

NEW YORK STATE COMMISSION ON LEGISLATIVE  
JUDICIAL AND EXECUTIVE COMPENSATION

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TRANSCRIPT OF PUBLIC MEETING

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November 3, 2015  
New York City Bar Association  
42 West 44th Street  
New York, New York

APPEARANCES: SHEILA BIRNBAUM, CHAIR  
  
HON. BARRY A. COZIER (Ret.)  
  
ROMAN B. HEDGES (appeared telephonically)  
  
GARY JOHNSON  
  
HON. JAMES J. LACK (Ret.)  
  
FRAN REITER (appeared telephonically)

TRANSCRIBER: DOREEN A. BOLOGNINI

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No Witnesses Examined

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E X H I B I T S

DESCRIPTION      I.D.      IN EV.

No Documents Submitted/Received

1 [Audio CD, counter 12:22:11]

2 MS. BIRNBAUM: Okay everybody. My name  
3 is Sheila Birnbaum. I've been appointed as the  
4 head of this mission on Judicial, Executive and  
5 Legislative compensation. It's a great honor for  
6 me to serve in this position. This is our first  
7 initial organizational meeting. We do not expect  
8 to have any substantive discussions today, but to  
9 discuss what our process will be and how we will  
10 get to the next steps. So I'd like to introduce  
11 my fellow Commissioners, starting on my right.  
12 Jim.

13 MR. LACK: Jim Lack.

14 MR. JOHNSON: Gary Johnson.

15 MR. COZIER: Barry Cozier.

16 MS. BIRNBAUM: And on the telephone?

17 MS. REITER: Fran Reiter.

18 MR. HEDGES: Roman Hedges.

19 MS. BIRNBAUM: Okay. And one of our  
20 Commissioners could not be here today, and that is  
21 Mitra, and she will get a report. Then as you  
22 know, this is being recorded and it will appear on  
23 our website, so all of our meetings are open  
24 meetings, and the public will be invited to them.  
25 We do have a website now that will carry all of

1 the information, including meeting dates,  
2 information. People will be able to respond by  
3 sending in information using our website and there  
4 will also be a mail number drop in order for  
5 people who want to send things not by email but by  
6 regular ordinary old mail. So we're open to all  
7 of the more modern and the less modern means of  
8 communications. Anybody want to make any comments  
9 before we proceed to talk about what our goals are  
10 and how we are going to go about getting the  
11 information we need to make the decisions we need  
12 to make? One of the big -

13 MR. HEDGES: This is Roman Hedges. I  
14 just want to make a couple of points about the  
15 sort of open meetings and notice and related  
16 matters. I'm real frustrated. I certainly  
17 couldn't attend today, but open meetings, that  
18 doesn't actually work the way we're doing it  
19 today. There is a requirement that the at-a-  
20 distance participants, if there are such people,  
21 be in a public meeting room with notice to that,  
22 so the public could attend there and then be via  
23 video, not audio. And so I'm just concerned that  
24 we're not starting out in a good way with notice  
25 and public meeting requirements being met, and I'm

1 just hoping that we'll attend to all those matters  
2 as we go forward. I'm sure we will. I'm not  
3 distrustful or concerned that way, but that we  
4 really need to be very attentive to that.

5 MS. BIRNBAUM: I agree with you  
6 wholeheartedly. The intent was, because of the  
7 shortness of time and that the Governor's  
8 appointees were just made last week, we wanted to  
9 get started very quickly and we could not make  
10 arrangements. But this is being videotaped. The  
11 video will be on the website. But -

12 MR. HEDGES: I tried the website last  
13 night and I could not get through. There was no  
14 such website according to Google or using it  
15 directly.

