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Commission on Legislative, Judicial and :
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New York City Bar Association
42 West 44th Street
New York, New York 10036
October 17, 2019

A P P E A R A N C E S :

MITRA HORMOZI

- MICHAEL CARDOZO, Chair
- SEYMOUR LACHMAN
- HONORABLE RANDALL ENG (Retired)
- PETER MADONIA

- ROBERT MEGNA (via video)
- JIM MALATRAS (via video)

LA TONIA LEWIS, RPR, CRR
SENIOR COURT REPORTER

Proceedings

1 CHAIRMAN CARDOZO: Good morning. Can people hear
2 me?

3 MR. MALATRAS: Good morning.

4 CHAIRMAN CARDOZO: Our colleagues in Albany, can
5 you hear me?

6 MR. MEGNA: We can hear you.

7 CHAIRMAN CARDOZO: Great. Well, it's 10 o'clock
8 sharp. I think we're setting a very good precedent that
9 we're starting on time. Thank you everyone for coming. And
10 why don't we start by everyone introducing him or herself
11 and why don't we start with our friends in Albany.

12 MR. MALATRAS: Jim Malatras, President of the
13 SUNY Empire State College.

14 MR. MEGNA: Bob Megna, the Chief Operating
15 Officer of SUNY System.

16 MR. HORMOZI: Mitra Hormozi, Consultant for
17 Revlon.

18 MR. LACHMAN: Seymour Lachman, Dean of the City
19 University of New York and Wagner College, Former State
20 Senator.

21 CHAIRMAN CARDOZO: Michael Cardozo, the Chair of
22 the Commission and partner of Proskauer Rose.

23 JUDGE ENG: Good morning. I'm Randall Eng. I'm
24 of counsel to the law firm Meyer Suozzi and Former Presiding
25 Justice of the Appellate Division, Second Department.

Proceedings

1 MR. MADONIA: Peter Madonia.

2 CHAIRMAN CARDOZO: Very good. Well, thank you
3 all for coming. And my thoughts subject to any questions or
4 comments that anyone may have is we should focus today on
5 what I'll call primarily background issues. Let me also
6 start out by introducing my associate, Nat Miller, who is
7 sitting in the front row there. Nat's an associate at
8 Proskauer and he's working with people at OCA to handle a
9 lot of the mechanics, and will obviously be working with me
10 as we move forward and get into the -- any factual research
11 or the like.

12 So let me start off by just reminding the members
13 of the Commission that we are -- this Commission is subject
14 to the Open Meetings Law. So every meeting we have will be
15 open to the public. It is being shown also on video. The
16 public can click into our website to watch it on the web.
17 And our materials, any public materials, will obviously be
18 public.

19 One mechanic -- two mechanics. Certainly don't
20 want to burden you, but it would be very helpful if each of
21 you could give me your personal phone number in case for
22 some reason we have to reach contact on something. So if
23 you can just -- certainly not to be publicized at all, but
24 if I had to reach out to you for some emergency or
25 something, it would help. As we said, to the extent any of

Proceedings

1 you incur expenses, which I assume would only be travel
2 expenses, the reimbursement -- according to the statute, the
3 reimbursement would come from the entity that appointed you,
4 be it the Governor or the Chief Judge or the majority leader
5 or the speaker. And if there's any questions about the
6 mechanics of that, if you could just let us know. If you
7 can't find out what to do, just let me know on that.

8 So, I thought it would be helpful and I hope my
9 memos that I previously distributed shed some light on this.
10 To just sort of go over what we have to do and when. So the
11 statute that created this Commission provides that this
12 Commission in 2016 -- I mean, in 2019, excuse me, would set
13 -- would recommend what the salaries for judges should be
14 subject to being overruled by the legislature by December
15 31st before it becomes law. And then the following year the
16 Commission would have to recommend the salaries for
17 legislators and executives subject to being overruled by the
18 legislature at the end of the year. So it's two separate
19 points.

