

TESTIMONY BEFORE THE SPECIAL COMMISSION ON JUDICIAL COMPENSATION
by
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Good afternoon. My name is Leslie Kelmachter and I am the president of the New York State Trial Lawyers Association (NYSTLA). I would like to start by thanking the Special Commission on Judicial Compensation for the opportunity to testify here today. On behalf of NYSTLA, I applaud the work of the commission in addressing a critical issue that has gone unaddressed for far too long.

The fight to secure adequate compensation for judges is as old as America itself. In the Declaration of Independence, our founding fathers cited King George III's threat to judicial pay among their grievances. From the moment of our national inception, our founding fathers knew that fair pay for judges was essential to the new form of democratic government they were creating.

What a shame, then, that over 200 years later, New York State's Judiciary have been denied raises for 12 years. Our founding fathers would be rightly outraged – just as we are today.

The fact that their salaries have been frozen and not kept pace has had a drastic, negative effect on our judicial system -- and demonstrates a lack of respect for judges and their essential work. Judges are leaving the bench, and New York is failing to attract new judicial talent. This is a crisis of New York State's judicial system, and one that we can no longer afford to ignore.

Our state's highly-regarded and hard-working judicial professionals have chosen to commit their lives to public service and the pursuit of justice. Often, they have foregone much more lucrative careers in the private sector. In an independent report on the state of New York's judiciary delivered four years ago, sitting New York judges spoke about a decade of taking second mortgages and pension loans, all while first-year associates at big law firms earn more than the judges they appear before. Moreover, non-judicial personnel working in the judicial branch have received contractual raises while judges' pay has been frozen -- to the extent that some non-judicial personnel now earn more than judges themselves -- another symbol of unfairness.

Now, talented lawyers in New York State are not even considering public service -- they are being funneled directly into corporate law firms, or even giving up their judgeship to enter the private sector. If New York State is to maintain the very best judges, the commission must act to end the uncertainty and indignity that have persisted for judges over the past twelve years.

This is an urgent problem that has gone unaddressed for too long -- and it requires an urgent solution. When the State's Office of Court Administration presented a comparison of New York's judicial salaries with those of judges in other states, New York came in last. New York

needs an immediate and significant catch-up adjustment, so that we are no longer lagging behind the rest of the country.

The fight to secure pay increasing for our state's judges is about much more than fairness. Having a strong and independent judiciary is essential for a strong democracy. A separate, transparent court system, with professional judges operating free from political pressure, is a hallmark of a free and economically prosperous country. It is up to New York – and to this commission – to ensure that our state maintains the principles upon which our country was founded. It's time for New York to catch up – catch-up in a very significant, meaningful way. The judges who dispense justice deserve justice. It's time to give judges the pay they deserve.

Thank you.