

The logo for the New York City Bar Association, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

**NEW YORK
CITY BAR**

**WRITTEN TESTIMONY OF THE NEW YORK CITY BAR ASSOCIATION
DEBRA RASKIN, PRESIDENT, NEW YORK CITY BAR ASSOCIATION**

**PUBLIC HEARING OF THE NEW YORK STATE COMMISSION ON LEGISLATIVE,
JUDICIAL & EXECUTIVE COMPENSATION**

NOVEMBER 30, 2015

Chairperson Sheila Birnbaum and distinguished members of the Commission:

Thank you for providing the New York City Bar Association with the opportunity to testify before you today on the important topic of judicial compensation in New York State. My name is Debra Raskin, and I am the President of the City Bar, a voluntary organization of lawyers and law students, founded in 1870, of over 24,000 members dedicated to improving the administration of justice. The City Bar, whose membership includes practitioners from a wide variety of backgrounds and disciplines, has had a longstanding interest in issues that affect state and federal courts. Our testimony today is informed by the work of our Council on Judicial Administration, which coordinates the work of several City Bar committees, including the Judiciary Committee, the State Courts of Superior Jurisdiction Committee, the Federal Courts Committee, the Civil Courts Committee, the Criminal Courts Committee and the Litigation Committee, in addition to contributions from other experienced court practitioners and administrators.

Judicial pay that appropriately compensates our state judges and justices is crucial to attract and retain a highly qualified and experienced state judiciary. This is nowhere more true than in New York, where judges handle a multitude of complex cases involving international businesses and financial institutions, as well as an ever-lengthening docket of family court,

housing court, consumer debt and other cases that affect the daily lives of our state’s residents. New York’s unique constituency is immense, varied, and economically and racially diverse—and our state court system bears the enormous burden of resolving the myriad issues that undergird the financial and social well-being of our state, municipalities and population.

Moreover, many New Yorkers enter the court system without counsel, which means that our judges not only manage heavy dockets but also must have the skill, patience and efficiency to shepherd litigants through the system without the benefit and assistance of counsel. According to the New York State Unified Court System’s 2013 Annual Report, 3,838,449 cases (excluding parking tickets) were filed statewide in the trial courts in that year alone;¹ and approximately 2 million civil litigants navigate the courts without counsel annually.² For many of those individuals—in family, housing and debt matters—the outcome of these cases is life-changing. Thus, our state court judges bear an enormous burden and responsibility to manage and resolve large, complex and varied case loads in the face of significant obstacles, and must be compensated accordingly. The quality of our judiciary and the social and financial impact of the decisions they make every day depend on it.

We are pleased that the Commission has been convened to re-evaluate judicial compensation in New York State. As you may know, the City Bar actively supported increasing judicial pay when the issue was examined by the Special Commission on Judicial Compensation in 2011. At that time, judicial salaries had not been increased since 1999, and the Special Commission determined that a phased-in salary increase—bringing state judicial pay in line with the compensation earned by Federal District Court judges at that time—was appropriate. The

¹ See http://www.courts.state.ny.us/reports/annual/pdfs/UCS_AnnualReport_2013.pdf.

² See <https://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf> (citing statistics – 2.3 million unrepresented civil litigants in 2009, and 1.8 million at the time of the report in 2014).

Special Commission adopted a three year plan to raise state judicial salaries: State Supreme Court justices received an increase to \$160,000 in fiscal year 2012-13, \$167,000 in 2013-14, and \$174,000 in 2014-15, with other state court judges receiving proportional raises.³ The Special Commission's decision was a significant step in providing much-needed pay increases for state judges and acknowledging that parity between State Supreme Court justices' compensation and Federal District Court judges' salaries was the appropriate benchmark.

However, there is still work to be done. New York State judicial pay still lags woefully behind that of other states. According to the National Center for State Courts, New York judicial salaries rank 47th out of judicial salaries in 50 states and the District of Columbia when adjusted for the cost of living.⁴ And, dollar-for-dollar, our Supreme Court Justices earn less than their counterparts in Alaska, California, Delaware, Hawaii, Illinois, Pennsylvania and the District of Columbia.⁵ Indeed, the phased-in salary increases over the last three years have merely brought our State Supreme Court justices' salaries up to the levels earned by Federal District Court judges in 2011 – meanwhile, Federal District Court judges now earn \$201,100.⁶ No mechanism is currently in place to ensure that state judicial pay keeps pace with that of the Federal judiciary.

Moreover, the gulf between judicial salaries and those in the private sector continues to widen, drawing talented and experienced lawyers away from the judiciary. With first year associates at New York City's large law firms making \$158,000 to \$193,000,⁷ and mid-to-senior

³ See <http://www.judicialcompensation.ny.gov/assets/FinalReportSpecialCommissionJD.pdf>; see also http://www.nytimes.com/2011/08/27/nyregion/commission-raises-ny-judges-pay-27-over-3-years.html?_r=0.

⁴ See "Survey of Judicial Salaries," National Center for State Courts, Vol. 40 No. 1 (January 1, 2015) at <http://www.ncsc.org/flashmicrosites/judicialsalaryreview/2015/resources/currentjudicialsalaries.pdf>.

⁵ *Id.*

⁶ See <http://www.uscourts.gov/judges-judgeships/judicial-compensation>.

⁷ See http://www1.nyc.gov/assets/quadrennial/downloads/pdf/tables/New_York_City_Lawyers_in_Private_Practice.pdf.

associates at those firms making \$218,000 and \$304,000,⁸ we are asking a lot of our judiciary to forego that earning power and financial security to handle the enormous and complex caseloads that inundate our state court system. Increasing judicial salaries is of paramount importance in order to attract and retain a highly-qualified and experienced state judiciary.

Using the prior commission's determination that state court judicial pay should align with that of the Federal judiciary, we urge the Commission to increase compensation for State Supreme Court Justices to equal that of Federal District Court judges, effective fiscal year 2016-17, with proportionate increases for all other state judges within the Unified Court System. In addition, judicial salaries should be further adjusted in each of the next three years to reflect changes in the cost of living. Such increases would appropriately reflect our recognition of the state judiciary's role in the effective administration of justice, as well as respect for judges who have committed their professional lives to public service.

⁸ *Id.*