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5   and Executive Compensation

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     B E F O R E:
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13   HON. RANDALL ENG (RET.)
             ROBERT MEGNA
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18   Senior Court Reporters

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1   THE CHAIRPERSON: Welcome. Thank you,

2 everyone, for coming. Commissioner Madonia is out of

3 town, he's not able to be here to ask questions, but he

4 is watching this on video, so he will be able to take

5 advantage of learning. But under the law, the meetings

6 itself have to be held in the state of New York. He's

7 out of the state, but he is learning and will be

8 listening carefully, he tells me, and I'm sure that's

9 true.

10   Let me read the names of the people I

11 understand have signed who have indicated a desire to

12 testify. Let's see if we're missing anybody. Judge

13 Marks, Janice Taylor, Roger Maldonado, David Cohen,

14 Sallie Manzanet-Daniels, Joseph Latwin, Elaine Sassower,

15 Gerald Lebovits, Alan Klinger, and Alan Beckoff. Is

16 there anyone else present who wishes to testify?

17   MR. KLINGER: Alan Klinger is here with counsel

18 to the State Associations of Judges. We have a written

19 submission to accompany his association testimony.

20   THE CHAIRPERSON: I think we can start. I

21 think it's appropriate for Judge Marks to lead off, so I

22 will ask him to testify. Let me note that he previously

23 had distributed a booklet, which we also have and will be

24 available online from the Office of Court Administration.

25   JUDGE MARKS: I just want to thank you for the

1   opportunity to speak to the commission today about

2   judicial compensation.

3   I'm Larry Marks, I'm the Chief Administrative

4   Judge of the New York Courts. As the Chairman Cardozo

5   said, we provided a report to all of you, you should all

6   have it now. The report provides extensive information

7   and data on this topic, including a modern history of

8   judicial salaries in New York, information on judicial

9   salaries in states across the country, information on

10   other salaries in the public and private sectors, and

11   other information and data that we hope you will find to

12   be useful. The report also details the basis of the

13   court system's position on this issue, and I'd just like

14   to take the time that I have today, a few minutes, to

15   elaborate on our position, on the court system's

16   position.

17   I think you're all familiar with this, that the

18   history of judicial compensation in New York, at least

19   the modern history of judicial compensation in New York,

20   has been a troubled one. There have been long periods of

21   stagnation followed by catch-ups and partial catch-ups.

22   There have been lawsuits filed over the years on this

23   issue. Perhaps the most dismal period was the 13 years

24   from 1999 to 2012 when judges in New York didn't receive

25   a single cost of living adjustment. The establishment of

1   the Quadrennial Statutory Commission has been an enormous

2   step forward and has proved to be a highly successful

3   reform.

4   As you know, this is the third round for the

5   commission. Both previous commissions -- the first

6   commission in 2011 and the second in 2015. Those

7   commissions arrived at the same determination, and that

8   is that the federal district court judge salary should be

9   the benchmark for setting state judicial salaries.

10   As the 2011 commission stated -- and this

11   statement was expressly endorsed by the 2015 commission.

12   The 2011 commission stated that, quote, the commission

13   recognizes the importance of the New York State judiciary

14   as a coequal branch of government and recognizes the

15   importance of establishing pay levels that make clear

16   that the judiciary is valued and respected. The federal

17   judiciary sets a benchmark of both quality and

18   compensation. New York should seek to place its

19   judiciary on par.

20   Now, both commissions reached their

21   determination based on a number of factors. One is that

22   New York is a global center for business, finance, law,

23   culture communications, entertainment, education, among

24   other areas, and because of that the work of New York

25   courts is at a comparable level of importance and

1   complexity as that of the federal court.

2   The volume in New York courts is mind-boggling

3   when you think about it. The annual new filings in the

4   New York state court are nearly three times the number of

5   annual filings in the entire federal court system, so the

6   volume is enormous.

7   The cost of living in New York, as we know, is

8   very high, and that supports a higher salary in real

9   dollars in many, if not most, of the other states in the

10   nation. In fact, we're now at this moment tied for the

11   highest salary in real dollars with the District of

12   Columbia. We talk about this in the report and you'll

13   see the chart in the report that when that salary is

14   adjusted for cost of living, New York ranks 29th amongst

15   the 20 states and the District of Columbia, in the bottom

16   half of the states.

17   So as a result of and based on those reasons,

18   both commissions designated the federal district court

19   judge salary as the benchmark, and after this long and

20   tortured history, that is where we are today, that our

21   state's supreme court justices who sit in our trial court

22   and general jurisdiction are at parity for the salary --

23   district court judges in terms of salary. And our other

24   category of judges, their salaries are set at

25   proportional levels to that benchmark. I can't tell you

1   how much of a positive development this has been for New

2   York judges for the New York State court system in terms

3   of morale, in terms of how our judges are regarded by the

4   public and by the bar, and in terms of productivity.

5   Under the Chief Judge Janet DiFiore's

6   Excellence Initiative, which is her signature priority,

7   the focus on addressing backlogs and delays in the court

8   system and improving efficiencies in the court system

9   over the last three, three and a half years, we've made

10   historic progress. Today, there are courts that have

11   reduced their oldest cases by as much as 90 percent. The

12   state of the judiciary in New York today is like night

13   and day from not that long ago. I believe that the two

14   prior commissions deserve a lot of credit for that.

15   So our request of you is really a very simple

16   one, a very modest one. We ask that you maintain this

17   salary parity over the next four years. So, in other

18   words, if the federal judges get a cost of living

19   adjustment in any of the next four years, that New York

20   judges would get the same. If the federal judges do not

21   get a COLA in any of the next four years, that New York

22   judges would not get a COLA. In fact, the federal judges

23   have received COLAs in recent years, including over the

24   last four years. Those COLAs have been very modest.

25   Over the four years, the average has been about

1   1.2 percent a year. It's not based on the consumer price

2   index, but on a nationally recognized index that's based

3   on the cost of employees and employee salaries.

4   Their COLAs over the last four years have

5   averaged about 1.2 percent a year. I can tell you that

6   is a very negligible cost for the state court system.

7   That would cost us -- a COLA of 1.2 percent would cost us

8   a little over $3 million, which is less than one-eighth

9   of 1 percent of our operating budget for the court

10   system, and the COLAs that we've received over the past

11   four years, we've fully absorbed in our budget

12   allocations. We haven't asked for additional money to

13   pay for that. We don't need to do that, and I can

14   represent to you today that if COLAs are approved by this

15   commission going forward for the next four years, we will

16   do the same, we will fully absorb the cost of those COLAs

17   in our operating budget.

18   So to conclude, it's critically important that

19   parity continue between the federal judges and the New

20   York State judges. There's really no legitimate or

21   rational reason why it should not. The cost of doing so

22   is extremely modest, is negligible, and it's a cost that

23   the court system will fully absorb in its budget.

24   Thank you, and I'd be happy to answer any

25   questions.

1   THE CHAIRPERSON: Thank you, Judge. Commission

2   members, Mr. Lachman.

3   MR. LACHMAN: I have friends in both federal

4   and district judges and supreme court and civil court

5   judges, and over the course I've helped them with

6   elections on the state level or knew them when they were

7   appointed to the federal district court.

8   The question I have, I think, is a basic one,

9   and that is why the comparability -- I mean, they are so

10   different. Federal district judges, as we know, are

11   appointed by the president of the United States with the

12   consent of the U.S. Senate. New York State judges, as we

13   all know, are elected to their positions and sometimes,

14   not frequently, judges are elected who do not have the

15   support of the Bar Associations in their boroughs. Most

16   of the elected judges do well and should do well because

17   they're competent.

18   How do you get the parity -- I can't understand

19   between the federal district judge who is appointed by

20   the President of the United States and approved by the

21   U.S. Senate and -- look, I'm not complaining about

22   elections, I ran five elections through New York State

23   senate and won, but what is comparability? Is it just

24   the salary or what? This is just informational because I

25   just can't understand it.

1   JUDGE MARKS: The level of complexity that

2   because of New York being one of the leading states in

3   the country and because New York City is such a global

4   center, as I mentioned earlier, for finance, for law, for

5   business, for culture, entertainment, communications and

6   media, education, because New York City is a unique city

7   and New York state is such an important state in our

8   country, the complexity and the importance of the work

9   that takes place in the New York State courts is on a

10   comparable level with the federal courts.

11   The volume is really no comparison. The

12   volume, as I noted, in the New York courts far exceeds

13   the volume in the federal courts. In fact, the federal

14   courts, as a whole -- the entire federal court system has

15   a lower volume of cases than the New York State courts

16   do. There's also the high cost of living in New York,

17   among the highest, if not the highest, in the country,

18   supports a higher salary in real dollars for New York

19   judges compared to state court judges across the country.

20   Also, if you look at inflation, depending on

21   what baseline of year you use, if you go back to 1999

22   when the supreme court judges were brought to parity with

23   the federal court judges, or if you go back to 1987 and I

24   think that was the case as well, if you look at the

25   salary of those years in today's dollars, the amounts

1   actually exceed the current salary for the federal

2   district court judge salaries. If you look at inflation,

3   that provides one more reason justifying parity between

4   New York judges and the federal district court salaries.

5   THE CHAIRPERSON: Other questions?

6   MS. HORMOZI: I have one question. So you had

7   mentioned, I believe, I want to make sure I understood

8   this correctly, that since the pay raise, the judges'

9   backlog of cases has gone down; was I correct in that

10   description?

11   JUDGE MARKS: Yes, I was giving the prior two

12   commissions credit for that. Let me be clear, I'm not

13   giving them entire credit for that. This has taken place

14   under a major initiative of the chief judge of the state,

15   Janet DiFiore, we call it the Excellence Initiative.

16   There's an intensive focus on backlogs and delays and

17   inefficiencies, and the initiative has been

18   extraordinarily successful. There's been great declines

19   in backlogs and delays in the numbers of older cases.