20 Now, the statute originally provided that for
21 legislative and executive salaries, obviously had to be a
22 majority vote. But it also had to be -- one person from
23 each of the appointing authorities had to concur in the
24 decision. So the speaker's representative and the majority
25 leader's representative and the Governor and the judiciary

Proceedings

1 representative would all have to agree. Originally, that
2 provision did not apply to the judicial salaries. But I
3 guess last year or the year before, the statute was amended
4 so that it's the same provision with one exception for
5 judicial salaries.

6 So whatever recommendation we make, which has to
7 be made by December 31st, subject to being overruled by the
8 legislature by April 1st. That recommendation, has to be
9 concurred in by Judge Eng or me or both of us, one of the
10 three governor appointments, and both the speaker's
11 appointee and the majority leader's appointee. So that's
12 something to keep in mind as we -- as we go forward.

13 Now, I assume you are aware of -- still focusing
14 now on judicial salaries because that's what we have to come
15 up with by December 31st that there is a fairly long history
16 -- relevant history here that going back judge's salaries in
17 the '80s and '90 were basically moving up. And then
18 starting in early 2000's they did not move. And there were
19 various commissions created just to deal with judicial
20 salaries and the Commission in 2012 and then again in 2016.
21 And the 2016 Commission said that judicial salaries should
22 be raised over the next four years so that by 2019 they
23 would be on par with the salaries of a Federal District
24 Judge. And there was a phase in to that.

25 But today, and as of 2019, the salary of a State

Proceedings

1 Supreme Court Judge is the same as the salary of a Federal
2 District Judge. And that was pursuant to the recommendation
3 of the Commission four years ago. And that same Commission
4 also recommended -- it became law that judges of the lower
5 courts, be it the County Court or the City Court, would have
6 either 95 or 92 percent of those salaries. And so that's
7 been the situation. So if the -- if that was to continue,
8 then what would happen in 2020 as of April 1st -- and that
9 would be up to us to recommend, but assuming we just roll
10 that approach over, it would mean that a salary of a State
11 Supreme Court Judge would be his or her present salary which
12 is the Federal District Court salary plus whatever COLA we
13 had applied to the Federal District Judges.

14 MR. LACHMAN: Can I ask you a question?

15 CHAIRMAN CARDOZO: Yes.

16 MR. LACHMAN: The State Court of Appeals is the
17 highest court in the State of New York. What is their
18 salary?

19 CHAIRMAN CARDOZO: As I understand it, it's the
20 same salary.

21 MR. LACHMAN: Same salary as State Supreme Court?

22 JUDGE ENG: No, the salaries of the Appellate
23 Division, the Appellate Court, and the Court of Appeals, is
24 proportionately higher I believe. And I haven't confirmed
25 this recently, but I believe the Chief Judge is at 240,000

Proceedings

1 presently. And, of course, the associate judges are
2 proportionately less, the Appellate Division, less. But the
3 base, the foundation appears to be \$208,000, and that's what
4 a Justice of the Supreme Court is making.

5 CHAIRMAN CARDOZO: I stand corrected. So, again,
6 it's another proportionate --

7 JUDGE ENG: And there is a lot of compression.
8 As much --

9 As Mr. Cardozo has pointed out, you have the New
10 York City Criminal Court and Civil Court Judges at -- I
11 believe at 93 percent. There is -- there is much
12 compression there. And some of the other judges are at
13 95 percent, so it's all very close.

14 MR. MADONIA: But I'm sorry, Mike, the question
15 before this Commission is whether to put a COLA in.

16 CHAIRMAN CARDOZO: Among other things.

17 MR. MADONIA: Across the board, but as it relates
18 for the judges.

19 CHAIRMAN CARDOZO: No, Peter, it would be more
20 than that because theoretically, you could say, judges
21 should be -- their salary should be frozen.

22 MR. MADONIA: So it's open -- it's open-ended.

23 CHAIRMAN CARDOZO: Yeah, we have to decide
24 whether we want to, in effect, continue the approach that
25 was adopted four years ago, whether we want to take a

Proceedings

1 different approach of some kind.

