



READERS' COMMENTS

Pay Frozen, More New York Judges Leave Bench

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By WILLIAM GLABERSON

The state's judges, who have not had a raise in 12 years, are resigning in relatively large numbers, not to retire but to return to practicing law.

Comments are no longer being accepted.

214 Readers' Comments

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176. kc
Brooklyn, NY
July 5th, 2011
1:34 pm

while i don't think anyone making \$144K shouldn't complain, i remember another article a few months ago about 8000+ MTA employees (conductors, cops, engineers, etc.) making way over 100K, up to 239K. It does make anyone, not just judges, angry.
<http://www.nytimes.com/2010/06/03/nyregion/03mta.html?ref=jaywalder>

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177. George
Kentucky
July 5th, 2011
1:34 pm

It shows their true colors. Has nothing to do with justice. Money is number one thing it is all about, Second comes the power. They are a Joke!!

Recommend Recommended by 0 Readers

178. Chris
Boston, Mass.
July 5th, 2011
1:55 pm

The disagreement in these comments (the people who don't "feel sorry" for people making \$140K/year, vs. the people worried about brain drain and about demonization of public-sector professionals) is the product of the gaping and ever-increasing inequality in U.S. society. However much more (ten time?) these judges could make in private firms, the fact remains that they are in the top 10% of earners, even in NYC. It's the outrageousness of salaries at the top, and the decades of wage stagnation for non-professionals (and for many lower-end professionals) that is noteworthy. These judges are just unusual in being high-status professionals who haven't cashed in on rising inequality as other high-status professionals have. So I have to side with the "welcome to our world" commenters here.

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179. twin fox
ocala fl
July 5th, 2011
1:58 pm

they have not complained much about the pay for 12 yrs. the cossa nostra pays well.

Recommend Recommended by 0 Readers

180. kalevine
Brooklyn N.Y.
July 5th, 2011

Kudos to the New York Times for exposing the low pay and lack of esteem

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1:58 pm

that New York judges are laboring under. The article poignantly notes the reasons why experienced and bright attorneys became judges in the past, and why these judges are leaving the judiciary now. There is a difference between becoming rich and maintaining a comfortable middle class standard of living in NYC; the judges assumed that at least they could maintain the latter. According to a report recently published, thousands of state employees, and even judge's law secretaries earn more than judges. The Judiciary cannot retain its vaunted and respected position in the hierarchy of government unless sufficient salary increases are forthcoming. As to the quote from Professor Posner - would he advocate cutting law partners' salaries in half every time they lost a case. Would lawyers who earn \$400 an hour still take work home with them if they were paid \$100 an hour? Does not the bar and the public want their cases to be heard by the best and the brightest?

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181. [disenchanted
san francisco](#)
July 5th, 2011
2:15 pm

The market for lawyers tracks corporate excesses. The lawyers who are making high six-figure and million dollar salaries in firms that bill by the hour are doing so, for the most part, representing corporate interests that shuffle huge amounts of money between themselves. This is not work that helps any of the rest of us, although large law firms do participate in pro bono activities. (The opportunity for pro bono work helps some young lawyers ease their consciences about taking a job because of the high salary. Then, once the young lawyers are in the door, they're worked to the bone. Then, in order to justify being worked to the bone, they convince themselves that what they're doing is important. Then, if they've worked hard enough, they become partners and perpetuate the whole charade into the next generation of young lawyers.)

I am a retired trial lawyer who worked for a highly regarded public law office. I made more money two years ago than the chief judge of NY makes today. I was always plenty grateful - and occasionally embarrassed - to be earning a decidedly better than decent salary. It's offensive to me that any lawyer can with a straight face charge the fees that are acceptable these days. Over my 30 years as a lawyer, I tried - to juries - everything from murder to wrongful death to catastrophic brain injury cases, and I would have been ashamed to charge the kind of money that was always considered "going rate" in even medium-sized corporate firms.

Judges should be paid enough so that they can live better than most of the rest of us; judging is more important than what the rest of us do. Judges have the power and responsibility to affect people's lives individually and communally, and we need the very best minds and temperaments to fill and remain in judgeships. We don't always get those, but we should pay well for them when we do.

