist candidates only when at least ten of its seventeen members vote to recommend. A quorum of nine members is sufficient to conduct non-voting business.

**Why it matters.** The supermajority requirement ensures that only candidates with broad support advance, strengthening the legitimacy of the mayor's appointments. New York's Commission on Judicial Nomination similarly requires a supermajority vote to

shortlist candidates to the Court of Appeals.<sup>31</sup>

## 6.6. Make Reappointments Competitive by Measuring Incumbents Against the Applicant Pool

When a judge seeks reappointment, MACJ should treat the expiring seat as a vacancy and forward three highly qualified nominees for that specific seat to the mayor.

The shortlist may include the incumbent, but carries no presumption of inclusion.

Incumbents must be evaluated on the same criteria and in direct comparison with all other applicants for that seat; they reach the shortlist only if their record warrants it. If not, they are not recommended for reappointment.

**Why it matters.** The New York Commission on Judicial Nomination already treats expiring terms as open vacancies and requires a competitive shortlist, even when the sitting judge seeks reappointment.<sup>32</sup> Judges who have performed well during their expiring term will have a clear, documented record that makes them strong contenders before MACJ and, if shortlisted, before the mayor for final selection.<sup>33</sup> While others have recommended streamlining reappointments, competitive evaluation better promotes judicial independence and prioritizes public accountability.<sup>34</sup>

## 6.7. Ensure Full Process Transparency While Keeping First-Time Applicants Confidential to Increase the Pool of Candidates

MACJ should publish comprehensive information on its structure, procedures, timelines, and recommendation decisions for appointed applicants, so the public can know how it operates. MACJ should also publish aggregate demographic and professional data on the full candidate pool, shortlists sent to the mayor, and ultimate appointees, as well as on its own composition. As in past practice, candidate identities should remain confidential for first-time applicants until they are appointed and a public hearing is held, to avoid deterring qualified practitioners. For reappointments, candidacy should be public from the start.

**Why it matters.** Transparent selection processes help build court legitimacy.<sup>35</sup> Opening process information while keeping first-time applicant identities confidential avoids chilling applications from employed practitioners.<sup>36</sup>

## 6.8. Create a Public, Searchable Appointments and Tenure Tracker

Create a public, searchable platform listing all mayoral appointees and key information. At minimum, the database must list each appointee's court and seat, the appointing mayor, term start and end dates (including prior terms), the Recommendation Report explaining how the judge met each judicial-selection criterion, and whether the judge is currently under review for reappointment.

**Why it matters.** Transparent data empowers civic participation, ensures accountability for reappointment decisions, and strengthens public confidence in the judiciary.<sup>37</sup>

## 6.9. Create Enforceable Conflict of Interest and Conduct Rules

Adopt a code of conduct that includes both clear guidelines about how communications with interested parties are handled and strict conflict of interest standards for MACJ members.<sup>38</sup> Specifically, MACJ should incorporate these rules:

1. Members should not engage in back-channel or off-channel communications with any nominating authority, its staff, or any person acting on their behalf concerning pending or potential candidates.
  - a. All such communications should be directed to Committee staff for distribution to all members.
2. Members should recuse themselves where impartiality might reasonably be questioned and MACJ should maintain written records of all recusals.
  - a. All members must complete a Recusal Memorandum that lists individuals and organizations with whom the member may not interview, vote, or meet that is shared with staff and other committee members, with ongoing review of potential conflicts as candidate review occurs.
  - b. Members should disclose any personal, professional, financial, or attorney-client relationship with an applicant or their organization.
3. Members should not solicit, accept, or offer any gift, favor, or special treatment from or to any person or entity that has a stake in the outcome of a judicial appointment or reappointment, including applicants, their employers, their representatives, and anyone advocating for or against a particular candidate.
  - a. Members must promptly report such offers, solicitations, or attempts at influence to the full Committee.

4. Members should not make or solicit campaign contributions, or engage in fundraising activity, on behalf of judicial candidates during their term of service.
5. Members are ineligible for any MACJ-screened judgeship during service and for two years after.
6. Violations of the Code of Conduct may result in removal of the member by a vote of the full Committee or, where necessary, by the mayor for cause.

