

SUBMISSION TO

THE NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL & EXECUTIVE COMPENSATION



ASSOCIATION OF JUSTICES OF THE SUPREME COURT
OF THE STATE OF NEW YORK

SUPREME COURT JUSTICES' ASSOCIATION
OF THE CITY OF NEW YORK

Prepared by Stroock & Stroock & Lavan LLP

November 2015

CONTENTS

I.	THE INCREASINGLY COMPLEX AND VITAL ROLE OF THE JUDICIARY IN SOCIETY.....	4
II.	COMPARABILITY OF JUDICIAL PAY	12
A.	NEW YORK STATE JUDICIAL PAY COMPARED TO CPI AND FEDERAL COURT PAY	12
B.	NEW YORK JUDICIAL PAY COMPARED TO OTHER STATES	17
C.	NEW YORK JUDICIAL PAY COMPARED WITH NON-JUDICIAL PUBLIC AND PRIVATE POSITIONS	21
1.	<i>Comparison To Non-Judicial Court Staff.....</i>	<i>21</i>
2.	<i>Comparison To Other Government Positions And Private Practice</i>	<i>23</i>
III.	THE STATE FINANCES ARE HEALTHY AND SUBSTANTIALLY IMPROVED FROM THE PRIOR COMMISSION'S REPORT	28
A.	THE STATE HAS THE ABILITY TO PAY	29
B.	THE OVERALL ECONOMIC CLIMATE IS STRONG.....	31
1.	<i>New York State Is In A Period Of Sustained Economic Growth....</i>	<i>31</i>
2.	<i>New York Is In A Far Better Economic Position Than When The Commission Last Convened In 2011.....</i>	<i>32</i>
V.	CONCLUSION.....	36

INTRODUCTION – CORRECTING CONSTITUTIONAL INJURY

This Commission is statutorily charged with setting Judicial Compensation in New York in a fair, consistent and deserved direction. In discharging its duties and considering the statutory criteria of comparability with appropriate positions, the State's ability to pay and other relevant factors, this Commission should also be cognizant of the genesis of its task. The Commission, like its predecessor, is the key component of a remedy for long-endured constitutional injury suffered by New York State Judges. For decades, Judges were forced to watch their compensation utilized as political bargaining chips, never receiving the independent evaluation required. In its groundbreaking decision in Maron v. Silver, 14 N.Y.3d 230 (2010), the Court of Appeals found that Judges were long overdue an increase in pay and, as a result of improper linkage between Judicial pay and other political topics, a different approach was required. Maron, 14 N.Y. 3d at 260. The Maron Court held that

All parties agree that a salary increase is justified and, yet, those who have the constitutional duty to act have done nothing to further that objective due to disputes unrelated to the merits of any proposed increase. This inaction not only impairs the structural independence of the Judiciary, but also deleteriously affects the public at large, which is entitled to a well-qualified, functioning Judiciary.

Id.

Thus, at the core of the issue to be remedied was not a question of whether it was appropriate that Judges receive pay increases, for that much of the issue was not in dispute among the executive and legislative branches, but the interminable delay in

obtaining what is just and due as a result of improper linkage between Judicial pay and other political topics:

All parties to this litigation agree that Article VI justices and judges have earned and deserve a salary increase. That is what makes this litigation unique. Although the parties have been in accord regarding the need to adjust judicial compensation, the failure of the Legislature and the Executive to come to an agreement on legislation effecting a pay increase has led to the continuing inertia underlying this dispute.

Id., at 245-46. That “continuing inertia” was finally broken by the establishment of the prior commission. Now, the responsibility of crafting a proper remedy rests with this Commission.

As will likely become evident through the vast majority of submissions to this Commission, echoing the theme of the prior one, there is no real controversy as to whether Judges deserve or need a pay increase. See id. Yet, the delay occasioned by the prior commission (albeit well-meaning) has already cost Judges hundreds of thousands of dollars in compensation and left them nearly last among the States with regard to real compensation, adjusted for cost of living. Though the prior commission took a substantial step forward in remedying the matter, the phase-in of pay raises had the effect of continuing, rather than halting, the pattern of delay. That delay has again put New York Judges in the position of chasing, but never quite achieving, fair pay. The deleterious impact of continued delay is evident in the failure to achieve the very benchmark of parity with Federal District Court Judges set by the prior commission, for while New York Judges have, after three years, finally attained 2011 Federal salaries,

those Federal salaries have since increased, leaving New York Judges trailing once again.

This Commission now has an opportunity to fulfill the promise of Maron by ordering immediate parity with Federal District Court Judges and setting in place a mechanism that will prevent New York from again lagging behind. Prior sporadic and drawn-out efforts to increase Judicial pay lacked the integrity and consistency that a Judicial compensation program needs to reverse the damage done to the once-vibrant and diverse pipeline of attorneys that viewed Judicial service as an ultimate career goal. State Judicial salaries, which decades ago mirrored that of the Federal District Court, had previously been increased twice (1999 and 2012-2014) with the goal of parity with the Federal bench, but delay and an absence of follow-through caused a chasm to again develop. These types of one-shot, dispersed increases exacerbated the confusion and inconsistency that built-up over decades of essentially wage freezes. If parity with current Federal Judges is again delayed for several years, the more recent pattern of chasing and always falling short in pay will continue. This Commission has the power to right the process by setting Judicial pay immediately to the recognized benchmark of 2016 Federal Judicial pay and establishing a system by which parity may be maintained through subsequent cost of living adjustments (“COLA”) linked to similar adjustments expected for Federal Judges. This mechanism will allow New York State Judges actually to achieve and, more importantly, maintain parity. Stabilizing Judicial pay going forward and ending the sporadic nature of increases is key to rebuilding the pool of qualified attorneys who include Judicial service in their career goals.

Accordingly, the Association of Justices of the Supreme Court of the State of New York and the Supreme Court Justices' Association of the City of New York (together, the "Associations"), jointly support the Office of Court Administration in its request that Judicial pay be brought to 2016 Federal District Court salaries on the first date of increase (April 1, 2016), and thereafter be linked to the anticipated regular cost of living adjustments to be received by the Federal Judiciary, the latter element needed to keep compensation from again eroding.

I. THE INCREASINGLY COMPLEX AND VITAL ROLE OF THE JUDICIARY IN SOCIETY

On a daily basis, New York State Judges¹ provide a public service to resolve disputes between and among people, companies and governmental entities by application of legal criteria, creating the order necessary for a civilized society. But that is just part of a Judge's role. The Judge is, for most people, the face of the law. The Judge "takes [the] law out of dry and dusty law books, and make[s] it part of the living fabric of our lives." ABA, *"How Courts Work, The Role and Structure of Courts"* (hereinafter "*How Courts Work*").²

On an operational level, Judges listen to arguments from parties and attorneys, take evidence from witnesses, direct jurors and assist litigants in finding justice. This requires the integration of vast quantities of information and both well-settled and ever

¹ The Associations are comprised of City and State Supreme Court Justices, thus this submission is written primarily from that perspective. However, references to "Judges' compensation" or "Judicial pay" encompasses support for the proportional increase in pay for all New York State Judges.

² Available at http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/court_role.html

changing jurisprudence. Moreover, Judges must engage in this activity on a broad range of issues from contract issues involving large corporations to complex issues involving multiple parties, torts and criminal charges, just to identify a few.

In a broader sense, the Judges and courts play a vital role in upholding American democracy. As former Supreme Court Justice Sandra Day O'Connor observed, "[t]he court is not the post office. It is the common thread that holds the social fabric of this country together." *Second National Conference on Court Management*, National Ctr. for State Courts, Institute for Court Management; Phoenix, AZ (Sept. 1990).³

Before resolving conflicts, Judges must first determine the state of the law—a particularly crucial role in a society such as ours “where laws are made by popularly elected representatives who are required to express the will of the majority while at the same time respecting the rights of the minority.” Susan Sullivan Lagon, “*The Role of the Independent Judiciary*,” Freedom Paper No. 4.⁴ In so doing, the Judge protects against abuses by all branches of government and protects those who cannot protect themselves: “The courts and the protections of the law are open to everybody.” “*How Courts Work*,” *supra*.

To ensure that the decisions of the courts are fair and that all individuals are treated equally, a Judge must also embody notions of equal treatment and fair play. Judges must be able to assure that matters will be decided according to the law and the facts—not the vagaries of shifting political currents or special interests. This requires an

³ Available at http://cj.msu.edu/assets/JERITT-Monograph-3-Education-for-Development_Principles-and-Practices-in-Judicial-Education.pdf

⁴ Available at usa.usembassy.de/etexts/gov/freedpa4.htm.

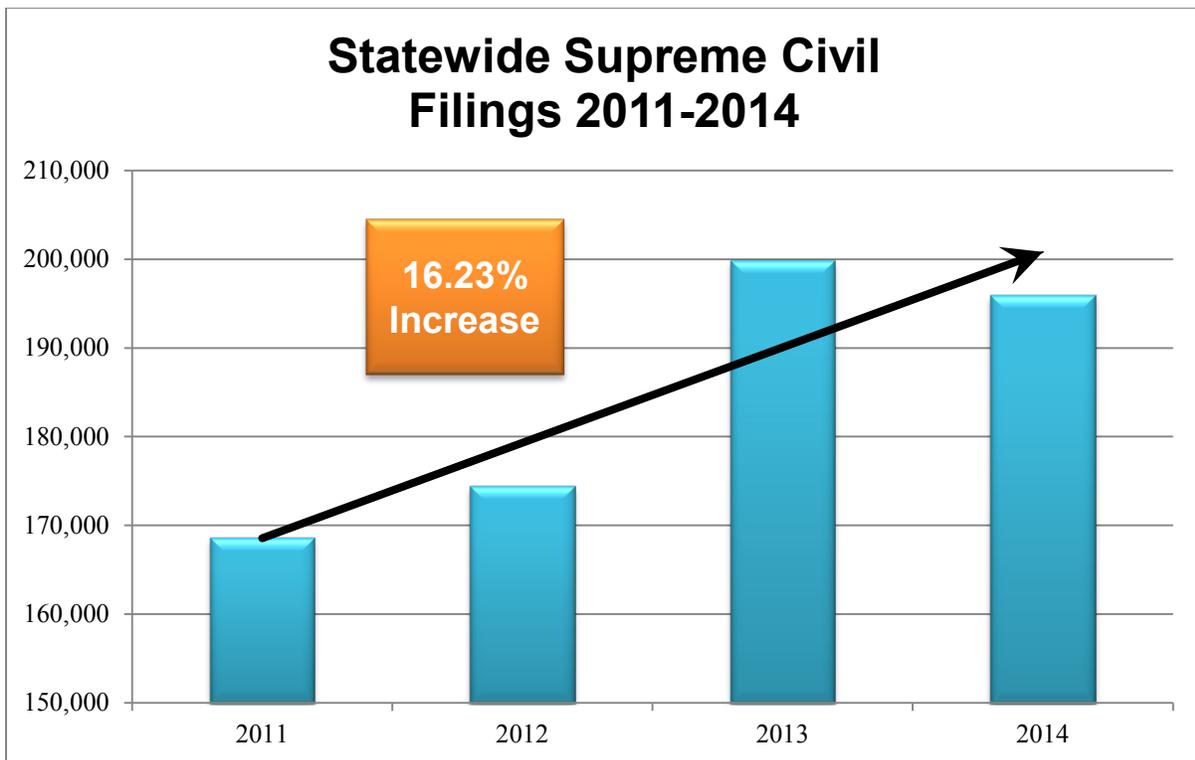
independent Judiciary consisting of Judges who are not only people of integrity committed to the rule of law but also “strong-minded and tolerant of criticism...[and] resistant to intimidation.” *Justice in Jeopardy*,” Report of the American Bar Association Commission on the 21st Century Judiciary, at 9.⁵

In addition to the requisite legal training, experience and communication skills—which, for New York Supreme Court Justices, includes a requirement of having been admitted to practice law for ten years (N.Y. Const., Art. 6, §20(a); N.Y. Jud. Law §140-a)—Judges must also possess the intellectual ability to determine the applicable law in the matters before them, matters that are becoming increasingly complex, both in subject matter and scope. Unlike the lawyers appearing in their courtrooms who tend to specialize in certain areas of the law, Judges are required to be facile with multiple areas of the law.

