



HEARING OF THE JUDICIAL COMPENSATION COMMISSION

JULY 20, 2011

TESTIMONY BY VINCENT E. DOYLE III,

PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION

Hearing of the Judicial Compensation Commission

July 20, 2011

Testimony by Vincent E. Doyle III

President of the New York State Bar Association

Good morning. I would like to thank you, Chair Thompson and members of the Judicial Compensation Commission, for inviting me to testify. I am Vince Doyle, President of the New York State Bar Association. On behalf of the State Bar Association, I appreciate the opportunity to discuss the importance of judicial compensation, not only to our association and the legal profession, but also to the justice system, to New York State and to our democratic society. We applaud the formation of the Judicial Compensation Commission, and cannot overstate the importance of this Commission's task.

The New York State Bar Association represents the interests of over 77,000 members, from New York State and beyond. We have members in every state of this country, and in over 100 countries throughout the world. Our members include attorneys representing every type of client in every area of practice. Our Association aims to facilitate the administration of justice and elevate the standards of integrity, honor and professional skill and courtesy in the legal profession. Our clients are the consumers of the judicial system, and those clients, along with every other individual who appears before a judge in New York State, deserve to know that the judge presiding over his or her case is qualified, independent, and focused on the matter at hand.

We are fortunate to have so many talented, civic-minded jurists in our state who are willing to sacrifice financially in a very real and personal way so that they may continue to serve the public. However, in the interests of retaining the qualified and experienced judges who currently serve, and attracting the best and brightest to the bench, now is the time to end the years of salary stagnation and make our judges whole.

Our Association has been present in this debate for nearly two decades, and judicial compensation has been a major legislative priority for us since 2006. Throughout that time, our position has been firm – we believe that an independent, well-functioning judiciary, accessible to all, is a cornerstone of our democratic society. Further, the justice system's ability to function properly depends on the judges who administer it. That is why our Association has made judicial compensation such a high priority.

This summer, we formed a Working Group to study the issue. The New York State Bar Association has adopted the Working Group's recommendations, and we have submitted our report for your review. In light of our research, the New York State Bar Association recommends a substantial increase in judicial salaries, to address the significant erosion of judicial pay over the past 12 and a half years, effective April 1, 2012. The increase should, at the very least, reflect the cost-of-living increase since 1999, which would adjust the salary of a Supreme Court Justice to \$192,000 per year. We further recommend implementation of a protocol for the regular adjustment of judicial salaries thereafter to account for the rising cost of living.

As you know, New York State judges have not received a salary adjustment, even to keep up with inflation, for over a decade. In order to continue to attract highly qualified, dedicated

judges, it is of paramount importance that we compensate judges fairly, and without further delay. Since the last judicial pay raise in 1999, judicial salaries have fallen far behind those of federal judges and judges in other states. When adjusted for statewide cost of living, judicial pay in New York State ranks last in the nation. Even states with long gaps between compensation reviews have provided annual cost-of-living adjustments in the interim. Only New York State judges have been denied any pay increase or salary adjustment to address rising costs.

As a result of the failure to make cost-of-living adjustments, the average judge serving during this period has lost more than \$330,000. Throughout this period, other public and private employees have continued to receive raises. Many positions in state and local government pay higher salaries than those of judges, including many that require less training and experience.

Within the court system, not only are judicial to non-judicial salary ratios generally askew – some senior law clerks actually earn *higher salaries* than the judges for whom they work. The potential for problems with discipline, morale and management is obvious. This trend is inappropriate and unsustainable.

And the evidence is clear – we are losing judges due to inadequate compensation. I'm sure everyone here has read the recent New York Times piece about the disturbing rate of attrition among New York's judges, who are resigning at rates of nearly 10% per year – not to retire, but to return to practice. We are losing some of our most talented, experienced judges. And, of course, that does not account for the many qualified individuals who simply cannot seriously consider judicial service because the pay cut – and salary stagnation – would be an irresponsible choice for their families.

We recognize that these are difficult times. But I respectfully submit that difficult times lead to difficult cases. Difficult times also lead to slashed funding for legal services. It is perhaps in difficult times that we most heavily rely upon a highly-qualified, independent judiciary, to ensure that people are treated fairly despite hardship and challenging circumstances.

Further, our state is home to an international financial center. Our judges have played an important role in developing a body of law that is recognized throughout the country and around the world as a Gold Standard for its treatment of financial and commercial matters. Our bench is world-renowned for its fairness, neutrality, independence, and its capacity to handle complex cases.

It is for these reasons that New York courts are attractive to businesses from around the globe. The continued devaluation of our judges' work – through the routine denial of any pay adjustment whatsoever – is causing demonstrable losses as some of our most experienced judges leave for private practice and it becomes more and more difficult to attract the best and brightest to the bench. These deficiencies threaten to mar the reputation of our courts and could have a negative economic impact on our State. We must maintain our Judiciary's international reputation for quality, fairness and sophistication as we enter a period of economic recovery.