2 JUDGE ENG: I'm sure that the previous
3 Commissions have looked at this. But there was a time, in
4 the not too distant past, where New York Supreme Court
5 Justices made more than Federal District Justices. That was
6 a phenomena that existed until the end of World War II, so
7 they haven't been in lockstep.

8 CHAIRMAN CARDOZO: I would -- just to add a
9 little humor to this. I think it's irrelevant, but as some
10 of you know, I'm a distant relative of a judge who was on
11 the United States Supreme Court.

12 MR. LACHMAN: You are or not?

13 CHAIRMAN CARDOZO: I am. But nothing rubbed off.

14 MR. LACHMAN: Benjamin Cardozo?

15 CHAIRMAN CARDOZO: Let me emphasize nothing
16 rubbed off. But when he -- before that he was the Chief
17 Judge of the New York Court of Appeals. He passed away
18 before I was born, so I didn't know him. But my father used
19 to tell me that Judge Cardozo was the highest paid lawyer in
20 the State of New York. I don't know whether that was true
21 and we're not -- that is not our goal.

22 MR. LACHMAN: Could we have, perhaps a one-pager,
23 what you've been discussing?

24 CHAIRMAN CARDOZO: Yes, that's one of the things
25 that we distributed to you, it's on the website. And I have

Proceedings

1 another copy right here. But that's exactly what I tried to
2 set forth in my memoranda. And here's -- today, a Supreme
3 Court Judge's salary is a hundred percent the salary of a
4 Federal District Judge which is \$208,000 and then it spells
5 out the rest of that. But I think, Mr. Lachman, that your
6 question --

7 MR. LACHMAN: Seymour.

8 CHAIRMAN CARDOZO: Seymour. I'm sorry.

9 -- highlights -- I think the main thing we have
10 to do before we decide how we want to move forward is to get
11 the facts. And so I think if I can just pause before we get
12 into that -- I think we have to focus on the fact that --

13 Well, obviously, we have to worry about
14 legislative -- well, let me just add on legislative
15 salaries, which is our chore next year. I assume most of
16 you are aware that four years ago, this Commission, then
17 headed by Sheila Birnbaum, could not reach a consensus on
18 legislative salary so that that -- they didn't do anything.
19 There was then another Commission created just a one-year --
20 just for that time period. That Commission recommended an
21 increase in legislative salaries, but added to that
22 recommendation, a recommendation of limiting outside income
23 of legislators. And that was -- that limitation was
24 declared illegal by courts in Albany because the statute
25 authorizing this Commission did not contain sufficient

Proceedings

1 standards as to the factors to take into account on outside
2 income.

3 Now, that case had been appealed. The Attorney
4 General, who was representing the Commission, recently
5 withdrew her appeal. So there's a theoretical possibility
6 that the New York Court of Appeals might intervene, but I
7 don't think so. But, in any event, the law as it now
8 stands, barring some further change by the legislature would
9 present -- and I'm talking about next year, not this year,
10 would prevent this Commission from recommending a limitation
11 on outside income that would not prevent the Commission from
12 recommending legislative increases just on the basic
13 salaries. But I think that gets -- that's sort of ahead of
14 us. Not to say that it's all -- at all irrelevant. So it
15 seems to me --

16 Well, let me pause. Any questions? Comments?

17 So my suggestion, and looking at the calendar
18 that was followed four years ago, is that our next step
19 should be to have a public hearing to gather the necessary
20 information; a public hearing where we would ask the Office
21 of the Court Administration to come in and present the kind
22 of facts, questions that Judge Eng asked and that
23 Mr. Lachman asked so that we know exactly what the salary
24 situation is, not just in New York, but throughout the
25 country. I think particularly in the larger states in the

Proceedings

1 country that at least we can argue are relatively comparable
2 to us, along with cost of living percentage increases and
3 things of that nature. And I think at the same time we want
4 to encourage the public to come and make whatever comments
5 they -- or any suggestions they want to make. I know
6 historically, bar associations have always taken a position
7 I assume. And this was true four years ago, the various
8 judicial associations would want to come in and make their
9 presentations.

