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New York judges to receive 27-percent pay raise

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NEW YORK, Aug 26 (Reuters) - A state commission on Friday recommended that New York state judges receive a 27-percent pay hike over the next three years, the judiciary's first raise since 1999, but significantly less than the judges had sought.

The seven-member Special Commission on Judicial Compensation split 4-3 on the recommendation, which would increase the salary of a state Supreme Court justice to \$174,000 by 2014 -- the same amount that a federal district judge makes. A Supreme Court justice currently earns \$136,700.

In announcing the vote, chairman William Thompson Jr. said, "This is a start in correcting the injustice that has been done to New York's state judiciary after more than a decade of neglect."

Under the proposal, the commission will recommend that Gov. Andrew Cuomo and the state legislature reconsider the federal levels in 2015 and make a further recommendation at that point.

The commission met at the lower Manhattan headquarters for the Office of Court Administration, the last of four meetings this summer to assess whether a judicial pay raise was called for in light of the state's current fiscal crisis. In June, a coalition of more than 1,100 state judges petitioned the commission for a 41-percent hike, to \$192,500.

As the panel announced the recommendation, several judges in attendance folded their arms and shook their heads.

"For years we have spoken with the legislature. We have traveled to Albany. We have waited," said Lizbeth Gonzalez, an acting Supreme Court justice in Bronx County and president of the Association of Judges of Hispanic Heritage.

"We have relied on promises that salary increases were around the corner, and now this salary commission has failed to provide us with basic cost of living increases that every other state employee has received during the last 12 years."

LINKED TO LAWMAKERS' PAY

Judicial salaries had for years been linked to pay increases for the legislature. In 2010, the Court of Appeals ruled that the connection was unconstitutional and ordered lawmakers to address the issue. The pay commission was created last December, and began its deliberations in the spring.

Jonathan Lippman, the state's chief judge, welcomed the commission's recommendation of a raise, but expressed disappointment in the number.

"We're happy they're finally getting raises," Lippman said. "We're happy that there's some rational relationship to where other judges are and lawyers, but obviously we would have liked to see an approach that in some way compensated judges for 12 or 13 years without even a cost of living increase."

The commission will submit its final report for approval by the governor and legislature on Monday.

Thompson acknowledged that the lower amount reflected the fiscal reality of New York and the nation at large, and said a rejection would be "disastrous."

"I don't want the legislature and the governor to overturn this," he said.

But it is very unlikely that the recommendation will not be approved, according to one Democratic legislator, because lawmakers want to preserve the "independent commission" model in the hope of getting their own raises next year.

Calling the recommendation "generous but objectively reasonable," the legislator, who requested anonymity so as not to alienate colleagues, said the raise's three-year phase-in "is primarily a nod to the state's fiscal situation, but it's also a way to mitigate public opposition to a sudden, 27-percent increase when many people are out of work or, if they are working, aren't getting raises at all."

'PROLONGING THE SUFFERING'

While the commissioners were unanimous in their belief that judges deserved a raise, they disagreed on the amount.

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Commissioners Mark Mulholland and Robert Fiske voted against the recommendation because they believed the raise should have been larger. Fiske stood behind his own earlier recommendation, that justices should be paid at least \$195,000, and was against the phase-in.

"If we don't give them an immediate increase, we are just prolonging the suffering," he said.

New York State Bar Association President Vincent Doyle III said in a statement that the commission's proposal will make it harder to attract and retain talented judges in New York.

"New York's judiciary has a well-regarded national and international reputation," Doyle said. "We put that reputation at stake if we continue to devalue our judiciary by not adjusting judges' salaries."

(Reporting by Jennifer Golson; Additional reporting by Dan Wiessner in Albany)

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