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Caution Urged on Raises for State Judges

By WILLIAM GLABERSON

ALBANY — A Cuomo administration official on Wednesday urged a state commission considering whether to increase the pay of New York judges to exercise restraint and “consider the state’s fiscal outlook.”

The testimony by the official, the state budget director, Robert L. Megna, represented the first clear signal to the commission of Gov. Andrew M. Cuomo’s position. It is the latest development in a debate over judicial salaries that has lasted years and has been dominated by judges who argue they have been treated unfairly in a 12-year pay freeze.

“We’re still in a very weak fiscal condition in the State of New York,” Mr. Megna said.

The seven-member commission was created under a law passed last year because the Legislature has failed to approve a pay raise for judges since 1999. Its members were appointed by the governor, legislative leaders and the state’s chief judge.

On Wednesday in a hearing room here, as they have for years, lawyers and judges made the case that experienced judges were leaving and qualified lawyers were unwilling to become judges because of the salary. Justices of the state’s highest-level trial court, the State Supreme Court, earn \$136,700. Legal groups and court officials have said a raise to \$190,000 or more would represent a cost of living increase.

But in his testimony, the budget director took issue with many of the central points of the judges’ argument. Some judges’ organizations have noted bitterly, for example, that because salaries for judges have not risen in years some courthouse employees earn more than they do.

Mr. Megna said that similar awkward circumstances existed in many stressed state agencies and that many state commissioners earned less than judges. He urged the commission not to “distort the entire salary structure” of the state by adding unnecessarily to the payroll.

He also noted the judges’ argument that a raise for them would be a small fraction of the

state budget. With an expected budget gap next year of \$2.4 billion, he said, increased expenses would mean cuts elsewhere.

The commission's determination of a new judicial salary scale, due next month, would go into effect unless overturned by the Legislature and the governor.

Mr. Megna did not provide a recommended judicial salary. But his remarks could influence at least three members of the commission appointed by the governor, including the chairman, William C. Thompson Jr., a former New York City comptroller.

One speaker after another took a seat to make what were generally polite points. The state's chief administrative judge, Ann Pfau, said it was time "to fix once and for all" a "demoralizing" issue for judges. Robert Holdman, an acting State Supreme Court justice who has been hearing cases in the Bronx, said he was resigning because he was in so much debt that he would lose his house if he stayed on the bench.

But it was clear that the budget director's brief remarks had posed a challenge to the judges and their allies.

Justice John Leventhal, an appellate judge who is president of an association of Supreme Court justices in New York City, shouted into the microphone that judges "have already tightened our belts, over and over."

Justice Leventhal, who spoke after the budget director, said that judges were officials with designated roles under the State Constitution.

"Mr. Megna," he shouted, "we are not employees." He said the budget director's testimony "just shows the disrespect."

After some of the judges spoke, Dennis Hughes, the president of the state A.F.L.-C.I.O., said he supported a judicial pay raise. He said he represented more than two million members.

"We don't represent judges," Mr. Hughes said to a few chuckles in the room, "but from what I've heard here today, that could change."