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Panelists Support Salary Increase in Open Meeting on Judicial Pay

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Two members of a commission weighing salary adjustments for New York state judges came out yesterday in favor of immediate and substantial pay increases.

As chairman William C. Thompson Jr. set Friday, Aug. 26 for the final vote on recommendations of the Commission on Judicial Compensation, panel members Robert Fiske Jr. and Mark S. Mulholland advocated for large jumps in judicial pay during the group's first open discussion.

Mr. Mulholland said Supreme Court justices should get \$220,000 a year beginning April 1, 2012. Mr. Fiske said the salary should be increased to \$195,750 a year. Supreme Court justices currently make \$136,700 a year.

Both commission members said other judges among the 1,200 members of the state-paid judiciary should get salary increases of proportionate sizes.

By law, the commission has until Aug. 28 to agree on recommendations for salary adjustments for state judges, who have not had pay raises since 1999.

The commission's proposals will have the force of law unless amended by the Legislature and governor. The earliest raises can go into effect is April 1, 2012 (NYLJ, Dec. 2, 2010).

Mr. Thompson, the former New York City comptroller, yesterday encouraged all members of the panel to circulate among themselves in writing their recommendations for pay adjustments. Those proposals will form the basis of the group's discussion on Aug. 26, he said.

Under the 2010 law establishing the commission, another panel is to be created in 2016 to recommend new salary levels for the four fiscal years beginning on April 1, 2017.

Mr. Thompson also urged his colleagues to rank their preferences for a judicial pay scale for the four state fiscal years beginning next April.

"I would like to have an indication of where people are at and the options to be put forward," Mr. Thompson said yesterday in an interview following the meeting.

Mr. Fiske Jr., of Davis, Polk & Wardwell, who was appointed to the commission by Chief Judge Jonathan Lippman, said the increase to \$195,750 would allow judges to make up virtually all the ground they lost to inflation since the last judicial raise 12 years ago.

In fact, he argued, the 43 percent increase would not really represent a salary hike, given the long pay drought suffered by judges.

"Mind you, this would not be a pay raise," he said yesterday during the commission's meeting at 25 Beaver St., which also houses the Office of Court Administration's Manhattan headquarters. "It's just a question of basic fairness."

As far as the state's ability to absorb the cost, Mr. Fiske said judges have foregone hundreds of millions of dollars in income since 1999.

"I think the state clearly has the ability to fund the kind of increase that I am talking about," said Mr. Fiske, a former Southern District U.S. attorney.

Mr. Mulholland, of Ruskin Moscou Faltishek in Uniondale, said he disagreed, in a way, with Mr. Fiske.

Mr. Mulholland said he believed inflationary make-ups are "a given." But he added that he would immediately boost Supreme Court justices' salaries to \$220,000 a year to reflect the "upward pull" on fair judicial pay posed by advances in salaries since 1999 by law school deans, state bureaucrats such as the top officials at the New York Racing Association and others.

Pay for Supreme Court, Court of Claims and some county court judges in the mid-\$190,000 range would only put those trial judges who are so important to the functioning of New York courts into the middle of the pack in terms of salary among their comparable peers in other states, Mr. Mulholland said.

"We should aspire to that level of greatness" of having the highest-paid state judges in the country, Mr. Mulholland said.

Mr. Mulholland was appointed to the commission by Senator Dean Skelos, the majority leader of the Senate, who is also a counsel at Ruskin Moscou Faltischek.

Other commission members were mum about their recommendations yesterday. The other four members of the group are James Tallon, the former state Assembly Democratic majority leader who is president of the United Hospital Fund; Kathryn Wyld, president of the Partnership for New York City; William Mulrow, an investment adviser with Blackstone, and Richard Cotton, general counsel of NBC-Universal.

Mr. Thompson acknowledged that there seemed to be a consensus among commission members that whatever increases are proposed for Supreme Court justices will also be recommended proportionately for other state judges.

The last meeting of the commission will be at 10:30 a.m. at 25 Beaver St. in Manhattan. The commission will go out of existence once it issues its recommendations.

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