Provisions of the model Code of Conduct for Committee members developed by the Institute for the Advancement of the American Legal System should be incorporated, which require members to:<sup>39</sup>

1. Avoid partisanship or partiality in the consideration of applicants;
2. Attend all regular meetings unless excused by the chair for good cause, and complete all necessary preparation for each meeting;
3. Complete a training program or orientation session that addresses roles and responsibilities and reviews MACJ's rules of procedure;
4. Not hold any elected public office for which they receive compensation during their period of service;
5. Not hold a position in a political party or political campaign;
6. Not commit in advance to vote for any applicant;
7. Disclose to the Committee if they encouraged an applicant to apply.

**Why it matters.** Informal influence is a recurring concern in judicial appointments and can undermine confidence in the process's outcomes. An enforceable ethics code with formal recusal processes protects the process from cronyism and perceived impropriety and enhances public confidence in MACJ and its recommendations.

## **6.10. Make All Appointment Decisions Based on Public Merit Criteria**

Adopt and publish criteria for evaluating judicial candidates and apply them uniformly across screening, voting, and reappointments:

1. Legal knowledge, analysis, and reasoning;
2. Integrity and impartiality;
3. Clarity in written and oral communication;
4. Temperament and professionalism;
5. Administrative capacity; and
6. Commitment to equal justice and access to justice, including safeguarding

constitutional rights and procedural fairness, particularly where liberty or family integrity is at stake; administering justice in ways that are proportionate and consistent with law; and ensuring fair treatment of every court user regardless of income, status, or background.

Any scoring rubric or methodology for applying these criteria should be made public. MACJ should prepare a written report for each recommended candidate, detailing how the candidate satisfies the published criteria based on all available sources of information for that candidate. These reports should be transmitted to the mayor and, upon a candidate's appointment, made publicly available.

**Why it matters.** These competencies mirror judicial-performance frameworks and national benchmarks.<sup>40</sup> Publishing the criteria yields better, fairer, and more consistent decisions, while reducing informal influences and political considerations.<sup>41</sup>

### 6.11. Give Members Full Access to All Candidate Files

MACJ's Executive Director and staff should organize information, conduct preliminary reviews, prepare materials, and perform other tasks that assist members in executing their selection authority. However, MACJ members must retain full access to all applications and supporting information to exercise independent judgment.

**Why it matters.** Former MACJ members report being unable to access complete application files screened by staff or obtain information about candidates and judges under review when requested. This can prevent MACJ members from acting as an independent screening body. Clear rules requiring full member access and staff responsiveness preserve MACJ's independence and prevent gatekeeping.

### 6.12. Increase Staff Capacity to Support Rigorous Screening

Increase MACJ's staff beyond its current dedicated team, to better prepare for reappointments well in advance,<sup>42</sup> handle background checks, standardize reference collection, coordinate with the Unified Court System,<sup>43</sup> implement use of digital tools,<sup>44</sup> track<sup>45</sup> and release data, support committee members, and ensure timely public reporting.

**Why it matters.** Dedicated staff enable proactive, merit-based processes so that members, who serve on a volunteer basis, can focus on assessment.

## 6.13. Maintain Key Practices from Executive Order 14

Some elements of the existing Executive Order should be preserved. Some are already implicit in the recommendations above, while others merit brief mention here for completeness.

1. All MACJ members should reside or work in New York City.
2. The Chair should remain a mayoral appointee serving at the Mayor's pleasure.
3. Members should continue two-year terms, hold over until successors are named, have vacancies filled by the same authority, and remain removable by the Mayor for cause.
4. Law-school dean seats should continue rotating among accredited NYC law schools.
5. Members should continue to serve without pay, with reimbursement for necessary expenses.
6. MACJ should keep a proactive recruitment mandate for judicial candidates.
7. MACJ should retain authority to set its own procedures, with those procedures published.
8. MACJ should continue holding post-selection public hearings and retain power to withdraw nominations when new information surfaces.
9. Judicial vacancies should be filled within ninety days unless a longer period is required in the public interest, with the addition that any extension beyond ninety days should require a written public explanation from the mayor.
10. After the mayor appoints a nominee to fill a judicial vacancy, the remaining nominees for that vacancy should expire immediately, with unused nominees valid for appointment only to another vacancy in the same court for six months from submission or until those vacancies are filled, whichever comes first.