Judicial compensation reflects the value that we, as a society, place upon the critical work that our judges perform. We all appreciate the important role of the Judiciary in our society, but the failure to adequately compensate judges – the denial of any salary adjustment for over a decade – devalues their work in a way that we believe is detrimental to a properly functioning justice system. And again, that is why the New York State Bar Association recommends a substantial increase in judicial salaries, to take effect April 1, 2012, and implementation of a protocol for regular cost-of-living adjustments. Thank you again for the opportunity to testify.



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**NEW YORK STATE BAR ASSOCIATION
REPORT AND RECOMMENDATIONS ON
JUDICIAL COMPENSATION IN NEW YORK STATE
JULY 15, 2011**

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I. Executive Summary

The New York State Bar Association (“NYSBA”) respectfully submits this report to the 2011 Commission on Judicial Compensation to assist it in fulfilling its mandate, pursuant to chapter 567 of the Laws of 2010, to establish appropriate levels of compensation for New York State judges and justices for the four-year period commencing April 1, 2012.

The presence of an independent, well-functioning judicial system, accessible to all, is a bedrock principle of our democracy. The courts, more than any other arm of government, are the bulwark of liberty. As the State of New York now faces the limitations presented by a challenging economy, the Governor and Legislature must ensure that adequate resources are provided to allow courts to fulfill their essential role. The establishment of the Commission on Judicial Compensation is the first step in achieving this important goal.

Judges are critical to the delivery of justice in our system of government. Judicial salaries reflect the value that society places on the important work our judges perform. Therefore, it is of paramount importance to compensate judges fairly and without further delay. NYSBA, the largest voluntary state bar association in the country, represents the interests of over 77,000 members, from within and without the State, with affiliations throughout the profession. NYSBA is uniquely positioned to provide its own independent perspective on the importance of adequate judicial compensation. NYSBA and its members recognize that an appropriately compensated judiciary is extremely important to a properly functioning system of government. Notably, NYSBA members represent clients who are the citizens of New York State who depend on a well functioning judiciary with those most capable sitting on the bench. Members’ clients avail themselves of, and are reliant upon, the judiciary to resolve their disputes, from emotional and crisis-ridden family law matters to some of the largest commercial disputes in the financial capital of the world. NYSBA members are there, in the courts, and on the “firing lines” every day. Clients’ disputes, whether small or large, need a sound judiciary in order for the system to function properly.

The salaries of New York judges were last adjusted in 1999, when they were brought into parity with salaries of federal district court judges. Since then, New York judicial salaries have fallen far behind those of federal judges and judges in other states. It is important to have salaries that do not deter highly qualified individuals from seeking judicial office, and to ensure that judges are fairly compensated on an ongoing basis in order to retain them on the bench. Consequently, NYSBA supports a substantial judicial pay increase, at least reflective of the cost-of-living increase since 1999, to take effect on April 1, 2012. According to the analysis of an independent expert commissioned by NYSBA, a 2012 salary for Supreme Court justices of \$192,000 would be the minimum salary that would reflect this cost-of-

living increase. NYSBA further supports annual cost-of-living adjustments in the following three years.¹

II. Background

a. History of Judicial Compensation in New York

The history of judicial salaries since 1977, when the State assumed responsibility for funding New York's courts, reveals a pattern of long periods of salary stagnation, interrupted by occasional "catch-up" increases. What is perhaps most noteworthy about this history is the lack of a systemic approach for any of the salary increases – either as to the timing or as to the amount. In the 50 states, New York's judges have gone the longest without any pay adjustment. A judge serving since 1995 has received only one pay increase, in 1999. A judge serving since 1988, 23 years ago, has received only two salary adjustments, in 1993 and 1999, while seeing inflation dramatically erode his or her salary.²

Starting in 2003, and in each subsequent year, the Judiciary has asked the Legislature and the Governor to increase judicial salary levels. The Legislature, and former Governors Pataki, Spitzer, and Paterson have all expressed public support for a judicial salary increase. Nonetheless, the Legislature has not enacted a judicial salary adjustment. This failure to act challenges the doctrine of three separate branches of government--the Executive, Legislature and Judicial--upon which our country and our State functions.

Beginning in 2006, New York's Judiciary submitted proposals designed to reform how the State sets salaries for all three branches of government. Under this proposal, a series of quadrennial commissions would prescribe cost-of-living adjustments and salary levels for judges, legislators, and executive branch officials. This proposal garnered the support of New York's governmental leaders, but it fell victim to continued discord between the other branches of government.

In 2007, then New York State Chief Judge Judith S. Kaye asked the National Center for State Courts (the "NCSC") to conduct a study of New York State judicial compensation. The NCSC issued a report in May, 2007 (the "NCSC 2007 Report"). In the report, the NCSC found that judicial pay levels are inadequate and unlikely to continue to attract and retain highly qualified members of the legal profession to serve on the state's bench. Their key findings from 2007 include:

1. New York judges are underpaid compared to judges elsewhere.

¹ The Association extends its appreciation to the members of its Working Group on Judicial Compensation Commission for preparation of this report: John S. Marwell (chair), John P. Bracken, John R. Dunne, Timothy J. Fennell, Michael E. Getnick, James C. Moore, and G. Robert Witmer, Jr.

