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# Judges May Get First Raises in Years After Legislature Backs Panel to Set Their Pay

By WILLIAM GLABERSON

The Legislature has cleared the way for New York State's judges to receive their first raises in 12 years by acting to establish an independent commission that would set their salaries.

The measure ends a political battle lasting decades. In recent years, some judges have resigned and qualified lawyers have declined to consider judgeships because of the relatively low salaries. State Supreme Court justices, in the highest trial level court, for example, earn \$136,700, less than some first-year lawyers at large law firms, who can earn \$160,000.

The bill was approved by the State Senate on Monday and the Assembly in the early morning hours on Tuesday. Gov. David A. Paterson called for the measure and is expected to sign it. The commission would have the authority to fix salaries for the state's 1,300 judges unless its plan is blocked by legislation.

Raising judges' pay has been a festering dispute of New York State government, spawning bitterness among judges, drawing major lawsuits in the state's highest court and provoking accusations for years that the Legislature politicized the courts by linking judges' salary increases to increases in legislators' pay.

Mr. Paterson said he was pleased his proposal passed in the special legislative session that he had called. "Our judges are expected to decide fairly," he said, "and are entitled to fair compensation."

Judicial officials reacted with relief after years of trying to tamp down fury by some judges around the state. The state's chief judge, Jonathan Lippman, said the commission would be the key to the future stability of New York's judicial system, which he said had been troubled by demoralization and a sense by some judges that their work was not valued.

"This takes judicial salaries out of the political arena so we will be able to have, like other

professions, the ability to attract and retain the highest quality judges to the bench,” Judge Lippman said.

The seven commission members would be appointed every four years, with three named by the governor, two by the state’s chief judge and one each by the leaders of the Senate and the Assembly. The commission would issue a report for the judicial salaries that would go into effect the next year unless blocked by legislation.

Court officials said the 12 years since the current judicial pay levels were approved was the longest wait for an increase in judicial compensation in more than 50 years.

The dispute has at times been ugly. Last year, a county court judge in western New York was disciplined for saying that refusing to handle cases filed by law firms where some legislators worked as lawyers was “a weapon” that could pry a pay increase out of “those clowns.”

In February, the state’s highest court ruled that the Legislature had violated the State Constitution by tying judicial pay raises to unrelated legislation. But the ruling, in three separate cases filed by current and retired judges, did not order the Legislature to grant pay increases.

Legislators in both parties said they expected the commission would provide a system for setting judicial salaries that would be insulated from politics.

Senator Eric T. Schneiderman, the Manhattan Democrat who was elected state attorney general in November, called the legislation “a breakthrough that has been held up for years.”

Scott Reif, a spokesman for the Republican leader in the Senate, Dean G. Skelos, said the Republicans in the Senate had supported the idea of a judicial salary commission for several years.

Justice Joseph M. Sise, the president of the Supreme Court Justices Association, who presides in Fonda, northwest of Schenectady, said his members considered the measure “a positive step forward.” But he added that some were concerned that under the measure, judges would not receive an increase until at least 2012.

The commission would have authority to set salaries for every level of state judge, which includes city judges, some of whom earn \$108,800, and family, county, criminal and civil court judges, as well as members of the top court, the Court of Appeals. The associate judges of the Court of Appeals earn \$151,200; the chief judge earns \$156,000.

United States District Court judges earn \$174,000.

Although the pay-raise battle at times brought passion in judicial circles, for some in Albany and around the state it was a perennial issue that was as wearisome as it was important. On Tuesday, some of those who worked on the issue sounded ecstatic at the possibility that they might not have to discuss it again.

“It is a permanent solution, to what has been an intractable problem,” said Stephen P. Younger, the president of the New York State Bar Association.