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Excerpts

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Chief Judge Judith S. Kaye's complaint cites precedents from the top courts in Pennsylvania and Illinois as supporting the New York judiciary's claim that the state Constitution requires that judges be provided with a pay raise.

The Pennsylvania Supreme Court case, *Goodheart v. Casey*, 555 A.2d 1210 (1989), involved a successful challenge to changes in the pension system increasing contribution rates for judges joining the bench after a certain date and eliminated certain contribution options for all judges.

The Illinois case, *Jorgensen v. Blagojevich*, 811 N.E. 652 (2004), overturned measures that would have blocked the judiciary from getting cost-of-living increases in two consecutive years.

In *Goodheart*, the Pennsylvania Supreme Court wrote:

“[I]t is the constitutional duty and obligation of the legislature in order to insure the independence of the judicial . . . branch of government, to provide compensation adequate in amount and commensurate with the duties and responsibilities of the judges involved. To do any less violates the very framework of our constitutional form of government.” (Quoting from the court's earlier ruling in *Glancey v. Casey*, 288 A. 2d 812 (1972)).

“Although the legislative branch of our government has the power and authority to set the salary scale for the judiciary . . . as a co-equal branch of our tripartite form of government, the ‘[j]udiciary must possess the inherent power to determine and compel payment of those sums of money which are reasonable and necessary to carry out its mandated responsibilities’ *Commonwealth ex rel. Carroll v. Tate*, 442 Pa. at 52, 274 A.2d at 197 (emphasis in original). Therefore it follows that this Court has the inherent power to ensure the proper functioning of the judiciary by ordering the executive branch of government to provide appropriate funding so that the people's right to an efficient and independent judiciary is upheld.”

“For judicial compensation to be constitutionally adequate, it must ‘provide judges with a level of remuneration proportionate to their learning, experience and elevated position they occupy in our modern society. Inherent in this definition is the increasingly costly obligations of judges to their spouses and families, to the rearing and education of their children and to the expectation of a decent, dignified life upon departure from the bench.’”

In *Jorgensen*, the Illinois Supreme court stated:

“The court's administrative authority over the judicial branch carries with it the corresponding authority to require production of the facilities, personnel, and resources necessary to enable the judicial branch to perform its constitutional responsibilities. That includes payment of the judicial salaries provided by law.”