



**WRITTEN TESTIMONY OF THE NEW YORK CITY BAR ASSOCIATION BY
ROGER JUAN MALDONADO, PRESIDENT**

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

NOVEMBER 4, 2019

Chairperson Cardozo 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 Roger Juan Maldonado, 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.

I would like to start off with two main points of emphasis: first, thanks to the work of this Commission and prior judicial pay commissions, and the support of so many, we are now discussing state judicial salary issues from a positive vantage point, *i.e.*, one where our state judges basically enjoy pay parity with federal judges. This is a very different backdrop compared to where we were in 2011 and 2015. Second, we must make sure to keep moving forward, to maintain that parity and continue to support adequate compensation for our colleagues on the bench because they are the backbone of a fair, effective and efficient judicial system.

Judicial pay that appropriately compensates our state judges and justices is a means to attract and retain highly qualified and experienced state judges. This is a particularly important goal in New York, where judges handle a multitude of complex cases involving international businesses and financial transactions, as well as an enormous docket of family court, housing court, consumer debt and other cases that affect the daily lives of our state's residents. The size of the dockets cannot be overstated: in 2018 alone, 3,101,891 cases were filed statewide in the trial courts.¹

In addition to being vast, the constituency of people relying on New York's state courts is incredibly varied, and economically and racially diverse— and our state court judges bear the burden of resolving the myriad issues that undergird the financial and social well-being of our state, municipalities and population. On top of that, 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. For many of those individuals, 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 caseloads in the face of significant obstacles. They must continue to be compensated accordingly.

For these reasons, the City Bar actively supported increasing judicial pay when the issue was examined by the Special Commission on Judicial Compensation in 2011 and again by this Commission in 2015. In the past, we spoke about the fact that judicial salaries had not been increased since 1999 and that New York judicial salaries in 2015 ranked 47th out of judicial salaries in 50 states and the District of Columbia when adjusted for cost of living.

¹ https://www.nycourts.gov/legacypdfs/18_UCS-Annual_Report.pdf. (All links in this testimony were last visited on October 31, 2019)

We are in a different situation today, thanks to the work of this Commission and the support of judicial leadership. Today, with the increases that have taken place over the past seven years, according to the National Center for State Courts, New York judicial salaries rank 27th out of judicial salaries in 50 states and the District of Columbia when adjusted for the cost of living.² And, as I noted earlier, state judicial salaries are basically on par with federal judicial salaries. Therefore, our charge at this point in time is to stay the course - that is, we need to make sure there is a mechanism in place that allows state judicial pay to keep pace with that of the federal judiciary.

We also need to ensure that the gulf between judicial salaries and those in the private sector does not return to where it stood seven years ago because such pay disparity keeps talented and experienced lawyers from entering the judiciary. With first year associates at New York City's large law firms making \$158,000 to \$193,000,³ and mid-to-senior associates at those firms making \$218,000 and \$304,000,⁴ there is no question that an experienced private sector lawyer will decrease his or her salary by becoming a judge, as well as foregoing future earning power and financial security. The smaller the pay disparity, the more likely that experienced lawyers will be willing to make the career change.

For these reasons, and using the prior commission's determination that state court judicial pay should align with that of the federal judiciary, we urge the Commission to recommend steps to maintain that pay parity, whether through annual cost of living increases or some other mechanism.

² <https://www.ncsc.org/microsites/judicial-salaries-data-tool/home/Explore-the-Data.aspx>.

³ http://www1.nyc.gov/assets/quadrennial/downloads/pdf/tables/New_York_City_Lawyers_in_Private_Practice.pdf.

⁴ *Id.*

We should all recognize the important role played by our judges in the effective administration of justice, many of whom have committed their professional lives to public service.

Respectfully submitted,

Roger Juan Maldonado
President, New York City Bar Association