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Commission to Set Raises for Judges in New York State Is Flooded With Suggestions

By WILLIAM GLABERSON

What is the price of administering justice?

That may sound like an existential question. But for a state panel beginning its task of setting salaries for New York's judges, the issue is less of soaring philosophical debate than of convoluted calculations.

Would \$220,836 be the proper salary for a judge who now earns \$136,700, as one argument filed with the commission suggested? What about \$195,754?

The seven members of the commission indicated last week in their first meeting that they thought their summer math-immersion course would put an end to one of the longest-running arguments in Albany, where state judges, numbering more than 1,200, have been lodging complaints about their pay for years.

The panel, the Judicial Compensation Commission, was created last year after the Legislature had failed for 12 years to agree on a raise for judges. Its decision, due in August, is to have the force of law unless overturned by the Legislature and the governor.

William C. Thompson Jr., the panel's chairman and a former New York City comptroller, told the commissioners that they should assume that their conclusion "on the level of compensation for judges is going to be the level of compensation."

The commission will hold its first — and probably only — public hearing on Wednesday in Albany. As a result, its members, appointed by the governor, legislative leaders and the state's chief judge, are being inundated with formulas and charts.

The suggestions include every manner of numerical calculation, with most using as a point of reference the current \$136,700 salary of State Supreme Court justices, who handle a wide range of cases, including murder cases and malpractice trials, and whose pay would have risen 41 percent if they had received raises to keep pace with inflation, according to one

filing.

Each interest group had its own math. The New York City Bar Association argued that given how expensive it is to live in New York City, Supreme Court justices would have to earn \$212,000 to be paid in line with the salaries of other big-city judges across the country.

The New York County Lawyers' Association did another calculation: a \$60,000 raise "would increase the state budget by less than 55 one-thousandths of one percent."

Not to be outdone, a coalition of 12 judges' organizations put forth 50 facts justifying a big raise, including salaries in New York City's Sanitation Department: 50 employees in the department earn more than almost all New York judges and nearly as much as the state's chief judge, Jonathan Lippman.

Judge Lippman makes \$156,000; an intermediate appeals judge makes \$144,000; a criminal court judge makes \$125,600. The commissioners said they would keep in place the comparative differences for the various levels of the courts.

One commission member, Mark S. Mulholland, a Long Island lawyer, said in an interview that there were numbers of formulas that people were using to make their cases.

But he insisted he was not overwhelmed by numbers as lawyers sometimes are. "I actually did well in math," he said.

Officials at the state's Office of Court Administration presented the commissioners with their own ways of looking at the numbers, including a comparison of New York's judicial salaries with the salaries of judges in other states. New York came in dead last.

The court administrators suggested setting the salary for a State Supreme Court justice between \$192,000 and \$220,000, a range seemingly intended to give the commission ample leeway to grant a big raise. If, for example, the commission chose a salary less than \$192,000, it could appear fiscally responsible even as it doled out raises of 30 percent or so.

For much of the past dozen years, the discussion of judicial salaries has not drawn much passion. But with the commission tackling the issue at a time of state budget problems, the idea of increasing any state salaries is not popular.

State Senator John J. Bonacic, a Republican who is chairman of the Judiciary Committee, said in an interview that a raise to \$220,000 for judges "may not be consistent with the tough environment that's going on right now." He said that in some areas of the state "if a vacancy occurred, you would have lawyers lining up for Supreme Court at the current salary."

In the media and on the Internet, the prospect of a big judicial raise is beginning to draw fiery comments. Judges deserve a raise, “but 62 percent in one shot?” The New York Post asked in an editorial last week after the court administration officials had filed their submission. “No way,” the paper commented.

David Bookstaver, the spokesman for the court system, said the proposal offered the commission a range of salary possibilities based on factors set forth in the law. As for the criticism, Mr. Bookstaver called it “a mischaracterization of our submission.”

During the panel’s meeting last week, three of the seven commissioners appeared ready to grant judges a large raise quickly, two did not suggest views and two said the size of any raise had to be limited by the state’s fiscal troubles. “How much can the state afford?” asked Bill Mulrow, who was appointed by Gov. Andrew M. Cuomo.

In the filings, the formulas and calculations are stitched together with arguments. So far, the most ardent — and the wordiest— is the one by the judicial associations, which runs 247 pages. “When someone finds out that you are a judge,” it said, “and you have not had a raise in over 12 years, most people say, ‘That’s crazy.’ ”