



**THE SURROGATES ASSOCIATION
OF THE STATE OF NEW YORK**

**Albany County Courthouse
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**TESTIMONY OF THE HON. VINCENT W. VERSACI,
ON BEHALF OF THE SURROGATES ASSOCIATION OF THE STATE OF
NEW YORK
BEFORE THE COMMISSION ON LEGISLATIVE, JUDICIAL AND
EXECUTIVE COMPENSATION**

Good afternoon, Chairman Fahey, honorable members of the Commission. My name is Vincent Versaci and I have had the privilege of serving as the Surrogate for the County of Schenectady since 2010 and have been a member of the New York State Judiciary for the last 20 years.

I have been invited here today to testify on behalf of the Surrogates Association of the State of New York where I currently serve as the Association's Vice President.

Thank you for the opportunity to address you today on the important issue of compensation for New York's Judges.

The Surrogates Association of the State of New York respectfully requests that this Commission grant the Office of Court Administration's proposal to increase the salaries of all New York State Judges by restoring pay parity between State Supreme Court Justices and Federal District Court Judges commencing April 1, 2024, and to maintain the pay relationship between Supreme Court Justices and other Judges that exists under current law. In addition, we ask that pay parity be continued for the following three years until the next commission is convened.

I know this Commission has been inundated with facts, figures, and a steady barrage of accounts detailing the calamitous history that has plagued New York Judges in their efforts to establish a fair system to set salaries over the last 46 years. For instance, it is without dispute that rising inflation and the increased cost of medical insurance over the last four years have resulted in a *de facto* diminishment of Judge's salaries. Out of respect for your time, however, I have made every effort to review all publicly available documents and testimony presented to this body to date so as not to repeat information already before you.

With that in mind, and given my current role, I begin with an overview of the responsibilities of the Judges of the Surrogate's Court - a trial level court whose jurisdiction can be perplexing, certainly to the public, and often even to experienced and knowledgeable members of the bench and bar.

The New York Constitution confers both legal and equitable responsibility upon the Surrogate's Court for "all actions and proceedings relating to the affairs of decedents, the probate of wills, administration of estates and actions and proceedings arising thereunder. . .". In short, the Surrogate's Court is responsible for addressing any issue that may arise when a loved one passes away. This broad phrase as it is written in the Constitution, "if a matter relates to the affairs of decedents or the administration of an estate", has led the legislature and the Courts over the last 60 years to broadly construe and explicitly expand the responsibility of New York's Surrogates. These responsibilities, along with statutorily granted jurisdiction over Trusts, guardianships over children and persons with disabilities, adoptions, and even disputes between living persons if there is a sufficient connection between the "affairs of the decedent" and that of the living parties, make Surrogate's Court an integral part of New York's Court System.

Based upon the variety of matters that come before the Surrogate's Court, it is imperative that New York has Surrogates who are competent, knowledgeable, and above all else, dedicated to serving the public. To find such people with the requisite experience, temperament, and willingness to serve, sometimes at great personal or financial cost, is not a simple task. Failing to adequately compensate the individuals entrusted to make such personal and far-reaching decisions is not only unfair to the individuals currently serving but will ultimately lead to the erosion of the available pool of qualified Judges willing to serve as Surrogates in the future.

Additionally, freezing judicial salaries at current levels will limit the pool of applicants with the requisite credentials such that only those with sufficient personal wealth will be able to seek positions on the bench. Simply put, keeping judicial salaries at current levels for another 4 years may disproportionately affect our ability to attract a diverse pool of candidates for this position.

There was no better demonstration of the need for qualified, dedicated public servants to serve as Surrogates in the Counties in which they are elected than during the COVID-19 Pandemic. Throughout the Pandemic, the Surrogate's Court continued to operate, performing essential functions unique to their courts, as the death tolls rose exponentially, and businesses were shutting down. For instance, Surrogates were the ones signing Decrees allowing survivors whose loved ones perished due to COVID-19 to quickly access the funds necessary to pay burial and other costs while weathering the financial and mental toll of the pandemic. During the

shutdown, Surrogates continued to process papers and execute Orders to allow small businesses to remain viable throughout the State. Surrogates signed Guardianship decrees so that parents of children with disabilities could get the medical care they so desperately needed. These are but a few of the essential tasks the Surrogates performed during the shutdown to help New Yorkers continue to make ends meet and care for their loved ones during the challenges of the Pandemic. Surrogates demonstrated time and again that they are essential and provide critical services to the public in times of their greatest need.

In addition to medical insurance costs and overall inflation, rising property taxes, mortgage rates, and rents have taken a toll on Judge's salaries. Importantly, while New York Judge's salaries have been frozen, Social Security taxes have risen for all Judges from \$8239 in 2019 to \$9,932.40 in 2023 and are scheduled to go up again in January 2024 to \$10,453. This is an increase of more than \$2,200 in just 5 years. Additionally, since 2019, most Judges must pay a 3.8% surcharge for Medicare based on the new income threshold. These increases in routine costs of living, have resulted in a significant loss in buying power.

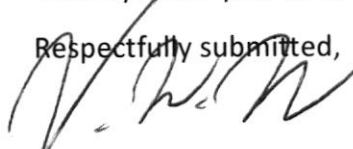
This commission, which I know values the judiciary and wants New York to continue to be a leader in judicial jurisprudence in this country, cannot allow these inequities to continue. If New York continues to undervalue and underpay its judges, we will no longer be the "gold standard" as we will not be able to attract the best and the brightest to be public servants in these important and intellectually demanding positions.

The Surrogates understand that New York State has many budgetary responsibilities and priorities. However, this commission must be mindful that one of those responsibilities is to adequately compensate New York's Judges. Respectfully, it is submitted that since 1977, and more so over the last four years, this responsibility has been mostly overlooked. The Surrogates of this State ask you to do what WE are required to do as Judges, each day, when we take the bench: Make the decision that the law and equity requires.

We respectfully request that the Commission adjust New York Judge's salaries to be on par with Federal District Court Judges and that this parity be continued for the next three years until the next commission is convened.

Thank you for your time and attention.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'V. Versaci', is written over the typed name.

Vincent W. Versaci