

BRIEF REPORT ON LEGISLATIVE SURVEY
REVIEWING THE RESPONSES OF
SUCCESSFUL CANDIDATES FOR THE NYS SENATE

We received 23 responses from candidates for the NYS Senate¹

Of the 23 responses from Senatorial candidates, 11 have won and 2 remain in court.

Of those 13,

- 2 are from Republicans: John DeFrancisco (SD 50, Onondaga) and Carl Marcellino (SD 5, Nassau).
- 2 are members of the Independent Democratic Caucus, Jeff Klein (SD 34, Bronx/Westchester) and David Carlucci, (SD 38, Rockland/Westchester).
- 2 are newly elected Democrats: Ted O'Brien, (SD55, Monroe) and Brad Hoylman (SD, 27) who took Tom Duane's seat in Manhattan.
- 2 are awaiting results, Terry Gipson (SD41, Columbia/Dutchess) and Cecilia Tkaczyk (SD 46, Ulster/Greene/Albany/Schenectady/Montgomery) (Saland SD 41, the incumbent Republican sent us a letter of "nonresponse")
- 5 are incumbent Democratic Senators
 - Tony Avella (SD 11, Queens), Liz Krueger (SD28, New York), Ruth Hassell-Thompson (SD 36, Bronx/Westchester), Kevin Parker (SD, 21, Kings) and Neil Breslin (SD 44, Albany/Rensselaer).

COURT SIMPLIFICATION: Support for Constitutional Amendment to Simplify the Courts: All except Sen. John DeFrancisco and Brad Hoylman said "Yes" to a Constitutional Amendment for Court Simplification. Hoylman (D, Manhattan) responded that it "sounds like a good idea but would want to make sure family court litigants did not have to pay fees" (this is the same response Duane gave us in the past). And DeFrancisco simply said, "No."

FAMILY COURT JUDGES: Support for Legislation to Increase the number of Family Court Judges: All responded, "Yes" to increasing the number of Family Court judges except DeFrancisco said he would have to look at caseloads. (The question included a reference to the growing caseloads.)

¹ Non-winners; Carol Gordon (SD 8, Nassau/Suffolk: Charles Fuschillo); JD Kim (SD 16, Queens, Stavisky); Martin Chicon (SD 31, New York/Bronx, Adriano Espaillat); Bob Cohen, (SD 37, Westchester: Latimer); Janis Castaldi (SD 38, Rockland/Westchester Carlucci); Christopher Eachus (SD 39, Orange/Ulster/Rockland; Larkin); Justin Wagner (SD 40, Putnam/Westchester (Greg Ball), Robin Andrews (SD 43; Saratoga/Rensselaer/ Columbia), Amy Tresidder (SD 48; St. Lawrence/Jefferson/ Oswego, Ritchie); Howard Leib (SD 51, Cayuga/ Chenango, Cortland/ Delaware/Herkiner/Otsego/Schoharie/Tompkins / Ulster, Jim Seward)

ORDERS OF PROTECTION: Support for Legislation that would require Orders of Protection be translated, in writing, into the language of the non-English speaking litigant. All responded, “Yes” with DeFrancisco qualifying his response, “as long as the respondent bore the cost.”

CRIMINAL JUSTICE SYSTEM: Support for a court forum that blends features of criminal court and family court in a youth division of criminal court to handle non-violent 16 and 17 year old offenders. (language in Chief Judge’s bill proposal). All responded “Yes” with DeFrancisco qualifying his response, “as long as not an unfunded mandate to counties.”

HOW WE CHOOSE OUR JUDGES:

(a) Support for qualification-based appointment system to replace judicial elections.

NO: Brad Hoylman, Liz Krueger (commenting does not believe in too much concentration of power to appoint but also believes stricter qualifications are needed), John DeFrancisco, Jeff Klein.

YES: Tony Avella, Ted O’Brien (commenting that supported depoliticizing the system), David Carlucci, Carl Marcellino, Ruth Hassell-Thompson, Kevin Parker and Terry Gipson (commenting that the devil is in the details).

Need to Analyze before responding: Neil Breslin

Skipped Question: Cecilia Tkaczyk

(b) If an appointive-based system was not enacted, support for public financing of judicial campaigns?

YES: Tony Avella, Ted O’Brien, Brad Hoylman, Liz Krueger, Ruth Hassell-Thompson, Neil Breslin, Jeff Klein, Terry Gipson, Kevin Parker.

NO: Carl Marcellino, John DeFrancisco

YES, BUT: David Carlucci, “depends where money comes from.”