

WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK



TESTIMONY BEFORE THE 2011 COMMISSION ON JUDICIAL COMPENSATION

July 20, 2011

My name is Maureen Maney and I am the President-Elect of the Women's Bar Association of the State of New York ("WBASNY"). Our organization has a statewide presence with 18 chapters throughout New York. Our membership is as diverse as our geographic scope, including judges in state and federal courts and attorneys in all areas of law. Our mission is to promote the advancement of women in the legal profession and in society, promote the fair and equal administration of justice and to ensure access to the courts by all.

The Women's Bar Association of the State of New York appreciates the difficulty of the Commission on Judicial Compensation's appointed task of examining the adequacy of the salaries and benefits received by the judiciary and developing recommendations which afford due consideration to New York's economic climate; rates of inflation; changes in public-sector spending; levels of compensation and benefits received by professionals in government, academia and private and nonprofit enterprise; and the state's ability to fund increases in compensation and benefits. We hope that our testimony today will assist you in your work.

The Chief Administrative Judge of the State of New York has presented the Commission with a clear picture of the significant economic impact of New York's failure to afford the judiciary so much as a cost of living increase since 1999 and a thorough analysis of the factors this Commission should weigh in reaching its recommendations. WBASNY adds its voice in support of the Office of Court Administration's analysis and recommendations. Rather than repeat that analysis, however, we intend instead to focus our testimony today on the importance of a just resolution of this untenable situation to the citizens of New York.

Stated simply, the value of a strong, independent judiciary cannot be discounted. Multinational corporations, family businesses and individuals all rely upon the intellect and integrity of New York's jurists to establish precedent as new legal challenges arise and to apply settled legal principles in a consistent manner that assures justice for all. The vagaries of the state's economy do not alter these expectations. In times of economic prosperity and financial distress alike, the impact of the judiciary on parties seeking resolution of civil disputes and on society seeking accountability for criminal acts is far reaching.

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The strength of New York's judiciary is bolstered by a wide array of professional experiences within its ranks. As judicial compensation stagnates while both private and public sector salaries within the legal profession increase, the pool of interested judicial candidates inevitably shrinks. Practitioners before the court will find it difficult to maintain their high regard for a judiciary that does not draw candidates from across the spectrum of legal practice and, while no one expects judicial salaries to match that of law firm partners, they cannot be so divergent from private practice or other public sector salaries as to diminish the prestige of judicial service.

Another danger of diminished judicial salaries is that they will deter individuals lacking significant personal wealth from seeking judicial office. This could have a noticeable effect upon diversity. As women make inroads within the judiciary – women have increased their representation within New York's judiciary from 24% in 1999 to 32% in 2011 – it is a sorry coincidence that the real value of judicial salaries has decreased 41% during that same period of time.

In considering whether we can afford a salary increase worthy of the high caliber of its judges, New York cannot ignore the tangible and intangible costs of failing to fairly compensate the third branch of our democratic form of government. The fact of the matter is that New York's judges have been working harder – caseloads have risen 20% while the number of judgeships has increased by only 2.6% – without any increase in salary for more than 12 years. According to the Coalition of New York State Judicial Associations, more than 20,000 state and local government employees currently earn more than a New York State Supreme Court Justice.

New York cannot continue to undervalue our judiciary without expectation of serious long term consequences to the administration of justice and resulting loss of public confidence in the preeminence of New York's legal system. Fundamental fairness requires an immediate and substantial salary increase for New York State judges as well as automatic cost of living adjustments in future years.

Thank you for your consideration.