² See, National Center for State Courts, Judicial Compensation in New York (2007) (hereinafter "NCSC Report"), at 7.

- Their pay ranks 48th in the nation when adjusted for New York’s high cost of living.
 - Of the 50 states, New York’s judges have gone the longest without any salary adjustment.
 - New York’s judicial pay has been significantly eroded by inflation (26% from 1999 to 2007), while judges in every other state have received pay raises averaging 3.2% annually, for a cumulative increase of more than 24%.
 - Federal District Court Judges, with whom State Supreme Court Justices enjoyed pay parity in 1999, now earn almost \$30,000 more annually.³
2. New York judges’ pay lags far behind comparable public sector compensation.
- Thousands of public sector employees in New York are paid higher salaries than the \$136,700 paid to the State’s general jurisdiction trial judges. Hundreds of non-judicial employees in the courts now earn more than the judges for whom they work.
 - District Attorneys in New York City earn \$190,000, or at least \$53,300 more than all the trial judges before whom they and their assistants appear.
 - Many positions in state and local government are paid more than New York’s judges.
 - More than 1,350 professors in the State and City University systems earn more than New York’s judges.
 - More than 1,250 public school administrators across the State, from elementary school principals to superintendents of schools, earn more than New York’s judges.⁴

Most recently, in late November 2010, then Governor David Paterson included in his agenda a bill to create a Judicial Compensation Commission. Both houses of the Legislature passed the bill. The Governor signed the bill on December 10, 2010. NYSBA applauds the wisdom of establishing the Judicial Compensation Commission to address such a longstanding societal need.

III. NYSBA Standing & Interest

For more than 125 years, NYSBA has shaped the development of the law, educated and informed the profession and public, and responded to the demands of a changing society. Today, with more than 77,000 lawyers, representing every town, city, and county in the state, as well as locations across the United States and beyond,

³ NCSC Report, at 1.

⁴ *Id.*

NYSBA is the oldest and largest voluntary state bar organization in the nation. NYSBA's objectives include facilitating the administration of justice and elevating the standards of integrity, honor, and professional skill and courtesy in the legal profession. NYSBA is a link between the state and the individual lawyer, a force for constructive change and a chief exponent of the rights and liberties of the public. NYSBA represents all areas of the legal profession; from private practice to public sector attorneys, from large law firm to small and solo practitioners, from legal services to government services, to in-house counsel, transactional lawyers and litigators alike. And importantly, NYSBA's members represent the citizens of New York State, clients who depend on the judicial system. NYSBA members' clients are individuals, large corporations and small corporations, individual in-state and out-of-state clients, and people in need of *pro bono* services and without funds to afford private counsel. These clients rely on the proper functioning of the judicial system to resolve disputes which are extremely important to them. NYSBA is their voice in this process.

Therefore, maintaining high judicial standards is of the utmost importance to NYSBA and the profession and practicing attorneys that it represents. In this respect, NYSBA is uniquely positioned to offer its own independent perspective in the debate over judicial compensation. NYSBA's interest is to ensure that our system of justice is administered by an independent, highly competent judiciary. A highly competent judiciary is vital to the proper functioning of our system of government and to maintain the confidence of our citizens in the legal system's ability to resolve disputes properly, respectfully, and with civility.

An appropriately compensated judiciary has been among NYSBA's top legislative priorities since 2006. Consequently, NYSBA has repeatedly committed its resources to promote salary reform, through advocacy activities by State Bar leadership and members and the work of staff and consultants.

For example, NYSBA has mobilized its members, urging them to contact their state legislators and the Governor to voice their support for the enactment of judicial salary reform legislation. That activity was in addition to the action taken in recent years by past presidents of NYSBA in the form of letters to state policy-makers, letters to newspaper editors, testimony before legislative committees, and countless meetings and phone calls with legislators and the Executive Chamber.

NYSBA officers have consistently worked to persuade the Governor and legislative leaders to raise judicial salaries. In late November, 2010, the Governor included on his agenda for an "extraordinary legislative session" a bill to create a Judicial Compensation Commission. Both houses of the Legislature passed the bill. The Governor signed the bill on December 10, 2010. NYSBA applauds the formation of the Judicial Compensation Commission, stresses the importance of the Commission carrying out its task, and recommends a substantial adjustment to judicial compensation.

a. NYSBA support of adequate judicial compensation

In 2006 NYSBA supported the Office for Court Administration's ("OCA") proposed legislation with respect to judicial salary increases and the creation of a Quadrennial Commission on Executive, Legislative and Judicial Compensation. Former Chief Judge Judith S. Kaye recommended the increase in judicial salaries and the Quadrennial Commission concept as part of her State of the Judiciary Address delivered on February 6, 2006.

