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Lawmakers see strategy in approving judicial pay raise

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NEW YORK, August 30 (Reuters) - New York lawmakers are hoping that last week's 27-percent pay hike for state judges will clear the way for their own long-sought raise, but the stagnant economy could make that politically untenable.

On Friday a judicial commission voted to recommend that the state's 1,300 trial-court judges, whose pay has held at \$136,700 since 1999, a raise to \$174,000 over three years beginning next April.

The recommendation, by the Special Commission on Judicial Compensation, will have the force of law unless the legislature rejects it. But that is unlikely to happen because legislators' best hope for a raise may be in the form of a similar commission.

"The promise was, 'Let's get the judges out of the way and then establish a model for how public officials can get compensated,'" said one Democratic legislator who asked not to be identified for fear of alienating colleagues.

"We would all have to act in concert to block this, and it's not going to happen," the legislator said.

Like judges, lawmakers have not received a raise since 1999, when their base salaries were increased to \$79,500. Many also receive stipends for leadership positions and committee posts.

But unlike judges, who work year-round, legislators serve part-time -- New York's Senate and Assembly sit from January to June -- and are allowed to hold down outside employment.

RAISES TIED TOGETHER

Legislative and judicial raises were long tied to one another, a practice that ended last year after the Court of Appeals ruled it unconstitutional. Several lawmakers said the decoupling of the salaries raised concerns that legislators would not receive raises for years to come.

And with the economy stalling and unemployment in the state hovering around 8 percent, public opinion is likely to block any effort to raise legislative pay in the near future. While judges secured a raise with relative ease once the commission was created, lawmakers are responsible for spending taxpayer money and approving budget cuts and public union contracts.

"If union members are voting to accept a wage freeze, it's very hard for legislators who have adopted these contracts to go and give ourselves a raise," said Assemblywoman Sandra Galef, a Democrat from Westchester County who acknowledged that legislators are in talks about creating a legislative-pay commission.

Galef said the proposal would probably be shelved until at least 2013 because of the state of the economy. But she also said it could curb the perception of impropriety that arises whenever the legislature gives itself a raise.

"It's very hard for us to vote ourselves a raise without somebody else reviewing it and saying what the proper level should be," said Galef.

She said the panel, which would likely be comprised of appointees of the governor and legislative leaders, as the judicial commission was, could also look at the salaries of executive-level commissioners, who have not received raises in years.

'POLITICAL SUICIDE'

Lawmakers are only allowed to approve raises for the next sitting legislature, but the 98-percent incumbency rate in statewide elections means most legislators will be granting raises to themselves. An independent panel wouldn't be unprecedented; members of the New York City Council only get raises if they are recommended by a three-member board appointed by the mayor.

Some observers panned the idea of a legislative pay raise, noting that lawmakers already make more than the average New Yorker working full-time, and also receive generous benefits and \$160 stipends for each day they travel to the Capitol in Albany.

"Asking for a raise now would be the definition of tone deafness - and political suicide," said Bill O'Reilly, a Republican political consultant. "New York judges badly deserve a raise; legislators don't."

The move to raise legislative pay could also face opposition from Gov. Andrew Cuomo, a Democrat who has prioritized the reining in of state spending. The first-year governor recently negotiated austere five-year contracts with the state's largest public-employee unions, including a three-year wage freeze, and has called for a cap on the salaries of school superintendents, a handful of whom make more than \$200,000 per year. Cuomo also took a voluntary 5-percent pay cut this year.

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The power to approve or reject legislative pay raises could also be a crucial bargaining chip that a governor may not want to sacrifice. A Cuomo spokesman declined to comment.

(Reporting by Dan Wiessner)

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