20   I can tell you if we were in a period now like

21   the period from 1999 to 2012 without a single cost of

22   living adjustment, what we're trying to accomplish these

23   days in the court system and succeeding in accomplishing

24   would be very, very difficult and I'm sure you can

25   imagine why.

1   MS. HORMOZI: Is that for morale reasons?

2   JUDGE MARKS: Yes.

3   JUDGE ENG: Judge Marks, I know that

4   historically the salary of the state supreme court

5   justice was a gold standard. Can you enlighten us as to

6   whether supreme court justices have been at parity with

7   federal district judges always or have supreme court

8   justices received salaries higher than federal district

9   court judges historically at some point.

10   JUDGE MARKS: I'm speaking anecdotally because

11   I haven't looked at those numbers recently. I know in

12   times past state supreme court judge salaries in New York

13   exceeded federal salary. I believe that's the case in

14   the 1920s or maybe the 1930s, but I know that was true a

15   number of years back.

16   At many points throughout the modern history of

17   judicial compensation, there has been salary parities

18   with the feds, not just due to the work of the prior two

19   judicial salary commissions, but even the legislature, in

20   setting salaries, in catching the state judges up to the

21   federal judges, you can use that as a benchmark as well.

22   Generally speaking, throughout recent history

23   and going back, farther back than that, there's very

24   strong precedent for tying the state judicial salaries to

25   the federal judicial salaries.

1   JUDGE ENG: I can remember even my own

2   experience where I sat with three or four judges who gave

3   up seats in congress to accept a nomination for a state

4   supreme court judgeship. Historically, it may have been

5   a more desirable level of compensation than in public

6   sector; is that correct?

7   JUDGE MARKS: That's correct.

8   THE CHAIRPERSON: Judge Marks, putting aside

9   the federal district judge comparison issue, can you

10   state, again, assuming we continue the approach that was

11   followed by the last two commissions and just say that

12   state court salary should be increased, like whatever the

13   federal COLA is, what kind of dollars are we talking

14   about in total and what percent of it is that of the

15   judiciary budget?

16   JUDGE MARKS: For every 1 percent increase in

17   state judicial salaries, that costs the court system

18   approximately $2.7 million. The COLAs that the feds have

19   received over the last four years, I mentioned, is

20   averaged over the four years about 1.2 percent a year.

21   That would cost the state court system a little over

22    $3 million. We have about a $2.3 million operating

23   budget. So 2.7, 3 million, $3.4 million cost from

24   adjusting upward judicial salaries by that percentage

25   would have a negligible impact in our budget. The number

1   I cited was less than one-eighth of 1 percent of our

2   operating budget. As a result of that, because it really

3   is such a negligible cost for us in our overall budget,

4   we have been able to absorb those very modest increases.

5   I'm committing to you today that if COLAs are

6   approved for state judges over the next four years, that

7   we will fully absorb the cost of that in our budget, we

8   won't ask for additional money. It won't cost the

9   taxpayers any more because we'll absorb that in our

10   existing allocations.

11   THE CHAIRPERSON: Can you just address briefly

12   the salaries of judges below the supreme court and what

13   you're recommending in that area.

14   JUDGE MARKS: We're recommending that the

15   proportions -- all of the trial court judges' salaries

16   are below the supreme court salary and all of the

17   appellate court judge salaries are above the supreme

18   court salaries. So the proportional difference among

19   those categories of judges would remain the same. As has

20   happened over the last eight years, they will receive

21   proportional raises relative to the benchmark, the

22   federal district court salary benchmarks.

23   THE CHAIRPERSON: Any questions from Albany?

24   MR. MEGNA: Do the feds revisit the COLA issue

25   annually or have they taken different approaches in the

1   past?

2   JUDGE MARKS: They do revisit it annually.

3   It's based on a federal statute which adopts this

4   employment cost index. It's discussed in a footnote in

5   our report. It's Footnote 30 on page 14 of our report.

6   So it's an index that's adopted by a federal statute and

7   it's revisited annually by the president and congress.

8   There's no guarantee that the president and the congress

9   will extend that COLA in a given year, but, if they do,

10   it's based on this index that's prescribed in the federal

11   statute.

12   THE CHAIRPERSON: Any other questions in

13   Albany?

14   MR. MALATRAS: Thanks for the report, it was

15   very helpful. I'm sorry I'm behind a giant screen behind

16   you instead of in person. It's weird to stare at you on

17   camera watching you watch us.

18   I thought it was instructive when you posted

19   the nominal salaries versus the adjusted salaries, quite

20   a bit of time on that in the report. Of course in New

21   York it's complicated because the First Department cost

22   of living is much different than the Fourth Department,

23   right. So has there ever been consideration of doing

24   this a little differently where you adjust by region, not

25   necessarily overall? Because we are number one nominally

1   in total salaries, if you look at your chart, but I think

2   it probably skews because of the suburbs in New York than

3   in suburbs here and Erie County, for instance.

4   JUDGE MARKS: That's a very good question.

5   Even though we are 29th in adjusted salary, we're not

6   asking for more as a result of that, more than the

7   federal salary benchmark.

8   Your question of should that be addressed

9   regionally? Obviously, there are parts of the state that

10 are not nearly as expensive to live than compared to New

11 York City or the downstate region. I would point out

12 that the great majority of our judges do live and work in

13 the downstate region, 75 to 80 percent of them.

14   As far as making adjustments within the state

15 of New York based on geography, that's never been done

16 before, as far as I know. That's not done with state

17 legislatures, it's not done with the executive branch

18 employees. I know there is a very modest geographical

19 differential, but it's a few thousand dollars, I believe.

20 In fact, we have that for our employees in the court

21 system. The base salaries are all the same in the

22 judicial branch, in the legislative branch, and in the

23 executive branch.

24   As far as I know, what you're suggesting has

25 never been done before. In fact, it's not done in the

1   federal system either, the federal judges across the

2   country are paid the same salary. I guess the simple

3   answer is it's never been done in New York.

4   MR. MALATRAS: I have one more question. Thank

5   you for that, Judge Marks.

6   The second is, the other states that you listed

7   with the ten largest states adjusted or even overall

8   where we're 29 or like the benchmarks to the larger

9   states because it's a bit of benchmark. If we did

10   nothing, do the other states have automatic increases in

11   their state laws? So four years from now, will their

12   salaries be higher just as a matter of course now or do

13   they have to approve them annually? Will we be falling

14   behind further if we did nothing because automatically

15   these states will be adjusting over the next four years?

16   JUDGE MARKS: That's a very good question. I

17   know there have been increases in states across the

18   country, including in some of these, the most popular

19   states which we list on page 16 of our report. I can

20   find that out for you, the National Center For State

21   Courts will have that information whether there are

22   automatic increases built in to judicial salaries in

23   other states, in particular, the ten most popular. So if

24   I can get that for you, I promise I will.

25   MR. MEGNA: It would be helpful to know if any

1   of them benchmark to the feds.

2   JUDGE MARKS: I can tell you that the District

3   of Columbia judges do that because they're the other

4   state that are parity with the feds. They're keyed into

5   the federal salaries. We will look at that and get you

6   additional information.

7   THE CHAIRPERSON: Any other questions from the

8   commissioners? If not, Judge Marks, thank you very much

9   and we look forward to your additional information.

10   JUDGE MARKS: Thank you.

11   THE CHAIRPERSON: Our next speaker, I think,

12   should be Mr. Maldonado.

13   ROGER MALDONADO: Good morning. My name is

14   Roger Maldonado, I'm the president of the New York City

15   Bar Association. The city bar is a voluntary association

16   of over 24,000 members. We are dedicated to the

17   improvement of the administration of justice. The city

18   bar thanks the commissioner for the opportunity to

19   testify before you, and you have my written testimony

20   that was submitted.

21   I would actually prefer to take my time to try

22   to answer the question that was posed by Commissioner

23   Lachman with respect to what is the importance of

24   maintaining parity with the federal judges.

25   Commissioner, you are absolutely correct, the

1   federal judges are viewed as a prestigious core of

2   professionals, and we can't lose sight of the fact that

3   here in New York state and certainly in New York City and

4   many of the other metropolitan centers in the state, we

5   have international law firms that pay at a scale that

6   leaves behind the federal court system and the state

7   court system with which we can never seem to compete.

8   The only way that you can continue to attract talented,

9   diverse, well-qualified members of the bar with the

10   experience and also the knowledge necessary to serve as

11   excellent judges in New York State courts is by giving

12   them a sense of that same prestige. For better or for

13   worse, the amount of money that is paid to a judge is

14   something that is taken into consideration.

15   When Chairperson Cardozo and I testified before

16   the 2011 commission, at that time there were a series of

17   judges, talented judges, who were leaving the bench to go

18   to the private bar. Part of it was a sense of

19   disrespect.

20   Secondly, it was impossible to attract as many

21   diverse, well-qualified members of the bar to seek to

22   become judges for those same reasons.

23   (Continued on the next page.)

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25

1   MR. MALDONADO: It is not a question of saying we,

2   as New York State judges, are as good or better than Federal

3   Court judges. It is more a question of saying we, as New

4   York State judges, are being treated with the respect to

5   which we are entitled.

6   And I want to point out another difference, an

7   important difference, between fellow court judges and New

8   York State judges. It is not just the volume of cases that

9   they have to deal with, but in some of our courts, some of

10   our specialized parts, and many persons, and in some

11   instances the majority of litigants appearing before these

12   judges, don't have counsel.

