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Bar Association thumbs-down on plan for judicial raises

Posted on August 26, 2011 at 4:54 pm by Casey Seiler, Capitol bureau chief in Judicial Pay

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State Bar Association President Vincent Doyle says the plan to boost judges' salaries by 27 percent over a three-year period is "relatively modest" considering that judges have gone 12 years without a raise. It was "disappointed" with the idea of the phase-in.

"Judges have waited long enough," he said. "We recognize the state's fiscal problems and that many New Yorkers have been forced to sacrifice. For judges, the sacrifice has been particularly long and onerous. Since 1999, in good economic times and bad, judges' salaries have not increased even by one cent."

Here's the full release:

New York State Bar Association President Vincent E. Doyle III today expressed concern that the Judicial Compensation Commission approved a relatively modest salary adjustment for New York's judges whose wages have been frozen since January 1999. The commission voted to increase the annual salaries of state Supreme Court justices from \$136,700 to \$160,000 in 2012, \$167,000 in 2013 and \$174,000 in 2014.

"During the past 12 years, the cost-of-living increased by 40 percent, eroding judicial salaries. Yet the commission voted to adjust judicial salaries by only 17 percent in 2012," said Doyle (Connors & Vitaro, LLP) of Buffalo. By 2014, the third year of the phase-in, judges salaries will have risen 27 percent over a 15-year period, far less than the projected inflation rate.

"A well-functioning Judiciary is critical to our system of government. It safeguards the rights of all New Yorkers while resolving both criminal and civil disputes in a fair and impartial manner," Doyle said.

"Salary stagnation is more than a personal hardship for judges. It threatens to undermine our judiciary, making it harder to attract and retain talented judges," Doyle said. "New York's judiciary has a well-regarded national and international reputation. We put that reputation at stake if we continue to devalue our judiciary by not adjusting judges' salaries."

Judges are leaving the bench voluntarily in record numbers, according to a recent New York Times article. In 1999, 48 of the state's 1,300 judges resigned. In 2011, 110 quit the bench. "Judicial pay scales should not be so inadequate that they encourage top judges to resign—or deter highly qualified attorneys from seeking judgeships," Doyle noted.

Doyle said he also was disappointed that the commission called for phasing in the adjustment over three years.

"Judges have waited long enough," he said. "We recognize the state's fiscal problems and that many New Yorkers have been forced to sacrifice. For judges, the sacrifice has been particularly long and onerous. Since 1999, in good economic times and bad, judges' salaries have not increased even by one cent."

The Judicial Compensation Commission was created by a measure signed into law by Governor David Paterson in 2010. The commission's recommendations will take effect April 1, 2012 unless the Legislature affirmatively modifies or rejects them.

In a report issued in July 2011, the State Bar Association called for raising salaries of state Supreme Court justices from \$136,700 to \$192,000, to reflect the increase in the cost-of-living since 1999.

In 1977, the state government became responsible for funding the newly created Unified Court System. Since then, judicial pay raises have been infrequent. "A pattern of long periods of salary stagnation [were] interrupted by occasional 'catch-up' increases," the Bar Association report says.

Thus, the report notes, "A judge serving since 1995 has received only one pay increase, in 1999. A judge serving since 1988—23 years ago—has received only two salary adjustments, in 1993 and 1999, while seeing inflation dramatically erode his or her salary."

The 77,000-member New York State Bar Association is the largest voluntary state bar association in the nation. It was founded in 1976. For further information, see www.nysba.org/newscenter.

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Casey Seiler, Capitol bureau chief

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Smith

August 26, 2011, 6:47 PM

This whole concept of regular increases in wages (and prices) needs to end. The salaries of these elites are a good place to start.

Darth Stateworker

August 26, 2011, 8:08 PM

Smith:

"Regular"? Ignoring that these folks haven't seen raises in over a decade, are we?

wondering

August 26, 2011, 8:39 PM

27% raises over 3 years when the rest of the state workforce has to take \$0 and furloughs and contribute more for health insurance. Really -- give me a break. Elites take care of their own... let the rest eat cake!

Ebenezer

August 26, 2011, 9:18 PM

Smith, 1 raise in 12 years is regular? I don't think your comment makes any sense.

Tristan

August 26, 2011, 11:50 PM

How removed from the real world would you have to be to think that a 27% increase over three years was unacceptable? I don't know a single person who wouldn't jump at that deal. Perhaps if the dispensation of justice creates too much of a financial calamity (who can live on \$130,000?) those who are unhappy should go back to work and practice law again.

I took the incentive

August 27, 2011, 12:22 AM

Right, furloughs givebacks and layoffs (500 in OCA) and give the princes a \$24,000 raise next year. Are you kidding me?

Lets see what the Court Unions take for a contract after they give all this money to the Judges, funded by YOUR Union givebacks, of course.

PublicServant

August 27, 2011, 1:14 AM

Conceptually, I agree with you, @Smith -- but while wages and prices steadily increase for everyone else (2.8% average pay increase last year!), not increasing the wages of public sector employees is effectively cutting their wages. Even so, the thought that NYS is increasing the six-figure salaries of judges while forcing all lower compensated employees to take a significant pay cut really rankles. Shared sacrifice, indeed!

