

Presentation To The New York State Judicial Compensation Commission

Submitted By The

Coalition of New York State Judicial Associations

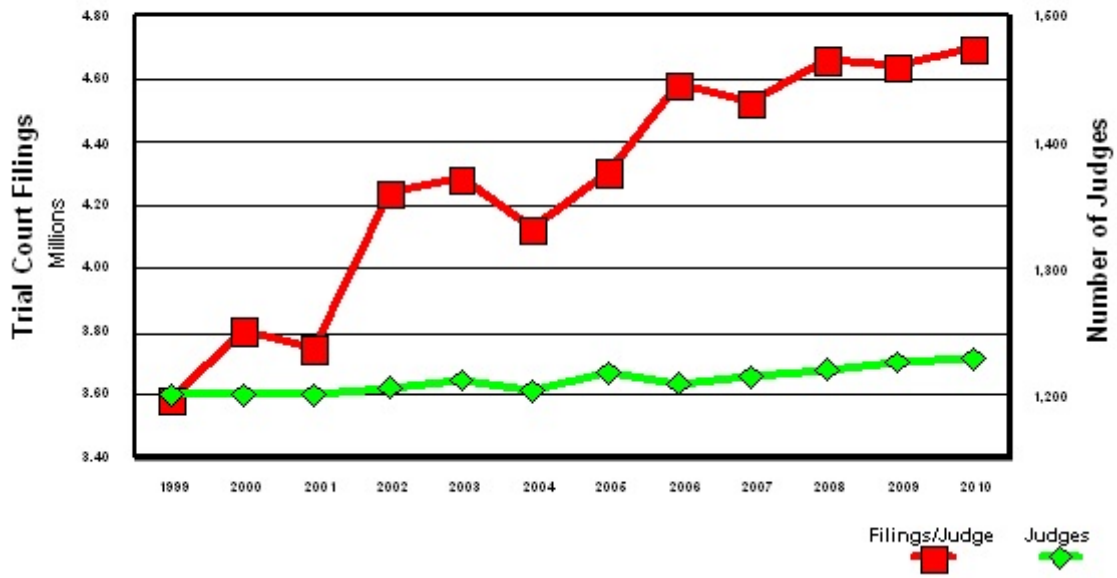
EXECUTIVE SUMMARY

**Association of Supreme Court Justices of the State of New York
New York City Supreme Court Justices Association
Association of Designated Supreme Court Justices of the State of New York
New York State Court of Claims (Parts B ,D & E) Judges Association
New York State Surrogates Association
New York State Family Court Judges Association
New York City Family Court Judges Association
New York City Civil Court Judges Association
New York City Criminal Court Judges Association
New York City Housing Court Judges Association
New York State City Court Judges Association
New York State District Court Judges Association**

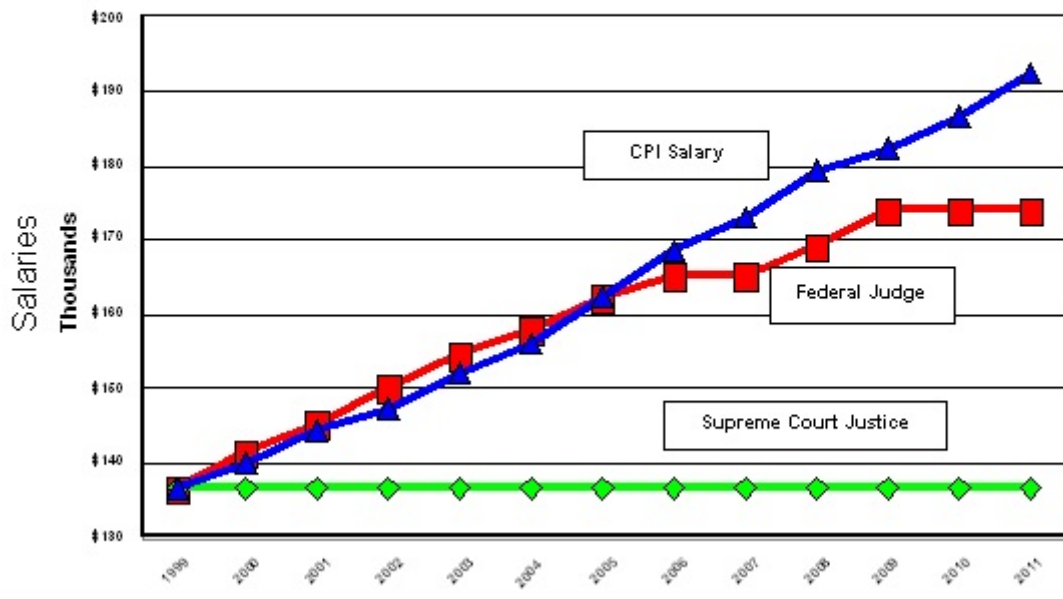
**Respectfully submitted,
JUNE 13, 2011**