13   We're talking about cases on eviction proceedings

14   in Civil Court with respect to consumer debt where a

15   person's home is at stake where whether or not the person

16   will continue to receive a salary and that it's not going to

17   be confiscated based on a default judgment that was entered

18   years ago by which the person had no knowledge.

19   New York State judges have to deal with those

20   issues. They have to deal with them in a way that Federal

21   Court judges rarely, rarely have to manage. They have to

22   have great administrative skill and efficiency to deal with

23   the volume and with the nature of the cases and they also

24   have to have a sense of humanity and justice because they

25   are the ones who are making very difficult decisions on

1   sometimes gut-wrenching issues in terms of personal safety,

2   personal freedom, ability for a family to stay together.

3   For all of these reasons, the City Bar Association

4   has, since we first testified in 2011 to date, really sought

5   to maintain parity with New York State judges, with their

6   federal colleagues, as a way of maintaining the quality of

7   the bench.

8   I can tell you, based on my own experience and that

9   of my firm, cases that had been brought in the past in

10   Federal Court we are now bringing in the Commercial Division

11   of New York State Supreme Court. We do that in part because

12   we know we will get judges there who are experienced in that

13   area of the law and will be able to manage the cases well.

14   The same is true with many of the other specialized

15   parts in terms of Surrogate's Court, even Housing Court.

16   Ironically, Housing Court is a court where I began my

17   practice and if you did not have the specialized knowledge

18   about what was involved in landlord-tenant proceedings, you

19   were lost.

20   You need to be able to pay these judges a salary

21   that is just and that will get them to want to, A, become

22   judges and B, stay as judges, notwithstanding the much

23   higher salaries they would be able to obtain very easily

24   working for any number of firms in New York State.

25   MR. LACHMAN: Thank you for that edification. But

1　you are saying basically that to increase the salaries of

2　state judges, many whom are elected, there has to be a

3　parity between federal judges and state judges?

4　　　　　MR. MALDONADO: There should be. The reason is as

5　follows:

6　　　　　If you want to attract the best possible candidates

7　for judges, you want to be able to say we are treating you

8　with the same respect that the Federal Court system treats

9　its judges. And, you know, these judges, these persons who

10　are seeking to become judges, be it election or appointment

11　by the governor or mayor, these are persons who quite easily

12　would have a very different path that will not require the

13　gut-wrenching decisions I was describing before. You want

14　to make it an attractive service.

15　　　　　The other thing is you are basically recognizing

16　the public service these persons perform. You have millions

17　of litigants in New York State who are entitled to and

18　require judges who understand what needs to be done in their

19　cases.

20　　　　　From the City Bar's point of view, you should not

21　be looking to scrimp based on a few thousand dollars in

22　terms of Cost of Living Adjustments, the prestige to which

23　these judges are entitled.

24　　　　　THE CHAIRPERSON: Any other questions? Any

25　questions from Albany?

1   MR. MEGNA: I have none.

2   THE CHAIRPERSON: Let me note that Mr. Maldonado

3   did submit a written statement. I don't know if you all

4   have it, but it is on our web site and we will be sure the

5   commissioners get it.

6   Thank you very much, Mr. Maldonado.

7   I think our next speaker should be Judge Cohen.

8   JUDGE COHEN: Good morning, commissioners.

9   I also have a written letter. I think you may have

10   it in New York. You may not have it up in Albany.

11   THE CHAIRPERSON: We will be sure to get it to

12   Albany.

13   JUSTICE COHEN: My name is David Cohen. I am

14   president of the New York City Civil Court Judges

15   Association.

16   I want to thank the commissioners for your

17   important service and for the opportunity to speak before

18   you today.

19   The Civil Court judges join the Office of Court

20   Administration's, the Bar Association's and other judicial

21   associations in seeking ongoing parity with the federal

22   judges. We would like to point out what we consider to be a

23   pay disparity between certain judges who live in the City of

24   New York and certain other judges, including the Civil Court

25   judges in the City of New York.

1   In 2015, the Commission set the Surrogate Court

2   judges; Court of Claims judges, and Family Court judges at

3   the same rate of pay as Supreme Court judges. All of these

4   judges sit in courts of limited jurisdiction within the City

5   of New York. The Civil Court judges similarly preside in a

6   court of limited jurisdiction. However, we were set at

7   salaries of 93 percent of what these other judges, these

8   higher paid judges in the city make.

9   We ask, at this time, that the Commission consider

10   giving us full pay parity with these other judges presiding

11   in the city of New York. Here's the rationale. I'm going

12   to summarize what's in my letter:

13   We have the same legal requirements for office as

14   these higher paid judges. We serve in the same full-time

15   capacity. We have the same restrictions on outside income.

16   And because we all are required to live in the City of New

17   York, we actually have a higher overall cost of living than

18   judges like Supreme Court judges who can live anywhere in

19   the state. I know there was some discussion about that

20   issue earlier.

21   We work in one of the nation's busiest courts with

22   nearly 300,000 annual filings. We have unlimited plenary

23   jurisdiction over money amounts in commercial

24   landlord-tenant cases. We preside over Supreme Court cases

25   that are transferred to our court in order to relieve some

1   of that backlog.

2   We also preside over trials including non-jury and

3   jury trials. In addition, Civil Court judges sit in a

4   number of specialized courts, including reference was made

5   to the Consumer Debt Parts; No-fault Parts; Commercial L&T

6   parts. Those responsibilities require specialized knowledge

7   and expertise.

8   A multitude of our judges are routinely entrusted

9   to preside in these higher paid courts including as Acting

10   Supreme Court justices and Acting Family Court justices.

11   Nearly 50 of our 120 judges are presiding in one of those

12   two capacities at this time.

13   We submit that there is no ongoing rationale for

14   perpetuating this pay disparity between certain judges in

15   the city and other judges in the city. And by recommending

16   full pay parity, we believe that this Commission can end

17   that anomaly and recognize the vital role that Civil Court

18   judges play in our justice system and for our litigants in

19   the State of New York.

20   Alternatively, if the Commission does not find full

21   pay parity persuasive, we've made an argument for narrowing

22   the gap between Supreme and Civil Court from 93 percent to

23   something closer to 97 percent.

24   I thank you all for your consideration and will

25   take any questions that you have.

1   THE CHAIRPERSON: Thank you.

2   Any questions?

3   JUDGE ENG: I have a question. That is, that I

4 think we all recognize that judicial salaries are highly

5 compressed as they are. Do you know what the salary of the

6 Chief Judge is?

7   JUDGE COHEN: I do not off the top of my head. I

8 suggest Judge Marks or --

9   JUDGE ENG: It is a little over $240,000. And, of

10 course, the Civil Court judges are paid at a level of, is it

11 197; is that correct?

12   JUDGE COHEN: I think you're lose. It comes to

13 about $15,000 less --

14   JUDGE ENG: I am saying the pay disparity between

15 the Chief Judge and a judge of your court is about 18

16 percent. So, it's maybe a percentage gap, but as far as

17 actual percentage of salary, it is not that great.

18   And the acting justices you spoke of, are they paid

19 at Supreme Court levels when they act?

20   JUDGE COHEN: At this time they are, yes.

21   JUDGE ENG: In other words, the 50 of the 120 are

22 receiving Supreme Court salaries; is that right?

23   JUDGE COHEN: That's correct. They are receiving a

24 higher salary.

25   THE CHAIRPERSON: Any other questions? Any

1   questions from Albany?

2   JUDGE COHEN: Thank you, everyone.

3   MR. MEGNA: No.

4   THE CHAIRPERSON: Thank you very much, Judge Cohen.

5   Judge Beckoff.

6   JUDGE BECKOFF: Good morning. My name is Alan

7   Beckoff. I'm a Family Court judge sitting in Kings county

8   and I am here on behalf of the New York State Family Court

9   Judges Association representing about 180 Family Court

10   judges throughout the state.

11   I was appointed to the Family Court in 2008 by

12   Mayor Bloomberg. At that time, there had not been a salary

13   increase for about nine years and shortly after I was

14   appointed there was a big exodus of Family Court judges and

15   judges in other courts in the city because they can't really

16   feel like they can wait any longer for another raise which

17   had not come through for about another four or five years.

18   What we're concerned about is another cycle of

19   stagnation if no action is taken and that at least it should

20   be parity with the Federal District Court judges whether

21   it's through a COLA increase or a percentage increase. In

22   the last two cycles we have had a combination of both, but

23   ultimately this year brought us into parity with the Federal

24   District Court judges.

25   Not to be really sarcastic here, but to address a

1   question Mr. Lachman had, I've heard Judge Leo Glasser from

2   the Eastern District say he thought a Family Court judge's

3   job was harder than a District Court judge's job and he had

4   been both. He was a Family Court judge before becoming an

5   Eastern District Court judge. So, I just want to put that

6   out there.

7   There's some concern that besides the stagnation

8   that obviously the Commission should be aware that we have

9   very strict limits on outside income. There are very

10   stringent reporting requirements for any outside income not

11   for ourselves, but spouses, even children.

12   And one other thing about Family Court judges, just

13   because I am speaking on behalf of my association, is that

14   our salaries are the same as Supreme Court judges because we

15   are a statewide court. I know the judges say Civil Court is

16   a little lower amount. They should be at obviously what

17   they are entitled to, but I am speaking for judges in my

18   association.

19   So, that's basically it. We are at a point where

20   the latest pay increase obviously is ending and, again,

21   there is concern about stagnation. One judge said to me

22   back sliding. Obviously, we can't get our salaries cut,

23   but, you know, it could have that effect if we go another 15

24   years without a raise and that would be another cycle of

25   brain drain, of salary cuts due to inflation.

