TO: THE COMMISSION ON JUDICIAL COMPENSATION

GOOD MORNING MR. THOMPSON & COMMISSION MEMBERS:

MY NAME IS LANCE CLARKE. I AM A PAST PRESIDENT OF THE NASSAU COUNTY BAR ASSOCIATION AND WAS SELECTED BY OUR PRESIDENT SUSAN KATZ RICHMAN AND EXECUTIVE COMMITTEE TO REPRESENT THE NEARLY 6000 MEMBERS OF OUR BAR ASSOCIATION BEFORE THE COMMISSION TODAY. I AM DEEPLY HONORED AND HUMBLED BY THIS OPPORTUNITY.

I HAVE WITH ME A PACKET FOR YOU CONTAINING RESOLUTIONS OF OUR BOARD OF DIRECTORS PASSED OVER SEVERAL YEARS SINCE 1999 IN SUPPORT OF PAY INCREASES FOR OUR JUDGES. THE PACKET ALSO CONTAINS LETTERS TO THE EDITOR OF AT LEAST TWO OF OUR PAST PRESIDENTS IN SUPPORT OF JUDICIAL PAY RAISES. PERSONALLY, SINCE 2007, I HAVE WRITTEN THREE ARTICLES FOR THE NASSAU LAWYER AND EXPRESSED THE SENTIMENT OF OUR MEMBERSHIP IN SUPPORT OF OUR NEW YORK STATE JUDICIARY, AND ESPECIALLY, OUR JUDICIARY OF THE SECOND DEPARTMENT OF THE APPELLATE DIVISION IN THEIR QUEST TO OBTAIN A MUCH NEEDED, AND MUCH DESERVED PAY INCREASE.

IN 2007, IT WAS RUMORED THAT THERE MAY BE A COMMISSION APPOINTED SOME DAY TO INVESTIGATE THE PLIGHT OF OUR NEW YORK STATE JUDGES. THANK GOD YOU ARE NOW HERE AND CAN MAKE A TREMENDOUS DIFFERENCE BY CUTTING THROUGH ALL PREVIOUS BARRIERS AND TELL A STORY THAT WILL CORRECT ONE THE MOST EGREGIOUS INJUSTICES TO THE BENCH EVER PERPETRATED AND PERPETUATED AGAINST A LOYAL AND DEDICATED JUDICIARY IN THE UNITED STATES OF AMERICA. OVER THE TOP OF THE FRONT STEPS OF THE NEW YORK COUNTY COURTHOUSE THE ENSCRIPTION READS " THE TRUE ADMINISTRATION OF JUSTICE IS THE FIRMEST PILLAR OF GOOD GOVERNMENT". THOSE ARE THE WORDS OF GEORGE WASHINGTON WRITTEN IN 1789. EVERY TIME I WALK UP THOSE STEPS, I PAUSE JUST FOR A MOMENT TO BE REMINDED WHAT IS THE BEST THING ABOUT PRACTICING LAW IN THE COURTS OF THE UNITED STATES. OUR JUSTICE SYSTEM IS THE FRONT LINE OF DEFENSE OF A TRULY FREE AMERICA. OUR JUDGES ARE OUR INSURANCE THAT WE AS AMERICANS MAINTAIN OUR FREEDOM AND OUR WAY OF LIFE PROVIDING JUSTICE TO ALL THROUGH A TRULY INDEPENDENT AND DIVERSE JUDICIARY. IF WE ARE TO MAINTAIN AN INDEPENDENT JUDICIARY, WE MUST PROVIDE A SALARY COMMENSURATE WITH THE MONUMENTAL QUESTIONS THAT WE ASK OUR JUDGES TO ANSWER ON A DAILY BASIS. AMERICA DOES NOT WANT A COURT SYSTEM THAT CAN ONLY BE STAFFED BY PERSONS OF WEALTH BECAUSE THEY ARE THE ONLY ONES WHO CAN AFFORD TO SERVE. PUBLIC SERVICE IS THE HIGHEST AND BEST WAYS TO GIVE BACK TO

OUR COUNTRY. WE DON'T WANT OR NEED A LIMITED OR RESTRICTED JUDICIARY.