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Court Filings vs. Number of Judges 1999 - 2010



Federal District Court Judge vs. SCJ v. CPI 1999 - 2011



Note:

Each Judicial Association has reserved the right to submit a separate position statement raising matters of individual concern.

EXECUTIVE SUMMARY

The Coalition of New York State Judicial Associations requests that the Commission make a finding that the salary of a Supreme Court Justice be set at a minimum of \$192,500 per year effective April 1, 2012. There are four main reasons, based on fairness, justice and logic, that compel such a finding.

First, a \$192,500 salary will restore a Judge's salary to a cost-of-living adjusted level after 13 years of a Judicial pay freeze.

Second, a \$192,500 salary will approach, but still significantly lag behind, the weighted salaries, adjusted for geographical cost-of living differences, of Judges in the five other largest metropolitan areas in the United States.

Third, a \$192,500 salary will approach, but still lag behind, the regular COLA raises given to the other 225,000 State employees over the last 13 years.

Fourth, a \$192,500 salary is needed because the prior salary benchmark—that of a Federal District Judge, now at \$174,000—is no longer adequate. This is evidenced by the fact that on December 12, 2007, the House Judiciary Committee, on a bi-partisan 28-5 vote, approved the Federal Judicial Salary Restoration Act which would have raised District Judges' salaries to \$218,000. On March 28, 2008, the Senate Judiciary Committee, on a bi-partisan basis, approved the bill by a 11-7 vote. The bill got wedged between other political issues and failed to advance.

After the Commission fairly and thoroughly weighs all of the relevant factors, it is this Coalition's belief that the Commission will be convinced of the following:

First: That a fair and equitable compensation adjustment will provide New York State Supreme Court Justices with an annual salary, as of April 1, 2012, of at least \$192,500 per year. (A measure of just how modest this request is; this is about equal to what New York City's District Attorneys, have been paid for the past several years.

Second: That for each of the following three years, judicial salaries should be increased by the greater of either:

(A) The increase in the CPI over the previous twelve months, or

(B) The increase in salary to be paid to non-judicial employees, or

(C) The increase in salary paid to Federal District Court Judges.

Third: That Judges should receive a lump sum payment equal to cost of living adjusted salary levels for each year since April 1, 2005.

THE FOLLOWING FIFTY FACTS ARE STATED TO SUPPORT THIS POSITION:

1. Since 1967, Judges have received raises equal to less than 50% of the increase in the consumer price index.
2. State employees have received 45 individual raises over the last 45 years while Judges have received only 13 raises.
3. Over the last 24 years, Judges have received only 2 raises, totaling 44%, while non-judicial employees received 19 raises that cumulated to 77%.
4. Over the last 45 years, almost all raises given to State employees have been retroactive to the end point of the last raise. No Judicial raises have been retroactive.
5. At this point in time, there are 7,000 employees of New York State and local government who earn more than the Chief Judge of New York and more than 20,000 who earn more than a Supreme Court Justice.
6. In 1875, a Supreme Court Justice in New York City was paid \$17,500 per year, the equivalent of \$344,000 in today's dollars. At that point in time, he or she would have been the second highest paid public servant in the United States, behind only the President.
7. Judges' salaries have steadily declined over the last 100 years. From 1913 to 2011, Judicial salaries have increased less than 30% of the increase in the cost of living.

