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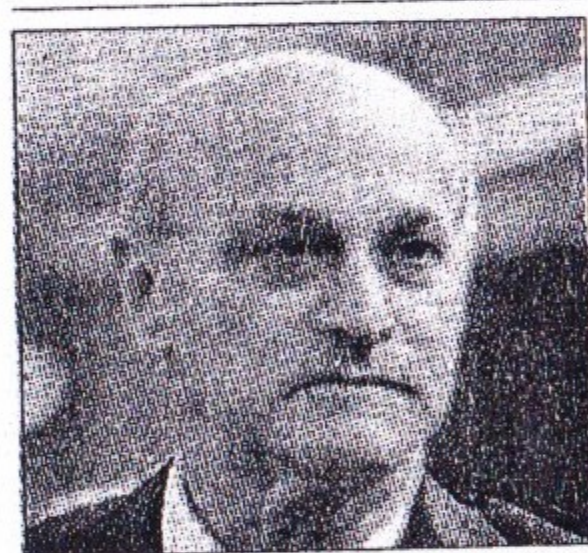
Panel Hears Broad Support for Continued Parity Between State, Federal Judicial Salaries

BY DAN M. CLARK

STATE judges in New York could receive an annual pay hike over the next four years under a proposal Monday from the state Office of Court Administration, which recommended that those salaries continue to be tied to wages earned by their counterparts in the federal court system.

Chief Administrative Judge Lawrence Marks testified before a statewide panel tasked with setting those salaries that the court system is prepared to front the cost of those raises.

"We will fully absorb the cost of those [cost-of-living adjustments] in our operating budget," Marks said.



Lawrence Marks

The New York State Commission on Legislative, Judicial and Executive Compensation held the first of two public hearings » Page 9

Salaries

« Continued from page 1

Monday on whether judges paid by the state should receive a salary increase in the coming years, and how much that raise should be.

The panel is scheduled to publish a report in December that's set to determine how much judges in New York will be paid until their salaries are evaluated again in 2023.

That report will carry the force of law, meaning the state Legislature won't have to pass additional legislation to enact its recommendations next year. Lawmakers have the option to invalidate the report, but that hasn't happened in the past.

There was broad agreement among those who testified Monday, including Marks, that the salaries of state judges in New York should continue to be tied to what those in the federal judiciary earn.

That's the current model, as was established the last time salaries of state-paid judges were evaluated in 2015. The Commission on Legislative, Judicial and Executive Compensation decided, at the time, to enforce parity between the pay of state and federal trial court judges.

Under that model, the salary paid to state Supreme Court justices, who preside over cases in the lowest tier of the state court system, is required to match that of U.S. District Court judges, who share a comparable position in the federal judiciary.

Because of that agreement on parity, state Supreme Court justices and U.S. District Court judges both currently earn \$210,900.

That's up from last year when their annual salary reached \$208,000. Federal judges can be given raises based on changes to the cost of living. When those judges are given a pay hike, the state's current model requires the same increase for state Supreme Court justices.

That would continue if the state decides to maintain the same model for the next four years, as Marks proposed Monday.

"It's critically important that

parity continue between the federal judges and the New York state judges," Marks said. "There's really no legitimate or rational reason why it should not, and the cost of doing so is extremely modest, is negligible, and is a cost that the court system will fully absorb in its budget."

If that model remains, and if the rate of pay were to increase over the next four years for state Supreme Court justices, the salaries of other judges presiding over state courts would also go up under the proposal.

That's because the salaries of other judicial positions within the state court system are tied to what's earned by state Supreme Court justices. Judicial salaries in state courts currently range from \$189,900 to \$240,800 each year.

The salary earned by state Supreme Court justices is the baseline for what all other judges earn within the state court system. And because those salaries are tied to the federal judiciary, so are the wages earned by all state judges in New York.

New York City Civil and Criminal Court judges, for example, earn 93% of whatever is paid to state Supreme Court justices in New York. City Court judges outside New York City earn 90% of the salary paid to a state Supreme Court justice.

Comparable formulas are used to determine the salary paid to judges in the higher tiers of New York's courts as well.

An associate justice on the Court of Appeals, the state's highest court, is currently paid \$233,400. An associate justice of the Appellate Division, the state's intermediate court, earns \$222,200. Those salaries have grown in proportion to the pay of state Supreme Court justices.

State judges would only be paid more in future years, under the OCA's plan, if federal judges are also scheduled to receive an increase. "So, in other words if the federal judges get a cost-of-living adjustment over the next four years, that New York would get the same," Marks said.

Based on raises received over the last four years by federal judges, Marks said OCA has estimated an annual cost of the raises at about \$3 million. He said that was less than one-eighth of 1% of the state court system's operating budget, which he expected them to fully absorb.

Support for continuing the model was also heard by others who testified at the hearing Monday, including New York City Bar Association President Roger Juan Maldonado, a partner at Smith, Gambrell & Russell.

"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," Maldonado said.

Queens County Supreme Court Justice Janice Taylor, the current president of the Supreme Court Justices Association of the City of New York, testified that Chief Judge Janet DiFiore's Excellence Initiative, launched to reduce court backlog, has also boosted performance among the state's judiciary.

With state courts operating more efficiently than in recent years, Taylor testified that parity with the federal judiciary should be preserved based on that workload.

"Our performance merits this level of compensation," Taylor said. "All of the performance indicators, including the standards and goals for the judiciary, evidence an extremely high level of performance by our judges in case management and disposition."

The proposal from OCA doesn't apply to town and village justices, whose salaries are not determined by the Commission on Legislative, Judicial and Executive Compensation. Their pay is locally funded and set within their jurisdiction.

The commission's binding report is scheduled to be released by the end of the year.

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