## Endnotes

1. *Justice in Jeopardy*, The American Bar Association Commission on the 21st Century Judiciary (2003). ↩
2. *The who, what, when & how of state courts*, National Center for State Courts (2025). ↩
3. Lydia Saad & Benedict Vigers, *Americans Pass Judgment on Their Courts*, Gallup (2024). ↩
4. See the following executive orders: [EO 10](#) (Koch, 1978); [EO 87](#) (Koch, 1985); [EO 10](#) (Giuliani, 1994); [EO 8](#) (Bloomberg, 2002); [EO 4](#) (de Blasio, 2014); [EO 14](#) (Adams, 2022). ↩

5. [Appointed/Reappointed](#), Mayor’s Advisory Committee on the Judiciary (2025). ↩
6. Based on data made public following a Freedom of Information Law request by Scrutinize to the New York Unified Court System. See [For the First Time: A Complete, Public List of New York State Judges](#), Scrutinize (2025). ↩
7. For example, in the course of researching this report, we obtained a copy of MACJ’s procedures and policies from several years ago through unofficial channels. To our knowledge, no such document has ever been publicly released. Some of these procedures are outlined in MACJ’s FAQ page. [Frequently Asked Questions](#), Mayor’s Advisory Committee on the Judiciary (2025). Whether MACJ is subject to FOIL remains legally unclear. See [Matter of Fisher v. City of New York Office of the Mayor](#) (1st Dep’t 2023). The Mayor’s Office under Eric Adams maintains that MACJ is not subject to FOIL. See Scrutinize, [Re: FOIL-2025-002-00855 Appeal Decision](#) (2025). ↩
8. See, e.g., Greg B. Smith, [Judge Who Put Harvey Weinstein Away Denied Reappointment by Mayor Adams’ Advisory Panel](#), THE CITY (Oct. 31, 2022). Political influence in New York’s judicial selection extends to the elected judiciary as well. See Chris Bragg, [Patronage Never Left: New York Courts Still Favor the Politically Connected](#), New York Focus (2025); Peter Sterne, [Brooklyn Dems meet in back room of lobster restaurant to pick borough’s judges](#), City and State (2023); Chris Gelardi and Arabella Saunders, [Inside the Chaos Brewing in the Manhattan Democratic Party](#), New York Focus (2023); Ross Barkan, [Judge Of 17 Years No Match For The Tangled Web Of Queens Surrogate’s Court](#), Gothamist (2020). Federal courts have also acknowledged the role of political influence in New York’s judicial selection. In 2008, the U.S. Supreme Court upheld New York’s Supreme Court election system but remarked: “Party conventions, with their attendant ‘smoke-filled rooms’ and domination by party leaders, have long been an accepted manner of selecting party candidates.” [New York State Bd. of Elections v. Lopez Torres](#), 552 U.S. 196 (2008). The decision also referred to the testimony of one of the plaintiffs, Judge Lopez Torres, that party leaders pressured her to make *patronage* hires, leading the local party to oppose her in the judicial convention. *Id.* (“Respondent López Torres was elected in 1992 to the civil court for Kings County - a court with more limited jurisdiction than the Supreme Court - having gained the nomination of the Democratic Party through a primary election. She claims that soon after her election, party leaders began to demand that she make patronage hires, and that her consistent refusal to do so caused the local party to oppose her unsuccessful candidacy at the Supreme Court nominating conventions in 1997, 2002, and 2003.”). The Second Circuit was even blunter: New York “has transformed a *de jure* election into a *de facto* appointment” system, so that only “candidates favored by party leadership” could seek election to the Supreme Court through their party. [López Torres v. New York State Bd. of Elections](#), 462 F.3d 161 (2d Cir. 2007) (“All of the evidence presented, and accepted by the District Court, reduces to this bottom line: through a byzantine and onerous network of nominating phase regulations employed in areas of one-party rule, New York has transformed a *de jure* election into a *de facto* appointment. ‘[I]n every practical sense,’ these regulations



preclude all but candidates favored by party leadership ‘from seeking the nomination of their chosen party, no matter how qualified they might be, and no matter how broad or enthusiastic their popular support.’”). Although *Lopez Torres* addressed New York’s judicial election system rather than the mayoral appointment process, the case illustrates two relevant points: first, that political considerations have demonstrably influenced judicial selection in New York across different selection mechanisms; and second, that lack of transparency - whether in nominating conventions or appointment committees - makes it impossible for the public to distinguish merit-based selections from politically motivated ones. ↵