8. A Judge's current salary of \$136,700, last raised in 1999, is now worth just \$97,000 in purchasing power.
9. Judges make up 7% of the court system's employees. If Judges' salaries are increased to \$192,500 per year, they will still account for only 9.8% of Court spending.
10. 1,378,787 people work for State and local government in New York. Each one has received regular cost of living raises over the last 13 years. One-hundredth of one per cent of those employees, 1,200 New York Judges, received no raises.
11. Over the last 13 years, cumulative State spending has increased \$366.5 billion. Court spending has increased by a cumulative total of \$9 billion. Of that increased spending, \$0 went to raises for Judges.
12. Over the last 13 years, "all funds" State spending went up 99%, Court spending went up 85.3%, the cost-of-living went up 41%—Judges' salaries went up 0%.
13. In 2006, the Legislature and Governor enacted a budget with \$69.5 million for retroactive Judicial raises. The money was never disbursed to the Judges but spent on something else.
14. If a Judge received the same raises as a court clerk, his or her salary would now be \$195,481.
15. A raise for 1,200 Judges to \$192,500 per year will cost \$78.1 million.
16. A Supreme Court Justice, serving in metro-New York, receiving a salary with the same purchasing power as the average salary of a trial judge in America's five other largest metro areas, would now be paid \$212,000 per year.
17. The average home price in Brooklyn in April, 2011, was \$569,800.
18. The City of New York now pays 3,208 employees more than a Supreme Court Justice.
19. Municipal Authorities have over 300 positions paying more than \$200,000 per year.
20. Yonkers has 40 persons salaried at \$190,000 and above. Of those, 18 make more than \$200,000.
21. Social Security recipients have received 35.9% in cumulative raises over the last 13 years. If those raises were applied to Judges, a Supreme Court Justice would now be paid \$186,000 per year.

22. Over the last 13 years, the minimum wage has been raised by 41%. A similar raise would result in a Judge's salary of \$192,536. The President has proposed a 31% increase in the minimum wage.
23. New York Judges receive the same retirement and health benefits as the other 1.4 million State and local government employees. However, Judges are not able to accumulate vacation, personal or sick leave to be used toward retirement service or the cost of health insurance after retirement.
24. Since 1990, Judges received two raises resulting in a 44% cumulative increase in salary; State employees covered by Union contracts have received a 77% salary increase since 1990.
25. The top 30 paying law firms in New York City pay their 8th year associates \$275,000 or above, not counting bonuses—as of 2007. The top 56 pay their 8th year associates \$200,000 or above.
26. With bonuses, the top 13 New York City law firms pay their 8th year associates more than \$300,000 per year—as of 2007. A New York Judge must have 10 years of legal experience to qualify to be a Judge and is paid \$136,700.
27. Per-capita Judicial caseloads have increased 34% over the last 13 years.
28. Since 1967, a New York State Supreme Court Justice has lost earnings of over \$2.25 million, compared with the earnings of a cost-of-living adjusted salary.
29. By the time of our next raise, each New York Judge will have given back to the State almost \$400,000 in forgone cost-of-living raises. The entire Judicial cohort will have forgone almost \$500 million between 1999 and 2012.
30. Over the 13 year period when a Judge received 0% in salary increases, his or her grade 18 court clerk received 43% in cumulative salary increases.
31. From 1999 to 2012, over 600 New York Judges, 50% of the Judicial cohort, will have retired without having received any salary increase during that time that would have been applied to their retirement pay for the rest of their life.
32. On average, every Judge in New York has 20 years of education and 20 years of legal experience at the time he or she takes the bench.
33. In the New York City Law Department, 27 positions paid between \$152,136 and \$205,116 In 2009.
34. The New York City Police Department has 45 positions that are paid between

\$189,786 and \$200,000. This is \$33,000 to \$44,000 more than the salary of the Chief Judge of the State.

