



TESTIMONY BEFORE THE SPECIAL COMMISSION
ON JUDICIAL COMPENSATION

DATE: Wednesday, July 20, 2011 at 11:00 AM

PLACE: Joint Legislative Hearing Room B
The Roosevelt Room
Legislative Office Building
Albany, New York

BY: Hon. W. Patrick Falvey, President, County Judges Association of
New York State (CJA)

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I am Patrick Falvey, Yates County Judge, and currently serve as President of the County Judges Association of New York State. The County Court Bench handles felony criminal cases in all of the 57 counties outside of New York City.

Like many of my colleagues, I am a "multi-bench" judge, serving in the County, Family, Surrogate and Supreme Courts.

First, the County Judges Association advocates for a fair salary increase now with COLAS in later years; not in increments spread over four years.

Secondly, "Disparity" in the pay scales among County level judges is an issue of fundamental fairness needing immediate reform. It is inexplicable that there are seven different salary levels for County Judges; six for Surrogates; and four for Family Court Judges.

However, I noted at your July 11th organizational meeting that "Parity" was not going to be considered in these proceedings, although you have the ability to examine the prevailing adequacy of judicial pay levels and determine whether any warrant adjustment. [Section 1(a)(i) of chap. 567 of the Laws of 2010].

Given your authority, I ask, as a matter of simple fairness, shouldn't all judges serving in the same position and performing the same duties be paid the same salary? We emphatically believe that the only answer is "yes". And this

Commission can rectify any Disparity by determining that all County Judges be paid the same. And that amount should be the same as a Supreme Court Justice since 32 of the 123 County Judges of this state are already paid at that level. There is no rational basis for this difference other than historical and it is just one example of the hodgepodge (see CJA's 7/12/2011 submission) of Disparity which this Commission can address, and end once and for all.

If you do not address this situation now, then I ask, When? I fear that the next Commission will have no reason to take up this issue and the Legislature going forward may rightfully conclude that reform is not needed because this Commission does not think it is important enough to consider.

The result: The Disparity gap will only widen.

I have served on the bench for over 23 years and this issue has been a chronic problem which all County level judges have lived with since the 1977 state funding of the courts. It has affected morale, recruitment and has caused judges to engage in costly "Parity" law suits.

In fact, even the Legislature has recognized this Disparity. Specifically, each house passed legislation in 2007 that would have remedied existing disparities along former Chief Judge Kaye's model of a 95% (of a Supreme Court Justice's pay) floor for County- level judges. However, for whatever reasons, the houses could not agree on one bill. That has been the scenario, linkage with unrelated issues which have always stymied appropriate consideration of judicial compensation.

I respectfully submit that your purpose and responsibility is to undertake a complete, fair and equitable examination of judicial compensation. And the "Disparity" in salary levels are a very large part of this issue, requiring immediate reform.

We therefore urge you, in the strongest possible terms, to 1) Determine a single and immediate salary increase now without increments and 2) Reconsider your position on "Parity", address it, and in so doing erase these artificial distinctions once and for all.

I thank this Honorable Commission for the opportunity to address you today.

Respectfully submitted,



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