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Judicial Pay Comm Member Says "Substantial" Raises are Necessary

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Karen DeWitt (2011-07-11)

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ALBANY, NEW YORK (WXXI) -

A commission meeting to increase the pay for state judges says they will likely recommend "substantial" salary hikes for the judiciary, which has not received a raise in a dozen years.



The panel, set up by the governor and the legislature to review an increase in judges' pay, say after 12 years of stagnant salaries, judges in New York rank far behind their federal counterparts, and even judges in other states.

"New York is dead last," said Mark Mulholland, an attorney who was appointed to the commission by Senate Leader Dean Skelos.

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Mulholland says "substantial and immediate" pay raises will be necessary, and likely recommended, when the panel ultimately decides the issue in a couple of months. Judges have argued that, because of inflation, their pay has actually decreased by a third over the past twelve years.

William Thompson, former New York City Comptroller and chair of the judicial pay commission, says there's anecdotal evidence, as well as a recent report in the New York Times, that judges are leaving the bench because they can't afford to keep up with college tuition payments and other living expenses on their present salaries.

"You'll still have judges," said Thompson. "But you always want to get the best and the brightest."

He says the commission must determine the salary level that will attract top level attorneys and critical thinkers to the jobs.

The average pay of a state Supreme Court judge is \$135,000. The President of the New York State Bar Association, Vincent Doyle, says that's not a large salary in the New York City region. Doyle, who practices law in Buffalo, says while that may seem like a lot of money to many upstate, it's not much compared to what attorneys can make at other comparable jobs.

"Look what law professors earn, or law school deans, or practicing attorneys at the top of their profession," said Doyle. "They all make more than that."

The major reason why judicial salaries have not risen for so long, is that traditionally the New York State legislature, which is designated under the state constitution to set judicial salaries, has tied judges' pay to legislators' pay. Lawmakers have found it politically difficult for over a decade now to vote to increase their own salaries, and so judges have not received a raise either.

The commission on judicial compensation was set up after some judges sued for a pay raise, and the state's top judges, on the Court of Appeals ruled that the legislature could not use the issue of judicial pay raises as a "pawn or bargaining chip" to win other political considerations, like raising their own pay, or linking the judges' pay hikes to other non related policy issues. Doyle, with Bar Association, says if things don't change, in the future only rich people will be able to afford to become judges, and the rule of law will be harmed by the lack of "hard working middle class" judicial candidates.

The judicial pay commission will hold a public hearing in Albany on July 20th, and report its recommendations by August 28th.

The salary increase would take effect automatically, as early as April 2012, unless the legislature specifically votes to reject the proposed increases. Under the terms of the new law, lawmakers do not have to actually vote to accept the pay raises, erasing one potential political hurdle.

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