10 And so my suggestion would be -- and we would
11 have to look at the calendars now -- that we should give a
12 couple of weeks notice and then set a public hearing where
13 we can get all the necessary input. And that would be sort
14 of step one. That would then give us, each of us, a couple
15 of weeks to study that material and then schedule a --
16 meetings which would be public, the public coming to listen
17 where we would debate the recommendations that we think we
18 should make. Does that sound like an approach?

19 MR. MALATRAS: This is Jim Malatras. I would
20 just suggest if we're going to do a hearing, perhaps, we do
21 two; one upstate or closer upstate or one in New York City
22 just so the upstate residents feel or the upstate parties
23 feel like they had a role in this as well.

24 CHAIRMAN CARDOZO: Well, that's an issue we
25 should discuss. I certainly understand that. The mechanics

Proceedings

1 become a little complicated, but -- and I don't mean to
2 discriminate against the two of you.

3 And how do the other members of the Commission
4 feel about that?

5 JUDGE ENG: It's a good idea. I like it. I've
6 been to some meetings around the state in my judicial
7 capacity. And it's valuable to get the input, you know,
8 from other communities. And I think it would validate,
9 further validate, our decision.

10 CHAIRMAN CARDOZO: Any other comments, other than
11 the mechanics of --

12 MR. MADONIA: I was wondering if we could do it
13 remotely.

14 CHAIRMAN CARDOZO: Yes. Well, I think clearly we
15 can --

16 MR. LACHMAN: When we speak of upstate, are we
17 referring to Albany or the possibility of Buffalo or
18 Syracuse or Rochester?

19 MR. MALATRAS: It would be anywhere that the
20 Commission, in its wisdom, wanted to go. It could be Albany
21 or one of the major metropolitan areas; that's good as well.

22 CHAIRMAN CARDOZO: Focusing on that, wouldn't
23 Albany be the most logical of a place in terms of the
24 population and all? I would suggest if we're going to have
25 two public hearings that we have it in New York and Albany.

Proceedings

1 MR. LACHMAN: I think so.

2 JUDGE ENG: I agree.

3 MR. MALATRAS: Given the time frame that we have,
4 that probably makes the most sense, yes.

5 CHAIRMAN CARDOZO: Okay. So if everyone is with
6 me, I distributed a -- and I apologize to our colleagues
7 upstate, but I just distributed a calendar. Oh, and I guess
8 --

9 I don't think we should schedule these hearings
10 -- I would suggest sometime after -- even November 4th or
11 thereafter because I think we want to be sure we're giving
12 enough public notice as to when those meetings will be. And
13 obviously, some of these groups might want some time to put
14 their information together. Now, I don't know if
15 November 5th, because it's Election Day or November 11th
16 because it's Veterans Day, whether that would make it easier
17 or harder. But, you know, my schedule is -- I can make
18 myself available. So I'm open to comment. Let me just
19 ask --

20 MR. MALATRAS: Upstate we're pretty open.

21 CHAIRMAN CARDOZO: Okay.

22 JUDGE ENG: I like November 13th or 14th. That
23 --

24 CHAIRMAN CARDOZO: I was hoping -- and I want to
25 defer to everyone. But I think the prior week might make it

Proceedings

1 a little --

2 Again, given our very compressed schedule and the
3 need to schedule a meeting I think roughly two weeks after
4 that to start working. I think the week of November 4th --
5 I mean, for example, just throwing it out, November 4th in
6 New York and November 5th in Albany or vice versa.

7 MR. MADONIA: I'm actually out of town.

8 CHAIRMAN CARDOZO: That's oh, why I'm asked the
9 question. You're out of town --

10 MR. MADONIA: -- the 3rd to the 9th.

11 CHAIRMAN CARDOZO: You're out of town from the
12 3rd to the 9th?

13 MR. MALATRAS: The 11th, the 12th, the 13th works
14 for me if possible if that works for everybody or the 4th,
15 5th, that week works as well. Whatever of those weeks work
16 best for everybody. I think I would speak for Bob because
17 he's nodding. And I think that would work for us.

