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Judges Renew Pay-Raise Effort Via Lawsuit

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The latest bid to win a retroactive pay raise for the state's 1,300 judges was assigned yesterday to Justice Richard F. Braun ([See Profile](#)) in Manhattan. Thomas E. Bezanson, who represents the four plaintiff judges in *Larabee v. Governor*, 112301/07, said the judges are owed more than \$325 million in back pay to keep them even with inflation since their last raise in 1999.

Last year, the Court of Appeals in *Larabee* and two other judicial pay raise cases found the Legislature had violated the separation of powers doctrine by linking a judicial raise to unrelated issues and directed lawmakers to address the issue in an "appropriate and expeditious" way. The Legislature then created a commission to set pay levels for judges every four years, beginning April 1, 2012, at the earliest ([NYLJ, Dec. 1, 2010](#)).

In seeking leave to renew their lawsuit, the *Larabee* plaintiffs argue that more than three years have passed since now-retired Justice Edward H. Lehner ordered lawmakers to enact a raise and one year since the Court of Appeals addressed the issue. The plaintiffs admit that their approach is atypical, but assert that "unique remedies" are needed to address "12 years of decided and undeniable constitutional abuse." The Attorney General's Office has until May 3, to respond to the motion.

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