NYSBA has previously adopted resolutions on this issue, including:

- A May 2005 resolution adopted by the House of Delegates urging the Governor and Legislature to increase state judicial compensation to restore salary parity for our judges with that of their counterparts on the federal bench. The resolution also advocated for providing salary adjustments to judges of the trial courts of limited jurisdiction in order to provide salary uniformity for judges within the same level of court and among all trial court judges. Finally, the resolution advocated a mechanism for future salary adjustments for Justices of the Supreme Court to be accomplished automatically without the need for legislative action, to maintain parity with Federal District Court Judges.⁵
- A January 1994 resolution adopted by the House of Delegates, which recognized NYSBA's long-standing support for fair judicial compensation and recognized the need for regular and automatic review of judicial salaries to determine the need for an increase.
- A January 1993 NYSBA resolution supporting an increase in judicial compensation, as proposed in the Judiciary's 1993-1994 state budget request.
- An April 1992 NYSBA resolution, which generally urged the Governor and Legislature to support an increase in compensation of judges of the State of New York.

Moreover, NYSBA has also reached out to the Legislature and the Governor via more traditional advocacy activity by the President. Judicial Salary Reform has been among NYSBA's legislative priorities since 2006.

Throughout the years, NYSBA's position on judicial salary increases has remained uniform and firm. The Judiciary's success in meeting the expectations of the people depends on the caliber of its judges who make the court system work properly. Judges should be properly compensated and merit an appropriate salary adjustment.

IV. Compensation Evaluation

a. Judges' Salaries Elsewhere

⁵ See, Appendix D for a compilation of NYSBA resolutions on judicial compensation.

In 2007, New York ranked 12th among the states based on nominal salary paid to a judge of the trial court.⁶ However, when New York's high cost of living is taken into account, the ranking drops to the bottom nationally. In fact, judicial pay in New York now ranks last nationwide when adjusted for statewide cost of living. Due to the protracted pay freeze, New York judges today earn the same nominal salaries as judges in Arkansas and Louisiana, where living costs and dockets are markedly lower.

States with long gaps between compensation reviews have provided their judges with annual cost-of-living adjustments in the interim. The vast majority of states routinely adjust judicial compensation. For the 24 month period ending on June 30, 2006, New York was one of only 11 states that made no adjustment at all to judicial salaries. Judges of every other state received pay adjustments averaging 3.2% annually. Also, the salaries of federal judges, judges in other states, and New York's non-judicial employees have increased on a regular basis to keep pace with the cost of living. Only the New York State judges have not received a pay increase or salary adjustment to address cost of living increases.

NYSBA retained an independent economist to evaluate and report on judicial salaries and make appropriate comparisons with other states' judges: Dr. William C. Blanchfield⁷, an economist with a Ph.D in Political Economy and many years of experience in the field. His *curriculum vitae* is attached as Appendix A of this Report. Dr. Blanchfield is a published author, professor, and consultant in the field of economics. At our request, Dr. Blanchfield compared New York State judicial wages with all other states in 2010, and found that at the general jurisdiction trial court, New York State median wages were \$128,500, while the total of all other states was \$132,500. He concluded that New York lags behind other states in trial court wages. Meanwhile, the docket of New York State courts continues to grow and far outnumbers the dockets of most other states. Dr. Blanchfield also compared judicial salaries of New York with Connecticut and New Jersey because these two states are most similar in income per capita and other economic variables. Unadjusted data from 2010 shows New York lagging far behind Connecticut and New Jersey. At the general jurisdiction trial court level, Connecticut judges earn \$146,780 and in New Jersey judges earn \$165,000. In New York, general jurisdiction trial court judges earn \$124,382. Notably, the average New York State judge's docket far outnumbers that of the average judge in New Jersey and Connecticut.

b. Other Public Sector Salaries

Over the past 12 ½ years, the salaries of New York judges have fallen behind the salaries of hundreds of state-employed professionals, including many with less training and seniority. The following are merely some examples:

⁶ See, NCSC Report, at 9.

⁷ Dr. Blanchfield's son, the Honorable Mark W. Blanchfield, is a Judge on the Schenectady City Court.

- District Attorneys in New York City earn \$190,000 or \$34,000 more than the State’s Chief Judge, and at least \$53,300 more than all of the trial judges before whom they and their assistants appear.
- More than 1,350 professors in the State and City University systems earn more than a Justice of the New York State Supreme Court. Over 1,000 of these professors are paid more than \$150,000.
- Deans of public law schools make over \$200,000 a year. Principals of New York City public schools also earn more than a Supreme Court Justice.

Even senior law clerks today, because of annual salary increases since 1999 and cost-of-living adjustments, earn \$141,195 or 103.2% of their judges’ salaries. In other words, some law clerks are paid more than the judges for whom they work. This salary structure imbalance is counter-intuitive, and also counter-productive to the proper functioning of the judicial system.

c. Lack of Cost-of-Living Adjustments

The failure to provide cost-of-living adjustments to judges over the last 12 ½ years has upended long-standing salary distinctions based on the fundamental difference between judicial officers and non-judicial personnel. For the first time in the history of the court system, hundreds of non-judicial staff now earn more than judges and justices in the court system whom they serve.

