



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

May 5, 2026

BY ELECTRONIC MAIL

Heather Davis
Clerk of the Court
New York Court of Appeals
20 Eagle Street
Albany, New York 12207

Re: **Miller v. State of New York**
APL-2026-00033

Dear Ms. Davis:

We represent respondent New York State Office of Court Administration (“OCA”) in the above-referenced appeal, and write to inform the Court that OCA took no position on the constitutional challenge presented in this case in the trial court or before the First Department. Our only involvement in this case had been to oppose the petitioners’ request for preliminary injunctive relief, which was denied by the trial court. That denial was affirmed by the First Department, and appellants are no longer seeking preliminary injunctive relief from this Court.

Consistent with our position below, OCS expresses no opinion as to whether the Equal Rights Act did (or did not) abolish the mandatory retirement age cap set forth in Art. VI, § 25 [b], and implemented through Judiciary Law §§ 23 and 115, which is the only issue on appeal. OCA therefore respectfully is not submitting a respondent’s brief to the Court of Appeals and will not appear for the oral argument of this appeal.

Very truly yours,

Pedro Morales
Assistant Deputy Counsel