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182. [Richard
Philippines](#)
July 5th, 2011
2:27 pm

Better to have judges that are not lawyers or lawyers that made big salaries in private industry. The law profession, as it is so generously called, is far too far liberal.

Recommend Recommended by 0 Readers

183. [Matt
NJ](#)
July 5th, 2011
2:35 pm

Booo hooo, a judge had to sell her SUMMER HOME! People are hoping they don't have their only home foreclosed on and she's crying about losing her summer home. Having a hard time paying for your two bedroom apartment? How about moving into one of the beautiful rent controlled apartments, instead of paying for your overpriced rental property.

If money is the real reason that all these people became judges in the first place, to me there is a serious problem here. Money causes greed, and greed is what turns people corrupt.

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184. Jack
Brooklyn NY
July 5th, 2011
2:35 pm

Most of the judges I have practiced before don't know basic trial evidence, have never tried a case, or argued an appeal, and some have not even practiced law. They are the products of political club houses.

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185. gurtzone
new york, ny
July 5th, 2011
2:40 pm

Claiming poverty because one must sell one's summer home? Really? I am worried about judges so out of touch with the reality of poor and working people in their courtrooms. It sounds like the problem is ridiculously overinflated attorney earnings that justify higher earnings for judges. This system of overrewarding the supposedly "best and brightest" "hard workers" with "extensive investments in higher education" is corrupt to the core. Take a drive upstate tomorrow and watch migrant farm workers slaving in the hot sun dawn to dusk. Find out what hard work and poverty look like and then tell us all about losing your summer home.

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186. Hurt on the job
Bronx, NY.
July 5th, 2011
2:55 pm

Perhaps these X judges should rally for increases in wages for all who labor. Now that they have discovered what its like to live and breath in the USA, it would be interesting to know what they are defending now that they are partnering up for millions...

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187. Edward
New York
July 5th, 2011
3:00 pm

Attorneys can have a solid long-term careers in private practice, then seek to be an appointed or elected judge. Elected State Supreme Court judges can win a 14 year term at age 62 and serve for 14 years until 76.

The salary is low compared to the lawyers that appear before them, but it's all about WHEN the attorney wants to put their hat in the ring of public service. We may have to deal with older judges that have already had a 25-30 year high paying career in the private sector before public service calls.

.....and lets not forget about the pensions. Some of the highest pensions outside of school administrators are retired judges who get north of \$100,000 if they stay on the court for long enough.

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188. Markie
Chicago
July 5th, 2011
3:15 pm

I certainly do not begrudge the judeges in wanting to make a higher salary and one should not have to wait 10 years for a raise. However, our society appears to be doing this to many people. In the 90s, i was making a six figure salary, backed up by a Masters, two Bachelors degrees and at that time, over twenty years of IT experience. This of course, is before H1-B visas, and all of the other garbage that ruined the careers of everyone in my profession.

So, the judge has had to live with \$144,000 for the last ten years without a raise? I have had to go from six figures to roughly \$61,000 per year and I have many friends who are fellow graduates who are now working in Target

and Wal-Mart. Anyone see the connection here?

Pay judges so badly that, if you are an average Joe or Jill and you have to go before one of these angry, underpaid people, you will find yourself under the jail, but who has to worry? Not the filthy rich. They can pay their way out of anything, which is the problem with the law and the legal system in general. It has rules that are shaped by the amount of money involved. Pray for the rest of us, because we do not have any money, so I guess we will all end up in jail. And of course, what could we possibly know about a summer home in the Hamptons?

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189. Andrew
Cambridge,
Massachusetts
July 5th, 2011
3:44 pm

Many readers assert that if judges are paid better you will get more talented judges. They provide no evidence of this whatsoever. They just assume "you get what you pay for". However, people are motivated not solely by money otherwise very few would be working for the government! Also the theory underlying the assertion that judges will be more talented if paid better only seems to apply to judges. What about other public employees? If you paid them better maybe you would get more talented employees as well. "Better pay, better talent" only applies to those at the very top. The rest should accept whatever they are paid and be happy about it is the message from some of the comments I have read.