New York Judges hear nearly four million cases each year. See Office of Court Administration (“OCA”), Caseload Highlights, March 6, 2015, annexed hereto as Ex. A of the Appendix. Judges are perpetually trying new initiatives to create a fair and more efficient process to better and more promptly provide justice to the millions of people whose lives touch the court system every year, but the challenge is increasing. As depicted in the below chart, Supreme Court Civil filings, for example, have increased more than 16% since the 2011 commission heard testimony, reflecting, in part, an

⁵ Cited at:
<http://www.americanbar.org/content/dam/aba/migrated/judind/jeopardy/pdf/report.authcheckdam.pdf>

increase in foreclosure cases.⁶ Foreclosures comprise nearly one third of the total statewide pending inventory of civil cases. See OCA Caseload Highlights, Ex. A. Often placing an individual’s home and life savings at issue, foreclosure cases are of dire import to those whose home may be at risk, as well as to the larger home buying industry and the overall economy.



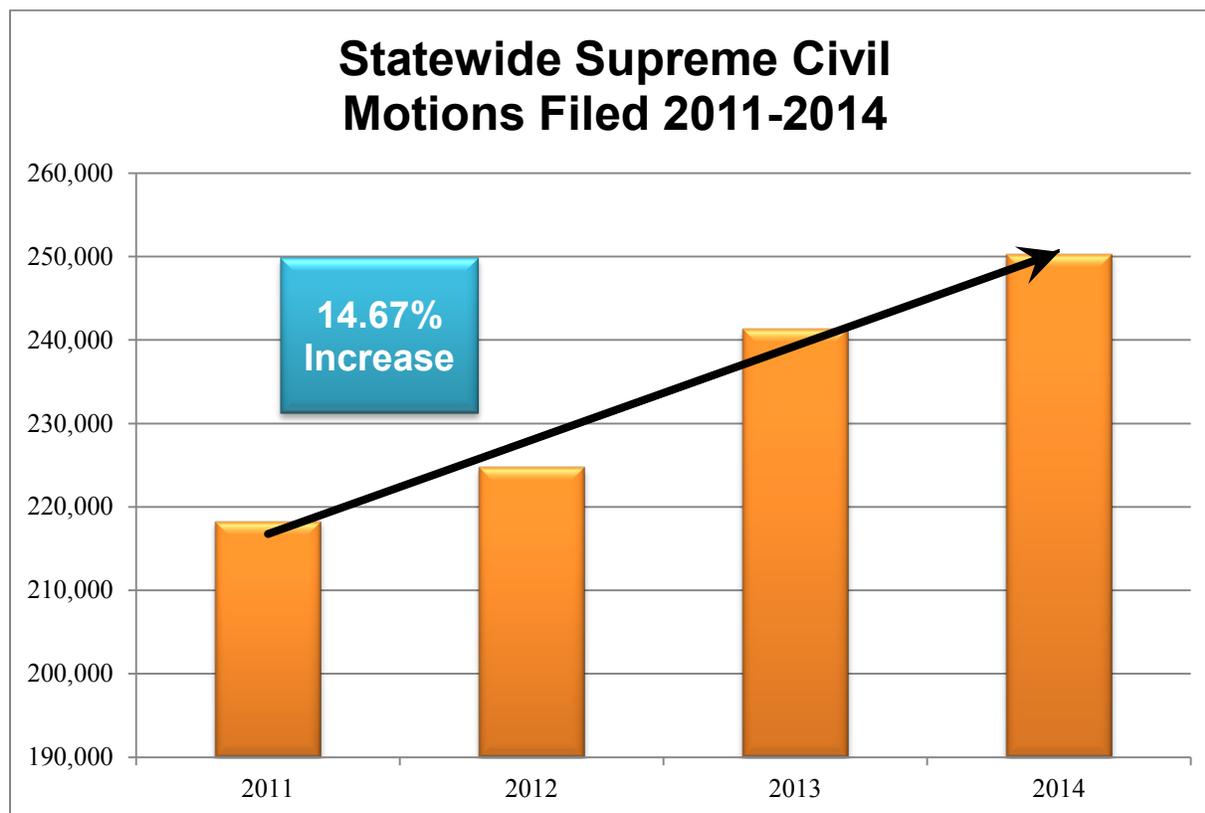
Preliminary results for January through September 2015 indicate filings will be higher than 2014 levels.⁷

⁶ All charts and graphs pertaining to filings, motion and dispositions were created based upon court activity data obtained from OCA (“OCA Activity Data”). A copy of the provided material is included in the Appendix as Ex. B.

⁷ Filings for January 5, 2015 through September 13, 2015 already number more than 70% of 2014 filings. Estimated 2015 filings may show some 19% increase from 2011. See OCA Activity Data, Appendix, Ex. B.

Likewise, consideration and determination of motions--reflecting some of the most time and resource-consuming work performed by Judges-- are also on the rise.

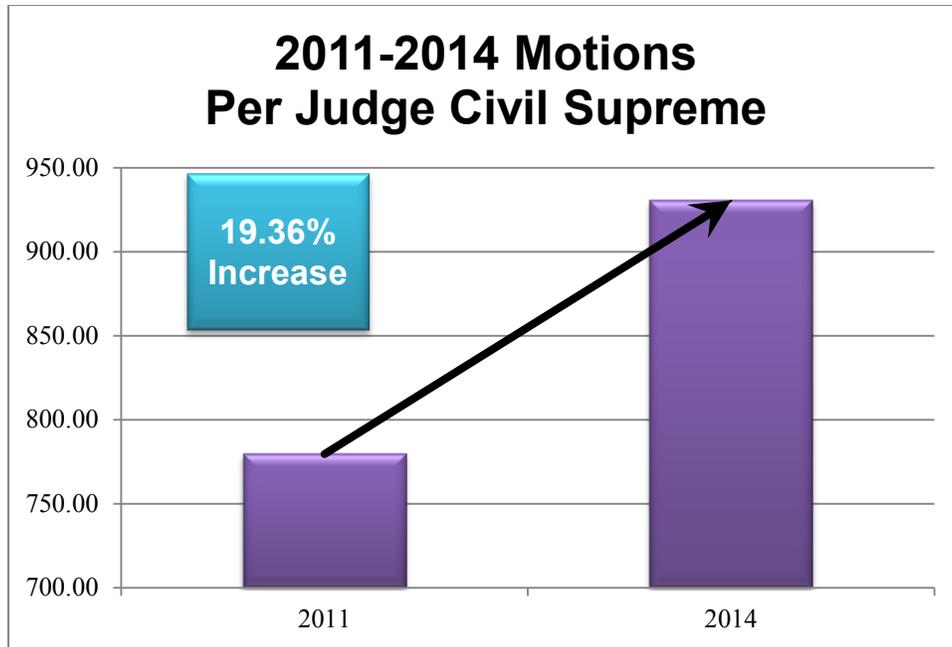
Motion filings in Supreme Civil are up almost 15% since 2011:



This trend shows no sign of abating. Preliminary 2015 data shows that motion filings in Supreme Civil are on track to be slightly higher than 2014 levels, possibly exceeding 2011 figures by some 16%.⁸

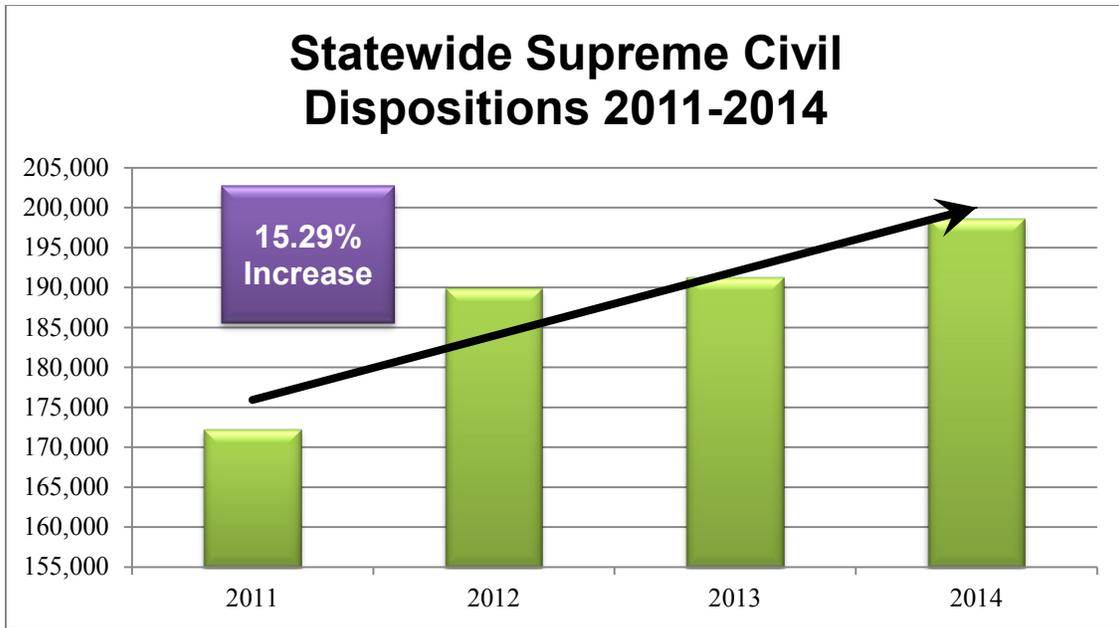
The trend of rising pressure from motions filed becomes even clearer when viewed on a per-Judge basis:

⁸ Motion Filings for January 5, 2015 through September 13, 2015 already number nearly 70% of 2014 filings. Estimated 2015 filings may show some 16.39%% increase from 2011. See OCA Activity Data, Appendix, Ex. B.

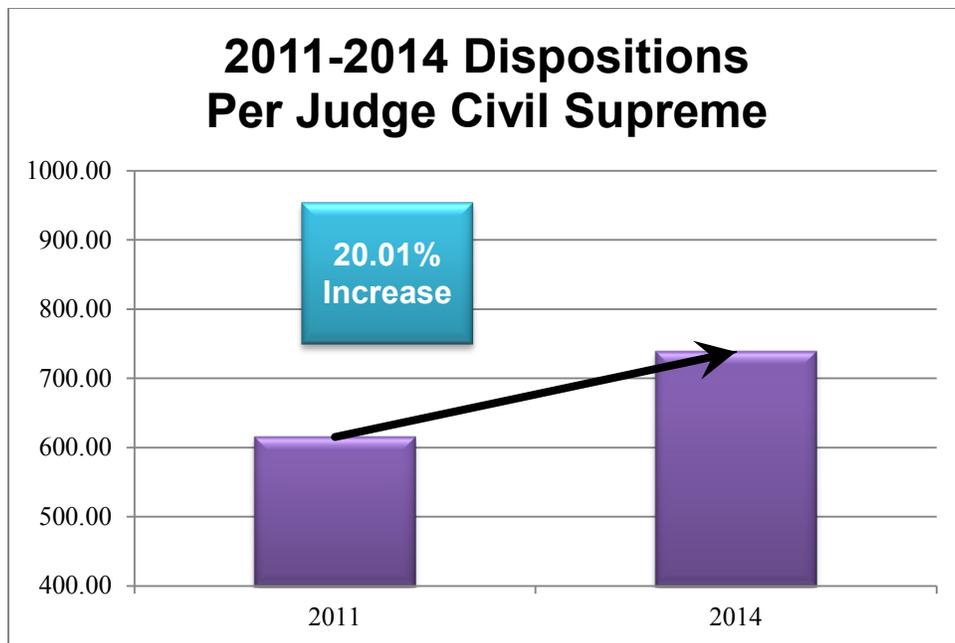


As laws and procedures evolve, the complexity of cases and the work per case for the courts increases. For example, a new Consumer Credit Rule that became effective on October 1, 2014 will impact the more than 100,000 credit collection actions brought annually. See OCA Caseload Highlights.