AS A FORMER JUSTICE COURT JUDGE OF THE VILLAGE OF HEMPSTEAD, THE LARGEST VOLUME JUSTICE COURT IN THE STATE OF NEW YORK FOR NEARLY 8 YEARS BEFORE RETIRING IN 2008, I KNOW THE STRESS OF BEING A JUDGE. I KNOW THE BURDEN THAT A JUDGE CARRIES AFTER SENTENCING A PERSON TO JAIL. HOWEVER, UNLIKE NEW YORK STATE COURT JUDGES, I WAS ALLOWED TO PRACTICE LAW ON A LIMITED BASIS TO SUPPLEMENT MY INCOME. TODAY'S NEW YORK STATE COURT JUDGE IS CASH STRAPPED. MANY ARE CAUGHT IN WHAT WE NOW KNOW AS "THE SANDWICH GENERATION". THEY ARE TRYING TO PAY FOR COLLEGE FOR THEIR CHILDREN AND PAY TO MAINTAIN HOMES OR ASSISTED LIVING OR NURSING CARE FOR THEIR AGING PARENTS. SOME OF MY JUDICIAL COLLEAGUES HAVE LEFT THE BENCH BECAUSE THEY MADE TOO MUCH INCOME FOR THEIR CHILD TO RECEIVE COLLEGE TUITION ASSISTANCE BUT NOT ENOUGH TO PAY THE FULL TUITION TO SEND THEIR CHILD TO THE COLLEGE OF THEIR CHOICE. THEY HAD TO RESIGN OR RETIRE TO FIND A " BETTER PAYING JOB". I ALWAYS THOUGHT THAT EVERY LAWYER'S DREAM WAS TO BE A JUDGE. BECAUSE OF THE PAY SCALE IN NEW YORK, I'M SAD TO SAY, THAT'S NOT THE CASE ANYMORE. THERE ARE FIRST YEAR LAWYERS FRESH OUT OF LAW SCHOOL MAKING MORE MONEY THAN SOME OF OUR JUDGES WHO PRACTICED LAW FOR 20, 30 & 40 YEARS BEFORE ASCENDING TO THE BENCH. THIS IS A TRAVESTY THAT MUST STOP.

I ALSO WANT YOU TO KNOW THAT THE JOB OF BEING A JUDGE, CONTRARY TO POPULAR BELIEF, DOESN'T STOP AT 5:00 P.M. WHEN YOU GO HOME. I BELIEVE THAT A JUDGE CARRIES THE BURDEN OF THE JOB 24/7. IT IS STRESSFUL. AS A LAWYER, I KNOW THAT WE TAKE ON OTHER PEOPLE'S PROBLEMS BECAUSE THAT'S WHAT WE DO. THAT'S WHAT WE ASK FOR. HOWEVER, WE USUALLY HAVE A CHOICE TO SELECT OR REJECT WHAT CASE WE CHOSE TO PURSUE. IT'S NOT THE SAME FOR MOST NEW YORK JUDGES. EVERY DAY THEY HAVE TO DEAL WITH CASES "OFF THE WHEEL" AND SOME CASES ARE THE MOST GUT WRENCHING, MENTALLY AND PHYSICALLY TAXING MATTERS KNOWN TO MAN. I HAVE JUDICIAL COLLEAGUES WHO HAVE HAD HEART ATTACKS, STROKES AND SOME HAVE DIED. EVERYBODY ALWAYS ASSUMES THAT IT WAS THEIR PERSONAL STRESS THAT CAUSED THEIR HEALTH PROBLEM. DON'T BE FOOLED. SOMETIMES IT'S EVEN HARDER TO TURN OTHER PEOPLE'S PROBLEMS OFF THAN YOUR OWN. EVEN THOUGH YOUR MIND SAYS TO FORGET IT, YOUR HEART KEEPS MAKING YOU THINK ABOUT THE DECISION YOU RENDERED. THAT'S WHAT'S KNOWN AS "JOB RELATED STRESS".

I SAY THESE THINGS TO GIVE YOU ONLY THE TIP OF THE ICEBERG OF HOW HARD IT IS FOR TODAY'S NEW YORK JUDICIARY. I HAVE ATTEMPTED TO PUT INTO PERSPECTIVE FOR YOU A HUMAN SIDE OF THE BENCH. WHEN I WAS PRESIDENT OF THE NASSAU COUNTY BAR IN 2007/2008, I VISITED ALBANY TO MEET WITH MEMBERS OF THE LEGISLATURE ON NUMEROUS OCCASIONS TO TRY

AS HARD AS I COULD FOR OUR BAR ASSOCIATION MEMBERS, MANY OF WHOM ARE MEMBERS OF OUR NASSAU COUNTY JUDICIARY, TO GET A PAY INCREASE FOR OUR NEW YORK STATE JUDGES THAT I KNOW FROM MORE THAN 30 YEARS EXPERIENCE IN THE LEGAL PROFESSION TO BE SECOND TO NONE.

