

In The Matter Of:
OCA Commission v.

November 6, 2023

Karen Mennella
NYS Supreme Court
60 Centre St
New York, New York 10007

1 STATE OF NEW YORK

2 -----x

3 NEW YORK STATE COMMISSION on Legislative,
4 Judicial and Executive Compensation

5 -----x

New York City Bar Association
42 West 44th Street
New York, New York 10036
November 6, 2023

8 B E F O R E :

9 EUGENE M. FAHEY, Chair

10 JEREMY S. WEINSTEIN, Commissioner

11 VICTOR A. KOVNER, Commissioner

12 R. NADINE FONTAINE, Commissioner

13 THERESA L. EGAN, Commissioner

14 HELENE BLANK, Commissioner

15 ROBERT L. MEGNA, Commissioner

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KAREN M. MENNELLA
ASHLEY M. MILLAN
Senior Court Reporters

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1 CHAIRMAN FAHEY: Good morning, everyone.

2 This is the first post hearing meeting of the
3 Commission. I am Commissioner Chair Eugene M. Fahey. The
4 Commission members are all present here today. We are
5 meeting and it's an open public meeting, but it is not a
6 public hearing. We're meeting at the New York City Bar
7 Association offices.

8 We have with us today Commissioner Helene Blank,
9 Commissioner Theresa Egan, Commissioner Nadine Fontaine,
10 Commissioner Victor Kovner, Commissioner Robert Megna and
11 Commissioner Jeremy Weinstein.

12 We finished our public hearing and had a discussion
13 approximately a week ago. The public hearing at that time
14 was held in New York State Bar Association offices. The
15 public discussion we had was about what issues we needed to
16 address as we move forward. Our goal today is to address
17 the question, I believe, if I reflect the consensus of the
18 Commissioners, directly without anticipating a decision to
19 come to a conclusion as to whether or not there should be
20 raises for judges, yes or no.

21 And then, secondly, what are some of the issues
22 that would have to be addressed in a final report, which we
23 hope to address in the following week, but I think we need
24 to talk about them. Procedurally, I thought that rather
25 than have a free-for-all maybe we could start at one end and

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1 work our way to the other end and each take a turn and
2 address the issues in whatever way each Commissioner feels
3 appropriate.

4 Would that be alright with everyone? Anyone have a
5 problem with that?

6 So, Commissioner Kovner, would you like to start?

7 COMMISSIONER KOVNER: I would.

8 As I said up in Albany, I found the evidence that
9 we received at our two hearings compelling in terms of the
10 need for a raise. And I answer, unequivocally, yes. And
11 while I don't think we began to discuss at what level, I do
12 want to make two points.

13 One is one of the witnesses said briefly that the
14 going rate was \$215,000. And that was accurate testimony.
15 What does that mean? I have a list in my office and can
16 provide it to the Chair, if anybody wishes, of 75 New York
17 law firms who average, average more than 200 lawyers for
18 whom the going rate, that is the rate paid of compensation
19 paid to a young lawyer, aspiring lawyer, just graduating
20 high school, some of which have not yet been admitted to the
21 bar, the new lawyers that they're taking in is \$215,000.
22 There are one or two firms that have a little bit more
23 higher pay, but that's the going rate.

24 And I find it shocking and offensive, if not
25 obscene, that the judges in our court of general

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1 jurisdiction are paid less than a recent law school graduate
2 among the bar. And I should say about these, yes, these 75
3 firms are among the largest firms. And they have offices
4 not just in New York City. Many of them have offices
5 throughout the state. So that's one point I want to make.

6 Another point I want to make that was touched on by
7 one of the witnesses, but I give it great weight, and that
8 is in today's unhappy world women and men who serve on the
9 judiciary do so at substantial risk to themselves and to
10 their families. And that hasn't been true in the past. And
11 it is appalling to no end, but also it affects my view
12 regarding compensation.

13 So my opening response, Chairman Fahey, is yes to
14 your first question.

15 CHAIRMAN FAHEY: Thank you, Commissioner.
16 Commissioner Fontaine.

17 COMMISSIONER FONTAINE: I share with Commissioner
18 Kovner's position that there should be an increase, but for
19 different reasons. I believe all the judges and individuals
20 who work in the judiciary are doing it because of their
21 commitment to public service. And I feel that the salary
22 issue does come to bear when we're talking about retention,
23 the tradition of retention recruitment, and I think it's
24 imperative that we do recognize the need for an increase so
25 we can continue to retain good talent and attract additional

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1 talent to come work in the government and continue the
2 commitment to public service.