9. See, e.g., [EO 8](#) (Bloomberg, 2002); [EO 4](#) (de Blasio, 2014); [EO 14](#) (Adams, 2022). ↵

10. See, e.g., Lara Bazelon & James Forman Jr., [Liberals Should Use State Courts to Check the Supreme Court](#), New York Magazine - Intelligencer (2023). ↵

11. N.Y. Const. art. VI, §§ [13](#), [15](#), [21](#); N.Y. Fam. Ct. Act §§ [123](#), [126](#); N.Y. City Crim. Ct. Act § [22](#). ↵

12. Executive Order 14, for example, tasks MACJ with “[e]valuat[ing] and conduct[ing] all necessary inquiry to determine those persons whose character, ability, training, experience, temperament and commitment to equal justice under law fully qualify them for judicial office.” [EO 14](#) (Adams, 2022). The Order also permits MACJ to “adopt such procedures and policies...including standards for evaluating the best qualified candidates for nomination, and criteria for recommending the reappointment of incumbent judges.” *Id.* To our knowledge, no such standards or criteria have ever been publicly released. However, they do appear to exist: In the course of researching this report, we obtained copies of MACJ’s procedures and policies from over a decade ago through unofficial channels. One document, for example, details an internal appeal process (a “reinterview”, as the procedures term it) for judges seeking reappointment who are not initially recommended. A second document, dating even earlier, includes an “Evaluation Scale of Judicial Applicants” listing twenty different points for consideration. See also [Frequently Asked Questions](#), Mayor’s Advisory Committee on the Judiciary (2025) (noting that the selection process includes “assessment of the candidate’s professional reputation, performance, and aptitude for judicial responsibility, including, but not limited to the length and quality of practice experience, knowledge of the law, written and oral communication skills, character, integrity, industry and temperament.”). ↵

13. [EO 14](#) (Adams, 2022). ↵

14. Muhammad U. Faridi, [NYC Bar Association’s judicial reviews matter](#), New York Daily News (2025). ↵

15. MACJ’s FAQ page describes the Committee’s interaction with the borough-based bar associations, although it seems it is intended to refer to the NYC Bar Association’s process. [Frequently Asked Questions](#), Mayor’s Advisory Committee on the Judiciary (2025) (“You will be notified whether you have been selected by the Mayor for judicial appointment. If you have been



selected, notice of your candidacy will then be forwarded to the New York City borough-based bar associations to solicit any information concerning your candidacy for judicial office.”). ↵

16. Muhammad U. Faridi, *NYC Bar Association’s judicial reviews matter*, New York Daily News (2025). ↵

17. MACJ does not publicly report the number of judges whose appointments have been withdrawn after evidence emerged during public hearings. There are only two hearing recordings available on MACJ’s website. In two of the three available recordings, the hearings function as a ceremonial formality rather than a genuine point of decision. The same was true in another hearing, under a previous mayor and unrecorded, attended by an author of this Report. *Public Hearings*, Mayor’s Advisory Committee on the Judiciary (2025). An additional recording is available on the same YouTube channel. *Advisory Committee on the Judiciary*, YouTube (2025). ↵

18. *About ACJ*, New York City Government (2025) (listing current MACJ membership under Mayor Adams). Judges also have profiles on the court system’s website, but these pages are often outdated, incomplete, or inaccurate. Some judges have no profile at all, while others retain profiles long after they’ve left the bench. ↵

19. See, generally, *Justice in Jeopardy*, The American Bar Association Commission on the 21st Century Judiciary (2003); *Black Letter Guidelines for the Evaluation of Judicial Performance*, American Bar Association (2005). The “commitment to equal justice” criteria is drawn from *Executive Order 12059-United States Circuit Judge Nominating Commission*, issued by President Jimmy Carter (May 11, 1978), which directed that nominees’ “character, experience, ability and commitment to equal justice under law” fully qualify them to serve in the federal judiciary. *The American Presidency Project*, University of California, Santa Barbara. ↵