PLEASE HELP OUR JUDGES OF THE NEW YORK STATE UNIFIED COURT SYSTEM JUDICIARY TO RECEIVE A WELL-DESERVED PAY INCREASE. I BELIEVE THAT NEW YORKERS HAVE THE GREATEST COURT SYSTEM IN THE GREATEST STATE AND NATION ON THE FACE OF THE EARTH. NEW YORK STATE IS "THE EMPIRE STATE". WITH THE EXCEPTION OF HOW WE HAVE TREATED OUR JUDGES, WHO CANNOT ADVOCATE FOR THEMSELVES, WE LIVE UP TO THE TITLE OF "THE EMPIRE STATE" EVERY DAY.

FINALLY, ON BEHALF THE OFFICERS AND MEMBERS OF THE NASSAU COUNTY BAR ASSOCIATION I ASK THAT YOU PROVIDE AN EXTENSIVE REPORT THAT WILL NOT ONLY DEMONSTRATE THE NEED FOR A JUDICIAL PAY INCREASE TO BOLSTER THE SELF ESTEEM OF OUR NEW YORK STATE JUDICIARY, BUT ONE THAT WILL MOST IMPORTANTLY, INSPIRE OUR LEGISLATURE AND GOVERNOR CUOMO TO ACT UPON YOUR FINDINGS. WE KNOW THAT IF YOU ARE SUCCESSFUL, JUSTICE WILL BE SERVED AND NO LONGER DENIED TO OUR NEW YORK STATE JUDICIARY.

THANK YOU & MAY GOD BLESS EACH OF YOU IN THIS ENDEAVOR.

Respectfully Submitted,

Lance D. Clarke
Past President 2007/2008
Nassau County Bar Association
15th & West Streets
Mineola, New York 11501

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cc: Susan Katz Richman, President NCBA
Board of Directors
Deena Ehrlich, Ph.d, Exec. Director

Board of Directors - December 8, 1999

JUDICIAL SALARIES - RESOLUTION

BE IT RESOLVED that the Nassau County Bar Association supports the Judiciary's proposed 1999-2000 budget request as approved by the Legislature which includes a salary increase for all State-paid Judges of approximately 2.7% per year from enactment of the last judicial raise in 1993.

RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
NASSAU COUNTY BARS ASSOCIATION
APRIL 12, 2005

WHEREAS, in her 2005 State of the Judiciary Report, issued on February 7, 2005, Chief Judge Judith S. Kaye called for increased judicial compensation fc New York State judges, stating in pertinent part as follows:

> Last month marked the sixth year since judicial salaries wer increased. The salaries of New York Judges were last adjusted i 1999, at that time brought to parity with federal judicial salaries and far, far behind the salaries of brand new lawyers at man large law firms.
>
> Judges certainly deserve fair compensation for the work they dc Equally important, judicial salaries reflect the value that societ places on their work, a recognition that the courts – and the Judges – serve as the vehicle for the delivery of justice in ou system of government. We must ensure that the finest individual continue to be drawn to judicial service, and that our outstandin bench is justly compensated on an ongoing basis. That is difficul to achieve when a Judge's salary is eroded by an increase in the cost of living by 20 percent or more between sporadic salar adjustments;

AND WHEREAS, THE Nassau County Bar Association is committed to the creation and maintenance of a judiciary comprised of justices and judges who ir their character, integrity, temperament and professional ability and reputatior have affirmatively demonstrated their special qualifications for these positions;

AND WHEREAS, the Nassau County Bar Association believes that adequate compensation is essential to the creation and maintenance of such a judiciary;

IT IS RESOLVED, that the Nassau County Bar Association supports Chief Judge Kaye's call for increased judicial compensation, and calls upon the Executive anc Legislative Branches of New York State government to act favorably with respec the to the judicial compensation proposal to be submitted by the Unified Cour System in 2005.

Respectfully submitted,
Board of Directors
Nassau County Bar Association

Dated: Mineola, New York
April 12, 2005

RESOLUTION

Be It Resolved that the Nassau County Bar Association supports the Judiciary's proposed 2007-2008 budget request which includes a salary increase for all state-paid judges; said increase to be immediate and retroactive from enactment as requested in the Judiciary Proposed Budget.