Thus, not only do the cases become more complex, but the time and attention required for each is increasing. Yet, the Judges continue to turn out justice in staggering quantities for the citizens of the State.



Preliminary 2015 data shows dispositions to be on-track to equal those in 2014, which are among the four highest attained in the most recent 15 years.⁹



⁹ Dispositions for January 5, 2015 through September 13, 2015 already number some 67.5% of 2014 filings. Estimated 2015 filings should be in accord with 2014 dispositions in civil supreme. See OCA Activity Data, Appendix, Ex. B.

To maintain both actual and perceived independence, particularly in light of the increasing complexity of Judicial dockets, it is critical that the pool of Judges be diverse in personal and professional experience, including attorneys with experience in governmental relations, criminal matters, general civil practice and complex corporate litigation, and adequately compensated in an absolute and comparative sense. See Jarett Hann, “Trends in State Courts, a project of NCSC, Balancing the Scales: Judicial Compensation,” NCSC.¹⁰ The public interest—part of the statutory criteria-- demands that people of high quality and qualifications enter this respected profession, and that they not be susceptible to influence. Yet the current compensation structures belies that mandate. The public service provided by Judges, both functionally and as a co-equal part of the three-branch government, with our role to check the power of government to protect individuals, is worth at the very least the \$203,100 pay level the Judges here seek. Indeed, what we pay Judges is severely misaligned with their value to the community. However, the Associations understand practical realities, and limit our request to the amount sought by OCA, consistent with the findings of the prior commission that Judicial pay ought to be in parity with Federal District Court Judicial pay. See Final Report of the Special Commission on Judicial Compensation (“2011 Report”), Aug. 29, 2011, at 8.¹¹ Though the prior commission felt constrained to phase-in those increases due to economic conditions at that time, as explained below those are not today’s conditions. Thus, this Commission is urged to take definitive action not

¹⁰ Available at <http://www.ncsc.org/sitecore/content/microsites/trends/home/Monthly-Trends-Articles/2014/Balancing-the-Scales-Judicial-Compensation.aspx>.

¹¹ Available at <http://www.judicialcompensation.ny.gov/assets/FinalReportSpecialCommissionJD.pdf>.

only to move to an acceptable level of compensation now but also to ensure a clear line of increases for the balance of the period under Commission consideration.

In sum, to maintain an appropriate pool of potential jurists and retain those currently in office, this Commission should establish a compensation structure that will continue to attract the best, brightest and most honorable to the bench.

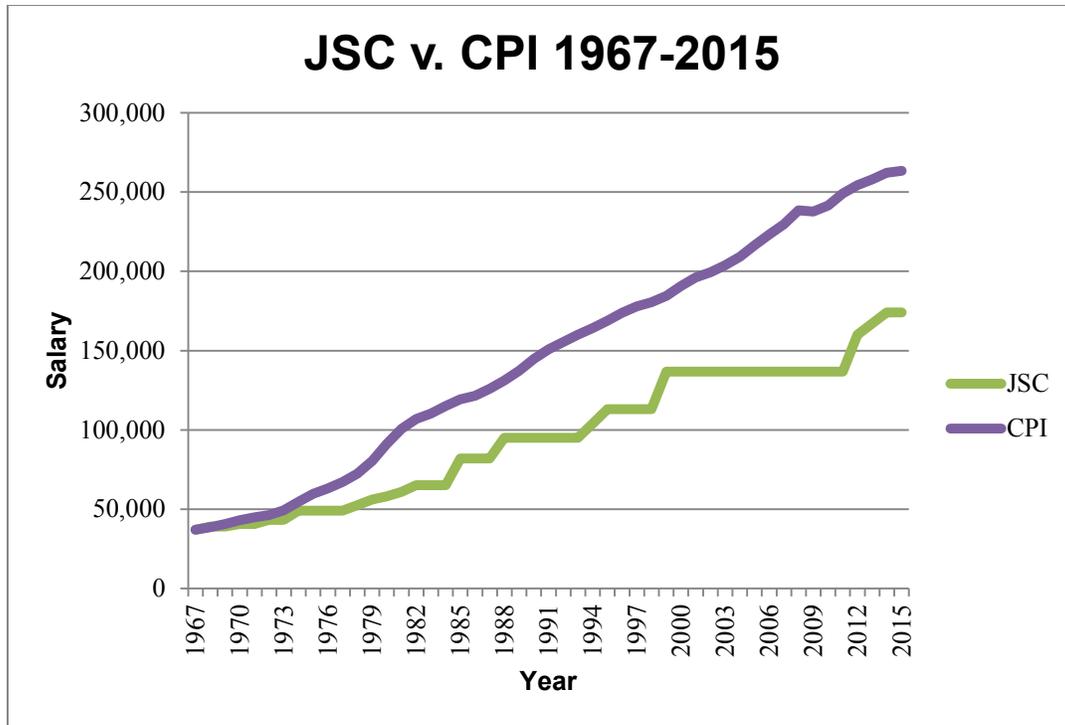
II. COMPARABILITY OF JUDICIAL PAY¹²

A. New York State Judicial Pay Compared to CPI and Federal Court Pay

One of the key statutory factors given to the Commission's consideration is the comparability of Judicial pay. Here, comparisons both to what Judicial pay should have been, had it kept pace with the cost of living, along with that of other Judges and professionals, all demonstrate that the \$203,1000 figure sought by the New York State Judges is more than reasonable.

The injustice sought to be remedied by the line of cases resulting in Maron, *supra*, cannot be overstated. A basic comparison between actual New York Supreme Court Justices' salaries and the consumer price index ("CPI") demonstrates how far Judges have fallen from the purchasing power and position they once possessed.

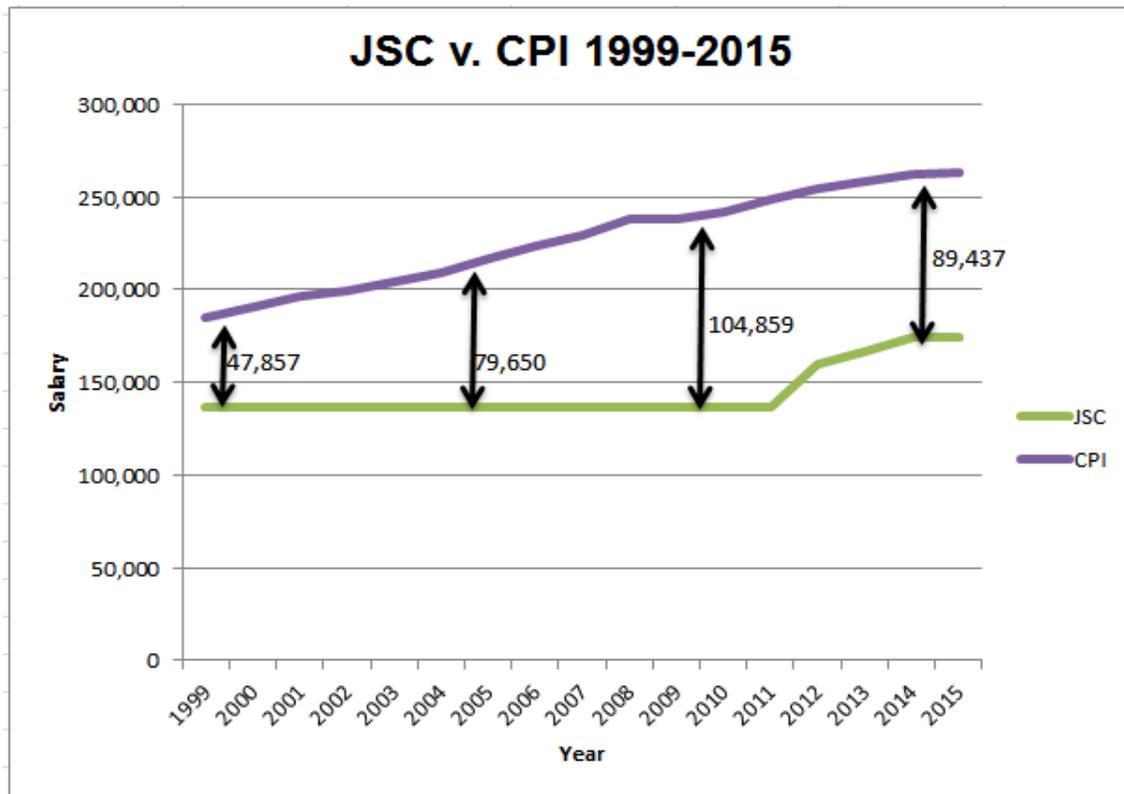
¹² The comparability analysis was prepared with the assistance of The Institute of Compensation Studies ("ICS") at the Cornell School of Industrial and Labor Relations. Specifically, assistance was provided by ICS Executive Director Linda Barrington, Ph.D., Research Associate Stephanie R. Thomas, Ph.D. and Research Assistant Theresa Ra. Further information about ICS may be found at <https://www.ilr.cornell.edu/institute-for-compensation-studies>.



Despite sporadic increases, the gap continues to widen.¹³ Even in recent years, including the increase in Judicial pay in 1999 and again between 2012-2014, the difference is substantial:¹⁴

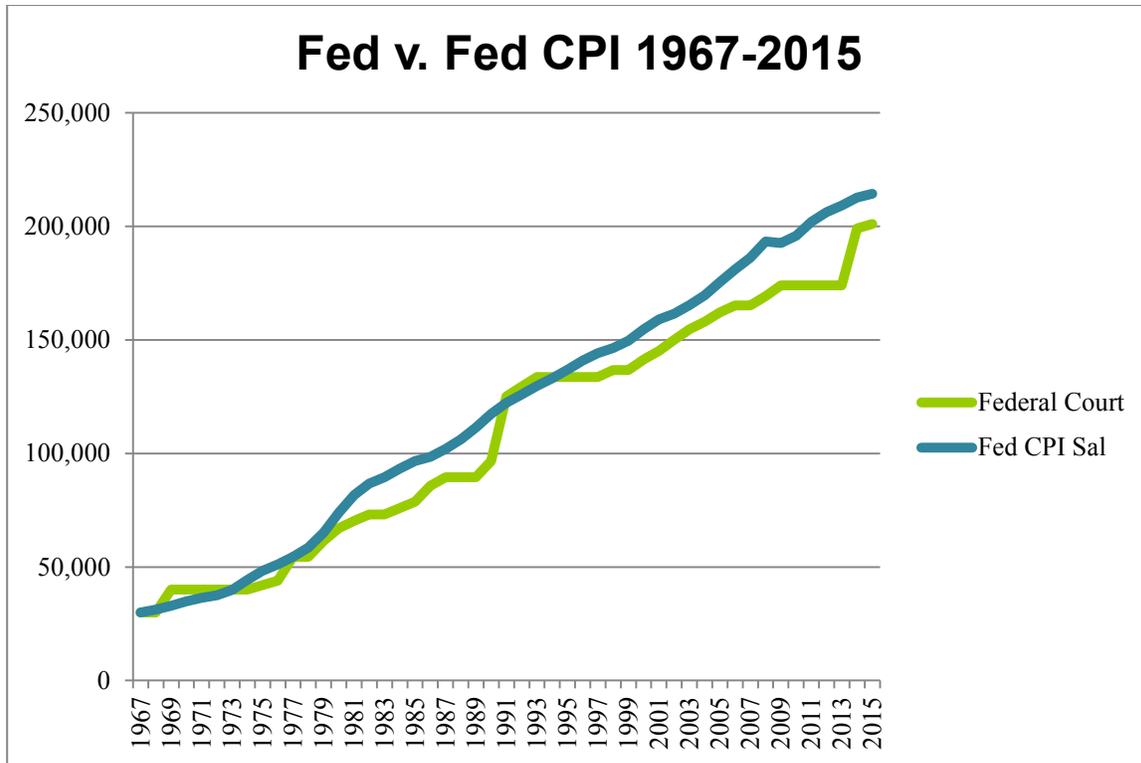
¹³ The chart shows the salaries of Supreme Court Justices as compared to CPI-adjusted salaries from 1967-2015. The CPI adjustment reflects what 1967's \$37,000 salary would be worth today if it had increased with the cost of living, *i.e.*, if Judges had maintained their 1967 purchase power. See Analysis prepare by ICS, annexed hereto as Ex. C.