1   So, unless the Commission has any questions, I

2   yield the rest of my time.

3   THE CHAIRPERSON: Any questions? Any questions in

4   Albany?

5   MR. MEGNA: No.

6   MR. BECKOFF: Thank you very much.

7   THE CHAIRPERSON: Ms. Taylor. Judge Taylor; excuse

8   me.

9   JUDGE TAYLOR: That's quite all right.

10   The CHAIRPERSON: My appellate colleague corrected

11   me.

12   JUDGE TAYLOR: Good morning, Commissioners.

13   Let me begin by expressing our appreciation for

14   your time serving on this Commission. It is an important

15   service.

16   My name is Janice Adele Taylor and I am currently

17   the president of the Supreme Court Justices Association of

18   the City of New York which represents the justices serving

19   the New York City Trial Courts. I have served as a Supreme

20   Court justice for the past 21 years, having been elected in

21   1997 and re-elected in 2011.

22   If you are not moving forward, you are falling

23   behind. A simple yet true adage. This Commission stands at

24   a turning point. It can continue to move judicial pay

25   forward maintaining the parity long confirmed to be

1   appropriate and only recently attained by the State

2   Judiciary, or it can undue the prior work of past

3   Commissions and the substantial progress that has been made

4   in restoring the dignity and attractiveness of judicial

5   service in this state.

6   It took 20 years for a Commission to be formed to

7   consider judicial pay independently. That Commission and

8   this Commission's predecessors all agree that the

9   appropriate benchmark is federal judicial pay. Yet, even

10   with that, and actual parity was only recently achieved in

11   April of last year, the gradual move and staggered

12   implementation of parity made sense given the prolonged

13   period of wage stagnation of 13 years and substantial gap

14   between New York State judicial pay and federal judicial

15   pay. But, here we are now.

16   To fail to continue parity would be to endorse

17   regression on a significant progress that has been made and

18   would devalue the important role that the Judiciary plays as

19   an independent and co-equal branch of state government.

20   In 2015, this Commission recommended the

21   restoration of parity between the salary of a Supreme Court

22   justice in New York and that of a Federal District judge.

23   The Commission recognized that New York State has one of the

24   largest and most distinguished court systems in the world

25   and that attracting and retaining a well-qualified Judiciary

1   depends on competitive judicial salaries.

2   Case loads in New York are staggering and

3   increasing in complexity, as Judge Marks has indicated.

4   There continues to be a clear need for judges with the

5   requisite legal training, experience, communication skills

6   to manage and adjudicate the millions of cases filed each

7   year impacting the lives of New Yorkers.

8   When compared with the cost of living and

9   compensation of New York federal judges, the state court

10   judges in other states and other legal professionals in

11   government and private practice, New York Supreme Court

12   justices are still significantly behind in our pay.

13   Indeed, despite the progress made from the last

14   Commission when we ranked 47th in compensation in the

15   nation, according to the most recent survey of judicial

16   salaries promulgated by the National Center for State

17   Courts, the salaries of the New York State Judiciary when

18   adjusted for cost of living ranked 29th in the nation, in

19   the lower half of the country.

20   A copy of that survey of judicial salaries has been

21   submitted along with my testimony, which I don't know if you

22   have been given, but you will be.

23   Restoration of parity with federal judges in 2015

24   was a much needed step. For decades, judicial compensation

25   never received independent evaluation. From 1977 when the

1   state assumed responsibility for paying judicial salaries,

2   until 1999, a 22 year period, judges received a pay

3   adjustment only five times.

4   In its groundbreaking decision in Marin v. Silver,

5   The Court of Appeals found that the judges were long overdue

6   for an increase in pay and a different approach was needed

7   that led to the creation of this Commission.

8   When the first judicial pay increase went into

9   effect as a result of the first Commissioner's report, it

10   had been a 13 year period without any pay adjustment for

11   state judges. Judges left The Appellate Division because

12   they could not -- there were open letters. One judge wrote

13   stating that he had been privileged and honored that his

14   parents paid for his college tuition. He felt that he

15   needed to do the same for his child. He could not do so on

16   that salary.

17   Judges have left because they could not pay for

18   child care. Judges have left because they could not pay

19   their taxes. They borrowed Peter to pay Paul. Credit

20   ratings dropped. We were demoralized.

21   We, therefore, maintained the need for the

22   Commission and reiterate it now that raises established in

23   2015 should not be the type of one shot increases that led

24   to years of inconsistency and chasing pay, all which is

25   falling short in judicial compensation. A far better

1   mechanism, we submit, is to continue the system of parity

2   with federal judiciary. Our performance merits the level of

3   compensation.

4   The past four years have demonstrated the impact of

5   more competitive judicial salaries. Raises determined by

6   the last Commission are having their intended effects. The

7   morale among the Judiciary is higher.

8   Before the Commission's process began to

9   incrementally increase judicial pay in 2011 to 2012, 295

10   judges left office, including many leaving midterm and not

11   seeking a new term, as well as those who were not re-elected

12   or deceased. More recently, in 2018 to 2019, that number

13   has decreased to a more reasonable 87 judges, more in line

14   with the yearly numbers preceding the big drought in pay.

15   Judges now see a Commission process that can stave off wage

16   stagnation.

17   This Commission has the opportunity to show that

18   this association's members' faith in this process is well

19   placed. New, talented and diverse candidates are now more

20   attracted to the bench.

21   As Chief Judge Janet DiFiore announced in her

22   latest report on the Excellence Initiative this past winter,

23   the Judiciary is working more efficiently ensuring the just

24   and expeditious resolutions of all matters. All of the

25   performance indicators, including the standards and goals

1   for Judiciary, evidence an extremely high level of

2   performance by our judges in case management and

3   disposition.

4   As an example, in Bronx county, pending cases over

5   one year dropped 84 percent in the past three years with a

6   46 percent decrease in 2018 alone.

7   Pending cases in New York county over one year have

8   also dropped 85 percent during the three-year period of the

9   Excellence Initiative.

10   Arrest to arraignments times have dropped to

11   historical lows averaging under 19 hours citywide.

12   It is in the public interest for us to continue to

13   build on this progress. This efficiency comes despite state

14   court judges hearing more than double the number of cases as

15   our federal counterparts.

16   According to the National Center for State Courts,

17   more than 95 percent of all cases are filed in State Court,

18   not federal. In 2017, some 354,000 cases were filed in

19   Federal District Court. Some 83 million were filed in State

20   Trial Courts.

21   In New York Supreme Court alone there were

22   approximately 734,000 new filings in 2017.

23   Those who choose a career in public service make

24   the decision with an understanding that we are unlikely to

25   accumulate anything like the wealth of our colleagues in the

1   private sector. However, we do need diversity of background

2   for those willing to apply for appointment or election to

3   the bench. We do not want to rely solely upon those who are

4   wealthy enough to retire to the bench.

5   While the raises have helped, as trial court judges

6   in New York we still make approximately what a second year

7   associate makes at a major New York City law firm.

8   Finally, maintaining parity in the context of the

9    $168 billion of expenditures in the state budget is

10   relatively miniscule, and we understand from the Office of

11   Court Administration that the agency budget will subsume

12   whatever cost of living increases may result from a

13   projected increase.

14   We urge the Commission to adopt the OCA proposal

15   that the salary of Supreme Court justices remain at parity

16   with that of Federal District Court judges effect April 1,

17   2020, and that this parity be continued for the subsequent

18   three years until the next Commission is convened.

19   I appreciate you giving me the opportunity to

20   present the position of my association and your time and

21   attention.

22   Thank you.

23   THE CHAIRPERSON: Thank you, Judge.

24   MR. LACHMAN: Excuse me.

25   You gave the figures of 295 judges retiring or

1   resigned before parity, and that 87 percent now resigned.

2   That's a figure that can be improved upon.

3   What I would like to know is what does 295 and 87

4   mean in terms of how many judges, what percentage is this of

5   how many judges who sit have retired or resigned.

6   JUDGE TAYLOR: I am not sure what the percentage

7   is.

8   MR. LACHMAN: Or the number.

9   JUDGE TAYLOR: The number was 295 between 2011 and

10   2012.

11   MR. LACHMAN: Right. But what is the approximate

12   number of the total state judges?

13   THE CHAIRPERSON: Perhaps Judge Marks knows.

14   JUDGE MARKS: There are approximately 1,300 state

15   paid judges in New York.

16   MR. LACHMAN: Thank you.

17   THE CHAIRPERSON: Any other questions from the

18   commissioners? Any questions from Albany?

19   MR. MALATRAS: I have one.

20   Judge, I looked -- thank you for your testimony

21   today, it was very helpful.

22   We were looking, I believe in the 2015 report, I

23   know there has been a lot of discussion about benchmarking

24   or continuing to benchmark to the federal system, but it was

25   a mixed result back then. I think there were several

1   dissenting votes on that straight benchmarking I think which

2   Mr. Lachman was also getting at.

3   Is there another methodology you would be open to

4   if not simply federal benchmarking? Is there something else

5   you would have also done, or maybe that's for Chief Judge

6   Marks, that you would be open and willing to that we could

7   consider?

8   JUDGE TAYLOR: We feel very comfortable with the

9   parity with the Federal District judges as our benchmark.

10   That is what our goal is.

11   THE CHAIRPERSON: Any other questions?

12   Thank you very much, Judge. Your testimony, a copy

13   of it, you have submitted?

14   JUDGE TAYLOR: Would you like me to hand it up now?

15   THE CHAIRPERSON: Sure. I want to make sure we

16   have a copy.

17   JUDGE TAYLOR: (Handing document.)

18   THE CHAIRPERSON: Thank you.

19   In the meantime, our next speaker will be

20   Mr. Hawkins.

21   I will distribute it to our colleagues in Albany

22   and, of course, put it on the web site.

