

BRENNAN
CENTER
FOR JUSTICE

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July 19, 2011

Via Electronic Mail

Hon. William C. Thompson, Jr.
Chair
New York State Special Commission on Judicial Compensation
P.O. Box 7342
Albany, NY 12224

Re: Special Commission on Judicial Compensation

Dear Commissioner Thompson:

We write on behalf of the Brennan Center for Justice at NYU School of Law¹ to commend the Special Commission on Judicial Compensation for its attention to a matter of exceptional importance to New York's judiciary. We urge the Special Commission to recognize that, after a dozen years without any increases, the annual salaries for judges and justices of New York warrant adjustment—and should be increased to a fair level.

A strong, independent judiciary is an essential prerequisite to a functioning democracy. The Brennan Center applauds the creation of this Special Commission—charged with examining the adequacy of judicial compensation and establishing a process for determining appropriate compensation through a transparent and politically neutral process—as it is critical that New York judicial salaries be sufficient to attract and maintain a diverse and exceptional pool of judges.

We are concerned that because New York's judges have not received any cost-of-living salary adjustment (or any other increase) in more than a decade, judicial salaries in the Empire State have fallen behind those of federal judges and judges in our sister states—and in some cases even behind

¹ The Brennan Center is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. The Center's Fair Courts Project works to preserve fair and impartial courts and their role as the ultimate guarantor of equal justice in the country's constitutional democracy. Our research, public education, and advocacy in this area focus on improving selection systems, increasing diversity on the bench, promoting appropriate measures of accountability, and keeping courts in balance with other governmental branches.

those of judges' own law clerks. Once the highest paid judges in the country, New York's are now, on a cost adjusted basis, the lowest paid. We fear this stagnation in judicial compensation may hinder the ability to retain the talented jurists responsible for the distinguished reputation that New York's judiciary has long enjoyed.

Although the Brennan Center does not recommend a precise salary scale or specific percentage increase, we commend the analysis contained in the detailed, carefully researched proposals submitted to the Special Commission by Chief Administrative Judge Ann Pfau and the Coalition of New York State Judicial Associations. We do not endorse the specific proposals contained in their submissions, but we do urge the Special Commission carefully weigh the data they have provided in recommending appropriate adjustments to judicial compensation.²

The Brennan Center is keenly aware of the current economic climate and the fiscal difficulties facing the State—and, in particular, the State's courts. Our judiciary faces a staggering budget shortfall as it strives to meet the challenges associated with providing swift and fair justice to the public. Chief Judge Jonathan Lippman—and court administrators continually working to find ways to do more with less—should be commended for their leadership in addressing these fiscal challenges.

Ultimately, resources for all court services—from ensuring adequate translation services to providing counsel for New Yorkers involved in foreclosure proceedings—must be increased. None of the resources for these vital services can be sacrificed. Nevertheless, the existing judicial compensation scale presents real and serious challenges to the judiciary that we urge the Special Commission to promptly and meaningfully address.

Thank you for the opportunity to submit these comments, and for the important work that the Special Commission has undertaken.

Respectfully submitted,



Michael Waldman
Executive Director



J. Adam Skaggs
Senior Counsel, Democracy Program

² Increasing judicial salaries will increase the likelihood that New York's courts will attract a broad and diverse range of judges, reflective of the communities our courts serve, just as it will ensure that our judiciary attracts the finest legal minds to serve as judges. *See* Ciara Torres-Spelliscy, et al., *Improving Judicial Diversity 5* (Brennan Center 2009), *available at* http://www.brennancenter.org/improving_diversity (including improving judicial salaries as a top recommendation for increasing diversity on the bench).