20. While no list of eligible law schools has been made available by prior Committees, the accredited law schools situated in NYC we could verify are: Brooklyn Law School (Brooklyn); Benjamin N. Cardozo School of Law (Yeshiva University) (Manhattan); Columbia Law School (Manhattan); CUNY School of Law (Queens); Fordham University School of Law (Manhattan); New York Law School (Manhattan); New York University School of Law (Manhattan); and St. John’s University School of Law (Queens). ↵

21. The New York City Bar Association’s December 2020 report recommended expanding MACJ’s membership beyond the current nineteen members. The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City Bar Association (2020). We reach the opposite conclusion. Larger committees slow scheduling, slow deliberation, and make consensus harder to reach. A leaner committee supported by dedicated staff is more efficient and keeps members focused on substantive evaluation rather than logistics, with clear expectations for preparation and active participation. See Recommendation 6.12. ↵

22. *Goals and Principles for Judicial Nominating Commissions*, Institute for the Advancement of the American Legal System (2012) (“With multiple appointing authorities, it is less likely that a majority of commission members will be appointed by a single entity, thus further enhancing the public’s confidence in the commission’s independence.”). ↵

23. See, e.g., *The O’Connor Judicial Selection Plan*, Institute for the Advancement of the American Legal System (2014) (“Multiple appointing authorities should select nominating commission members. This bolsters public confidence in the commission’s independence by making it less likely that a majority of the members will be appointed by a single entity.”); Tony Corrado, *Choosing Justice? The Need for Judicial Selection Reform*, Committee for Economic Development (2015) (“A nominating commission should be selected by multiple appointing authorities with provisions to guarantee diverse membership and transparent procedures…”). ↵

24. Alicia Bannon, *Rethinking Judicial Selection*, *The Professional Lawyer* 24:1 (2016) (“Diversity-including racial, gender, socioeconomic, and professional diversity-is vital to a well-functioning court system, one that draws from as broad a pool of talented lawyers as possible, fosters robust deliberation that reflects different life perspectives, and engenders confidence within the communities it serves.”). See also *Justice in Jeopardy*, The American Bar Association Commission on the 21st Century Judiciary (2003) (“The Commission recommends that states establish credible, neutral, non-partisan and diverse deliberative bodies to assess the qualifications of all judicial aspirants, so as to limit the candidate pool to those who are well qualified.”); *The O’Connor Judicial Selection Plan*, Institute for the Advancement of the American Legal System (2014) (“Nominating commissions should be balanced politically, ideologically, and demographically. Race/ethnic, gender, and geographical diversity among commission members should be encouraged, if not required.”); ↵

25. 22 N.Y.C.R.R. [Part 7100](#) (Rule 7100.3: “This notice will be accompanied by a statement that the ultimate objectives of wide diversity and broad outreach in the nomination of well qualified candidates for the Court of Appeals are best served by a commission that itself reflects the diversity of New York’s citizenry.”). See also Tony Corrado, *Choosing Justice? The Need for Judicial Selection Reform*, Committee for Economic Development (2015) (“A nominating commission should be selected by multiple appointing authorities with provisions to guarantee diverse membership and transparent procedures…”). ↵

26. MACJ has not published historical information about its composition in any form. Through a partially responsive FOIL request, the NYC Mayor’s Office disclosed some past nomination and appointment records. See Scrutinize, [2025\\_10\\_23\\_responsive\\_records.pdf](#). A FOIL appeal for additional data remains pending. See Scrutinize, [2025\\_11\\_07\\_appeal\\_num\\_2.pdf](#). MACJ’s website lists current members and their biographies. See [About ACJ](#), New York City Government (2025). Limited historical membership information is accessible through the Wayback Machine. See [About ACJ](#), New York City Government (2021), (listing MACJ members under Mayor de Blasio). These sources reveal that MACJ membership has historically been dominated by retired judges and private practice attorneys. ↵

27. *Goals and Principles for Judicial Nominating Commissions*, Institute for the Advancement of the American Legal System (2012) (“Goals and Principles for Judicial Nominating Commissions[:]. . . The commission should be balanced - politically, ideologically, and demographically. Racial/ethnic, gender, and geographic diversity among commission members should be encouraged, if not required.”). ↵

