

## 27% pay increase urged for state judges

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ALBANY — A state panel has recommended phasing in a 27 percent pay hike for state judges over the next three years, which would give jurists their first salary increase in more than 12 years.

Under the state Special Commission on Judicial Pay's plan, which will formally be released today, state Supreme Court judges would have their annual pay bumped up to \$160,000 in April 2012, with \$7,000 raises to follow in each of the following two years.

That salary would put them in line in 2014 with federal district court judges, who make \$174,000 annually. State Supreme Court judges currently earn \$136,700.

Other judges in the state courts system, such as county court judges, whose salaries range from \$119,800 to \$136,700, would see their salaries rise by the same percentage over the three years.

The commission approved the proposal by a 4-3 vote in a meeting in New York City. The recommendations will be law unless the state Legislature and governor decide to overturn the raises before April 1, when the new salaries would take effect.

"I think the message we're trying to send is yes, we care about our state's judiciary, but there's a larger world," said Bill Thompson, former New York City comptroller and chairman of the commission. "It's a difficult balance where we're at right now."

The commission was created last year to take on the contentious issue of judicial pay and issue an appropriate raise for the roughly 1,300 state judges. With appointees from all three branches of government, the panel began its discussions last April.

State judges, who hadn't seen a raise since 1999, had long called for a raise, saying that New York's pay rate pales in comparison to the federal government or other states, and it was making it difficult to recruit lawyers to the bench.

Robert Megna, Gov. Andrew Cuomo's budget director, had urged the commission to use caution, saying that issuing a raise of 40 percent or more — as some judicial

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groups had been calling for — could throw the state's precarious finances "out of whack."

On Friday, Megna said the Cuomo administration was reviewing the pay hike and had no immediate comment. Chief Judge Jonathan Lippman called the pay raise a "glass half-empty/half-full situation."

"I'm pleased that even in these terrible economic times judges are getting raises that they so richly deserve, and I'm pleased that on April 1, New York state judges' salaries will at least have some rational relationship to other states, to federal judges, to the private sector," Lippman said. "But at the same time, I'm disappointed that after close to 13 years without even a cost-of-living adjustment that judges didn't get an even more significant raise."

Lippman also said he would have rather seen the full 27 percent raise implemented immediately, rather than annual raises spread out through April 2013.

The raises come as other state employees are being asked to freeze their salaries as New York grapples with its own budget woes. The Civil Service Employees Association this month agreed to a five-year contract that includes no pay raises for the first three years.

The courts also this year laid off about 370 employees as its cut its own budget by 6 percent.

The raises were "upsetting," said Ellen Chorba, whose husband, Glen Chorba, was laid off after 24 years as a Rockland County court officer. She has launched a campaign to have her husband reinstated, saying if the state can spend millions on judicial raises, they should be able to hire back workers who lost their jobs.

"It has a devastating impact for those of us who are watching our salaries go to raises," she said. "What's never taken into consideration is what's fair for the people who don't have a salary now."

The New York State Bar Association, however, said the raises wouldn't be enough to attract top talent.

"Judicial pay scales should not be so inadequate that they encourage top judges to resign or deter highly qualified attorneys from seeking judgeships," Bar Association President Vincent Doyle said.

Previously, the state Legislature had to approve of raises for the judiciary, and

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lawmakers' raises had been tied to raises for judges. The panel separated that link; lawmakers haven't had a raise since 1999, either.

Under the law, a new commission will be appointed every four years to consider judicial pay, though the Legislature could still block any raises.

Assembly Speaker Sheldon Silver, D-Manhattan, said in a statement the commission acted as it was intended and made an independent decision. But the statement didn't indicate whether the Assembly would support the raises.

"An independent commission was created to take the decision away from the Legislature and away from political finger-pointing," Silver said in a statement.

There was no immediate reaction from the Republican-led Senate.

The seven commission members were split Friday on the formal proposal, with three — Mark Mulholland, Robert Fiske, and Kathryn Wylde — voting against it.

Mulholland said the raises didn't go far enough, while Wylde said the raises were reasonable, but that she was concerned it didn't send the right message to judges. Fiske said he didn't support the phased-in approach. Lippman appointed both Fiske and Wylde, while Senate Majority Leader Dean Skelos, R-Nassau County, appointed Mulholland.

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*Journal News staff writer Rebecca Baker contributed to this report.*

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