35. The New York City Sanitation Department had 50 persons earning more than \$150,000 in 2009. The Department of Transportation has 37 positions paid more than a Supreme Court Justice.
36. The New York City District Attorneys Offices have 31 attorneys who earn more than a Federal Judge.
37. At the state-run Roswell Park Cancer Institute, 116 positions are salaried at \$200,000 or more.
38. At the New York City Public Library, 28 positions are paid more than \$192,500. The Director is paid \$688,777.
39. There are 167 persons employed by Westchester, Nassau and Suffolk Counties who are paid more than \$192,500.
40. There are 415 persons employed by school districts outside New York City that are paid more than \$192,500.
41. At SUNY Stony Brook, 98 employees are paid more than \$192,500.
42. At SUNY Buffalo, 80 persons are paid more than \$192,500.
43. The City of New York employs 194 persons who earn more than \$192,500.
44. There are 644 persons employed by the CUNY and SUNY systems who are paid more than \$192,500.
45. There are 406 persons employed by public authorities who are paid more than \$192,500.
46. The average of salaries paid to general jurisdiction judges in the United Kingdom, Ireland, Canada, Australia and New Zealand is \$270,000 U.S.
47. The average pay of the trial judges in Los Angeles, Chicago, Dallas, Miami and Philadelphia, when adjusted to metro New York City's cost of living, is \$236,193.
49. From 1999 to 2012, the cumulative loss in COLA raises withheld from New York's Judges is the equivalent of each Judge working 3 years for free.
50. For many years, New York's Judges were the highest paid Judges in America.

According to state-by-state weighted cost-of-living comparisons computed by use of the ACCRA Index (American Chamber of Conference Research Association), **New York Judges are now the lowest paid in the United States.**

In addition to the public employee salaries mentioned above, what follows is a sampling of salaries paid to State and local government employees in legal or legal related positions in New York State.

NY State Racing Association	President	\$460,000
NY State Racing Association	Counsel	\$440,000
NY State Racing Association	Chief Operating Officer	\$413,000
Legal Aid Society	Executive-Attorney	\$370,051*
NYS Ind. Pwr System Operator	General Counsel	\$361,689
Legal Aid Society NYC	Executive-Attorney	\$336,404*
NY State Racing Association	Chief Financial Officer	\$325,000
Legal Aid Society NYC	Executive-Attorney	\$315,169*
NY State Racing Association	Chief Administrative Off.	\$295,000
SUNY Buffalo	Provost	\$272,875
SUNY Buffalo	Dean Law School	\$270,000
NY State Racing Association	Chief Information Officer	\$260,000
SUNY Binghamton	Provost	\$255,530
NY State Racing Association	Human Resources Dir.,	\$255,000
Port Authority of NY&NJ Law	General Counsel	\$251,421
Port Authority	General Counsel	\$251,421
CUNY School of Law	Dean Of Law School	\$250,064
SUNY Stony Brook Hospital	Associate Counsel	\$230,000
Legal Aid Society NYC	Executive-Attorney	\$228,660*
New York City Health & Hosp. Corp.	Chief Information Officer	\$226,982
Legal Aid Society NYC	Executive-Attorney	\$221,996*
Legal Aid Society NYC	Executive-Attorney	\$221,114*
SUNY Albany	Dean Criminal Justice	\$220,045