18 CHAIRMAN CARDOZO: Okay.

19 MR. LACHMAN: The 12th and the 13th, that's
20 Tuesday and Wednesday would not be good for me. November
21 12th and 13th, I have other commitments.

22 CHAIRMAN CARDOZO: Let me ask, would everybody be
23 available on November 11th?

24 MR. HORMOZI: Yes.

25 MR. MADONIA: Yes.

Proceedings

1 JUDGE ENG: Except me, I have -- I'm active in
2 Veterans' circles, many commitments, speaking, luncheons,
3 counsel committee. Not good for me.

4 CHAIRMAN CARDOZO: So Randy can't do the 11th.

5 MR. LACHMAN: I can't do the 12th or 13th.

6 CHAIRMAN CARDOZO: What about the 14th?

7 MR. LACHMAN: I'm available.

8 JUDGE ENG: Good for me.

9 MR. MADONIA: Yes.

10 MR. HORMOZI: Yes.

11 CHAIRMAN CARDOZO: 14th okay for you two?

12 MR. MALATRAS: We'll bring the cookies.

13 MR. MEGNA: (Indicating).

14 CHAIRMAN CARDOZO: Let me just ask, I don't want
15 to discriminate against one of my colleagues. If we have to
16 have two hearings, the only other day would be the 15th
17 unless someone's not going to show up.

18 JUDGE ENG: I'm due in court.

19 CHAIRMAN CARDOZO: You can't do the 15th.

20 MR. LACHMAN: What about the 11th?

21 CHAIRMAN CARDOZO: Randy can't do the 11th.

22 MR. LACHMAN: He can't do the 11th.

23 JUDGE ENG: No.

24 MR. MADONIA: I mean, I'll -- I will beam in, so
25 to speak, from where I am, assuming I can, from one of the

Proceedings

1 days of the week on the 3rd to the 9th if we can do one
2 then.

3 CHAIRMAN CARDOZO: The week of the 9th?

4 MR. MADONIA: One of those days the 4th or the
5 5th. And then maybe the one in Albany then, whether I'm
6 beaming into here or there, it doesn't matter. And then on
7 the 14th one, one week and one on the next.

8 CHAIRMAN CARDOZO: Let's see, under the Open
9 Meetings Law, as our colleague in Albany would say, you have
10 to announce where you are sitting --

11 MR. MADONIA: That's okay.

12 CHAIRMAN CARDOZO: -- to beam in. Okay. So can
13 everyone -- can everyone, except Peter, make a meeting on
14 the 4th of 5th?

15 MR. HORMOZI: I can do the 4th.

16 MR. LACHMAN: I can do the 4th and 5th.

17 JUDGE ENG: Yes, that's all right with me too.

18 CHAIRMAN CARDOZO: So if we had the New York
19 hearing --

20 I'm just thinking because OCA I think is the most
21 important entity to make the public presentation. And I
22 think it would be more efficient for them. And I think
23 we'll get the most information. So I'd like to suggest we
24 do OCA on the 4th and Albany on the 14th. Is that -- does
25 that make sense to everyone?

Proceedings

1 MR. HORMOZI: Yes.

2 JUDGE ENG: Yes.

3 CHAIRMAN CARDOZO: Gentleman?

4 MR. MEGNA: I think you can do --

5 CHAIRMAN CARDOZO: I'm sorry.

6 We're losing you.

7 MR. MALATRAS: I think Bob suggested that -- it
8 doesn't matter. He withdraws his --

9 MR. LACHMAN: He did what?

10 CHAIRMAN CARDOZO: So is it okay, the 4th in New
11 York City and the 14th in Albany?

12 MR. MEGNA: Yes.

13 MR. MALATRAS: Yes.

14 CHAIRMAN CARDOZO: And what I have to -- I don't
15 think we'll have a problem finding a suitable locale in
16 Albany. At the moment we were told that this bar
17 association is not available on the 4th. I think we can
18 hopefully deal with that problem, but I'm confident that if
19 not, there is sufficient other locales in New York City that
20 we can arrange on the 4th.

