

New York City  
October 13, 2023

**STATEMENT OF THE HON. JOSEPH ZAYAS, CHIEF  
ADMINISTRATIVE JUDGE, TO THE 2023 COMMISSION ON  
LEGISLATIVE, JUDICIAL, AND EXECUTIVE COMPENSATION**

Good morning, Chairman Fahey and fellow commissioners. My name is Joseph Zayas, and I am the Chief Administrative Judge of New York State. I am appearing before you today on behalf of Chief Judge Rowan Wilson, the Unified Court System, and the entire judiciary. Thank you for giving me this opportunity to discuss the vital need for an increase in compensation for the over thirteen-hundred State-paid judges and justices presiding in New York's trial and appellate courts. Next week, we plan to submit a detailed report to the Commission that expands on the points that I'll be making today.

What I'm urging the Commission to recommend is not novel: in 2011, the first of these commissions to be convened recognized that the appropriate benchmark for evaluating the compensation of New York's judges is the pay of our counterparts in the federal judiciary. But unfortunately, in recent years, our salaries have not kept pace with those of federal judges, or, for that matter, with inflation. So, we are asking to be restored to a position of parity with the federal judiciary next year, and that cost-of-living adjustments be implemented over the following three years so that that parity is maintained — and so the value of judicial paychecks is not further diminished.

The statute that established this Commission — which, I know, you helped write, Mr. Kovner — lays out several factors that should be considered in evaluating the prevailing adequacy of judicial compensation. One of them, naturally, is inflation, and inflation is an issue that, I submit, the Commission must give particularly heavy weight to this year. Judges' pay in

New York has not changed since 2019, when, on the recommendation of the 2015 Commission, Supreme Court Judges' salaries matched those of Federal District Court Judges (\$210,900), and the salaries of our other judges were calculated based on that benchmark. I'm sure you are all well aware that, during the ensuing four and a half years, we have experienced historic rates of inflation. The cost of living has grown significantly — by 20% as measured by the Consumer Price Index — and New York, of course, was an expensive place to live to begin with.

No one goes into public service for the paycheck. In fact, many lawyers who pursue a career on the bench take substantial pay cuts to do so. Still, judges and their families are obviously not immune from the rising cost of living. Having seen their salaries stagnate for four and a half years, judges have experienced a 20% loss in the value of each dollar they earn. What this means is that judges are effectively earning \$35,000 a year less than they were in 2019.

The State has clearly taken account of these economic realities when it has come to the compensation of its public officials — and rightly so. In recent years, almost all State employees have received significant pay increases through collective bargaining; by April 2025, these increases will amount to about 14% in the aggregate. State legislators have also received large pay increases. Their salaries have grown by almost 80% over the past five years — including a \$32,000 raise that took effect at the beginning of this year — making them the highest-paid state legislators in the country. At the same time, our Governor's salary has been increased by 25%, meaning that New York also now has the highest-paid governor in the United States.

All of these raises were, in my view, well deserved and warranted. In stark contrast, however, judges' salaries have remained stagnant, even as the cost of living has increased dramatically. This disparity must be rectified by the Commission.

It is not difficult to predict the adverse consequences that will result from four more years of frozen wages. Judicial morale will suffer. Experienced judges will leave the bench for more lucrative positions in the private sector, as well as in government and academia. And talented lawyers who we want to seriously consider the Judiciary as a career choice will decline to do so. The combined effect will be that New York's longstanding pride in its Judiciary as the best in the nation will be jeopardized. And the complex commercial litigation, the important criminal prosecutions, the sensitive disputes involving children and families, and the questions involving our cherished civil liberties that New York's judges address every day may no longer be resolved by the best and the brightest of the legal profession.

The solution to these problems is one that has been embraced by prior commissions, and, before that, by the Legislature. In 1999, when the Legislature last adjusted judicial compensation, it made the salary of a New York Supreme Court Justice equivalent to that of a Federal District Court Judge. Your predecessor Commissions, from 2011 and 2015, agreed that this was the appropriate benchmark. There are several reasons for this. For one thing, they recognized that New York State's Judiciary is a co-equal branch of government, and that it is necessary to set compensation levels for judges that make clear that their work is valued and respected. Those Commissions, moreover, saw the Federal Judiciary as setting "a benchmark of both quality and compensation," and they felt that "New York should seek to place its judiciary on par."

The 2015 Commission identified another advantage of maintaining pay parity with the federal judiciary: the salaries of Federal District Court Judges are adjusted based on annual COLAs received by other federal employees. Consequently, consistently aligning with the pay of the Federal judiciary ensures that, when the cost of living rises, New York's judges will continue

to be fairly and competitively compensated. The effect of *not* doing this is well illustrated by the fact that, since 2019, the salaries of Federal District Court Judges have increased by over \$20,000, to \$232,600, and during that four-year period they have been paid nearly \$50,000 more than New York's Supreme Court Justices.

I would perhaps be remiss if I failed to acknowledge that not everyone who has served on past Commissions has agreed that the pay of the Federal judiciary is the correct benchmark to use in determining the appropriate compensation of New York's judges. This was, indeed, an issue that was vigorously debated by the 2019 Commissioners. I would simply urge this year's Commission to carefully review the reports of your predecessors, and the reasons that the 2011 and 2015 Commissions embraced Federal parity, and I believe you will conclude that this benchmark is logical, fair, and sustainable, as the Legislature did prior to the establishment of the Commission.

Since you are going to be hearing next from the Budget Director, let me briefly address another factor that the Commission must consider, and one that is doubtless on many of your minds — the State's ability to pay for these salary adjustments. To be sure, New York's projected economic outlook is somewhat uncertain. We in the Judiciary are not oblivious to that. It's worth noting, though, that the 2011 Commission recommended increases to judicial salaries during what it called "an unprecedented budget crisis." It did so because it recognized the importance, even when the economy is less-than-ideal, of fairly compensating New York's judges.

What we are proposing is not excessive: the total cost will be \$34.5 million in the first year, and an estimated \$4.6 million for the modest cost-of-living adjustments in subsequent years. \$34.5 million is a mere 1% of the Judiciary budget, and a tiny fraction of 1% of the total

State budget. Moreover, in considering the costs of these prospective salary adjustments, it's important to acknowledge that the Commission's decisions in 2019 and 2020 — by declining to maintain Federal parity — saved the State over \$40 million over the past several years, a time during which the Governor's and legislators' salaries increased, but judges' salaries were substantially diminished in real terms.

The final point I want to make is that in the next few years, our court system will have our work cut out for us. New York's courts are breathtakingly busy even in ordinary times, but, since March of 2020, things have been far from ordinary. The tremendous progress that our judges and other court employees had made significantly reducing case backlogs was, regrettably, largely undone by the strict operational constraints that were unavoidable during the pandemic. Particularly in the Family and criminal courts, we need to address these delays, and we need to do so expeditiously. I have no doubt that New York's judiciary is up to this challenge. But dissatisfaction with frozen salaries and the attrition that inevitably comes with long periods of stagnant pay will make this critical work immeasurably more difficult. Indeed, in my view, further erosion of the value of judicial salaries would likely cause an exodus of our most experienced judges at a time when their collective experience at case resolution is most needed.

I have the highest regard for the judges in what we affectionally call our court family. They are serious, hardworking public servants who do the important work of dispensing fair and equitable justice in millions of cases every year. I am not asking that they receive a raise, certainly not as that term is generally understood. I am simply asking that the value of their paychecks be restored to the level of their federal counterparts, and not be further diminished over the next four years. It's the right thing to do, and the State can afford to do it.

Thank you for your attention.