

“THEY DESERVE BETTER.”

UNANIMOUS SUPPORT FOR JUDICIAL COMPENSATION REFORM

FACT SHEET ■

EDITORIALS ■

LEGAL COMMUNITY ■

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THEY DESERVE BETTER

UNANIMOUS SUPPORT FOR JUDICIAL COMPENSATION REFORM

“New York’s judges...[t]hey deserve better”

—**NEW YORK NEWSDAY:** “State Judges Need a Fair Shake” December 7, 2007

■
“[A] crisis in the state courts”

—**THE NEW YORK TIMES** “Frayed Judicial Robes” November 11, 2007

■
“Eight years of talk and good intentions are enough. Now it’s time to act”

—**ALBANY TIMES UNION:** “Unjust Salaries” April 11, 2007

■
“[A] bitter embarrassment for Albany”

—**JOURNAL NEWS:** “The Politics of Pay” April 15, 2007

■
“[D]isgraceful, shabby and infuriating treatment”

—**NEW YORK LAW JOURNAL:** “Bar Should Mobilize for Judicial Salary Hikes” April 11, 2007

■
“[T]ake politics out of the process and help ensure the independence of the judiciary”

—**WATERTOWN DAILY TIMES:** “Judicial Salaries—Adopt proposal for independent commission” December 15, 2007

■
“[M]ake sure the injustice to justice isn’t repeated in the future”

—**UTICA OBSERVER DISPATCH:** “Overhaul Pay System for State Judges” December 16, 2007

■
“[A]n embarrassment to the Empire State and all of its citizens”

—**STATEN ISLAND ADVANCE:** “An Overdue Raise” December 5, 2007

■
“This is no way to treat officials who are entrusted with power over the lives, liberty and property of New Yorkers”

—**NEW YORK DAILY NEWS:** “Contempt of Courts” December 3, 2007

■
“New York’s chief judge shouldn’t have to file a lawsuit to get judges their first pay increase in nine years”

—**ROCHESTER DEMOCRAT AND CHRONICLE:** “Give Judges Pay Hike” December 12, 2007

■
“[J]udges deserve adequate pay. That’s justice”

—**SYRACUSE POST STANDARD:** “Judges’ Pay” February 18, 2007

■
“[D]o the right thing and right the wrong dealt the judiciary”

—**TROY RECORD:** “State Judges Long Overdue For Raises” April 16, 2007

■
“It’s time to get sensible about salary increases for the State’s top officials”

—**ELMIRA STAR-GAZETTE:** “New York Judges Deserve a Bigger Paycheck” December 13, 2007

■
“State lawmakers shouldn’t wait another year to act”

—**POUGHKEEPSIE JOURNAL:** “Support Judicial Pay Raise in N.Y.” May 19, 2007

■
“[O]ne of the most extreme examples of judicial pay erosion that [we have] observed over the past 33 years of studying state judicial compensation trends...[A]ny sound process for setting judicial salaries should meet four key criteria: equity, regularity, objectivity, and separation from politics. New York’s judicial compensation process fails on all four scores.”

—**NATIONAL CENTER FOR STATE COURTS** “Judicial Compensation in New York: A National Perspective” May 2007

■

FACT SHEET

Judicial Compensation in New York State — Fact Sheet

A salary adjustment for NY's judges is long overdue.

- Of the 50 states, NY now has gone the longest without a judicial pay increase.
- NY judges are in a record *ninth* year of a pay freeze.
- NY judges have been shortchanged for decades:
 - A judge serving since 1995, 12 years ago, has received only one pay increase (1999).
 - A judge serving since 1988, 19 years ago, has received only two pay increases (1993 and 1999).

The value of judicial compensation in New York State has been seriously eroded since the last salary increase. The cost of living has increased by over 26 percent since 1999.

Since 1999, the salaries of Federal judges, judges in other states, and nonjudicial employees of the courts, have been increased on a regular basis to keep pace with the rising cost-of-living.

- Since 1999, when the NY Legislature re-established the historic parity between Federal District Court judges and NY's Supreme Court justices, Federal judges have received seven annual salary increases. NY's judges and justices have received none.
- The annual salary of a Federal District Court judge is nearly \$30,000 greater than that earned by a State Supreme Court justice.
- Federal District Court judges now earn more than every NY judge, including the judges of the NYS Court of Appeals.
- Since the last salary increase, employees in both the Judiciary and the Executive Branch of state government have received salary increases aggregating 24%. For the many Judiciary and Executive employees who earn tenure-based increments, these percentages are considerably higher.

New York State has lost considerable ground compared to other states.

- Historically, NY was a leader among the states regarding judicial compensation.
- Because of NY's uniquely long and severe pay freeze compared to other states:
 - NY is last among the ten most populous states in a cost-of-living adjusted ranking (behind California, Florida, Georgia, Illinois, Michigan, North Carolina, Ohio, Pennsylvania, and Texas).
 - NY ranks 38th nationwide when salaries are adjusted for state-wide cost-of-living. In reality, many NY judges rank even lower than that because most judgeships are based in metropolitan areas where the costs of living are even higher.
- Since NY's judges last received a pay increase, trial judges in the other 49 states have received pay increases averaging 3.2% a year, for a cumulative increase of more than 24%.

A growing number of states have adopted mechanisms — e.g., automatic cost-of-living adjustments, review commissions, linkage to adjustments accorded other groups — to ensure that judicial compensation is reviewed regularly.

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New York State Judges Earn Less Than Other Professionals in Significant Public Positions

- The Deans of New York's two public law schools earn substantially more than any New York State Judge:
 - Dean of the University of Buffalo Law School – \$232,899
 - Dean of the CUNY Law School – \$215,000
 - District Attorneys in New York City earn \$190,000.

- There are more than 1,350 professors in the State and City University systems who earn more than a Justice of the New York State Supreme Court; over 1,000 earn more than \$150,000.

- There are more than 775 medical doctors employed by the State who earn more than a Justice of the New York State Supreme Court. Moreover, these doctors, unlike judges, are permitted to engage in outside employment.

- There are more than 1250 public school administrators, including elementary school principals, in New York State who earn more than a Supreme Court Justice. Many earn substantially more:
 - Rochester Superintendent of Schools – \$230,000
 - Albany Superintendent of Schools – \$173,000
 - Elmira Superintendent of Schools – \$161,200
 - Mahopac Superintendent of Schools – \$208,889
 - Levittown Superintendent of Schools – \$292,642
 - Plattsburgh Superintendent of Schools – \$155,000
 - Manhasset Elementary School Principal – \$152,828
 - White Plains Ass't Superintendent for Business – \$181,163

April 2007

C O N T E N T S

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Staten Island Advance, “Boost Judges Pay”, April 19, 2007

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Syracuse Post Standard, “Judges’ Pay”, February 18, 2007

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Troy Record, “State Judges Long Overdue for Raises”, April 16, 2007

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Watertown Daily Times, “Judicial Pay”, December 9, 2007

Watertown Daily News, “Judicial Pay”, April 11, 2007

Watertown Daily News, “Judicial Salaries”, October 25, 2005

Watertown Daily News, “Judicial Pay”, April 9, 2005

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- New York State Bar Association, Letter to Governor Patterson, March 19, 2008
- Conference of Chief Justices, Resolution, January 30, 2008
- American Judges Association, Statement in Support, June 27, 2007
- New York State Law School Deans, Letter to Governor and Legislative Leaders, June 14, 2007
- District Attorneys Association of the State of New York, Letter of Support.
- New York Law Journal, “Bar Should Mobilize for Judicial Salary Hikes”, Editorial, April 11, 2007.
- New York State Bar Association, Resolution, May 5, 2005
- New York State Bar Association, “State Bar is in the Trenches With the Bench”, Letter of Kathryn Grant Madigan, President, New York Law Journal, November 27, 2007.
- New York State Bar Association, “Make judicial salaries a priority”, Guest Viewpoint by Kathryn Grant Madigan, President, Binghamton Press & Sun Bulletin, October 30, 2007 .
- New York State Bar Association, “Raising the Bench”, Op-Ed Article by Mark Alcott, President, The New York Sun, February 23-25, 2007.
- New York State Trial Lawyers Association, “An Open Letter to the Judiciary of the State of New York”, Letter of Joseph P. Awad, President, New York Law Journal, April 25, 2007.
- General Counsels of Major Corporations, Letter in Support, May 31, 2007.
- Asian American Bar Association, “Judges Have Waited Long Enough”, Letter of Vincent T. Chang, President, New York Law Journal, March 21, 2008.
- Conference of Columbian Lawyer Associations, Resolution, May 2, 2005.
- The Federation of Bar Associations of the Fourth Judicial District, Resolution, April 29, 2005.
- Monroe County Bar Association, Letter of Support, May 5, 2005.
- Nassau County Bar Association, Letter of Support, April 18, 2005.

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- New York City Bar Association, Letter of Support, March 27, 2008.
- New York City Bar Association, “Increased Pay for Judges”, Letter of Barry Kamins, President, New York Times, March 18, 2007.
- New York City Bar Association, “Human Rights and Respect for Judges”, Article by Barry Kamins, President of the Perspective, New York Law Journal, December 10, 2007.
- New York County Lawyers’ Association, Resolution, April 11, 2005.
- Queens County Bar Association, Letter of John R. Dietz, President, New York Law Journal, April 16, 2007.
- St. Lawrence County Bar Association, Resolution, May 6, 2005.
- Suffolk County Bar Association, Letter of Support, March 24, 2005.

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- Brennan Center for Justice at NYU School of Law, Letter of Support, October 5, 2006
- Citizens Union of the City of New York, Letter of Support, April 24, 2007
- The Committee for Modern Courts, Letter of Support, December 24, 2007
- League of Women Voters of New York State, Letter of Support, April 23, 2007
- Partnership for New York City, Statement in Support, December 1, 2006

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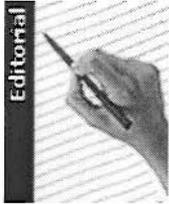
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TIMES UNION



... where's the fairness?

First published: Wednesday, April 2, 2008

We can understand the rush to get a new state budget passed this week. It would send a strong signal that Gov. David Paterson is in command, and that, unlike his combative and often divisive predecessor, Eliot Spitzer, he is able to work constructively with Senate Majority Leader Joseph Bruno and Assembly Speaker Sheldon Silver. But an almost-on-time budget is one thing. It's quite another to rush through a spending plan that is seriously deficient, just for the sake of meeting a deadline. Regrettably, there are signs that this is just what is happening.

Consider what isn't likely to be in the final budget. There will be no pay raise for judges, who haven't had one since 1999. There will be no increase in the basic welfare grant, which hasn't been raised in almost two decades. And there will be no economizing by closing four upstate underused prisons.

None of this makes any sense.

First, the judges. They have been waiting for a raise even as their caseloads increase and their salaries are eaten away by inflation. Yet lawmakers continue to hold judicial pay hostage to a raise for themselves, as a way of softening voter backlash when and if they do increase their own pay. That's indefensible. Unlike state lawmakers, judges work full time and are not allowed to have outside income. Had they been granted modest cost-of-living raises during the last nine years, their average pay of \$136,700 would now be comparable to the \$169,200 paid to their federal counterparts.

The state's chief judge, Judith Kaye, is so disappointed that she is now reluctantly considering a lawsuit. It should never have come to this. Judge Kaye has submitted legislation that would treat judicial salaries separately from legislators' pay. And it would establish a commission to decide on future compensation for both judges and legislators. It's way past time for that proposal to be approved.

Second, the basic welfare grant. It is now \$291 a month for a family of three. That is unconscionably low for a state with a constitution that requires the poor to be adequately cared for. It is true that eligible families receive up to \$426 a month in food stamps, and a housing allowance of about \$300 a month in addition to the basic grant, but the \$291 represents all that a family has left over after basic necessities are met.

Third, prisons. Granted, they provide jobs for upstate communities where jobs are scarce. But if the Legislature continues to keep them open -- in spite of sound evidence that they are not needed -- then there is that much less money to spend on more deserving programs, including a higher welfare grant. And it costs all taxpayers more to keep them open at a time when money is in short supply.

THE LOSERS:

Judges who won't get a pay raise.

Welfare recipients who won't see a higher basic grant.

Taxpayers who must pay for prisons that aren't needed.



Editorial:

Injustice to judges

We can sympathize with the four state judges who have gone to court to win an overdue pay raise for themselves and their colleagues. We only wish it hadn't come to this. The Assembly could resolve this matter overnight if Speaker Sheldon Silver, D-Manhattan, wanted to. Why he is standing in the way?

Last year, New York's chief judge, Judith Kaye, made a strong argument for increasing judicial salaries, which have fallen far below their federal counterparts since 1999, the last time New York's judges got a raise. But New York has a disgraceful tradition that ties pay raises for legislators to those for judges. Lawmakers are fearful voters will react angrily whenever they raise their own salaries, so they seek cover by giving judges a pay raise at the same time.

This system penalizes judges, who, unlike legislators, work full time and face an increasing caseload. Judge Kaye rightly wants to break the linkage by establishing a commission that would recommend pay raises for judges, and others, free from the political arena.

Gov. Spitzer supports a separate pay raise for judges, and so does the Senate, which has passed both Judge Kaye's recommended legislation and another measure that severs the link between pay increases for judges and legislators. But not the Assembly.

So the judges have sued Mr. Spitzer, the Senate and the Assembly, on the grounds the linkage of pay raises for legislators and judges violates the separation of powers doctrine in the state constitution, and that by denying judges a raise, the Legislature has, in effect, cut judges' pay by failing to address inflation.

On Tuesday, State Supreme Court Justice Edward Lehner of New York City opened the way for the judges to pursue their lawsuit. But he removed Mr. Spitzer from the list of defendants, on the grounds he has immunity on this issue, and he rejected the judges' claim that the Legislature has cut their pay by failing to approve cost-of-living increases.

Mr. Spitzer never belonged in this suit anyway, given his support for a separate pay raise for judges. Nor does the Senate. Judge Lehner should have placed the burden of defense squarely where it belongs, on Speaker Silver's shoulders.

THE ISSUE: A judge says a lawsuit over judicial pay raises can proceed.

THE STAKES: The issue should be resolved on its own, as a matter of fairness.



Editorial:

Paying judges

It appears there was a failure to communicate last week on just where Governor Spitzer stands on pay raises for the state's 1,300 judges. He supports a raise, as a separate legislative initiative, and stands ready to sign one into law, if only the Legislature would cooperate. That was his position some time ago, but last week his press office issued a statement that made it appear the governor was attaching strings -- such as passage of campaign finance reform -- to any raise for judges, legislators and others.

All well and good, but Mr. Spitzer's challenge, in our view, remains the same: How to get the Legislature to go along.

At the moment, the Legislature has failed to embrace the sensible plan put forth by Chief Judge Judith Kaye, who would establish an independent commission to make separate recommendations on pay raises for judges, lawmakers and others. But the situation isn't hopeless.

The Senate plans to return to Albany on Thursday, and, if a session is held, could take up a separate pay raise for judges, but one that would link the percentage of any increase to any raise for lawmakers. That's a major flaw. Nonetheless, it's a start.

Regrettably, there's no indication the Assembly plans to return, and that's where Mr. Spitzer comes in. He should urge Assembly Speaker Sheldon Silver, D-Manhattan, to call his members back and approve a pay raise for judges. It does no good for the governor to point blame at the Legislature for the impasse. Not when he has the bully pulpit to get the Legislature to do the right thing.

Unless there is some agreement by the end of the year, the judges will once again be denied a raise that they deserve, and all because legislators, by tradition, have always tied a pay raise for judges to one for themselves. This linkage helps insulate the lawmakers from voter backlash whenever they vote themselves a raise, but it is taking a heavy toll on the state's judicial system, as more and more promising candidates for the bench decide that they cannot afford to serve. If the pay scales aren't adjusted soon -- it will be nine years waiting in a few weeks -- the situation will worsen.

Mr. Spitzer needs to find a way to win over the lawmakers on what is, admittedly, a very tough issue for any governor, let alone a new one who has ruffled more than a few feathers during his first 11 months in office. Yet it is also an opportunity for Mr. Spitzer to demonstrate that he can lead. And by speaking out on the issue now, he can erase any appearance that he is using the Legislature's resistance as a cover to walk away from the issue.

THE ISSUE: Judicial pay raises will be on the agenda when the Senate returns this week.

THE STAKES: The governor can't afford to remain on the sidelines.



TIMES UNION

EDITORIALS

The city shows the way

It's a sad enough commentary on state government that the Legislature can't seem to bring itself to give New York's judges a pay raise, and avert a crisis, without taking care of itself as part of the same deal. The Legislature doesn't even appear to be willing to make the reforms necessary for its members to deserve a pay raise.

Suddenly, though, the situation is all the more galling. It is possible for elected officials to forgo pay raises for themselves while extending them to others. That much we know because the Legislature has been shown up by the Albany Common Council.

The council has thought better of giving itself a pay raise for the second consecutive year. Yet it voted Tuesday night to approve a raise for Mayor Jerry Jennings, from \$130,195 to \$135,403 a year. It also approved raises for city Comptroller Thomas Nitido and Treasurer Betty Barnette, from \$94,695 to \$98,483.

It's impossible to quibble with the reasoning that prevailed on the Common Council. The city is facing some difficult fiscal times. Raises for council members will have to wait.

Just listen to Richard Conti, the council's president pro tempore.

"There was a realization we have hard choices, and we are running a deficit," he says. "There wasn't even a lot of discussion about it."

Imagine, if you can, such magnanimity prevailing across the street at the Capitol, especially in the state Assembly. The members there are quite willing to keep state judges' salaries

low enough to deter otherwise qualified candidates from careers in the New York judiciary. It's about them, and their compensation, above all.

Not even the independent commission proposed by Chief Judge Judith Kaye to make separate recommendations on pay raises for judges, lawmakers and other state officials — a sensible suggestion, if ever there was one — has gotten very far. While the Senate is agreeable to a separate vote on a judicial pay raise, the idea of following the example of the Albany Common

Council and simply approving a pay raise for judges, and only judges, seems to qualify as heresy in the Assembly.

What the Legislature needs, it seems, is more members like Mr. Conti and his colleagues, who happen to work at what's also a part-time job for \$20,314 a year. Oh, the Common Council president makes \$30,938, and the majority leader and president pro tempore get

an extra \$2,500, but that's a far cry from the minimum pay of \$79,500 for state legislators.

You'd think, though, the council had just voted itself a hefty raise by the way Mr. Jennings is responding. His take is that not only are Common Council members adequately paid, but that there are too many of them. As for his own salary, justifiable pay raise and all, the mayor doesn't want to hear any criticism of it.

Come on, Mr. Jennings, give a little. These people just did you a favor. How often does anyone decline a pay raise? Let's hear it for the city legislative body, for behaving a lot more responsibly than its state counterpart.

THE ISSUE:

The Albany Common Council approves raises for the mayor and other officials, but not itself.

THE STAKES:

That's some lesson for a state Legislature all too willing to underpay New York's judges.



Editorial:

Now, Mr. Spitzer

It's time -- past time, really -- for Gov. Spitzer to show that he means it when he says judges in New York state deserve a pay raise. He has to provide the leadership to make that happen. He will have an opportunity to do just that next month, when Legislature is scheduled to return to Albany.

Mr. Spitzer is on record as supporting a raise, and on Tuesday, in a meeting with Assembly Democrats at the Brooklyn Marriott, he said, once again, that judges are deserving. But hours later, the governor's office was reminding everyone that a pay raise for judges must be part of a larger legislative package, including property tax relief, economic development and campaign finance reform. It's more than possible that some sort of agreement could be worked out on tax cuts and economic projects, but the campaign finance reform hurdle seems insurmountable, at least for now. So unless the governor changes his strategy, judges won't be getting a raise again this year.

No one doubts the need for campaign finance reform, or that it should be a priority for the Legislature. New York's campaign finance laws are so lax that they make the porous federal laws look strict by comparison. Reform is long overdue. But it is also a major issue that cannot be realistically resolved in a short year-end session. An agreement that would have addressed all three issues fell apart earlier this year. The chances of resurrecting it in a short session are slim to nil. And that means judges will be shortchanged for yet another year, for no defensible reason.

By tradition, salaries for New York's 1,300 state judges have been linked to raises for legislators -- a linkage that is maintained for the purely political purpose of shielding lawmakers from voter wrath whenever they give themselves a raise. As a result, the last time judges got a raise was eight years ago, when legislators approved a base pay of \$79,000 for themselves. In the meantime, salaries for New York state judges have slipped to the second lowest in the nation, behind only Oregon and Hawaii.

There was a time when salaries for New York state judges equaled those of federal district judges. But eight years later, the federal judges are earning \$165,200 a year, while state judges continue to receive \$136,700 a year. And all the while, their caseloads are increasing. Meanwhile, the low pay scales are discouraging the best and brightest lawyers to run for the bench - at a cost to New York's judicial system that can't be measured in dollars.

Chief Judge Judith Kaye has proposed worthy legislation that would establish a salary commission to make separate recommendations on pay for judges, legislators and others. The Senate has passed a bill that would give lawmakers the same percentage pay raises as judges. In other words, there's a framework for agreement. All that's needed now is for Mr. Spitzer to come forward and make good on his word.

THE ISSUE: State judges might not get a pay raise again this year.

THE STAKES: The judicial system will suffer if fewer qualified candidates run for the bench.

THE INFORMATION SOURCE SINCE 1856 FOR THE CAPITAL REGION

TIMES UNION

Editorial



Pay raise games

First published: Thursday, June 7, 2007

New York's part-time legislators are the second highest paid in the nation. New York full-time state judges are the second lowest paid in the nation.

What's wrong with this picture?

Any New Yorker knows the answer: Albany politics.

In New York, judges are at the mercy of the Legislature when it comes to getting a raise. By tradition, the lawmakers have used a pay raise for judges as cover to raise their own salaries. But only when the political winds are favorable. If there is any sign of a voter backlash -- as there has been for some years, given the Legislature's image as the most dysfunctional in the nation -- the lawmakers drop any talk of a pay raise for themselves, and judges must do without one, too.

All this is bad enough, but Governor Spitzer has taken this game to a new level by linking a raise for judges to the Legislature's approval of campaign finance reform. Mr. Spitzer's motives are admirable. New York's campaign finance laws are among the most lax in the nation. Next to them, the federal laws, which are no models themselves, appear strict. So reform is overdue -- desperately overdue.

But why use judicial pay raises as a pawn to get campaign finance reform? It's all but certain that Senate Majority Leader Joseph Bruno, R-Brunswick, is in no mood to support such a measure anytime soon, if at all. So the judges will once again pay a price for politics.

The goal should be the opposite -- to remove judicial pay from the political arena. The best way to do that is to pass legislation that calls not only for retroactive pay increases, but also for a commission to examine judicial salaries and set proper compensation levels that will be indexed to inflation in future years. That's the way salaries for federal district judges are calibrated. And that's why federal district judges earn \$165,200 a year today, while state judges earn \$135,700, the same as nine years ago.