3 You did speak about the fact that their salaries
4 are markedly different from the private sector or markedly
5 lower than those in the private sector. That's why I
6 believe there should be some sort of parity from the public
7 sector for those individuals who are also committed to
8 public service.

9 So I share recommending there being a pay increase.

10 CHAIRMAN FAHEY: Thank you, Commissioner.

11 Commissioner Blank.

12 COMMISSIONER BLANK: Yes. I would adopt both
13 Commissioner Kovner's and Commissioner Nadine's comments and
14 incorporate them. And I spoke lengthy in Albany about it
15 that the judiciary is a very independent branch of
16 government. It's really not a service of government. It's
17 a function of government. And there is a difference, as I
18 pointed out in Albany.

19 We're not talking about whether or not the State of
20 New York is going to pick up our leaves. It's a function
21 that is necessary and a integral part, especially in today's
22 uncertain world, that the rule of law has kept this state
23 steady through it's own turbulent times. And it's important
24 that we retain the best and the brightest.

25 And I agree no one goes into public service to get

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1 rich, but no one goes into public service to stagnate their
2 salaries while inflation costs. Their children's health
3 care, they pay more now as part of their salary to their
4 healthcare than they did in the past. And that's likely to
5 increase as healthcare costs are increasing. And the
6 government is, of course, naturally looking for partnerships
7 with the people who it's insuring.

8 So all these things for these families that are
9 being supported. And I don't remember who it was, but I do
10 think he actually was the president of the women's bar who
11 pointed out that one of the women who belonged to the
12 women's bar, is a member of the judiciary, basically can't
13 really make ends meet because of the pressures on her
14 salary. She is a single mother taking care of a family and
15 it's just not working. And we can't have somebody like that
16 looking for private employment if she's really an asset,
17 which these people in service in the function of our state
18 should be paid well.

19 Again, I think we need to talk about the levels.
20 But, yes, the answer, of course, is yes to a pay increase.
21 And I'm looking to hear the ideas from other members of the
22 Commission as to what that should be.

23 CHAIRMAN FAHEY: Thank you, Commissioner.
24 Commissioner Weinstein.

25 COMMISSIONER WEINSTEIN: Thank you.

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1 I was privileged to serve on the bench for 25 years
2 and that included that period of time from 1999 to 2012 when
3 there was no salary increase, no cost of living increase. I
4 remember friends saying to me, well, surely you must have
5 been getting some cost of living inflationary increase, but
6 for 12 years there was no increase at all.

7 If we do not do something now, we will see another
8 four years on top of the four years where there's been no
9 increase. And we will be going back to that, what I
10 consider, that dark time in judicial history. And I think
11 that's unconscionable. I know the men and women on the
12 bench. I know their dedication, their service. I saw them,
13 when I was the supervising judge and administrative judge, I
14 saw their work ethic, despite not getting salary increases.
15 I saw their dedication during the pandemic. And I think
16 that they are clearly deserving of the utmost consideration
17 of this Commission going forward.

18 THE COURT: So that is a yes?

19 COMMISSIONER WEINSTEIN: And that is a yes.

20 CHAIRMAN FAHEY: Thank you, Commissioner.

21 Our next Commissioner is Commissioner Egan.

22 COMMISSIONER EGAN: Good morning.

23 I think the testimony that we received by just
24 about everybody, minus, I think, three individuals that had
25 testified provided overwhelming evidence in regard to the

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1 state of the judiciary now, as well as really what their
2 desires are going forward. Again, with Judge Weinstein I've
3 been very fortunate to work with and work for and appear in
4 front of many judges, you know, at different levels of the
5 state and incredible talent. And compensation is one of
6 those ways that we can recognize that talent when there's so
7 many other ways that they're struggling right now, including
8 the significant risk, I think, to their health and well
9 being.