21 MR. LACHMAN: On the 14th, I had the problem with
22 Wednesday night in the evening. So I would prefer that it
23 be earlier -- I'll discuss it with you. So the 4th would be
24 in New York City and the 14th would be in Albany. Can we
25 reverse it?

Proceedings

1 CHAIRMAN CARDOZO: No, that's my suggestion that
2 we don't reverse it. And I think because of OCA and
3 Mr. Madonia and other schedules, I think that's the way to
4 go. But, you know, I think as long as you can participate by
5 video, I don't think it should be a problem. And if --

6 Remember, that there may be a good deal of --
7 although I think we have to do it -- I don't want to call it
8 repetition, but I think the 4th is much -- is very, very
9 important. Now, with those factors into account, is
10 10 o'clock the best time to begin in people's mind?

11 MR. HORMOZI: Yes.

12 CHAIRMAN CARDOZO: And I would suggest also that
13 people keep in mind that particularly the New York meeting
14 on the 4th, this may be a full day meeting. Last time
15 between OCA and the questions we want to ask OCA and the
16 followup from the various bar associations and others I
17 think we should at least, from a calendar point of view,
18 keep that in mind.

19 MR. LACHMAN: I think it would be a good idea to
20 have the meeting on the 4th in Manhattan in the morning at
21 10:00 a.m.; but I would have difficulty making it in the
22 morning because I have an important event on the 13th in the
23 evening. So how -- can we possibly have the hearing in
24 Albany starting at 12 or 1 because I would have to drive up
25 from the city?

Proceedings

1 JUDGE ENG: Yeah, that's a good idea.

2 CHAIRMAN CARDOZO: I think that's --

3 Again, recognizing that if you can't do that,
4 that you can video. But why don't we start it at 1 o'clock
5 in Albany? I don't think -- that would be fine.

6 MR. LACHMAN: Terrific, yes.

7 CHAIRMAN CARDOZO: That's great. And I will send
8 out appropriate notices and post them. Now, let me ask you
9 something, given what I think would be a very substantial
10 amount of material that we would all have to review, and
11 looking at the calendar as we all know, I guess Thanksgiving
12 must be the 28th, right?

13 JUDGE ENG: Yes, late this year.

14 MR. CARDOZO: Is it feasible to suggest a
15 meeting on the 25th or 26th so that we can start the
16 discussion rather than having to wait until the first week
17 in December? I think the 27th is not --

18 JUDGE ENG: The 25th is good for me Monday.

19 MR. LACHMAN: 25th is not good for me, the 26th
20 is excellent.

21 JUDGE ENG: It's doable.

22 CHAIRMAN CARDOZO: I mean, I understand the
23 reluctance here. I'm just trying to think of the calendar
24 because I don't think we all want to be working on December
25 31st when this report is due. And I think the sooner we get

Proceedings

1 started having the discussions with each other are the
2 better. I'm a little concerned of pushing it up to the week
3 of the 18th if we're having a hearing in Albany on the 14th.
4 But we could have a, you know -- is the 21st or the 22nd
5 better than the 25th or 26th?

6 MR. MADONIA: (Indicating).

7 CHAIRMAN CARDOZO: You see what I'm talking
8 about?

9 JUDGE ENG: Let's see.

10 MR. HORMOZI: Yes.

11 MR. MADONIA: My personal preference is the 21st,
12 do it before the Thanksgiving week.

13 MR. LACHMAN: I can do the 21st or the --
14 preferably Thursday the 21st.

15 JUDGE ENG: I can do the 21st, yes.

16 CHAIRMAN CARDOZO: How is the 21st?

17 I'm sorry. I can't -- I'm losing you.

18 MR. MEGNA: I think the 21st is better.

19 CHAIRMAN CARDOZO: Okay. So everyone can do the
20 21st?

21 MR. HORMOZI: Yes.

22 MR. LACHMAN: Yes.

23 CHAIRMAN CARDOZO: Well, that's great. That's
24 great. And what do people think about -- should we try to
25 schedule --

Proceedings

1 We're going to have to have at least one more
2 meeting after that, should we try to do that now or should
3 we wait at least until our next meeting?

