

N.Y. Judges Leave Bench For Law Firm Jobs

by JOEL ROSE

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New York state judges haven't had a pay raise in 12 years — and now many of those judges are leaving the bench for lucrative law firm jobs. But some question whether the public would really benefit from paying judges more. A state commission plans to issue recommendations in August.

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MICHELE NORRIS, host: From NPR News, this is ALL THINGS CONSIDERED. I'm Michele Norris.

MELISSA BLOCK, host: And I'm Melissa Block. New York is debating how much judges should get paid. State judges haven't received a raise in 12 years. And while it's rare for judges to voluntarily leave the bench early, in New York, more and more of them are resigning and taking lucrative jobs at private law firms. NPR's Joel Rose has the story.

JOEL ROSE: Judicial compensation in New York tops out around \$150,000 a year. That's a lot of money but the lawyers who appear before those judges can earn 10 times as much, a fact that's not lost on the judges.

JAMES MCGUIRE: You're certainly aware they're being paid a lot more than you and you're also aware that lawyers right out of law school are getting paid more than judges in New York City are getting paid.

ROSE: James McGuire spent six years on the bench as an appeals court judge in New York City. He liked the work, the complexity of the cases, the chance to write legal opinions, but he says the money was a problem. McGuire and his wife live in Manhattan and they have two young kids who are just starting school.

MCGUIRE: I just couldn't see that I would be able to provide for them financially if I stayed on the bench. Each year that we didn't get a raise, I had to continue to dip into savings and deplete those savings.

ROSE: So, in June, McGuire started a new job as a partner at a big New York firm. A recent study found that almost one in 10 New York judges leaves the bench every year. Back in the 1970s, New York ranked near the top among states when it came to judicial salaries; today, it's near the bottom. Ann Pfau is chief administrative judge of New York State Courts.

ANN PFAU: No other state in the country has refused to adjust judicial salaries since 1999. In terms of adjusted compensation, New York is now dead last in the country in what it pays its judges.

ROSE: Pfau was testifying in Albany last month before a special commission that's deciding whether and how to end the judicial pay freeze. The commission heard variations on that theme from judge after judge, but it also heard this warning from state budget director Robert Megna.

ROBERT MEGNA: We're still in a very weak fiscal condition in the state of New York. And given that we already have close to a two-and-a-half billion dollar deficit, we would have to think where we would cut back more to make room for that additional spending.

ROSE: This year's tight budget has already forced New York courts to cut hours and lay off hundreds of workers. And there are those who question whether judges are really as underpaid as they claim.

ERIC POSNER: You can't pay them nothing. But I think a simple comparison of what they get paid and what practicing lawyers get paid can be misleading.

ROSE: Eric Posner teaches law at the University of Chicago. A few years ago he published a paper called "Are Judges Overpaid?" Posner says the job comes with perks that aren't purely financial, like power, respect and reasonable hours.

POSNER: What we found was that there's no real relationship between how much judges are paid in different states of the country and the quality of their work. So, when judges complain that they're not paid enough, you know, it's not clear that if they were paid more they would do a better job.

ROSE: But judges in New York insist there is a connection between their salaries and the health of the justice system. John Leventhal is an appellate court judge who also testified in that Albany hearing. He says it's a matter of attracting top people to the bench and then keeping them there.

JOHN LEVENTHAL: Do we really want a judiciary made up of only of those who are too rich to care about just, fair and equitable compensation and those who are not able to make a living practicing law? Of course, we can replace judges but we cannot substitute the years of judicial experience.

ROSE: Leventhal told the commission that even more experienced judges are likely to leave the bench unless the state finally delivers the raise they've been waiting for. Joel Rose, NPR News, New York.

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