Dr. Blanchfield also examined the effect of New York’s sustained failure to adjust judicial salaries to account for rising cost-of-living standards. Dr. Blanchfield examined judicial salaries in 1999, and using the Consumer Price Index (“CPI”), adjusted the salaries to reflect appropriate cost-of-living adjustments for the past 12 ½ years. Dr. Blanchfield found that the salary for a New York Supreme Court Justice in 2012 would be \$192,011, when adjusted for cost of living based on the CPI. (See Appendix B). The CPI is defined by the United States Bureau of Labor Statistics, and is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. The CPI can be used to index the real value of wages, salaries, pensions, etc.⁸ Moreover, Dr. Blanchfield noted in his report that “the argument that wages should not be increased during difficult times is a spurious one. The CPI will adjust for that.”

Since the last judicial pay adjustment, inflation has significantly eroded the value of judicial salaries. To date, on average, a judge serving throughout this period has lost more than \$330,000 relative to the cost of living. The New York State Judiciary has endured the lack of cost-of-living adjustment to their salary for too long. The Judicial Compensation Commission has the opportunity to correct this issue by fairly

⁸ "Consumer Price Index - Frequently Asked Questions (FAQs)". Bureau of Labor Statistics. Accessed September 10, 2010. <http://www.bls.gov/cpi/cpifaq.htm>.

adjusting judges' salaries with a substantial increase now, and making additional cost-of-living adjustments over the following three years.

V. Consequences of Stagnant Judicial Salaries

Judges are society's essential component for the delivery of justice in our system of government. Judicial salaries reflect the value that society places on the important work judges perform. The current judicial salary structure needs reform so as to not impose financial limits upon the field of prospective judges. Such limitations may deter high-quality individuals from seeking judicial office. Reform also is needed to ensure that our judges are fairly compensated on a regular and ongoing basis. The federal government and other states have identified effective mechanisms to provide regular salary reviews for public leaders.

Indeed, a New York Times article, published on July 5, 2011, confirmed that judges are leaving the bench in relatively large numbers, not to retire, but to return to law practice. The Times cited a study that showed nearly 1 in 10 judges are now leaving annually. James M. McGuire, a judge on the New York State Appellate Division, First Department, recently resigned from his position on the bench to re-enter private practice. His judicial salary was \$144,000. McGuire said, "I've got no choice. The only responsible thing for my family is to go. I tormented myself for the longest period of time about whether I should go, because I love the work." Robert Spolzino, a former New York State Appellate Division, Second Department judge said; "I never expected to get rich as a judge, but I never expected to get poor either." Chief Judge Jonathan Lippman said, "Why would a talented lawyer want to join an institution that hasn't had even a cost of living increase in 12 years?"

Furthermore, New York State has a strong interest in attracting and retaining businesses, which generate jobs and tax revenues and contribute to economic prosperity. Businesses rely on the courts to resolve their disputes, and the quality and efficiency of the Judiciary are significant factors taken into consideration by companies deciding where to locate and do business. Businesses and individuals are the clients that NYSBA members represent. Members' clients come to New York to do business and potentially litigate their cases in part because of their dependence and reliance on a properly functioning judicial system known for its highly qualified judges.

Inadequate judicial salaries also suggest potential harm to judicial independence and to the public's perception of our justice system. The average citizen should have confidence that judges will decide cases with complete independence. The ongoing situation in New York clearly has the potential to adversely affect the public's confidence in the independence of the Judiciary.

VI. Conclusions and Recommendations

NYSBA respectfully submits this report to assist the Commission in fulfilling its mandate. NYSBA supports a substantial judicial pay increase, at least reflective of the

cost-of-living increase since 1999, to take effect on April 1, 2012. According to the analysis of an independent expert commissioned by NYSBA, a 2012 salary for Supreme Court justices of \$192,000 would be the minimum salary that would reflect this cost-of-living increase. NYSBA further supports annual cost-of-living adjustments in the following three years. This increase will address the significant erosion in judicial pay over the past 12 ½ years. Furthermore, the Commission should ensure that a protocol exists for the regular adjustment of judicial salaries to account for cost-of-living adjustments.

List of Appendices

Appendix A: CV of William C. Blanchfield, Ph.D

Appendix B: Economic Report of Dr. Blanchfield

Appendix C: NYSBA Resolutions on Judicial Salaries

APPENDIX A

VITA

WILLIAM C. BLANCHFIELD

BLANCHFIELD CONSULTING

PERSONAL

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2610 Sunset Avenue
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2514 Genesee Street
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 or (315) 525-5720
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EDUCATION

Ph.D. in Political Economy, State University of New York at Albany, June 1970.
Dissertation entitled "The Economics of High Education." Major areas of study: Economic Theory, Econometrics, Economic Development and Fiscal Policy.

M.S. in Economics, Rensselaer Polytechnic Institute, Troy, New York, June 1965.
Masters Essay entitled "Banking Mergers in New York State." Graduate fellowship providing tuition and fees.

