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## OCA Urges Up to 41% Pay Raise for Judges

Urging the Special Commission on Judicial Compensation to shun "half measures," the Office of Court Administration said that the panel should recommend "an immediate and substantial" salary increase that eliminates much of the current pay shortfall in one big step. However, the comments of commission members seemed to suggest that the current economic climate could be a major sticking point in determining how much judges will receive.

Andrew Keshner and Joel Stashenko

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Court administrators yesterday urged "an immediate and substantial" salary increase for 1,200 state judges who have not had a raise since January 1999.

A report submitted by Chief Administrative Judge Ann Pfau presented several scenarios to the state's Special Commission on Judicial Compensation for a salary of between \$192,000 and \$220,000 for Supreme Court justices, who now make \$136,700. The top end would constitute a 41 percent raise.

Urging the commission to shun "half measures," the Office of Court Administration said that the panel should recommend a raise that eliminates much of the current pay shortfall in one big step despite the state's fiscal condition.

The seven-member commission, which held its first meeting yesterday, is scheduled to report its conclusions to the governor and Legislature by Aug. 29 for the fiscal year that begins April 1, 2012. Unless the Legislature acts to block its recommendations, they will automatically become law. (See the law establishing the pay commission.)

"I do think this is a thoughtful analysis of what has come before to help develop alternatives for the commission to consider," Judge Pfau said in an interview.

However, the comments of commission members seemed to suggest that the current economic climate could be a major sticking point in determining how much judges will receive.

One of Chief Judge Jonathan Lippman's two choices to the panel, Kathryn S. Wylde, CEO of the Partnership of New York City, questioned how much of a role the economy should play in the commission's choices.

"It is a brick in terms of the overall state budget," she said.

But William Thompson Jr., the former New York City comptroller who was picked by Governor Andrew M. Cuomo to chair the commission, responded that the panel "can't fully ignore the state's condition."

In fact, the economy is one of the factors the law creating the commission directs it to consider. Moreover, the panel begins its deliberations as Mr. Cuomo has been battling public employee unions for concessions over the past several months that could avoid layoffs. And the courts already have been forced by budget cuts to lay off several hundred workers.

Judge Pfau's report laid out several reasons why the state's fiscal condition should not block a major raise.

First, it notes that the state has repeatedly deferred a raise. Had it acted in a more timely fashion, there would be no need for a large adjustment now, the report argues.

Moreover, it says that every \$10,000 statewide increase in judicial salaries constitutes an increase in the state budget of only 9/1,000ths of 1 percent.

Finally, it observes that the establishment of the commission marks the first real

### Commissioners

#### Special Commission on Judicial Compensation

**William Thompson Jr.**, chair, chief administrative officer/senior managing director at Siebert Brandford Shank & Co. and chair of the Battery Park City Authority. From 2002 to 2009, he served as New York City comptroller.

**Richard Cotton**, executive vice president/general counsel of NBC-Universal and chair of the U.S. Chamber of Commerce Coalition against Counterfeiting and Piracy.

**Robert Fiske Jr.**, senior counsel at Davis Polk & Wardwell.

opportunity to consider salaries in a non-political manner, using rational, objective and predictable criteria.

Mr. Thompson indicated at yesterday's meeting that he would like to come to a final decision on compensation weeks ahead of a late-August deadline.

"I think the recommendations we make are going to be the levels of compensation," Mr. Thompson said.

The panel will hold a public hearing at 11 a.m. on July 20 in Albany where individuals will have three minutes and organizations seven minutes to present their views. The venue has not yet been announced.

Commission member Mark Mulholland of Ruskin Moscou Faltischek in Uniondale called information on the purchasing power of judicial salaries "a critical starting point," later adding it was necessary to consider the amount of money lost through inflation as salaries stayed the same.

Robert Fiske Jr., senior counsel at Davis Polk & Wardwell, said the submissions of both the OCA and the Coalition of New York State Judicial Associations, an alliance of 12 judicial associations that proposed a 41 percent raise, offered "a very thorough analysis of the relevant factors."

William Mulrow, senior managing director at Blackstone, said it would be important to consider how much of an increase the state could afford.

James Tallon Jr., president of the United Hospital Fund of New York and a former Democratic assemblyman, said the panel should look at the "totality" of the state's compensation of other public employees in leadership and executive positions.

