

*Testimony of*  
***Justice Janice A. Taylor***

*On Behalf Of*  
**THE SUPREME COURT JUSTICES' ASSOCIATION  
OF THE CITY OF NEW YORK**

*Before The*  
**NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL  
& EXECUTIVE COMPENSATION**

2019

*“If you are not moving forward, you are falling backward.”*

A simple, yet true adage. This Commission stands at a turning point. It can continue to move judicial pay forward, maintaining the parity long-confirmed to be appropriate and only recently attained by the state judiciary, or it can undo the prior work of past commissions and the substantial progress that has been made in restoring the dignity and attractiveness of judicial service in New York State.

It took 20 years for a commission to be formed to consider judicial pay independently. That Commission and this Commission's predecessors all agreed that the appropriate benchmark is federal judicial pay. Yet, even with that, actual parity was only recently achieved in April of last year. The gradual move and staggered implementation of parity made sense given the prolonged period of wage stagnation and substantial gap between New York state judicial pay and federal judicial pay.

But, now we are here, at last. To fail to continue parity would be to endorse regression on the significant progress that has been made and would devalue the important role the judiciary plays as an independent and co-equal branch of state government.

In 2015, this Commission recommended the restoration of parity between the salary of a New York State Supreme Court Justice and that of a Federal District Court Judge. The Commission recognized that New York State has one of the largest and most distinguished court systems in the world and that attracting and retaining a well-qualified judiciary depends on competitive judicial salaries. That still holds true today.

The caseloads in New York are staggering and increasing in complexity and there continues to be a clear need for judges with the requisite legal training, experience and communication skills to manage and adjudicate the millions of cases filed each year impacting the lives of millions of New Yorkers.

And yet, when compared with the cost of living and the compensation of New York's Federal Judges, state court judges in other states, and other legal professionals in government and private practice, Supreme Court Justices are still significantly behind in their pay. Indeed, despite the progress made from the last Commission (when Supreme Court Justices ranked 47th in compensation in the nation), according to the most recent *Survey of Judicial Salaries* promulgated by the National Center for State Courts, the New York State judiciary, when adjusted for cost of living, earns salaries that rank 29th in the nation – not even in the top half of the country. A copy of the *Survey of Judicial Salaries* is attached as an exhibit to this testimony.

The restoration of parity with Federal Judges in 2015 was a much needed step. For decades, judicial compensation was used as a political bargaining chip, never receiving independent evaluation. From 1977, when the State assumed responsibility for paying judicial salaries, until 1999 – a 22-year period – judges received a pay adjustment only five times. In its groundbreaking decision in Maron v. Silver, 14 N.Y.3d 230 (2010) – a case in which the City and State Judges Associations both participated – the Court of Appeals found that Judges were long overdue for an increase in pay and a different approach was needed.

That led to the creation of a Commission on Judicial Compensation. When the first judicial pay increase went into effect as a result of the first Commission report in April 2012, it had been a 13-year period without any pay adjustment for State Court Judges. We therefore maintained to the prior Commissions and reiterate now that raises established in 2015 should not be the type of “one-shot” increases that had led to years of inconsistency and chasing pay, always falling short on judicial compensation. The far better mechanism, as we submit again here today, is to continue the system of parity linked to the federal judiciary.

Our performance merits this level of compensation. The past four years have demonstrated the impact of more competitive judicial salaries. The raises determined by the last Commission are having their intended effects. Morale among the judiciary is higher. Before the commission process began to increase judicial pay in 2011-12, a staggering 295 judges left office in various ways (including many leaving mid-term and not seeking a new term as well as those who were not reelected). More recently, in 2018-19 that number decreased to a reasonable 87 judges, akin to the yearly number preceding the big drought in pay. And we have attracted new and diverse candidates to the bench.

As Chief Judge Janet DiFiore announced in her latest report on the *Excellency Initiative*, the judiciary is working more efficiently, ensuring the just and expeditious resolution of all matters. All of the performance indicators, including the “standards and goals” for the judiciary evidence an extremely high level of performance by our judges in case management and disposition. Here are just a few examples:

- In Bronx County, pending cases over one year dropped 84% in the past three years, with a 46% decrease in 2018 alone. Pending cases in New York County over one year have also dropped 85% during the three-year period of the Excellency Initiative. Arrest-to-arraignment times have dropped to historic lows, averaging under 19 hours city-wide.

