

Jurist raises: What's affordable?

Budget director tells panel that state cannot afford some proposed raises for judges

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ALBANY -- Gov. Andrew Cuomo's budget director told a special panel Wednesday the state cannot afford long-awaited pay raises for judges unless they are "rational and fair" -- and ruled out some proposed hikes as unaffordable.

New York's more than 1,200 judges have been without salary increases since Jan. 1 1999, prompting outrage from politicians, bar associations and judges themselves, some of whom say they have been forced out of their profession for financial reasons.

On Wednesday, the seven-member state Commission on Judicial Compensation, a panel formed to rule on the issue of pay hikes, heard from several witnesses at a hearing in the Legislative Office Building. Speakers included state Division of Budget Director Robert Megna, whose testimony placed him at odds with several supporters of raises attending the hearing.

They have asked that salaries be increased at the least to account for inflation since 1999, which would put them at \$195,754. But Megna stressed any increase must take into account the state's fiscal challenges and not distort the entire salary structure of public employees.

"Aside from the fiscal situation of the state, it is critical that whatever system is adopted be rational and fair," Megna stated. "Unfortunately, certain proposals that recommend significant salary increases would skew the entire system. In essence, such proposals -- proposals that would increase judicial salaries well above most public officials -- cannot be rationalized. Public service is a noble profession and we must be mindful that it's not always about how much a person makes. Thus, it is imperative that any salary increase can be justified in the current system."

Megna later told reporters that while judges have not had raises in more than 13 years, neither have state agency commissioners nor governors.

Earlier, the state's chief administrative judge, Ann Pfau, testified that an inflationary increase based on U.S. Bureau of Labor statistics would be the "simplest and fairest way" to compensate judges.

State Supreme Court judges earn \$136,700. Under proposals supported by Pfau, such salaries, depending on the measuring stick, would increase to between \$192,000 and \$220,000. Pfau

testified an increase consistent with federal district judges -- who make \$174,000 -- would not be appropriate if not adjusted for inflation because federal judges have not had cost-of-living increases since 2009.

Albany County Family Court Judge W. Dennis Duggan, speaking on behalf of the New York State Family Court Judges Association, told the panel his last raise came when his daughter was in kindergarten; now she is about to attend college. He said 16 salary levels exist for different trial judges in New York, calling it a "crazy system."

Duggan asked for consistent pay raises such as those given to state employees. Had the state Legislature suggested freezing the salaries of state workers for 13 years, "no union would have accepted such an offer," he said.

Duggan added, "No employee group in America has given up so much for so long as New York's judges."

Among other witnesses testifying in favor of raises were former Chief Judge Judith Kaye, New York State Bar Association President Vincent Doyle and New York City Corporation Counsel Michael Cardozo.

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