Mr. Spitzer, of course, is anxious to show he meant what he said when he promised that Albany's culture would change the day he took office. And what better way to demonstrate change than to get the Legislature to adopt campaign finance reform? But there should be a change in the way the Legislature does business as well. Linking bills together for leverage is an old tactic, but Mr. Spitzer doesn't have to play by those rules. All he has to do is call for a judicial pay raise bill to stand on its own. That would be change, too -- for the better.



Editorial:

Pay-raise politics

There are some signs that the era of pay-raise politics may be coming to an end in the Capitol. But there are also signs that a real political donnybrook is in the making. How it all turns out will depend largely on Governor Spitzer's political acumen.

By tradition, state lawmakers have linked a pay raise for judges with one for themselves, as a way to give themselves political cover with voters. And that has punished judges, who haven't had a raise since 1999, largely because the Legislature did not want to risk incurring voter wrath by raising the \$79,500 base pay of its members.

Last week, all 62 senators signed onto a pay-raise bill sponsored by Senate Judiciary Committee Chairman John DeFrancisco, R-Syracuse. The measure, which would grant pay raises for judges, legislators and elected officials, calls for establishing commissions to make binding recommendations on pay raises.

On Monday, though, the Senate's Democratic minority announced it was withdrawing its support, citing Mr. Spitzer's concerns. The move will surely send a signal to the Assembly, where the Democratic majority has endorsed the idea of a pay raise commission.

Under the Senate plan, the commission would include 13 members appointed by the governor, legislative leaders and the state's chief judge.

The commission approach is one favored by Chief Judge Judith Kaye, who recently threatened to go to court if judges did not receive a pay raise this year.

But Governor Spitzer, who also favors pay raises for judges, wants state lawmakers to earn a raise by embracing his proposed reforms on campaign financing and redistricting. He's right, but he has to set a better example himself, and he's also in for a fight from Senate Majority Leader Joseph Bruno, R-Brunswick, who has attacked the governor's campaign finance reform proposal as elitist and geared to give wealthy candidates, like Mr. Spitzer, an advantage in any campaign.

So it will come down to this: Will Mr. Spitzer sign any pay-raise bill without a legislative accord on his reforms? We can well understand why he might veto such a bill, even one that has strong support in the Legislature. But before he does that, he must find a way to ensure judges aren't punished in the process. They deserve a raise now. They have been hostage to Capitol politics long enough.



TIMES UNION



Unjust salaries

First published: Wednesday, April 11, 2007

It's easy to understand the mounting frustration expressed Monday by New York Chief Judge Judith Kaye. For years, she has been appealing to the executive and legislative branches to raise the salaries of New York's 1,300 state judges. And during those years, for one reason or another, nothing has been done.

Eight years ago, the salaries for state Supreme Court judges were pegged to those for federal District Court judges, or \$136,700 a year. But now those federal judges earn \$165,200 a year, while state judges earn the same \$136,700. That's not fair. State judges work as hard as their federal counterparts. They should not be denied regular raises to keep pace with inflation.

This year, for the first time in a long time, the chances for a judicial pay raise seemed better than ever, only to have the money disappear from the new state budget agreed to by Gov. Spitzer and legislative leaders. So on Monday, at a press conference at the Court of Appeals, Judge Kaye fired back. If the "shabby treatment" of judges doesn't end soon, she warned, she could sue Mr. Spitzer and state lawmakers to force the issue.

Judge Kaye speaks for many when she blames the politics of Albany for the stalemate. Things often move at a glacial pace in the Capitol. In the case of the judges, that's because pay raises for them are linked to raises for the Legislature, and legislative leaders have been in no hurry to invite voter backlash by giving themselves and their colleagues more money for their part-time positions. Thus, judges, who work full-time and face ever increasing caseloads, are being unfairly penalized for the Legislature's low standing with the public.

It's not that anyone in the Capitol is speaking out against the raises, either. To the contrary, everyone seems to be on Judge Kaye's side. For example, Gov. Spitzer included \$111.4 million for judicial pay raises in his proposed budget, but the money was left out of the final budget accord. And Sen. Hugh Farley, R-Niskayuna, has sponsored legislation that would sever the historical ties between legislative and judicial pay raises. But, he notes ruefully, "we didn't get support."

Now there is more talk by Assembly and Senate leaders of addressing the judicial pay raise issue in the next few weeks. Meanwhile, a spokesman for Gov. Spitzer notes, correctly, that the Legislature could resolve the issue through separate legislation.

All encouraging talk to be sure, but still just words. Judge Kaye is right: Eight years of talk and good intentions are enough. Now it's time to act.

THE ISSUE: Chief Judge Kaye may sue to get state judges a pay raise.

THE STAKES: There's a quicker and better way to fix the problem now.



TIMES UNION

Editorial:



A judge's pay

Chief Justice John Roberts echoes a plea made by New York state Chief Judge Kaye

First published: Monday, January 9, 2006

With only three months on the job, Chief Justice John G. Roberts is asking for a pay raise. Under most circumstances, that would seem impudent. But not in this case. For some years now, it's been apparent that there is a strong case to be made that judges aren't fairly compensated -- at the federal or state level.

Indeed, New York Chief Judge Judith Kaye has made such an argument for several years now. Her most recent plea came last month, only to get a chilly reception from Senate Majority Leader Joseph Bruno, R-Brunswick.

There has to be a better way, and there is. The ideal solution is to take the politics out of judicial salaries by either indexing them to inflation, or having an independent panel decide when raises are warranted. At the moment, judges in federal courts depend on Congress to raise their salaries, while judges in New York state courts rely on the Legislature to do so. That places judges at the mercy of whatever political winds prevail at the time. Most of the time, politicians are reluctant to approve pay raises out of fear of retribution by voters.

That fear is fueled by the perception of many voters that judges are well compensated. But that is a surface impression based on what the average worker's wage is at the moment. To be fair, judges' salaries should be linked not just to the rising cost of living but also to the responsibilities of their office and the demands of their caseloads, which have risen sharply in recent years.

Instead, Congress provides federal judges with only a modest cost of living increase, while New York state judges have gone without any increase since 1999. That, in turn, has created a gap. In 1999, salaries for state Supreme Court judges were equal to federal district judges -- \$136,700 a year. But now those same federal judges earn \$162,100, while state Supreme Court justices earn what they did six years ago.

The late Chief Justice William Rehnquist raised the issue of pay equity in 19 year-end reports, and grew resigned in his latter years to "beating a dead horse." But his successor seems ready to press the fight, noting that with salaries stagnant, more and more judges are leaving the bench in search of high-paying positions in private practice. That, in turn, raises the specter that lesser qualified judges -- often those whose main qualification is affiliation with the right political party -- will succeed them. If that trend continues, then the very concept of an independent judiciary is at stake.



ALBANY TIMES UNION WEDNESDAY JUNE 1, 2005 EDITORIAL

An overdue raise

Gov. Pataki gives his support to higher salaries for the state judiciary

Gov. Pataki is right when he says New York's judges deserve a raise. That's never been the question, though. How much of a raise is. In February, Chief Judge Judith Kaye suggested a 20 percent increase, to bring salaries for state Supreme Court judges in line with judges in U.S. District Court. That seems reasonable, given that the federal pay scales were used as a guide to determine the salaries that state judges now earn.

But Mr. Pataki isn't saying how much of an increase he thinks is warranted. Whatever numbers the governor has in mind will likely surface in a few days when he sends his proposed judicial pay raise bill to the Legislature.

While 20 percent might seem high, given the modest pay increases for most government workers in recent years, it's important to remember that such a raise for judges would help them catch up with the ground they have lost since 1999 — the last time they got a raise. True enough, some cynics believe judges are overpaid and refuse to consider the facts that show the opposite. One such fact is this: In 1999, salaries for state Supreme Court justices were on a par with judges in U.S. District Court — at \$136,700 a year. Since then, however, the pay for federal judges has risen to \$162,100, while salaries for state Supreme Court judges remain at the 1999 level.

Fact No. 2: Caseloads have risen in state courts since 1999. And fact No. 3: The cost of living has risen since 1999, too.

Perhaps the most disturbing fact is that judicial salaries remain a political issue in New York. That is, only the Legislature can approve them. And state lawmakers are most likely to make their decision based on prevailing political winds. If times are lean, lawmakers are likely to simply ignore pleas for judicial raises. And when times are flush, judicial salaries must compete for approval along with myriad special interest projects that legislators want to fund for their constituents. All of which explains why the Legislature has approved only two judicial pay increases in the last 14 years.

There has to be a better, more fair way, and there is. In her State of the Judiciary address last February, Judge Kaye suggested two alternatives to legislative approval. One would be to index judges' salaries to the cost of living. The other would be to appoint an independent panel to determine when raises are warranted. Either one would be a vast improvement over politics as usual.



ALBANY TIMES UNION THURSDAY FEB. 10, 2005 EDITORIAL

A judge's pay

New York's system for granting raises is unfair and should be reformed.

With the state scrimping for cash in yet another deficit year, this hardly seems like the appropriate time for judges to ask for a raise. But that's the problem: When it comes to the bench, there's never a good time to ask for more money.

That has to change.

Unlike most elected officials, who run for two- or four-year terms, state Supreme Court judges serve for 14 years, and county judges for 10. That puts a different light on the always touchy issue of pay raises. Elected officials can take their case directly to the voters, or they can wait until they have been elected and then seek a raise. When they try the latter approach, taxpayers can object – as this page routinely objects – that these officials knew what the pay was before they ran for office and should not be asking for more money now that they occupy that office. Let them go before the voters and tell them they want to raise their pay if they are re-elected.

But it's a different set of rules for judges. It's unreasonable to expect them to work for the same salary for 10 or 14 years. And they can't take their case for a pay raise directly to the voters, either, no matter what length of term they serve. Only the Legislature can approve a raise.

That's just the dilemma that New York Chief Judge Judith Kaye faces every time she raises the issue of judicial pay. In theory, the Legislature can approve a raise at any time. In practice, the lawmakers are reluctant to do so in the best of times. They're even less interested if the budget is tight, or they themselves haven't had a raise in years. The last time judges got a raise was in 1999, and that was one of only two judicial raises the Legislature has approved in the last 14 years.

Meanwhile, caseloads have risen, along with the cost of living, even as judges fall behind in wages compared with federal judges. In 1999, when salaries were adjusted to equal federal pay scales, the salary for a state Supreme Court judge and a U.S. District Court judge was the same, \$136,700. Since then, the federal salary has risen to \$162,100, while the state salary has remained constant.

Regrettably, Judge Kaye's attempts to get judges a raise in recent years have fallen on deaf ears. Now she is back this year with another plea that judges receive a 20 percent increase to make up for lost ground. "This year has reached a point where it's urgent," she said in her annual state of the judiciary speech at the Court of Appeals Hall.

Something else is urgent as well – a change in the way judicial salaries are determined.

Judge Kaye, in her address, offered two sensible solutions – by indexing judges' salaries to the cost of living, or by appointing an independent panel to determine when raises are warranted. Either approach would be a vast improvement over New York's sporadic, and erratic, process.

THE DAILY NEWS

BATAVIA, NY

Editorial:

Judges worthy of hire

It's time to change the way judicial salaries are set

Let's say you run a business with both part-time and full-time workers. The full-time workers are generally productive, dependable and competent. The part-time workers, however, don't get much work done, and miss deadlines, to boot. Do you give them both raises?

No? Ah, but there's a catch. If you give one a raise, you have to give the other a raise, too. Sound unfair? That's the way it works in New York State government, where the salaries for state judges are bundled with the salaries for state legislators.

Never mind that salaries for the full-time judges rank near or at the bottom nationally while the salaries for the part-time legislators - base pay is \$79,500 - make them the third-highest paid Legislature in the nation.

If that seems like insanity, it is. But that's not all. It is up to the part-time folks to set the pay. They'd like to hike their own salaries - and say they wish they could hike judges' salaries, too - but fear backlash from voters who don't think legislators deserve pay raises. And so, salaries for both judges and legislators have remained frozen since 1999, while the cost of living has increased by more than 26 percent.

Granted, it's hard for the average citizen to develop much sympathy for a judge getting a salary of \$136,700 and angling for a raise. But federal judges get \$165,200 a year for doing essentially the same work as the state judges do. The difference is considerable. New York State Chief Judge Judith Kaye is so frustrated at the Legislature's failure to address, judge salaries that she has threatened to sue.

At Tuesday's Law Day ceremonies in Batavia local attorney Michael Mohun decried the state's legislative and executive branches as "running roughshod over the judiciary." While those branches cash in on power and perks from their part-time jobs, judges continue to toil on, doing the hard work of deciding cases in civil, criminal, family, drug and domestic violence courts, with no change in compensation, he said.

"Public support for judicial salary increases its great," Mr. Mohun said. "For legislators, it's non-existent. It's time for us as citizens to speak up. It's not a pay raise but just compensation."

Judicial and legislative salaries should be considered separately. They should also be taken out of the hands of legislators who live and die by politics.

Judge Kaye has recommended creation of a pay commission that meet every four years to recommend adjustments based on rational, objective criteria. That may not be a perfect solution, but it's a lot better than the current system. New Yorkers shouldn't have to overpay one set of employees in order to get fair wages for another set of employees.

THE BUFFALO NEWS

Editorial:

Stopping the pay raises

Legislators must earn consideration, abut judicial salary hike makes sense

So far, Albany's got this half right - it looks like the idea of a pay raise for state legislators who haven't earned it is dead, but it also doesn't look like there's much life left in a plan to make the salaries of judges a little more competitive with what good lawyers earn in the private sector. Here's hoping there's a twitch or two left that could separate the two politically linked ideas, and get it right both ways.

Proposals to tack a raise onto lawmakers' base pay of \$79,500 took a double hit this week. First, Gov. Eliot L. Spitzer and some advocacy groups rightly pointed out that lawmakers hadn't done anything to pass meaningful campaign finance reform and shouldn't be rewarded unless they do. Then the Senate's Democratic minority pulled its support from the pay-raise bill that body had passed, leaving Republicans without enough votes to override a Spitzer veto.

The Legislature hasn't had a pay raise in a decade, but not a lot of New Yorkers will shed tears over that. What was originally designed as a part-time public service post has indeed become a full-time job, but the base pay also has been supplemented over the years by an array of perks and stipends. Leadership and committee posts, for instance, add stipends known as "lu-lus" of more than \$10,000 apiece for members and \$30,000 for top leaders. At the very least, lawmakers should restrict practices such as the personal use of campaign funds - the New York Public Interest Group has documented car leases, in one instance a pool cover and wining and dining by elected state officials - before looking voters in the eye and asking for a raise.

Lawmakers, of course, are not politically stupid. The system they've constructed to protect incumbents and power is evidence they're politically canny. Recognizing the unpopularity of their pay-hike cause, they have tied it legislatively to a widely supported proposal for judicial pay hikes. The judges probably deserve the pay hikes - as Administrative Justice Sharon S. Townsend said recently, "stagnant salaries year after year have compromised the ability of the judiciary to remain an effective arbiter of justice."

Annual salaries of judges on the State Supreme Court would rise from \$136,700 to \$162,500 per year, the amount now made by federal district court judges. Judicial positions also haven't seen a salary increase in nearly a decade, but reforms in the way judges are selected already are under way. Those reforms should lead to a political process more fair than the current method, which amounts to selection by party bosses. Given the uneven quality of the judiciary, not all have earned a raise but the effort to attract better-qualified candidates to the new process should not be compromised by below-grade wages for judgeships.

Legislative pay raises at this point offer just more of the same, at a higher taxpayer cost. Judicial pay increases have at least a chance of improving judicial balance and quality. Separate the issues, and ask again for the judges.

The Chief

Civil Service LEADER
THE CIVIL EMPLOYEES' WEEKLY

Editorial:

Pay Justice for Judges

The state's Chief Judge, Judith Kaye, was clearly angry last week when she delivered a speech in response to the scuttling of a pay raise for judges in the final state budget. She had good reason to be.

As she noted, "It is disgraceful that we have been brought to this point, that for more than eight years, longer than any other judges in America—likely longer than any workers in any field—New York State judges, for no reason other than Albany politics, have been denied even a cost-of-living adjustment to their salaries."

She pointed out that pay for state judges is 23 percent below that of Federal judges. To put that in perspective, the Chief Justice of the U.S. Supreme Court, John Roberts, has decried the compensation rates for members of the Federal judiciary. Four decades ago, U.S. District Judges made 21 percent more than the dean of a top law school; today their pay is about half the average salary for those deans.

State legislators, looking to avoid public criticism for raising their own pay, have coupled such increases to hikes for judges. Governor Spitzer supported raises for judges as much-needed, but he opposed a boost for legislators, with one reason being that he believes any hike should be accompanied by measures restricting the outside work they could do to prevent conflicts of interest.

As Ms. Kaye pointed out with justifiable frustration, no one is questioning the need for a significant hike in judicial salaries in order to attract and retain high-caliber individuals for the bench. And they should not, as she noted, be held hostage to the pay aspirations of state legislators.

Unlike legislators, judges are not permitted to maintain private law practices, and Judge Kaye rejected the suggestion by some colleagues that they be permitted to do so. The reason is obvious: it would raise questions about whether those retaining them were doing so to buy influence and affect decisions by their colleagues.

Nor, she insisted, should there be any reason for the public to wonder whether judicial rulings have been influenced either by the granting or denial of pay raises as a result of legislators' actions.

She said it would be "ill-conceived and counter-productive" to follow the lead of some Long Island judges and file a lawsuit over the compensation issue at this point, but she left it open as a possibility if judges' pay has not been raised before the Legislature adjourns in June.

It shouldn't come to that. Mr. Spitzer and legislative leaders need to figure out a way—and quickly—to address the problem and allow for the long-deserved increases to be implemented.

Opinion

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New York judges deserve a bigger paycheck

Salaries have not been increased since 1999 and should match federal court levels.

Keep pay scales stagnant long enough and eventually the skill level of employees could sink to meet the compensation level. In New York state, one of the last places that should happen is in the judicial system. Yet less skilled judges are one of the possible liabilities facing state lawmakers if they don't approve raises for New York judges.

State senators have a chance to take the lead today in fixing the problem during a special session of the New York Senate in Albany. But there's a catch. Senators need to approve a judicial pay hike without tying it to their own salaries, which has traditionally given state legislators political cover when their paychecks also get bumped up.

That act of legislative bravery — keeping judicial and legislative raises as separate issues — may seem fanciful in the realm of state politics, but it would be the higher road for lawmakers to take. It's true that neither lawmakers nor judges have received a raise in nearly eight years, and they're due for one. But judicial raises should not be strangled by the political wrangling that chokes off good legislation in Albany, and that's what will happen if legislators try to send a pay package to Gov. Eliot Spitzer with their raises and the judges' in one messy bundle.

Spitzer already has said he supports judi-



The Associated Press
New York Court of Appeals Chief Judge Judith Kaye has been ardent in her insistence that judges get a raise.

cial raises, but he also has said he won't approve legislators' increases without getting his campaign finance reform bill passed. The judges know they're stuck in the middle on this one, and they don't deserve to be. Fair judicial pay should not hinge on whether the governor and legislators can

compromise their positions. It should be based on reasonable increases, similar to the raise system that federal judges have enjoyed.

New York state judges have not had a pay increase since 1999, and the state's Chief Judge Judith Kaye isn't asking to

make them rich. She's just asking that the salaries, now averaging \$136,700 for a state Supreme Court judge, be increased to what federal district court judges receive which is \$165,200. Kaye has threatened to sue the state if the judicial salaries aren't increase a process that would pile up needless legal expenses and create additional strife in the politically stressed Albany atmosphere.

Kaye may feel she has no other resort, but she and lawmakers should avoid a costly, time-consuming suit by settling this issue amicably, first with Senate approval of a pay raise and then — hopefully next week — similar approval by the Assembly in a special session.

But the raises are just the first step. The should be followed, in the 2008 session, with the creation of a salary commission, as proposed by Kaye, that would review and make recommendations for all levels of salaries, ranging from judges to legislators to other officials. This could ensure regular increases and not these long droughts followed by enormous catch-up hikes that become so controversial that they're not acted on for years.

It's time to get sensible about salary increases for the state's top officials, and on way to break the habitual negligence is to start by approving new judicial salaries of their own and without the encumbrance of legislators' pay.

Editorial

The Journal News

Editorial:

Compensating for mistakes

Pay worries? Lawmakers have an answer to all their pecuniary angst

Rejoice. Notwithstanding all the doom and gloom on the world markets, the dire earnings reports, the steady stream of job cutbacks and layoffs, the taxpayer's rising fear and anger about just about everything, your elected officials have not lost sight of what's important: *their wallets*.

In Albany, this means legislative pay raises, perhaps a hike in the vicinity of 20 percent or more. Assembly Speaker Sheldon Silver told a private meeting of Assembly Democrats this week that Gov. Eliot Spitzer, newly compliant, had agreed to a pay raise for lawmakers, The New York Times reported. Legislation providing for the raises was expected from the governor's office by the end of next month, according to several lawmakers who heard Silver speak, though some on the Assembly leader's staff told the Times that the timing was uncertain.

But money is undoubtedly in the air. The threadbare budget Spitzer unveiled Tuesday - it left many school districts and health-care providers crying foul - includes raises for state judges, who are most deserving of raises, but no increase for legislators, who cannot make the same claim, at least not with a straight face. Their base salary is \$79,500, but various bonuses paid for committee and leadership posts boost the current average salary to more than \$100,000. Silver earner sought a 21 percent hike; there's no reason to expect anything less, never mind the aforementioned economic upheaval.

Wages held hostage

As with the judges, legislators have gone without a raise since 1999, when Bill Clinton was still in the White House. The pay-raise drought would be cause for concern, except that our Legislature was certified - by no less than the knowing NYU Law School's Brennan Center for justice in 2004 - as the nation's most dysfunctional. Some modest reforms in the intervening years, on matters ranging from budgeting to ethics, have improved matters, but hardly enough to merit the taxpayers digging deeper into her pocket. Besides, our Legislature is the third-highest paid in the nation. What's the justification for bolstering their position, besides desire to maintain a nice buffer with Westchester Board of Legislators' pay? (See Phil Reismans Thursday column, "7-member panel to weigh stimulus package for 17," about the renewed effort to boost compensation to county lawmakers.)

On the other hand, New York State Supreme Court justices are paid \$136,700 - much less than the new law school graduates hired by top firms, even before they pass the bar exam. In 2007, a National

Center for State Courts study ranked New York's judicial pay 48th in the nation after adjusting for cost of living. (And some wonder why so many judges are surly.) Why have our judges gone so long without raises - compelling the usually genteel Chief Judge Judith Kaye to threaten to sue for raises? Their legislative counterparts have greedily insisted on linking the judges' raises with their own; so long as the legislators are made to wait, then so must the judges. See what the Brennan Center meant by dysfunctional?

Governor plays nice

Time was when Gov. Spitzer would have told legislators that they wouldn't get an extra dime, certainly not before they reformed the state's campaign financing law, reformed the nominating process for state judges, reformed the antiquated contracting rules for public works projects, and reformed a long list of other blights upon our pocketbooks and good governance. And the might have named names and toured the districts of those lawmakers who, instead of raises, should issue refunds to their constituents.

