

**NEW YORK
CITY BAR**

**Public Hearing of the Special Commission on Judicial Compensation
July 20, 2011
Legislative Office Building, Hearing Room B
Albany, New York**

**Testimony of Roger J. Maldonado
Chair, Council on Judicial Administration**

Chairman Thompson and distinguished members of the Commission:

Thank you for the opportunity to testify on the important topic of judicial salaries in New York State. My name is Roger Maldonado and I am chair of the New York City Bar Association's Council on Judicial Administration. The City Bar is an organization of over 23,000 members dedicated to improving the administration of justice. The Council which I chair coordinates the work of several City Bar committees on issues that impact state and federal courts. Recent topics addressed by the Council include the 2011/2012 Judiciary Budget; terms for Housing Court Judges; proposals to amend the Code of Judicial Conduct; and the subject of today's hearing: judicial salaries.

The City Bar urges the Commission to increase salaries for Justices of the Supreme Court of New York State, effective April 1, 2012, to no less than \$195,000. Indeed, we believe there is ample justification for a salary level in excess of \$200,000, as raising the salary to \$195,000 essentially adjusts for cost of living but does not adequately reflect:

- the judges' enormous loss of purchasing power since 1999;
- the growth in the disparity between judicial salaries and legal compensation levels in the private sector;

cost of living is considered (utilizing data compiled by the American Chamber of Commerce Researchers Association).

The Commission must establish these levels of judicial salary increases to ensure that the Courts of New York State continue to be served by judges capable of determining the numerous and complex matters that arise in our courts. Currently, 1,200 New York State Court Judges serve a state population of 20 million residents. Id., page 12. New York, as a global commercial center also provides access to its courts to numerous citizens of other states and countries. New York, therefore, must establish a judicial salary structure that is designed to attract and retain the best candidates for judicial office. The current judicial salary structure is woefully deficient in this regard.

By any measure, New York State's judges currently are severely underpaid, and they and their families have paid a heavy price for remaining on the bench without an increase for over a decade. The last salary increase New York provided to its judges was in 1999. In the twelve year period since that raise, the cost of living in New York has risen 41%. See Judge Pfau Submission at 21. The failure of judicial salaries to keep pace with inflation has cost Supreme Court Justices \$330,000 dollars of purchasing power. See Letter of Pete Smith to John McConnell, July 5, 2011 (Judge Pfau Submission, Appendix A). Further, as reported by the New York Times on July 5, 2011, New York's judicial salaries are ranked 46th in the country, when measured by the cost of living, according to the National Center for State Courts. A New York Supreme Court Justice receiving a salary with the same purchasing power as the average salary of a trial judge in America's five other largest metropolitan areas would be paid \$212,000 per year. See Coalition Submission, Executive Summary, page 4. If New York's judicial salaries were even ranked at the median level of judges salaries among the states, the Supreme

2009, over 4.6 million matters were filed in New York courts, over a million more than were filed in 1999. Filings per judge rose 28%, in that time, according to the Coalition report. Much of the growth has been recession driven, including an explosion in the filings of consumer debt cases. Each year, over two million people enter the courts without any counsel, providing even more of a strain on the judiciary. We need judges, faced with these overwhelming workloads, to have the skill, patience and efficiency to resolve the disputes that are brought to them – a flow over which they have no control – and to perform at a consistently high level. In many criminal, family, housing and debt matters, judicial decisions will be life-changing. We have placed this responsibility on the shoulders of our judges without acknowledging their own personal material needs.

Furthermore, the loss of talented judges, and the difficulty of recruiting judges broadly from New York's legal community, is bound to hurt not only the quality of justice but the sterling reputation of New York's courts. Part of the reason New York is such a vibrant commercial center is the comfort of those conducting business in New York that there is a high-quality forum to resolve disputes. To the extent we jeopardize that quality, we make other venues more attractive for business dealings. This is a potential drain on an economy that is already struggling to recover from the most serious recession in decades. The investment in judicial salaries, to maintain the confidence of all parties that they can receive fair and effective justice in New York, is an investment in New York's future.

The City Bar, therefore, urges the members of the Commission to raise effective April 1, 2012 all judicial salaries in an amount that corresponds to a salary of at least \$195,000 for Justices of the Supreme Court, with proportionate increases for all other New York State Court Judges.