



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**CITY PREVAILS IN TERM LIMITS CASE,
WITH FEDERAL COURT JUDGE ISSUING A SWIFT RULING
THAT ALLOWS VOTERS TO DECIDE
WHO SHOULD BE THE NEXT MAYOR**

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New York, Jan. 13, 2009 – A federal district court judge has just dismissed a challenge to the City Council's recent passage of Local Law 51 of 2008 (LL 51). That law, passed by a majority of the City Council and signed into law by Mayor Michael R. Bloomberg last November, extended term limits for the Mayor, the Council, and certain other elective offices within the City from two to three terms.

In a 64-page decision – issued just eight days after the case was argued in court – Eastern District Senior Judge Charles P. Sifton in Brooklyn dismissed the plaintiffs' federal and state claims, holding that there was no merit to the plaintiffs' contention that their constitutional rights were violated when the Council amended the term limits law. Moreover, the Court said that under state law, the Council was not required to conduct a referendum before adopting the term limits amendment. The Court also rejected the plaintiffs' contention that New York City's conflict of interest law was violated by the Council's adoption of the term limits amendment.

"I am pleased that the judge has upheld the City Council's extension of term limits and allowed the voters of this City the opportunity to elect officials of their choosing," said Corporation Counsel Michael A. Cardozo of the New York City Law Department. "The requirements of federal and state law were certainly met by the local law."

Stephen Kitinger, Senior Counsel in the New York City Law Department's General Litigation Division. Kitinger, who successfully argued the case just over a week ago (Mon, Jan. 5th) before Judge Sifton, added: "We asserted from the beginning that this case had no merit – and the Court has agreed. Their true complaint was not that their First Amendment rights of political expression were violated, but rather that their views did not prevail."

In addition to Stephen Kitinger and Corp Counsel Cardozo, staff working on the case included First Assistant Corporation Counsel Jeff Friedlander; General Litigation's Jonathan Pines, Elizabeth Wells and Steve Weber; Appeals' Alan Krams; and Legal Counsel's Spencer Fisher, Michael Pastor, Brad Snyder, Janeen Hayat and Stephen Louis.

"I'm very proud of our legal team's efforts," added Corporation Counsel Cardozo. "They clearly articulated why the City's legal position should carry the day."

[Editor's Note: The federal Voting Rights Act requires that Local Law 51 be "precleared" by the U.S. Justice Department. The City anticipates filing these papers in the near future.]

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