

Law Day 2007
Court of Appeals
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Law Day ranks very high among my favorite holidays. Early in the year, I begin praying for good Spring weather so that we can gather outdoors for Law Day festivities, with the Governor, the Attorney General, the President of the New York State Bar Association and all of you, with red, white and blue banners, and with stirring patriotic songs sung by Michelle Perry-Belches. It's a great American holiday.

Actually, the Governor's inauguration on January 1 relieved me of a tremendous worry. I learned that day that any temperature above 10 degrees was perfectly suitable for a warm, friendly, fantastic outdoor ceremony.

In each of the years that I have celebrated Law Day as Chief Judge, my remarks have followed the theme set by the American Bar Association--originator of the very idea of Law Day nearly 50 years ago. Law Day, as you know, is a celebration of the Rule of Law--the strength of our great democracy--a fitting contrast to the Soviet Union's annual May Day parade of military might, which was the strength of that former nation.

Until a few weeks ago, it was my intention again to focus entirely on the ABA theme of "Empowering Youth," and I had more than the usual reasons for doing so.

Empowering Youth

First, I have the good fortune this year to have been designated national Law Day Chair by the American Bar Association. And second, the subject of empowering youth is especially close to my heart. There is so much to be done with, and for, our nation's youth, our next generation. It's their future, our nation's future too.

In keeping with the theme of empowering youth, we began planning major youth-oriented Law Day programs in courthouses around the State. And today I want to mention just one initiative inspired by that theme: a comprehensive website that will connect young people--for starters, a high school audience--to our courts and the law, and to resources like mentoring programs, internships and other law-related programs that matter to young New Yorkers. We saw the website not only as a Law Day project but also as a dynamic, ongoing resource for teens--as well as a catalyst for developing new partnerships and projects to empower youth.

As of today the website is accessible from the What's New page of nycourts.gov, though it remains a "work in progress." I

hope you'll find time to visit and, especially if you are a student, to send us your comments and suggestions.

I'm delighted that our website will provide a link to the New York State Bar Association's "Youth Service Advocate" program also is officially being launched today. The State Bar program will honor people age 10 to 18 who perform volunteer service to the community in law-related projects. As role models for volunteering, those achieving the Youth Service Advocate designation will encourage and empower their peers to rise to the same level of service--hence its theme "Youth Empowering Youth." I offer my congratulations to the State Bar Association and am eager for all of us to hear more about this great project from State Bar President Mark Alcott.

Change in Focus to Judicial Salaries

As these exciting plans were taking shape, we were shocked and dismayed to learn that, once again, the State budget had passed without a long-overdue salary adjustment for the New York State Judiciary, and I would like to address that issue today.

I know that, to many, judicial compensation may seem an odd subject on a day dedicated to empowering youth. But I have not a shred of doubt of its relevance in the context of the ABA's full theme, "Liberty Under Law: Empowering Youth, Assuring Democracy." We assure a vibrant democracy for future generations

through judicial independence, a cornerstone of our great nation. And appropriate judicial compensation is at the very core of judicial independence. But before saying another word, I want to extend a special welcome to my colleagues and friends from our 13 Judicial Associations, who are here today representing the Judiciary of the State of New York. Please stand and be recognized.

Our website will introduce young people to their work. Today I'd like to spend just a few minutes introducing them to all of you.

They are judges of the family, civil and criminal courts throughout the State--extraordinary lawyers who left law practice at the pinnacle of their careers, the very sort of people we want to attract to, and keep on, the bench. They did not leave law practice and become judges in order to grow rich. Instead, they chose to dedicate their lives to addressing the most vexing problems people have, to resolving these issues carefully, sensitively and efficiently within the law, to being part of a process that throughout the centuries has helped to preserve, protect and safeguard our nation's most fundamental ideals. An independent judiciary has flourished for more than two centuries because of conscientious, dedicated women and men like those here

today, who every single day strive to do justice and earn the trust and confidence of the public.

Treating others fairly is our part of the bargain--our oath, our pledge, our promise--for the privilege of sitting in judgment on our fellow citizens, for reviewing acts of government, for shaping the law that guides this great State and nation. This is the legacy we promise to preserve and protect for generations to come.

Our judges expect to treat others fairly, and they should be treated fairly themselves. So imagine our distress when we learned a few weeks ago that, once again, we were caught in the jaws of Albany politics--no raises for the judges, no retroactivity, not even cost-of-living increases, for no reason related to us or the merit of our cause, and nothing that is within our power to change. To make matters even worse--if that is possible--the increases were openly supported by the leaders of government, unanimously endorsed in the press all across the State, and vigorously advocated by the Bar and good government groups as essential to our prized justice system. And no one disputes that the funding is available.

Now tell me: Does anyone wonder why we are upset?

Judicial Independence and Compensation

The fact is our Founders were from our nation's very beginnings concerned about securing the independence of the Judiciary. Among the most basic principles of our great democracy is that the Judicial Branch must remain independent of, uninfluenced by, the political branches, both in its decisionmaking and in its essential operations. That's why the Founders provided longer terms of office for judges. And that's why they specified right in the Constitution that, during a judge's term of office, compensation could never be reduced, fully confident that the political branches would fulfill their responsibility to increase judicial salaries periodically and rationally.

Alexander Hamilton himself--a great New Yorker--worried that inflation could render fixed judicial salaries "penurious and inadequate," exposing courts to undue influence unless the legislative branch raised judicial salaries to kept pace with economic reality. Only then, Hamilton wrote, could judges "be sure of the ground upon which [they] stand, and never deterred from . . . duty by the apprehension of being placed in a less eligible situation."

Most definitely, the picture of our judges, hat in hand on bended knee, begging and pleading for even cost of living

increases these past eight years-plus is not what Hamilton, or anyone else, had in mind when they crafted the pillars of American government. Most definitely, New York's judges did not envision that--because their pleas have gone unheard for years--they would earn less than their federal counterparts, less than colleagues in comparable states, less even than many brand new law graduates entering law firms. Most definitely this is not what anyone had in mind by the concept of judicial independence.

I must say we are greatly encouraged by the news of last week from the Legislature, and from the Governor, indicating that there will yet be action on these critical issues before the Session concludes in June. We call on them to make this happen. We cannot, we will not, simply let another year go by. Let's get this done!

While we need the increases and retroactivity that are fully deserved and can readily be funded, what has been proved beyond all doubt is that we also need a better system--a rational, objective, transparent commission system--so that the judges of the State of New York are never again in this unseemly posture. This bartering business for judicial salary increases definitely is not what was meant by a system of checks and

balances--you know, you get checks for what you put in the balance. We have nothing to barter.

For our courts, for the public we serve, for our youth and future generations, we must at long last achieve what is just and essential for the vitality and independence of the New York State Judiciary.