16 MS. BIRNBAUM: We'll certainly look into  
17 that. Thank you for letting us know that. I was  
18 talking with -

19 MR. HEDGES: And that's part of the  
20 reason I was real concerned about the open  
21 meetings part.

22 MS. BIRNBAUM: Okay.

23 MR. HEDGES: That those logistical  
24 things trip us up if we're not really careful.

25 MS. BIRNBAUM: Okay. We will look into

1 that and my understanding was the website was up  
2 and operating, and if it is not, it will be today  
3 and somebody will get back to you to make sure  
4 that you can get on it. But as I said, this is  
5 being videoed and all of our other meetings will  
6 be open and there will be simultaneous  
7 transmission of that, so I'm glad you brought it  
8 to our attention and this was just not meant to be  
9 a substantive meeting. But you're right, all  
10 meetings should be subject to the public and will  
11 be. So -

12 MS. REITER: FYI Sheila, I just went  
13 onto the website and it's fine.

14 MS. BIRNBAUM: Oh, okay good.

15 MR. HEDGES: Great.

16 MS. REITER: So it's up.

17 M. BIRNBAUM: Okay, that's good to know.  
18 So the website is up and running and hopefully it  
19 will continue to be up and running. As you know  
20 we have to provide a report by December 31st, so  
21 we are working in a very tight timeframe. And the  
22 first issue I think is, when can we have a public  
23 hearing and when can people start submitting or  
24 submit to us any letters, reports, information  
25 that they think we would need. And before the

1 meeting started, at least the people sitting in  
2 the room, thought they could all do it on November  
3 30th. I'd just tried to check with you on the  
4 phone, Fran and Roman, if that date would work for  
5 you. If it does, then we can get that out as soon  
6 as possible.

7 MR. COZIER: And we assume it's in New  
8 York City for those -

9 MS. BIRNBAUM: Yes.

10 MR. COZIER: - particularly for Roman.

11 MS. BIRNBAUM: Well the one question we  
12 have is do we want to do one public hearing or two  
13 public hearings, which we can do. We might be -  
14 we could do one in Albany and one in New York. Or  
15 because of the shortness of time, do we want to do  
16 one in New York?

17 MR. COZIER: I just think one in New  
18 York for the Judiciary. I would have a different  
19 opinion for our next assignment.

20 MS. BIRNBAUM: Right, yes. Which we  
21 have a lot more time for.

22 MS. REITER: I am okay on the 30th.  
23 Just for your information, I live in Upstate New  
24 York in Columbia County, so I would just request  
25 that any meetings that we have, so that I don't

1 have to stay overnight the night before -

2 MS. BIRNBAUM: Right.

3 MS. REITER: - so early in the morning  
4 so I can't get down on the train and to the  
5 meeting.

6 M. BIRNBAUM: And what time would  
7 usually be for you?

8 MR. REITER: Well it really takes, given  
9 the current condition of Amtrak, I would say  
10 10:30, 11:00 in the morning is fine. Anything  
11 earlier than that becomes difficult.

12 MS. BIRNBAUM: Okay.

13 MR. LACK: Since I live in Dutchess, I  
14 would agree.

15 MS. BIRNBAUM: So for these purposes,  
16 Fran, is November 30th good for you?

17 MS. REITER: Yes, it's fine for me.

18 MS. BIRNBAUM: Okay.

19 MR. HEDGES: And this is Roman Hedges.  
20 It would work for me as well.

21 MS. BIRNBAUM: Okay.

22 MR. HEDGES: And I have the same  
23 logistical concern that Fran voiced. You know,  
24 10:30, 11:00 is much better than any day earlier.

25 MS. BIRNBAUM: Okay, so why don't we



1 then say we will start at 11:00 a.m. to make it  
2 convenient for everybody. If we have to we can  
3 break for a short lunch, for a half hour lunch,  
4 and continue for the rest of the day. I assume  
5 we're going to have a number of people testifying.  
6 So does that work for everyone then, November 30th  
7 at 11:00?

8 MS. REITER: Works for me.

9 MS. BIRNBAUM: Great. And New York  
10 City, are we all in agreement that we will call it  
11 in New York City? And at least with the purposes  
12 of the Judicial compensation, we will have one  
13 meeting. And we will have, when we next meet, we  
14 can figure out what the schedule will be for the  
15 Legislative and Executive hearings. All right,  
16 hearing nothing on the telephone, I assume that's  
17 good for everyone.

