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Special Commission on Judicial Compensation
Public Hearing, July 20, 2011 Joint Legislative Hearing Room B, The Roosevelt
Room Legislative Office Building, Albany, New York

Re: Written Submission

The increase sought in judicial salaries, fails to take into consideration the current recession, whereby the standard of living decreased for the general public, who through increased taxes would now be required to maintain the judges, in a standard claimed they are entitled to.

It is an erroneous presumption that an increase in judicial salaries, is essential to bring to the bench the most talented of attorneys. It is a well publicized fact that for the most part the judges in the State of New York acquire their judicial positions through political connections and political parties. So, it would appear that it is not what you know, but who you know. Accordingly, the sought after increase in salaries is not necessarily to secure judicial talent and knowledge, and to recruit the "best and the brightest".

Inflation alone should not be a basis for salary increase, but it should be performance on the bench as well. In private law firms non-performing attorneys are terminated. That a number of judges resign for higher salaries in the private sector, the question is, why they have not opted for staying in a law firm, rather than taking on a position as a judge. It would appear that it is taking advantage of the prestige of the judicial bench that gives these judges the opportunity to earn higher salaries in the private sector. Moreover, a judicial position is a public service, which salaries are nowhere supposed to be commensurate with high paying private law firms.

Although, I reside in the State of Florida I was brought into litigation in the Supreme Court, New York County, State of New York. Thereby, I acquired first hand knowledge of the New York court proceedings, where generally it was not the "rule of law" that prevailed. Also, prior rulings of the higher New York courts were often disregarded and miscited, thereby eroding whatever "great law" exists in the books.

On June 8, 2009 and September 24, 2009, hearings were held by the New York State Senate Judiciary Committee chaired by Senator John Sampson with on the Commission on Judicial Conduct & Attorney Disciplinary System. I traveled from Florida to appear on September 24, 2009 at which time I testified, as it appears on the video at 0:48:33 - 1:03:36. About thirty people testified at these two hearings detailing their complaints about the New York judiciary. Inasmuch as, the Committee was unable to accommodate all who wished to testify Chairman Sampson promised that the Committee would hold additional hearings. He also endorsed a proposal by fellow

Committee member Eric Adams to appoint a task force to assist in addressing the mountain of information and evidence presented by the public on alleged judicial corruption. A third hearing, was scheduled for December 16, 2009. However, no hearing was continued, no task force was appointed, no findings were made and no report was rendered.

It is respectfully requested that before any judicial pay increases are considered, the complaints made before the Senate Judiciary Committee be fully investigated to determine the entitlement to a judicial pay increase. This supports the position taken by the Center for Judicial Accountability.

Yours truly,

Judy Herskowitz

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