23   JUDGE TAYLOR: Thank you.

24   MR. HAWKINS: Good morning. My name is Dennis

25   Hawkins and I am the executive director of the Fund for

1   Modern Courts.

2   I would like to thank the Commission for the

3   opportunity to present testimony today. It is something

4   that Modern Courts has done with all of the previous

5   Compensation Commissions and before there was a Compensation

6   Commission, Modern Courts advocated very strongly for this

7   kind of mechanism so there would be a rational,

8   non-political approach.

9   You all are very aware that for more than a decade

10   judicial salaries could not be increased, would not be

11   increased because of the linkage between the salaries of

12   judges and legislature could never come to an agreement. So

13   Malcolm Patterson first conceived of this concept or

14   advanced this concept and signed it into law and now we have

15   a system where the problems or the issue of compensation can

16   be addressed in a rational systematic way.

17   JUDGE ENG: Wasn't it David?

18   MR. HAWKINS: I'm sorry. David.

19   JUDGE ENG: I was going to say he really was a

20   visionary then.

21   MR. HAWKINS: Yes.

22   And I also want to thank all of the Commission

23   members for their public service because this is a great

24   service to the Judiciary.

25   I, too, have prepared testimony that I didn't send

1   in, but I can pass out and e-mail if needed.

2   Modern Courts comes to this issue not so much from

3   the lawyer's viewpoint or even a judge's viewpoint. We're a

4   not-for-profit, non-partisan organization that has existed

5   since 1955 and our goal is to improve the administration of

6   justice for the benefit of the people who use the courts.

7   And we believe that a fair and adequate judicial

8   salary is necessary to attract the kinds of people to be on

9   the bench that will be able to deliver justice to the

10   litigants.

11   Everything that has been said previously, parity,

12   cost of living, is something that is in my testimony also so

13   I'm not going to go over that.

14   What I would like to do is just take a little bit

15   of a different look at what judges are being asked to do

16   these days. You know, I have run little organizations and

17   some larger organizations. I have always considered

18   improving people's salary based on what they did. And I

19   think that the nature of what judges are doing in New York

20   State is quite different now than it was five, ten, fifteen

21   years ago.

22   Judge Taylor made reference to the Excellence

23   Initiative. Clearly, this Chief Judge has devised a plan

24   and an initiative that is improving the efficiency of the

25   court system. And so that means those judges are

1   approaching their job in a different, more organized way now

2   than they were perhaps five years ago.

3   (Continued on the next page.)

1   MR. HAWKINS: I also want to raise to you, and

2   this is not in my testimony, that the law is changing

3   fairly rapidly also. Raise of the age legislation, bail

4   reform legislation, is requiring judges to do things that

5   they didn't do before and to handle this difficult

6   transition in both of those programs, which we believe

7   were great programs and we supported both.

8   I think as the commission looks at what is fair

9   and just compensation for judges, maybe you can take into

10   consideration what are they doing now that might have

11   been different than what they were doing previously.

12   Bottom line, for modern courts, though, is that the

13   better the compensation, the more adequate the

14   compensation is, the better the quality of people that

15   will be attracted to the bench and that's what our

16   litigants need.

17   Roger Maldonado made reference to the

18   unrepresented litigants, always a concern for modern

19   courts. Family Court judges and the crushing case load

20   that they have and the complexity of the problem, that's

21   existed for a very long time.

22   What we really need to do as a state, and I

23   very much appreciate that the governor and legislature

24   has continued this process, is we have to look at how do

25   we attract the best and the brightest.

1   On a personal note, my son has about ten,

2   twelve years' experience, worked in the DA's office,

3   public servant, like myself, you know, we do it because

4   we want to do the work and we know we're not going to

5   make the same kind of salaries that people in the private

6   sector do. When he left the DA's office, although he

7   might have qualified for the judicial office, he decided

8   it was time to make some money. Sole practitioner, does

9   a lot of 18-B work, is interested in seeing those rates

10   raised, but is making a good amount of money right now

11   and projects making a lot more than a supreme court judge

12   will make in a year or two. I think that's a shame.

13   People from corporation counsel, people from

14   the DA's office, people from Legal Aid, those are the

15   people we want to attract to criminal court and civil

16   court and supreme court. If they are getting out of

17   public service at 35 years of age, after ten years'

18   experience, and they project what they will need to live

19   in New York, into the future and have families, send

20   their kids to school, salary compensation benefits will

21   make a difference.

22   I urge the commission on behalf of modern

23   reports to maintain the parity of the federal district

24   courts, to consider the cost of living and how you can

25   put that into the equation so that we won't fall behind

1   federal district courts. I think we're confident,

2   knowing this group of people, that that kind of

3   consideration will be given.

4   Thank you.

5   THE CHAIRPERSON: Thank you, Mr. Hawkins.

6   Any questions? Any questions in Albany?

7   JUDGE ENG: I have a question. The court's

8   diversity on the bench is highly desirable, we all

9   recognize that. Do you have any thoughts of how the

10   judicial salary situation may have impacted the diversity

11   of the bench in any fashion?

12   MR. HAWKINS: In a broad sense, without a study

13   more anecdotally or not, we have seen a lot more

14   individuals of color, a lot more women, go on the bench

15   in the last ten years. I don't know if it's a causal

16   situation or it's just a kind of a societal thing, but we

17   believe if you want to have a diverse judiciary, that

18   compensation matters. Because the same way as my son

19   might be able to make more money as a solo criminal

20   defense attorney, people of color and women and all of

21   the people coming out of corporation counsel, Legal Aid,

22   and DA's office are looking at that. All of those

23   offices have moved towards a lot more diversity probably

24   over the last ten years, not because of salary but

25   because of dedication. They're the candidates, they're

1   the people who will either run or be appointed to office.

2   THE CHAIRPERSON: Any other questions? Thank

3   you, Mr. Hawkins.

4   Our next speaker will be Mr. Latwin.

5   JUDGE LATWIN: Good morning, honorable chairman

6   and members of the commission. I want to thank you for

7   hearing me today. I am Joseph Latwin, a full-time judge

8   of the Rye city court. I am also the president of the

9   New York State Association of City Court Judges

10   representing over 170 judges that sit in our state, 61

11   city courts outside the City of New York. Our members

12   are from cities like Long Island, from Plattsburgh, from

13   Buffalo to Albany, big cities like Rochester to small

14   cities like Sherrill, suburbs like White Plains and rural

15   areas like Oneonta, and every state in between. Here

16   often the only court that New Yorkers will ever see

17   because of a close relationship of the people and we

18   affect the lives of real people.

19   I'm here to ask you to recommend two things:

20   One, that you maintain the current parity between the

21   salary of the supreme court justices and the federal

22   district court judges, and, two, to establish parity

23   between the city court judges and the New York City civil

24   court, criminal court, and district court judges.

25   Basically, equal pay for more work.

1   In the final report of this commission, both in

2   2011 and 2015, and in almost identical language, the

3   commission said, "We determine that the appropriate

4   benchmark at this time for New York State judiciaries

5   compensation level of the federal judiciary." We agreed

6   with that then. We continue to agree with that now and

7   we urge you to adopt it. We believe there's no reason to

8   deviate from these determinations.

9   As a practical matter, that parity provides a

10   certainty. You know that you're going to be getting a

11   salary based on the federal district court judge's salary

12   with the CPI built in. You're not going to have a lag

13   based on the CPI going up and have to wait four years for

14   another adjustment. If it isn't broke, don't fix it.

15   It's working.

16   The second thing is the city courts. We're

17   kind of a unique animal no one's mentioned before, so I

18   am going to try to inform you about the city courts. We

19   exercise broad jurisdiction. We preside over a full

20   range of criminal matters, including felonies from

21   arraignment through preliminary hearings, misdemeanors

22   and violations from arraignment through jury trial. We

23   also preside over civil cases involving up to 15,000, and

24   landlord tenant cases of unlimited amounts arising in our

25   cities. We also handle cases transferred from the

1   supreme court pursuant to 325(b) of the CPLR. We have

2   countywide small claim and commercial claims jurisdiction

3   of up to $5,000. We also sit as acting family court

4   judges when the family court is not in session. We also

5   sit as magistrates who handle local violations, including

6   building codes, environmental and navigational

7   violations, and traffic and parking fines. We are

8   on-call all day every day to conduct arraignments, set

9   bail, and to issue search warrants. Some of us are

10   assigned to sit as acting family court or county clerk

11   judges and are periodically called on to perform the

12   duties of most courts when needed. Many of us also

13   provide specialty or problem-solving courts, such as

14   domestic violence courts, drug courts, veterans courts,

15   human trafficking courts, and mental health courts. Put

16   simply, our duties, jurisdiction, and hours are the same

17   as those at Long Island district courts, the combination

18   of New York City criminal, civil, and housing courts,

19   plus we do more. We believe that fairness dictates that

20   we should be paid the same as the judges in those courts.

21   Back in 2015, the report of the commission

22   said, Current judicial salaries in New York reflect a

23   number of anachronistic internal pay disparities. When

24   the state assumes the responsibility for paying salaries

25   of county- and civil-level judges in 1977, it inherited a

1   salary structure that lacked consistency or logic. We've

2   become more consistent and more logical, but we're not

3   there yet.