They are over paid now

August 27, 2011, 9:16 AM

While it may seem unfair that they have not gotten a raise, let us not forget that they have a full staff of law clerks etc. that do most of the work for them. I am not sympathetic to them at all..

Certainly I am not impressed with Chief Justice Lipman who laid off 450 court employees after getting his budget slashed this year.. How on earth is there any justice, laying off people and then proposing shifting the budget money to offer pay raises to the Judges... As if the people who were laid off did no work? I suppose he can go to the state till and ask for more money to cover any raises, but my guess is he is not going to get it, and he will be forced to take it off the backs of hard working court employees,

What a system...

Terry O'Neill, Esq.

August 27, 2011, 9:29 AM

The judges may have gone for twelve years without a raise, but New Yorkers have gone for more than 30 years without any judicial reform, including the merit selection that would take the backroom politics out of judicial selection.

Stop The Madness

August 27, 2011, 1:05 PM

Hey, no raises since 1999??? I got no problem with the 27% and to be fair the % could have been higher too since judges need to study, obtain a law degree, then pass the bar... just to get started on their career. Yes, these people should not be paid poorly or NYS will have trouble attracting good qualified judges.

Anonabacus

August 27, 2011, 4:02 PM

@Smith -- sounds like you're in favor of your wages (or Social security benefits) not increasing to match increases in

cost-of-living. Let's see if you put your money where your mouth is and decline or donate any cost-of-living increases you get to charity.

you have got to be kidding

August 28, 2011, 6:27 AM

With every other state employee either having the threat of being laid off or having our income cut the Bandit turns around and thumbs his nose at the working poor and middle class. I am a PEF employee and was on the fence about turning down the tentative contract with this latest news I am sure to turn it down now. Keep giving to the higher class and the middle and lower class will soon be on welfare then all the upper class can support us. I understand everyone wants a pay raise but when you make this kind of money these Judges do where does it end? Oh I know on the backs of the Middle and lower class citizens of New York. It is like the PEF president said while Negotiating the agreement it was like being on the play ground and taking a knife to a gun fight to bargain with CUOMO. He wants what he wants no matter who it hurts as long as it is not his UPPER Crust Buddies.

Lawrence M. Delarose

August 28, 2011, 8:44 AM

Hooray for the Bar Association. In the midst of an economic recession with millions of people underemployed or unemployed state judges are looking for a 27 per cent pay increase over the next three years. Talk about hutzputh. What ever happened to public service?

Bill Lake

August 28, 2011, 10:08 AM

If the plan passes and there is a shortage of qualified candidates to become/remain judges then I would agree the plan is a disappointment. Let's pass it and find out.

Gail

August 28, 2011, 12:19 PM

The Bar Association is off base again(lawyer fees are elastic while W2 employee salaries are not and judges are W2 persons). While state employees are taking the next five years at about 4.2% total, it is not reasonable to give the judges 27%. Yes they have not had a raise for a number of years but this is not the time to increase their salary . If one finds that a burden quit. There are plenty of qualified individuals to take your place and salary. Judge Lippman has allowed various means to increase funds available to OSC staff during the last several years. When the finances improve, increases must be considered and should be implemented.

Da King

August 28, 2011, 2:51 PM

Give them the raise. They are paid to be fair. So we must be fair with them. Not that this would happen but I don't want a judge that has a grudge. They have waited long enough. They do important work. Treat them with respect. Our justice system works well. Let's not screw it up by being cheap.

Steve Smith

August 29, 2011, 7:09 AM

Yeah, let's just pay them what they want...
I wish it worked like that for all of us. Hey, I do a good job so I deserve a 50% increase in salary....
Give me a break.
They can survive on a six figure salary. If they can't, find a new job.
It's called public service for a reason.
Such arrogance.

Voting-No

August 29, 2011, 8:13 AM

hypocrisy by Cuomo – claiming the fiscal emergency crisis in NY State but this can be afforded – weather they deserve it or not is immaterial – tell this to those furloughed and those that will be laid off next year – contract or not. Fairness and equality fall on deaf ears when the right foot in mouth Cuomo claims the state is poor and these group of high paid political elites that say "we don't care we want ours and let the layoffs begin".

Dave

August 29, 2011, 8:31 AM

Oh the poor judges, how do they get by on a measly 137k a year. Must be down to bologna and store brand mac and cheese. I get that no raises in 12 years stinks, but I don't want to hear any one cry about making over 6 figures. I have several degrees and have paid my dues, and I most likely will never see 6 figures.

Black robed mafia

August 29, 2011, 9:50 AM

Yea I agree give the judges their pay raise. However, within that 27% We will require them to give:

- 1) The Janitor a 3% pay raise for emptying and cleaning their office.
- 2) The Court officer a 3% pay raise for protecting them.
- 3) Their secretary a 3% pay raise for typing up all their documents.
- 4) Their clerk gets a 3% pay raise for doing all their legal research for them.
- 5) The librarian a 3% pay raise for making sure all their law books are in order.
- 6) The court stynographer a 3% pay raise for recording all their cases.