But Spitzer 2.0 has been making nice after a first year marked by some big wins and some stunning missteps, most notably his staffs clumsy bid to discredit Joseph Bruno, the Republican leader of the Senate, using the good services of the State Police. That stain still hasn't been removed as sundry official inquiries continue. In his State of the State address earlier this month, Spitzer singled out many lawmakers for praise and spoke at length about cooperation. Changed times; changed governor. Taxpayers might reasonably conclude that the Spitzer "repair bill" for 2007 mistakes is coming due; watch for it in the Albany paychecks of state lawmakers.

The Journal News

Editorial **The politics of pay**

Justice suffers most
when New York sticks
it to judges on wages

Who could blame New York Chief Judge Judith Kaye for allowing a show of temper last week? The issue was pay for state Supreme Court judges. Their compensation has been frozen since 1999, due solely to Albany politics. The situation "has been totally, wholly demoralizing to the New York judiciary," she said in a press conference. Elected officials need to undo the harm and fast because it's the public that suffers when the best lawyers and best judges drop out of the judicial pool and opt for private-sector pay checks.

Kaye has been pressing the issue for years, but now threatens to sue the legislative and executive branches unless judicial salaries are hiked before the legislative session ends in June. Her colleagues have pressed for a slowdown or work stoppage. In his first budget, Gov. Eliot Spitzer included some \$111 million for retroactive raises, but the proposal went no where. A lawsuit by judges — how odd does that sound? — seems like a longshot, but the point remains the same: There is something rotten in Albany.

"Me-too" lawmakers

Political "tradition" — actually, political "cover" — alone has been responsible for the judges' plight. For years, lawmakers have tied judicial raises to their own. Because raising legislative salaries has been such a politically sensitive issue — because the part-timers haven't been earning their keep — both lawmakers' and judges' salaries have remained frozen. Full-time Supreme Court judges earn \$136,700 a year; the base pay for lawmakers is \$79,500 a year, but "leadership" stipends raise that amount to \$90,000 for each senator and three-quarters of Assembly members.

The chief judge wants to see judges' pay increased to \$165,200, with much of it retroactive to 2005. A survey by the National Center for State Courts found that the pay level for judges at the trial court level rank 11th among the states, but 37th when the amount is adjusted for New York's high cost of living. The very best law school graduates were commanding \$160,000 salaries in 1999 — and that's even before they passed their bar exams.

Hearing from judges

Kaye — the first woman to ever serve on the seven-member high court, the first woman named chief judge in 1993, and who was recently nominated for another term by Spitzer — outlined several actions the judiciary could take to force the issue, including asking legislative leaders for permission to address lawmakers directly on the issue. She will begin, though, by asking the state comptroller and attorney general for opinions on whether the court system on its own can grant judges a pay raise. "I am loathe to take that step unless we have no place else to go," she said.

The governor included \$111 million for raises for the 1,300 judges whose salaries are paid by the state, retroactive to 2005; town and village jurists weren't included. But when the 2007-08 state budget was approved April 1, lawmakers had cut out the raises. Kaye called that, after years of effort, "a crushing disappointment." After Spitzer recently nominated her to another term, Kaye agreed to serve another 21 months before reaching the mandatory retirement age of 70. Given the considerable reforms realized under her watch, the state is lucky to have her. It would be a bitter embarrassment for Albany to fail Kaye and the court on this issue.

The Journal News

Editorial:

Idea from the bench

Proposal to bring order to government raises needs brisk debate

The leadership of New York's court system is pitching a proposal intended to bring order to what has been a haphazard process of raising the pay of judges and other top elected and appointed officials in the state.

There is no doubt that what goes on now is not "objective, transparent, predictable and fair," the attributes judicial leaders ascribe to their plan. State legislators are responsible for approving raises, including their own. Because they are perpetually fearful that taxpayers will punish them for hiking their own take-home pay, legislators have let salaries stagnate for years, then sneaked in whopping increases, after they have been safely re-elected and as far in advance of the next election as possible.

We shed no tears for the political difficulty of raising legislative salaries. A legislator's pay is not meant to be the sole means of support; lawmakers are free to hold other jobs, as many do. And the base-pay, at \$79,500, is too high even before it is supplemented with extra pay for "leadership" positions.

Our interest in the new proposal rests with concern for the people — judges and other full-time officials — who do depend on government pay to support themselves and their families. Because legislators consistently refuse to consider granting raises to those people without boosting their own pay, real livelihoods have been held hostage to political whim.

Judges have argued forcefully that, since the last increases, in 1999, the cost of living has risen 18 percent. The grass is much, much greener in private law practice. That's no way to attract the best and brightest to the bench.

Chief Judge Judith Kaye this year unveiled a new strategy to attain immediate, justified judicial increases while creating a more rational process for deciding future raises for judges and others. It's not perfect, but it clearly merits consideration.

The proposal, in broad terms:

- Give state-paid judges one-year retroactive raises, pegging salaries to those of federal judges, as was once the custom.

- Create a commission to decide if legislators and top statewide elected and appointed officials deserve a similar, immediate "catch-up" raise. The commission would then look ahead and determine if judges or the others should get a cost-of-living increase over the next four years. Any commission-set raises would take effect unless the Legislature, if it decides the state can't afford them, cancels them. A new commission would be appointed every four years.

The commission, a majority of them nongovernment employees and non-lawyers, would be appointed by the governor, legislative leaders and the chief judge.

The process, obviously, would require appointees of fearless independence, capable of making objective observations and projections about the state's financial condition, the economy in general and how New York salaries should compare to those of other states, among other things. The first recommendation to be questioned is whether *any* of its members should come from government. We doubt it.

It must also be made clear that raises should not come in lock step: Modest, annual increases for full-time judges, for example, would be much easier to justify than a yearly cost-of-living boost for legislators with outside jobs who can't keep a state budget to the same growth level.

Speaking to legislators, Jonathan Lippman of Rye Brook, the state's chief administrative judge, urged a "full and meaningful public dialogue on this issue; a dialogue that is not rushed; a dialogue that takes place in the open sunlight."

Let it begin.

The Journal News

THE JOURNAL NEWS FRIDAY JUNE 3, 2005 OPINION

The cost of justice

State-paid judges deserve overdue raises, and more stable system

Money isn't what automatically comes to mind when one considers an independent judiciary, the prerequisite component of constitutional multi-part government and a sound justice system.

But it matters, not only to the judges who make a living by administering justice, but to those who would aspire to join their ranks and to the public that expects these weighty jobs to attract people of excellence. It does not make for a healthy system when judges must periodically appeal to — beg, really — the executive and legislative branches for raises, which have, in New York, come unpredictably and fitfully — as in, two raises over the last 18 years.

In the six years since the last raise, when state Supreme Court justices' pay was restored to parity with federal district court salaries, the cost-of-living index has increased by about 18 percent. Federal judges, as well as judges on other state benches and nonjudicial New York employees, have managed to keep pace with that inflation. In cost-of-living terms, New York's judges make less today than they did before their last pay increase.

Little wonder that the state court system, led by Chief Judge Judith Kaye, appealed to the Legislature again this year, not only for an overdue salary raise, but for a system that would remove judges' dependence on legislative whim for periodic salary review.

The judges have gained an ally in Gov. George Pataki, who this week said he would propose immediate judicial raises

in line with Kaye's recommendations.

Supreme Court salaries would again catch up to federal district court's, increasing from \$136,700 to \$162,100. The salaries of appeals court and lower court judges would be adjusted proportionately. The increases are an overdue incentive to retain and attract superior jurists, who, as attorneys, could be expected to collect far higher wages in private practice.

Disappointingly, the governor did not endorse the court system's suggestions to bring some rational order to the issue of judicial salary review.

First, the court system, hoping to end inequities in the salaries of all trial-court judges — judges at some levels receive less than Supreme Court judges — proposed that the state create a commission to periodically review the salary ranges and recommend, if found justified, closing the gap.

A more far-reaching recommendation, also ignored by Pataki, calls for an automatic, annual adjustment in judicial salaries, with no legislative action necessary. The court system's proposed legislation would tie state salaries to federal pay, which is more frequently raised to account for cost-of-living increases. But the state judges are open to other methods that can be found in other states, including indexing salaries directly to the cost of living, or linking them to increases granted nonjudicial employees. The goal, whatever the method, is to establish a predictable, fair compensation beyond the political realm of the Legislature.

We hope the Legislature, in the waning days of the current session, considers that worthy goal in addition to bringing judicial salaries up to date.

DAILY NEWS

Editorial:

An injustice to judges

Today in Albany, dozens of New York judges will press their case in the Legislature for a long overdue pay raise. Their case is open-and-shut.

Judges have gone for more than a decade without so much as a cost-of-living increase. The highest-paid jurist in the state, Court of Appeals Chief Judge Judith Kaye, makes \$156,000 a year — less than what a kid fresh out of law school commands at a big Manhattan firm.

And thanks to inflation, the \$136,700 salary of a state Supreme Court justice has lost \$34,700 in buying power since it was frozen in 1999.

Former Gov. Eliot Spitzer proposed a reasonable 21% hike that would bring New York's judicial salaries roughly in line with those of the federal bench.

But legislators balked, holding out for a package deal that would boost their \$79,500 part-time salaries along with the judges'. The linkage makes no sense.

In December, Senate Majority Leader Joe Bruno finally did the right thing, allowing a pay raise for judges to come to a vote. It passed unanimously.

The measure would breeze through the Assembly, as well. But Speaker Sheldon Silver is holding the judges hostage. He should stop.

DAILY NEWS

Editorial:

Contempt of courts

In the matter of fair pay for judges, state lawmakers are guilty - beyond any reasonable doubt - of dereliction of duty in the first degree.

New York's judges, having lived on salaries frozen since the Clinton administration, are long overdue for a cost-of-living adjustment. Because of inflation, the jurists' paychecks have lost 30% of their value over the past nine years.

The highest-paid jurist in the state - Court of Appeals Chief Judge Judith Kaye - makes \$156,000. That's substantially less than rookie lawyers at the big Manhattan firms make, let alone the high-powered attorneys who argue cases before her.

The disparity in incomes is even starker on the benches below Kaye. State Supreme Court justices, who handle civil and criminal trials, have made \$136,700 per year since 1999. Had their checks kept pace with the national inflation rate, they'd be earning \$171,400. In other terms, that equals a loss of \$34,700 annually in buying power.

This is no way to treat officials who are entrusted with power over the lives, liberty and property of New Yorkers. All those who want disgruntled, underpaid hacks deciding the custody of children, settling estates or imposing sentences, raise your hands.

Gov. Spitzer did the right thing this year by including in his budget a 21% pay hike for state judges - a reasonable amount supported by virtually every member of the Assembly and Senate. Yet Spitzer's bill went nowhere, and for one simple reason: It left out raises for the Legislature.

With their \$79,500 salaries also flat since 1999, lawmakers are basically saying: The judges can't have theirs unless we get ours.

This linkage makes no sense. For one thing, legislators are officially part-time employees who can and do supplement their salaries with unlimited outside income. For another, even if lawmakers voted themselves raises now, the state Constitution says they couldn't actually collect until January 2009 at the earliest.

Lawmakers are essentially holding judges hostage in a standoff with the governor, which is Albany dysfunction at its worst. The longer it continues, the more frustrated and resentful judges will become - which can only be a bad thing for the quality of justice in New York State.

Senate Majority Leader Joe Bruno and Assembly Speaker Sheldon Silver must call a halt to this game and approve a judicial pay raise before the year is out. If they fail in that, how dare they even talk about raises for themselves?

DAILY NEWS

Editorial:

Do the right things

With Gov. Spitzer and Senate Majority Leader Joe Bruno feuding bitterly, the Legislature has set a special session. Here's our take-no-prisoners agenda:

- Act on Spitzer nominees. Bruno's Senate has yet to confirm or reject 76 people Spitzer has nominated for top jobs, including the governor's selections to head the Metropolitan Transportation Authority and the State University of New York. Bruno must release these hostages.
- Give judges a raise. Salaries have been flat since 1999, and some freshly minted lawyers make more than a Supreme Court justice's salary of \$136,700. Legislators want raises for themselves but, facing a Spitzer veto, haven't had the nerve to propose hikes. Here, the judges are being held hostage. Bruno and Assembly Speaker Sheldon Silver must free them with fatter checks.
- Say yes to City Hall's garbage plan. The product of years of negotiations and compromise, the plan would establish a fair, efficient system for transporting each borough's trash. But three Manhattan Assembly members have ruled out putting a recycling station in their neighborhood. They're holding the entire city hostage to local preferences.
- Forget big-ticket items. Lawmakers are eyeing \$200 million in property tax relief for seniors and \$300 million for economic development projects. With Albany less than three months from talks on the next budget, and with hard times looming, now is not the time to hold taxpayers hostage to political largess.

DAILY NEWS

Editorial:

GIVE THE JUDGES A RAISE

Chief Judge Judith Kaye says it's "nothing short of a disgrace" that her colleagues on the bench have gone without pay raises for more than eight years because of crass Albany politics. She's absolutely right.

The fault lies in the Legislature, where lawmakers are hankering for raises but most are too chicken to say so. By holding the courts hostage, they are trying to pressure Gov. Spitzer to back a commission that would recommend hikes for all branches of government, giving legislators cover to boost their own salaries.

When the salaries of New York's judges were last updated, in January 1999, a state Supreme Court justice made \$136,700 a year, the same as a federal judge. Since then, the federal salary has risen to more than \$165,000. At this point, some rookie lawyers at major law firms make more than New York judges do.

Kaye is pushing for a 21% increase, to match the federal scale. And Spitzer properly refused to link raises for lawmakers with raises for judges. For one thing, legislators are free to make outside income, while judges are barred from moonlighting. For another, the state Constitution says the lawmakers' raise could not take effect until 2009 anyway.

There's no reason judges should have to wait.

Kaye is so frustrated that she's threatening a lawsuit, which would be the wrong way to go. Instead, Senate Majority Leader Joe Bruno and Assembly Speaker Sheldon Silver should stop the game-playing and do the right thing.

DAILY NEWS

Editorial:

An order for the courts

New York State judges deserve a raise. Charged with deciding life-and-death issues and regularly presiding over highly complex legal matters, they earn roughly the starting salary of a freshly minted law school graduate at a top firm.

No, they don't take the bench expecting to get rich, or to come close to what big-time lawyers pull in, but they have a right to expect a decent salary with periodic raises that are roughly in line with inflation. On that score, they don't come close.

Almost seven years have passed since the state Legislature approved a judicial pay raise. In that time, the purchasing power of a dollar has fallen by 14%, so judges have seen their standards of living fall by that amount. That is both unfair and bad public policy.

The villain here is the Legislature, which refuses to raise official salaries until lawmakers are ready to give themselves a boost too. And they hike their checks only when they think they can get away with it, so years go by and there's zero predictability.

Chief Judge Judith Kaye is pushing for equity and professionalism along the lines that Congress affords federal judges, who get what are essentially annual cost-of-living hikes. She would start by giving state Supreme Court justices, who are now paid \$136,700, the same salary as federal trial judges, \$165,200. And she would have the Legislature create a commission that would peg hikes to the rate of inflation every four years.

This is a fair, sound plan. Judges would be properly compensated, and they would be spared the demeaning chore of begging the Legislature for money year in and year out. Of special note: The funds for judicial raises are already in the budget.

The only obstacle is that Assembly Speaker Sheldon Silver and Senate Majority Leader Joe Bruno refuse to appropriate a penny until their troops fatten their own wallets. That's wrong. They should give the judges their due and establish a businesslike process for setting compensation, as Kaye urges.

NY DAILY NEWS
Monday, June 6, 2005

DAILY NEWS

NY DAILY NEWS MONDAY JUNE 6, 2005 EDITORIAL

Justice for judges

Gov. Pataki and Chief Judge Judith Kaye want to give the state's judges their first raise since 1999. It would be a good bump, too – raising justices' salaries 19% – to \$162,100 from \$136,700. The judges have a case. The hike would put them on par with both the federal bench and recent law school graduates at top firms.

Even so, the public should get something in return. Our proposal: Approve the raises only if the judges sign on to eliminating the secrecy that blankets the proceedings of the Commission on Judicial Conduct. Once the commission charges a judge with wrongdoing, all hearings should be open. More pay, less secrecy. Sounds just to us.

The New York Times

EDITORIAL

Fair Pay for Judges

The rancid political quagmire that is Albany these days produced a rare breakthrough last week on a matter of great importance to New York's justice system — a pay raise for judges. There is at last a chance that the state's woefully underpaid judiciary will get a raise this year. But that will require Sheldon Silver, the Assembly speaker, to step up and make it happen.

Over the years, New York has been home to many great jurists, including giants like Benjamin Cardozo. Thanks to years of parsimony, however, its proud legal tradition is in danger. New York's judges last received a raise in 1999. Today, it ranks 49th of the 50 states in judicial pay when adjusted for the cost of living. The low pay makes it hard to attract and retain talented judges.

At this point, all of the leading players in Albany agree that judges deserve more money. But the judicial pay increase has repeatedly stalled over state legislators' greedy insistence on linking it to a pay increase for themselves, which in turn is caught up in Albany's byzantine political maneuvering.

Moving to break the logjam and, not incidentally, to embarrass Mr. Silver, the Republican-led Senate passed a measure last week granting a raise to judges, but not lawmakers. Gov. Eliot Spitzer has indicated that he would hold out for an overhaul of the state's broken campaign finance system before agreeing to legislative raises, but he is amenable to the judges-only approach.

The immediate result of the State Senate's action was to clarify responsibility for perpetuating New York's judicial compensation crisis. All that now stands in the way of addressing this serious threat to the quality of justice is the selfish intransigence of the Assembly speaker and members of his Democratic majority.

So far, Mr. Silver shows no sign that he is willing to return to Albany before year's end to do right by members of New York's bench. His fellow Democrats and he are trying to dismiss Senator Joseph Bruno's leadership on judicial pay raises as a cynical political stunt. It may be cynical, but whatever his motives, Mr. Bruno, the Senate majority leader, has led in the right direction.

The New York Times

Editorial:

Stop Stalling on Judicial Raises

New York was once a national leader in judicial compensation. Now, it ranks 49th among the 50 states when salaries are adjusted for the cost of living, and the last pay increase was in 1999.

In judging, as in most lines of work, competitive salaries are important for attracting the best work force. These shamefully low salaries hurt the quality of justice, and they have become a source of frustration and anger for members of New York's bench. State lawmakers, some of whom begin to return to Albany this week, should raise judges' salaries before the year ends.

Legislators are notoriously reluctant to vote for pay raises in election years, which means further procrastination could well end up freezing judicial pay until 2009.

Since the last raise, inflation has seriously eroded the buying power of judicial paychecks. During this same period, salaries for clerks, court officers and other judicial branch employees have increased by more than 30 percent. The 1999 increase brought the salary of State Supreme Court justices to \$136,700. The idea was to re-establish parity with federal district court judges. That parity is long gone. Today, federal district court judges earn \$165,200, which is also too low when compared with other parts of the legal profession.

By now, just about everyone in Albany agrees that state judges deserve a raise. But state legislators are holding judicial pay raises hostage while they maneuver for their own salary increases, which in turn are caught up in Albany politics. Pay increases for state legislators should be left to the negotiations with Gov. Eliot Spitzer over campaign finance reform. Judicial pay should not be tied to legislators' pay, or anyone else's.

The Senate returns to Albany on Thursday, but its agenda remains hazy. The Assembly has no plan, so far, to return. If the Legislature lets this year end without raising judges' salaries, it would be an unwarranted blow against dedicated judges and against the strong, independent judiciary New Yorkers need and deserve.

The New York Times

Frayed Judicial Robes

Imagine a courtroom scene, maybe something out of "Law & Order." Then ask yourself which official earns the least of all those important people sitting in front of the jury. If you guessed the judge, chances are you're right.

Certainly the defense lawyer, if a private attorney, makes far more in hourly fees than the person with the gavel. Some district attorneys, in New York City at least, earn more than not only the trial judge but also the chief judge. There are even nonjudicial employees in the state judiciary system who can earn as much or more than the person who is up there making the most important decisions in the entire courthouse.

Thanks to lawmakers in Albany, New York judges have not had a pay raise for almost nine years. New York's part-time legislators have made it their business to piggyback on the state's full-time judges when it comes to salaries, refusing to approve a pay raise for the judiciary unless they get one themselves.

The judges are so angry that some are suing the state -- there are two lawsuits already -- for better pay. Others are demanding that Chief Judge Judith Kaye unilaterally award the judges a pay raise out of her state budget. The hitch there is that the state comptroller could refuse to cut the checks, which could mean yet another lawsuit.

As things stand now, there are still plenty of excellent judges in New York, but their caseloads are skyrocketing at the same time their salaries are losing ground to inflation. At some point, as good judges exchange their robes for the monetary rewards of private practice, few but the rich or less qualified will want to replace them.

Albany will have another chance to address this judicial emergency next month, perhaps its last chance for a while, since nobody will even want to talk about pay increases during an election year. Lawmakers have said they want to return briefly in December to deal with a few remaining issues like a new horse racing agreement and a huge capital spending plan. But the most urgent item on their list should be this pay raise for judges.

Since June, there has appeared to be the makings of an agreement on campaign finance reform and pay increases for judges and lawmakers. The agreement between legislative leaders and Gov. Eliot Spitzer would create a salary commission to award routine cost-of-living increases to judges and other public officials, including legislators. This is an important package. But the judges should not be held hostage to its success. If tempers flare again, and the deal is not consummated, Mr. Spitzer and the leaders of the Senate and the Assembly, Joseph Bruno and Sheldon Silver, should proceed with a salary increase for the judiciary anyway.

The legislators will balk at paying judges and only judges; they have hidden their own pay increases behind judicial robes for a long time, and old habits are hard to break. But it is clear that by refusing to give extra pay to the judiciary, New York's lawmakers have created a crisis in the state courts. It is their job to solve it.

The New York Times

Editorial:

Justice on the Cheap

The pittance that Americans pay their judges has become such a scandal that Chief Justice John Roberts has called it a constitutional crisis. Across the nation, some of the best judges have left the bench out of financial necessity. In New York, judicial salaries rank near the bottom of the national salary scale for state judges, and the reason is particularly galling. New York's legislators refuse to give judges a pay raise unless they can get one themselves.

Here is Albany's trick: increasing pay for state judges is popular and urgently needed. Increasing pay for legislators is unpopular and questionable, since they work part time. So the Republican Senate majority leader, Joseph Bruno, and the Democratic Assembly speaker, Sheldon Silver, and their respective majorities are essentially holding the judiciary's pay hostage. Every New Yorker who ever has business in a court, who serves on a jury or who simply cares about maintaining the best possible state judicial system should let these leaders know that it is time for them to grant judges — and only judges — a raise, immediately.

New York's chief judge, Judith Kaye, recognizing how difficult it would be to uncouple judicial and legislative salaries, has come up with a way to make pay raises for all state officials more rational. A pay

commission would convene every four years to recommend salary levels "based on objective criteria," according to her proposal. The idea of a rational system for cost-of-living increases makes sense, especially if the decisions are more open and any increases for legislators come in time to encourage other candidates to run for their positions.

But Judge Kaye's commission is not needed as urgently as pay raises for the judiciary. Legislators, who cannot raise their own pay, technically could not receive any increase until 2009. That gives legislators and Gov. Eliot Spitzer more time to create a commission on pay — which would benefit legislators as well — in return for more reforms in the way the Legislature works.