SUNY Buffalo	Professor (Law)	\$215,864
Office of the Mayor NYC	Coord., Criminal Justice	\$209,230
Law Department NYC	Corporation Counsel	\$209,230
Law Department NYC	First Ast. Corp. Counsel	\$209,165
Port Authority of NY&NJ	Inspector General	\$208,189
Port Authority of NY&NJ	Senior Counsel	\$207,614
Legal Aid Society	Executive-Attorney	\$207,213*
Law Department NYC	Assistant Corp Counsel	\$207,324
SUNY Buffalo	Professor Law School	\$206,600
Legal Aid Society NYC	Executive Attorney	\$206,371*
MTA Headquarters	Dir Labor Relations	\$205,435
Law NYC	Corporation Counsel	\$205,180
Investigation NYC	Commissioner	\$205,180
Law NYC	Asst. Corp. Counsel	\$205,116
Port Authority of NY&NJ	First Dep. Gen. Counsel	\$203,681
City Council NYC	Legislative Counsel	\$202,906
Comptroller NYC	Executive Counsel	\$201,546
Law Department NYC	Assistant Corp. Counsel	\$200,168
City Council NYC	Legal Counsel	\$198,978
Battery Park City	General Counsel	\$198,919
MTA NYC Transit Authority	Supt Labor Relations	\$198,451
District Attorney Bronx County	Assistant D.A.	\$196,648
Dept. of Admin Svcs NYC	Chief Admin. Law Judge	\$195,992
Department of Juvenile Justice	Comm. Juvenile Justice	\$195,992
District Attorney Kings County	Assistant D.A.	\$195,260
Finance NYC	Executive Counsel	\$194,688
Police Department NYC	Ex. Agency Counsel	\$194,525
Department Police Department	Labor Relations Analyst	\$194,525

Conflicts of Interest Board NYC	Counsel	\$194,317
Law Department NYC	Assistant Corp. Counsel	\$194,056
NYC Health & Hosp. Corp.	Chief Information Officer	\$193,249
District Attorney, Kings County	Assist. D.A.	\$193,190
District Attorney, Queens County	Assist. D.A.	\$193,016
District Attorney, Kings County	Assist. D.A.	\$192,715
District Attorney, Kings County	Assist. D.A.	\$192,691
District Attorney, Kings County	Assist. D.A.	\$192,691
Education Administration NYC	Counselor	\$192,528
Education Administration NYC	Attorney	\$192,528
Homeless Serv.,Comm. NYC	Gen. Counsel	\$192,428
District Attorney Bronx County	Assist. D.A.	\$192,618
Juvenile Justice NYC	Commissioner	\$192,198
Dept. of Investigation NYC	Superv. Inspector Gen.	\$192,126
Office of Mgt. & Budget NYC	Exec. Agency Counsel	\$191,669
District Attorney Kings County	Assist. D.A.	\$191,324
District Attorney Bronx County	Assist. D.A.	\$191,168
District Attorney Bronx County	Assist. D.A.	\$191,168
MTA Headquarters	Dir Policy & Media Rel.	\$190,550
Port Authority of NY&NJ	Dir. Human Resources	\$190,496
SUNY Buffalo	Professor (Law)	\$189,159
NYS Urban Dev. Corp.	Upstate General Counsel	\$188,850
Conflict of Interest Board NYC	Counsel	\$188,644
Investigation NYC	Super. Invest. General	\$187,034
Management & Budget NYC	Executive Counsel	\$187,959

* Salaries are from SeeThroughNY web site. Legal Aid salaries are taken from their 2009 IRS 990 and include non-taxed deferred compensation and retirement benefits.

CONCLUSION

When someone finds out that you are a judge and you have not had a raise in over 12 years, most people say, "That's crazy." The more cynical among them ask, "Why don't you quit?" Of course, they would not feel that was a fair option for their spouse, their brother or sister or themselves if they were in the same position. However, it is a question deserving a serious answer. "Why don't we quit?"

We have not quit for several reasons. First, most of us have dedicated the best part of our working lives to a profession and to a job that we truly love. We have placed our hands on holy books and sworn to the People of this State that for the next 14 years, during our term of office, we will uphold and defend the Constitution of the United States and the State of New York to the best of our abilities and that we will administer justice fairly and impartially, without fear or favor. In doing so, we have forsaken our previous careers and turned our economic well being over to people we do not know—expecting the same fairness that we are duty-bound to dispense. All of that is not easily set aside—nor should it be.