O crap we are already over budget and many of them are provided with cars, apartments, and let us not forget all the paper and pens they need to perform their duties. These Judges dont need raises, they need oversight and

accountability.

nycourtstoday

August 29, 2011, 12:09 PM

Terry O'Neil's comments are on point. Let's not forget that a federal District Court in the Eastern District of NY and the US Second Circuit Court of Appeals both declared New York's process for electing State Supreme Court justices unconstitutional.

This is not to say that qualified Judges with clean records are not deserving of a raise, nor does it say that there is a concern that the level of compensation may deter qualified individuals from seeking and holding these positions.

But the Judiciary and Judicial Reform was entirely forgotten and disregarded in the Ethics Reform package passed by the Legislature and signed by the Governor, overlooking an entire third branch of government in Albany and around the State.

This disregard of Reform in the Judiciary by the Legislature and Governor occurred despite the fact that multiple Senators on the State Senate Judiciary Committee stated in a public hearing held in NYC in September of 2009 that a Task Force should be established to address issues of Judicial related corruption within the 4 Appellate Division Departments and the need for Audits and other issues raised.

Senators Sampson, Perkins and Adams were all part of this effort in Sept. 2009 with the announcement of intent to form a Task Force made by Senator Eric Adams and yet no Final Report or followup from these hearings ever occurred.

The Public Hearings had begun on June 8, 2009 in Albany with multiple witnesses describing systematic problems throughout the Judiciary and the Commission on Judicial Conduct which can surely be established to be a dysfunctional body in need of serious reform.

The remainder of the June 8, 2009 Hearings were cut off when the infamous Senate Coup occurred on that day in the afternoon.

At the Sept. 2009 Hearing in NYC, it was announced that subsequent dates were supposed to occur yet this has never happened.

The requirements of a functioning Commission on Judicial Conduct are set out in the State Constitution yet multiple witnesses from around all parts of the State can show that this body is grossly dysfunctional with large volumes of complaints never investigated despite absolute merit.

While there are many excellent and upstanding Judges around the State, it is a serious problem in the Judiciary for Judges to be granted blanket immunity for what would constitute Criminal actions by any other citizen.

It is a crime to Tamper with Official Court records and documents yet multiple witnesses throughout the State can show numerous examples of when this has occurred and instead of fair investigations into the Judicial conduct, usually the complainant receives extreme retaliation taking many different forms.

Some of the true life stories right here in New York would make the average person think that somehow they had been transported back in time to Hitler and treatment of Jews and others during times of the Concentration camps and more.

How is it possible in the year 2011 that a Litigant can be denied Access to their Own Court records which obviously have impact on establishing due process in proceedings and yet there are multiple complainants of this type of action all around the State of New York.

Several witnesses including attorneys testified at the Judicial Pay Compensation Hearings to raise these and similar issues and yet no established media outlet reported on this in any regard. That is an additional problem in the system.

How is it that the State of New York can have practices and policies where parents, mother or father, who have never been convicted of any crime and yet can pay sometimes upwards of \$100,000 in "child support" and still be denied basic Visitation rights guaranteed as a fundamental right under established federal court decisions while those who sit in our prisons (righty or wrongly?) have access to visitation rights with children and family?

The following is a Youtube Link to the Sept. 2009 Public Hearings by the State Senate Judiciary Committee:

<http://www.youtube.com/nysenateuncut#p/u/0/knQLI15hrj5>

For links to hundreds of complaints from around the State including massive Conflicts of Interest and links to the June 2009 Senate hearings go to <http://www.exposecorruptcourts.blogspot.com>

mjw

August 29, 2011, 12:30 PM

They should get the raise. If you consider it's 27% over 15 years, that's less than 2% per year. What did the unions get over the last 12 years? And \$130,000 for a lawyer is nothing, they are sacrificing just being judges. We don't want only the inadequate lawyers to be interested in this job.

nycourtstoday

August 29, 2011, 12:48 PM

Few clarifications: Should say that it is a true concern that present pay level may deter qualified candidates.

The Testimony before the Senate Judiciary in Sept. 2009 at beginning of video above, copied again here, of Richard Kuse, detailing how a Court and connected attorneys "forged" a Will for his relative by amazingly claiming his Uncle nominated a relative the Uncle "knew" had been Deceased for over 30 years to be Executor of the Estate should be a Stark example of the serious problems in the present NY Judicial system. And this is just one example.

See, below.

<http://www.youtube.com/nysenateuncut#p/u/0/knQLI15hrj5>

elmer

August 29, 2011, 2:46 PM

Comments here are, in the main, hilarious.

First, the good State of NY has, in its infinite wisdom, created a judicial compensation scheme in which in fact many "law clerks" make more than the judges. That makes sense, right?

Second, all of you whining about what great money it is don't get it. Do you want good lawyers on the bench, or lawyers for whom \$137,000 is good money?

Finally, all you state worker types who are complaining—if you got 0% for twelve years would you still be working there?

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