A few judges are letting their anger show beyond chambers. Several have refused to hear cases argued by lawyers with any connection to the State Legislature, citing a conflict of interest. One group of judges is seeking an injunction that would bar the state's spending of \$69 million they thought was earmarked for their pay. As Judge Kaye said earlier this year, "I have never known the frustration, or the despair, that I now see among my colleagues."

We're not surprised. New York's judicial salaries have not changed since 1999. The state's judges are paid less than many rookie lawyers.

The New York Times

NEW YORK TIMES

SUNDAY MAY 15, 2005

EDITORIAL

Rewarding the Good Ones

It may seem counterintuitive to suggest that judges in New York be paid more money, especially when everyone is worried about the quality of a judiciary that springs from the state's patronage-prone system of judicial elections.

But being a good judge is not an easy job, and there has not been a judicial salary increase in six years. A judge serving since 1995 would have received just one pay raise, and a judge serving since 1988 would have received just two. As the chief judge, Judith Kaye, points out, a salary adjustment is way overdue. As it is, the salaries paid New York judges now lag far behind the amounts paid federal court judges doing comparable jobs, typically in a less stressful setting. New York has also lost ground to other states, falling to 23rd among the 50 states when judicial compensation is adjusted to take into account the region's high cost of living.

Meanwhile, regular increases for nonjudicial court personnel have narrowed – and in some instances closed – the gap between the judges and their support personnel. This is obviously unfair. Beyond that, keeping judicial salaries at a depressed level, not much above the starting pay for a beginning associate at New York City's top law firms, is not a strategy destined to attract and retain top-quality judges.

Bills introduced in the State Assembly and State Senate at the request of Chief Judge Kaye and the state's chief administrative judge, Jonathan Lippman, would restore the salaries of justices on the State Supreme Court, New York's main trial court, to parity with those of Federal District Court judges, and would make proportionate adjustments in salaries paid state appellate judges.

The measures also call for the creation of a blue ribbon commission with authority to review salary levels every two years and make appropriate adjustments.

The raises under consideration are not a giveaway. They are a basic investment in the state's justice system – one that Gov. George Pataki and the State Legislature should be willing to approve.

Newsday

Editorial:

State's judges need fair shake

Albany has to fix their lagging salaries

What kind of employer would make workers go nine years without a pay raise? Not a very good one. Unfortunately, the employer is us the state's taxpayers. The workers are New York's judges. They've gone longer without a raise than judges of any other state. They deserve better.

The State Senate will consider a bill to raise judges' pay in a December 13 special session. The Assembly hasn't decided whether to return to Albany at all this year. It should, and its members should approve a judicial pay hike.

Legislative leaders agree that it's overdue. The sticking point has been that legislators want a raise too, their first since 1999. So they've long tied a raise for judges to a raise for themselves.

That's because pay hikes for legislators are politically perilous. They earn \$79,000 a year and \$152 a day for expenses while in session, pretty good pay for a part-time job that allows outside earnings. And legislators control their own fate. They can vote themselves a raise. If they believe one is warranted, they should vote for it and take the heat, instead of using judges for political cover.

Unlike legislators, judges have a full-time job. Outside income is prohibited. And judges can't raise their own pay. When they last got a raise in 1999, the idea was to bring state judges' pay into line with that of federal judges. But federal judges have gotten subsequent cost-of-living increases. State judges haven't. New York's Supreme Court justices now make \$136,700 a year; federal district court judges \$165,200.

The Senate will, at long last, consider judicial pay raises separate from their own, according to a spokesman for Senate Majority Leader Joseph Bruno (R-Brunswick). The Assembly should make the same fair decision.

Newsday

Editorial:

Find a way to up judges' pay

Legislature should revive plan for raises

One pay raise in 19 years. That's what New York's judges have received, thanks to inaction by the State Legislature that would be laughable if it weren't inexcusable. A judicial pay hike is justified and long overdue.

But a raise for judges is linked in Albany to a politically more difficult pay raise for legislators. That's the rub. The legislature should decouple judicial raises from those for lawmakers, give judges and statewide elected officials an immediate hike and authorize automatic, periodic cost-of-living increases to avoid a repeat of this pay paralysis.

The current lockstep approach is intended to provide political cover for legislators, wary of raising their own \$79,000 annual pay, already sweetened by a \$152 per diem while in session and additional compensation for leadership positions. If legislators genuinely believe that's not enough for a part-time job that allows outside earnings, they should vote themselves a raise and take the heat, rather than holding judges hostage.

When state judges last got a raise nine years ago, the idea was to bring their pay into line with that of federal judges. But federal judges have gotten subsequent raises and state judges haven't. New York's Supreme Court justices are paid \$136,700 a year, federal District Court judges \$165,200.

All is not lost. A lawsuit in Nassau County by judges seeking a raise is pending. Until it's resolved, officials have been ordered to hold on to \$70 million set aside last year for the raises. And while a proposal for a pay raise fell off the table during this year's budget end-game, legislative leaders say it will be revisited. When it is, a raise for judges should be judged on its considerable merits, free of the burden of less defensible raises for lawmakers. A failed political tactic mustn't be allowed to deprive state judges of reasonable pay any longer. 

Newsday

Editorial:

State judges deserve better Raises shouldn't be linked to legislators

The state's judges got the short end of the stick again this week, when a plan for a long overdue pay raise hit the skids. The problem for judges - who've had only one raise in 19 years - is that legislators linked judicial pay hikes to increases for themselves, unconscionably holding judges hostage in an effort to fatten their own paychecks.

The linkage almost paid off for legislators this week. A proposal combining a raise for judges with the creation of a compensation commission to consider future pay hikes - for judges and lawmakers - appeared to have the votes to pass. But it was derailed when Senate Democrats, nudged by Gov. Eliot Spitzer, pulled their support for the plan and Assembly Democrats put it on hold.

Chief Judge Judith Kaye had proposed the commission in a pragmatic bid, borne of frustration, to move the issue of judges' pay out of the statehouse. That's the right thing to do. The state's judges were given pay parity with federal judges nine years ago but have seen their compensation stagnate since then. New York's Supreme Court justices are paid \$136,700 a year; federal district court judges \$165,200.

But raises for legislators shouldn't be outside the political arena. Lawmakers are paid \$79,000 a year, a \$152 per diem while in session and additional pay for leadership positions. That's a good deal for a part-time job that allows outside earnings. Spitzer, who agrees judges should get a raise, said the legislature should reform its notoriously ineffective ways before even considering its own pay hike.

The legislature should decouple judicial and legislative raises, give judges an immediate increase, and provide a mechanism for regular cost-of-living increases. Then, if there's a case to be made for legislative raises, legislators are welcome to make it.

NEW YORK CITY
Newsday

NEWSDAY SATURDAY MAR. 26, 2005 EDITORIAL

State judges deserve raise

It takes decent salaries to get a quality judiciary

The state's judges need a raise. They've gotten only two in the past 18 years, the most recent one in 1999. That's when the annual salary of Supreme Court justices, those in the state's highest trial court, was raised to the current \$136,799.

That's a big number, compared to what most New York families earn. But judges are highly educated, highly skilled professionals who bear heavy responsibilities and have severely restricted opportunities to earn outside income. With inflation eating away at the purchasing power of their paychecks, fairness and the public's interest in attracting the best and the brightest to the bench argue for an immediate raise, as well as a mechanism to provide regular increases.

Right now there is no rational system. Judges must go hat-in-hand to the legislature and plead for each increase. That's what state court administrators did this week, seeking a hike to \$162,100 a year for Supreme Court justices that would put them on a par with U.S. District Court judges. They also requested proportionate increases for judges in other state courts.

Parity with federal judges was the goal in the 1999 pay raise. But salaries haven't kept pace. So court officials also asked for automatic, annual adjustments tying the raises to those of federal judges. Lawmakers don't have to accept all of the recommendations. There are many ways to create a more rational system of judicial compensation. Immediate raises don't have to vault judges all the way to parity with federal judges, for instance, although it makes sense and would cost the state only \$30 million a year. And annual raises could be tied to some other marker: for instance, raises given to nonjudicial state employees.

But however it's accomplished, judges should get an immediate pay hike and they should be spared the indignity of periodically having to beg the legislature for more. That and scrapping judicial elections in favor of merit selection would go a long way toward ensuring that New Yorkers get and retain judges of the highest possible caliber.

Poughkeepsie Journal

Editorial:

State judges merit an increase in pay

It's time - past time, really - for Gov. Eliot Spitzer to show he means it when he says judges in New York state deserve a pay raise. He has to provide the leadership to make that happen. He will have an opportunity to do just that next month, when the Legislature is scheduled to return to Albany.

Spitzer is on record as supporting a raise, and on Tuesday, in a meeting with Assembly Democrats, he said, once again, judges are deserving. But hours later, the governor's office was reminding everyone a pay raise for judges must be part of a larger legislative package, including property tax relief, economic development and campaign finance reform....

By tradition, salaries for New York's 1,300 state judges have been linked to raises for legislators - a linkage that is maintained for the purely political purpose of shielding lawmakers from voter wrath whenever they give themselves a raise. As a result, the last time judges got a raise was eight years ago, when legislators approved a base pay of \$79,000 for themselves. In the meantime, salaries for New York state judges have slipped to the second lowest in the nation, behind only Oregon and Hawaii.

There was a time when salaries for New York state judges equaled those of federal district judges. But eight years later, the federal judges are earning \$165,200 a year, while state judges continue to receive \$136,700 a year. And all the while, their caseloads are increasing. Meanwhile, the low pay scales are discouraging the best and brightest lawyers to run for the bench....

Chief Judge Judith Kaye has proposed worthy legislation that would establish a salary commission to make separate recommendations on pay for judges, legislators and others. The Senate has passed a bill that would give lawmakers the same percentage pay raises as judges. In other words, there's a framework for agreement. All that's needed now is for Spitzer to come forward and make good on his word.

- The Times Union of Albany

Poughkeepsie Journal

Editorial:

Support judicial pay raise in N.Y.

New York state's bizarre budgeting methods manifest themselves in plenty of ways; the argument over judicial pay raises is just the latest example.

New York judges haven't gotten a raise in six years, so it's little wonder they want lawmakers to do something about that.

Ideally, state Supreme Court judges want to be on par with what federal judges get paid — about \$162,000 a year. These judges, who predominately handle civil cases, including medical malpractice, divorce and liability proceedings, are paid about \$136,000 now. State judges in other courts would also get raises. It's estimated the proposed increases would cost taxpayers about \$30 million annually.

While lawmakers shouldn't let years go by without increasing the pay for those entrusted with overseeing our laws, they also should seek a better long-term fix to this problem. Instead of dramatically hiking salaries at one time, the state should offer judges cost-of-living raises annually. This would soften the blow on taxpayers — and the state budget.

Historically, judicial pay raises have been tied to legislative ones. And lawmakers, fearing the public wrath at the polls after a string of late budgets until this year, have been reluctant to hike their own salaries. State lawmakers are paid about \$80,000 annually, but they also get stipends for committee assignments. More importantly, there is nothing that prevents them from holding another job outside the state government; the majority do.

Judges don't have that luxury. Their pay issue should be severed from any consideration given to raising state lawmakers' salaries.

The chairpersons of the Legislature's Judiciary Committees — state Sen. John DeFrancisco, R-Onondaga County, and state Assemblywoman Helene Weinstein, D-Brooklyn — are supportive of this approach and of raising judicial salaries this year.

State lawmakers shouldn't wait another year to act.

Poughkeepsie Journal

Editorial:

Give judges pay hike

- After nine years, it's time for state lawmakers to act.

New York's chief judge shouldn't have to file a lawsuit to get judges their first pay increase in nine years.

But if state lawmakers, who begin returning to Albany on Thursday, fail to act before year's end, Chief Judge Judith Kaye shouldn't hesitate to force them into court.

After all, the dillydallying over a pay raise for judges has been going on long enough. A deal was reached last summer on a reasonable pay raise bill that would have created an independent commission to recommend salary increases. Unfortunately, the deal fell through amid tension created when Gov. Eliot Spitzer insisted that his campaign finance reform legislation be added to the mix.

Judges and their pay shouldn't be part of the political maneuvering That all too often causes stalemates in Albany. Under the existing pay structure, the average pay is \$136,700. Kaye wants it increased to \$165,000 a year.

The problem continues to be that legislators typically use judicial pay raises as cover from public outrage whenever they want to increase their own pay. So not only have judges been denied a pay increase since 1999, but they've also been effectively forced to endure a pay cut, given the rate of inflation.

Lawmakers should stop holding the state's judges hostage to their own insecurities. Of course, they're right to fear public retaliation if they raise their own salaries, which remain among the highest in the nation.

But that's no reason to treat judges like second-class citizens. How clear that is when Kaye's \$156,000-a-year salary is less than the pay of some first-year lawyers at large Manhattan firms.

Spitzer has offered new legislation that doesn't tie judges' pay to any other conditions. Lawmakers should make adopting it a priority.

Besides, after the inaction in Albany over the past several months, they need something noteworthy to point to.

ROCHESTER



Democrat and Chronicle

Editorial:

Bundling and fumbling

- Judges pay proposal swept up in Albany political games.

It's bad enough that state lawmakers insist on linking their own pay increase to a bill that would give the state's judges their first pay raise in nine years.

Now an influential supporter of bipartisan legislation to establish a commission that would give legislators regular cost-of-living pay increases has changed his mind. Democratic Senate Leader Malcolm-Smith is upset that Republicans, who control the Senate, haven't agreed to overhaul the state's campaign finance laws.

OK, OK. Horse-trading in politics isn't anything new. But this is getting ridiculous.

Pay increases for lawmakers and judges, who represent two separate branches of government, should be considered separately. Now to further complicate matters, Smith, a close friend of Spitzer's, is adding the campaign finance link. It's Spitzer's No. 1 legislative priority and a worthy one at that.

But campaign finance reform should rise or fall on its own merits. At this rate, it could be another nine years or so before the state's judges get a deserved pay increase. Leave bundling to those who know what they're doing. Lawmakers are making a mockery of the legislative process.

ROCHESTER
Democrat and Chronicle

Editorial:

Judicial pay equity

Gov. Spitzer should demand amendment to the state budget

New York Chief Judge Judith Kaye, whose judicial demeanor is usually exemplary, raised quite a few eyebrows this week with an impassioned, take-no-prisoners call for fair and equitable salaries for the state's judges.

Clearly infuriated and distressed, Kaye's shift in style and tone was understandable and appropriate.

After all, the Legislature has been playing politics with judicial salaries for nearly a decade. Consequently, pay for New York judges, who haven't received a salary increase since 1999, ranks dead last among the eight most populous states.

Disappointed that pay increases weren't included in the recently adopted \$120.9 billion record state budget, Kaye laid out five reasonable options for redress.

They include demanding a seat at the table when Gov. Spitzer and legislative leaders meet to discuss judicial pay. This only makes sense, particularly when it's considered that currently the executive and legislative branches are making decisions about the judicial branch without direct input from its representatives.

Kaye is also threatening to file a lawsuit, which she admits "truly would be a sad day for us." Spitzer, who during last year's gubernatorial campaign vowed the way Albany operates would change on "day one" of his administration, needs to step up. He should insist that state lawmakers no longer hold judicial salaries hostage and amend the state budget.

It's become one of those shameful traditions characteristic of Albany's dysfunction that state lawmakers have tied their own pay increases to judicial raises. Put another way, lawmakers use judges' pay as political cover.

Increasing the pay of Supreme Court justices, for example, from \$136,700 a year to a recommended \$165,200 is hardly asking too much. The pay of Rochester's school superintendent has risen nearly 80 percent since 1999 from \$128,000 to \$230,000. Or consider that some recent law school grads are earning nearly as much as City Court judges, who are paid \$108,800 annually.

ROCHESTER
Democrat and Chronicle

ROCHESTER DEMOCRAT AND CHRONICLE SUNDAY MAY 1, 2005 EDITORIAL

Judicial sacrifice

After six years, it's time to give New York's judges a pay hike.

Imagine not having gotten a pay increase for six straight years while, at the same time, the demands of your job continue to increase. That's the reality for state and county judges in New York. And it needs to change.

For myriad reasons, the state Legislature has declined giving judges a pay boost since 1999, though during the same period the salaries of state workers covered by union contracts increased 18.25 percent.

Or consider that in 1999, the salaries of state Supreme Court judges and U.S. District Court judges were about the same at \$136,700. But guess what? While the pay of state judges has gone unchanged the past six years, the salary for federal judges is now at \$162,100.

True, the state faced some tough fiscal problems following the 2001 terrorists attacks. But revenues have increased substantially in recent years.

And don't forget that the Legislature added at least \$1 billion to Gov. Pataki's \$100 billion-plus state budget this year.

Truth be told, for political reasons, lawmakers generally don't like giving judges raises. Evidence is that judges' 1999 pay boost was one of only two approved by the Legislature since 1991. In other words, a judge who has been serving since 1995 would have received only one pay increase. No one should be surprised that New York ranks only 23rd among all states in compensation for judges, and second from the bottom among the eight most populous states.

The fear is that if this keeps up, fewer and fewer top-notch people will seek election to the judiciary in this state. Senate Majority Leader Joe Bruno and Assembly Speaker Sheldon Silver need to add judicial pay raises to their "to do" list for the current legislative session. Stop sacrificing judges and the judiciary.



Staten Island Advance

Editorial:

Pay hikes all around?

STATEN ISLAND ADVANCE -- We're on record as being in full support of a pay raise for New York State's judges.

Since they had just two raises in 14 years -- the last one in 1999 -- it's overdue. (In the 49 others states, the increase in judicial pay has averaged 3.2 percent over that time.)

And since judges are prohibited by law from holding other jobs while they serve on the bench, it's fair. And an enlightened society should provide the financial incentive for the best legal minds to accept seats on the bench and remain there, rather than seek more lucrative jobs in private practice.

Most people in the state who have looked into the matter would agree. That includes many state lawmakers.

So why hasn't it happened?

Because the state Legislature, which must pass any measure to give the judges a raise, wants a pay raise too. State lawmakers have cynically linked any salary increase for judges to a salary increase for themselves.

They know there would be widespread public outcry if they simply bumped up their own pay, so they're using the Trojan Horse tactic: When the gates open for the judges, they want to be able to sneak through as well.

What does one have to do with the other? Not much. Both judges and lawmakers hold public office, but the similarity pretty much ends there. Being a judge is a full-time job. Being a lawmaker is decidedly a part-time job and many of them hold onto jobs in the private sector while they serve in the Legislature.

We're not necessarily opposed to a pay increase for lawmakers. Many of them work hard. But they ought to stop insisting that the pay raises for two very different kinds of public office-holder should be linked.

They also ought to put a muzzle on poor-mouthing lawmakers such as freshman state Sen. Eric Adams of Brooklyn. Last week, he asserted that with his state Senate base salary of "only" \$79,500 a year (not counting "lulus" and myriad perks), he could "qualify for public assistance."

That kind of dopey rhetorical overstatement is an insult to state taxpayers and doesn't help the lawmakers' cause at all.

The judges' case for a pay raise is far more compelling. Lawmakers should do the right thing and pass it and then move on to the far more controversial issue of seeking a raise for themselves.



Staten Island Advance

Editorial:

An overdue raise

STATEN ISLAND ADVANCE -- It was January 1999.

The impeachment trial of President Clinton got under way in the U.S. Senate.

"Saving Private Ryan" was named the best dramatic film at the Golden Globe Awards.

Michael Jordan retired, ending his NBA career with the Chicago Bulls.

That's how long it has been since the judges in New York state last received a raise in pay.

Not even a cost-of-living increase in almost nine years -- far too long to have made these pillars of our justice system suffer this injustice.

Before the end of 2007, Gov. Eliot Spitzer and legislators in Albany should get together and act to give the state's 1,300 judges proper compensation.

Of the 50 states, New York has gone the longest without a judicial pay increase. This is an embarrassment to the Empire State and all of its citizens.

How much do our state judges make?

Their salary remains \$136,700 a year.

That sounds like a lot, but it really isn't. In fact, New York ranks second from last nationwide (leading only tiny Hawaii) when judicial salaries are adjusted for the statewide cost of living.

The Supreme Court justices who handle civil and criminal trials in New York actually earn much less than rookie attorneys at the big Manhattan law firms. Even Chief Judge Judith Kaye (\$156,000 a year) can't match their salaries.

Urging immediate pay hikes for state judges, Mayor Mike Bloomberg of New York explained: "Judges play a fundamental role They safeguard us from criminals, stabilize families broken apart by domestic violence and protect children who have been abused or neglected. It's critically important to know that the people we trust to make these decisions are the best and the brightest."

It's been a daunting task for years.

Living on salaries that are frozen, our jurists receive paychecks that have fallen 30 percent below the increase in the cost of living since 1999.

Their loss in annual buying power is now equal to \$34,700.



Staten Island Advance

Since 1999, trial judges in the other 49 states have been given raises averaging 3.2 percent a year, for a combined hike of more than 27 percent.

The pay of judges has been increased since last year alone in a total of 45 states -- to \$149,000 in New Jersey, for example; to \$152,115 in Pennsylvania, and to \$178,789 in California.

In a letter published by the Advance on Nov. 11, Kathryn Grant Madigan, president of the New York State Bar Association, asked: "How can we say that we are committed to maintaining a judiciary of the highest quality when we don't adequately-compensate the talented men and women who already serve?"

She noted that Chief Justice Kaye recently wrote: "Experienced judges increasingly talk of resigning so they can afford to continue to live in New York and educate their children. Outstanding lawyers for whom judicial service should be a calling see it as a sacrifice they cannot afford."

What's going on here?

Traditionally, judicial salaries have been linked for political reasons to those of the state legislators, allowing lawmakers to find safety in numbers when it comes to aggravating voters. The last time judges got a raise was when legislators decided to OK a base pay of \$79,000 for themselves.

However, unlike legislators, who, officially are part-time workers, judges can't do any outside work of their own. They must not accept income from law firms and any other businesses. Rightfully so, of course.

Earlier this year, Gov. Spitzer included in his budget a 21-percent pay raise for state judges. But it left out hikes for the legislators. So the bill languished -- even though there's no disagreement over the plight of judges and their need for more money.

Chief Justice Kaye has called for a salary commission to make recommendations separately for legislators and judges. That's a good idea.

But Acting Supreme Court Justice Philip Straniere of Staten Island is skeptical about the impasse.

"Based on the history of the struggle between governor and the leaders of the Senate and Assembly, I am concerned that once again Lucy will take the football away before Charlie Brown can kick it," he says.

So Judge Straniere has begun a one-man protest: He won't shave his beard until judges get their raise.

Not that his supervisors at the state Office of Court Administration (OCA) seem to mind.

"Good for him," said an OCA spokesman "The raises are long overdue. I hope Judge Straniere gets to shave real soon."



Staten Island Advance

Editorial:

Boost judges' pay

Let's be honest. Increasing the salaries of New York State's judges is not something that's going to be high on a lot of people's list of priorities. In fact, with a difficult budget having just been passed and more deficits on the horizon, it's safe to say that some critics might assert that this is not the time to boost judges' pay.