4 JUDGE ENG: I think, yes, I would wait.

5 CHAIRMAN CARDOZO: So then to repeat, we will
6 have a meeting in New York City on November 4th starting at
7 10:00 a.m. that may last most of the day. We will have a
8 meeting -- that's a public hearing.

9 MR. LACHMAN: Public hearing.

10 CHAIRMAN CARDOZO: Then we'll have another public
11 hearing in Albany on November 14th beginning at 1:00 p.m.
12 And we will have a meeting that will be open to the public
13 but will not be a hearing in New York City on November 21st.
14 That's agreeable with everybody?

15 MR. HORMOZI: Yes.

16 MR. LACHMAN: Yes.

17 JUDGE ENG: Yes.

18 MR. MADONIA: Yes.

19 MR. MEGNA: Yes.

20 MR. MALATRAS: Yes.

21 CHAIRMAN CARDOZO: That's terrific. I really
22 appreciate everyone doing this. And I will -- we will make
23 appropriate video arrangements for those who can't attend.
24 And so I think we're set on that. I will now tell -- issue
25 a public notice of the bar associations and OCA who will

Proceedings

1 know what they're to do. I think then people can read the
2 material that I previously distributed along with them when
3 we get the stuff from OCA so we can really get up to speed.

4 MR. LACHMAN: Can we make the material broader in
5 terms of including labor groups, business groups, good
6 government groups as well as what you suggested initially?

7 CHAIRMAN CARDOZO: I'm not sure I understand what
8 you're --

9 MR. LACHMAN: In terms of the hearing.

10 CHAIRMAN CARDOZO: Oh, the hearing will be open
11 to everyone and we're going to send -- we'll send a notice.
12 And if you have -- anyone has any suggestions of groups that
13 we should send the notice to -- I mean, I'm fairly familiar
14 with the bar associations, but I think I would welcome any
15 thoughts. So, you know, I think we want to get the broadest
16 input possible.

17 JUDGE ENG: I agree.

18 MR. MADONIA: Yes.

19 MR. HORMOZI: I'm sorry. Just housekeeping. Is
20 the 21st at 10:00 a.m.?

21 CHAIRMAN CARDOZO: Yes.

22 MR. HORMOZI: Great.

23 CHAIRMAN CARDOZO: So I -- any --

24 I think you should encourage people to come. And
25 to remind people that they will also have the right to

Proceedings

1 testify, much more difficult obviously for them to testify
2 on the web, but they could if they want. But with the
3 flexibility that we now have two hearings, hopefully that
4 will make things easier. So I have nothing else on my
5 agenda, but I will open it up to any other comments that
6 anybody may have. Randy?

7 JUDGE ENG: Well, I do encourage the widest
8 possible dissemination of the public notices. And there are
9 -- there are some bar associations, the niche bar
10 associations, so to speak, that aren't necessarily
11 well-known and I would try to discover who they are and try
12 to encourage them, yes.

13 CHAIRMAN CARDOZO: And if you have any
14 suggestions, Seymour, I think that would be great.

15 Mitra, if you have, please, let us know, I think
16 we're agreed that we want to have as much input as we can.

17 MR. MADONIA: Just a question, Mike, OCA will
18 come and present. I guess, there is a fair amount of data,
19 I assume we will get something in advance that we can
20 question.

21 CHAIRMAN CARDOZO: Yes. And all -- whatever is
22 submitted in writing we will get hardcopies of, it will also
23 be on the web. And the hearing itself will be on the web so
24 if you wanted to go back and review what someone said, you
25 will be able to do that. And I do encourage you all to take

Proceedings

1 a look at the website, we are continuing to buttress it as
2 much as we possibly can. If you have any suggestions of
3 things to add, please, let me know.

4 JUDGE ENG: I just noticed in yesterday's Law
5 Journal, I was looking at a transition in OCA; and that is
6 that the counsel, John McConnell, who I've worked with very
7 closely for years is transitioning to another position. And
8 I believe it's Eileen Millett who is going to be new
9 counsel. So we need to build some quick bridges, so to
10 speak. I know Eileen Millett, so she is good to work with.