¹⁴ The chart shows an expanded view of 1999-2015 from the prior chart. See id.



Unlike New York Judicial salaries, Federal Judicial salaries, one of the relevant comparators and the benchmark recognized by the prior commission, have done a better, though not complete, job of keeping pace with CPI. Plainly, Federal District Court wages have not lost the ground that State Court Judges have.¹⁵

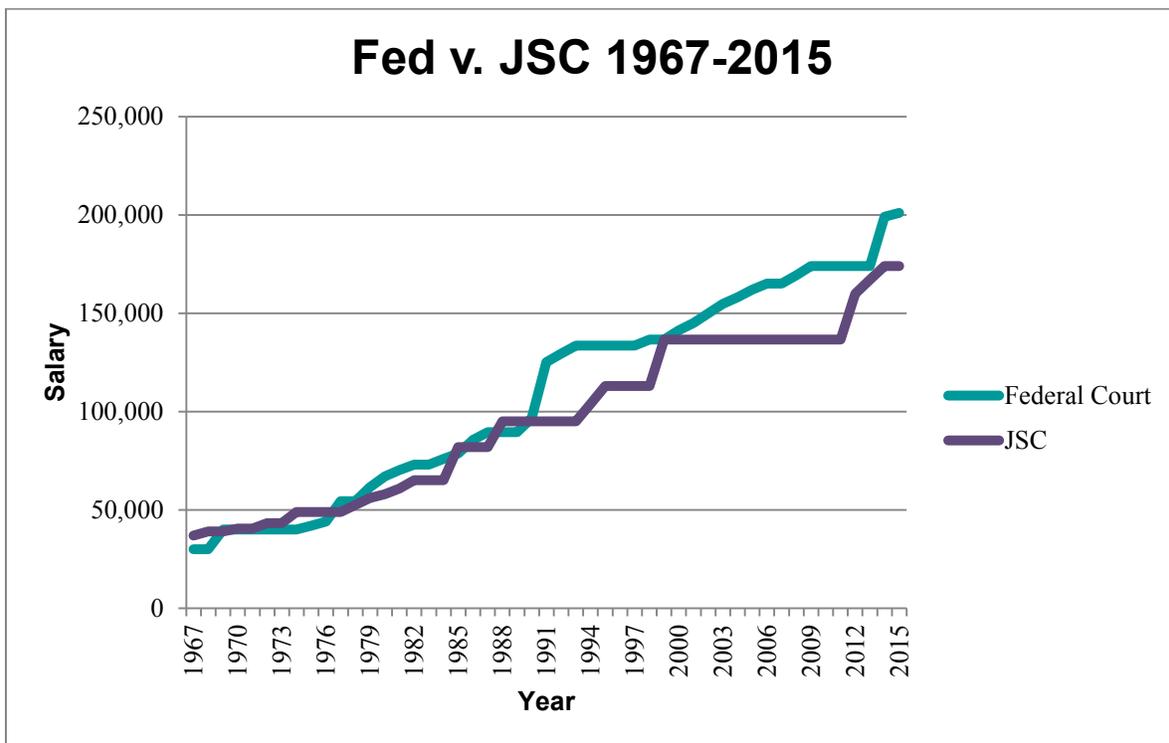
¹⁵ The chart shows the salaries of Federal District Court Judges as compared to CPI-adjusted salaries from 1967-2015. The CPI adjustment reflects what 1967's \$30,000 salary would be worth today if it had increased with the cost of living, *i.e.*, if Federal Judges had maintained their 1967 purchase power. See Analysis prepared by ICS, annexed hereto as Ex. D.



Thus, when we compare New York Supreme Court Justices' salaries to those paid Federal District Court Judges, the pattern for the last 25 years emerges of New York Judges always chasing and never catching up. Yet, that was not always the case. As shown in the chart below, from 1967 to about 1990, New York Judges were paid generally comparably with Federal District Judges, before the two began to diverge.¹⁶ Still, although Federal Judicial pay has progressed farther than New York State pay, it has also lagged behind cost of living. Like in New York, it took substantial litigation for the Federal Judiciary to right their process as well. See Beer v. United States, 696 F.3d 1174 (Fed. Cir. 2012), cert. denied 133 S.Ct. 1997 (holding Federal Judges were entitled to the automatic yearly cost of living adjustment under the Ethics Reform Act of

¹⁶ The chart shows the salaries of Federal District Court Judges as compared to the salaries of New York Supreme Court Justices from 1967-2015. See Analysis prepare by ICS, annexed hereto as Ex. E.

1989). Nonetheless, Federal Judges have long earned salaries closer to what changes in the cost of living would have dictated for all Judges. Thus, although the Associations and others seek an increase to parity with Federal Judges as of April 1, even that parity is in key respects superficial. Such parity would restore New York to its relative position leading up to 1990, during which period New York and Federal judicial pay, while not exactly the same at all times, was comparable:



As depicted above, the next time New York Judicial pay rose to the level of Federal Judicial pay (briefly) was in 1999. Since 1999, Federal District Court Judges

earned some \$365,800 more than New York State Judges.¹⁷ Thus, New York Judges come to “parity” in base pay with a significant deficit in overall earnings.

B. New York Judicial Pay Compared To Other States

Nor do New York Judges fare any better when compared with those in other States. In 2011, when the prior commission first considered the vital issue of Judicial wage stagnation in New York, New York was ranked nearly last, *46th*, for compensation, adjusted for cost of living. Though the 2011 commission effectuated some progress by recommending a phased-in increase of 27% over three years, that was not sufficient to advance New York’s real compensation in light of increases in other states. Thus, by January 1, 2014, New York was back in 46th place and fell to 47th as of January 1, 2015. In the time since the prior commission rendered its decision, New York has consistently ranked below 45th for adjusted salaries:¹⁸

Year	Ranking	Adjusted Salary
2011	46	\$108,211
2012	48	\$105,131
2013	47	\$104,726
2014	46	\$109,376
2015	47	\$113,963

¹⁷ Chart calculated based upon reported Federal District Court Judges’ salaries and New York Supreme Court Justices’ salaries since 1999.

¹⁸ The table provides rankings and adjusted salaries for New York courts of general jurisdiction as of January 1 or each year listed. The table was compiled by ICS utilizing historical data from the National Center for State Courts archive, available at <http://www.ncsc.org/microsites/judicial-salaries-data-tool/home/Archives.aspx>

Should the Commission further delay raises (for a group already well behind in pay and with the effect of cost of living), that would only continue the cycle of chasing but never regaining the status New York should have among the states.

The last time New York ranked in the top half of states for Judicial compensation when adjusted for cost of living (hardly a rousing goal), was in April 2003, when it ranked 22nd. To regain the 22nd spot (currently held by Arizona), New York would need pay Supreme Court Justices some \$208,465. Although the Associations support a recommendation linking Judicial pay to current Federal salaries as a mechanism for providing cost of living adjustments, even immediate parity with Federal Judges would only move New York up to 30th, when adjusted. A substantial improvement, to be sure, but hopefully New York will in the not too distant future be able to move beyond an aspirational 30th of 50.¹⁹

Despite what some commentators may assert, New York's relatively low ranking is not predetermined by either its size in population or its relatively high cost of living. Other large states or those with high costs of living generally maintain better rankings:

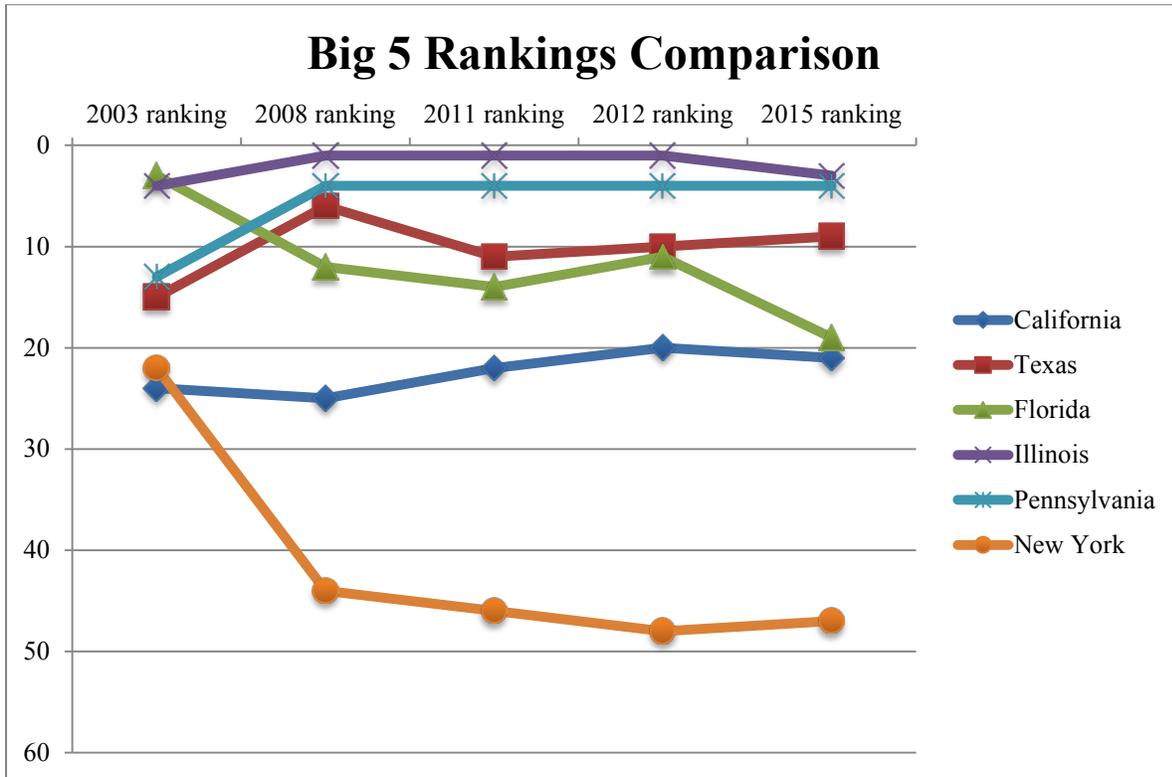
¹⁹ ICS calculated the adjusted salary for \$203,100 utilizing the C2ER cost of living index, which is the index utilized in the National Center for State Courts' data. Based on the adjusted salary, it is estimated that New York will fall within the current rankings near the 30th spot.

**2015 COMPARISON OF
LARGEST 5 STATES BY POPULATION & New York²⁰**

State	Actual Wage for Court of General Jurisdiction	Wage Adjusted For Cost of Living	Rank
Illinois	187,018	\$166,757	3
Pennsylvania	176,572	\$153,768	4
Texas	149,000	\$146,783	9
Florida	146,080	\$139,682	19
California	184,610	\$137,083	21
New York	174,000	\$113,963	47

New York's low rank compared to other large states is not a recent phenomenon.

New York has consistently ranked substantially lower than the other large states.²¹



²⁰ Table compiled from National Center for State Courts salary and rankings as of January 1, 2015, available at <http://www.ncsc.org/Information-and-Resources/Comparing-state-courts.aspx>.

²¹ The graph shows rankings for the five most populous states plus New York from 2003 through January 1, 2015. See Analysis prepare by ICS, annexed hereto as Ex. F.