We disagree for one simple reason: It's the right thing to do.

For decades, since the Legislature must approve salary increases for the state judiciary, the salary level for judges has been unofficially tied to the salaries state lawmakers pay themselves. Say what you will about state legislators, but they are usually hesitant to increase their own pay. As a result, judges don't get regular pay increases, as most people do.

So judges have to wait around for those rare moments when the political stars are aligned and lawmakers work up the courage to give themselves a pay increase. Then the judges must ask the Legislature to piggyback a raise for them on the measure to increase lawmakers' salaries.

There is no logic to this linkage whatsoever, since judges and lawmakers have very different roles. But it's the way things have always been done. As a result, the state's judiciary has had only two pay hikes in the past 18 years, the last one being six years ago.

That 1999 increase was intended to put state Supreme Court judges' salaries on a par with federal judges' pay. It did temporarily, but regular pay increases for federal judges have since raised their pay an average of 18 percent above state Supreme Court judges. And New York ranks next to last among the eight most populous states in the cost-adjusted salaries for its judges.

Now the state court judges have to come back to the Legislature looking for another upgrade in pay and hope that this is one of those unusual years when lawmakers are willing to boost their own pay.

This is an irrational way to compensate well-educated and skilled people on whom we place such a great deal of responsibility.

Now, at the behest of the state Office of Court Administration, Republican state Sen. John A. DeFrancisco of Syracuse has introduced a bill that would give judges across-the-board pay increases to put them even with federal judges again.

The measure would increase some 300 Supreme Court justices' salaries by \$25,400 to bring them to \$162,100 a year from \$136,700 a year. And since the pay for other state judicial positions is calculated as a percentage of the standard Supreme Court justices' salary, the salary levels for judges in Civil Court, Criminal Court, Family Court and the Court of Claims would increase as well.

SI ADVANCE

Tuesday, April 19, 2005

continued

More important, it would provide a mechanism for implementing regular pay hikes, thereby uncoupling judges' salaries from legislators' pay.

It would also provide some measure of standardization in the pay of county judges, whose salaries vary widely around the state.

Sen. DeFrancisco told the New York Law Journal that the aim of his legislation is to "take the judges outside the politics of the budget process."

He added, "I personally believe that, in the case of judges, there should be an automatic cost-of-living increase based on a formula, like they have in the federal courts, and that we shouldn't have to go through this every six or eight years and then try to make up for the years when there was no salary increase."

Most of those who work with the judges agree.

"We support judges getting a raise," James Birch, president of the Richmond County Bar Association told the Advance. "Their workload has increased."

Manuel Ortega, a Castleton Corners-based criminal defense lawyer, echoed, "How many people in America go without raises for six years? The cost of living has increased."

Barbara Bartoletti, legislative director of the New York State League of Woman Voters, said "Supreme Court justices are the workhorses of the judicial system. We certainly think the judicial system ought to have the best and the brightest..." She would also like to see the process whereby judges are vetted strengthened.

We agree on both her points.

Sen. DeFrancisco is right to seek to separate the process by which we pay our judges from the spasmodic and intensely political debates over legislators' pay. His legislation and a companion bill expected to be introduced soon in the Assembly deserve the support of every state lawmaker.

Judges, who could easily make several times their salary by working as private-practice attorneys, are too important to our society to force them to go begging for pay hikes to keep up with the cost of living. Yes, their pay, even at its current level, is relatively high, and would go higher if this measure passes, but considering their stature and their value to communities across the state, they deserve it.

The Post-Standard

Editorial:

Judges' Pay

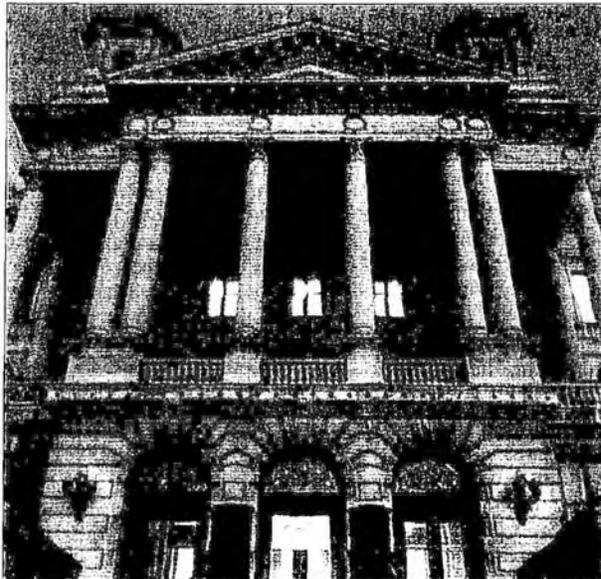
Raises for state judiciary long overdue

New York state judges haven't had a pay raise since 1999, so they are long overdue.

Unfortunately, their pay has been intertwined with state lawmakers' compensation, which means politics has trumped inflation. Because the public hasn't supported raising the pay of a body considered one of the most dysfunctional legislatures in the nation, legislative salaries haven't increased, and neither have those of judges — despite dogged efforts by Chief Judge Judith Kaye and legislation proposed by Gov. George Pataki, Senate Judiciary Chairman John DeFrancisco and others.

Gov. Spitzer may have found a way to get around the lawmakers' "this-is-how-we-do-business" mindset, which has understandably infuriated many judges. At least three are suing the Legislature, demanding they be put on par with federal judges.

Spitzer set aside \$111 million for judicial pay raises in his proposed 2007-2008 budget, retroactive to 2005. In doing so, he has essentially separated the raises from legislators' pay — which is a good thing. Instead, he is backing a proposal by Judge Kaye that would link judges' pay to federal judges' compensation. State



File photo / Gloria Wright, 2004

THE ONONDAGA County Courthouse.

Supreme Court judges now receive \$136,700, compared to their federal counterparts, who earn \$168,000. Kaye wants a bipartisan commission to come up with a plan for awarding regular pay raises to judges based on the federal judiciary compensation system.

Unfortunately, some judges apparently are taking matters into their own hands.

Some are reportedly refusing to hear cases that involve state lawmakers or their law firms, according to a New York Times report.

They are recusing themselves from the cases, allegedly to avoid a conflict of interest.

But as DeFrancisco pointed out to the Times, "the vast majority would say that argument is specious, and probably the best indication is the argument would have never come up if they had gotten a pay raise." Judges deserve an increase, but they should not resort to questionable — although no doubt legal — means to do so. Otherwise, their judicial integrity becomes questionable.

Some judges have pointed out that they could make more money in the private sector and that their salaries are the equivalent of first-year lawyers at some corporate firms.

While judges should not go broke working for the state, they shouldn't expect to reap the same kinds of financial benefits they would if they were in the private sector. That's true for all of public service.

Yet judges deserve adequate pay. That's justice.

The Record

Editorial:

Get behind plan for judge raises

As stated before, we believe the judges deserve the proposed raise, and we also believe it is unfortunate that the state's highest-ranking judge, Judith S. Kaye, was forced to threaten the state with a lawsuit if the matter wasn't taken under consideration.

Monday, though, the legislation hit a seemingly fatal logjam when Senate Minority Leader Malcolm Smith, D-Queens, withdrew his support from the bill that he originally co-sponsored. The bill, under the guidance of Majority Leader Joseph L. Bruno, originally had the support of all 62 state senators. Bruno says Smith's abrupt withdrawal came after he was "steamrolled" by Democratic Gov. Eliot Spitzer. Smith claims his change of heart came about because the GOP majority has yet to agree to campaign finance reform.

The Rensselaer County Republican then vowed that the pay raise matter will not come up again during the current two-year legislative session. The possibility of a veto entered the mix Monday because the Senate bill includes a raise for lawmakers and executive branch workers.

Spitzer has made it clear that there will be no legislative raises until the Legislature takes on campaign finance reform. However, on Monday, Bruno said he would not sit down privately with the governor to broker that issue. We are not saying that the door should be shut on a legislative pay raise; as with the judges, there has been no raise since the late 1990s. What we are saying is that the two matters are totally unrelated and do not belong in the same package.

We urge Senator Bruno to look beyond the growing feistiness between the legislative and executive branches and consider throwing weight behind a raise for judges.

Of course, the matter could well be taken out of his hands if Justice Kaye follows through on her threatened lawsuit. That would be unfortunate. In the meantime, anything possible should be done to get the issues of pay raises for our judges back on the legislative agenda.

The Record

Editorial:

State judges long overdue for raises

Judges can be reserved, saving their remarks for the courtroom.

New York state's chief judge, Judith S. Kaye, however, is proclaiming loudly that if some action isn't taken by June on giving all the state's judges a raise, she might have no recourse but to sue the state.

And, frankly, we don't blame Judge Kaye, as judges haven't received so much as a cost-of-living raise since 1999. Every time the matter comes up, the state Legislature finds better use for the money.

Granted it is difficult for many to empathize with people who make anywhere from an average of \$83,000 to the \$136,700 a state Supreme Court Justice receives. It's easy to sit back and say, "Hey, I wouldn't complain if I made that kind of money."

But think about it closely and you realize you would complain if you saw your salary going down every year. That is what happens when you don't get even a cost-of-living raise. Judges at the top level are making the equivalent of \$110,000 when you factor in inflation.

And when you consider the demands of the job, it is not that much money. Indeed, adjusted for inflation, New York state judges rank 37th in the nation on the salary side of affairs, despite a crushingly heavy work load.

Judges work hard for their money, as do most of us, and for that work, they should get a raise, just as most of us do on an annual basis.

Gov. Spitzer included \$111 million in his budget this year for a retroactive raise, but legislators tied acceptance to getting a raise of their own, so the raise was shelved. That is unfortunate and unfair.

New Yorkers deserve the best judges available, but how do you attract the best when a first-year lawyer at an established firm often makes more than the chief judge?

The legislature has received raises far more recently than the judiciary, and the members are being greedy in denying what should be an automatic salary raise.

Should the judges sue it would get very ugly and, in the long run, cost more than the raises would. The legislature needs to do the right thing and right the wrong dealt the judiciary.

Editorial:

Overhaul pay system for state judges

A proposal in Albany that would separate raises for state judges from pay hikes for legislators makes sense and needs to be approved by the Legislature before year's end. It would be the first step toward bringing fairness to a situation that has been allowed to fester for too long.

The next logical step would be to create a commission to review judicial pay every two years and make sure that judges are being fairly compensated for the work that they do.

The current system is severely flawed. State judges, who currently earn \$136,000 annually, have not had a pay increase - even a cost of living adjustment - since 1999.

While that's a handsome salary by central New York standards, its value is much less downstate, and it doesn't reflect the increased responsibilities taken on by state judges over the past eight years.

Continued failure to review and fairly compensate judges could be detrimental to all New Yorkers.

It could result in an exodus of good judges who will opt to return to more lucrative private pursuits, weakening the court system. Many legal professions -- law school administration, top assistant district attorneys, private practice -- potentially pay much more than a state judgeship.

It could trigger a lawsuit against the state by Chief Judge Judith Kaye. Kaye said last week she prefers not to go that route and considers litigation a last resort. A lawsuit would cost taxpayers. Kaye has in the past recommended that an independent commission be established to review salary and cost-of-living adjustments.

Tying judges' pay raises to legislators' increases is outrageous. The part-time legislators, who continue to wallow in dysfunction, don't deserve a pay increase. On the other hand, a pretty good case can be made for increasing judges' pay, and it has nothing to do with what judges earn in other states or the fact that their compensation ranks toward the bottom of the list nationally.

What does matter is performance and whether New York's judges are fairly compensated for what they are expected to do. And the fact is they have taken on additional responsibilities in recent years that have made the legal system better for all New Yorkers.

One of their most innovative and successful efforts has been problem-solving courts, which have addressed myriad issues ranging from drugs and family treatment to domestic violence and civil confinement. These courts are handled by selected judges and are done in addition to their regular caseloads, which have increased overall by nearly 21 percent since 1999. In the Fifth Judicial District, which includes Oneida County, that caseload increase has been 10.22 percent.

UTICA OBSERVER DISPATCH

Sunday, Dec.16, 2007

continued

Last week, Gov. Eliot Spitzer said he would sign off on the judges' raises if the Legislature sends him a bill that separates it from their own pay hike. The Republican-led Senate has supported that, and even though the Democrat-led Assembly has pushed for both, it agrees increases for judges are even longer overdue.

So get it done by year's end. And get an independent commission in place to make sure the injustice to justice isn't repeated in the future.

Watertown Daily Times

Editorial:

Judicial salaries

Adopt proposal for independent commission

State judges have gone nine years without a pay hike. They will receive one under a state Senate bill granting them long overdue raises. But the bill also addresses the fundamental cause for the lack of a pay raise by removing the link to salaries for state lawmakers.

The Senate bill would raise the pay of state Supreme Court justices to \$165,200, putting it at the same level as federal district court judges. The salaries of judges from the state Court of Appeals to the county and city level are indexed to Supreme Court justices. The pay hike effective January would be retroactive to January 2007.

The Senate measure restores the parity that had been established in 1999 when Supreme Court justice salaries were set at the present \$136,700. Since then, the pay for federal judges has been raised to \$165,200.

The parity, though, could be short-lived. Ironically, the state Senate acted the same day a House Judiciary Committee approved a bill to hike federal judicial salaries. Under the proposed Federal Judiciary Salary Restoration Act of 2007, federal district judges would receive \$218,000 a year.

The pay raise for New York judges would be only the second one in 20 years, while the other 49 states have granted pay hikes averaging 3.2 percent for a cumulative increase of more than 27 percent. In comparison, the 21 percent hike in the Senate's bill would make up some of the difference, but judges could fall behind again.

New York judicial salaries have lagged because they have been held hostage to pay raises for state lawmakers who are reluctant to risk angering constituents by granting themselves hikes. Traditionally, the senators and members of the Assembly raise judicial salaries when they give themselves a pay raise.

That won't happen in the future and judges could receive regular increases, if the Assembly approves Sen. John A. DeFrancisco's bill. It would establish a 13-member commission to determine judicial salary increases without the need for approval by the legislature and governor. In determining a possible increase, the commission could consider, among other factors, the rate of inflation, the salaries of other state and federal judges, and the state's ability to pay for the increases.

The commission would consider only judges' salaries and not those of state lawmakers or the governor. The commission is similar to what is used in 20 other states to regularly review judicial salaries. It will take politics out of the process and help ensure the independence of the judiciary.

The next step is up to Assembly Speaker Sheldon Silver. He should convene the chamber, approve the legislation and pass it on to Gov. Eliot L. Spitzer for his signature so judges do not have to wait another nine years for a pay raise.

Watertown Daily Times

Editorial:

Judicial pay

Separate judges' salaries from lawmakers

One piece of unfinished business as the state Legislature approaches the end of the year is a salary hike for state judges who have gone longer than any other state judiciary without a pay raise.

With their last salary hike in 1999, state judges will be in their 10th year without an increase as of Jan. 1. The pay freeze has left the judicial salaries second to last in the nation, ahead of only Hawaii when adjusted for the cost of living, which has gone up 30 percent since 1999. During the same period, the trial judges in 49 states received pay increases averaging 3.2 percent a year, according to data from the New York state judiciary. Forty-five states have granted judicial salary increases since 2006.

The lag in pay contradicts the intent of the last increase when the Legislature raised the salaries of state Supreme Court judges to \$136,700 to put them on par with federal district court judges. Since then, the latter have received seven annual pay increases. Their salary of \$165,200 now exceeds the \$156,000 paid New York's chief judge of the Court of Appeals, the state's highest court: Parity between state and federal judicial systems was long ago lost to state politics.

Chief Judge Judith Kaye says the failure of judicial pay to keep pace with the cost of living will make it difficult "to entice the brightest minds" to the bench, which ultimately will affect the quality of justice in New York.

Three judges have filed a lawsuit asking a court to order pay raises for the state's 1,300 judges based on the nearly \$70 million that was appropriated in the 2006-07 budget but never authorized due to inaction by the governor and Legislature. The judge recently dismissed three claims but allowed the lawsuit to continue on the remaining argument that the lack of a salary hike affects the independence of the judiciary.

The biggest obstacle to a judicial pay hike is legislative politics which link judges' salaries to those of legislators who hesitate to give themselves a raise for fear of raising public ire over pay hikes, especially in election years. But that penalizes judges, too. Unlike judges, the legislators can earn outside income. Senate Majority Leader Joseph L. Bruno, for example, works for an investment firm.

A judicial pay hike is in order now, and New York should take steps to implement regular pay raises for judges as other states have done. Ohio and Tennessee link them to the consumer price index while 20 states have independent commissions to review judicial salaries. Similar measures in New York would take the politics out of judicial salaries.

Watertown Daily Times

Editorial:

Judicial pay

Put in place mechanism for automatic raises

New York's Chief Judge Judith S. Kaye is threatening drastic action with talk of divisive litigation pitting one branch of government against another over judicial salaries. The state's top judge, concerned about judges personally and the judicial system itself, said she will take the governor and Legislature to court to force them to raise judicial compensation for the first time in eight years.

Judicial salaries need legislative and gubernatorial approval, but legislative leaders in negotiation with Gov. Eliot L. Spitzer rejected a pay hike he had funded with \$111 million in his budget proposal. Lawmakers are playing politics with judicial salaries which they hope to use as leverage to get their own pay raises. Since that cannot happen until 2009, judges would fall even farther behind if they have to wait another two years for a salary hike now overdue.

Over the years, state judges have lost parity with their federal counterparts. A state Supreme Court judge still earns the \$136,700 salary approved in 1999, although federal district court judges have received seven pay hikes putting their salaries at \$165,200. That is more than even Judge Kaye is paid.

She proposes raising Supreme

Court pay to the federal level with raises as well for county, family and surrogate court judges. Her salary would go from \$156,000 to \$181,720.

Judicial salaries have remained stagnant despite the rising cost of living and are not competitive with what attorneys earn in private practice. Even first-year lawyers can earn more than a state judge. Salaries are also out of line with the rest of the nation.

Judge Kaye called it "disgraceful" that state judges have to wait "longer than any other judges in America" and "likely longer than any workers in any field" for a salary increase "for no other reason than politics."

Other frustrated state judges have brought lawsuits against the state, and there has been talk of unionizing. Judge Kaye is holding off initiating her lawsuit until June 1 while she pursues other avenues to force the governor and Legislature to act responsibly on the issue.

Judge Kaye and Gov. Spitzer have also talked about a commission to examine or set judicial salaries. Previous proposals included automatic cost-of-living adjustments separate from legislative salary considerations to replace sporadic salary increases. They, too, are overdue for adoption to avoid future confrontations.

Watertown Daily Times

WATERTOWN DAILY TIMES

TUESDAY OCTOBER 25, 2005

EDITORIAL

Judicial salaries

Pay raises overdue

New York Chief Judge Judith S. Kaye has repeated her call to hike judicial pay.

Judicial salaries have been increased only twice in the past 11 years. The last time was in 1999 when salaries for state Supreme Court judges jumped from \$113,000 to \$136,700. The judiciary has proposed raising salaries to \$162,100, consistent with what federal district court judges are paid.

Judge Kaye's annual salary would be raised under the proposal from \$156,000 to \$178,310. The six associate judges of the Court of Appeals would see their salaries go from \$151,200 to \$175,068.

Although the 1999 raise was tied to the federal salary level, state judicial pay has not kept pace with federal judicial offices nor have state salaries kept pace with cost-of-living increases.

"It's just unfair to keep judges without a raise for eight years when the cost of living goes up in every other way," Judge Kaye said.

In the past, other proposals have been made that would free the judiciary of the politics involved in setting their compensation. Three commissions since 1979 have recommended changes establishing automatic salary increases. They could be indexed to the cost of living or linked to federal judicial pay

Gov. George E. Pataki supports giving judges raises. A spokesman for Assembly Speaker Sheldon Silver said the Assembly hopes to find agreement with the state Senate. A spokesman for Senate Majority Leader Joseph Bruno was less committed, saying pay raises were not something the Senate is "focused on right now."

Higher salaries would recognize the increased caseload carried by state judges. The raises would make the office more appealing and competitive with other professions, private employment or even other government jobs. Given the importance of the judicial branch, it should be staffed by qualified candidates undeterred by the level of pay.

It is time the Legislature joined the governor in support of hiking judicial salaries.

Watertown Daily Times

WATERTOWN DAILY TIMES

SATURDAY APRIL 9, 2005

EDITORIAL

Judicial pay

Future increases should be automatic

The state Office of Court Administration has proposed a reasonable method of regularly adjusting judicial salaries to keep pace with the federal courts. The proposal also includes an overdue raise for the state's judges.

They have had only two pay raises in the past 11 years. The last pay hike came in 1999 when salaries for state Supreme Court judges jumped from \$113,000 to \$136,700, putting them on a par with federal district court judges. The salaries of other justices in the system were adjusted proportionately.

Since then, compensation for federal district judges has risen to \$162,100 this year while state judicial salaries have remained constant and failed to keep pace with the federal system in spite of rising caseloads at every level. The federal salary is even higher than the \$156,000 salary for the chief judge of the state Court of Appeals, the state's highest court.

According to the Office of Court Administration, a judge on the bench since 1988 would have received two salary increases with only one for a judge serving since 1995.

Yet, the cost of living has risen 18 percent since the last pay hike. In failing to keep abreast, judicial salaries are falling behind private sector and even other government service jobs. Lower salaries can make the post less appealing and deter qualified candidates from seeking judgeships. The disparity could even hasten the departure of experienced judges for more lucrative jobs in the private sector.

Judicial salaries remain subject to legislative and gubernatorial approval, although three separate commissions - in 1979, 1982 and 1987 - called for changes in how judicial compensation is determined. The state Legislature, though, failed to act on the recommendations which included automatic cost-of-living adjustments and maintaining parity with federal salaries.

The Office of Court Administration has offered similar proposals to adjust judicial pay. Salaries of state Supreme Court judges first would be restored to parity with the federal district courts. Pay for other judges in the system would be indexed to the Supreme Court justices, but would also increase. The key to preventing state salaries from lagging behind would be automatic increases.

The proposal warrants consideration. It may not be adopted in every detail, but salary increases are in order as a matter of fairness.

Some mechanism for automatic increases also has to be established to prevent salaries from slipping and to eliminate political grandstanding surrounding one of the critical branches of our system of government.