11 CHAIRMAN CARDOZO: Yes. Well, I've spoken to
12 both her and also to Larry Marks, who is the head of the
13 Office of the Court Administration, to be sure that we're
14 moving forward seamlessly. And OCA has very kindly arranged
15 to help both to build the website and to arrange for this --
16 the video here.

17 MR. LACHMAN: Just as an addendum, I think it's
18 very important that we have as wide a distribution as
19 possible and not just limit it to attorneys, as good as
20 attorneys are. And I want to stress I think good government
21 groups, civic groups, community groups are very important.
22 And I was just wondering, is there a staff person that we
23 contact if we want more information about something or do we
24 have to bother the chair and call them directly?

25 CHAIRMAN CARDOZO: Well, my associate, Nat

Proceedings

1 Miller, and his -- he is on the e-mail distribution list.
2 So he's -- hopefully will be able to funnel whatever
3 suggestion you have to the appropriate entity. He's not
4 going to know all the answers, I'm sure, but he will be able
5 to handle those kinds of mechanics.

6 MR. LACHMAN: Nat is Nathaniel, right?

7 MR. MILLER: Yes, either works.

8 CHAIRMAN CARDOZO: Anything else?

9 MR. MALATRAS: Okay. Well, Mr. Chairman, just
10 one thing. I know you said you have someone putting
11 together the materials of comparables for other states, but
12 we may need to get help with the -- it's also helpful I
13 think, ahead of the hearing, Miranda was good on letting out
14 some of the other considerations we had to make including
15 changes in public sector spending, the capability to pay,
16 the state fiscal situation, and things like that. So it
17 would be good to have that analysis as well so it's not just
18 in the isolation of salaries but also the further context of
19 the economy and other issues going on in the state.

20 CHAIRMAN CARDOZO: Fine. And I agree with you,
21 but I'm not sure -- are you suggesting we should have that
22 before the hearing or just to be sure that we get it after
23 the hearing? I'm not sure it's feasible to get it in
24 advance.

25 MR. MALATRAS: Perhaps we can -- Bob made this

Proceedings

1 point is perhaps we have someone from the State Fiscal
2 Office present as a possibility then at one of our hearings
3 for the record so we don't have to rush to get the material,
4 we can just have them present on the overall --

5 CHAIRMAN CARDOZO: That's a good point. I'll
6 reach out to be sure that happens. I think that's a very
7 good point.

8 MR. LACHMAN: When does the termination occur for
9 this Committee?

10 CHAIRMAN CARDOZO: Once we make our
11 recommendation. And our recommendation has to be made --
12 hopefully we will have one by December 31st. Now, I
13 misspoke -- this Commission will continue because our next
14 job will be the legislative salaries. So this Commission
15 will not go out of existence until after that report is
16 completed which has to be done by the end of November.

17 MR. LACHMAN: And the executive salaries?

18 CHAIRMAN CARDOZO: And executive salaries, yes.

19 MR. LACHMAN: Will there be meetings that are not
20 public hearings?

21 CHAIRMAN CARDOZO: No --

22 Not public hearings, yes. The only public
23 hearing will be our November 4th and November 14th will be
24 the public hearing.

25 MR. LACHMAN: That we agreed upon.

Proceedings

1 CHAIRMAN CARDOZO: The other hearings will be
2 opened -- the other meetings will be open to the public, but
3 we will not be getting input from them. The public does
4 have the ability, as posted on the website, to submit any
5 additional comments.

6 JUDGE ENG: We will not be meeting then in
7 executive session, so to speak?

8 CHAIRMAN CARDOZO: We will not be meeting in
9 executive session.

10 Okay. Very good. Thank you all. See you on
11 November 4th. Very good.

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14 Certified to be a true and accurate transcript of the foregoing
15 proceedings.

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18 _____
19 LATONIA LEWIS, RPR, CRR
Senior Court Reporter

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21 **Please note signatures in blue ink signifies a certified
22 transcript.**

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