



*State of New York
Court of Appeals*

*Andrew W. Klein
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

May 6, 2014

John W. McConnell, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 11th Floor
New York, New York 10004

Dear Mr. McConnell:

The amendment to 22 NYCRR § 100.3 (C)(3) was considered and approved by the Court of Appeals at conference today. An affirmation of the Chief Judge to that effect is attached.

Very truly yours,

A handwritten signature in cursive script that reads "Andrew W. Klein".

Andrew W. Klein

AWK/ni
Enc.

Section 100.3 A judge shall perform the duties of judicial office impartially and diligently.

* * *


(C) Administrative Responsibilities.


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(3) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered. A judge shall not appoint or vote for the appointment of any person as a member of the judge's staff or that of the court of which the judge is a member, or as an appointee in a judicial proceeding, who is a relative within the fourth degree of relationship of either the judge or the judge's spouse or the spouse of such a person. A judge shall refrain from recommending a relative within the fourth degree of relationship of either the judge or the judge's spouse or the spouse of such person for appointment or employment to another judge serving in the same court. A judge also shall comply with the requirements of Part 8 of the Rules of the Chief Judge (22 NYCRR Part 8) relating to the Appointment of relatives of judges. Nothing in this paragraph shall prohibit appointment of the spouse, domestic partner, or unrelated household member of the town or village justice, or other relative [~~member of such justice's household,~~] as clerk of the town or village court in which such justice sits, provided that the justice obtains the prior approval of the Chief Administrator of the Courts, which may be given upon a showing of good cause.



The Honorable Jonathan Lippman, Chief Judge of the Court of Appeals, affirms that a majority of the Judges of the Court of Appeals has voted in favor of the amendment set forth above and has subscribed his name on the 6th day of May in the year two thousand and fourteen.


Jonathan Lippman
Chief Judge


Andrew W. Klein
Clerk of the Court of Appeals

ATTEST:

Dated: May 6, 2014