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190. Kathleen Flanagan
Minnesota
July 5th, 2011
4:03 pm

The current fiscal climate is not a time to be complaining about not getting paid enough. The pay=value has been rescinded temporarily. These people do not live in reality. They have been so far removed that they have forgotten what IS poor. Please stop whining and be glad you have a job.

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191. Working Mama
New York City
July 5th, 2011
4:03 pm

These folks feel poor at (what is in NYC) a middle class salary, because the purchasing power of that salary has eroded a good 30% since the last raise. Say you bought a home and lifestyle that was commensurate with your income. Now take a 30% pay cut. How would you feel about that?

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192. Robert
Washington, DC
July 5th, 2011
4:05 pm

Like so much in life, we can bury our heads in the sand or we can face reality. Denial is not an option.

Are the comments overwhelming this topic or does the NY Times think that my learned comment about my personal experiences arguing cases before the NY Appellate Courts and Court of Appeals which can be essentially surmised with a simple observation that NY Judges are NOT the cream of the crop. They were average law school students. They achieved average scores on their bar exams. Most importantly,

they are out of touch bordering on incompetence and essentially do their best in their current state to wreck havoc on society b/c of their failure to appreciate and understand the changing world around them! (Of course they think just the opposite!) And of course there are a few exceptions to this broad statement.

Furthermore, the judge in this article, in my opinion, has exercised extreme poor family formation judgment in fathering kids just before retirement when average life spans suggest that they may be dead before those kids

graduate high school. (Some of us take family duties seriously!)

More to the point. Justice must be done in fact by highly accomplished scholars. The appearance of justice as the goal is a fools errand!

Robert
Washington, DC

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193. TC
New York, NY
July 5th, 2011
4:18 pm

Advocates of higher judicial salaries in New York often make the argument that first year law students at elite firms make more than sitting judges. However, that is a totally disingenuous argument with no basis in reality. While both state judges and members of elite firms are part of the legal profession there is little that the two groups have in common. Members of elite law firms almost always have graduated from a handful of top law schools, e.g., Columbia, Harvard, Yale, etc., and have similar undergraduate pedigrees. They deal mostly with others like them and have little interaction with that part of the legal profession from which judges are drawn from. New York judges on the other hand typically have graduated from lesser ranked, i.e. non-elite law schools, and would have virtually no chance, with the occasional exception, of even getting their foot in the door at an elite firm, at any stage of their professional lives. It's simply two different worlds. It's like comparing the most highly thought of Ivy league institution to a local community college in terms of prestige, reputation, etc. The truth is that those who have become judges have very actively worked the political angle for 10-15 years and, if they're lucky, eventually got the nod from their respective political boss. Moreover, for every judge that retires there are at least 20-50 potential candidates down at the local political club hoping for a chance at the steady pay, relatively easy hours and phenomenal fringe benefits that becoming a state judge provides. And the truth is that these candidates are just as qualified as anyone currently sitting on the bench. If New York judges want to be seriously considered for a pay raise they need to be honest with the public about their qualifications and true worth on the open market rather than setting forth misleading arguments in support of their position.

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194. NWRrunner
Olympia, WA
July 5th, 2011
4:52 pm

Not all judges are equal. Most Federal judges receive very generous retirement packages at 65 (full salary + COLAs + health care benefits till death) which make their similar salaries more palatable.

Recommend Recommended by 0 Readers

195. Gary
Brookhaven,
Mississippi
July 5th, 2011
4:53 pm

Chief Justice Roberts believes " - - - the pay gap could undermine the strength of the federal courts". Could someone please secure a comment from Justice Roberts about his thoughts re the effects on the federal courts of those judges that follow a political ideology?

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196. EJ
NYC
July 5th, 2011
5:25 pm

New York has the second lowest paid state judges in the entire nation despite having some of the highest tax rates and costs of living. Anyone who serves on the State bench either has an alternate source of income, (a trust fund, or in extreme cases illegal bribes) or is barely scraping by. Law school cost about \$150k these days, and 10 years of subsequent practice is required to even be eligible for the bench.