Comparisons based on high cost of living yield a similar result:²²

2014 COMPARISON OF MOST EXPENSIVE STATES TO LIVE IN			
State	Actual Wage for Court of General Jurisdiction	Wage Adjusted For Cost of Living	Rank
Washington, DC	\$199,100	\$142,275	14
California	\$184,610	\$137,083	21
Connecticut	\$162,751	\$121,983	40
Massachusetts	\$159,694	\$118,793	43
New York	\$174,000	\$113,964	47

The charts demonstrate that neither New York’s size nor its comparative cost of living cause its low standing. Even among the largest and most expensive states, New York ranks last in both categories and, aside from Connecticut and Massachusetts on the second table, is the only state ranked in the bottom half of all states. If Judicial salaries were raised to 2016 Federal District Court levels, New York would *still* be ranked last among the largest states and the only one to continue to fall below the top half of states. New York would improve its position slightly with regard to the most expensive states, falling in the middle of the group, but still falling below the top half.

Looking beyond size and cost of living to substantive expertise reveals a telling disparity. In the field of commercial law, New York is generally viewed as rivaled only by Delaware for the sophistication of business activity in the state courts. Yet, Delaware both pays a higher nominal amount to its Judges in courts of general jurisdictions and consistently ranks among the top states when adjusted for cost of living. As of January

²² Table compiled from National Center for State Courts salary and rankings as of January 1, 2015, available at <http://www.ncsc.org/Information-and-Resources/Comparing-state-courts.aspx>. Top five most expensive states were selected by comparing cost of living adjustment factors for January 1, 2015 as utilized by the National center for State Courts database.

1, 2015, Delaware ranked 2nd, and has been within the top 3 since at least 2010. See National Center for State Courts archive.²³

C. New York Judicial Pay Compared With Non-Judicial Public And Private Positions

1. Comparison To Non-Judicial Court Staff

Even with the recent Judicial pay raises, the raises attained by non-judicial staff of the Unified Court System continue to create wage compression, where the ratio between Judicial and court staff pay is misaligned. Moreover, until the recent raises, many such staff earned more than Judges and had been earning these higher salaries for some time, creating an earnings gap that even full and immediate increase in parity with Federal District Court Judges will not correct.

In 1999, the law clerk's salaries ranged from 51.5% to 73.5% of Judicial salaries. (OCA 2011 submission, at 17). By 2011, these compensation ratios became inverted in many cases with senior law clerks earning \$103.2% of Judicial pay. (Id.) While the increases established by the prior commission have moved Judicial pay in a better direction, non-judicial staff have also earned increases during that time. For example, as of April 1, 2015, a senior staff at the top of the pay scale (JG-533) represented by the Citywide Association of Law Assistants of the Civil, Criminal and Family Courts in the City of New York ("NYSCALA"), may earn a base salary of \$148,217, which becomes \$157,533, once longevity payments are added. See NYSCALA – Unified

²³ Available at <http://www.ncsc.org/microsites/judicial-salaries-data-tool/home/Archives.aspx>

Court System 2011-2016 collective bargaining agreement.²⁴ Thus, despite the increases set by the prior commission, senior court staff pay still comprises slightly more than 90% of Judicial Pay.

Similarly, Court staff represented by the Civil Service Employees' Association ("CSEA") Judiciary unit, for example, would at the top step (JG-533) earn some \$151,182, which, with longevity, becomes \$158,082 or 90% of current Judicial pay. See CSEA, Local 1000 – Unified Court System 2011-2017 collective bargaining agreement.²⁵ Senior Law Secretaries, that work intimately with Judges in chambers, will be earning some \$136,978, which, with longevity becomes at least \$143,838, or nearly 83% of Judicial pay.²⁶ Id.

Thus, Judges have not regained the proportionality that would be in line with policy interests reflective of the core role of Judges (*supra* at 4-12) and the supporting role of court staff in the administration of justice. Without immediate parity and a mechanism for ongoing adjustments, Judicial compensation will continue to merely tread water and the pool of candidates willing to make the economic sacrifice to serve on the bench will continue to stagnate.

²⁴ The NYSCALA agreement and salary schedules are available at <http://www.nyscala.com/wp-content/uploads/2015/09/CALA-2011-2016.pdf>.

²⁵ The CSEA agreement and updated salary schedules are available at http://www.cseajudiciary.org/media/1093/csea_contract_2011-2017.pdf.

²⁶ Some senior staff may earn more as the CSEA agreement provides for a new longevity program as of April 1, 2016, but also allows for grandfathering for those who had already been earning more than maximum base salary pursuant to the prior longevity program.

2. Comparison To Other Government Positions And Private Practice

Many New York Judges came to the bench through hard work and relevant experience as attorneys in other government agencies, traditionally including District Attorney offices and the New York City Office of the Corporation Counsel. Yet, those pathways have, to a great extent, dried up, in no small part due the comparatively higher wages paid to senior staff. The comparison erodes the notion that becoming a Judge should operate as a step forward in one's career and increases the economic sacrifice one need make to take the bench.

The five District Attorneys ("DA's") in New York City provide an apt and timely comparison. The DA's, who themselves have not had a pay increase since 2007, earn a salary of \$190,000 – significantly higher than current judicial pay and have done so since 2007, when the prior commission had recommended that DA salaries be increased from \$150,000 to the current \$190,000.²⁷ In just that period of time, the DA's have each earned nearly \$300,000 more than the Supreme Court Justices before which they and their staff appear.²⁸ By way of context, the DA's now seek an immediate increase in pay to \$250,000. In their October 28, 2015 letter to the New York City Quadrennial Commission (the New York City analogue to this Commission), the DA's

²⁷ Elected officials in New York City, including the DA's, rely on an analogous commission process for pay increases. Pursuant to Section 3-601 of the New York City Administrative Code, a commission is to be established every four years to consider the compensation of covered offices. In 2007, the commission recommended wage increases. However, the subsequent commission was not appointed by Mayor Bloomberg, thus, no increases were considered. Mayor de Blasio has now established the 2015 Commission, which held hearings on November 23 and 24, 2015. See notice, available at www1.nyc.gov/site/quadrennial/research/research.page.

²⁸ Calculation based upon the difference in base salary for Supreme Court Justices and DA salaries between 2007 and the present.

cite the salaries of those in the private sector with similar skills, the changes in cost of living and the compression of salary levels for others in their offices as reasons justifying the substantial increase. Finally, they also complain of the delay in receiving pay increases as a result of the skipped commission. The same rationale applies here.

As discussed above, senior non-judicial court staff may earn salaries close to those earned by Judges. Likewise, in response to inquiries, at least one DA reported that some staff attorneys earn as much as or more than the DA and the Judges:

NYC DISTRICT ATTORNEY OFFICES	
King's County DA	\$190,000
Chief ADA	\$189,000 (9/15)†
Senior Executive ADA	\$195,520
Executive ADA	\$193,440
Bronx County DA**	\$190,000
Chief ADA	\$202,950
Counsel to DA	\$199,900
Executive ADA	\$199,900
Bureau Chiefs	\$154,99-\$188,750
New York County DA	\$190,000
Chief ADA	\$195,000 (9/15)†
Senior Executive ADA	\$184,750
Executive ADA	\$171,250
Richmond County DA	\$190,000
Chief ADA	\$198,705 (9/15)†
Senior Executive ADA	\$174,826
Executive ADA	
Queens County DA	\$190,000
Chief ADA	\$203,320 (9/15)†
Senior Executive ADA	\$195,520
Executive ADA	\$193,440
* Data collected from 2014 SeeThroughNY.Net database.	
** Figures received from the Bronx County DA's Office based on inquiries.	
† Data taken from Officer of Management & Budget Data on DA Budgets, submitted to NYC Quadrennial Commission.	

The DA's also point to numerous other government positions they believe comparable to their roles, a comparison also relevant here:

AGENCY/POSITION	SALARY
Deputy Mayor NYC	\$222,182
First Deputy Mayor NYC	\$256,819
NYC Corporation Counsel	\$214,413
Director of the Mayor's Office of Criminal Justice	\$214,413
Police Commissioner	\$214,413

Each of the cited positions earns not only considerably more than Supreme Court Justices earn now, but also exceed anticipated 2016 Federal Judicial pay, with which Supreme Court Justices seek to attain parity. When compared to other public offices, the disparity is consistent:

AGENCY/POSITION	SALARY*
NYC Office of Administrative Trials and Hearing, Commissioner	\$192,198 (2015)
PATHNYNJ General Counsel	\$285,246 (2015)
PATHNYNJ Deputy General Counsel	\$188,630 (2015)
PATHNYNJ First Deputy General Counsel	\$215,020 (2015)
NYC Department of Investigation, Commissioner	\$214,413 (2015)
City Council, Executive Legislative Coordinator	\$207,304 (2014)
NYC Department of Education, Chancellor	\$222,182 (2015)
NYC Law Department, First Assistant Corporation Counsel	\$205,116 (2014)
*Salaries taken from SeeThroughNY.Net database and Green Book online, where available.	

These comparisons are just those contained within the sphere of public service. While there are reasons beyond compensation that individuals become Judges or join public service, it cannot be ignored that private industry competes with public service for qualified candidates. Furthermore, beyond making a living, pay matters as a proxy for the value our society places on the respective roles performed. Just as wage inversion internal to the Court system can have an adverse impact on operation and administration of the Courts, so to the perverse scenario where a junior law firm associate, barely admitted to the bar, earns more than the experienced Judge before whom she or he is appearing.

Junior associates in substantial firms in major markets like New York City quickly make more than Judges currently earn, and that is before bonuses are considered. First year associates typically receive \$160,000 before bonuses and have done so since 2007. Pay quickly outpaces Judicial salaries, rising to \$170,000 and \$185,000 in the next two years, again prior to bonuses. Indeed, with bonuses, a second year associate earns more than Judges only recently began earning. By the fourth year, associates earn \$210,000, more than the \$203,100 currently sought by the Judges.

These disparities are particularly striking as candidates for election to New York Supreme Court are required to have at least 10 years of experience. N.Y. Const., Art. 6, §20(a); N.Y. Jud. Law §140-a . This places most new Judges well into the arena of partner compensation, not junior associate compensation. In the most recent Major, Lindsey & Africa Partner Compensation Survey (2014), equity partners in large New York firms reported average earnings of some \$1.1 million. Even non-equity partners, firm employees with the title of “partner,” reported average compensation nationwide of \$338,000, substantially more than the increase sought for Judges. See Natasha Innocenti, “2014 Partner Compensation Survey,” Major Lindsey & Africa (Sept. 12, 2014).²⁹

Finally, while the statute has the Commission consider the comparability of executive and legislative compensation, the Associations believe such comparisons more relevant to the Commission’s subsequent task of setting those levels of compensation and not that of the Judiciary. First, as recognized by the Court of Appeals in Maron, Judicial salaries should not be linked to that of the legislative or

²⁹ Available at: <http://www.mlaglobal.com/community/thought-leadership/show-me-the-money>.

executive branches. The Court recognized important differences among and between the branches:

As members of the two "political" branches, the Governor and Legislature understandably have the power to bargain with each other over all sorts of matters including their own compensation. Judges and justices, on the other hand, are not afforded that opportunity. They have no seat at the bargaining table and, in fact, are precluded from participating in politics. The judicial branch therefore depends on the good faith of the other two branches to provide sufficient funding to fulfill its constitutional responsibilities. Given its unique place in the constitutional scheme, it is imperative that the legitimate needs of the judicial branch receive the appropriate respect and attention. This cannot occur if the Judiciary is used as a pawn or bargaining chip in order to achieve ends that are entirely unrelated to the judicial mission.

Maron, 14 N.Y.3d at 259. Second, the recent statutory change that placed legislative and executive compensation before this Commission indicates a belief that pay levels for the two other branches perhaps also ought to be less "political." Thus, the fact that executive and legislative compensation may, too, have stagnated as a result of political jockeying should be considered in the next phase of this Commission's work and not impact upon consideration of appropriate Judicial compensation.