There are other reasons why we do not quit. To be a judge, you must have 20 years of education. Then you must practice as a lawyer for 10 years. Then you must be elected by the People. By this point in time, you are probably 45 years old and entering the most productive years of your life. Instead of heading down a career path that has the fair potential for being relatively lucrative, you commit for 14 years—to about age 59 at least—to be a judge where your salary will be determined, as it turns out, by politics. At what point should one quit? After the fourth year with no raise? After the eighth year? Or now, after the twelfth year when we believe a raise is imminent? The stark reality is that we were led to believe that a raise was imminent every year.

"We need to continue to do everything we can to attract the highly skilled professionals that have served our state so well...and provide judges and justices with the support they have earned and deserve."

(Governor George Pataki, June 6, 2005)

Then you must for 10 years. elected by the point in time, you years old and productive earning Instead of heading that has the fair relatively lucrative, years—to about be a judge where

The reason that fewer of us have quit, though several have, is a combination of practicality and reality. For the last dozen years, we have been told that the Legislature will address judicial salaries "next year." Then we were told that, "they will do it in June, after the budget is passed." Then we were told that, "the Legislature would be coming back in August for a special session and take up raises for judges." Then we were told that, "they will be coming back after the elections in November and will pass a judicial pay bill." When these things did not happen, we were told by legislators that "we can make your raises retroactive." Bills to that effect were offered by the Governor and even passed twice by the Senate. When the can is kicked down the road, but still stays in view, at what

point does one quit? At what point does Lucy actually let Charlie Brown kick the ball? When should Charlie Brown just quit and go home?

For most of us, a commitment to a judicial career has diminished our earning potential in the legal market-place rather than having enhanced it. Contrary to popular belief, there are few lucrative positions waiting for a lawyer re-entering his or her profession at age 60 or later.

Judges are also faced with the pressing reality of how to support oneself and a spouse—and maybe retirement. While retirement system is a decent benefits are person serving for at receive a 50% salary term as a Supreme leave that Judge, at 401-k plan last valued partial retirement he or she is 11 years service requirement. will have to serve 4 implementation date have that raise fully retirement. And, retirement law is raise above 10% of our current salary will not be counted in our retirement benefit.

“...A pay raise is warranted as a matter of fairness to judges and their families and as a matter of public policy...I have said for quite some time that the judges in the State of New York deserve a pay raise, they deserve to be paid a sufficient sum not only so we can persuade lawyers in the private sector to join the ranks of our judiciary, but also to compensate those on the bench for the hard work they do.”

Commentary of Governor Spitzer on his 2007 budget.

still a family—in New York State’s decent one, dependant on a least 25 years to in retirement. One Court Justice will age 60, with a at age 45 and benefits because short of the full By law, most of us years beyond the of any raise to reflected in our unless the changed, any

By the time we get our next raise, about 600 judges will have retired since our last raise in January, 1999. This represents 50% of the New York State Judiciary. Each of them have left or will leave for personal and family reasons but all waited as long as they could to receive a raise before giving up.

We do not know why people quit being a judge but the more important question is who declined to become a judge because of the meagerness of the salary? The anecdotal evidence is sobering. First, no partners or even senior associates, from private law firms, are becoming judges. Second, the recruitment pool for judges comes, almost entirely, from government attorneys. Among that group, neither department heads nor even bureau chiefs are seeking to become judges because it would mean a decrease in salary. Third, who would want to work for an employer who withheld raises for 13 years? The question is not whether we are getting good judges—we are. But are we getting the best judges? Are we getting Judges who reflect the diversity of our communities and of our State? Are we treating our Judges fairly? Shouldn’t fair compensation which advances those interests be our goal?

Around the world, freedom and the rule of law endure only where an independent judiciary exists. New York is a state populated by 20 million people but served by just 1,200 judges. This makes it imperative to retain and recruit the very best. Without adequate compensation, where will we find the next Cardozo?

