

July XX, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul,

We, the undersigned, write to urge your approval of S.5162 (Hoylman-Sigal) / A.5772 (Lavine). This legislation would promote access to justice in our civil courts by eliminating the burdensome notarization requirement and instead allowing litigants to provide an attestation under penalty of perjury.

In 2021, your Administration signed a bill to facilitate online notarizations, which was an important and necessary step during the COVID-19 Pandemic. It undoubtedly helped some access the court system. However, in practice, we have found that the e-notarization process is still onerous for our clients and poses a barrier to justice for many. Remotely notarizing court documents deepens the digital divide, as it only works for those who have access to the internet, possess the necessary technology, and are digitally literate. Attorneys that work for member organizations also note that the system is cumbersome and difficult to use.

These barriers are disproportionately affecting low-income and unrepresented individuals, especially communities of color, with no notable benefit for the justice system. It presents great challenges to individuals with disabilities and those without transportation who cannot get in front of a notary. For civil legal aid attorneys, notarizing is often time consuming, especially when significant travel is required. Time spent notarizing and traveling to do so takes away valuable time that could otherwise be spent on client cases.

Notably, The Permanent Commission on Access to Justice has recommended in three consecutive reports that the notary requirement be eliminated as it significantly impedes access to the courts. The federal government and over 20 other states have enacted similar laws that eliminate the burdensome and often discriminatory process of requiring documents to be notarized in civil matters. It is time that we join the federal government and nearly half of our sister states in enacting this measure.

We therefore urge you to promptly enact this legislation so that New Yorkers can pursue justice without delay and without having to hurdle transportation and digital barriers. This would be an important step to making our court processes more equitable and accessible for all. Enclosed are memos of support from several of our member organizations.

Thank you for your kind attention to this letter. We welcome the opportunity to meet with you or your staff to discuss the need for this measure in greater detail.

Sincerely,