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## Assembly Member Offers Bill to Prohibit Payments to Judges

Calling payments to judges of up to \$10,000 a year for life insurance, new robes, home Internet access and other judicial expenses a form of "backdoor compensation," Assemblywoman Nancy Calhoun, R-New Windsor, introduced legislation to block payouts from the Judicial Supplemental Support Fund. "I don't think it will have any support in the Legislature," Chief Judge Jonathan Lippman said of the bill. "In my opinion, it doesn't take into account the suffering that judges have had in 12 years of not having a pay increase."

Joel Stashenko

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ALBANY - Calling payments to judges of up to \$10,000 a year for life insurance, new robes, home Internet access and other judicial expenses a form of "backdoor compensation," a state legislator has introduced a bill to block payouts from the Judicial Supplemental Support Fund.

Assemblywoman Nancy Calhoun, R-New Windsor, introduced legislation, A2873, that would prohibit reimbursement from the fund created in 2009 by Chief Judge Jonathan Lippman to alleviate the strain on judges who have not had a raise since 1999.

"By creating a mechanism for judges to be reimbursed for certain expenses, the Chief Judge has engaged in a form of backdoor compensation," according to the bill's accompanying memorandum. "However, it is the Legislature's prerogative to determine judicial salaries. This legislation reaffirms the Legislature's authority on this issue."

The Calhoun bill does not have a sponsor within the Democratic majority in the Assembly, nor a sponsor from either party in the Senate. It has been referred to the Assembly's Judiciary Committee.

"I don't think it will have any support in the Legislature," Chief Judge Jonathan Lippman said in an interview during last week's annual meeting of the New York State Bar Association in Manhattan. "In my opinion, it doesn't take into account the suffering that judges have had in 12 years of not having a pay increase. I think it's in a vacuum. I respect the Legislature and their right to put in a bill, but I don't see any impetus behind this except for the individual legislator."

Ms. Calhoun did not return calls yesterday seeking comment.

The fund initially provided \$5,000 per judge per year. It was doubled to \$10,000 beginning in April 2010 (NYLJ, Oct. 15, 2009).

The assemblywoman noted that the state could save \$12 million in the next year by stopping the payouts.

The 2011-12 budget is expected to be an extremely tight one. Governor Andrew M. Cuomo will publicly outline the spending plan, his first as governor, today.

Last year, Governor David A. Paterson and legislative leaders agreed to cut \$18 million from the court system's \$2.7 billion budget beginning April 1, 2010.

In a commentary on the judiciary's 2010-11 state budget proposal, Mr. Paterson said there appeared to be few controls over what kinds of spending would be reimbursed from the fund (NYLJ, Jan. 20, 2010).

The Legislature eliminated the appropriation, but Ann Pfau, the state's chief administrative judge, said court leaders would find the \$12 million elsewhere because of the importance to Judge Lippman and the judges of the supplemental income program (NYLJ, April 28, 2010).

Judge Lippman's \$2.7 billion judiciary budget proposal for fiscal 2011-12, which begins on April 1, again includes the \$12 million appropriation.

Judge Pfau said that if the fund was again targeted this year, it would be maintained for at least another year.

Judge Lippman said late last week that he believes the Legislature has now accepted the case for higher judicial pay.

Late last year, lawmakers voted to create a commission to meet once every four years to set new judicial pay levels based on several factors, including inflationary increases, what federal and other state judges earn, and the state's ability to afford pay raises (NYLJ, Dec. 1).

Members of the commission are to be appointed by April 1, and if they recommend a pay adjustment it would go into effect on April 1, 2012.

Judge Lippman has said he would reconsider the need for the supplemental fund once a pay raise is approved.

Helene Weinstein, the chairwoman of the Assembly's Judiciary Committee, said creation of the commission and its charge of considering "salary and non-salary" compensation makes the issue raised by Ms. Calhoun's bill superfluous.

"There's no reason for the Legislature to look at this issue this year," Ms. Weinstein, D-Brooklyn, said in an interview.

The state bar's Judicial Section on Saturday awarded Peter Kiernan, Mr. Paterson's former counsel, an award for helping shepherd the judicial pay commission bill through the Legislature as Mr. Paterson's tenure came to a close.

@Joel Stashenko can be contacted at [jstashenko@alm.com](mailto:jstashenko@alm.com).

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