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New York Law Journal

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After Cuts, Pfau Vows to Support Judiciary's Supplemental Fund

Governor David A. Paterson said yesterday that he and the Legislature have agreed to cut \$18 million from the judiciary's budget proposal, with two-thirds of the reduction intended to eliminate a fund introduced in 2008 to give judges supplemental income in the absence of pay raise. However, Chief Administrative Judge Ann Pfau pledged that the \$12 million to make the payments would be found elsewhere in the judiciary's budget.

Joel Stashenko

04-28-2010

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However, Chief Administrative Judge Ann Pfau pledged that the \$12 million to make the payments would be found elsewhere in the judiciary's budget.

Chief Judge Jonathan Lippman "has made a commitment on the supplemental fund...and we have expectations that we will be able to fulfill that commitment," Judge Pfau said in an interview following Mr. Paterson's budget announcement at the Capitol. "In general, it means that we are going to have to continue to do like everybody in state government to tighten our belts, find savings and make sure that the resources we have go to court operations."

But while maintaining court operations is the top budget issue for the judiciary, Judge Lippman considers the continuation of the supplemental fund another urgent priority, Judge Pfau said.

The supplemental fund, with \$5,000 available to judges, was introduced in 2008. Judge Lippman announced that fall that the program would be offered to judges again starting April 1, 2010, this time with a maximum benefit of \$10,000 per judge.

The program cost \$6 million in its first full year and is projected at about \$12 million following the doubling of the maximum benefit.

The rest of the \$18 million cut, which Mr. Paterson said the Legislature initiated and he accepted, would come out of either the fringe benefit or general court operations portions of the \$2.44 billion budget the judiciary proposed for the 2010-11 fiscal year.

The \$18 million in court cuts is part of a \$620 million package of spending reductions and revenue increases Mr. Paterson will be sending the Legislature for proposed passage today in an attempt to enact a budget for the 2010-11 fiscal year, which began April 1. The governor and the Legislature have been bickering over spending cuts for months, especially in the areas of health care and education aid.

Mr. Paterson said the modifications would allow lawmakers to pass a budget and address longer-term cost savings later.

The judiciary budget cut was part of \$99 million worth of savings the governor said the Legislature initiated and he accepts, meaning that when a final budget is adopted, the cut for the judiciary is likely to survive. Mr. Paterson acknowledged that he did not have an agreement with lawmakers for the rest of his proposals.

The governor proposed \$25 million in savings by state amortization of judiciary pension costs. That proposal would spread out the payments and not represent any reductions in the judiciary's budget, Judge Pfau said.

He also proposed saving \$250 million through one-day, unpaid work furloughs for executive branch employees for each period the Legislature and governor keep government operating on temporary appropriations.

Judge Pfau said the furloughs would not apply to the courts' 16,000 non-judicial employees.

Court administrators announced creation of the "judicial supplemental support fund" in November 2008 of \$5,000 to help alleviate judges' long-standing lack of a pay raise.

Judges were urged to use the payments to meet expenses related to the judiciary and their jobs, such as health care, commuting, life insurance and memberships in bar and judicial associations.

A court spokesman, David Bookstaver, said that nearly all judges used the money last year, with 90 percent using the full benefit.

In an online address on judicial compensation to the 1,300 state-funded judges in October 2009, Judge Lippman announced that the size of the grant available to each judge would be increased to \$10,000 from \$5,000.

Judges have the option of taking the money either in a lump sum or as itemized expenses.

In a commentary by Mr. Paterson when he forwarded the judiciary's 2010-11 budget to the Legislature early this year, he criticized the plan's overall spending increase of \$183 million and urged that legislators do a careful analysis of the courts' budget. He also noted Judge Lippman's plan to double the judicial supplemental support fund and observed, "There appears to be little restriction on how these funds are spent."

In announcing the increased payments, Judge Lippman characterized the payments not as additional salary, but as an "appropriate reimbursement of judges for expenses of all different kinds" (NYLJ, Oct. 15, 2009).

Privately, however, some legislators grumbled that the fund represented giving judges a back-door pay boost in the face of the judiciary's inability to win a salary increase from the Legislature or governor since 1999.

State lawmakers have also not gotten a increase since 1999.

In his State of the Judiciary message for 2010 released Monday, Judge Lippman again called for an increase in pay for judges to end what he called the "pernicious" problem of judges going 11 years without raises.

Judge Lippman said the \$48 million budgeted by the judiciary for the raises would represent only 3/100ths of 1 percent of the overall size of the state budget and not be a factor in the state's current budget woes.

While the chief judge said he continues to lobby the Legislature for a judicial pay increase, legislative leaders and Mr. Paterson have said such a hike is untenable until the state's finances and economy improve.

Judge Lippman also said the judiciary had worked to hold the line on spending by leaving open positions unfilled and clamping down on overtime, unnecessary travel and deferring equipment purchases.

The court system calculates that the austerity measures saved about \$20 million in the 2009-10 state fiscal year, Director of Operations Ronald P. Younkens estimated yesterday.

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