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Editorial



Justice and Gov. Spitzer

He takes giant steps to improve the courts and ensure the integrity of the bench

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As a former attorney general, Eliot Spitzer served within the judicial system, flaws and all. As governor, Mr. Spitzer now has the power to do something about those flaws. And, thankfully, he is wasting no time doing just that.

Last Wednesday, Mr. Spitzer took the latest step toward ensuring the integrity of the state courts by nominating Chief Judge Judith Kaye for another term. Judge Kaye's record is exemplary. She has been a tireless advocate for a long list of overdue reforms, on issues ranging from the burden of jury duty to the need to replace New York's Byzantine court structure with a streamlined, efficient system that serves the needs of all New Yorkers. Yet without Governor Spitzer's nomination, she would have been forced to step down when her current term expires in March, depriving her of an opportunity to see through her far-reaching agenda before she reaches the mandatory retirement age of 70 in two years. Credit Mr. Spitzer for extending her wise leadership.

Just days before the Kaye nomination, Mr. Spitzer had turned his attention to New York's deplorable reputation for shortchanging programs that provide legal services to the poor. Now that reputation is about to change for the better, as the governor has included \$4.6 million for legal aid services in his first budget.

The new money, plus another \$5 million recommended by the state judiciary, will help close a widening gap in legal aid to the indigent. In 1998, a commission appointed by Judge Kaye found that a \$50 million investment in civil legal services was needed to ensure equal access to justice for all those in need. Yet the recommendation went largely unheeded, although the Assembly did provide member item money to keep some legal services programs afloat. Private donations and matching grants also helped to fill the void, but legal services programs are still in need, as Governor Spitzer recognizes.

The governor's first budget also includes pay raises for state judges, as long sought by Judge Kaye. Just as important, the governor wants to end the old practice of linking judicial salaries to pay hikes for legislators, who are subject to the political winds of the moment. The linkage punishes judges, who work full-time and whose case loads are steadily rising. Judges have received only two pay raises in the last 19 years, and are far behind the \$162,100 salary earned by their counterparts on the federal bench.

Mr. Spitzer still needs to do more, however. His budget includes a net increase of only \$22,000 to the \$2.8 million budget of the state Commission on Judicial Conduct, which has the power to reprimand or call for the removal of errant judges. The commission has an exemplary record as a watchdog, yet its staff and budget have been sharply reduced over time. The commission seeks a \$5 million budget, which would bring it to the level, adjusted for inflation, when it was established some three decades ago. It's a fair request that should be granted.

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