It has been the near universal history of public sector collective bargaining in this State that raises keep employees abreast of the cost of living and that raises are made retroactive to the date of the expiration of the last contract. For example, employees of the court system had their salaries frozen at the \$115,000 level until the end of the contract. Court administrators knew that if high level non-judicial court employees received raises, there would soon be almost 2,000 non-judges making more than many judges—some even making more than the judges they work for. This has come to pass. There are now hundreds of law clerks and support magistrates that make more than Supreme Court Justices. The contract that froze their salaries expired March 31, 2011. There is \$41,000,000 in this year's budget to fund the increase in those frozen salaries, retroactive for four years. Judges are the only State employees who have served as an exception to the rule of regular non-judicial court for Judges, too. cost of living raises What is fair for employees is fair

"There is a need to find a way to raise judicial salaries because we are trying to get the best and the brightest to stay on the bench, knowing that their salaries are not even up to first year associates at major law firms." (Governor David A. Paterson, March 14, 2008.)

This empowered to make determination that effect of law if not statute. However, to other terms and employment—nor can the Commission make a determination concerning retroactive salary increases. For these issues, it can only make non-binding recommendations and findings. The Salary Commission should recommend in the strongest terms that Judges should receive a retroactive salary increase. Commission is a salary has the force and abrogated by this does not apply conditions of

The first reason is the most obvious. The Legislature and the Executive are already on record supporting retroactivity. As noted earlier, the Governor and Legislature, in the 2006-2007 enacted budget, approved \$69.5 million for Judicial raises that would be retroactive to April 1, 2005.

The second reason is equally obvious. Every employee of State and local government in New York, has, over the last 12 years, received either retroactive or prospective raises equal to or greater than the rate of inflation. This includes not just the quarter of a million employees who work directly for State government, but also the 1.4 million employees who work for all levels of government. Twelve-hundred New York Judges should not be treated differently.

The third reason is that Judges have already contributed more than their fair share to remedy the fiscal plight of this State. Imagine if, in 1999, the Governor got together with the leaders in the Legislature and said something like this: "You know, there are probably some tough times ahead so I think we should freeze some salaries to save money." And it was agreed all around that of the 100% of State employees, they would freeze the salaries of only ½% of those employees and the freeze would last for 13 years. Such a plan would have been ridiculed as preposterous----even if, at the end of 13 years, it was intended that those salaries would be brought back up to the cost-of-living level (which is what we are asking for). Well, the preposterous took place and it is what Judges and this Commission face today. The only way to ameliorate this deprivation is for Judges' salaries to be raised to the COLA level and to receive a retroactive raise.

Consider the Judicial sacrifice that has been made. Without retroactivity, Judges who receive a raise on April 1, 2012, will have each forgone about \$400,000 in cost of living salary since 1999. When the amount of Medicare and retirement contributions are factored in, this net loss will exceed \$450,000 per Judge. This amounts to a total "give-back" by the Judiciary to the State in the amount of \$565 million dollars—a truly shocking amount. However, the sacrifice is even greater. Since their last raise, over 500 judges have retired. Had they each retired at 2/3rds pay, based on a final average salary that included regular COLA raises, each of those judges will have forgone about \$22,500 per year in retirement benefits for their life expectancy of 20 years. The 200 judges who will retire over the next four years will be in a similar situation. This is an individual loss to each retiring Judge of another \$450,000. This amount, multiplied by over 500 Judges affected by this circumstance, results in another "give-back", this to the retirement system in the amount of \$225 million.

The math is clear: a 13 year wage freeze by 1,200 Judges will result in a give-back to the State, over COLA adjusted salary levels, of almost \$800 million. No employee group in the history of American labor relations has endured a financial sacrifice of this magnitude. To right this wrong, this Commission should hold the Legislature and the Executive to their word—and the law they passed in 2006—and recommend that Judges should, at least, receive COLA raises retroactive to April 1, 2005.

We are asking this Commission to make a brave decision. This is a decision that for the last 13 years was not within the wherewithal of the other two branches of government to make. This is a decision that has traditionally been the responsibility of the Legislature and the Executive but that responsibility has now been passed to the seven citizens who comprise the Judicial Compensation Commission.

The brave decision that we are asking this Commission to make is to immediately catch us back up with the true cost of living and to stanch the economic bleeding that the 1,200 judges in this State have undergone for the last 13 years. This Commission has not been given the power to make amends for 13 years of lost salary and the diminishment of related benefits that the judges who have served during this period, and the 564 judges

who retired during this time, have endured. A full salary restoration to a full CPI adjusted amount is the only fair outcome of this process and the uncontroverted facts command this outcome.