4   Judges of the Long Island district courts and

5   the New York City civil court and the New York City

6   criminal court now earn 93 percent of a supreme court

7   justice's salary. Despite adjudicating the same cases as

8   those courts, a full-time city court judge outside the

9   New York City earns just 90 percent of the supreme court

10   judge's salary. Since we city court judges do the same

11   thing as the district courts do and a combination of

12   those other courts and we do more, we think fairness and

13   equity requires that we receive the same 93 percent pay

14   as the judges of those courts. Nowhere can this pay

15   disparity be more evident and unfair than in Nassau

16   County where the city courts and the city of Long Beach

17   and the city of Glen Cove sit cheek by jowl with the

18   district courts doing the same thing and they get paid

19   less.

20   Furthermore, Judge DiFiore's court merger

21   proposal would combine the city courts, district courts,

22   New York City civil and criminal courts into a new

23   municipal court that will have uniform jurisdiction and

24   duties. Should the proposal be enacted, we believe that

25   it would be unjust to have differing salaries among the

1   judges of the municipal court depending on when they

2   came. Putting all the judges of these court with a pay

3   parity of 93 percent will eliminate this inexplicable

4   disparity and possibly. We respectfully ask that you

5   adopt these recommendations as your own and we thank you

6   for your service and efforts.

7   If I can answer some of the questions that were

8   raised by some of the commission members before, I will

9   try.

10   Justice Eng talked about whether the pay raise

11   had the effect on diversity. I've seen it, as one of the

12   officers of the City Court Judges Association since 2011,

13   the number of minority and women judges in the city

14   courts has increased dramatically. A lot of this is

15   because the cities upstate, Rochester and Syracuse, have

16   put in a number of new judges on the bench, but we're

17   also losing some women judges because they're aging out

18   now, which is tragic, but that's the way the statute is

19   written, we age out at age 70.

20   Judge Hormozi questioned what we're doing now

21   and this was partially raised. There are new laws coming

22   at us every day. When I spoke to the senator in the

23   legislative section, I asked if he can slow down the

24   enactment date of some of the new laws because he's

25   asking us to drink out of a firehose. There's so much

1   coming at us, there's so much that we have to learn.

2   There's so much we have to implement that judges haven't

3   even thought of five years ago.

4   Judge Malatras, you asked about pay diversity.

5   In the past, pay diversity of the judges in the same

6   court have led to multiplicity of lawsuits from judges

7   against OCA. Judges from White Plains were suing because

8   they weren't getting the same pay as the judges of

9   Yonkers. All over the state this was happening between

10   judges in adjoining cities. By not having a uniformity

11   throughout the state, you're just inviting this ad hoc

12   correction of pay disparities and just endless

13   readjustments of salaries.

14   If you don't benchmark, what we're going to

15   have is a series of lags and catch-ups, and people are

16   always going to fall behind because you're never going to

17   catch up. This particularly affects the older judges

18   because if they retire, they don't get the catch-up. I

19   know several judges who retired on the eve of the last

20   pay raise and their retirement pays were miniscule

21   compared to what they could have been had they been able

22   to stick it out for a few more years, but, unfortunately,

23   prohibited by the statute or from the constitution from

24   continuing.

25   I ask you to do those two things: Parity with

1   with the federal district court judges and to increase

2   the city court judges to match the 93 percent of the

3   other local judges. Thank you.

4   I have written material, I will hand it up for

5   you.

6   THE CHAIRPERSON: Thank you very much.

7   MR. LACHMAN: Your mentioning of Long Beach

8   jogs my memory. My family has a summer home in Long

9   Beach. I think you said that the city of Long Beach,

10   which is only one of two -- anyway, the city of Long

11   Beach has civil court judges and city court judges doing

12   the same thing?

13   MR. HAWKINS: District court judges and city

14   court judges. The judges of the city court in Long

15   Beach, there are two of them, have the same exact

16   jurisdiction as the judges of the Nassau County district

17   court.

18   MR. LACHMAN: That is a surprise to me.

19   MR. HAWKINS: People can file in either court

20   and get the same relief and be subject to the same

21   jurisdiction. So the judge in one court is getting paid

22   90 percent while his neighboring percent judge is getting

23   paid 93.

24   MR. LACHMAN: How is that possible? Does the

25   state of New York or the city of Long Beach permit this

1   to happen?

2   MR. HAWKINS: When the state took over the

3   court system, 1977, it incorporated the salaries that had

4   existed at that time. One of the problems was, let me

5   call it the cheap city decided not to pay its judges

6   while the affluent city decided to pay them generously.

7   So you have this disparity between the cities. A few

8   years ago we had uniform salary throughout the state for

9   the city court judges and I've eliminated that disparity,

10   but now we have disparity between two equal courts

11   sitting side by side and it just doesn't make sense.

12   MR. LACHMAN: How much is the disparity?

13   MR. HAWKINS: 93 percent for supreme court

14   judge. 90 percent for city court judge.

15   THE CHAIRPERSON: Any other questions?

16   Thank you very much, Judge, we appreciate it.

17   Ms. Daniels.

18   JUDGE MANZANET-DANIELS: Good morning. My name

19   is Associate Justice Sallie Manzanet-Daniels, I sit in

20   the Appellate Division First Department and I am here as

21   president of the Latino Judges Association. I appear on

22   behalf of my 83 members which hail from every level and

23   nearly every court throughout New York State. Our

24   members represent 7.1 percent of New York State judiciary

25   and, hence, we submit this letter in full support of pay

1   increases for all judges to take effect April 1, 2020.

2   In solidarity of the Office of Court

3   Administration and other judicial associations, we join

4   in imploring this commission to recommend that the New

5   York State judiciary continue receiving pay parity with

6   its federal counterparts as is consistent with the

7   statutory mandate. Specifically, we urge that the salary

8   of New York State Supreme Court justices be set at 100

9   percent of the salary of federal district court judges in

10   effect at the time. Further, we join OCA in asking that

11   the commissioner address the long-entrenched judicial pay

12   anomalies that exist between and within various courts by

13   adopting a pay schedule for non-supreme court judges that

14   fixes their compensation at fair and practical uniform

15   percentages of the New York State Supreme Court justices'

16   salary.

17   As you are well aware, the National Center For

18   State Courts has been gathering data on judicial salaries

19   across the country for decades. Those reports have set

20   forth the vast disparities and compensation and the cost

21   of living impact based on geographic region that exist

22   throughout our nation.

23   In 2015, the submission of this body by chief

24   administrative Judge Lawrence Marks noted that in

25   supporting a pay increase, that the then current salaries

1   of the supreme court justices ranked 47 among all states

2   when adjusted for New York state's higher cost of living.

3   He noted restoring pay parity between supreme court

4   justices and federal district court judges would only

5   lift New York's ranking to 33rd among all states. Today,

6   as we heard, we are now 29th. We can do better.

7   Concomitantly, those reports have illustrated

8   the significant differences of the volumes of court

9   filings throughout our country's courts. By way of

10   illustration, the New York State Unified Court System's

11   annual report for 2018 highlighted that 4,144,000 cases

12   were filed in New York State's trial courts, roughly a

13   million criminal, 3 million in the other courts. That

14   enormous volume requires our judges to handle cases that

15   include a wide variety of complex, sophisticated

16   commercial, banking, and contract cases, cutting edge

17   constitutional issues, and issues that go right at the

18   heart of our New York state citizens. There can be no

19   question that New York state judges are impacted by both

20   the pay disparity and volume of cases they handle.

21   I began my career as a Legal Aid attorney, then

22   as a court attorney. So I have spent the last 28 years

23   or so within the court system, and I have noted the

24   tremendous increase in the workload of our court judges

25   and their staff.

1   When I was a court attorney in Bronx Supreme

2 Court, typically in our window for reporting our motions

3 that are still pending, when it came time a month before

4 those reports were due, most judges had about a hundred

5 motions that they needed to get through before the

6 reporting period. That number has tripled. So,

7 routinely, a judge, a month before their reporting

8 period, has over 300 motions that they need to get to.

9 So to suggest that somehow the New York State judiciary

10 is in any way falling behind its federal counterparts is

11 simply a fallacy. Our judges deserve and expect respect

12 for the work that they do and that we should be

13 compensated for that work.

14   Like all Americans, rather than speak to the

15 issues that have already been alluded to by all of the

16 speakers that have come before me, I would like to make

17 this a little bit more personal.

18   Judges in New York, like all Americans, suffer

19 and deal with the frailties of life. We too are raising

20 children and trying to set money aside so that we can

21 educate our children and send them to colleges as well.

22 We all know that the cost of a higher education has

23 exploded in our country. There are many middle-income

24 families that are unable to send their children to

25 college. Judges should not be among that group that

1   suffer and really have to struggle to send their children

2   and give them the same education that we have.

3   I also would like to point out that many of my

4   members, in order to make ends meet, have to take out

5   additional work. So as judges, there is very little we

6   can do by way of making additional money other than by

7   teaching. Those who have taught in our city and state

8   colleges know they don't pay very well, which only

9   illustrates how serious the problem is for state judges

10   when they choose, on top of a crushing work schedule in

11   their day job, to have to then teach two to three nights

12   a week in order to just pay that extra light bill.

13   So I ask this body to remember that judges, we

14   are people too, and we have to pay bills and support our

15   families. By the way, we also are not exempt from the

16   problem that many adults have. As we age, so do our

17   parents, and many of us have the added responsibility of

18   not just caring for our children, not just educating our

19   children, and surviving in our own personal day-to-day

20   lives, but find a way to also assist ailing and aging

21   parents.

22   Lastly, I want to remind this body that with

23   the last tax reform that our nation endured, this state

24   was hit especially hard. My members are paying

25   exorbitant property taxes and there is no place from

1   which to absorb that added financial hit that New York

2   state residents have had to endorse. And so I ask this

3   body, along with everyone else who has testified here

4   today, to continue to support pay parity with our federal

5   counterparts and address a pay disparity amongst the

6   members of our court.