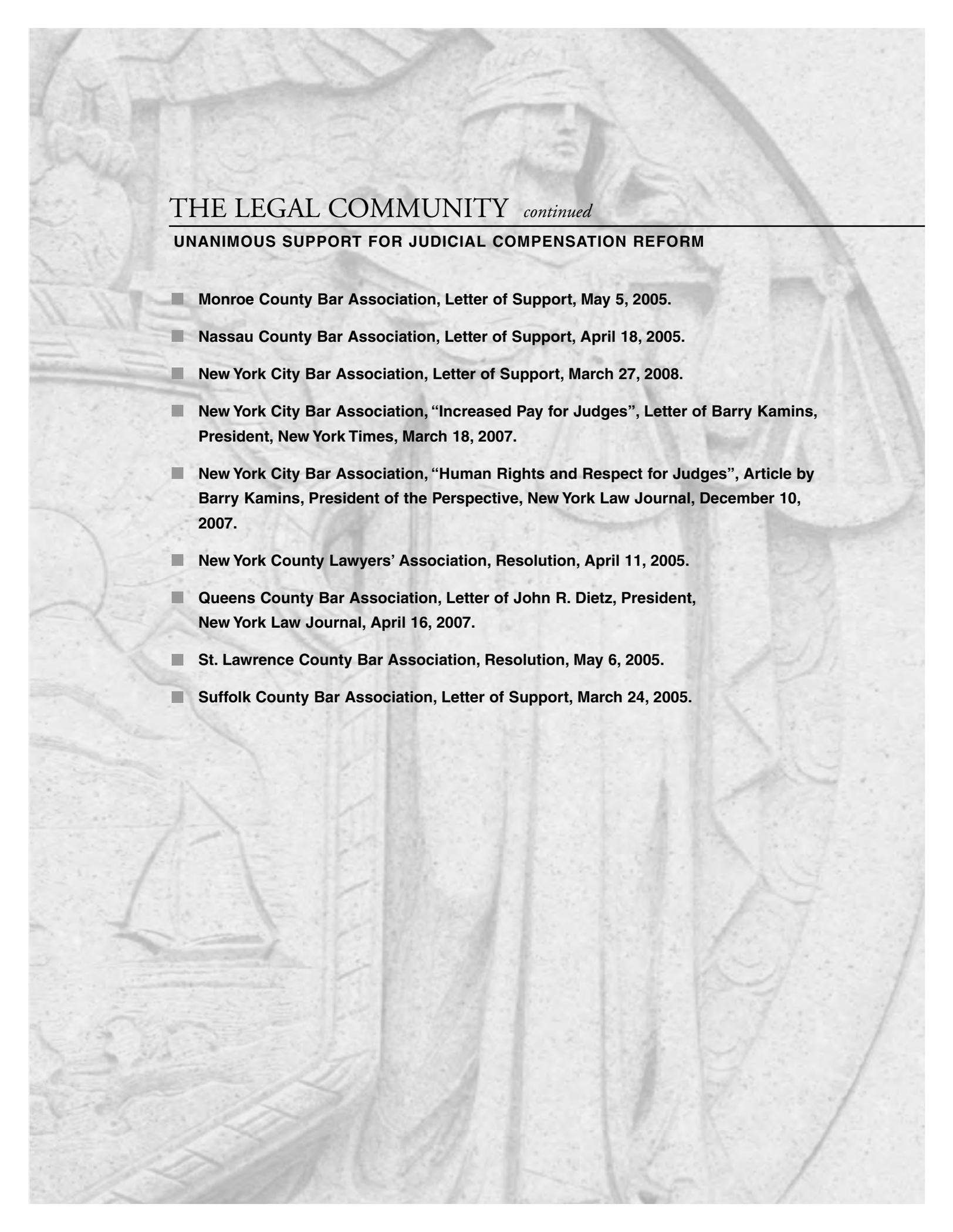
SECTION II

THE LEGAL COMMUNITY

UNANIMOUS SUPPORT FOR JUDICIAL COMPENSATION REFORM

- **New York State Bar Association, Letter to Governor Patterson, March 19, 2008**
- **Conference of Chief Justices, Resolution, January 30, 2008**
- **American Judges Association, Statement in Support, June 27, 2007**
- **New York State Law School Deans, Letter to Governor and Legislative Leaders, June 14, 2007**
- **District Attorneys Association of the State of New York, Letter of Support.**
- **New York Law Journal, “Bar Should Mobilize for Judicial Salary Hikes”, Editorial, April 11, 2007.**
- **New York State Bar Association, Resolution, May 5, 2005**
- **New York State Bar Association, “State Bar is in the Trenches With the Bench”, Letter of Kathryn Grant Madigan, President, New York Law Journal, November 27, 2007.**
- **New York State Bar Association, “Make judicial salaries a priority”, Guest Viewpoint by Kathryn Grant Madigan, President, Binghamton Press & Sun Bulletin, October 30, 2007 .**
- **New York State Bar Association, “Raising the Bench”, Op-Ed Article by Mark Alcott, President, The New York Sun, February 23-25, 2007.**
- **New York State Trial Lawyers Association, “An Open Letter to the Judiciary of the State of New York”, Letter of Joseph P. Awad, President, New York Law Journal, April 25, 2007.**
- **General Counsels of Major Corporations, Letter in Support, May 31, 2007.**
- **Asian American Bar Association, “Judges Have Waited Long Enough”, Letter of Vincent T. Chang, President, New York Law Journal, March 21, 2008.**
- **Conference of Columbian Lawyer Associations, Resolution, May 2, 2005.**
- **The Federation of Bar Associations of the Fourth Judicial District, Resolution, April 29, 2005.**

continued



THE LEGAL COMMUNITY *continued*

UNANIMOUS SUPPORT FOR JUDICIAL COMPENSATION REFORM

- **Monroe County Bar Association, Letter of Support, May 5, 2005.**
- **Nassau County Bar Association, Letter of Support, April 18, 2005.**
- **New York City Bar Association, Letter of Support, March 27, 2008.**
- **New York City Bar Association, “Increased Pay for Judges”, Letter of Barry Kamins, President, New York Times, March 18, 2007.**
- **New York City Bar Association, “Human Rights and Respect for Judges”, Article by Barry Kamins, President of the Perspective, New York Law Journal, December 10, 2007.**
- **New York County Lawyers’ Association, Resolution, April 11, 2005.**
- **Queens County Bar Association, Letter of John R. Dietz, President, New York Law Journal, April 16, 2007.**
- **St. Lawrence County Bar Association, Resolution, May 6, 2005.**
- **Suffolk County Bar Association, Letter of Support, March 24, 2005.**



NEW YORK STATE BAR ASSOCIATION

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March 19, 2008

Honorable David A. Paterson
The State Capitol
Albany, New York 12224

Dear Governor Paterson:

I am writing to highlight a number of budget issues that are of vital importance to the 74,000 members of the New York State Bar Association as well as the people of New York State. The issues set forth below – judicial salary reform, funding civil legal services, appointment of the IOLA Executive Director and creation of an Independent Indigent Defense Commission – are crucial to the administration of our system of justice. We ask that you give these items your careful consideration and strong support as you work with the Legislature to adopt the State's 2008-09 budget.

Judicial Salary Reform

New York State judicial salaries were last adjusted in 1999, when they were brought into parity with federal District Court judicial salaries. Since then, New York's judicial salaries have fallen far behind those of federal judges. Given the increase in the cost of living in New York State over the course of the last nine years, our Judges have, in essence, received a 34% pay cut.

The Association strongly supports the Judiciary's legislative proposal with respect to judicial salary increases and creation of a quadrennial commission on compensation to provide appropriate salary increases on a regular basis in the future.

Adequate Funding for Civil Legal Services

Unfortunately, the need for civil legal services has far outpaced the available resources. Lawyers are committed to doing their share, providing over two million hours of voluntary pro bono legal services to the indigent every year. Even with this extraordinary level of pro bono, the essential legal needs of more than 85% of low income New Yorkers are still not being met under the current funding levels.

While recent regulatory changes have enhanced Interest on Lawyer Account (IOLA) revenues by increasing interest rates to levels comparable to those paid by banks for commercial accounts, the proposed 2008-09 Executive Budget relies too heavily on IOLA funds to support civil legal services. Interest rate fluctuations can have a potentially devastating impact on IOLA revenues. With recent interest rate declines, the \$1 million proposed cushion is inadequate to support the costs of service providers. The proposed Executive Budget would eliminate much of the funding provided in last year's budget and thus reduce funding to a symbolic level. We strongly support restoration of those funds in order to ensure the stability of programs and the continuity of services.

We recommend modifying the budget to add:

- \$4.6 million in general operating support through the Department of State Budget;
- \$2 million from the Legal Services Assistance Fund distributed by the Division of Criminal Justice Services for core services;
- \$8 million in new funding in the current fiscal year budget; and,
- \$1.25 million for the provision of domestic violence related legal services.

We continue to urge the creation of a permanent and stable funding source for civil legal services with the ultimate goal of an annual investment in civil legal services of at least \$50 million by 2010. Additionally, we urge ending the current patch-work approach to the administration of funding by creating a single Executive Branch office to efficiently administer the permanent fund.

The New York State Bar Association

March 19, 2008

continued

With respect to IOLA, the Association opposes the portion of Part "N" of S 6806-A/A.9806-A which provides for gubernatorial appointment of the IOLA Executive Director, because we believe that it would provide the opportunity for unwarranted political interference with the future operation of the IOLA Fund. Moreover, this proposal may impede the ability of IOLA Boardmembers to function as independent fiduciaries and to administer IOLA funds in an impartial and independent manner. This poses a threat to the integrity of the grant-making process by creating the appearance of partisanship.

Finally, Senate Budget Bill S 6806-B would amend Section 97-v of the State Finance Law to reduce from seventy-five percent to forty-eight percent the total IOLA funds distributed in any fiscal year for delivery of civil legal services to the poor by not-for-profit tax-exempt providers. We are troubled that this proposal could divert as much as \$25 million from the primary mission of the IOLA Fund, contrary to the intent of the statute enacted on the recommendation of the New York State Bar Association in 1983. The programs that the Senate seeks to fund in S.6806-B should be funded by sources of revenue other than interest generated by lawyers' accounts. The framework for such programs may already exist through entities such as the Crime Victims Compensation Board or the Office for Prevention of Domestic Violence. While state funding of such programs and entities is appropriate, it should not and cannot be at the expense of IOLA and low-income New Yorkers.

Creation of an Independent Indigent Defense Commission

At the request of Chief Judge Judith S. Kaye, the Commission on the Future of Indigent Defense Services examined the state of New York's county-based indigent defense system. The Commission concluded that there is "a crisis in the delivery of defense services to the indigent throughout New York State and that the right to the effective assistance of counsel, guaranteed by both the federal and state constitutions, is not being provided to a large portion of those who are entitled to it." This is an alarming and disturbing finding.

To address this "on-going crisis" the Commission recommended, and the New York State Bar Association supports, the restructuring of the delivery of indigent defense services by establishing a statewide Defender Office, which would include an Independent Indigent Defense Commission, Chief Defender, and Regional and Local Defender Offices. Doing so would help ensure that our low-income citizens are guaranteed their constitutional right to the effective assistance of counsel.

In conclusion, I look forward to working with you and your staff in on these and other important issues.

Respectfully,



Kathryn Grant Madigan

CONFERENCE OF CHIEF JUSTICES

Resolution 4

In Support of Efforts to Increase State and Territorial Judicial Compensation

WHEREAS, a fundamental principle of our democracy is that the public is entitled to justice rendered by a qualified, independent, fair and impartial judiciary; and

WHEREAS, inadequate judicial compensation threatens the ability of all state and territorial courts to attract and retain qualified, experienced lawyers drawn from every segment of the legal profession to a career in judicial service; and

WHEREAS, the Chief Judge and members of New York's bench continue to provide innovation and leadership to the nation's judiciary; and

WHEREAS, the National Center for State Courts in an independent study of New York's judicial compensation system concluded that:

- Their pay ranks 49th in the nation when adjusted for New York's high cost of living.
- Of the 50 states, New York's judges have gone the longest without any salary adjustment (now in the tenth year).
- New York's judicial pay has been significantly eroded by inflation (26%) since 1999; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices supports:

1. Adequate compensation for all members of the state and territorial judiciaries; and
2. The efforts of the Chief Judge of the New York Court of Appeals to resolve the compensation crisis as it supports all other efforts to obtain adequate compensation for state and territorial judiciaries.

Adopted by the Conference of Chief Justices at the CCJ Midyear Meeting on January 30, 2008.



American Judges Association

The Voice of the Judiciary
Online at aja.ncsc.dni.us
www.americanjudgesassociation.us

AMERICAN JUDGES ASSOCIATION SUPPORTS NEW YORK JUDICIAL PAY RAISES

*Statement of American Judges
Association President Steve Leben
June 27, 2007*

New York judges have been actively seeking their first pay raise in nearly nine years—having received only two raises in the past 20 years. Chief Judge Judith S. Kaye has repeatedly called upon the legislative branch and Governor Spitzer to raise judicial salaries and to establish an independent commission to oversee future raises. Thus far, however, the judicial pay raise has been deadlocked over its attachment to campaign finance reform and other unrelated issues. The American Judges Association calls on the New York Legislature to set aside any political differences in order to provide a raise for the judiciary that is unarguably merited and long overdue.

The courts and judges of New York have quite properly been well respected from the beginning of our nation's history, through the times of great judges like Justice Benjamin Cardozo and Judge Learned Hand, and continuing to the present days of Judge Kaye and her fellow judges. New York courts and judges are highly respected for their record of innovation and service. Yet salaries of New York judges have fallen way below national averages: the National Center for State Courts now ranks the pay of New York judges 48th out of the 50 states on a cost-of-living-adjusted basis. For nine years, longer than any other judges in the nation, New York's state judges have been without even an annual cost-of-living increase to their salaries. When inflation is factored into the equation, New York judges' annual salaries are \$23,700 dollars less than they were when they last received a pay raise in 1999.

Judges in New York often make embarrassingly little when compared to the parties before them. Senior partners in New York law firms that have a minimum of ten lawyers make an average yearly salary of \$350,000 while the highest paid judge, Chief Judge Kaye, makes \$156,000. Brand-new lawyers in Wall Street firms make more than the experienced New York judges we rely upon to render justice and protect the rights of us all.

The American Judges Association is not the first entity to support judicial pay raises for New York's judges, but we wish to add our voice to those already in

Statement of AJA President

June 27, 2007 Page 2

play. New York has the opportunity both to restore judicial salary levels to ones that will continue to attract—and retain—great judges who will continue to serve in the great tradition of New York history and to establish an independent commission that would help to maintain appropriate salary levels in the future. We urge the elected leaders of New York State to grant the pay raise *and* to establish the suggested independent commission that would make future salary recommendations. The justice system in New York is well worth these investments.

###

The American Judges Association is the largest independent association of judges in the United States, with 2,500 members (144 of whom are New York judges). Steve Leben, president of the American Judges Association, is a member of the Kansas Court of Appeals. For more information, contact Steve Leben, AJA president, (913) 485-7192 or Shelley Rockwell, AJA association manager, (757) 259-1841.



LETTER OF THE DEANS OF THE NEW YORK STATE LAW SCHOOLS

June 14, 2007

Dear Governor Spitzer, Senator Bruno, and Speaker Silver,

We, the Deans of New York's Law Schools, are compelled to speak out on the crisis in our state's Judiciary caused by the continuing failure, now in its ninth year, to provide adequate compensation for judges.

The merits are not at issue. The need for a significant salary adjustment for judges in New York has been fully acknowledged by the executive and legislative branches. Across the state, editorial boards, business leaders and good government groups have voiced their support for increased judicial salaries. Yet nothing is done and judicial compensation remains frozen.

We are deeply concerned that inadequate judicial salaries will have a lasting impact on both the independence and the quality of New York's bench. As legal educators, we seek to imbue our students with deep respect for the legal system; we want young lawyers to strive to become judges. Yet the harsh reality is that few will be able to afford the luxury of what should be the pinnacle of public service.

As citizens, we are also aware that a system of judicial compensation that allows for just two increases in 19 years threatens the core of our democracy the independence of the Judiciary. Alexander Hamilton's warning of the fragility of judicial independence cannot be ignored: "The

Letter of the Deans of the New York State Law Schools

June 14, 2007

continued

independence of the judges once destroyed, the constitution is gone, it is a dead letter.”

We urgently call for an adjustment to judicial salaries to reflect the current cost of living and the establishment of an ongoing commission, so that the issue of salaries is taken out of the political arena.

Sincerely Yours,

Thomas F. Guernsey, Dean, Albany Law School

Joan G. Wexler, Dean, Brooklyn Law School

R. Nils Olsen, Jr., Dean, State University of New York at Buffalo School of Law

Michelle J. Anderson, Dean, City University of New York School of Law at Queens College

David M. Schizer, Dean, Columbia University School of Law

Stewart J. Schwab, Dean, Cornell Law School

William Michael Treanor, Dean, Fordham Law School

Nora V. Demleitner, Interim Dean, Hofstra University School of Law

Richard A. Matasar, Dean, New York Law School

Richard L. Revesz, Dean, New York University School of Law

Michelle S. Simon, Dean, Pace Law School

Mary C. Daly, Dean, St. John's University School of Law

Hannah R. Arterian, Dean, Syracuse University College of Law

Lawrence Rafal, Dean, Touro College Jacob D. Fuchsberg Law Center

David Rudenstine, Dean, Yeshiva University

Benjamin N. Cardozo School of Law

Schools are listed only to identify affiliation, not to reflect the school's official position.

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*PAST DAASNY PRESIDENT

On behalf of the District Attorneys Association of the State of New York, I would like to express my support for a judicial pay raise. An independent, well-qualified judiciary must be adequately compensated in order to retain the best and brightest judges. New York's judges have not received a pay increase since 1999, resulting in low morale and a sense of neglect. Many judges are contemplating leaving the bench to return to the more lucrative private sector. This untenable situation cannot be allowed to continue.

The District Attorneys Association believes a judicial pay increase is critical to maintaining the best possible judiciary. It is urgent that the legislature act now to correct this inequity and to preserve the high quality of the judiciary.

Very truly yours,

**MICHAEL E. BONGIORNO
DISTRICT ATTORNEY**

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New York Law Journal

Editorial:

Bar Should Mobilize for Judicial Salary Hikes

There are few issues that have prompted an editorial in the Law Journal's 120-year history. The failure to raise the pay of New York's state judges is one of those issues.

Disgraceful. Shabby. Infuriating.

Chief Judge Judith S. Kaye used all those terms Monday in describing the failure of the Legislature and the executive to adopt a long-overdue pay raise for the state's 1,200 judges.

All these adjectives are well chosen, but the sting of Albany's inaction should be felt by more than just the judges. Every lawyer in New York should share their outrage and aggressively advocate the judiciary's position. Bench and bar must be united in this fight.

The irony is that no one questions that a pay raise - the first in more than eight years - would be justified. The annual salary of federal district judges is now \$30,000 more than state Supreme Court justices. Judicial compensation in New York ranks 38th among the states and last among the eight most populous states, when adjusted for cost of living.

After years of begging for a raise, judges had every right to be optimistic this year. Chief Judge Kaye, and Chief Administrative Judge Jonathan Lippman lobbied effectively for a pay raise and Governor Eliot Spitzer even set aside \$111 million in his budget to cover retroactive pay for judges. Further, the chief judge coupled the pay hike with an eminently rational suggestion for an independent commission to consider future increases.

Thus, the disappointment was all the more crushing and the judges, all the more furious when Albany lawmakers and the governor continued to hold the judiciary - ostensibly a co-equal branch of government - hostage to other priorities.

As the chief judge lamented in her eloquent statement Monday at a rare Albany press conference, the judiciary "has no seat at the bargaining table and nothing to give, nothing to barter, in the budget negotiation, nothing but the merit of our cause. As we've learned, that's just not sufficient capital in our Capitol."

To her credit, given the extreme provocation, the chief judge refused to condone some of the more radical ideas that have been proffered in response to the absence of a pay raise, such as work stoppages or closing courtrooms to legislators and other litigants. If the judges act irresponsibly, they will forfeit the ethical and moral ground that is their greatest strength.

Rather, she has suggested a series of measured and practical steps well calculated to get the judiciary's point across, and an agreement in place, before the Legislature adjourns in June. With the patience of Job, the chief judge pledges to continue to meet with legislators and the executive, while she investigates the possibility of unilateral steps for implementing pay hikes.

But talk alone will not puncture the disdain for the judiciary. The judiciary has stated its position over and over again. To give its position bite, the bar must step up.

To be sure, lawyers understand more than any other citizens the importance of attracting and retaining the most intelligent, dynamic and independent lawyers to the bench. Lawyers also recognize that a reasonable salary is essential to achieving that. Unfortunately, however, with the exception of statements from a few bar groups, there has been no organized effort to show support for the judiciary in the pay fight.

At this critical juncture, lawyers must exert their influence to give the judiciary the political capital it needs. Lawyers should take the lead in mobilizing, through letters to the editor and personal contacts, public support for the judges in their communities. Each should immediately send the most pointed possible message to his or her lawmakers and the governor that demonstrates support for the chief judge's proposals. And each should withhold future political support if active backing for a pay hike is not forthcoming.

The bar cannot be complacent, for this may be the last chance for common sense to take hold.

Unless Albany relents and gives the judges what they deserve, the judiciary will have little choice but to file a lawsuit against the governor and the Legislature, sparking a constitutional crisis with repercussions difficult to predict. But, as Chief Judge Kaye says, the judiciary must not remain docile in the face of the disgraceful, shabby and infuriating treatment it has received.

— The Editors



New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>

RESOLUTION ADOPTED BY EXECUTIVE COMMITTEE MAY 5, 2005

WHEREAS, the New York State Bar Association ("NYSBA") finds that it has been over six years since the last judicial pay increase for New York judges;

WHEREAS, the value of judicial compensation in New York State has been seriously eroded since the last salary increase;

WHEREAS, the cost-of-living has increased by over 18 percent since 1999;

WHEREAS, Since 1999, the salaries of others, including federal judges, judiciaries in other states, and non-judicial employees, regularly increased to keep pace with the rising cost-of-living;

WHEREAS, New York has traditionally been a leader among the states regarding judicial compensation;

WHEREAS, New York has steadily been losing ground to other states. When adjusted for the high regional cost-of-living, NY ranks only 23rd among the states in the level of compensation paid to judges of the trial court of general jurisdiction;

WHEREAS, other states have mechanisms, such as automatic cost-of-living adjustments, to ensure that judicial compensation is reviewed regularly. Such mechanisms include: Cost-of-living adjustments; Automated adjustments linked to adjustments given to other groups, such as non-judicial employees; or Commissions that review and make recommendations with respect to salary adjustments;

NOW, THEREFORE, BE IT

RESOLVED, that NYSBA hereby urges the Governor and Legislature to increase the compensation for judges of the State of New York to restore them to parity with their counterparts, the Judges of the Federal District Courts. At the same time, salaries of the Judges of our appellate courts should be increased in appropriate proportion.

RESOLVED, that NYSBA hereby urges the Governor and Legislature to provide for an adjustment of the salaries of Judges of the trial courts of limited jurisdiction to reduce the extent of salary disparity both within the same level of court and among Judges of all trial courts and further to create a salary commission that would meet every two years to consider whether remaining pay disparities should be further reduced or eliminated.

New York State Bar Association

May 5, 2007

continued

RESOLVED, that NYSBA hereby urges the Governor and Legislature to establish a mechanism for future salary adjustments, by providing that salaries of Justices of the Supreme Court will automatically, and without need for further legislative action, be adjusted annually to keep pace with those of Judges of the Federal District Courts, and that the salaries of Judges of other State-paid courts be adjusted to preserve their relationships with those of Justices of the Supreme Court.

New York Law Journal

Letter:

State Bar Is in the Trenches With the Bench

When Chief Judge Judith S. Kaye delivers her 15th and final State of the Judiciary early next year, undoubtedly she will unveil what has become a characteristically ambitious agenda for innovative and critical reforms. And shamefully, the issue of judicial salary raises will likely still be on that list, due only to the inaction of those in Albany who control the purse strings.

