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CHAMBERS OF  
**W. DENNIS DUGGAN**  
Judge



**Statement To The  
New York State  
Judicial Compensation  
Commission**

**Given By**

**The Honorable W. Dennis Duggan,**

on behalf of the

**New York State Family Court Judges Association**

**July 20, 2011**

at

**Albany, New York**

Mr. Chairman, Honorable Commissioners and to my fellow Colleagues in the Judiciary:

My name is Dennis Duggan, I am speaking on behalf of the New York State Family Court Judges Association as one of their Past-Presidents.

I have been a Family Court Judge for almost 18 years. During that time I have received two raises.

To put that in perspective, my daughter Katie will be starting at Barnard College in about 4 weeks. The last time I had a raise, she was starting kindergarten. My kids have gone from childhood to adulthood without their father having received a raise.

When I became a judge I never imagined that for the 13 most productive earning years of my life I would receive no raise at all.

I wish to make two main points today with my testimony.

**First:** Establishing pay equity among the trial bench judges is of utmost importance

**Second:** A full cost of living adjustment to our salaries is the absolute baseline point of fairness and equity for New York's Judges.

**Pay Parity.** Mr. Chairman, at the Commissions last meeting you mentioned that you did not want to open Pandora's box by addressing this subject. In truth, Pandora's Box has been open for at least 40 years.

It happened when the State took over financing of all the Courts and with that came the dozens of salary levels that had originally been set by the County Board of Supervisors.

There are now 16 salary levels for New York's 12 different trial judges. We believe there are at least 5 compelling reasons why this Commission should adopt the two-tiered salary schedule proposed by the Coalition of Judicial Associations.

**First:** It involves a minimal cost. About 70% of all trial Judges are now paid at the rate of a Supreme Court Justice, either by statute or by assignment.

**Second:** All the previous pay commissions, have recommended that the disparate salary schedules be reduced or eliminated—but they did not have determination powers as you do.

**Third:** The Office of Court Administration has been proposing pay parity for many years partly because it will provide great administrative efficiencies for court operations.

**Fourth:** The County, Family, Surrogate and Supreme Court Judges Associations all endorsed pay parity over six years ago.

**Fifth:** The Legislature and Governor have enacted at least two budgets in the past few years approving OCA's pay parity schedule.

So, Pandora is waiting to be put back in her box and this Commission can do it with the stroke of a pen by adopting the Coalition's salary array that calls for just two trial level pay rates.

**Pay Raise:** What if on January 1, 1999 the Legislature had asked all State employees to accept a 13 year pay freeze? Of course no union would have ever accepted such an offer but more importantly, no legislature would have ever asked that of their employees—except they imposed just such a thing on one small group of employees, New York's Judges.

Now they did not ask for a 13 year pay freeze outright. For most of the past thirteen years they all said of course judges deserve a raise. For some of those year they even adopted raises in the budget and raised the money in the tax levy—even for retroactive salaries but then they spent it on other things.

Year after year, for 13 years, the judicial salary can was kicked down the road. Unbelievably, when adjusted for constant dollars, each judge in New York will have forgone almost \$400,000 in cost of living raises. Collectively, that is almost a \$500 million give-back to the State. No employee group in America has given up so much for so long as New York's Judges.

You may have recently seen editorials supporting a raise for judges and we appreciate that support. However, those opinion makers are greatly mistaken when that say that a raise to the current Federal District Court Judge rate of \$174,000 would be fair.

A raise to \$174,000 would leave New York Judges at a 2007 cost of living level. Even in this time of cut-backs, no one has suggested that the other 224,000 state employees should have their salaries rolled back to 2007 levels and give back all raises earned over the last 5 years. Why then would anyone think it is fair to ask that of judges?

The facts are that Federal Judges fell behind the cost of living in 2005 and they are now woefully underpaid. This was recognized by Congress in early 2007, when both the House and Senate judiciary committees voted out a bi-partisan bill which would have increased a District Court Judge's salary to \$218,000.

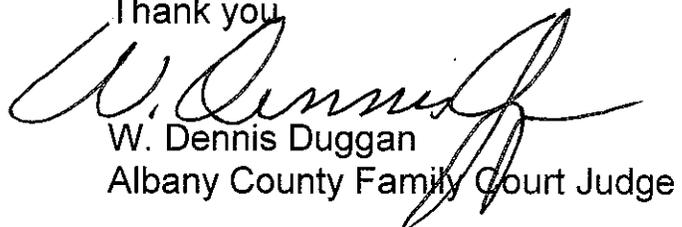
The State of New York can afford the raises we are requesting with some modest cost savings or revenue enhancements. We have detailed in our submission how this can be done.

New York's Judges have sacrificed enough. A 13 year pay freeze is more than anyone should ask. During all that time we have never wavered in our duties. We have persevered. To now bring us back to some level that every other state employee reached 5 years ago would be wrong.

Judges are in the fairness business. Former Supreme Court Justice Potter Stewart once said, "Fairness is what Justice really is." For New York's Judges, to start down that road to fairness our salaries must be raised to a full cost of living level.

What we ask for has been done every year for the last 12 years for every other state employee. We are asking this Commission to do for us what was done for them. Treat us like everyone else, that is all we ask. Anything less would not be justice. Anything less would not be fair.

Thank you



W. Dennis Duggan  
Albany County Family Court Judge