III. THE STATE FINANCES ARE HEALTHY AND SUBSTANTIALLY IMPROVED FROM THE PRIOR COMMISSION'S REPORT

By statute, among the factors the Commission must consider are the state's (1) ability to fund increases in compensation and non-salary benefits; and (2) overall economic climate. See Chapter 567 of the Laws of 2010. As set forth below, the State has the ability to bring salaries of New York Supreme Court Justices commensurate with Federal District Court levels and the overall economic and budgetary climate in

New York is strong. The State can readily afford to provide federal salary parity for State Court Judges.

A. The State Has The Ability To Pay

New York has ample sources of funds in its budget from which to pay Judicial salaries; it has the ability to pay.

As a preliminary matter, the Commission should consider the proper analytical framework to be employed. Since the Commission statute's "ability to pay" language mirrors the public sector bargaining statute, the Taylor Law, that law provides an appropriate construct. There, it is clear that a governmental unit cannot mask its "unwillingness" to pay with argument of an "inability to pay." *E.g., Zack, A.M., Ability to Pay In Public Sector Bargaining, Proceedings of New York University Twenty-Third Annual Conference on Labor, at 419 (1970).* The operative word is not desire; it is ability. In some circumstances, paying more than the State desires may require a reordering of budget priorities, or tapping into unallocated reserves, but that does not mean that the State does not have the ability to properly compensate its judiciary.

Here, we fortunately have no such concern. In this case, raising Judges' salaries so that they are commensurate with that of Federal Judges does not require difficult budgetary choices or governmental belt-tightening. To put the requested raises in perspective, Judges number less than 1% of all State-paid employees (approximately 1,296 of 173,874) and less than 8% of Court employees. The total State funds operating budget is approximately \$94 billion out of the total State spending budget of \$142 billion. The requested 16.7% increase it would take to bring Supreme Court

Justices in parity with Federal District Court Judges and proportionately increase other Judicial salaries is estimated (with fringe benefits) to cost \$35.56 million. This sum constitutes *a small fraction of 1%* of the State operating budget, let along the total State spending budget. The State can readily cover the cost of the increases without impacting other reserves.³⁰

In the context of the overall budget and expenditures, the requested increases are miniscule. Indeed, the State has *added 10 times the amount sought to its reserves in the past two years alone*. (Office of the State Comptroller reports on the Enacted FY 15, at 7, and Enacted FY 16 Budgets, at 6; and FY 2016 Mid-Year Update, at 19.). In addition to the billions in reserve funds, as shown below, the State anticipates surpluses going out until 2019, which may well end up substantially greater than forecasted. The State spends billions of dollars every year on other State employee raises, legislative programs, and tax relief to New Yorkers. In light of the overwhelming importance of a well-functioning judiciary to the continuing economic vitality of New York State, the promising economic outlook and the clear budgetary capacity to fund the increases, the Commission ought to recommend pay increases commensurate with the Federal Judiciary, the benchmark previously determined as appropriate by the 2011 commission.

³⁰ The ability to pay analysis was prepared with the assistance of James Parrott, Ph.D., Deputy Director and Chief Economist at the Fiscal Policy Institute ("FPI"). Further information about Dr. Parrott and FPI can be found at <http://fiscalpolicy.org/about-fpi>

B. The Overall Economic Climate Is Strong

1. New York State Is In A Period Of Sustained Economic Growth

The strong fiscal position of the State was confirmed recently by State Budget Director Mary Beth Labate when she observed that New York State is “in its best fiscal position in many years” and has “money in the bank, growing reserves and more surpluses on the horizon.” *Division of Budget Announces Successful Bond Sale, Highlighting Investor Confidence in New York, June 12, 2015.*³¹ Among the positive economic indicators:

- The NYS Division of the Budget (DOB) projects that the State will end FY 2016 with a General fund cash balance of \$4.6 billion. (FY 2016 Mid-Year Update, at 22);
- State budget surpluses are projected for the next three years, \$252 million in FY 2017; \$1.1 billion for FY 2018, and \$611 million for FY 2019. (FY 2016 Mid-Year Update, at 11);
- In FY 2015, a total of \$316 million was added to the Rainy Day Reserve and the Tax Stabilization Reserve Fund, which together are commonly referred to as the “Rainy Day” Reserve Funds;
- Included in unrestricted reserves in the current year’s budget is \$500 million designated as a reserve for “debt management,” a reserve that did not exist two years ago and which DOB describes as available for unspecified “Financial Plan needs”;
- Given favorable budget conditions since FY 2014, the State has added approximately \$992 million to its contingency reserves. (Office of the State Comptroller, Report on the State Fiscal Year 2015-2016 Enacted Budget, April 2015, at 6; FY 2016 Financial Plan Mid-Year Update, November 2015, at 19);
- “Moody’s Investor Services upgraded New York’s General Obligation bonds to Aa1, their highest rating of the State since 1964, and Fitch

³¹ Available at https://www.budget.ny.gov/pubs/press/2015/pr2015_bondSale.html

Ratings upgraded New York to AA+, their highest rating ever for the State. Standard and Poor's upgraded New York's GO bonds to AA+, their highest rating since 1972." (NYS DOB, "Division of the Budget Announces Successful Bond Sale, Highlighting Investor Confidence in New York," June 12, 2015);

- The New York economy is in the midst of a period of sustained employment and income growth. The past four years have seen the strongest sustained private sector job growth since the late 1990s. (NYS DOL, Current Employment Statistics Series, as of Nov. 10, 2015); and
- For FY 2016, the Budget Division projects a 5.3 percent growth in tax receipts over 2015. Citing strong collections through the first half of the fiscal year, the State Comptroller estimates 5.6 percent tax receipt growth in 2016. (FY 2016 Fin Plan Mid-Year Update, Nov 2015, at 59; Office of the New York State Comptroller, Report on Estimated Receipts and Disbursements, State FYs 2015-16 through 2017-18, November 2015, at 6).

2. New York Is In A Far Better Economic Position Than When The Commission Last Convened In 2011

The 2011 commission was plainly "mindful of the [then] current economic climate of the State," specifically determining to phase-in parity with Federal Judiciary compensation because of the "State's [then] current financial challenges." 2011 Report, at 3, 8. Even a cursory review of the State's financial projections shows that the State is in a far stronger budgetary position than in 2011. In 2011, the State was projecting significant out-year deficits, estimating shortfalls in excess of \$4 billion. Those projections stand in stark contrast to the out-year surpluses contained in the current State financial plan – surpluses which all far exceed the cost of the judicial raises sought here, leaving ample funds for other State needs and priorities. Because of the conservative budgeting, the surpluses predicted may be even greater still.³²

³² Conservative budgeting can already be seen in this year's tax collection projections. As indicated herein, the Budget Division projects a 5.3 percent growth in tax receipts over 2015 and the State Comptroller estimates 5.6 percent tax receipt growth in 2016, yet tax collections through the first half of

<i>(\$ millions)</i>	1st Out-Year Projection (FY 2012 v. 2016)	2nd Out-Year Projection (FY 2013 v. 2017)	3rd Out-Year Projection (FY 2014 v. 2018)	4th Out-Year Projection (FY 2015 v. 2019)
FINANCIAL PLAN 2011	\$0	\$-2,379	\$-2,836	\$-4,605
FINANCIAL PLAN 2015	+\$350	+\$252	+\$1,071	+\$611

In retrospect, the budgetary deficits forecasted in 2011 did not come to fruition, and the raises could have been paid without phase-in. The projected budget gaps of \$2.4 billion and \$2.8 billion for FY 2013 and 2014, respectively, were closed, and while a \$4.6 billion gap was projected for FY 2015, the year ended with a \$690 million surplus, a total swing of \$5.3 billion over the course of four years. The State’s conservative forecasting means that the estimated surpluses for the out years (2016 through 2019) may prove even larger than the sizable ones contained in the current Financial Plan.

The current budgetary projections mirror (and are in part due to) the local and national improvement in the economy since 2011. In 2011, New York State private job growth over the prior four years had an average of -0.3%. The State Division of Budget indicated that the U.S. labor market had lost 8 million private sector jobs and was not “expected to return to its prerecession level until the second half of 2014.” “Financial Plan Overview,” New York State Division of the Budget (Presentation to the Judicial

the year are 11.7% greater than they were last year and \$1.5 billion greater than when forecast at the time of the enacted budget (at the end of March 2015). This growth in tax revenue (even if at the projected 5% rate) combined with the budgeted 2% spending limit virtually ensures a large surplus.

Salary Commission), July 2010, at 8.³³ Now, New York's job market has fully rebounded and, as the State's Division of Budget described it, "continues to generate strong momentum." *Mid-Year Update to 2016 Financial Plan*, at 57. The State averaged over 2% job growth over the past four years and, for the first nine months of this year, private job growth was 2% above job growth from the first nine months of 2014. Since 2010, New York State has seen the longest period of sustained private job growth since the late 1990's. The job growth is expected to continue into the foreseeable future. Id.

Personal income both in New York State and nationwide are also predicted to be stronger this year and next year than in the prior four years. This growth is significant because New York State relies on personal income tax for 63% of its total tax collections. Another 22% of total taxes come from sales taxes and other consumption taxes that are highly reliant and correlated with personal income growth.

³³ Available at <http://www.judicialcompensation.ny.gov/assets/submissions/New%20York%20State%20Division%20of%20the%20Budget%20-%20Presentation.pdf>

	Calendar year average 2011- 2014 (actual)	Calendar year 2015 (projected)	Calendar year 2016 (projected)
Real U.S. Gross Domestic Product	2.3%	2.5%	2.9%
	State fiscal year average 2011- 2014 (actual)	State fiscal year 2016 (projected)	State fiscal year 2017 (projected)
NYS Total (nominal) Personal Income	3.7%	4.6%	4.9%
Sources: actual, Bureau of Economic Analysis; GDP projections, 2015 and 2016, State Comptroller, Report on Estimated Receipts and Disbursements, State FYs 2015-16 through 2017-18, November 2015, at 4, NYS personal income projections, NYS Division of the Budget FY 2016 Financial Mid-year Update, at 58.			

The projection of tax collections in the coming years is also strong. Over the past four years – from 2012-2015 – all funds New York State tax collections increased by an average of 3.8% per year. The Division of Budget forecasts that total tax collections will grow even more, at a 4.1% rate for over the next year, a figure that would have been even larger without the large tax cuts enacted this year and in the prior two years. (FY 2016 Mid-Year Update, at 59). Tax collections through the first half of 2015 (April-September) were 11.7% greater than during the first half of 2015 and nearly \$1.5 billion greater than when forecast at the time of the enacted budget at the end of March 2015. (Office of the New York State Comptroller, Comptroller’s Fiscal Update: State FY 2015-16 Revenue and Spending Trends through the Midyear, October 2015, at 1-2.)

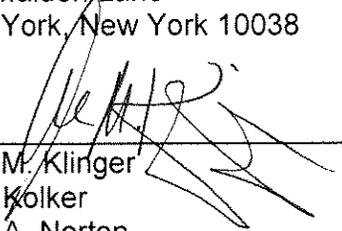
Therefore, New York, without question, is in a materially better fiscal position now than when the prior commission did its work and there is no cause for delaying parity.

V. CONCLUSION

For the foregoing reasons, the Associations support the request of the Office of Court Administration that Supreme Court Justices' pay be increased to 2016 Federal District Court levels, with proportional increases for other Judges, and that a mechanism be established for continued parity with the Federal Courts, and, thereby, provision for COLA adjustments.

Respectfully submitted,

STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038



Alan M. Klinger
Dina Kolker
Beth A. Norton
David J. Kahne

On behalf of

The Association of Justices of the Supreme
Court of the State of New York

-and-

The Supreme Court Justices' Association of
the City of New York

APPENDIX

Exhibit A

March 6, 2015

Caseload Highlights

The courts in their never-ending quest to balance the efficiency in the operation with the great demands of a system that sees almost 4 million cases each year have made great strides. Below describes the courts progress as well as continued caseload challenges.

