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Pay Commission Head Floats Option of Incremental Raises

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ALBANY - Former City Comptroller William C. Thompson Jr., the chairman of a new state judicial pay commission, has raised the possibility of incremental pay raises in the next few years, rather than a larger one-shot hike to bring judges' pay immediately into line with inflation, according to several sources familiar with the commission's deliberations.

That idea, if adopted, is unlikely to satisfy judges who have not had a raise since Jan. 1, 1999, the sources said.

Mr. Thompson, who was selected by Governor Andrew M. Cuomo to chair the pay commission, has sounded out members about boosting judicial salaries in a rough schedule of 20 percent starting effective April 1, and then smaller raises of 10 percent in each of 2013-2014 and 2014-15.

Mr. Thompson did not respond yesterday to calls for comment, nor had representatives of Mr. Cuomo returned calls.

The commission will hold its only public hearing beginning at 11 a.m. tomorrow in Hearing Room B of the Legislative Office Building in Albany. A link to a webcast will be posted at www.judicialcompensation.ny.gov.

The agency was appointed by the governor, legislative leaders and Chief Judge Jonathan Lippman earlier this year to set new salaries for some 1,200 state judges (NYLJ, Dec. 1, 2010).

The court system has recommended a pay raise of at least 40 percent in the 2012-13 fiscal year, which would match the rate of inflation since 1999 (NYLJ, July 12). An organization of state judges and two bar organizations have recommended similar amounts (NYLJ, July 14).

Mr. Thompson and others may calculate that it would be difficult to sell a raise of that magnitude at a time when the state's economy is lagging and Mr. Cuomo has been calling for sacrifices.

But one judge familiar with the quest for a pay raise, who asked not to be identified because he did not want to antagonize the pay commission, said judges would be "up in arms" if it recommended a pay raise of only 20 percent.

A former judge, Robert A. Spolzino, agreed that a middling initial salary increase recommendation of about 20 percent would "absolutely" be seen as a slap in the face to judges.

"So what you are going to say is that after four or five more years you will bring them up to a point where they were against inflation 18 years ago?" Mr. Spolzino said. "That's insanity."

Mr. Spolzino, who resigned from the Appellate Division, Second Department, bench two years ago (NYLJ, Aug. 4, 2009) to join Wilson Elser Moskowitz Edelman & Dicker to better provide for his family, will testify at the commission's hearing.

Mr. Spolzino said he will explain that while he is making more money at Wilson Elser, he is not working harder. He will argue that state judges have been deprived long enough of a "decent" wage.

Scheduled to Appear

Others scheduled to appear before the pay commission are Chief Administrative Judge Ann Pfau; Victor Kovner, the former head of Fund for Modern Courts; and representatives of judicial associations, including Cortland County state Supreme Court Justice Phillip R. Rumsey, head of the state Supreme Court Justices' Association; and Brooklyn Family Court Judge Daniel Turbow, head of New York City Family Court Judges' Association.

W. Dennis Duggan, past president of the state Family Court Judges' Association, said he will argue that as tough as it might be for members of the commission to approve a significant pay raise given the economic times, no other group of state employees has gone longer than judges have without a raise, except for state legislators or the governor and other top-ranking members of the governor's administration.

Commission members "read the papers and they know that we are asking for a very large [salary] parity increase in the worst economic times since the Great Depression," Judge Duggan said yesterday.

Judge Duggan said former Court of Appeals judge Howard Levine, now with Whiteman, Osterman & Hanna, would appear on behalf of a

12-association coalition of judges to argue that their members are deserving of a pay raise. Mr. Levine is one of the most highly regarded former judges in the state system, as is Judith Kaye, now of Skadden, Arps, Slate, Meagher & Flom, the former chief judge, who is also expected to testify on behalf of a judicial pay raise.

Stewart D. Aaron, of Arnold & Porter, the new president of the New York County Lawyers' Association, will also appear as will state bar president Vincent E. Doyle III of Connors & Villardo in Buffalo.

City Corporation Counsel Michael Cardozo also will support the call for a large immediate raise.

The Center of Judicial Accountability, a citizens group, is expected to oppose any raise.

The pay commission has until Aug. 29 to report to the governor and Legislature on its recommendations for judges' pay adjustments. If the Legislature does not alter the proposals, they go into effect on April 1.

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