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## Judges Sue For Long-Awaited Pay Raise

By **Jesse Greenspan**

Law360, New York (January 4, 2007) -- Four New York jurists have sued the governor, the legislature and the office of the comptroller for violating a state constitutional statute against reducing judge compensation.

Though the salaries, which range from \$122,700 to \$151,200 a year, have not technically gone down, inflation has caused each of the state's 1,300 judges to lose tens of thousands of dollars in purchasing power, the suit said.

"What we're trying to do, and it's a very simple concept, is we're trying to retain the best judges by paying a living wage," said attorney Steven Cohn, who is representing the plaintiffs.

"We want to make sure that when we appear before a judge we appear before the best judiciary we can have," he added.

According to the suit, which was filed last Friday in New York State Supreme Court, state judges have not received a pay raise for eight years and have only received one raise in the last 18 years.

For that reason, a number of judges have resigned or have chosen not to seek reelection, the suit said.

"Chief Judge Roberts calls it a constitutional crisis," Cohn said.

Additionally, the suit claimed that state legislators have illegally linked their salary increases to those of the judges.

"Respondents are unconstitutionally diluting, blurring and encroaching upon the independence and integrity of the judicial branch of the New York state government," the suit said.

Among other things, the plaintiffs are asking the government to disburse \$69.5 million in judicial pay raises that were passed in April as part of the Judiciary Budget Bill.

That money would raise district court judges' salaries from \$122,700 to \$150,753, Supreme Court judges' salaries from \$136,700 to \$162,100, and Court of Appeals judges' salaries from \$151,200 to \$175,068.

The suit also asked the court for a guarantee that the judges' salaries would stay consistent with inflation in the future.

The plaintiffs in the suit are Nassau District Court Judge Edward Maron, Brooklyn Supreme Court Justice Arthur Schack, Nassau Supreme Court Justice Joseph DeMaro

and Manhattan Supreme Court Justice Alice Schlesinger.

Among the defendants named in the suit are outgoing Gov. George Pataki, Assembly Speaker Sheldon Silver and Senate Majority Leader Joseph Bruno.

The case is Maron v. Silver et al, index number 06-021984, in the Supreme Court of the State of New York for Nassau County.

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