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NYS Commission on Legislative, Judicial and Executive Compensation
64 Beaver Street
Box 454
New York, NY 10004

Re: Judicial Salaries

November 30, 2015

Dear Commission Members:

The New York City Family Court Judges Association consists of the full-time, appointed Family Court judges who sit in the five boroughs, as well as judges elected or appointed to other courts who have been temporarily assigned to sit in Family Court. Our membership strongly supports the proposal submitted by the Office of Court Administration ("the OCA Proposal") as it relates to the salary structure for judges sitting in New York City Family Court.

As you know, the OCA Proposal calls for Supreme Court justices' salaries for the state fiscal year commencing April 1, 2016, to be equivalent to the salary of Federal District Court judges as of that date (OCA Proposal at § IV), and for automatic cost-of-living increases for the following three years equivalent to the adjustments provided to the federal judiciary by annual executive order. (Id. at § VI.) We support those aspects of the OCA Proposal for the reasons stated in the letter from Judge Conrad Singer, dated November 20, 2015, on behalf of the New York State Family Court Judges Association.

Critically for New York City Family Court judges, the OCA Proposal would continue the current parity in salary between Supreme Court justices and our membership. (OCA Proposal at § V.) Under the current salary structure, New York City Family Court judges are compensated at a level equal to Supreme Court justices, and the OCA Proposal would maintain that equivalence. We strongly support maintaining this parity, for both normative and economic reasons. Normatively, the work of a New York City Family Court judge is just as demanding and intense as that of any other trial judge in the state. Economically speaking, our members experience the high cost of living in New York City, as

we are mandated by Article VI, § 13(a) of the State Constitution to be residents of the five boroughs.

Having established salary parity between our members and State Supreme Court justices, adopting the balance of the OCA Proposal would be a declaration that New York City Family Court judges ought to receive the exact same salary as Federal District Court judges. Our membership strongly supports this principle. While at first glance it might appear that the work of the two courts is dramatically different, in reality there are many salient similarities. For example:

- Federal District Court judges make life altering decisions; so do we.
- When Federal District Court judges sentence defendants to prison, their orders can serve to keep children away from their parents for the rest of their childhoods; so too do our orders terminating parental rights.
- Federal District Court judges make decisions about complicated financial matters; so do we, upon ruling on child support objections.
- The Federal District Court has civil and criminal jurisdiction, as does Family Court (through delinquency, which incorporates the Penal Law, parts of the CPL, and decisional criminal procedure law).
- While federal civil jurisdiction is broader than Family Court's, the statutes, regulations, and appellate law we work with on a daily basis are dense, complex, and multi-faceted.
- Federal District Court judges are appointed only after a multi-layered vetting process; the same is true for Family Court judges, though our terms are for a maximum of ten years, as opposed to for life.
- Federal District Court judges work with juries; we, too, work with ordinary people, our litigants, many of whom are unrepresented and/or indigent.

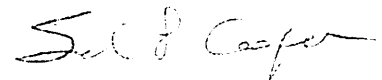
It goes without saying that as an institution, Family Court has been historically under resourced, particularly in comparison with the Federal District Court. However, the facts that we labor without the same level of support (e.g., one court attorney and a shared secretary, compared to two law clerks and a dedicated secretary), and serve a litigant population typically far less wealthy than those served in federal court, does not mean that our bench should be paid less as well. Indeed, the volume of work we confront on an annual basis far outpaces that of the average federal trial judge. **According to data from the Federal Judicial Center, the average weighted number of new filings per Federal District Court judge was 545 for FFY 2013 (the last year for which data were available). According to data from the Office of Court Administration, the average number of new filings per New York City Family Court judge was 779 for calendar year 2014 (the last year for which data were available), a difference of 43%.**

The work of the Federal District Court and the New York City Family Court are obviously quite different, but in critical ways, it is the same. To be

successful, judges in both courts have to work hard every day to earn and maintain the public trust. We all do this by using good judgment; applying our expert knowledge of the law to difficult and contested facts; employing a high degree of emotional intelligence in our interactions with litigants and attorneys; managing a busy and diverse calendar; and making incredibly difficult decisions without fear or favor.

We respectfully submit that, for the foregoing reasons, New York City Family Court judges ought to be compensated at parity with our counterparts on the Federal District Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah P. Cooper".

Hon. Sarah P. Cooper
President