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November 4, 2019

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New York State Commission on
Legislative, Judicial & Executive Compensation

Dear Commissioners:

As President of the Latino Judges Association I write on behalf of its 83 members which hail from every level and nearly every court throughout New York State. Our members represent 7.1% of the judiciary. We thus submit this letter in full support of pay increases for all judges to take effect April 1, 2020.

In solidarity with the Office of Court Administration and other judicial associations, we join in imploring this Commission to recommend that the New York State Judiciary continue receiving pay parity with its Federal counterparts, as is consistent with your statutory mandate. Specifically, we urge that the salary of New York State Supreme Court Justices be set at 100% of the salary of Federal District Court Judges in effect at the time (i.e. April 1, from 2020 to 2023, and each proceeding period thereafter). Further we join OCA in asking that the Commission redress the long-entrenched judicial pay anomalies that exist between and within various courts by adopting a pay schedule for non-Supreme Court judges that fixes their compensation at fair and practical uniform percentages of a New York State Supreme Court Justice's salary.¹

The National Center for State Courts has been gathering data on judicial salaries across the country for decades. Those reports have set forth the vast disparities in compensation and the cost of living impact, based on geographic region, that exist throughout the nation. In 2015, the submission to this body by Chief Administrative Judge Lawrence Marks noted, in supporting a pay increase, "that the then current salary of a Supreme Court Justice ranks 47th among all states when adjusted for New York's high cost of living. Restoring pay parity between Supreme Court Justices and Federal District Court Judges would only lift New York's

¹ J. Marks 2015 submission to the Commission at page 6.

ranking to 33rd among all states when adjusted for cost of living.”² To date, NYS judges remain in the bottom third nationally, as it relates to judicial compensation.

Concomitantly, those reports have also illustrated the significant differences in the volume of court filings throughout our country’s courts. By way of illustration, in 2018, 4,144,274 cases were filed in New York State’s trial courts.³ That enormous volume requires our judges to handle cases that include, but are not limited to, “sophisticated commercial, banking and contract issues; cutting-edge constitutional questions of government powers and individual rights; high-stakes criminal prosecution and defense; difficult questions of family dissolution and violence; protection of vulnerable children and adults; and issues involving tort injuries.”⁴

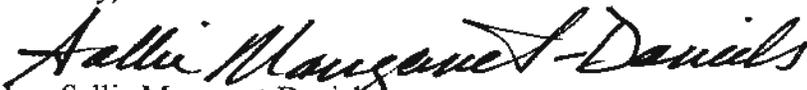
There can no question that New York State Judges are impacted by both the pay disparity and the volume of cases they handle.

Like all Americans, Judges are not exempt from the frailties of life and financial obligations of family. Hence, we too must balance our own personal budgetary needs with the demands of our individual family circumstance. Many of our member judges are raising minor children, preparing for the expense of college educations, while simultaneously caring for aging parents. For some of those judges, they resort to seeking employment as adjunct professors in colleges (one of the few jobs a judge is ethically permitted to simultaneously hold) in order to supplement their earnings and make ends meet. We as a State can do better than that.

Accordingly, we urge you to maintain pay parity with the federal district court judges, provide for cost-of-living adjustments, and redress inter- and intra- court pay disparities. In doing so, the commission will ensure that New York retains a strong, highly qualified, independent, and properly compensated judiciary.

We respectfully request that this letter be made a part of the record of the Commission’s public hearing on November 4, 2019. Finally, on behalf of the Latino Judges Association, I thank you for your service and hope that the Commission will consider and support our recommendations.

Sincerely,


Hon. Sallie Manzanet-Daniels
President

² J. Marks 2015 submission to the Commission at page 6.

³ New York State Unified Court System 2018 Annual Report at page 39.

⁴ Final report of the Special Commission on Judicial Compensation, December 24, 2015 at 1.