Richard Cotton, executive vice president and general counsel of NBC-Universal, said he would like to hear the perspective of the business community, and to know the number of judges who have left the bench for the private sector due to lower pay.

In an interview, Mr. Thompson called commission members "an informed group of people interested in working hard and coming to a conclusion."

**Mark Mulholland**, managing partner at Ruskin Moscou Faltischek.

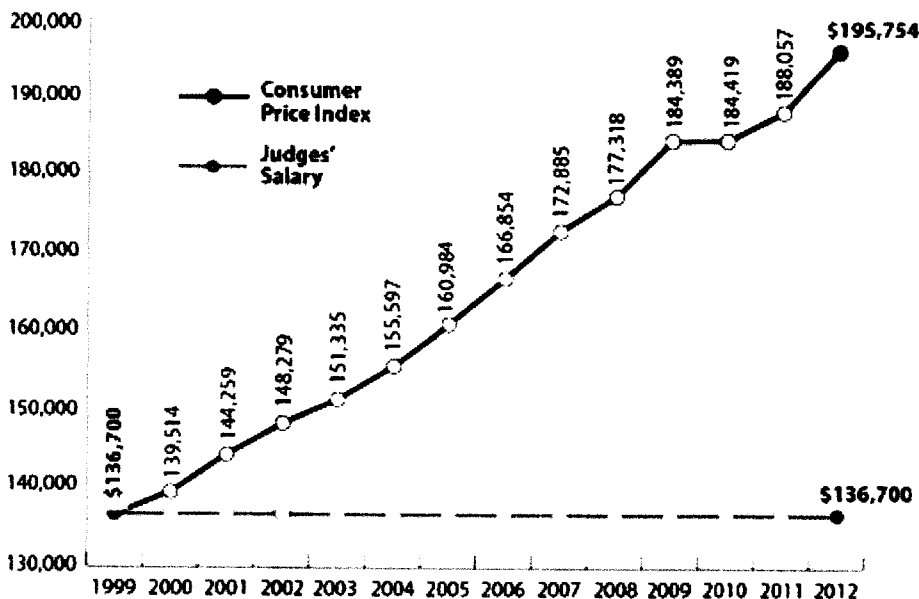
**William Mulrow**, senior managing director at Blackstone and chair of Sterling Suffolk Racecourse LLC.

**James Tallon Jr.**, president of the United Hospital Fund of New York and chair of The Commonwealth Fund as well as the Kaiser Commission on Medicaid and the Uninsured.

**Kathryn S. Wyld**, president/CEO of the nonprofit Partnership for New York City and deputy chair of the board of the Federal Reserve Bank of New York.

SOURCE: [www.judicialcompensation.ny.gov](http://www.judicialcompensation.ny.gov)

### Judges' Salary Compared to Inflation



SOURCE: [www.judicialcompensation.ny.gov](http://www.judicialcompensation.ny.gov)

In addition to the commission members, about a dozen others attended the meeting, which was held at the midtown Manhattan offices of the Empire State Development Corporation. Bronx Acting Supreme Court Justice Lizbeth Gonzalez, the president of the Association of Judges of Hispanic Heritage, was among the attendees.

"It appears that the body respects who we are as judges and understands the gravity of our financial circumstances, given the fact we received no pay raise or cost of living increase for more than 12 years," she said.

Brooklyn Family Court Judge Daniel Turbow, another attendee, said after the meeting that he was "encouraged and impressed" by the proceedings.

Judge Turbow, who is the president of the New York City Family Court Judges Association, said the commission "has a clear understanding of the harm that's befallen the judiciary in many ways

by reason of the failure to get a salary increase."

The coalition of judicial groups conceded that it would take a "brave" decision by the commission to advocate for its proposed increase. But the groups argued in a [247-page submission](#) that New York's economy is getting somewhat better and that the Judiciary has endured enough sacrifices since its last raise.

The groups told the commission that Supreme Court justices have lost more than \$345,000 in buying power to inflation since 1999.

Albany Family Court Judge Dennis Duggan was the chief author of the alliance's recommendations.

"We are looking at [the pay commission] as sort of our jury," he said. "We are presenting our case. The jury will have to make a decision and put aside extraneous things, such as politics. We are confident, based on the evidence, they will give us a significant raise."

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