- Upstate has seen the same progress and elevated performance. In the Ninth Judicial District (which covers Dutchess, Orange, Putnam, Rockland & Westchester counties), for example, there has not been a single felony indictment lasting one-year over the standards and goals in more than four years. Civil cases district-wide have been reduced by 49% since 2015.
- In the Eight Judicial District, a second Opioid Intervention Court was created in Niagara Falls City Court, joining the one Opioid Intervention Court that opened in Buffalo City Court in May 2017.

These and more statistics on the progress of our judiciary since the Excellency Initiative began have been summarized and compiled by the Chief Judge and will no doubt be submitted by the Office of Court Administration. It is in the public interest for us to continue to build on this progress.

This increased efficiency in our courts comes despite state court judges hearing more than double the number of cases as their federal counterparts. According to the National Center for State Courts, more than 95% of all cases are filed in state courts, not federal. In 2017, some 354,000 cases were filed in Federal District Court. Some 83 million were filed in state trial courts. In NY Supreme Court alone, there were approximately 733,492 *new* filings in 2017.

It is hard work. Those who choose a career in public service make the decision with an understanding that they are unlikely to accumulate anything like the wealth of their colleagues in the private sector. However, we do need diversity of background for those willing to apply for appointment or election to the bench and we do not want to rely solely on those who are wealthy enough to retire on the bench. While the raises have helped, a trial court judge in New York still makes approximately what a second year associate makes at a major New York City law firm.

While the maintenance of parity is of vital importance to our judges, in the context of the \$168 billion of expenditures in the State budget, the outlay of funds is miniscule. We understand from the Office of Court Administration that its agency budget can accommodate whatever cost of living increases may result from a projected increase in federal pay of the raises sought here.

We urge the Commission to adopt the OCA proposal that the salary of the Supreme Court Justice remain at parity with the Federal District Court Judges, effective April 1, 2020, and that this parity be continued for the subsequent three years until the next Commission is convened.

# SURVEY OF Judicial Salaries

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Data and Rankings as of July 1, 2018

## Rankings as of July 1, 2018

This graphic depicts the rankings of judicial salaries, with the highest salary for each of the three positions having a rank of "1." General jurisdiction judge salaries, adjusted for cost of living, are also included in this graphic. Empty squares represent states without an intermediate appellate court.



### Judicial Salaries at a Glance

	Mean	Median	Range
Chief, Highest Court	\$181,343	\$177,244	\$136,000 to \$256,059
Associate Justice, COLR	\$175,249	\$173,694	\$136,000 to \$244,179
Judge, Intermediate Appellate Court	\$168,663	\$168,036	\$132,838 to \$228,918
Judge, General Jurisdiction Trial Courts	\$157,404	\$153,603	\$125,499 to \$208,000
State Court Administrators	\$157,587	\$150,707	\$107,000 to \$280,308



[www.ncsc.org/salarytracker](http://www.ncsc.org/salarytracker)

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Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed Alphabetically by State Name

