



**New York State Commission
On Legislative, Judicial, & Executive Compensation**

**Testimony
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My name is Dennis Hawkins and I am the Executive Director of the Committee for Modern Courts. Thank you for the opportunity to present testimony today in support of adequate and fair compensation for New York's judiciary – our third branch of government. I will not be addressing the compensation of the legislative or executive branches of state government because that falls outside the scope of our mission and focus as an organization.

Modern Courts is an independent, nonpartisan statewide court reform organization, committed to improving the court system for the benefit of all New Yorkers who use our courts.

We are pleased that the Governor and Legislature have created this Commission because we believe that a stable mechanism to provide for increased salaries and non-salary benefits for judges and justices of the state-paid courts of the Unified Court System at regular intervals is reasonable, fair and efficient, and will help to maintain the excellence of our current judiciary and provide New Yorkers with a highly skilled judiciary into the future.

Modern Courts was an active supporter of the creation of the first judicial compensation commission in 2010 which reviewed judicial compensation and non-salary benefits and made recommendations which increased judicial compensation for the first time since 1999.

We believe that that an appropriately and fairly compensated judiciary is absolutely necessary to provide New Yorkers, who rely on the courts for the resolution of so many issues, with the opportunity of having their matters resolved by a well-qualified, experienced and diverse judiciary.

It is clear to us that the salaries of New York's judges and justices should be reviewed at this time to ensure that they are fairly compensated and we call on this Commission to make recommendations which will achieve that goal.

While New York State, is now the nation's leader in state judicial salaries in absolute terms (at least for New York Supreme Court justices), thanks to the recommendations of prior compensation commissions, it is nonetheless the case that when adjusted to take cost of living into account, the salaries of Supreme Court justices actually now rank 29th out of the 50 states, the District of Columbia, Puerto Rico, Guam and the Northern Mariana Islands, according to the National Center for State Courts¹. As we all know, it is more expensive to live in New York than in more than in many other states and we hope that the Commission takes this into consideration when recommending compensation for our judiciary.

We note that the 2010 Commission determined that the appropriate benchmark for setting the compensation of the New York State judiciary was to compare it to the compensation level of the

¹ General jurisdiction judge salaries receive a cost-of-living-adjustment using the C2ER cost-of-living index. The Council for Community and Economic Research-C2ER-is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. C2ER uses a robust, multivariable model, which incorporates the costs of goods and services within a reporting jurisdiction along with seven additional variables to greatly improve predicted, statewide average C2ER factors. The seven variables are: community, population, population density, income, growth rate, utility rates, efficiency of government sector, and location of the region.

Federal judiciary. Recognizing the importance of the New York State judiciary as a co-equal branch of government and the importance of establishing pay levels that make clear that the judiciary is valued and respected, the 2010 Commission determined that the compensation of the New York judiciary should be on par with that of the Federal judiciary.

Modern Courts believes that parity between Supreme Court Justices should continue to be the standard this Commission uses and notes that such parity now exists. We urge this Commission to provide a mechanism to maintain that parity moving forward and that all other judges continue to receive proportional compensation.

We also recommend that the Commission adopt a cost-of-living mechanism so that when judicial compensation is established by the Commission, that compensation will not be eroded over the course of the next four years when a new compensation commission will be established.

Over the past decade, Modern Courts has focused on improving the operations of Family Court believing that improvements in that court are essential for the well-being of families and children who come to that court to resolve significant problems affecting their lives and the fabric of our society. Therefore, when you decide the appropriate compensation for state Supreme Court justices please be aware of the consequences to all other judges, including Family Court judges who in the past have received proportional salary increases in relation to the compensation level set for state Supreme Court justices.

We know that many litigants turn to our courts to resolve both family and financial problems and that most often these litigants are unrepresented, requiring the judiciary to take an ever more active role in the resolution of problems. Without an experienced and well-qualified judiciary, courts such as the Family Court and all those civil courts which deal with problems such as foreclosures, evictions and other economic conditions that affect our most needy citizens, these matters will not be resolved appropriately.

In addition, an inadequately compensated judiciary has profound implications for New York's economy. Businesses rely on courts to resolve disputes efficiently and capably, and the quality of a state's court system is one factor that can attract or repel a business deciding to stay in New York or relocate. New York is a center of international business and finance, and the commercial caseload facing our judiciary is particularly complex and demanding. New York needs an experienced and well-compensated judiciary to resolve those cases.

Modern Courts believes that fair and adequate compensation is needed in order to maintain the excellence that has always been the hallmark of New York's state judiciary, as well as to recruit future generations of New York judges. Simply put, retaining and recruiting diverse and highly-qualified individuals to serve as New York judges requires systematic consideration of the judicial compensation system.

Therefore Modern Courts urges this Commission to make appropriate compensation adjustments for all the judges and justices of the state-paid courts of the Unified Court System.

Modern Courts is mindful of the economic and budgetary challenges that face the State and recognize that the Commission is charged with taking into account “the state's ability to fund increases in compensation and non-salary benefits,” but the people of the state of New York need and deserve the best qualified judiciary and increasing judicial compensation is money well-spent.

Thank you for accepting this testimony.

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