28. See *Goals and Principles for Judicial Nominating Commissions*, Institute for the Advancement of the American Legal System (2012) (Quoting Mary G. Wilson, Past President, League of Women Voters of the United States: “Transparency in the judicial selection process is key to assuring public confidence in the whole judicial system. When they see exactly how their judges are selected, citizens can be more confident that they are getting the fair and competent judiciary they expect and deserve.”); Malia Reddick & Rebecca Love Kourlis, *Choosing Judges: Judicial Nominating Commissions and the Selection of Supreme Court Justices*, Institute for the Advancement of the American Legal System (2014) (“If, on the other hand, the commission’s work is perceived as a balanced, rigorous, and transparent process in which the qualifications of the applicants are the determinative factor, then it can foster public confidence in the courts and bolster support for the third branch from the legislature and the executive. Thus, the choices as to who will select the members of the commission, what qualifications these commission members must have, and how the commission will function are critical to the commission’s success.”). ↵

29. This is standard practice in the selection process for states’ highest courts. See, e.g., Malia Reddick & Rebecca Love Kourlis, *Choosing Judges: Judicial Nominating Commissions and the Selection of Supreme Court Justices*, Institute for the Advancement of the American Legal System (2014) (“Two-thirds of the states use a commission-based gubernatorial appointment process to choose at least some supreme court justices. This is a process in which a specially created entity accepts applications for judicial vacancies, screens the applicants through steps laid out in state law, and recommends a shortlist of the best-qualified candidates to the governor for his or her ultimate appointment.”); *Judicial Selection: The Process of Choosing Judges*, American Bar Association (2008) (“Although there are as many variations in the process as there are states that use this selection method, certain characteristics are fairly standard. A nominating commission screens applicants and selects the most highly-qualified candidates for a judicial vacancy. An elected official (usually the governor) appoints one of the recommended candidates.”). ↵

30. N.Y. Const. art. VI, §§ 13, 15, 21; *The O’Connor Judicial Selection Plan*, Institute for the Advancement of the American Legal System (2014) (explaining that it is important that the judicial selection decision maker “be limited to nominees whose names come from [the committee] process.”). ↵

31. *Brochure*, Commission on Judicial Nomination (2021) (“The voting procedures used by the Commission ensure that no candidate will be recommended to the Governor without broad support from a large majority of the Commission, including the favorable votes of at least eight

of the twelve Commissioners”). ↵

32. Judiciary Law §§ 63(1), (2)(a)-(b). ↵

33. MACJ does not systematically publish reappointment data for judges, whether aggregate or individual, anonymized or identified. While individual judges’ short biographies on MACJ’s website mention their year of reappointment, the biographies do not mention judges’ term lengths, which judges are currently under consideration for reappointment, or even the borough in which they preside. *Criminal Court*, Mayor’s Advisory Committee on the Judiciary (2025). ↵

34. The New York City Bar Association’s December 2020 report recommends streamlining reappointments and creating a lighter application for incumbents, emphasizing the personal burdens that late-stage uncertainty imposes on sitting judges and their families. *See* The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City Bar Association (2020).

We take a different view. Reappointment should not be an easy formality. Judges exercise extraordinary power over people’s lives, and the decision to keep someone in that role must rest on an extensive and substantive evaluation, not a fast-tracked process. The process should be respectful of incumbents but must remain rigorous, comparative, and fair to the public. Several considerations point toward a more, not less, competitive process than currently implemented. First, competitive evaluation grounded in published criteria promotes judicial independence. It limits the subtle pressure incumbents may feel to conform their decisions to the mayor’s expectations in order to secure renewal; shortlisting is tied to demonstrated performance measured against published criteria, not political proximity. Second, incumbents generate the most complete record of judicial performance, and the public deserves a reappointment process that engages with that record rather than sidestepping it. Third, the public carries the consequences of judicial performance, so public confidence must outweigh administrative or personal convenience. Some discomfort for incumbents is unavoidable in a system that takes the public’s interests seriously; judicial office carries obligations that cannot be reduced to efficiency alone. The application for incumbents need not mirror that of first-time applicants, but it must support a full assessment of the judge’s record - and in many cases requires more information, not less. *See* Recommendation 6.10. ↵

