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*at New York University School of Law*

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## Debating a Pay Increase for NY Judges

By Maria da Silva – 07/22/11

During a [public hearing](#) Wednesday, New York State's Special Commission on Judicial Compensation examined New York's judicial salary scale. Created by the State Legislature last year in response to arguments that, after going 12 years without any cost of living adjustments or raises New York's judges deserved a raise, the Commission is expected to issue a recommendation next month about whether to adjust judicial salaries. If the Commission recommends salary increases, they will go into effect immediately unless the legislature and governor reject them.

Although the Brennan Center does not endorse a specific salary scale, we did submit [public comments](#) urging the Special Commission to carefully review the data provided by [Chief Administrative Judge Ann Pfau](#), the [Coalition of New York State Judicial Associates](#), and the [New York City Bar Association](#), among others, in recommending appropriate adjustments to judicial compensation.

The debate over judicial compensation in New York is not new. Indeed, the Commission was established after legislative action regarding judicial pay repeatedly stalled. In 2007, then-Chief Judge Judith S. Kaye requested that the National Center for State Courts study New York's judicial compensation process. The NCSC [report](#) concluded that New York failed to meet the four criteria it deemed essential to an appropriate system of setting judicial salaries: equity, regularity, objectivity, and separation from politics. Accordingly, the report concluded that "judicial pay levels are inadequate and unlikely to continue to attract and retain highly qualified members of the legal profession to serve on the State's bench."

Four years later, there remain many reasons New York judicial salaries should be increased. As noted, New York judges have not received a cost of living increase — or any other compensation bump — in more than a dozen years. The result is that our judges — once America's best paid — are the lowest paid in the country relative to cost of living. As a [New York Times editorial](#) suggests, the State's inadequate judicial pay scale — under which New York judges earn less than other state judges, federal judges, and even some law clerks — may undercut its ability to attract and maintain a diverse and exceptional pool of judges.

We are well aware that the Commission faces the unenviable task of squeezing water from a stone. New York's judiciary is already struggling to efficiently administer justice in light of massive budget cut, and funding for essential court services resources cannot be further cut. Indeed, these resources should be increased, particularly those that help deliver meaningful justice to less affluent residents in the Empire State. State officials [contend](#) that a judicial pay increase is improbable, given the State's fiscal situation. We understand the precarious position in which budget negotiators find themselves. Nevertheless, the existing judicial compensation scale presents real and serious challenges to the judiciary, and adjustments are long overdue. We look forward to reviewing the Special

Commission's recommendations.

Tags: Democracy, Fair Courts

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Brennan Center for Justice at NYU School of Law | 161 Avenue of the Americas, 12th Floor | New York, NY 10013  
646.292.8310 phone | 212.463.7308 fax | [brennancenter@nyu.edu](mailto:brennancenter@nyu.edu)

Washington, D.C. office | 1730 M Street, NW, Suite 413 | Washington, D.C. 20036  
202.249.7190 phone | 202.223.2683 fax | [brennancenter@nyu.edu](mailto:brennancenter@nyu.edu)