B.S. in Metallurgical Engineering, Rensselaer Polytechnic Institute, Troy, New York, January 1961. Dean's list, Varsity Baseball.

ACADEMIC EXPERIENCE

Professor of Economics, Utica College of Syracuse University, 1979.
Appointed September 1, 1966. Professor Emeritus Utica College, 2008.

CONSULTING EXPERIENCE

Consultant, Oneida County Planning Office, Utica, New York. Consulted on statistical section of major report on future revenue sources and population increases.

Consultant, City of Utica, New York. Consulted on Municipal Budgetary Problems. Estimated revenue from possible sales taxes. Consulted on urban transportation problems.

Consultant, Special Metals Corporation. Seminar on long range planning.

Consultant, Smith Barney, Inc. Seminars on economic forecasts.

Consultant, Various Attorneys. Expert witness on value of lifetime earnings, pensions, additional earnings from medical and legal degrees, and the value of businesses.

OTHER EXPERIENCE

Customer Service Engineer, Crucible Steel Company, Syracuse, New York 1964.

U.S. Army Reserve, 1961-1968, Rank: Captain.

Customer Service Engineer, Special Metals, Inc., New Hartford, New York, 1961-September, 1963.

COURSES TAUGHT

Principles of Economics
Price Theory
National Income Analysis
Econometrics

Structure of American Industry
Fiscal Policy
Environmental Economics
Statistics

Also: Graduate Courses in the MBA Program at Syracuse University and Rensselaer Polytechnic Institute.

PUBLICATIONS

Articles and Papers

College Dropout Identification – A Case Study, Journal of Experimental Education, Winter, 1971.

College Dropout Identification – An Economic Analysis, Journal of Human Resources, Fall, 1972.

College Dropout Identification – Research in Education, University of Michigan, May, 1972.

A Review of Productivity Research and a Cross Sectional Study of Italian Manufacturing, Staff Papers, Confederation of Industry, Rome, Italy, Fall, 1982.

Panelist – Cancer Treatments and Mortality Rates, an Economic Analysis, Eastern Economics Association Conference, October, 1990.

Sexual Discrimination in Faculty Salaries, National Social Science Association Conference, November, 1989.

Legal and Economic Problems in Gender Discrimination, New York State Economics Association Conference, October, 1990.

A Study of Faculty Attitudes of Student Affairs Professionals, College Student Personnel Association Conference, October, 1990.

The Economic Effects of Changes in the New York State Thruway Interchanges, A Study of Oneida County, Funded by New York State Transportation Department, with IRS Consulting and Wharton Econometrics, Fall and Spring, 1990, 1991.

The Value of Small Business, Economic and Legal Problems, Presented at Rensselaer Polytechnic Institute, Spring 1997 and at the Association of Professional Researchers for Advancement, August 1997.

Valuing Losses in Civil Cases, Presented to Oneida County Bar Association, March, 1997.

Cross Examination of Economists, Presentations to Albany County Bar and Onondaga Bar, CLE, January and June 2005.

BOOKS

Economics, Reality Through Theory, (Co-authored with Jacob Oser), Harcourt, Brace, Jovanovich, January, 1973.

The Evolution of Economic Thought, (revised with Jacob Oser, original by Jacob Oser), Harcourt, Brace, Jovanovich, January, 1976.

Economic Development, Grid, Inc., January, 1976.

AWARDS

Class of 1960 Alumni Award, Rensselaer Polytechnic Institute, For Service to the Institute and the Class of 1960.

National Alumni Council of Utica College, Outstanding Faculty Award, May, 1989.

Directors Award, Rensselaer Polytechnic Institute, May, 1994.

Alumni Key Award, Rensselaer Polytechnic Institute, June, 1996.

Demers Medal, Rensselaer Polytechnic Institute, June, 2002.

APPOINTMENTS

Guest Scholar at the Confederation of Industry, Rome, Italy, Spring and Summer, 1982. I led two seminars at the Confederation and did research on productivity problems in Italy. I can speak and write Italian.

Treasurer, Utica Public Library, January, 1988.

Chairperson, Board of Ethics, Oneida County – Appointed June, 1991.

Member, Financial Partnership Board, City of Utica – Appointed September, 1996.

Member, Board of Trustees, Rensselaer Alumni Association – Appointed June, 1996.

Member, Economics Dept. Review Committee, Lawrence Klein Chair, Rensselaer Polytechnic Institute, 1999.

Member, Search Committee Chair Economics Dept., Rensselaer Polytechnic Institute, 2001.

Coordinator, Utica College Entrepreneurship Series, 2004.

APPENDIX B

WILLIAM C. BLANCHFIELD, Ph.D.