There are other intangible factors that are worth emphasizing in the process of determining a fair salary for a Judge. As we know, every New York Judge must have at least 20 years of education as a pre-requisite to hold the office of Judge. At the end of these 20 years of schooling, every Judge must obtain a law degree. For most Judicial offices in New York, a lawyer must have 10 years of legal experience. To become a Judge, a lawyer must go through a rigorous application process. For all Judges, except for the Court of Claims and the Family Court in the City of New York (together, comprising about 10% of State-paid judges), every Judge must negotiate a complicated and tangled electoral and political system to place his name before the voters and convince a majority that he or she deserves to be a Judge. For our appointed colleagues, there is a rigorous screening process that is made up of Mayoral, Gubernatorial, Senatorial and Bar Association screening committees and Senate approval is required for Judges of the Court of Claims and the Court of Appeals.

Upon assuming the office of Judge, a person makes some important career choices. By taking the oath of office, the Judge commits him or herself to a judicial career for the term of office which ranges from 6 to 14 years. While it is true that the restrictions on outside employment have recently been eased, as a practical matter, few judges have any chance to make anything more than nominal amounts from outside employment. But as a metaphor, consider what it says about our judicial compensation: "A Judge in New York, in order to adequately support his or her family, must have the opportunity to hold down a second job."

Some people believe that the power and prestige of being a judge should make up for lower levels of compensation. It should be noted that we are not asking for parity with partners in law firms or corporate counsel. Indeed, the requested salary of \$192,500 approximates what New York City District Attorneys have been paid for the last four years. We only ask that, as judges, we not be made poorer and that our salaries be returned to a cost-of-living adjusted level and keep pace with that amount.

As for the prestige of the office, a survey of any sample of judges will reveal that these are illusory benefits. The prestige of the Judiciary in America in general and in New York specifically, has been in decline for the last 100 years—primarily because of the depreciation in Judicial compensation. A 13 year pay freeze is stark evidence of that phenomenon.

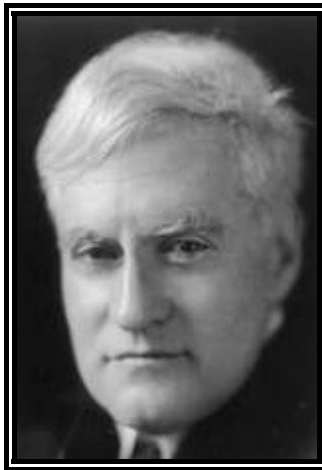
The power of the robe also hangs heavily on the shoulders of every judge in this State and is a justification for enhanced not diminished compensation. Trial judges, for example, make discretionary decisions every day that can dramatically affect the lives of hundreds of people or huge business operations. This is a heavy responsibility. Some of

these decisions are extremely unpopular and a Judge can easily find his or her picture on the front page of a New York City tabloid or be the subject of a critical editorial. Many judges, especially those that sit in Criminal and Family Courts, return home everyday worrying that a difficult decision may have placed their children or spouse in danger. There are few judges who have not been threatened and many of us have required special police protection at some point in time. In the world of the Internet, with its multiple electronic bulletin boards and social web sites accessible from any place in the world, anyone can anonymously post derogatory comments about a judge with the judge having no way to respond. Appellate Judges face the same risks.

This submission can be summarized by two facts and one question.

Fact 1. The salary freeze experienced by Judges over the last 13 years, will result in each Judge in this State forgoing \$400,000 in COLA compensation. This is the equivalent of working 3 years for free. For 1,200 Judges, this forgone compensation amounts to almost \$500 million.

Fact 2. Over the past 12 years, the Judges of New York State have toiled in a court system that gave raises that totaled 43% to every non-judicial employee. Judges received raises that totaled 0%.



Question: “Without adequate compensation for Judges, where will we find our next Cardozo?”