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Editorial:

Justice on the Cheap

The pittance that Americans pay their judges has become such a scandal that Chief Justice John Roberts has called it a constitutional crisis. Across the nation, some of the best judges have left the bench out of financial necessity. In New York, judicial salaries rank near the bottom of the national salary scale for state judges, and the reason is particularly galling. New York's legislators refuse to give judges a pay raise unless they can get one themselves.

Here is Albany's trick: increasing pay for state judges is popular and urgently needed. Increasing pay for legislators is unpopular and questionable, since they work part time. So the Republican Senate majority leader, Joseph Bruno, and the Democratic Assembly speaker, Sheldon Silver, and their respective majorities are essentially holding the judiciary's pay hostage. Every New Yorker who ever has business in a court, who serves on a jury or who simply cares about maintaining the best possible state judicial system should let these leaders know that it is time for them to grant judges — and only judges — a raise, immediately.

New York's chief judge, Judith Kaye, recognizing how difficult it would be to uncouple judicial and legislative salaries, has come up with a way to make pay raises for all state officials more rational. A pay

commission would convene every four years to recommend salary levels "based on objective criteria," according to her proposal. The idea of a rational system for cost-of-living increases makes sense, especially if the decisions are more open and any increases for legislators come in time to encourage other candidates to run for their positions.

But Judge Kaye's commission is not needed as urgently as pay raises for the judiciary. Legislators, who cannot raise their own pay, technically could not receive any increase until 2009. That gives legislators and Gov. Eliot Spitzer more time to create a commission on pay — which would benefit legislators as well — in return for more reforms in the way the Legislature works.

A few judges are letting their anger show beyond chambers. Several have refused to hear cases argued by lawyers with any connection to the State Legislature, citing a conflict of interest. One group of judges is seeking an injunction that would bar the state's spending of \$69 million they thought was earmarked for their pay. As Judge Kaye said earlier this year, "I have never known the frustration, or the despair, that I now see among my colleagues."

We're not surprised. New York's judicial salaries have not changed since 1999. The state's judges are paid less than many rookie lawyers.