ECONOMIST

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Economic Analysis of Judicial Salaries for New York State

I.		<u>Wages in 1999</u>	<u>Wages in 2012</u>
A.	Limited & Special Courts		
	City Court	\$ 120,000	\$ 168,185
	Surrogates Court	\$ 120,000	\$ 168,185
	Family Court	\$ 120,000	\$ 168,185
	Court of Claims	\$ 137,000	\$ 192,011
B.	Appellate and General		
	County Court	\$ 120,000	\$ 168,185
	Supreme Court	\$ 137,000	\$ 192,011
	Appellate Terms	\$ 140,000	\$ 196,216
	Appellate Division	\$ 144,000	\$ 201,822
	State Court Admin.	\$ 148,000	\$ 207,374
	Associate Justice	\$ 151,000	\$ 211,633
	Chief Justice	\$ 156,000	\$ 218,639

Source for Initial Wages – Survey of Judicial Salaries 7/1/10

Increase in Wages – U.S. Department of Labor, Bureau of Labor Statistics

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**Comparison of New York State Judicial Wages With All Other States
(New York State in 2010, other States in 2010)**

I.		Median Wages Highest
	Court	
	Total All States	\$ 146,917
	New York State	\$ 151,000
II.		Median Wages Appellate
	Court	
	Total All States	\$ 140,732
	New York State	\$ 142,000
III.		Median Wages General
	Jurisdiction Trial Court	
	Total All States	\$ 132,500
	New York State	\$ 136,700

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**Comparison of Judicial Wages – New York and Connecticut and New Jersey
(All Data as of 2010)**

I.		Highest Court
	Connecticut	\$ 162,520
	New Jersey	\$ 185,482
	New York	\$ 151,200
II.		Appellate Court
	Connecticut	\$ 152,637
	New Jersey	\$ 175,534
	New York	\$ 144,000
III.		Trial Court
	Connecticut	\$ 146,780
	New Jersey	\$ 165,000
	New York	\$ 136,700

All Data from Survey of Judicial Salaries 7/1/10

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Comments – Analysis of Judicial Wages New York State v. Other States

New York State is most like Connecticut and New Jersey in income per capita and other economic variables. Unadjusted data from 2010 shows New York far behind Connecticut and New Jersey (see table). Adjusting New York State wages for a cost of living increase would erase this disparity (see table).

A proper comparison, beside contiguous states is to compare judicial salaries with salaries of Law School Professors. Trial Courts could be compared with Assistant Professors. Appellate Courts with Associate Professors and Highest Courts with Professors and Deans. A survey of Columbia, Cornell, Albany, NYU and other university law schools would yield useful comparisons. I do not have that data (law school wages) available. I'm not certain the Universities would release that information.

The most solid analysis is to simply adjust 1999 wages to 2012 (see table). The CPI adjustment would cover the volatility of the economy. That is the CPI goes down in recessions and up in good times (with a lag). The argument that wages should not be increased during difficult times is a spurious one. The CPI will adjust for that.

APPENDIX C

NEW YORK STATE BAR ASSOCIATION
RESOLUTION ADOPTED BY HOUSE OF DELEGATES
APRIL 1992

TO THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF NEW YORK

RESOLVED, that the New York State Bar Association strongly urges that the compensation of the judges of the State of New York be increased. At the very least, this increase should be commensurate with the ratio of inflation measured prospectively from October 1987.

In so doing, the Association takes cognizance of the following facts, which it deems significant to this cause:

1. The last salary increase for New York State judges occurred over four years ago, in October of 1987. Failure to correct this state of affairs during the next fiscal year would result in a five-and-one-half year freeze on judicial salaries. In light of the increased filings and burgeoning court calendars documented in the Chief Judge's 1991 State of the Judiciary report, such a freeze is inequitable and unjust. Moreover, according to the National Center for State Courts, judges in no other state have gone without a pay raise longer than the judges of New York and one other state, Pennsylvania.

2. Due to the escalating cost of living, judges receive substantially less in disposable income today than they received four years ago. Using the consumer price index as the measure of the rate of inflation, the cost of living increased 21.6% between January 1988 and December 1991.

3. Ethical constraints imposed by the Code of Judicial Conduct severely limit the ability of judges to earn income from other sources. Indeed, the commentary to Canon 5 of the Code expressly provides that the appropriate remedy for the financial hardships caused by the canons of ethics is the securing of "adequate judicial salaries." The 1988 Report of the New York Temporary Commission on Executive, Legislative, and Judicial Compensation concluded that judges, among other public officials, "are now required to accept a standard of living far below the less-than-munificent compensation of twenty years ago. It is unconscionable to demand such sacrifice of our public servants and their families."

4. According to the Office of Court Administration, a significant number of executive branch employees have received salary increases since 1987 and many earn more than members of the state judiciary. As of November 1990, over 3400 executive branch employees (nearly all of whom received increases after October 1987) were earning salaries higher than the minimum salaries of Surrogates, Family Court judges and County Court judges. (Salaries among some judges of co-equal jurisdiction differ depending on location in the state.) As of March 1990, over 5600 executive branch employees (nearly all of whom received increases after October 1987) were earning salaries exceeding the minimum salary of full-time City Court judges. Furthermore, District Attorneys within the five counties of New York City now earn \$20,000 per year more than the Supreme Court Justices before whom they appear. (Ironically, §928 of the County Law provides that District Attorneys in the five counties shall receive salaries that are no less than those of Supreme Court Justices.) As urged by the Chief Judge, a comparison between

judicial salaries and those of legislative and executive branch personnel would prove useful in assuring fairness in the treatment of judges.