7   I thank you.

8   MR. LACHMAN: I just want to reinforce what you

9   said in terms of salaries that judges and former judges

10   can make. As the dean of Wagner College today and former

11   dean of the City University of New York, you are one

12   hundred percent correct.

13   JUDGE MANZANET-DANIELS: Thank you.

14   THE CHAIRPERSON: Do you have a written

15   submission?

16   JUDGE MANZANET-DANIELS: I have given a copy of

17   my letter, but I will email a copy for ease of placing it

18   on the website.

19   THE CHAIRPERSON: I believe we only have one

20   other person to testify, Ms. Sassower. Is there anyone

21   else who wants to testify? You're next unless you want

22   to wait for the end.

23   MS. SASSOWER: I'm prepared to wait for the

24   end.

25   JUDGE LEBOVITS: Chairman and committee

1   members, thank you very much. My name is Gerald Lebovits

2   and I'm president of the Statewide Acting Justices across

3   New York. I just completed my 18th year as a judge and,

4   no worries, I am not asking for a raise for seniority,

5   but during that time I also served as a housing court

6   judge, as a civil court judge, and a criminal court

7   judge.

8   So let me very quickly tell you that when I was

9   a housing court judge, for many years we were the

10   lowest-paid judges in the United States by cost of

11   living. Every year for more than ten years we were the

12   lowest-paid judges. When I switched over to civil court

13   and criminal court, I served in a court in which the

14   judges were then the second-lowest paid judges by cost of

15   living in the United States of America. These

16   consequences were profound. I know divorces of judges, I

17   know of judges having to take crippling loans, they

18   dipped into their pensions, they were mistreated by

19   lawyers on the fact that lawyers didn't understand why we

20   would serve because the salaries were so low.

21   When I applied for housing court, there were

22   180 other applicants who received a first interview for

23   one slot only. Housing court was shredded by the years

24   of nonpayment of judges, not even a cost of living

25   increase. During that time, we lost so many judges.

1   Now, the court is full and it's an excellent court,

2   housing court, but more than half the judges are still in

3   their first five years of service. That's what the pay

4   problems led to. It led to so many other problems, Chief

5   Judge Judith Kaye had so many proposals to offer and they

6   didn't go through because everybody was always on

7   eggshells over salaries. It was just a terrible,

8   terrible set of circumstance.

9   What is it that we really want anyway? Let me

10   tell you that we're not asking for a raise today. We

11   asked for a raise in 2011. I testified for the housing

12   court judges because I was the president at that time and

13   the 2011 commission said you should get parity with the

14   feds, but in the end we didn't get it because of

15   budgetary considerations in the state. Budgetary

16   considerations that no longer exist. Then in 2015, the

17   commission said we should have parity with the federal

18   district judges, but that didn't happen for another three

19   and a half years. Even after the commissions, the prior

20   commissions said we should have pay parity, we waited for

21   another seven and a half years before we got it.

22   Let me tell you what it is that we're looking

23   for: If it's not for a raise, perhaps it's a cost of

24   living increase, but we're asking for less than a cost of

25   living increase because if we get federal parity, that is

1   across the United States. It's not federal parity for

2   the judges, for the federal judges in New York state. So

3   if it's not cost of living, then perhaps we're asking for

4   federal parity. I've heard speaker after speaker today

5   saying that we want federal parity. Senator Lachman,

6   Dean Lachman, we are receiving so much less than federal

7   parity and let me explain why.

8   (Continued on the next page.)

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1   JUDGE LEBOVITS: When the judges of the State of

2 New York, some of them had the courage to sue the other

3 judges who decided the case, ruled against us, but when the

4 federal judges, who were equally mistreated by the executive

5 and by congress, when they sued, the federal judges ruled

6 for them, and you have that information in your materials,

7 but not only did the federal judges rule for the other

8 federal judges, they got retroactive raises.

9   They got interest. They got attorney fees. Even

10 those judges who retired continued to get money. Federal

11 judges got paychecks of a million dollars or more. We never

12 got that.

13   And another area we don't get parity is that the

14 Federal cost of living increase goes into effect on

15 January 1st, but for us it goes into effect only April 1st.

16 So, right off the bat we have three months less parity. But

17 it is worse than that.

18   This year the feds had a whole debate about what

19 kind of salary, not salary increase, but cost of living

20 should be awarded. And it almost happened that the award

21 would take place after April 1st, in which case the state

22 judges wouldn't even get parity for that year just because

23 of bad timing, even though that money for the feds went

24 retroactive to January 1st.

25   So how do they compensate in the federal system?

1   Same way we compensate in the state system. There is

2   something called location pay which Mr. Malatras talked

3   about. We don't want location pay. We're not asking for

4   location pay.

5   We are very happy, especially because I'm the

6   president of the Acting Supreme Court Justices statewide, we

7   have judges throughout this state and all of the superior

8   courts, we don't want to hold it over on anybody that we

9   earn more. We don't want to negotiate perpetually with

10   every Commission to have location pay. So we waive location

11   pay.

12   In the end, what are we asking for. We are asking

13   almost nothing from you because what we are asking for is --

14   you can't withhold a salary. The United States Constitution

15   doesn't allow that for federal judges and the State

16   Constitution doesn't allow there to be a reduction for the

17   state judges.

18   And there already was a Commission determination.

19   So you can't take away our salary. What can you then do.

20   All you can do is allow the Unified Court System to pay us

21   the 1.2 percent in continuing cost of living. It doesn't

22   come out of anybody's pocket, except for the court system's.

23   But, really, the judges are working so hard. We

24   see bad things. We interpret the laws. We're responsible

25   for due process. You want excellent judges. You want us to

1   do the work. Well, with the Chief Judge's initiative, the

2   Excellence Initiative, we're going to help with reducing the

3   backlog, reducing the costs, and that's where the court

4   system is going to get its 1.2 percent to pay because the

5   judges work hard, and we will continue to work hard, and we

6   will work even harder.

7   So we are asking for no raise, no cost of living,

8   no nothing. And the difference is are you going to go back

9   to the bad times or will you continue the work of the last

10   Commissions?

11   Thank you very much.

12   THE CHAIRPERSON: Thank you very much.

13   Any questions? Anybody in Albany?

14   (No responses)

15   THE CHAIRPERSON: Thank you very much.

16   I believe we have, as our last speaker, Ms.

17   Sassower.

18   MS. SASSOWER: May I hand this up?

19   THE CHAIRPERSON: Yes.

20   MS. SASSOWER: (Handing document.)

21   THE CHAIRPERSON: Ms. Sassower.

22   MS. SASSOWER: I do solemnly swear to tell the

23   truth, the whole truth, and nothing but the truth, so help

24   me God.

25   This forum has been permeated with fraud. My name

1   is Elena Ruth Sassower and I am director and cofounder of

2   The Center for Judicial Accountability, Inc., a

3   non-partisan, non-profit citizen organization that for more

4   than a quarter of a century-- no, for 30 years, has

5   documented that New York's Judiciary is not discharging its

6   constitutional function to render fair and impartial justice

7   according to law.

8   Rather, it is pervasively corrupt from trial levels

9   up through appellate and supervisory levels, throwing cases

10   by fraudulent judicial decisions that falsify and omit the

11   controlling facts and obliterate the most basic adjudicative

12   and due process standards.

13   And making this even more catastrophic and

14   unconstitutional is that all safeguards within the Judiciary

15   and within the legislative and executive branches are

16   dysfunctional and corrupted. Not the least reason being

17   because when citizens bring steps to enforce black letter,

18   unambiguous law and principles of constitutional governance

19   judges throw the cases usually with a connivance of our

20   state's highest law enforcement officer, the New York State

21   Attorney General who, when she has no legitimate defense,

22   defends anyway with litigation fraud for which she is

23   rewarded by fraudulent judicial decisions in favor of her

24   governmental clients.

25   As I stated when I testified before the Commission

1   to investigate public corruption at its September 17, 2013

2   public hearing, cases are perfect paper trails. There is a

3   record, so it is easy to document judicial corruption.

4   Now, these sentences that I read were from the

5   opening presentation, the written presentation which I

6   delivered orally almost four years ago when I testified on

7   November 30, 2015 at the public hearing of The Commission on

8   Legislative, Judicial and Executive compensation, at which

9   Commissioner Hormozi was a member of the panel.

10   And I handed up in substantiation case file

11   evidence.

12   By the way, both the written statement and the

13   video is not apparently accessible from your web site. For

14   some reason, that public hearing is not operative and my

15   written statement is not there and accessible.

16   I also testified to the same effect with evidence

17   four years earlier on June 20th -- I'm sorry. It was

18   July 20, 2011 before The Commission on Judicial

19   Compensation. Also handing up evidence, case file evidence,

20   of the corruption that infests the Judiciary, that includes

21   the Commission on Judicial Conduct, the monitor, the

22   foremost monitor of the Judiciary.

23   Your web site which, by the way, is inexplicably

24   not a governmental web site. It is an org web site. Why is

25   that? Why do you have an e-mail that is a GMail, okay?

1   There is rigging going on now just as there was rigging four

2   years ago with The Commission on Legislative, Judicial and

3   Executive Compensation and four years earlier with The

4   Commission on Judicial Compensation.

5   And so I would like to devote my presentation to

6   housekeeping matters. Because, with all due respect, you

7   are opening with this hearing, at which you see I'm actually

8   the only citizen testifying. I'm the only one who clearly

9   is presenting opposition. Why is that? Because you are

10   operating under the radar.

11   It would appear, notwithstanding the transcription

12   of your meeting some weeks ago, that perhaps there was not

13   the outrage that there needed to be. I don't believe that

14   there was any newspaper announcement of this hearing today

15   and you may be sure that if it were announced, and if it

16   were announced that the issue is to raise judicial pay

17   beyond where it already is, and virtually there is no

18   mention of that level. It actually only came out in some of

19   the interjection of Commissioner Eng what the levels are.