18 MR. HEDGES: Yes.

19 MS. BIRNBAUM: The other date that I'd  
20 like to lock in if we could, is a date to discuss  
21 what the hearings are and our first substantive  
22 discussions, and I was wondering if December 7th  
23 would work for you all?

24 MR. COZIER: Ominous date, but fair  
25 enough.

1 MS. BIRNBAUM: Okay.

2 MS. REITER: I think I'm okay.

3 MS. BIRNBAUM: Okay.

4 MR. HEDGES: Yes.

5 MS. BIRNBAUM: Okay, so let's plan on  
6 December 7th. We will of course announce where it  
7 will take place, but that will be an opportunity  
8 for us to review everything, to see if we need any  
9 additional information, and what I'll do is try to  
10 set deadlines for us to see drafts after that and  
11 when we will have a final report on this. So if  
12 those dates work we will put them on our website.  
13 We will make sure we have this place and spaces  
14 for it and we will give you that information very  
15 quickly. Okay. Is there any information or data  
16 besides what you have already received which any  
17 member of the Commission thinks they would like to  
18 have? We will be distributing a list of the  
19 salaries, an up-to-date list of the salaries in  
20 all of the other States, and of course the Federal  
21 Government, but all of the other States, and we'll  
22 put that on our website as well. You all have the  
23 Statute. Do you all have the Commission's report?  
24 Is there any information that you think you would  
25 like we would need before we fully even get

1 started? Anybody on the telephone?

2 MR. HEDGES: Yes. I have not received  
3 anything yet from you with respect to information  
4 other than that initial email which had the  
5 Statute and the memo and things of that sort. But  
6 in the way of information, I know that the last  
7 Commission used Federal Court pay scales and  
8 information about that, and that's great. Other  
9 States particularly big States, other States,  
10 Northeastern States, other big Governments and you  
11 know, the big 5 Cities, would all be relevant  
12 information with respect to what's comparable.  
13 And that would certainly apply to the Judicial pay  
14 structure, but going forward, to the pay  
15 structures for others that we'll be needing to  
16 look for. It would seem to me that information  
17 from all those different jurisdictions, the most  
18 comparable structures would be quite relevant and  
19 very helpful.

20 MS. BIRNBAUM: Yes, and I think we're in  
21 agreement and that should be coming to you in the  
22 next day or two. That's been revised and put  
23 together, so that is up to date and I think we'll  
24 do it in two ways. One, they'll be every State,  
25 but then also we'll try to do it by the bit

1 States. I'm not sure we can do it by City, but  
2 we'll look into that as well. So you should have  
3 that in a day or two and I think that will be very  
4 helpful.

5 MR. COZIER: May I suggest -

6 MR. HEDGES: One other -

7 MR. COZIER: Oh I'm sorry, go ahead.

8 MS. BIRNBAUM: Go ahead.

9 MR. HEDGES: One other piece of  
10 background information that would be quite helpful  
11 would be what the Consumer Price Index  
12 calculations are year by year for the period of  
13 time that we're interested in. In the case of  
14 Judicial, I think probably it's okay to use a  
15 relatively short timeframe because their pay has  
16 been adjusted more recently. But for the others,  
17 I think back to at least the last time they got a  
18 pay raise, if not before, would be helpful as  
19 well.

20 MS. BIRNBAUM: Okay. What do you  
21 suggest for the Judicial, 3 or 4 years out?

22 MR. HEDGES: Well at least since their  
23 last formal adjustment, but I think perhaps a few  
24 years before that would be great.

25 MS. BIRNBAUM: Okay.

1 MR. HEDGES: And I think the technical  
2 measure that people are most likely to find  
3 acceptable is what's called the Consumer Price  
4 Index for Urban areas, CPI-U.