5. The salaries of the lowest paid federal judges are greater than those of the highest paid New York State trial judges: Justices of the New York State Supreme Court currently earn \$95,000 while U.S. Bankruptcy judges and full-time Magistrate Judges earn \$119,140.

6. Now is an appropriate time for the Governor and the Legislature to take cognizance of the need for judicial salary increases and to generate appropriate legislation to meet the need. The absence of an explicit request for judicial salary increases in the 1992-93 judiciary budget proposed by the Chief Judge and Office of Court Administration is understandable in light of the contentious litigation over the 1991-92 budget that was only recently resolved. Judicial salary increases, nevertheless, should be a part of the 1992-93 budget. The gap between current salaries and the cost of living will only widen if action is not taken now.

7. Despite the hardships of the current economic climate and the difficult financial circumstances of the State, basic fairness dictates that judges receive a salary increase. Judges should not be singled out to make financial sacrifices greater than those borne by other public servants with equal responsibilities in fundamental operations of state government. It is important to the citizens of the state that the most qualified candidates pursue and remain in judicial service. This goal cannot be achieved without an assurance that judicial salaries will increase at reasonable time intervals. As noted at the outset, the failure to act now will result in a five-and-one-half year interval. This is simply too long.

The New York State Bar Association believes that it is important that each member lend his or her voice to the call to solve this important problem, and therefore it is further:

RESOLVED, that the New York State Bar Association strongly urges its members to contact the members of the Legislature of the State of New York and the Governor to express their support for an increase in compensation for the state judiciary.

NEW YORK STATE BAR ASSOCIATION
RESOLUTION ADOPTED BY HOUSE OF DELEGATES
JANUARY 1993

RESOLVED, that the New York State Bar Association strongly urges that the compensation of the judges of the State of New York be increased as proposed in the 1993-1994 judiciary budget.

In making this recommendation we also endorse, recognize and support the concern for judicial salary increases as expressed by the New York County Lawyers' Association in its report to this House on January 29, 1993 and by other bar groups across the state.

NEW YORK STATE BAR ASSOCIATION
RESOLUTION ADOPTED BY HOUSE OF DELEGATES
JANUARY 1994

RESOLVED, that the House of Delegates, in recognition of the Association's long-standing support of the concept that the members of the Judiciary be adequately compensated, and after considering the report of the New York County Lawyers' Association with reference to the issue of automatic review of judicial salary increases, hereby recognizes the need for the periodic review of judicial salaries and the further need for a mechanism to accomplish such review, and recommends the establishment of a permanent commission on salaries for judicial officers to review judicial salaries on a regular basis and to make appropriate recommendations to the Governor and the Legislature.

NEW YORK STATE BAR ASSOCIATION
RESOLUTION ADOPTED BY EXECUTIVE COMMITTEE
MAY 5, 2005

WHEREAS, the New York State Bar Association (“NYSBA”) finds that it has been over six years since the last judicial pay increase for New York judges;

WHEREAS, the value of judicial compensation in New York State has been seriously eroded since the last salary increase;

WHEREAS, the cost-of-living has increased by over 18 percent since 1999;

WHEREAS, since 1999, the salaries of others, including federal judges, judiciaries in other states, and non-judicial employees, regularly increased to keep pace with the rising cost-of-living;

WHEREAS, New York has traditionally been a leader among the states regarding judicial compensation;

WHEREAS, New York has steadily been losing ground to other states. When adjusted for the high regional cost-of-living, NY ranks only 23rd among the states in the level of compensation paid to judges of the trial court of general jurisdiction;

WHEREAS, other states have mechanisms, such as automatic cost-of-living adjustments, to ensure that judicial compensation is reviewed regularly. Such mechanisms include: Cost-of-living adjustments; Automated adjustments linked to adjustments given to other groups, such as non-judicial employees; or Commissions that review and make recommendations with respect to salary adjustments;

NOW, THEREFORE, BE IT

RESOLVED, that NYSBA hereby urges the Governor and Legislature to increase the compensation for judges of the State of New York to restore them to parity with their counterparts, the Judges of the Federal District Courts. At the same time, salaries of the Judges of our appellate courts should be increased in appropriate proportion.

RESOLVED, that NYSBA hereby urges the Governor and Legislature to provide for an adjustment of the salaries of Judges of the trial courts of limited jurisdiction to reduce the extent of salary disparity both within the same level of court and among Judges of all trial courts and further to create a salary commission that would meet every two years to consider whether remaining pay disparities should be further reduced or eliminated.

RESOLVED, that NYSBA hereby urges the Governor and Legislature to establish a mechanism for future salary adjustments, by providing that salaries of Justices of the Supreme Court will automatically, and without need for further legislative action, be adjusted annually to keep pace

with those of Judges of the Federal District Courts, and that the salaries of Judges of other State-paid courts be adjusted to preserve their relationships with those of Justices of the Supreme Court.