Heck, I work as a NYS civil service attorney and am still barely making ends meet after six years on the job. Governor Cuomo is threatening to layoff 9800 state Professional, Scientific and Technical PEF employees including individuals in my grade and title. To my dismay I've found that New York State also pays an abysmally low \$405/wk maximum unemployment benefit, which is 30% less than the amounts paid in New Jersey, Connecticut, Pennsylvania and Massachusetts.

I'm truly starting to wonder why any sane working person would choose to live in this state, let alone work for it.

All of this while Wall Street has posted record bonuses the last four years in a row, and Cuomo found enough room in the budget to give \$1,000,000,000 in tax breaks to the top 2.5% of NYS wage earners. Those tax savings should start trickling down any day....

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197. Eric
CA
July 5th, 2011
5:30 pm

If these judges were paid a little more over the years they probably would have stayed on the bench. These are the type of people who work for lower wages than they could otherwise earn (extrinsic value) because they get a lot of intrinsic value out of their jobs.

There comes a point however, where people stop putting up with the garbage associated with public sector work if they are not getting paid enough. It appears that the tipping point for judges has been exceeded.

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198. rdonal
tx
July 5th, 2011
5:35 pm

In my estimation, having worked within the aviation industry, it seems only fair to base fair pay not only on the level and years of training in a position that requires continual learning and diligence, but it also seems fair to be compensated for the weight of responsibility the job carries.

I for one, wouldn't want to underpay a pilot with 20+ years of service and experience for obvious reasons. The same should apply to underpaying a judge. A pilot is responsible for his/her ability to make informed decisions that not only comply with safety regulations but also provide a continued system of assurance that one can trust their life to. No-one disputes the salary of a commercial pilot. (a 20year captain for a commercial airline makes upwards of \$225,000 a year not including other benefits and pensions)

A judge spends a lifetime continually educating him/herself regarding standing and new laws, serving in a capacity that few can fill. They too are responsible for lives when making a ruling, large and small.

For these reasons alone, a mere \$144,000 a year for a person who dedicates themselves to bettering our society is a travesty. I find it incredible that anyone would consider that annual wage to be 'overpaid' given the personal commitment and responsibility being a judge requires. This is one more example of how little respect our citizens and government have for the sectors that shape our societal well-being.

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199. severed2009
Cornwall, CT
July 5th, 2011
5:40 pm

This is but one example of the growing pay gap between top private and public jobs. Anyone who takes a public job is either too incompetent to get a comparable job in the private sector, getting credentials and connections that can be cashed in later in the private sector, corrupt, or not that

interested in money. We tend to be suspicious of those not that interested in money, because they march to different drummers. We may admire them, but we are also wary of them and advise our children to be more practical in their life choices. We are much more comfortable with people who are basically like us, or at least who do not challenge our self-understanding and self-worth.

So the government or public employees we are comfortable with are incompetent, corrupt, or using their time in government to get to somewhere else. This means we can also be comfortable with public servants who have the agenda of shrinking this public sector.

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200 M
Florida
July 5th, 2011
6:00 pm

The article touches on a good point most others miss: State-court judges may not necessarily be able to get those very lucrative positions as partners in law firms in private practice. State court judges aren't hearing cases using the same type of law or types of litigants that so-called "big-law" firms and federal courts handle.

Most attorneys don't make anywhere near \$144,000 per year - that salary is similar to first year associates in large law firms doing work where large sums of money is at stake - mostly involving transactional or litigation between large businesses. State court judges mostly hear smaller cases in criminal, family, or personal injury work - areas that for the most part are done by very small firms or solo practitioners earning a fraction of the salary. These judges often don't have the experience or connections necessary to do say, an antitrust case or bankruptcy case between mega-corporation X and mega-corporation Y. Those are the matters that pay a small number of attorneys well and are not representative of either the work or salaries of the attorneys practicing before state court judges. Thus, it is likely that most of the judges also would be experiencing lower pay typical of most small-firm attorneys were they in private practice.

A second point is that, while judges work hard, they typically don't work the same grueling hours and have greater job security than private practice attorneys. Many associates are expected to work until 11 pm every night. They may be fired by the client or firm at any time due to an adverse ruling, and then not be able to work elsewhere because of conflicts. Judges don't have to worry as much about these concerns.

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