5 MS. BIRNBAUM: Great.

6 MR. COZIER: I think it should also be  
7 in comparison standard of living data, not just  
8 absolute dollars.

9 MS. BIRNBAUM: Mm-hm.

10 MR. COZIER: But what type is in effect  
11 in terms of New York versus what it costs to live  
12 in other States, which will change the -

13 MS. BIRNBAUM: Considerably.

14 MR. COZIER: Consider - well, after all  
15 we are in New York -

16 MS. BIRNBAUM: Yeah.

17 MR. COZIER: - and there is - that's  
18 part of the data we have to consider.

19 MS. BIRNBAUM: Anything else? That data  
20 will all be gathered and get to you as quickly as  
21 we can. Any other information? Okay, that's  
22 terrific. So, and as soon as we pick other dates  
23 for other meetings we will post them on our  
24 website and every meeting will be a public  
25 meeting. Anything else on information or

1 scheduling from any of the Commissioners? All  
2 right, just some housekeeping information. If we  
3 check here in New York, they'll get, if you  
4 haven't already, everyone's names, email address  
5 and telephone number. If you, Fran and Roman, can  
6 just check and make sure that it's accurate, that  
7 would be helpful. And the other thing, our  
8 website is [www.nyscommissioncompensation.org](http://www.nyscommissioncompensation.org).

9 MS. REITER: Actually it's  
10 [commissiononcompensation.org](http://commissiononcompensation.org).

11 MS. BIRNBAUM: You are so right. It is  
12 [commissiononcompensation.org](http://commissiononcompensation.org). I'll read it again.  
13 [www.nyscommissiononcompensation.org](http://www.nyscommissiononcompensation.org). Thank you so  
14 much. It's all those letters together that one  
15 can miss.

16 MS. REITER: It's a long one.

17 MS. BIRNBAUM: It's a long one. The  
18 other thing, if I can ask the Commissioners to  
19 provide to me and I will get it to the people that  
20 can put it on the website, a short biography that  
21 you would like to see appear on the website. And  
22 if you can get that in the next couple of days,  
23 that would be helpful so we can have the website  
24 up to date. The other thing is travel  
25 reimbursement for those of you who are traveling.

1 I think I've been told, and if you think there's  
2 any other difference or you don't agree, that you  
3 will get reimbursement from whoever was on the -  
4 whoever appointed you, so if the Legislature  
5 appointed you, you would get reimbursement if the  
6 Legislature appointed by the Governor, it would be  
7 the Executive Branch. If you have any other  
8 thoughts about that or adjustments or -

9 MR. COZIER: Just let me mention, thanks  
10 to the Court system whose Ethics Committee I still  
11 sit on, there's recent Rules on timely submission  
12 of expense vouchers for those who are (inaudible)  
13 and Ron, correct me if I'm wrong, I think it's a  
14 30-day Rule after which hold your breath, you're  
15 not getting anything.

16 MS. BIRNBAUM: Well, we - it's good to  
17 know.

18 MS. REITER: Sheila, do we know to whom  
19 we submit our travel receipts and vouchers and  
20 everything to in each of the Branches?

21 MS. BIRNBAUM: I do not know but I will  
22 have it checked and get back to you on it with  
23 that information.

24 MS. REITER: Great. The other thing I  
25 would just raise, just going back to scheduling of

1 meetings. Is it your intent to always do these on  
2 Mondays?

3 MS. BIRNBAUM: No. It just happened to  
4 be the dates that most people had available -

5 MS. REITER: Okay.

6 MS. BIRNBAUM: - when we started talking  
7 about. No, not at all. In fact, what we ought to  
8 do and we can do it here or we can do it by  
9 telephone, we really ought to pick one or two more  
10 dates in December. It seems to me that people  
11 will be available, just to lock them in, so that  
12 we're certainly going to need. Once the report  
13 gets written in draft and circulated, we're  
14 certainly going to need a meeting for everyone to  
15 provide comments or discussions if there is any  
16 disagreements. So I think we really need at least  
17 two more dates. We may cancel one if necessary  
18 but I think that would be helpful from a planning  
19 stage.

20 MS. REITER: I would just say that  
21 during - just generally speaking, it is easier for  
22 me and certainly anyone whose, you know, who takes  
23 a 3-day weekend or something -

24 MS. BIRNBAUM: Right.

25 MS. REITER: - it would be easier if the



1 meetings were on a Tuesday, Wednesday or Thursday.  
2 Also, I'm down in the City for business purposes,  
3 if I'm coming down at all, usually in the middle  
4 of the week, so you know, it's not a deal breaker,  
5 but it would certainly make my availability easier  
6 if we were in the middle of the week.