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries as of July 1, 2018). Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." The lowest salary has a rank of "51" except for intermediate appellate courts, which exists in only 40 states.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Court		General-Jurisdiction Court Adjusted for Cost-of-Living Index		
	Salary	Rank	Salary	Rank	Salary	Rank	Factor	Salary	Rank
Alabama	\$167,685	30	\$178,878	11	\$134,943	43	96.77	\$139,454	27
Alaska	\$205,176	4	\$193,836	6	\$189,720	6	136.16	\$139,334	26
Arizona	\$159,685	36	\$154,534	29	\$149,383	30	110.07	\$135,721	36
Arkansas	\$174,925	24	\$169,672	18	\$168,096	16	95.10	\$176,760	3
California	\$244,179	1	\$228,918	1	\$200,042	5	142.78	\$140,108	26
Colorado	\$182,671	17	\$175,434	13	\$168,202	15	110.31	\$152,478	12
Connecticut	\$185,610	15	\$174,323	16	\$167,634	17	138.09	\$121,397	47
Delaware	\$195,245	11			\$183,444	8	110.43	\$166,119	5
District of Columbia	\$220,600	5			\$208,000	1	150.73	\$137,991	29
Florida	\$220,600	5	\$169,554	19	\$160,688	20	106.44	\$150,964	14
Georgia	\$175,600	23	\$174,500	15	\$173,065	11	100.10	\$172,887	4
Hawaii	\$227,664	4	\$210,780	4	\$205,080	3	149.08	\$137,560	30
Idaho	\$151,400	41	\$141,400	36	\$135,400	41	96.08	\$140,920	24
Illinois	\$234,391	2	\$220,605	2	\$202,433	4	111.77	\$181,116	2
Indiana	\$177,244	21	\$172,296	17	\$147,164	33	96.39	\$152,674	11
Iowa	\$174,808	25	\$158,420	26	\$147,494	32	99.00	\$148,984	17
Kansas	\$142,089	46	\$137,502	38	\$125,499	51	100.47	\$124,910	43
Kentucky	\$138,890	48	\$133,299	39	\$127,733	48	93.92	\$136,003	34
Louisiana	\$169,125	28	\$158,147	27	\$151,943	27	100.24	\$151,579	13
Maine	\$138,070	49			\$129,397	46	123.04	\$105,166	51
Maryland	\$181,433	18	\$168,633	20	\$159,433	23	127.83	\$124,721	44
Massachusetts	\$200,984	9	\$190,087	7	\$184,694	7	137.11	\$134,704	38
Michigan	\$164,610	33	\$157,544	28	\$145,578	34	96.54	\$150,790	15
Minnesota	\$177,697	20	\$167,438	21	\$157,179	24	106.03	\$148,236	18
Mississippi	\$152,250	40	\$144,827	33	\$136,000	40	91.14	\$149,214	16
Missouri	\$176,157	22	\$161,038	24	\$151,840	28	97.98	\$154,969	10
Montana	\$144,061	45			\$132,558	44	103.40	\$128,195	40
Nebraska	\$173,694	26	\$166,009	22	\$160,667	21	99.47	\$161,527	6
Nevada	\$170,000	27	\$165,000	23	\$160,000	22	111.18	\$143,909	20
New Hampshire	\$164,647	32			\$154,442	25	128.20	\$120,468	49
New Jersey	\$193,842	12	\$183,534	8	\$173,000	12	126.67	\$136,579	33
New Mexico	\$139,819	47	\$132,838	40	\$126,187	49	105.57	\$119,526	50
New York	\$230,200	3	\$212,700	3	\$208,000	1	145.65	\$142,813	22
North Carolina	\$149,115	42	\$142,947	35	\$135,236	42	100.35	\$134,764	37
North Dakota	\$157,009	37			\$143,869	35	105.90	\$135,853	35
Ohio	\$164,000	34	\$152,850	30	\$140,550	38	96.74	\$142,340	23
Oklahoma	\$145,914	44	\$138,235	37	\$131,835	45	96.23	\$136,998	31
Oregon	\$154,040	38	\$150,980	31	\$142,136	36	116.26	\$122,257	46
Pennsylvania	\$207,203	7	\$195,978	5	\$180,299	9	111.82	\$161,236	7
Rhode Island	\$179,387	19			\$161,507	19	127.75	\$126,422	41
South Carolina	\$148,794	43	\$145,074	32	\$141,354	37	103.42	\$136,686	32
South Dakota	\$136,893	50			\$127,862	47	105.99	\$120,639	48
Tennessee	\$188,952	13	\$182,664	9	\$176,364	10	96.34	\$183,059	1
Texas	\$168,000	29	\$158,500	25	\$149,000	31	101.67	\$146,556	19
Utah	\$182,950	16	\$174,600	14	\$166,300	18	103.26	\$161,043	8
Vermont	\$161,576	35			\$153,603	26	125.46	\$122,500	45
Virginia	\$197,827	10	\$181,610	10	\$171,120	13	109.17	\$156,748	9
Washington	\$186,681	14	\$177,708	12	\$169,187	14	117.95	\$143,437	21
West Virginia	\$136,000	51			\$126,000	50	99.85	\$126,184	42
Wisconsin	\$153,291	39	\$144,614	34	\$136,428	39	103.94	\$131,262	39
Wyoming	\$165,000	31			\$150,000	29	106.79	\$140,464	25
Mean	\$ 175,249		\$ 168,663		\$ 157,404				
Median	\$ 173,694		\$ 168,036		\$ 153,603				
Range	\$ 136,000 to \$ 244,179		\$ 132,838 to \$ 228,918		\$ 125,499 to \$ 208,000				

The figures presented use the C2ER Cost-of-Living Index. The Council for Community and Economic Research-C2ER is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. Due to the rounding of C2ER factors to the nearest hundredth for publication purposes, user calculations of our adjusted salary figures may not equate to the published totals. More detailed information can be found at [www.c2er.org](http://www.c2er.org).