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## After raise, appellate judge leaves bench for more money

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By Noeleen Walder

NEW YORK, Sept 19 (Reuters) - Less than a month after a special commission approved a pay hike for New York's state judges, an appellate judge has resigned, calling the raise recommended by the commission "very disappointing." Appellate salaries are slated to increase from \$144,000 to \$183,300 by 2014, a raise of 21.4 percent.

Justice Joseph Covello of the Appellate Division, Second Department, announced last week that he was leaving the bench to become a name partner at the Long Island litigation boutique of Lynn, Gartner & Dunne. The firm is now Lynn, Gartner, Dunne & Covello.

In an interview, Covello, whose resignation was first reported in the New York Law Journal, said he was "excited about going to a firm like this, but terribly sad to leave my family at the Second Department."

He said his decision to leave the court, where he has sat since 2005, was "forced by economics."

On Aug. 26, the Special Commission on Judicial Compensation voted to increase the salaries of New York state judges, who had not received a raise since 1999.

According to a 2006 study by the National Center for State Courts, New York judges' pay ranks 48th in the nation when cost of living is taken into account.

Covello said he had submitted his resignation papers before the commission voted in favor of the salary boost, but he said he could have pulled his papers back if the commission's recommendation had been "fair."

"I didn't expect a whole lot from the commission, and I don't think what they gave was adequate," Covello said.

### A 'GENEROUS OFFER'

Covello worked as an associate at the personal-injury firm Falanga & Rose from 1980 to 1986, where he said he earned more than he made as a judge. Following a stint as a solo practitioner, he was elected to the Nassau County District Court. In 2000, Covello was elected to the Nassau Supreme Court; he was appointed to the Second Department in 2005.

Covello said he had joked over the years with the partners at Lynn, Gartner & Dunne about joining the firm. Eventually, he said, the jokes "became a little more serious."

He declined to say how much he would be earning in his new position, but said the firm had made him a "generous offer."

Covello is the latest in a string of judges to leave the bench for a higher-paying career in private practice.

In 2009, Robert Spolzino stepped down from the Second Department to join Wilson Elser Moskowitz Edelman & Dicker. Last year, James McGuire left the First Department to become a partner at Dechert.

There currently are two vacant slots in the Second Department.

(Reporting by Noeleen Walder; Additional reporting by Jennifer Golson)

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