Criminal

- Pending inventory is decreasing each year due to new initiatives aimed at decreasing inventory: Statewide Pending Felonies are down 9% from 2010; Pending felonies in New York City Supreme Criminal are down 12% in the last 5 years with older cases over Standards and Goals down 12%.

Civil

- Supreme Civil Filings have increased 16% just over the last **four** years, which primarily reflects foreclosure increases.
- Foreclosure cases comprise almost a third of the total statewide pending inventory.

Family

- Since the legislation permitting domestic violence victims in an intimate relationship to file a case seeking an Order of Protection in Family Court went into effect in July of 2008, there were over 60,000 family offense cases filed statewide in 2014; up 19% over the past seven years.
- Orders of Protection have **increased 43%** since 2007; **almost 300,000** orders were issued in **2014** compared to 200,000 in 2007.

Workload Complexity

Changes in statutory requirements and case complexity have led to more work per case for the courts. A modern court system does much more than simply “process cases.” Cases involving commercial litigation, foreclosure, domestic violence, drugs, juveniles, veterans, DWI, and human trafficking receive specific, more time-consuming treatment tailored to meet the particular needs of the litigants and fulfill our obligations to society.

Examples of how some of these changes impacted the courts are described below.

Criminal

- There were 5,700 dockets handled by the eleven human trafficking parts statewide since implementation in 2013. (Note: Queens was implemented in 2010 ; Yonkers did not report data for 2014).

Civil

- Additional affirmation requirements instituted by the Chief Judge in late 2010 resulted in a precipitous drop in foreclosure filings at that time. Filings have now rebounded; foreclosures filings have almost tripled since 2011, (from 16,772 to 43,868 in 2014).
- Mandatory settlement conferences in foreclosure cases, required by law in 2009, exceeded 100,000 in 2013 and increased by 15% in 2014 to almost 115,000 resulting in a 26% increase in dispositions in 2014 from last year.
- Effective October 1, 2014 a new Consumer Credit Rule was implemented that will impact more than 100,000 credit collection lawsuits brought annually in the state courts. As part of this reform the court will be responsible to ensure that creditors submit mandated affidavits, as well as, additional notification to the debtors.

Family

- While there has been some decline in Family Court petition filings, time and effort required for each case has increased due to the complexity of the cases, added specialty court parts, and more frequent court appearances.
- Since 2005 with the sweeping statutory changes in permanency matters, the needs for children in out-of-home care require more frequent judicial review and monitoring of cases. Cases remain on the court's calendar, and hearings are scheduled at least every six months. Over 40,000 permanency planning hearings are held statewide each year
- There have been over 9.6 million registry checks in custody matters since the onset of the background check requirement in 2009.
- With the recent approval of 25 new Family Court judges, of which 20 started in January 2015 and 5 starting in January 2016, the courts are hopeful that they will be able to provide litigants with the necessary adequate time and attention required for these cases.

Exhibit B

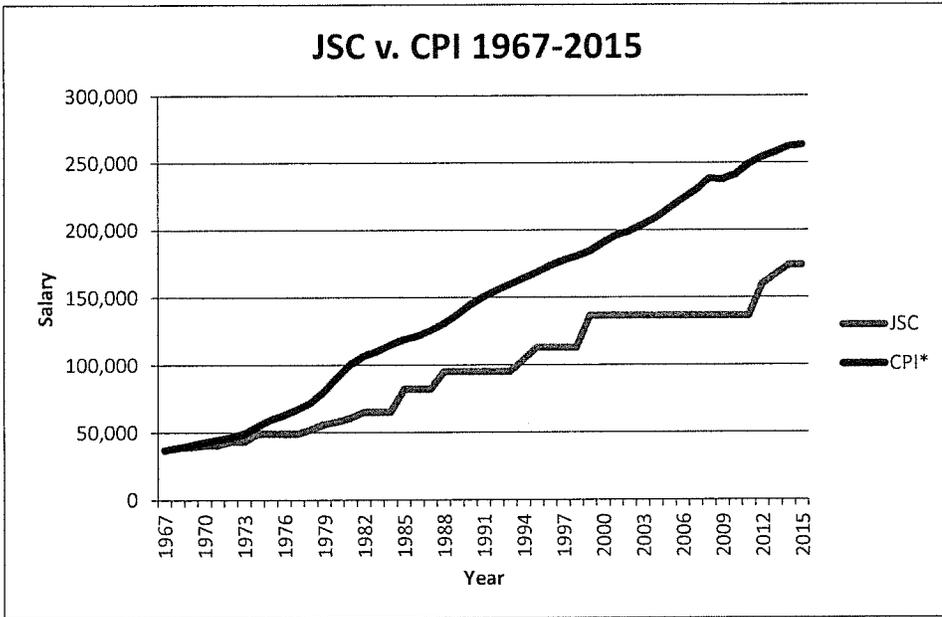
New York State Unified Court System
Supreme Civil
Statewide Activity
2000-2015 YTD*

	Filings	Dispositions	Pending	Pending Over S&G	Trials Commenced	Trials Per Filing	Motions Filed	Motions Per Filing	Hearings	Appearances
2000	183,467	225,022	241,932	58,183	14,461	0.08	231,956	1.26	15,444	867,598
2001	184,675	214,576	229,115	49,410	13,524	0.07	220,425	1.19	18,381	863,477
2002	190,245	199,576	231,147	47,455	13,659	0.07	223,148	1.17	20,548	837,590
2003	189,306	197,992	233,830	51,414	12,721	0.07	221,463	1.17	21,285	828,381
2004	178,675	197,926	228,417	54,936	12,055	0.07	232,955	1.30	22,060	824,987
2005	172,691	199,626	213,755	51,176	12,262	0.07	228,065	1.32	23,330	821,580
2006	170,892	193,464	204,528	46,680	11,176	0.07	233,289	1.37	24,908	823,444
2007	172,314	186,741	206,840	45,875	10,613	0.06	229,555	1.33	23,466	784,456
2008	182,743	185,265	217,034	46,665	10,034	0.05	238,046	1.30	22,645	746,496
2009	197,030	178,387	244,495	51,517	9,678	0.05	247,765	1.26	25,093	789,874
2010	196,942	182,861	271,823	58,627	9,301	0.05	248,207	1.26	35,246	882,590
2011	168,551	172,232	277,676	75,666	9,227	0.05	218,275	1.30	40,125	861,747
2012	174,424	189,879	272,210	85,031	9,403	0.05	224,720	1.29	35,761	866,496
2013	199,855	191,187	289,038	79,237	9,752	0.05	241,311	1.21	37,469	907,007
2014	195,914	198,553	297,611	74,537	8,926	0.05	250,300	1.28	35,978	908,075
2015 YTD	138,755	134,076	307,650	80,435	5,532	0.04	175,026	1.26	31,540	596,131

2015 YTD is based on data from 01/05/2015 through 09/13/2015 (Terms 1-9)

Exhibit C

Year	JSC	CPI*
1967	37,000	37,000
1968	39,100	38,551
1969	39,100	40,656
1970	40,583	42,982
1971	40,583	44,865
1972	43,317	46,305
1973	43,317	49,186
1974	48,998	54,614
1975	48,998	59,599
1976	48,998	63,033
1977	48,998	67,132
1978	52,428	72,228
1979	56,098	80,425
1980	58,000	91,281
1981	60,900	100,698
1982	65,163	106,901
1983	65,163	110,335
1984	65,163	115,099
1985	82,000	119,198
1986	82,000	121,413
1987	82,000	125,844
1988	95,000	131,051
1989	95,000	137,365
1990	95,000	144,787
1991	95,000	150,880
1992	95,000	155,422
1993	95,000	160,075
1994	104,000	164,174
1995	113,000	168,826
1996	113,000	173,811
1997	113,000	177,799
1998	113,000	180,569
1999	136,700	184,557
2000	136,700	190,760
2001	136,700	196,189
2002	136,700	199,290
2003	136,700	203,832
2004	136,700	209,260
2005	136,700	216,350
2006	136,700	223,329
2007	136,700	229,690
2008	136,700	238,509
2009	136,700	237,661
2010	136,700	241,559
2011	136,700	249,184
2012	160,000	254,341
2013	167,000	258,066
2014	174,000	262,252
2015	174,000	263,437



* Adjusted CPI salary was found using the Bureau of Labor Statistics CPI inflation calculator (http://www.bls.gov/data/inflation_calculator.htm)

Year	JSC	CPI
1999	136,700	184,557
2000	136,700	190,760
2001	136,700	196,189
2002	136,700	199,290
2003	136,700	203,832
2004	136,700	209,260
2005	136,700	216,350
2006	136,700	223,329
2007	136,700	229,690
2008	136,700	238,509
2009	136,700	237,661
2010	136,700	241,559
2011	136,700	249,184
2012	160,000	254,341
2013	167,000	258,066
2014	174,000	262,252
2015	174,000	263,437

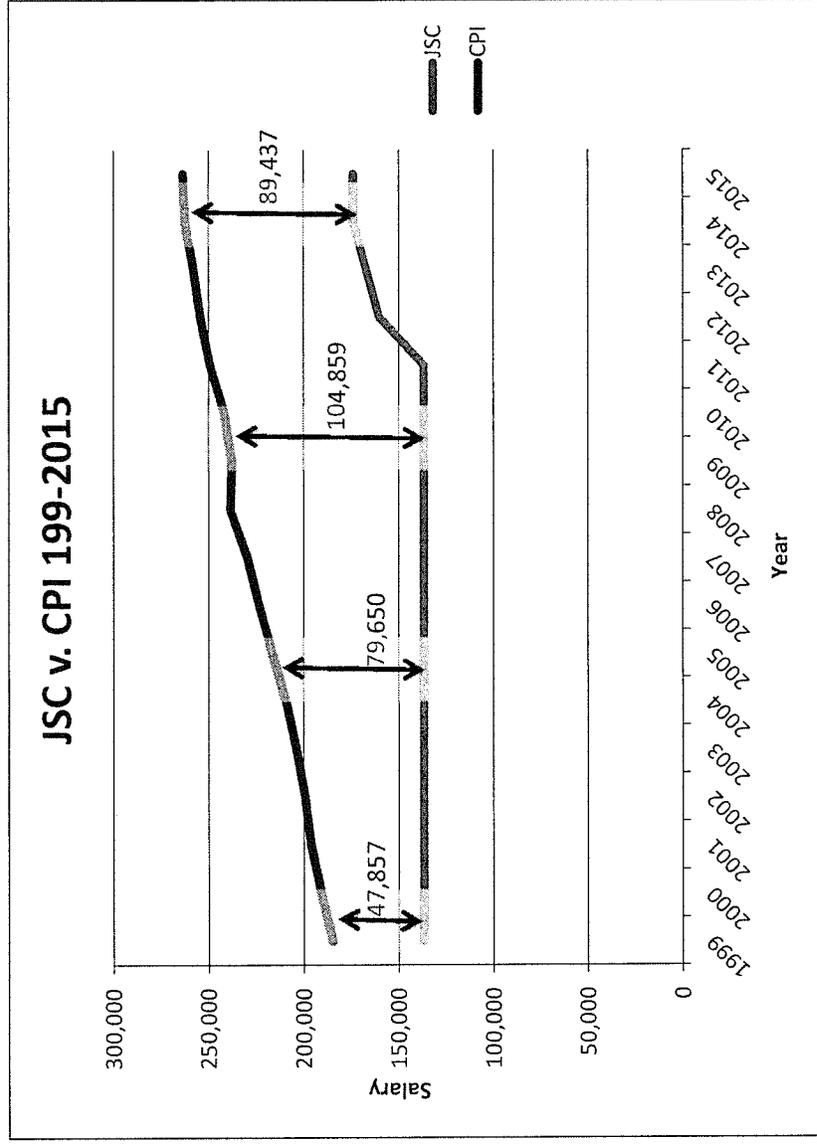
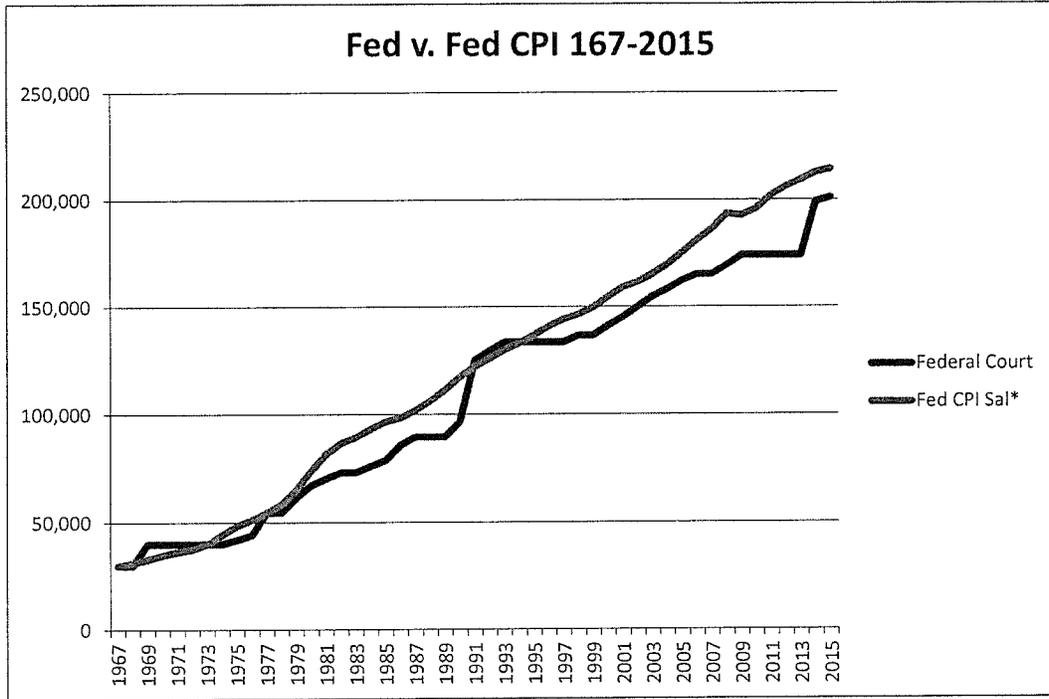