20   You are talking about judicial salaries that are

21   vastly above what is the average household, median household

22   income, and you are not concerning yourself in the least --

23   you are accepting the deceit and the fraud that we have a

24   high quality, functioning, excellent Judiciary.

25   Now, The Commissioner on Judicial Compensation did

1   not examine the evidence that I handed up.

2   And, by the way, your web site no longer has a link

3   for the 2011 Commission. It's gone. I had already

4   complained that at some point the web site of The Commission

5   on Judicial Compensation from 2011 went inoperative, but it

6   had, at one point, been accessible from the 2015 Commission.

7   Now, with your Commission, you have wiped out the

8   2011 commission. Nothing is there. Not the video of my

9   presentation, not the evidence that I handed up in

10   substantiation and, as I said, with respect to the 2015

11   Commission, the video of the November 30th hearing, the sole

12   hearing you held on Judicial Compensation, is gone and my

13   presentation.

14   Now, Exhibit A, I have handed up a letter to the

15   editor, a letter to the editor that was published

16   August 21st in The New York law Journal. I dare say that

17   probably most everyone here are readers of The Law Journal,

18   and I would find it hard to believe that they did not read

19   this article and it wasn't circulated and they didn't take a

20   look at the record evidence.

21   And the record evidence concerns what is Exhibit A

22   about how the Judiciary operates. It is the citizen

23   taxpayer action suing all three branches for collusion

24   against the people with respect to these force of law

25   commissions, a scheme, a corrupt and unconstitutional scheme

1   to give pay raises to corrupt public officers who should be

2   removed for their corruption in office.

3   The lawsuit is not just a challenge; although it is

4   a challenge frontally, to Part E, Chapter 60 of the laws of

5   2015 which established this Commission, but it is a

6   challenge to the entirety of the budget and this statute

7   under which you are operating is an unconstitutional rider

8   inserted into the budget of 2015. Unconstitutional.

9   Relates to no appropriations.

10   It was the product of behind closed doors, three

11   men in a room dealmaking. Three men in a room dealmaking.

12   Budget dealmaking. If you've ever read the New York State

13   Constitution and the Article 7, the finance article, you

14   know that the budget is off the constitutional rails and

15   three men in a room behind closed doors dealmaking has no

16   part in anything constitutional.

17   The lawsuit, the citizen taxpayer action

18   challenging this Commission scheme, you, and the budget, the

19   Judiciary budget, which embeds, hides the pay raises, has

20   hidden them, concealed their costs. The legislative budget,

21   the entirety of the executive budget, is challenged in the

22   lawsuit which is now at The Court of Appeals which, at every

23   level, this is the people's lawsuit, is brought in the

24   public interest on behalf of The People of the State of New

25   York. It challenges about ten causes of action what has

1   been going on and your reliance on the reports, the 2011

2   report of The Commission on Judicial Compensation and the

3   2015 report of The Commission on Legislative Judicial and

4   Executive compensation.

5   Well, these reports are fraudulent, are false

6   instruments, are violative on their face. On their face

7   they are violative of the statute pursuant to which they

8   purport to be rendered.

9   You're charged, and you have not, you have not held

10   the proper organizational meetings at which you studied the

11   statute and discussed what it means.

12   You have not considered your duty to examine the

13   specified factors and the enumerated factors and other

14   appropriate factors. The factors enumerated are six. And

15   three of them, I believe, relate to not just salary, but

16   non-salary benefits.

17   This is a Compensation Commission. The prior two

18   Commissions which Commissioner Hormozi was a member of,

19   failed. Failed. That report is a false instrument and

20   fraudulent because it did not examine anything but salary

21   and in a most superficial way just like The Commission on

22   Judicial Compensation in 2011 only addressed salary, not

23   compensation, on its face.

24   All these lawyers and judges, had they not read the

25   statute? Did they not see by reading the report and reading

1   the statute that on its face -- and neither of those reports

2   make any finding that -- which is the only predicate for

3   raising salary, that levels were inadequate. It's not a

4   matter of what they think judges would like because it's

5   consistent with their sense of dignity and honor. It's

6   adequacies. Your charge is adequacy.

7   There could be no argument made reasonably that the

8   astronomically high salaries that are unlawfully

9   unconstitutional enjoyed by judges are inadequate and so you

10   have to add COLAs --

11   THE CHAIRPERSON: Can you please finish up, Ms.

12   Sassower?

13   MS. SASSOWER: Yes.

14   So, okay, this is what I am leaving you with. What

15   I handed up, and everything will be posted on our web site,

16   www.judgewatch.org. The center link reads New York Force of

17   Law Commissions Unconstitutionality and Fraud in Plain

18   Sight.

19   And you can see what I'm handing up, in addition to

20   what I will say that you have in addition to the letter to

21   the editor that was published in The Law Journal, my letter

22   to Chief Judge DiFiore, December 31st, 2015, in which I hand

23   delivered to her office to the Westchester County District

24   Attorney, this evidentiary substantiation (indicating) of

25   the presentation made in the letter that both Commission

1   reports, both The Commission on Judicial Compensation in the

2   2011 report and the 2015 report on The Commission on

3   Legislative and Judicial Executive Compensation raising

4   salaries, raising judicial salaries, was a false instrument,

5   violative of sections of the Penal Law and the Public Trust

6   Act.

7   And, indeed, it is, and your duty now, this is what

8   was handed up (indicating). You have all of this. You have

9   a full copy of the record of the -- one last thing. Because

10   Mr. Klinger, who acted as counsel to the sham, corrupt,

11   Committee on Legislative and Executive Compensation, the

12   video of my testimony shows what I handed up which was the

13   Appellate record of the citizen taxpayer action now at The

14   Court of Appeals. Center for Judicial Accountability

15   against Cuomo, et al, and the last defendant is Chief Judge

16   DiFiore.

17   I, under your statute, you have the resources of

18   every department, every agency. You are not limited, you

19   should and you have special power. You have the power of

20   legislative committees, it says right in your statute. Your

21   duty is to find the evidence that I handed up in 2011, in

22   2015, in 2018.

23   And, if you want more of it, more of the record,

24   the complete record, to ask the Judiciary, it's now at The

25   Court of Appeals, you can access the complete record. It's

1   also on the web site. But your duty is to make findings of

2   fact and conclusions of law.

3   And if these judges and lawyers are so fit, and so

4   excellent, and so wonderful, let them charge them with

5   making the findings of fact and conclusions of law because

6   what you have here is a grand larceny and you should know

7   that, as of this date, already paid out in fraudulent,

8   statutory violative, unconstitutional judicial pay raises is

9   --

10   THE CHAIRPERSON: Ms. Sassower, you have one minute

11   to finish --

12   MS. SASSOWER: -- probably on the order of half a

13   billion dollars.

14   Plus, you must remember, too, that there is a link

15   between -- another factor for you to consider --

16   THE CHAIRPERSON: Ms. Sassower, would you please

17   finish up.

18   MS. SASSOWER: -- the statutory link between

19   judicial salaries and D.A. salaries. When you raise

20   judicial salaries, they go up. There's been a mass, a mass

21   deluge of public money, taxpayer money spent and that needs

22   to be recovered.

23   Last thing, with all respect to Judge Eng, Judge

24   Eng, and most of you are afflicted by conflict of interest.

25   I must say to you, Judge Eng, with all respect --

1   THE CHAIRPERSON: Thank you.

2   MS. SASSOWER: With all respect, you have already

3 --

4   THE CHAIRPERSON: Ms. Sassower, would you please

5 finish up.

6   MS. SASSOWER: You have already, by virtue of --

7   THE CHAIRPERSON: Ms. Sassower --

8   MS. SASSOWER: -- the office been the beneficiary

9 of these pay raises.

10   THE CHAIRPERSON: Ms. Sassower --

11   MS. SASSOWER: What we're talking about here is

12 criminal fraud by the judges.

13   THE CHAIRPERSON: Ms. Sassower, thank you.

14   MS. SASSOWER: There has to be adjudication of what

15 has gone on and you and other judges will all be --

16   THE CHAIRPERSON: Would you like me to call the

17 security officer or will you stop?

18   Thank you very much.

19   MS. SASSOWER: Of course I will stop.

20   Thank you so much.

21   THE CHAIRPERSON: Any questions from the

22 commissioners?

23   MS. SASSOWER: I look forward to your findings of

24 fact and conclusions of law.

25   THE CHAIRPERSON: I assume there's no one else here

1   who wants to testify?

2   MS. SASSOWER: No, because no public announcement

3   was disseminated.

4   THE CHAIRPERSON: Let me announce that it is posted

5   and distributed on our media releases.

6   We will have a public hearing in Albany on

7   November 14th and then our next meeting after that is

8   scheduled at the City Bar Association on November 21st.

9   Let me remind the New York based commissioners that

10   if they are not going to be able to travel to Albany, that

11   the meeting will be held at the City Bar Association

12   available in New York. I personally will be in Albany to

13   join our two colleagues and I hope others of you will as

14   well.

15   Any questions or comments that any of my colleagues

16   want to make?

17   MR. MALATRAS: I would just like to say, so it's

18   clear on the record, that Mr. Eng and Ms. Hormozi's

19   reputations are impeccable and they serve with integrity and

20   I just want the record to reflect that for the public

21   record.

22   THE CHAIRPERSON: Thank you very much.

23   MS. SASSOWER: The --

24   THE CHAIRPERSON: The meeting is adjourned.

25   (Whereupon, the meeting is concluded.)

$

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