35. *Cornerstones of State Judicial Selection*, Institute for the Advancement of the American Legal System (2012) (“Where judges are appointed by the executive, the legislature, or another entity[, t]he process should be open and transparent, with meaningful opportunities for public input.”); *The O’Connor Judicial Selection Plan*, Institute for the Advancement of the American Legal System (2014) (“Nominating commission proceedings should reflect openness and transparency, carefully balancing the applicants’ need for confidentiality with the public’s right to know.”). ↵

36. *See, e.g., Matter of Fisher v. City of New York Office of the Mayor* (1st Dep’t 2023). ↵

37. *See Transparent Courthouse Revisited*, Institute for the Advancement of the American

Legal System (2016) (“Robust evaluation [of judges] serves both to educate judges about ways in which their performance may be wanting and to provide meaningful information that voters, governors, and legislators can use in deciding whether to retain or reappoint judges.”); *Justice Policy Series, Part II: Open Justice*, Open Government Partnership (2020) (“Open justice reforms, including those that make justice system actors more transparent and accountable to citizens, can serve as a first step to addressing issues of fairness and independence.”). ↵

38. We recommend modeling these rules on the New York State Commission on Ethics and Lobbying in Government’s Code of Conduct, which provides detailed conflict of interest provisions and strict limits on communications to prevent appointing authorities or outside interests from compromising the independence of the appointment process. *Resolution 2024-01*, NYS Commission on Ethics and Lobbying (2024). ↵

39. *Model Code of Conduct for Judicial Nominating Commissioners*, Institute for the Advancement of the American Legal System (2016). ↵

40. Generally, these criteria are drawn from *Black Letter Guidelines for the Evaluation of Judicial Performance*, American Bar Association (2005). The “commitment to equal justice” criteria is drawn from *Executive Order 12059-United States Circuit Judge Nominating Commission*, issued by President Jimmy Carter (May 11, 1978), which directed that nominees’ “character, experience, ability and commitment to equal justice under law” fully qualify them to serve in the federal judiciary. *The American Presidency Project*, University of California, Santa Barbara. ↵

41. See, e.g., *Promoting “Merit” in Merit Selection: A Best Practices Guide to Commission-Based Judicial Selection*, U.S. Chamber Institute for Legal Reform (2009) (“The selection criteria should be disclosed to the public,” and stating, in the context of discussing conflict of interest rules for Committee members, that “[t]he use of written, uniform rules reassures the public and potential applicants that the process is designed to treat all applicants equally and to nominate the best qualified persons.”); Guilherme France, *Judicial appointments: corruption risks and integrity standards*, Transparency International (2023) (“Ability, integrity, and experience are also the main criteria for the promotion of judges, which should be based on objective factors. Objective standards contribute to excluding political influence and risks of nepotism, favouritism, and cronyism. ... A transparent selection process should lead to a decision that clearly states which elements were considered and the basis for its reasoning. This decision should also demonstrate that the guidelines for the proceedings were followed, thus limiting the possibility of an arbitrary decision.”). ↵

42. We agree with the New York City Bar Association that, because reappointment timelines are generally foreseeable, MACJ should, to the extent it has not already done so, take up these decisions well in advance of a term’s expiration, giving both the incumbent and the court system adequate notice and stability. See The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City

Bar Association (2020) (recommending reappointment decisions be decided well before term expiration). ↵

43. We agree with the New York City Bar Association that MACJ and the Unified Court System should, to the extent they have not done so already, coordinate closely to avoid appointment delays. See The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City Bar Association (2020) (recommending strengthened coordination between MACJ and the Unified Court System after finding that communication lapses contributed to delays in appointment timing). ↵

44. We agree with the New York City Bar Association that, to the extent it has not done so already, MACJ should adopt modern digital tools and workflows. See The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City Bar Association (2020) (recommending that MACJ modernize its workflow after finding that most administrative tasks rely on hard-copy documents). ↵

45. We agree with the New York City Bar Association that, to the extent it has not done so already, MACJ should maintain accessible records on its application pipeline and adopt modern systems to support that tracking. See The Family Court Judicial Appointment & Assignment Process Work Group, *The Family Court Judicial Appointment and Assignment Process*, New York City Bar Association (2020) (“In addition, it appears as if MACJ does not maintain easily accessible records reflecting the number of applications it receives, how many reach each stage in the vetting process or even how many initial appointments or reappointments it has reviewed in any given period. ... We strongly recommend that MACJ review its technological capabilities and adopt methods that would address these issues.”). ↵