Moved, seconded and passed unanimously at the December 12, 2006 meeting of the Board of Directors of the Nassau County Bar Association.

THE BAR ASSOCIATION OF NASSAU COUNTY

15th & West Streets • Mineola, New York 11501-4868 • (516) 747-4070 • Fax (516) 747-4 47
e-mail: info@nassaubar.org • www.nassaubar.org

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June 21, 2007

TO THE EDITOR:

"Caught In the Belly of the Beast"

By Lance D. Clarke, President, Nassau County Bar Association

I feel for New York State judges. They have had no pay increase for more than eight years. It has caused me to wonder whether there is any other elected official in New York State with a more powerful position, such immense responsibility, that has not had at least one cost of living pay raise in more than eight years. I seriously doubt it! How could this possibly be fair to those entrusted with the major responsibility of maintaining order in today's complex society?

There are those among our judiciary who have chosen to leave the bench because they were unable to support on their judicial salary, mortgages and other substantial personal responsibilities, such as children with heavy college tuition payments. Based upon the current extreme cost of living in New York State, the existing cap on judicial salaries is simply not fair or just. A client of mine pointed out that in the "Sopranos" final episode, the character "Meadow" was to earn $170,000 fresh out of law school. I couldn't help but wonder what our New York State judges watching the program must have felt hearing this. What does it say to the most distinguished and respected members of our profession when such a salary is paid to a recent law graduate who hasn't yet passed the bar; yet our judges, some of whom have twenty to forty years experience beyond their bar examination earn substantially less? Will a willingness to ascend the bench be left only to the wealthy? What kind of justice will be dispensed if the judicial bench does not consist of people with diverse backgrounds?

I couldn't help but reflect upon the fact that when members of the Assembly, Senate and the Governor have a legal problem, they turn for justice to none other than our judiciary - the very people who cannot advocate for themselves. How can we maintain an independent judiciary when not even the judiciary can escape being made a political football? There is something drastically wrong with New York State's treatment of its judiciary. Our judges have truly found themselves "caught in the belly of the beast". They are trapped in a place in which they have no power to escape without the help of others.

In the last two weeks, on behalf of the officers and members of the Nassau County Bar Association and our State judiciary, I have written to, met with, or spoken to more than 16 members of the Senate and Assembly or their staff. In addition, I had a brief conversation with and have written to the Governor concerning pay increases for our judiciary. Everyone was cordial and receptive. All agreed that the issue of judicial salaries should be severed from the issue of salaries for the State Legislature. Some even agreed that an independent Commission should be established so that this issue may be avoided in the future. Yet, because of a lack of leadership, to date no major steps have been taken to free the judges from this hostage situation. At the time of this writing, I have been informed that the issue is not even on the table for discussion before this session of the Legislature concludes.

I submit that it is up to the lawyers and good citizens of this State to let their elected representatives know that what we want and need is an independent judiciary. It is a right guaranteed to us as citizens by our United States and State of New York Constitutions. It is simply time for the nonsense to stop. We must take action by demanding that our elected representatives is release our judges from "the belly of the beast". It is not only the right thing, but, more so, the responsible thing for our elected representatives to do.

RMF
RUSKINMOSCOUFALTISCHEK PC
Counselors at Law

Writer's Direct Dial: (516) 663-6630
Writer's Direct Fax: (516) 663-6830
Writer's E-mail: dgood@rmfpc.com

May 4, 2007

By Mail

Editor
Long Island Business News
2150 Smithtown Avenue
Ronkonkoma, NY 11779

To the Editor:

As President of the Nassau County Bar Association, I am compelled to respond to the letter to the Editor by Mace H. Greenfield published in the April 27 – May 3, 2007 edition. Mr. Greenfield posits that attorneys and Bar Associations should remain silent with respect to the issue of judicial salary increases. I could not disagree more.

Almost buried in Mr. Greenfield's letter, he acknowledges that "judges are long overdue a pay raise", but, he asserts, "budget limitations and limited taxpayer resources stand in the way". Would that the issue were as simple as insufficient revenues to fund a judicial salary increase.