Exhibit D

Year	Federal Court	Fed CPI Sal*	JSC	JSC CPI*
1967	30,000	30,000	37,000	37,000
1968	30,000	31,257	39,100	38,551
1969	40,000	32,964	39,100	40,656
1970	40,000	34,850	40,583	42,982
1971	40,000	36,377	40,583	44,865
1972	40,000	37,545	43,317	46,305
1973	40,000	39,880	43,317	49,186
1974	40,000	44,281	48,998	54,614
1975	42,000	48,323	48,998	59,599
1976	44,000	51,108	48,998	63,033
1977	54,500	54,431	48,998	67,132
1978	54,500	58,563	52,428	72,228
1979	61,500	65,210	56,098	80,425
1980	67,100	74,012	58,000	91,281
1981	70,300	81,647	60,900	100,698
1982	73,100	86,677	65,163	106,901
1983	73,111	89,461	65,163	110,335
1984	76,000	93,323	65,163	115,099
1985	78,700	96,647	82,000	119,198
1986	85,700	98,443	82,000	121,413
1987	89,500	102,036	82,000	125,844
1988	89,500	106,257	95,000	131,051
1989	89,500	111,377	95,000	137,365
1990	96,600	117,395	95,000	144,787
1991	125,100	122,335	95,000	150,880
1992	129,500	126,018	95,000	155,422
1993	133,600	129,790	95,000	160,075
1994	133,600	133,114	104,000	164,174
1995	133,600	136,886	113,000	168,826
1996	133,600	140,928	113,000	173,811
1997	133,600	144,162	113,000	177,799
1998	136,700	146,407	113,000	180,569
1999	136,700	149,641	136,700	184,557
2000	141,300	154,671	136,700	190,760
2001	145,100	159,072	136,700	196,189
2002	150,000	161,587	136,700	199,290
2003	154,700	165,269	136,700	203,832
2004	158,100	169,670	136,700	209,260
2005	162,100	175,419	136,700	216,350
2006	165,200	181,078	136,700	223,329
2007	165,200	186,235	136,700	229,690
2008	169,300	193,386	136,700	238,509
2009	174,000	192,698	136,700	237,661
2010	174,000	195,859	136,700	241,559
2011	174,000	202,041	136,700	249,184
2012	174,000	206,222	160,000	254,341
2013	174,000	209,243	167,000	258,066
2014	199,100	212,637	174,000	262,252
2015	201,000	214,346	174,000	263,437
2016**	203,100			

**anticipated increase



* Adjusted CPI slary was found using the Bureau of Labor Statistics CPI inflation calculator (http://www.bls.gov/data/inflation_calculator.htm)

Exhibit E

Year	Federal Court	JSC
1967	30,000	37,000
1968	30,000	39,100
1969	40,000	39,100
1970	40,000	40,583
1971	40,000	40,583
1972	40,000	43,317
1973	40,000	43,317
1974	40,000	48,998
1975	42,000	48,998
1976	44,000	48,998
1977	54,500	48,998
1978	54,500	52,428
1979	61,500	56,098
1980	67,100	58,000
1981	70,300	60,900
1982	73,100	65,163
1983	73,111	65,163
1984	76,000	65,163
1985	78,700	82,000
1986	85,700	82,000
1987	89,500	82,000
1988	89,500	95,000
1989	89,500	95,000
1990	96,600	95,000
1991	125,100	95,000
1992	129,500	95,000
1993	133,600	95,000
1994	133,600	104,000
1995	133,600	113,000
1996	133,600	113,000
1997	133,600	113,000
1998	136,700	113,000
1999	136,700	136,700
2000	141,300	136,700
2001	145,100	136,700
2002	150,000	136,700
2003	154,700	136,700
2004	158,100	136,700
2005	162,100	136,700
2006	165,200	136,700
2007	165,200	136,700
2008	169,300	136,700
2009	174,000	136,700
2010	174,000	136,700
2011	174,000	136,700
2012	174,000	160,000
2013	174,000	167,000
2014	199,100	174,000
2015	201,000	174,000
2016*	203,100	

* anticipated increase

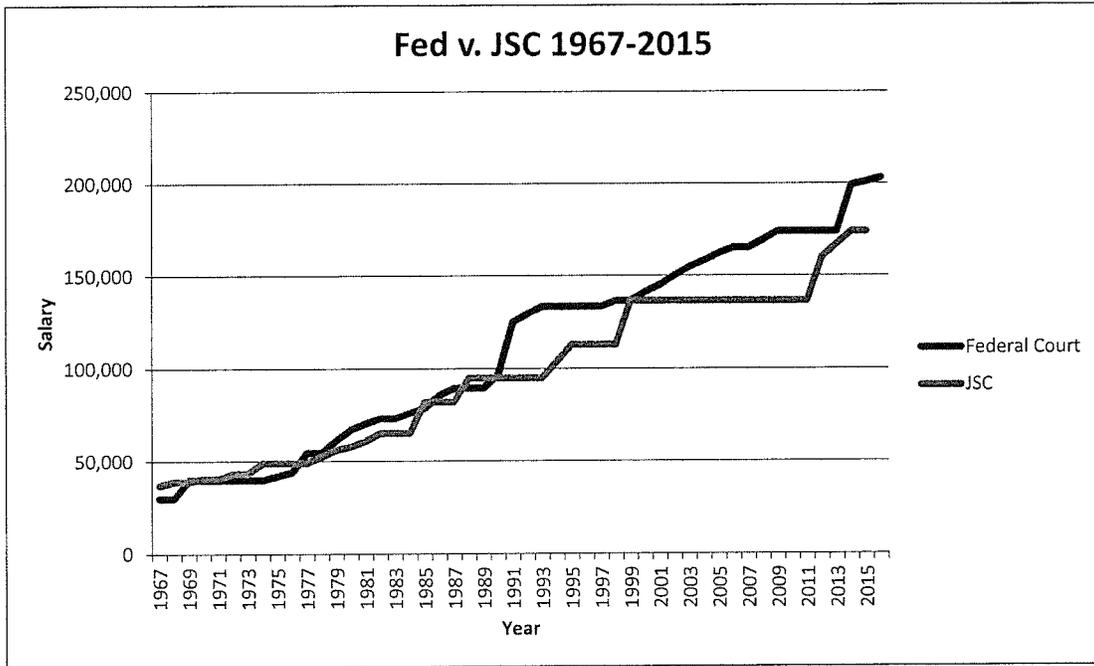
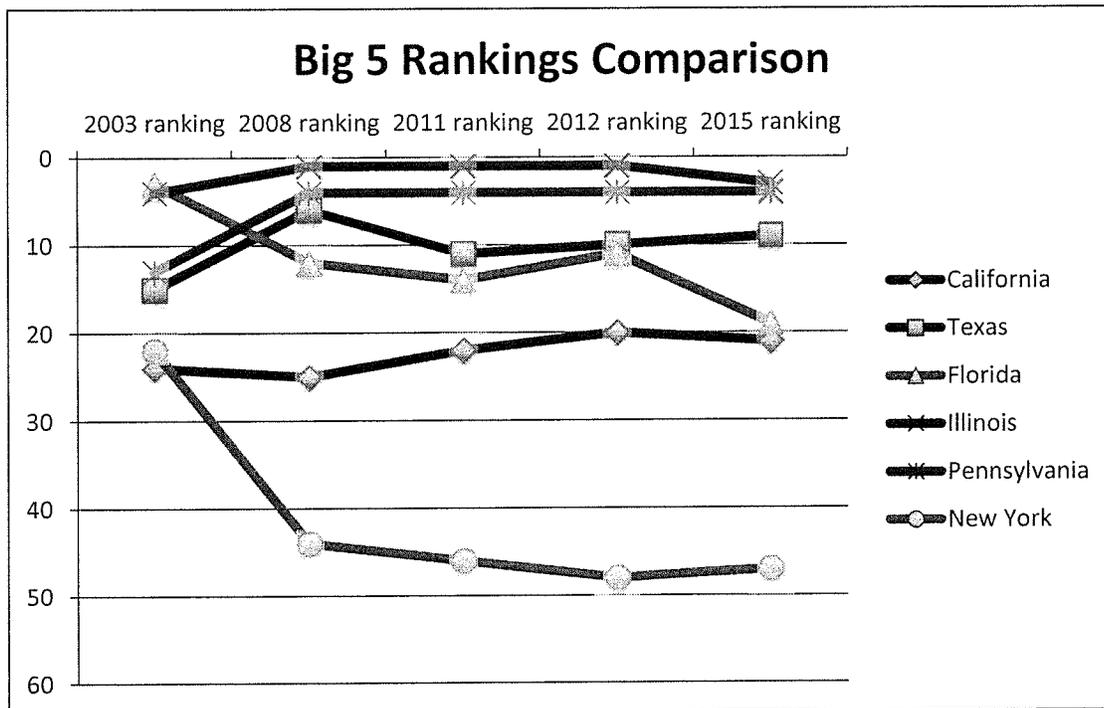


Exhibit F

Big 5 Rankings Comparison

State	2003 ranking	2008 ranking	2011 ranking	2012 ranking	2015 ranking
California	24	25	22	20	21
Texas	15	6	11	10	9
Florida	3	12	14	11	19
Illinois	4	1	1	1	3
Pennsylvania	13	4	4	4	4
New York	22	44	46	48	47



* Table and graph prepared by ICS utilizing historical data from the National Center for State Courts archive, available at <http://www.ncsc.org/microsites/judicial-salaries-data-tool/home/Archives.aspx>