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January 11, 2011

N.Y. Judges, Angry on Pay, Seek Union-Like Group

By **WILLIAM GLABERSON**

In late November, the State Legislature created a commission to decide whether New York State's 1,300 judges should get a pay raise after 12 years without one. Court officials hailed the move as the end of one of the longer standoffs in Albany, and predicted that it would calm the state's judges, who have sometimes simmered with fury over the issue.

But a new survey shows that hundreds of the judges remain deeply dissatisfied with the commission plan and overwhelmingly favor the creation of an extraordinary association that, like a labor union, would negotiate for judges on "salaries and other terms and conditions of employment."

The formation of a union-like organization would be a remarkable move by judges, typically a conservative group constrained by many ethics rules. There are at least nine associations for judges of the state courts, but they generally do not negotiate over wages and working conditions.

Some judges said Tuesday that the survey showed the depth of their anger over the commission plan, which does not permit a raise for judges until 2012 at the earliest, would allow the Legislature to block a judicial pay raise, and does not provide for any retroactive pay increase.

"We're not happy," said Justice Arthur M. Schack, a State Supreme Court justice in Brooklyn who is one of several judges suing the state over the pay issue.

New York's Supreme Court justices, the highest-level trial judges, earn \$136,700 a year. Federal district court judges earn \$174,000.

Ann Pfau, the state's chief administrative judge, said she understood the frustration and the views of some judges that more forceful representation in Albany could have brought an immediate pay raise. But, given the state's budget crisis, she said, "I just don't think that's particularly realistic."

Of the 1,300 state judges, 550 responded to the survey, which was conducted by a group of state judges and the New York City Family Court Judges' Association. In the survey, 95 percent of the respondents said they were not satisfied with the outcome of the salary dispute.

It also found that more than 90 percent — 500 judges from around the state — favored the creation of a judges' association to negotiate with the state.

W. Dennis Duggan, a Family Court judge in Albany, said the wide support for creating a judges' association was similar to early moves toward trade unions in industry.

"It could effectively be the equivalent of what a union does to negotiate for employees," Judge Duggan said.

"The message is: United we stand," he said.

But of the judges who responded, 53 percent said they would not be willing to take part in public action like a rally or a march to press for a pay raise. Several judges said no such organization would ever strike or conduct a slowdown of judicial work.

Daniel Turbow, a Family Court judge in Brooklyn who is president of the city Family Court Judges' Association, said he and other leaders of judges' groups had scheduled a meeting soon to discuss the proposal for a statewide group.

Judge Turbow noted that many judges worried about political repercussions in pressing for a pay raise at a time when some voters view judicial salaries as generous. Some state judges are elected; others are appointed.

"There is also a concern," Judge Turbow said, "about angering the judicial administration" of top judges, who have broad power to transfer judges as punishment or to advance the careers of others.

Some judges said they felt they had no effective way to push for their interests in Albany. State court administrators have traditionally lobbied on issues like judicial pay. After the salary commission was approved, the state's chief judge, Jonathan Lippman, described it as an important victory for the court system.

But some judges argue that as their caseloads have grown, the effect of going years without a pay raise is that they are being paid far less for far more work.

Susan Larabee, a Family Court judge in Manhattan who is also one of the judges suing the state, said some judges felt that their interests were not protected in Albany.

“We believe that those negotiating on our behalf perhaps did not advocate strongly enough,” she said.