There appears to be universal support for judicial salary increases. That support comes not merely from the Bar but from most newspaper editorials, from the Chief Judge of the State of New York, from Governor Spitzer's initial proposed budget, and, earlier this week from the entire State Senate, which co-sponsored a bill increasing judges' pay (Democrats subsequently withdrew their sponsorship). How could anyone oppose judicial salary increases when judicial salaries have been frozen – without even cost of living adjustment – since January 1, 1999?

New York judicial salaries rank 38th in the country, and I have heard, when adjusted for a cost of living, rank 50th; and that is out of 50. The term of a Supreme Court Judge is 14 years. Who, elected to office in or around 1999, could have expected that his/her salary would not receive even a penny's adjustment for an eight-year period, at least?

Mr. Greenfield seems to suggest that this issue need not receive governmental attention until judges start resigning *en masse*. He further suggests that to rationalize the increases, which he acknowledges are overdue, proponents of the increases would have to concede that the lack of appropriate funding has resulted in a judiciary populated by incompetents. He further suggests that attorneys and Bar Associations have only been speaking out on this issue to court favor with judges.

Must we really render our judicial system a shambles before we recognize that judges deserve more then that they are currently receiving? I am reminded of the old story of the dairy farmer, who realized he could increase his profit if he did not have to feed his cows. Just as his farm's profit margin was improving, all the cows died of starvation. Is this what we want for our judiciary? And, who better then lawyers and Bar Associations to lead the charge against this injustice? We know best the importance of an independent, well-qualified, judiciary. We know best the economic marketplace and the price that the private sector is willing to pay for legal excellence.

We understand too, that judges are being treated as pawns in a high-stakes game of political power.

Many public employees are unionized. I doubt there are many who have received not a penny of increase since 1999. How unseemingly would it be, and how counterproductive to the notion of respect for our courts and for the rule of law, for our judges to go begging with hat-in-hand to Albany, or engage in a strike?

Because of the unique role of Judges in our society, they should remain above this political fray. But it is incumbent on those of us with particular knowledge of the essential role of our judiciary and the particular knowledge of what the private sector is willing to pay for equivalent – and even vastly inferior – knowledge and intellect, to speak out loudly and to urge our government to recognize its obligations to the judiciary. We must encourage the best and the brightest to pursue careers in judicial service. The State will never be able to compete, economically, with the private sector; but it does have the obligation to treat those who serve with basic economic dignity.

Sincerely,

Douglas J. Good

DJG:kk

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I. Kathryn Meng
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hristopher T. McGrath
douglas J. Good

...independent judiciary when not even the judiciary can escape being made a political football? There is something drastically wrong with New York State's treatment of its judiciary. Our judges have truly found themselves "caught in the belly of the beast". They are trapped in a place in which they have no power to escape without the help of others.

SSAU COUNTY
ASSOCIATION
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SERVING OUR MEMBERS, OUR PROFESSION AND OUR COMMUNITY SINCE 1899

"Caught In the Belly of the Beast"

By Lance D. Clarke, President Nassau County Bar Association

I feel for New York State judges. They have had no pay increase for more than 8 years. It has caused me to wonder whether there is any other elected official in New York State with a more powerful position or such immense responsibility that has not had at least one cost of living pay raise in more than 8 years. I seriously doubt it! How could this possibly be fair to those entrusted with the major responsibility of maintaining order in today's complex society?

I have heard a number of judges speak of colleagues who have chosen to leave the bench because they were unable to support on their judicial salary mortgages, other substantial personal debt, or worse, a child or children with heavy college tuition payments. Based upon the current extreme cost of living in New York State, the current cap on judicial salaries is simply not fair or just. A client of mine pointed out that in the "Sopranos" final episode, the character "Meadow" was to earn $170,000.00 fresh out of law school. I couldn't help but wonder what our New York State judges watching the program must have felt hearing this.
What does it say to the most distinguished and respected members of our profession when such a salary is paid to a mere law graduate who hasn't yet passed the bar, yet our judges, some of whom have twenty to forty years experience beyond their bar examination as a practitioner and judge together, earn a mere $137,600.00? Will willingness to ascend to the bench be left only to the wealthy? What kind of justice will be dispensed if the judicial bench does not consist of people with diverse backgrounds?

I also couldn't help but reflect upon the fact that when members of the Assembly, Senate and the Governor have a legal problem, they turn for justice to none other than our judiciary - the same people suffering this inhumane abuse. How can we maintain an independent judiciary when not even the judiciary can escape being made a political football? Is there no decency left among us? There is something drastically wrong with New York State's treatment of its judiciary. Our judges have truly found themselves "caught in the belly of the beast". They are trapped in a place in which they have no power to escape without the help of others.

