

Featuring content from WESTLAW

## NEW YORK LEGAL

## HOME

## INSIGHT

## LEGAL MATERIALS



## New York judges ask for 41-percent raise, retroactive pay

6/16/2011

COMMENTS (0)

NEW YORK, June 16 (Reuters) - A coalition of more than 1,100 New York judges has asked the state's newly-created Judicial Compensation Commission for a 41-percent pay hike, after more than a dozen years without a raise.

The request would increase the salary for state trial-court judges to \$192,500 from \$136,700, where it has held steady since 1999.

The figure is the centerpiece of a 247-page report compiled by the Coalition of New York State Judicial Associations, which includes groups representing nearly 90% of the state judiciary, from Supreme Court justices to Family, Criminal, and Housing Court judges.

The report, which was delivered to the compensation commission this week, lands amidst a \$170-million cut to the state court system's budget, which has led to the layoffs of 411 non-judicial court employees and the demotion or transfer of 241 others.

"While it is very unfortunate that there is a need to lay off some workers, judges are the only State employees who have not received any raises over the last 12 years, although their case loads have increased dramatically during that time," Brooklyn Family Court Judge Daniel Turbow, who organized the coalition, wrote in an email.

"It is grossly unfair to suggest that the judges, who did not obtain any raises during times of plenty, should continue to be singled out as the lone group not entitled to a salary increase," Turbow added.

The report estimates that the requested raises will cost \$78 million, but points out that even so, the judges' salaries "will approach, but still significantly lag behind" the salaries of judges in the nation's five other largest metropolitan areas, when adjusted for cost of living.

## COMMISSION IN PLACE

The commission, a seven-member panel established in 2010 by former Gov. David Paterson, was slated to begin work on April 1, but was not filled out until last Friday, when Gov. Andrew Cuomo made the final three appointments. The members have until the end of August to make salary recommendations, which would take effect on April 1, 2012, and last for four years, unless modified or repealed by statute.

Commission chairman Bill Thompson said the commission is still in the early stages of its work. "We have not established an agenda or a timetable yet," he said, but added that the members will meet within the next two weeks to start planning a schedule and determine what information they will need.

The report may provide the commission with a substantial chunk of that information.

Authored by Albany Family Court Judge W. Dennis Duggan, the report was partly the result of dissatisfaction with several elements of the legislation that created the commission, said Turbow.

In particular, the judges were upset that the raises would not take effect until 2012, that the legislature would have the ability to block a judicial raise, and that there was no provision for a retroactive salary increase.

"The judges believed it was necessary to present a position on their own behalf, independent of that presented by the Office of Court Administration," Turbow said in an interview.

## LUMP-SUM PAYMENT

In addition to the requested 2012 raise, the report calls for a lump-sum payment equal to the cost-of-living-adjusted, or COLA, salary levels for each year since 2005.

The report also noted that since the last judicial raise in 1999, the Consumer Price Index has increased 41 percent. During that time, it said, 220,000 non-judicial state employees have received raises totaling 44 percent.

While the report focuses on the state's approximately 380 Supreme Court justices, who earn \$136,700, the coalition requests that all trial judges at the county level and above should receive the same salary, and asks that the chief judge's salary be "markedly increased" to \$290,000.

"Not only is the chief judge the leader of the Court of Appeals, our highest court, but also the leader of one of the largest, most complex court systems in America," it said.

Duggan acknowledged that the average person who doesn't make \$136,700 might find a 41-percent raise "astounding."

## MORE NEW YORK LEGAL NEWS

**New e-mails suggest MBIA plotted for approval of breakup plan**

**Dreaming of an iSettlement?**

**No new trial for former state senator, lawyers ask**

**N.Y. man gets 20 years for \$24 million Ponzi scheme**

**U.S. cites 'devastating' IM; Jiau jury deliberates**

**Judge Rakoff certifies MBS investor class in \$16 bn Merrill case**

**TerreStar seeks more time to file reorganization plan**

**Lawyer asked judge to remove him from rape trial**

**U.S. judge cites 'thin' evidence in Bout arms case**

**Strauss-Kahn told police in New York he had immunity**

"But the average person didn't have to have 20 years of education and 10 years of experience and then get elected to get their jobs," he said.

If judges had received normal cost-of-living adjustments, he added, "nobody would be objecting to our pay."

The report notes that previous state budgets have included allocations for judicial raises. For example, in 2006 the legislature and Governor George Pataki approved a budget that contained a \$69.5 million appropriation for judicial salary increases.

"The taxpayers paid for a judicial pay raise that the judges never got," the report said.

The report also suggests revenue sources the state could tap to fund judicial raises, such as passing a sugared-drink tax, increasing the bottle tax, or not letting the "millionaire's tax" expire.

(Reporting by Jennifer Golson)

(Corrects paragraph 16, which erroneously stated that there are 800 Supreme Court justices in New York. There are approximately 380 Supreme Court justices.)

[Register or log in](#) to comment.

© 2011 THOMSON REUTERS

[CONTACT US](#) [PRIVACY POLICY](#) [TERMS OF USE](#) [COPYRIGHT](#) [SITE MAP](#)