We all know the facts. Our judges have gone since 1999 without a raise - the longest judicial pay-drought in the nation. Over the past two decades, they have seen only two pay adjustments which have fallen well short of the annual cost of living increases enjoyed by other state workers, including non-judicial court personnel.

It is also a fact that the New York State Bar Association leadership, past and present, has made this a front burner issue. We have spoken out forcefully in interviews on statewide radio, at press conferences, in op-eds and letters to the editors in newspapers across the state, and at speaking engagements from one end of New York to the other - in New York City, Buffalo, Rochester, Binghamton, Ithaca, Watertown, Cooperstown, Albany, White Plains and Garden City, to name a few. In fact, at the urging of the State Bar Association, thousands of our members have sent e-mails to elected officials, including the Governor, demanding an end to the pay raise gridlock. The judicial salary increase has been, and will continue to be, our "number-one" legislative priority, to which we devote considerable resources.

Despite this very frustrating uphill, fight, and in the face of seeming public apathy, the New York State Bar Association, indeed nearly all the local, regional, specialty, ethnic and women's bar associations in our state, stand together as one. We are the staunchest advocates of the judiciary; we are our judges' most visible and vociferous ally.

We are fortunate in one regard. Qualified, professional and dedicated candidates still run for judicial office and still seek appointments to the bench. How long will our luck hold out? How long before judicial elections are relegated only to a few independently wealthy candidates? How many more of our judges will be forced to borrow against their pensions to pay for their children's college education? How long would you continue to work in your present setting if you went nine years without a cost of living adjustment, watching the value of your hard earned dollar deflate week by week?

How long can our judges continue to suffer the economic sacrifice they have borne for two decades, particularly when there is no independent mechanism in place to guarantee regular cost of living adjustments?

Judge Emily Jane Goodman is right. As she wrote in an eloquent New Year's Day op-ed in the Albany Times Union: "Now there is one last hope. And that is Chief Judge Judith Kaye's proposed Quadrennial Commission which would review the compensation in all three branches of government, and make recommendations on fair compensation and COLAS for public officials."

And we are hopeful. Our intelligence in Albany indicates that the commission has the support of Mr. Spitzer and other elected officials.

It is time to take politics out of the equation. It is time to give our judges the compensation they deserve. This needs to happen now and the New York State Bar Association intends to remain in the trenches with our judges as long as it takes. All we can hope is that our elected officials will do what is right before the quality, and the independence, of our judiciary, is irreparably compromised.

Kathryn Grant Madigan

The author is the president of the New York State Bar Association.

Press & Sun-Bulletin
Greater Binghamton, NY

GUEST VIEWPOINT

Make judicial salaries a priority

Virtually no one disputes the notion that New York's judges deserve a raise, but the state Legislature has now come and gone from Albany yet again without taking any action.

The members of our state judiciary are among the outstanding pillars of our society and the failure of the Legislature to enact a judicial salary adjustment has gone on far too long, bringing us to the brink of crisis.

Since 1999, when state judges received their last raise, the salaries of the federal judiciary, judges in other states and nonjudicial employees in the court system have increased to keep up with inflation, while the value of New York State judges' salaries has eroded. Today, they are near the bottom of the nation's judicial pay scale. Our judges have gone longer without a raise than any other judges in America.

A number of judges have already filed a lawsuit to force the Legislature to act. The compensation issue is a topic of conversation at virtually every gathering of the legal profession and the judiciary. Our Chief Judge, Judith Kaye, wrote recently: "Experienced judges increasingly talk of resigning so they can afford to continue to live in New York and educate their children. Outstanding lawyers for whom judicial service should be a calling see it as a sacrifice they cannot afford."

How can we expect our judges to feel valued, that their remaining on the bench is worth the sacrifices they make? How can we say that we are committed to maintaining a judiciary of the highest quality when we don't adequately compensate the talented men and women who already serve?

The current political stalemate must end now. The Legislature should reconvene as soon as practicable and put judicial salaries at the top of its agenda.

Madigan is president of the New York State Bar Association.

The Sun

MARK ALCOTT

Op-Ed:

Raising the Bench

New York has some of the most diligent, talented men and women sitting on the bench. And they have gone too long without a raise.

A judge serving since 1995 has seen his pay increase only once — in 1999 — when the salaries of state judges were brought in line with the remuneration of federal court judges. Since that time, the value of judicial compensation has eroded nearly 20%, due to increases in the cost of living. During that time, the salaries of federal judges, judiciaries in other states, and other court employees regularly increased to keep pace with the rising cost of living.

Increases for the New York judiciary have failed to keep pace. Indeed, many first-year associates in New York City are paid more than our Supreme Court justices. In fact, state Supreme Court justices currently earn \$136,700 annually, significantly less than the \$160,000 starting salary earned by a law school graduate in his or her first year as an associate at a prestigious Manhattan law firm.

Governor Spitzer has recognized this problem. In his Executive Budget, he included crucial funding to provide judges with the long overdue pay raise they de-

serve. In doing so, the governor has demonstrated that he shares the New York State Bar Association's strong belief that the quality of justice and of our legal system depends on the quality of our judiciary. An independent, well-qualified judiciary must be compensated in a fair, consistent manner.

According to a survey of judicial salaries published in 2007 by the National Center for State Courts, the \$136,700 that state Supreme Court judges earn, when adjusted for the cost of living, is equivalent to an annual salary of \$110,048. That puts New York's ranking as 37 out of 51 states in the nation.

Legislation currently proposed would provide parity between the salaries of state Supreme Court justices and judges at the federal district court level, who earn \$165,200. The salaries of other judges in the New York system would then be set by a formula, utilizing the Supreme Court as a base. County level judges would receive 95% of Supreme Court judges' salaries; Civil, Criminal, and District Court judges would receive 93%; and a city court judge in cities other than New York would earn 90% of the salary of a Supreme Court judge.

For years, the New York State Bar Association has been advocating salary increases. We have strongly endorsed Chief Judge Judith Kaye's comprehensive salary reform proposal, which would create an independent commission to review compensation and provide periodic pay increases when warranted.

Although the budget that Governor Spitzer presented does not contain a com-

ponent for periodic increases, it does provide for needed, retroactive increases. Another important aspect of the governor's plan is that it includes the funding in the actual Executive Budget, which has not been done in the past. This demonstrates that judicial salary reform is a high priority for his administration and guar-

antees that judicial salaries will be acted on in the final budget.

A critical, sometimes overlooked aspect of the judicial salary issue is the effect that these salaries have on the diversity of the bench. Chief Judge Kaye has made it clear that the current wage freeze is a threat to the independence of the judiciary and hinders efforts to promote diversity.

The bar association is deeply committed to increasing diversity both in the profession and in the judiciary, and fair compensation is needed if we are to continue making progress in this critical area. We cannot have a system in place where only the wealthiest of New Yorkers can afford to become a judge.

Judicial independence is a core value of the bench and bar, one that must be defended. An important step was taken by the governor to preserve this independence, and any budget adopted by the Legislature must do the same. The New York State Bar Association will press hard on this issue until a fair salary increase is accomplished.

Mr. Alcott is president of the New York State Bar Association and is a senior litigation partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP.

An independent,
well-qualified judiciary
must be compensated in
a fair, consistent
manner.

New York Law Journal



NEW YORK STATE TRIAL LAWYERS ASSOCIATION, INC.
132 Nassau Street, New York, NY 10038
Telephone 212 349.5890 Fax 212 608.2310
www.nystla.org

JOSEPH P. AWAD
President

DANIEL L. FELDMAN
Executive Director and General Counsel

April 20, 2007

AN OPEN LETTER TO THE JUDICIARY OF THE STATE OF NEW YORK

The New York State Trial Lawyers Association continues to campaign to resolve the crisis created by the failure to enact a pay raise for our judges, who have taken the equivalent of a 17% or \$23,700 cut in pay, based on what their current salary is worth today compared to when they first received it in 1999. In light of the fact that New York's 60% budget increase -- from \$73 billion in 1999 to \$120 billion in 2007 -- it is easy to understand why the best and brightest attorneys would be discouraged from pursuing the formidable responsibilities of a judgeship.

On May 1, our 4000 consumer advocate attorneys will join in solidarity with our State Judiciary, protesting the failure to date of New York State government to treat our judges decently in this regard, across the State in 62 counties where we practice.

To date, NYSTLA has, in support of the judicial pay raise:

- conducted hundreds of legislative district office visits statewide;
- coordinated hundreds of legislative capital office visits in Albany;
- authorized my NYSTLA Presidential testimony advocating the clear public interest in achieving judicial pay raises when I appeared before the State Senate on December 4, 2006, the Assembly Judiciary Committee on December 15, 2006, and the Senate Judiciary Committee on January 8, 2007;
- directed its lobbyist teams, including Malkin & Ross, David Dudley & Associates, and Ken Riddett, to continue to press this issue as a NYSTLA priority;
- run full-page ads in the Legislative Gazette publishing an open letter to Governor Spitzer, the Senate, and the Assembly, which first appeared in the January 8, 2007 edition; and
- utilized NYSTLA past presidents to lobby the leaders of the legislature, and the Office of the Governor.

Failing to increase their pay not only does an injustice to the judges and their families, it does an injustice to every citizen of New York State. As an organization that serves to protect consumers, the New York State Trial Lawyers Association will continue its efforts until our judges are properly compensated, preserving for our citizens the quality of a judiciary that, over the course of modern history, has created a body of jurisprudence that is second to none in the nation.

On May 14th, we will once again discuss the judicial pay raises as part of our association's annual Lobby Day in Albany. Copies of our ads, of my Presidential testimony, and our memorandum in support can be found on our website or by contacting NYSTLA offices.

Sincerely,
Joseph P. Awad
President



**LETTER OF GENERAL COUNSELS
OF MAJOR CORPORATION
TO THE GOVERNOR AND LEGISLATIVE LEADERS**

May 31, 2007

Dear Governor Spitzer, Senator Bruno, and Speaker Silver,

As general counsels of major corporations doing business in New York, we write to address the unprecedented crisis in our state's judiciary caused by the continuing failure, now in its ninth year, to provide minimally adequate compensation for judges.

Everyone editorial boards, good government groups, elected officials agrees that the merits are not at issue. The need for a significant salary adjustment for judges in New York has been fully acknowledged.

We write to emphasize the importance of this issue to the business community and to the continuing economic vitality of New York. A state's legal climate, including the quality of its judges, can have a significant impact on a corporation's decisions about where to do business. As the heart of the international business and financial community, New York must have judges with the background and ability to handle complex commercial litigation in a just and efficient manner. Under the Chief Judge's leadership, the New York courts have become a forum of choice for business. We need to maintain that standard. With stagnating compensation, the harsh reality is that few gifted lawyers will seek to become judges and seasoned judges will be forced to leave the bench. Ultimately, New York's business community, and all New Yorkers, will pay the price.

We urge in the strongest possible way that there be an adjustment to judicial salaries to reflect the current cost of living and the establishment of an ongoing commission, so that the issue of salaries is taken out of the political arena, during this legislative session. This issue cannot wait.

Sincerely yours,

LETTER OF GENERAL COUNSELS

May 31, 2007

continued

Melanie Belman-Gross, Esq.
*Corporate Secretarial Services
TMF Services New York*

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*Executive Vice President & General Counsel
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May 31, 2007

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*Executive Vice President and General Counsel
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New York Law Journal

Letter:

Judges Have Waited Long Enough

Although Governor David Paterson acknowledged that New York judges are paid less than junior associates at law firms, he said that it would be "very difficult" to adopt a pay raise for judges, ("Citing Economy, Paterson Says Raise for Judges Very Difficult," March 14, page 1). While Mr. Paterson faces an array of complex and difficult problems and competing demands for scarce state resources, confronting the decade long judicial compensation crisis should be at the top of his priority list, and the bench and bar must communicate this imperative to him.

Bar associations and attorneys need to impress upon the governor that the judicial compensation crisis is an affront to the rule of law and fundamental fairness. New York judges are paid less than beginning associates in law firms and in real terms their pay ranks among the bottom nationally. Our judges have gone 10 full years with no salary increase, the longest such span in the nation. And as their salaries erode, judicial caseloads in New York continue to balloon. This untenable situation corrodes the morale of our judiciary, diverting our judges from more pressing initiatives to improve the delivery of justice in New York. Moreover, the financial hardship wrought by inadequate judicial salaries deters qualified attorneys from seeking, and retaining, judgeships.

In the long run, as Mr. Paterson acknowledged in his remarks last week, judicial compensation must be decoupled from legislative compensation. Whatever might be said for taking political considerations into account in setting legislative salaries, there is no basis whatsoever for using judicial salaries as a political football. Forcing judges to go hat in hand to the executive and legislative branches undermines the independence and dignity of the judicial branch. A judicial compensation commission is needed to remove judicial compensation from the political arena.

Nor is it the case that there are no funds for a judicial salary increase. The budget adopted by the Legislature and approved by the governor for the 2006-07 fiscal year contained \$69 million dollars for raises retroactive to April 1, 2005. That money was escrowed by the trial judge in the judicial pay law suit until Nov. 30, 2007. These funds should be dedicated to a judicial pay raise. Our judges have waited long enough.

Vincent T. Chang
New York, N. Y.

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RESOLUTION

WHEREAS, the Confederation of Columbian Lawyer Associations is an organization of approximately 2000 attorneys and jurists of Italian Heritage with membership in Columbian Lawyer groups existing within ten counties located in the State of New York, and

WHEREAS, New York State judges have not had a salary increase since 1999 and during that time inflation has eroded their salaries by 18%, and

WHEREAS, Federal District Court judges now earn \$25,000 more than Justices of the Supreme Court and more than judges of the Court of Appeals, and

WHEREAS, Chief Judge Judith S. Kaye, on behalf of the New York State Unified Court System has submitted a proposal to the Legislature to rectify the unfairness and confusion, and

WHEREAS, the Confederation of Columbian Lawyer Associations has historically been concerned that judges be compensated fairly, and that disparities of the sort identified above should not be permitted to continue;

IT IS HEREBY RESOLVED, that the Confederation of Columbian Lawyer Associations reaffirms its historic position in favor of increases to judicial compensation, recommends an immediate increase of 18% to reflect the cost-of-living increase since judicial salaries were last increased, and further recommends legislation providing for an automatic, annual cost-of-living increase.

In Witness Whereof on the 2nd day of May, 2005



JOSEPH F. DEFELICE
President of the Confederation of Columbian Lawyer
Associations.

RESOLUTION OF THE FEDERATION
OF BAR ASSOCIATIONS
FOURTH JUDICIAL DISTRICT

April 29, 2005

WHEREAS, the Chief Judge of the State of New York in her State of the Judiciary address requested that the Legislature and Governor provide appropriate pay raises and salary reforms for members of the Judiciary; and

WHEREAS, the current system of providing salary increments for the Judiciary is dependent upon the whim of the Legislature to enact appropriate legislation which is usually only done in conjunction with pay increases for Members of the Legislature; and

WHEREAS, Members of the Legislature are not prohibited from earning income from employment outside the Legislature unlike the Judiciary who are substantially prohibited from supplementing their incomes; and

WHEREAS, this system has resulted in the judiciary receiving its last pay increase over six years ago in 1999. Judges serving since 1995 would have received only one pay increase and Judges serving since 1988 would have received only two pay increases; and

WHEREAS, since the last pay raise, the cost of living in New York State has risen over 18% and while the salaries of other government employees, including non-judicial employees of the Unified Court System, other state's judiciaries and the Federal Bench have been regularly increased to reflect the rising cost of living, the pay for New York Judges has remained stagnant; and

WHEREAS, legislation proposed by the Chief Judge includes a fair and balanced approach to regular cost-of-living increments that would reflect the trends in both the Federal system as well as the collective bargaining agreements with other state employees; and

WHEREAS, in order to maintain the quality and independence of the Judiciary in New York State, judicial compensation must be sufficient to attract the most highly qualified individuals, and must be separated from the politics of Legislative salaries,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, the officers of the Federation of Bar Associations for the Fourth Judicial District urges the Legislature and Governor to immediately enact legislation assuring a reasonable and fair increase in base salary for the judiciary, establishing a mechanism for providing regular and fair cost-of-living increases and establishing a means for periodic and systematic review of the entire judicial compensation system.

Moved, seconded and approved at a regular meeting of the Association's officers held this 9th day of April, 2005, Saratoga Springs, New York.



Malcolm B. O'Hara, Esq.
President

195936



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May 5, 2005

VIA FEDERAL EXPRESS

Hon. Jonathan Lippman
Chief Administrative Judge
New York State Unified Court System
140 Grand Street, Suite 704
White Plains, NY 10601

Re: Monroe County Bar Association
Board of Trustees Motion

Dear Judge Lippman:

At the April 19, 2004 Board of Trustees considered a request from Hon. Joseph Valentino, President of the Seventh Judicial District Association of Supreme Court Justices, asking support from the Bar Association for legislation currently before the NYS Legislature to adjust judicial compensation in accordance with the recommendation of the Office of Court Administration. It was **MOVED, SECONDED and UNANIMOUSLY APPROVED** that Michael R. Wolford, Esq., President of the Monroe County Bar Association send a letter of support to Judge Valentino. (A copy of the letter is attached.)

Sincerely,

A handwritten signature in black ink that reads "Mary L. Corbitt". The signature is written in a cursive, flowing style.

Mary L. Corbitt
Executive Director

/vl
attachment

THE BAR ASSOCIATION OF NASSAU COUNTY



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April 18, 2005

Judith S. Kaye, Chief Judge
Court of Appeals Hall
20 Eagle Street
Albany, New York 12207-1095

Dear Judge Kaye:

On behalf of the Officers and Directors of the Nassau County Bar Association, I am pleased to forward the enclosed Resolution endorsing your call for an increase in judicial compensation for justices and judges in New York State in 2005. The Resolution was passed by our Board at its April 12, 2005 meeting and was immediately sent to the Chair of the Senate Judiciary Committee, the Chair of the Assembly Judiciary Committee and the legislators that comprise the Long Island delegation.

This Bar Association is committed to doing all that it can to ensure the continuation of a quality Bench, beginning with our dedicated Judiciary Committee's screening of potential candidates for judicial office, to the Board's Resolution urging passage of this legislation designed to adequately compensate those currently on the bench and sufficient to attract the finest to serve in the future.

We enthusiastically support this Resolution.

Sincerely,

Deena R. Ehrlich, Ph.D.
Executive Director

DRE:hp



SERVING OUR MEMBERS, OUR PROFESSION AND OUR COMMUNITY SINCE 1899

continued



NEW YORK
CITY BAR

March 27, 2008

Dear Legislator:

On behalf of the New York City Bar Association, I write to urge you to enact a judicial salary increase with a corresponding mechanism that provides for future periodic increases for New York State's judges.

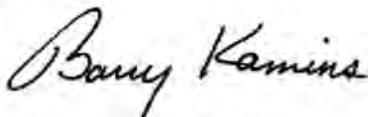
The economic difficulties inherent in this budget year are well understood, yet we cannot overlook the fact that we are nearing a decade that our state's judges have gone without a salary increase. The cost of living has increased in the past decade by approximately 26%, thereby eroding New York judges' salaries to the point where they earn \$30,000 less than their federal counterparts and their salaries compare poorly with those of other states.

While we cannot expect judges to be paid the top dollars they could earn in the private sector, we must provide enough compensation to attract outstanding lawyers and retain them as judges, and to make clear the respect we hold for this co-equal branch of government. By contrast, our current approach does not even provide salary increases that match inflation.

The talented and hardworking judiciary that we currently have in New York State is the cornerstone of a strong justice system -- a justice system that our citizens call upon on a daily basis to address pivotal moments in their lives. Whether enduring business disputes, divorce or facing eviction, New Yorkers take heart in knowing that there will be a competent and just arbiter at the helm of their case.

As judges have waited for a pay raise they have answered the public's call by maintaining excellence in New York's courts, even as caseloads have grown steadily more burdensome and legal issues ever more complex. We now call on our elected officials to enact this long overdue salary increase and demonstrate their commitment to our superb court system and a belief that justice is no less a priority in New York than in our neighboring states and federal government.

Sincerely,



Barry Kamins
President
The New York City Bar Association

The New York Times

Letter:

Increased Pay For Judges

To the Editor:

Pay raises are long overdue for New York's judiciary, which has maintained its longstanding excellence even in the face of staggering caseloads and increasingly complex legal issues ("Upgrading New York's Courts," editorial, March 11). The continuing failure to provide judicial salary increases is simply unwise public policy.

The disparity between private-sector and judicial salaries grows every year. Any 2007 first-year associate at a major Manhattan law firm will immediately earn more than every judge in the state, including Chief Judge Judith S. Kaye. The more this disparity widens, the more difficult it will be to both attract and retain a qualified and dedicated judiciary.

Furthermore, leaving our judges without pay increases since 1999 is simply not fair. When they take off their robes, judges have to pay bills just as we do. An unresponsive Legislature is creating a disheartened bench, whose professional morale is at an all-time low. Many judges are beginning to regret their decision to seek a judgeship in the first place.

Judges should be provided compensation commensurate with the solemn duty of dispensing justice.

BARRY KAMINS
President

New York City Bar Association
New York

New York Law Journal

PERSPECTIVE

Human Rights And Respect for Judges

BY BARRY KAMINS

December 10 is not a holiday in this country, but it is a vitally important day around the world. On Dec. 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. Ever since then, Dec. 10, Human Rights Day, reminds us of the importance of valuing human rights and how essential human rights are to world preservation. It should also remind us of the importance of the judiciary, and of respect for judges.

The third "Whereas clause" in the declaration proclaims:

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

Article 8 of the Declaration provides that:

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

These provisions underscore what we lawyers know, that human rights only have meaning when protected by an independent judiciary, whose role is respected by the other branches of government. Courts have no power to enforce their decisions, and depend upon a supportive and respectful legislature, and particularly executive, to give their decisions force. Indeed, courts have little power even to control their composition, and rely on the other branches to place jurists on the bench who will apply the law to the facts of a case in an independent manner.

The failure of both of these prongs is on display in Pakistan. President Pervez Musharraf, fearing a Supreme Court decision undoing his election to a new term, removed and detained the entire Supreme Court. Protests by lawyers and judges led to thousands more being detained. He then appointed his own Supreme Court which, not surprisingly, validated the election. That court remains seated in Pakistan, providing little comfort to Pakistanis that their human rights will be preserved.

In the United States, our executive and legislative branches have largely accepted the bargain struck in Philadelphia in 1787, understanding the importance of both maintaining the composition of the bench and following the courts' judgments. There is a third aspect to maintaining the judicial branch as a co-equal branch of government, and that is maintaining respect for the judiciary, so that it retains that respect in the eyes of the public it serves. If that respect is undermined, the public will challenge the basis of the judiciary's authority and the credibility of its decisions, and support for the rule of law can be undermined.

It is this third underpinning of the judicial branch, basic respect for its authority and its actions, that has been eroded in recent years. The erosion can be seen on a number of fronts. Efforts in Congress continue to strip the courts of jurisdiction to hear cases. Two recently passed laws, the Detainee Treatment Act and the Military Commissions Act, purport to remove the authority of judges to hear habeas challenges brought by foreigners labeled by the president as "enemy combatants."