In the last two weeks, on behalf of the officers and members of the Nassau County Bar Association and our State judiciary, I have written to, met with, or spoken to, more than 16 members of the Senate and Assembly, or their staff. In addition, I had a brief conversation and wrote to the Governor concerning pay increases for our judiciary. Everyone who responded was cordial and receptive. All agreed that the issue of judicial salaries should be severed from the issue of salaries for the State Legislature. Some even agreed that an independent Commission should be established so that this issue may be avoided in the future. Yet, because of a lack of leadership, to date no major steps have been taken to free the judges from this hostage situation. At the time of this writing, I have been informed that the issue is not even on the table for discussion before this Session of the Legislature concludes.

I submit that it is up to the lawyers and good citizens of this State to let their elected representatives know that we want and need an independent judiciary. It is a right guaranteed to us as citizens by our United States and State of New York Constitutions. It is simply time for the nonsense to stop. We must take action by demanding that our elected representatives release our judges from "the belly of the beast". It is not only the right thing, but, more so, the responsible thing, for our elected representatives to do.

DATE: APRIL 18, 2007
TO: (SEE DISTRIBUTION LIST AT END)

THE FOLLOWING WILL APPEAR IN THE MAY 2007 ISSUE OF THE NASSAU LAWYER, THE OFFICIAL PUBLICATION OF THE NASSAU COUNTY BAR ASSOCIATION

DEMOCRACY INACTION

There is no political debate. No one has presented a fact-based argument that our judges are over-compensated. There is no state budget deficit, nor has anyone suggested that the funds necessary for judicial salary increases are otherwise not available. (Remember, last year's approved State budget contained funds for those raises, as did Governor Spitzer's proposed budget this year.) There has been no credible suggestion that the funds earmarked for judicial increases should be allocated for some other purpose, or that the level of proposed increase is too high. No newspaper that I am aware of has published an editorial speaking against increases.

It is indisputable that the cost of living has increased substantially since the judges' last raise – in 1999, based on 1998 numbers. State court judges lag significantly behind their federal counterparts – at the same that time Chief Justice Roberts is calling for an increase in federal judicial salaries. No one can deny that state court judges have been forced to resign from the bench in order to properly care for their families and educate their children. No one would advocate a judiciary comprised only of the rich (for whom sub-standard salaries would make no difference), or only of the poor (for whom our sub-standard salaries would represent an increase), or only of those, who due to competence (or the lack thereof), would accept the current salaries because they couldn't earn nearly as much in private practice.

So, what's the problem? Judicial salary increases should be a no-brainer.

It's probably true that no state legislators will have difficulty being re-elected solely because they did not vote for the proposed increases. But, similarly, it's hard to understand how a vote in favor of increases, virtually universally supported, would hamper in any way a state legislator's re-election bid. The Governor's in favor; so is the State's highest Judge.

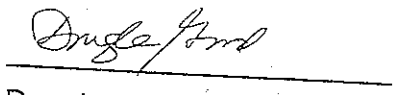
So what's the problem? Judicial salary increases should be a no-brainer.

What signals do we send when our system fails to respond to such an overwhelming and recognized need? What message do we send about respect for the law, and for the judges who administer it, when thousands of graduating law students – without an iota of experience as a lawyer – earn salaries in excess of those earned by our judges? What has become of New York's pride in leading the nation on important initiatives, when our judges' compensation lags behind the vast majority of other states' (but our cost-of-living does not)?

We, as lawyers, can certainly understand, intellectually, how and why this logjam was created. What we can't understand is how, morally, it can continue. This is not about politics. This is not merely about how we treat those men and women already on the bench, and their rights to just compensation. This is not just about how we treat our judiciary, and therefore, how we expect our citizenry to respect the mandate of courts and the rule of law. This is also about how our government in Albany functions.

It will be unfortunate if judicial raises are not approved before the lawsuit promised by Judge Kaye. Our Legislature will have not only lost the opportunity to do what is right, it will have abdicated an important function. And when, in the future, people ask, "Why? . . . why did the Legislature force a constitutional confrontation on such a simple issue?" there will not be a satisfactory answer.

Our judges should not be held hostage to anyone's political agenda, especially one not related to the judiciary. The time to act is now. Let's put that "space" back in "democracy inaction".



Douglas J. Good, President

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