

New York Law Journal

Select 'Print' in your browser menu to print this document.

Copyright 2011. ALM Media Properties, LLC. All rights reserved. New York Law Journal Online
Page printed from: <http://www.nylj.com>

[Back to Article](#)

Citing Lack of Raise, Lippman Boosts Judge Allowance to \$10,000

Noeleen G. Walder
10-15-2009

While New York's 1,300 state judges wait for their first raise in more than 10 years, Chief Judge Jonathan Lippman yesterday said he would boost to \$10,000 from \$5,000 payments they receive to cover a wide range of expenses, from uncovered medical care to judicial license plates.

The enhanced benefit was announced by the chief judge in a brief webcast to the judiciary. The presentation was not available to the general public, but Judge Lippman and other judges confirmed its content.

Judge Lippman said in an interview yesterday that he was "pleased to be able to double" the support. "We are not giving judges [added] salary. ... We have finite resources. I think it's an appropriate reimbursement of judges for expenses of all different kinds."

Judge Lippman in the webcast first briefed the judges on the status of several suits to force a pay raise. The Court of Appeals is scheduled to hear oral arguments on Jan. 12, 2010, of three pending actions, two filed by individual judges and one brought by the court system.

Judge Lippman, who has recused himself from the Court of Appeals case, expressed the hope that lawmakers and the governor "do their job" and make a court ruling unnecessary.

He said in the interview that he is "going to do everything in my power...and more to persuade [lawmakers] that they should act."

He said, "This is the time. The time is right now. I am urging them virtually every day to act as they should."

Judge Lippman said the increased allowances would kick-in for the year beginning Nov. 1.

However, due to budgetary constraints, he noted that the additional \$5,000 would not be paid until after April 15, 2010.

Sample of Covered Expenses Under Judges' 'Allowance'

- Health care
- Commuting

- Home technology and Internet service
- Home security: installation, maintenance and related fees
- Staff appreciation
- Reference materials
- Specialized furnishings and equipment
- Dependent care
- Life insurance
- Purchase and cleaning of judicial robes
- Judicial license plates
- Marriage counseling

According to a description of the "judicial supplemental support fund" issued in November 2008 by the court system, judges automatically receive an "allowance," originally \$5,000 and now \$10,000, unless they opt out of the program. The money is paid in a lump sum and does not require receipts.

The lump sum, which is subject to taxes, can be used for commuting costs, Internet service, home security systems, life insurance and health care, marriage counseling and other expenses.

Judges who want to avoid tax consequences have the option of applying for reimbursement of actual out-of-pocket expenses such as bar and judicial association dues, education and research but must present receipts.

In yesterday's webcast, Justice Lippman reportedly suggested that judges use the additional \$5,000 to purchase life insurance to allay concerns about the so-called "pension death gamble." If judges stay on the bench and lose that gamble, their surviving spouses stand to receive only a fraction of the amount they would have been paid had the judges retired, he said.

This is "one of the main reasons why we thought" the additional \$5,000 was a "good idea," Justice Lippman said in the interview.

According to David Bookstaver, a spokesman for the Office of Court Administration, nearly all of the state's judges took advantage of the \$5,000 reimbursement last year, with more than 90 percent using the full benefit. This cost OCA roughly \$6 million, and the additional \$5,000 reimbursement will cost another \$6 million, Mr. Bookstaver said.

He said OCA would pay for the benefits by cutting down on overtime. Last year, OCA's total yearly budget was \$2.27 billion, according to Mr. Bookstaver.

Judges' Reaction

Judges yesterday generally welcomed the additional \$5,000, although some said it would not compensate for the lack of a raise.

"I think in view of the really disastrous salary situation, it's an especially good measure on Chief Judge Lippman's part," said former chief judge Judith S. Kaye, who brought the judicial pay raise suit against the Legislature.

Manhattan Criminal Court Melissa C. Jackson agreed.

She said all the judges at Manhattan Criminal Court "feel [Chief Judge Lippman] is doing his best to help

out the judges" and we are "very grateful," she said.

Queens Supreme Court Justice Peter Kelly said the action is "not as good as a raise, but it's the best the chief judge can do under these circumstances, and it certainly is better than having nothing done at all."

Brooklyn Supreme Court Justice Michelle Weston, president of the Association of Justices of the Supreme Court of the State of New York, said the increase was a "first step," but added that she and the group's members wish it was higher.

However, ultimately, the "Legislature has to take care of us" and provide a "permanent solution...so we don't have to go begging every couple of years. ...We are a separate branch of government. We should be funded adequately," Justice Weston said.

Supreme Court Justice Joseph G. Golia, president of the Queens chapter of the association, said that any additional money is "better than what we had," but "we are not satisfied."

Justice Golia, who said he and his wife had depleted nearly their entire life savings, said he did not understand "why we are in this quagmire," adding that the stalemate must be a result of a disagreement between the governor and the Legislature.

Similarly, Robert A. Spolzino, who left the Appellate Division, Second Department, earlier this month after nearly six years, called Judge Lippman's action "certainly helpful, but not sufficient. Judges' pay is atrocious and what we need is a raise from the Legislature." Mr. Spolzino is now a partner at Wilson Elser Moskowitz Edelman & Dicker.

"We appreciate the increase in the wellness account but it would be nice to put some meat on the bones and get us the long-overdue raise that we so sorely deserve," said Nassau County Justice Edward A. Maron, the lead plaintiff in one of the pay raise cases.

@|Noeleen G. Walder can be reached at nwalder@alm.com. Daniel Wise contributed to this report.