The ability to obtain habeas corpus relief is a bulwark in the defense of human rights, and thus the elimination of this remedy forcefully shows how limiting the judicial branch can in turn curb the availability of human rights. In a similar vein, the federal sentencing guidelines, a creature of the other branches of government, sharply reduced the discretion of judges in sentencing. The U.S. Supreme Court recently found these guidelines not mandatory (*United States v. Booker*, 543 US. 220 (2005)); it remains to be seen whether Congress and the executive will move to reimpose them.

Beyond the institutional constraints being imposed, individual judges are being vilified regarding decisions they make. And strong efforts were made in South Dakota, fortunately beaten back, to subject judges to removal and possible jail time for making decisions considered invalid by a non-judicial commission (the so-called "Jail for Judges" initiative). The threat remains of similar campaigns in other states.

But disrespect for the judiciary can also take subtler forms. Both the federal and state judiciary have seen their salaries erode in recent years as compared with the general cost of living and what is earned by others in the legal profession.

In New York State, nine years have passed since judges received their last increase. A judicial pay increase seems to be a pawn in an intricate game being played by the Legislature and governor. In this game, those branches hold all the game pieces; judges have no leverage. As a result of the wait, and the mounting frustration, morale among New York's judges is low, and the public can see both the lack of respect in which these branches hold the judiciary, and the level of dependence that judges have on the other branches for their livelihood. We risk losing good judges and having potentially excellent jurists turn away from a judicial career.

It often happens that Human Rights Day occurs each year right about the time the Legislature convenes in an end-of-year session, generally to take care of unfinished business. So it is that later this week the Senate and Assembly are due to return to Albany. This is an excellent time to provide the long-past-due salary increase that our state's judges deserve. This action would convey respect for a deserving judiciary that we count upon to preserve our rights and to do justice. In a turbulent world, we must bolster our judiciary to encourage it to remain the firm protector of human rights and the rule of law that it must be in a civilized society.

Barry Kamins *is president of the New York City Bar Association and a member of Flamhaft Levy Kamins Hirsch & Rendeiro.*



NEW YORK COUNTY LAWYERS' ASSOCIATION

RESOLUTION CONCERNING NEW YORK STATE UNIFIED COURT SYSTEM'S LEGISLATIVE PROPOSAL TO ADJUST JUDICIAL COMPENSATION

This Resolution was adopted by the Board of Directors of the New York County Lawyers' Association at its regular meeting on April 11, 2005.

Background

1. New York State judges have not had a salary increase since 1999. During that time, inflation has eroded their salaries by 18%. In 1999, the State Legislature re-established the historic parity of salaries between federal district judges and Justices of the Supreme Court. Since then, the federal district judges have had six increases, and the Justices of the Supreme Court have received none. Indeed, federal district judges now earn \$25,000 more than Justices of the Supreme Court, and more even than judges of the Court of Appeals. During the same six-year period, other state employees have received raises in excess of 18%, while New York State judges have received none.

2. In addition, New York State judges sitting on courts other than the Supreme Court are paid on a patchwork of different levels, depending on the type of court, location, etc., in a manner that is confusing, creates unfairness and makes little sense.

3. Chief Judge Judith S. Kaye, on behalf of the New York State Unified Court System, has submitted a proposal to the Legislature to rectify this unfairness. The key elements of her proposal are a one-time salary increase to restore the imbalances created since 1999; setting salaries for Justices of the Supreme Court at levels based on a fixed percentage of the salaries paid to federal district judges, with annual adjustments to maintain that percentage going forward; and establishment of a separate percentage basis for the salaries of other judges who are members of the Unified Court System, to replace the present patchwork system.

4. NYCLA has historically been concerned that judges be compensated fairly, and that disparities of the sort identified above not be permitted to persist.

Statement of Position

1. The pay disparities between federal district judges and judges and justices in the New York State Unified Court System are demoralizing, disrespectful and discouraging, as is the fact that other state employees have received raises while state judges and justices have not.

Allowing such a differential to persist, and even to increase over time, fails to encourage the best persons to seek the state court bench. Even federal district judges have fallen further and further behind private sector legal incomes, and the differential between those incomes and state judicial salaries is even more severe. The situation is, quite simply, unfair and not right.

2. As a result, the Board of Directors of the New York County Lawyers' Association adopts the following resolution:

IT IS HEREBY RESOLVED, that NYCLA reaffirms its historic position in favor of increases to judicial compensation, recommends an immediate increase of 18% to reflect the cost-of-living increase since judicial salaries were last increased, and further recommends legislation providing for an automatic, annual cost-of-living increase.

New York Law Journal

The officers, board of managers, and members of the Queens County Bar Association, commend the New York Law Journal for its recent editorial. The fact that the NYLJ has only, on rare occasions, shared its opinions with the legal community underscores the two salient points made by the editors: A judicial salary hike is overdue, and that bar associations must do even more to show the governor and Legislature that the independence of the judiciary is at stake.

The Queens County Bar Association, even before the editorial, had decided to

continue its efforts on a county level. The Queens bar will be providing opportunities for all of its members to express their support for a salary increase to the Queens legislative delegation, and will be contacting other bar associations, within and without Queens, in an effort to create new initiative in support of Chief Judge Judith S. Kaye and the salary increase.

John R. Dietz

*The author is president
of the Queens County Bar Association*

**RESOLUTION OF THE ST. LAWRENCE COUNTY BAR ASSOCIATION
MAY 6, 2005**

WHEREAS, the Chief Judge of the State of New York in her State of the Judiciary address requested that the Legislature and Governor provide appropriate pay raises and salary reforms for members of the Judiciary, and

WHEREAS, the current system of providing salary increments for the Judiciary is dependent upon the whim of the Legislature to enact appropriate legislation which is usually only done in conjunction with pay increases for Members of the Legislature, and

WHEREAS, Members of the Legislature are not prohibited from earning income from employment outside the Legislature unlike the Judiciary who are substantially prohibited from supplementing their incomes, and

WHEREAS, this system has resulted in the judiciary receiving its last pay increase over six years ago in 1999. Judges serving since 1995 would have received only one pay increase and Judges serving since 1988 would have received only two pay increases., and

WHEREAS, since the last pay raise the cost of living in New York State has risen over 18% and while the salaries of other government employees, including non-judicial employees of the Unified Court System, other state's judiciaries and the Federal Bench have been regularly increased to reflect the rising cost of living, the pay for New York Judges has remained stagnant, and,

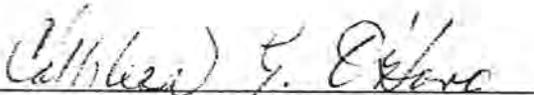
WHEREAS, legislation proposed by the Chief Judge includes a fair and balanced approach to regular cost-of-living increments that would reflect the trends in both the Federal system as well as the collective bargaining agreements with other state employees, and,

WHEREAS, in order to maintain the quality and independence of the Judiciary in New York State, judicial compensation must be sufficient to attract the most highly qualified individuals, and must be separated from the politics of Legislative salaries,

**NOW, THEREFORE, IT IS HEREBY
RESOLVED,**

The St. Lawrence County Bar Association urges the Legislature and Governor to immediately enact legislation assuring a reasonable and fair increase in base salary for the judiciary, establishing a mechanism for providing regular and fair cost-of-living increases and establishing a means for periodic and systematic review of the entire judicial compensation system.

Moved, seconded and approved at a regular meeting of the Association held this 6th day of May, 2005, Canton, N.Y.



Cathleen E. O'Horo, Esq.
Secretary

SUFFOLK COUNTY BAR ASSOCIATION



560 Wheeler Road
Hauppauge, New York 11788-4357
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March 24, 2005

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Honorable Jonathan Lippman
Chief Administrative Judge
State of New York
Office of Court Administration
140 Grand Street, Suite 700
White Plains, NY 10601

Dear Judge Lippman:

As President of the Suffolk County Bar Association, I am pleased to forward the enclosed copy of a resolution adopted by our Board of Directors on March 21, 2005 which endorses and supports Chief Judge Judith S. Kaye's call for an increase in compensation for justices and judges in our State in 2005.

We are proud to support the Unified Court System's 2005 judicial compensation proposal. The Suffolk County Bar Association is committed to the creation and maintenance of a judiciary comprised of justices and judges who in their character, integrity, temperament and professional ability and reputation have affirmatively demonstrated their special qualifications for judicial office, and we believe that passage of a meaningful and adequate pay increase is essential to ensure that the finest individuals continue to be drawn to judicial service.

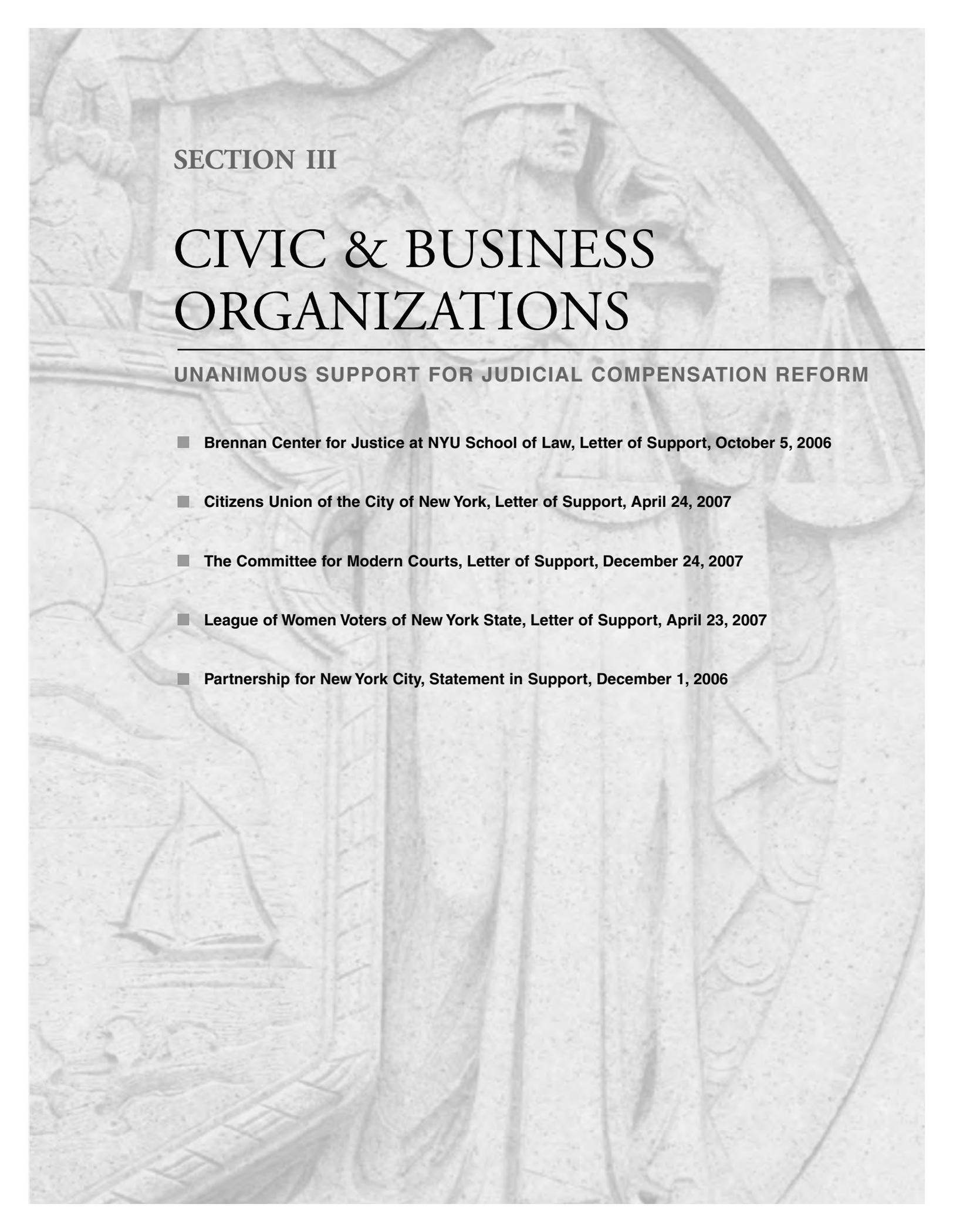
With best regards, I remain,

Very truly yours,

Scott M. Karson
President

Enclosure

cc: Executive Committee (w/enclosure)
Board of Directors (w/enclosure)
Sarah Jane LaCova (w/enclosure)
The Suffolk Lawyer (w/enclosure)



SECTION III

CIVIC & BUSINESS ORGANIZATIONS

UNANIMOUS SUPPORT FOR JUDICIAL COMPENSATION REFORM

- **Brennan Center for Justice at NYU School of Law, Letter of Support, October 5, 2006**
- **Citizens Union of the City of New York, Letter of Support, April 24, 2007**
- **The Committee for Modern Courts, Letter of Support, December 24, 2007**
- **League of Women Voters of New York State, Letter of Support, April 23, 2007**
- **Partnership for New York City, Statement in Support, December 1, 2006**





BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW

MICHAEL WALDMAN
EXECUTIVE DIRECTOR

October 5, 2006

Hon. Judith Kaye
Chief Judge of the State of New York
State of New York Court of Appeals
20 Eagle Street
Albany, New York 12207

Dear Judge Kaye:

The Brennan Center for Justice at NYU School of Law is a nonpartisan, public policy institute and public interest law firm that works on issues of democracy and justice. As you know, we have sought reform of New York State's government, including its courts, through scholarship, litigation, public education and legislative advocacy.

A great achievement of American government is a fair and independent judiciary. The judges who serve must be adequately compensated – to attract top talent and as a mark of respect for the central role judges play in protecting our rights, enforcing the law, and interpreting the State's constitution. We write to you to support a long-delayed pay increase for New York State judges. We believe that a quadrennial commission, insulated from politics, is the best way to implement such an increase and ensure proper compensation for judges over the long run.

We support this idea for several central, simple reasons.

First, the pay of New York's judges has fallen relative to inflation. Judges have received only two pay raises in 18 years. During that time, inflation has risen 26%. In the past seven years, all 49 other states have adjusted judicial pay to keep up with inflation.

Second, New York's judges effectively are paid less than counterparts in states with smaller populations who are less likely to hear cases with the complexity and potential impact of those heard in New York courtrooms. Among the eight most populous states, when the cost of living is factored in, New York's judicial pay currently is the lowest. While public sector salaries are hard to compare to private sector pay, it is the case that salaries for some judges now have fallen behind salaries for some first year associates in New York law firms.

Third, adequate pay for judges will help ensure a judiciary that is qualified, diverse, and free from political interference. As you know, the decision in *Lopez-Torres vs. New York State Board of Elections* means that one way or another a new system for choosing state

Supreme Court justices will be enacted. Judges already work hard and are barred from outside employment. New York has a signal opportunity to retain and attract diverse and high quality attorneys to serve as judges. It will be harder to seize opportunity if judicial salaries continue to fall relative to inflation, even as private sector attorney compensation rises. Bringing regularity and rationality to judges' pay level will help to continue to lift the stature of the bench.

We believe that the best way to assure fair pay for judges is a temporary commission, appointed every four years, that can examine objective factors, hear public comment, and recommend a proper level. Such a commission should be made up primarily of members of the public. This panel's recommendations could be vetoed by the legislature, but would properly be given great weight. Among other benefits, this would keep judicial pay from being mired in legislators' political calculus and fear of raising pay, as is typical in New York and elsewhere.

We take no position on the proper pay level for other state officials or the method for establishing that level.

Thank you for your tireless work on this issue. We believe that New York State judges deserve a raise and a pay level that is adjusted for inflation, and we support this both as fair to the judges themselves and as a means to ensure independence and quality on the bench.

Sincerely,



Michael Waldman

cc: Fritz Schwarz



April 24, 2007

The Honorable Judith S. Kaye
Chief Judge, Court of Appeals
State of New York
20 Eagle Street
Albany, NY 12207

Dear Chief Judge Kaye,

With this letter, we wish to inform you of Citizens Union's continued and strong support for a meritorious and immediate increase in the salary of state judges. The fact that judicial salaries in New York State have not been raised since 1999 undermines the judicial system which is so critical to our system of government. We share your view that the continued lack of attention this pressing issue received in the recently approved state budget undermines the independence of the state's judiciary.

Though we have not taken a position on the amount of the salary, your proposal to raise the annual salaries of State Supreme Court justices from \$136,700 to \$165,200 and those of County Court, Family Court and Surrogate's Court from \$119,800 to \$156,940 seems fair and reasonable.

Late last year, Citizens Union joined a coalition of interested civic organizations in support of your proposal to create a quadrennial commission on state elected official compensation as the best future means to improve the process for determining the salaries of our state judges, along with those of other elected officials. We still hold firm in support of that position. Judicial salaries should not be linked to other unrelated issues and subjected to the kind of political negotiations that have plagued, and in many cases doomed, past efforts to raise judicial salaries. We continue to believe, as we articulated last December, that whatever salary is finally determined should be issued with some degree of retroactivity.

On many occasions, Citizens Union has communicated its view on this matter to our state elected officials, and again included it as an issue in need of attention in our annual state affairs public policy agenda. Feel free to continue to rely upon Citizens Union for such support in this important and long overdue matter.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Davis". The signature is written in a cursive style with a long horizontal stroke at the end.

Richard J. Davis
Chair

A handwritten signature in black ink that reads "Dick Dadey". The signature is written in a cursive style with a long horizontal stroke at the end.

Dick Dadey
Executive Director

Citizens Union of the City of New York
299 Broadway, Suite 700 New York, NY 10007-1976
phone 212-227-0342 • fax 212-227-0345 • citizens@citizensunion.org • www.citizensunion.org
Richard J. Davis, Chair • Dick Dadey, Executive Director



April 24, 2007

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Dennis R. Hawkins

Hon. Judith S. Kaye
Chief Judge of the State of New York
Court of Appeals
Albany, NY 12207

Hon. Chief Judge Kaye:

The Committee for Modern Courts reiterates its strong support your efforts to increase judicial salaries and create an appropriate procedure that would ensure judges in New York State receive adequate compensation into the future.

Modern Courts believes that insufficient pay may dissuade our most talented and committed lawyers from becoming judges. For most judges, the call to public service, rather than the salary, is the motivating factor in seeking judicial office. But judges and the public are ill-served by increasing judicial compensation only two times in 20 years.

Linking the salaries of State Supreme Court justices to those of federal district judges is entirely appropriate, given the work load New York's major trial court justices. In addition, increasing compensation to all the other judges in the state, including Housing Court judges who were previously excluded, according to a formula that ties their salaries to those of Supreme Court justices is essential at this time.

It is time to break the legislative log jam that for far too long has tied judicial salary increases to legislative pay raises. Modern Courts also reiterates its support for your proposal to create an objective mechanism which would separate judicial compensation from legislative compensation. The stable mechanism you propose to increase salaries in smaller, more regular increments would be reasonable, fair and efficient. Such a system will help preserve the independence of the judiciary.

Modern Courts is a nonpartisan, nonprofit, statewide court reform organization founded in 1955. Led by concerned citizens, prominent lawyers, and business leaders, Modern Courts is the only organization in New York State devoted exclusively to improving the judicial system.

Respectfully yours,



Victor A. Kovner
Chair, Committee for Modern Courts



The League of Women Voters of New York State
62 Grand Street, Albany, New York 12207
Tel: (518)465-4162 • Fax: (518)465-0812

Hon. Judith S. Kaye
Chief Judge of the State of New York
Court of Appeals Hall
20 Eagle Street
Albany, New York 12207

April 23, 2007

Dear Chief Judge Kaye:

The League of Women Voters of New York State could not agree with you more that a vibrant and independent Judiciary is the bedrock of a free society and an effective state government. That is why the League strongly endorses your plan to reform the compensation system for judges and other high constitutional officers.

As you've rightly noted for years, the current salary system mires the Judiciary in the politics of executive legislative relations, and that is the very last place the Judiciary should be. Compensation decisions must stand on the own merit, not linked to other policy or other political debates of the day. That judges must beg even modest cost-of-living adjustments from the very branches of government whose powers judges must police turns the separation of powers on its ear. That those other branches continue to deny New York judges the salary adjustments literally all other judges in America have received is a disgrace and an outrage that, if allowed to continue, will corrode the courts by dissuading the best lawyers from seeking or staying in judicial service.

All three branches, and especially the courts, need a rational salary system shielded from politics—one that is objective, transparent and nonpartisan, one that New Yorkers can trust to be fair. Your plan to give judges immediate raises and let expert nonpartisan commissions make future pay decisions for all three branches — as two dozen states now have done — is a breath of fresh air that is right for taxpayers and all the people of our state.

Thank you for your leadership and vision in reforming New York government. The League stands with you.

Sincerely yours,
Kristen Hanson
Executive Director



Partnership for New York City

From: Partnership for New York City
Contact: Ethan Davidson (212) 493-7488

Rubenstein Communications, Inc.
Contact: Bud Perrone (212) 843-8068

STATEMENT BY PARTNERSHIP FOR NEW YORK CITY PRESIDENT AND CEO KATHRYN S. WYLDE URGING ADOPTION OF INDEPENDENT COMMISSION TO DETERMINE SALARIES OF STATE OFFICIALS

IMMEDIATE RAISE FOR STATE JUDGES RECOMMENDED

NEW YORK, December 1, 2006 – “In the upcoming special session, we request that the Governor, Assembly and Senate of New York State consider a proposal to improve the process for determining compensation of judges, legislators and other senior State officials. We refer to the proposal to create a Quadrennial Commission that has been put forward by Chief Judge Judith Kaye as the means by which compensation should be determined in the future. New York City has successfully employed a similar system since 1986. It has resulted in an open and independent approach to compensation issues.

“We also endorse Chief Judge Kaye’s argument that the State judiciary should be granted an immediate, retroactive pay raise, based on the crisis that New York State faces in the attraction and retention of judges whose salary levels have been frozen since 1999, despite cost of living increases of more than 26 percent. Currently, compensation for New York judges ranks in the bottom half of states nationally. Moreover, Federal District Court judges, with whom State Supreme Court justices historically have enjoyed pay equity, now earn \$30,000 more per year. These low salaries have become a significant morale issue for New York State judges and an obstacle to recruitment and retention.

“A wide array of civic, good government and legal organizations support Chief Judge Kaye’s approach, including the Citizens Union of the City of New York; Fund for Modern Courts; New York County Lawyers’ Association; New York State Trial Lawyers Association; League of Women Voters; and Women’s City Club of New York.

“We support giving judges raises this year and reforming the way that all senior State officials and legislators get salary increases in the future. Beginning in April 2007, every four years a

Statement by Partnership for New York City

continued

Quadrennial Commission appointed by the Governor, legislative leaders and the Chief Judge would meet to determine a cost of living adjustment for judges, as well as legislators and State executives, if warranted by economic data and permissible under the budget.

“We urge the Governor to enact these final actions into law during the special session of the Legislature on December 13.”

The Partnership for New York City (www.pfnyc.org) is a network of business leaders dedicated to enhancing the economy of the five boroughs of New York City and maintaining the city's position as the center of world commerce, finance and innovation.

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The New York State Unified Court System