7 MS. BIRNBAUM: All right, I think that  
8 shouldn't be a problem at all. Should we try to  
9 pick another date right now, at least one more?  
10 If we're meeting on the 7th, how about - got to  
11 get over to December for myself. We're meeting on  
12 December 7th. Should we plan on a meeting the  
13 week after?

14 MS. REITER: We can. That week, I am  
15 leaving for London on the 16th and I am gone until  
16 the 26th.

17 MS. BIRNBAUM: Now, that's a problem.  
18 So we have to really -

19 MS. REITER: We can do it early that  
20 week if you want, and in fact the 16th I will be  
21 coming. I'm not leaving until very late at night,  
22 so -

23 MS. BIRNBAUM: Would you prefer -

24 MS. REITER: - that would be a great day  
25 for me because I'm coming down anyway and leaving

1 from one of the New York City airports.

2 MS. BIRNBAUM: Okay. Does December 16th  
3 work for everyone else?

4 MR. JOHNSON: That's fine.

5 MR. LACK: Yes.

6 MR. COZIER: Yeah, that's fine.

7 MS. BIRNBAUM: Roman?

8 MS. HEDGES: That's fine.

9 MS. BIRNBAUM: Okay, so let's -

10 MR. HEDGES: Yes, that's fine.

11 MS. BIRNBAUM: - let's put down December  
12 16th then for our meeting after that. And if we  
13 need one more meeting to clean things up, you will  
14 be away Fran, so we'll try to get everything done  
15 by then. Otherwise, we are - the beginning of the  
16 week of Christmas, I guess we could set the 21st.  
17 Does that work if we needed it? I would hate to  
18 go over to that week. We don't know if people  
19 will be in town.

20 MR. JOHNSON: That's fine by me.

21 MS. BIRNBAUM: Fine by you?

22 MR. COZIER: Fine with me as well.

23 MS. BIRNBAUM: Jim?

24 MR. LACK: Yes, I can do the 21st.

25 MR. HEDGES: It would work.

1 MS. BIRNBAUM: Okay.

2 MR. HEDGES: Yes, it will work.

3 MS. BIRNBAUM: All right, so Fran, we'll  
4 try to get it all done by the 16th but put the  
5 21st aside as well if we're going to need it.

6 MS. REITER: Okay.

7 MS. BIRNBAUM: And that will give us  
8 through Christmas. Some of us may still be  
9 working on the report. A Christmas present. So  
10 the 31st of December is on a Thursday so there's  
11 some time the week after also to finish any  
12 wordsmithing or anything like that that has to be  
13 done. Okay, that's great. And all our meetings  
14 will start at 11:00.

15 MS. REITER: Great.

16 MS. BIRNBAUM: Okay, we'll get those on  
17 the website.

18 MR. HEDGES: Great.

19 MS. BIRNBAUM: Any other business? Any  
20 other thoughts, comments? We thought this would  
21 be, you know, a short meeting to get ourselves  
22 organized and meet each other. Any other  
23 business? Fran, Roman, anything else?

24 MS. REITER: No, I'm good.

25 MS. BIRNBAUM: And we will -

1 MR. HEDGES: No, that's it.

2 MS. BIRNBAUM: - and we will have  
3 everything televised from here on in, at least on  
4 the Web. Okay, thank you very much everybody.  
5 And I'll look forward to meeting you all at the  
6 public hearing. Thank you.

7 MR. HEDGES: Very good.

8 MS. BIRNBAUM: Thank you on the phone.

9 MS. REITER: Thank you.

10 MR. HEDGES: Bye-bye.

11 MS. BIRNBAUM: Bye-bye.

12 MS. REITER: Bye-bye.

13 (Off the record)

14 \* \* \* \* \*

15 [Audio CD, counter 12:45:29]

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C E R T I F I C A T E

I, Doreen A. Bolognini, certify that the foregoing transcript of proceedings of the New York State Commission on Legislative, Judicial and Executive Compensation, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Doreen A. Bolognini

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