10 We're in a crazy, crazy time. And if we are here
11 and able to make a small difference in that, I think it
12 certainly bears serious consideration. I think the
13 testimony in regard to numbers is very important. When you
14 look at where their salaries are and then you go back and
15 actually look at the legislation that we have in front of us
16 and the factors that we need to consider in regard to
17 inflation, in regard to, you know, changes in public sector
18 spending, when we look at what has happened in the co-equal
19 branches of government, I do believe that we are certainly
20 the place where the judiciary is extremely deserving of an
21 increase.

22 So the answer to your question to start with would
23 be a yes. I do think there's some significant conversation
24 about what that number is. But, yes, there's certainly
25 recognition that they are deserving. And, hopefully, we

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1 have a real substantive and positive conversation going
2 forward in regard to the number.

3 Thank you.

4 CHAIRMAN FAHEY: Thank you, Commissioner.
5 Commissioner Megna.

6 COMMISSIONER MEGNA: Yes. I'll be brief.

7 I think that the answer to your question is yes,
8 that there should be an increase. I think a lot more
9 conversation has to happen about how we should do that or
10 how we should think about it.

11 And I have a question. How long is this group
12 impaneled and what are the timeframes? I get that we want
13 to do April 1st. I understand that. But what are the
14 timeframes?

15 CHAIRMAN FAHEY: November 15th of 2024. It would
16 be the end of the Commission. The timeframe for the
17 Commission's decision on the judiciary is December 31st of
18 this year.

19 COMMISSIONER MEGNA: Thank you.

20 So while I'm not arguing we should take all of that
21 time, because I don't think we're going to need to, I think
22 it does give us a little bit of a chance to talk about the
23 proper way to do this and what the right amount should be.
24 But I certainly agree that if we're getting into a situation
25 of eight years without an increase, that would be

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1 unfortunate and unnecessary.

2 CHAIRMAN FAHEY: Yes.

3 COMMISSIONER MEGNA: I did say yes right away.

4 CHAIRMAN FAHEY: I didn't mark it on my list.

5 COMMISSIONER MEGNA: I don't like to say yes too
6 many times, so...

7 CHAIRMAN FAHEY: But thank you. And thank you for
8 your remarks, all of you. I'm also a yes. I'm not going to
9 reiterate any of the eloquent remarks that you all made.

10 The only thing I can say is Judge Weinstein and
11 myself both feel that we were very lucky to be judges and
12 it's a special job and a special responsibility. The
13 remuneration that you receive for the job should simply be
14 in accordance with what it takes, as I've said before, to
15 live a middle class life in a changing society that reflects
16 other responsibilities of the office that we hold.

17 We're never going to reach a point where the
18 salaries of judges are going to compete with the private
19 sector. And I think that's what was so important about
20 Commissioner Kovner's remarks, because the way he put it is
21 that those just starting out in the legal profession are
22 also making more than those who are responsible for every
23 decision that's made in the legal profession. And it seems
24 to be upside down and not a reflection of what we value in
25 our society, in our government.

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1 So I appreciate all of us and all of you saying
2 that there should be a pay raise for judges. I think it's
3 an important moment. And I think it stabilizes the function
4 of the judiciary and puts us on the right path for dealing
5 with long-term structural problems and these kind of issues.

6 That being said, if we all agreed to that, one of
7 the other areas that we talked about last week were the kind
8 of issues that we had to address. And let me say this. Our
9 plan was to meet the following week and to have a draft
10 report. Whether or not the draft report will be finalized
11 in some form or other will be up to the Commission, but the
12 only way I can give you a draft is at least if I have an
13 idea as to what issues need to be addressed and what some of
14 the Commissioners ideas are.

15 I had sent a note around to the Commissioners and
16 there's a number of issues that come up. And these are
17 things that we have to think about and we can talk about
18 them in any order you want. But previous reports of prior
19 commissions, particularly the 2016 Commission, have
20 recommended that there be pay parity between State Supreme
21 Court judges and Federal District Court judges. And I
22 don't -- I think there's two ways of analysis to look at the
23 salaries of State Supreme Court judges. And you have to ask
24 why is that important. Well, it's important because State
25 Supreme Court judges becomes the standard by which the

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1 judges who are jurisdictionally below State Supreme Court
2 and jurisdictionally above State Supreme Court, that's the
3 number that's worked off of to establish the salaries for
4 everyone else.

5 So in 2016 there was pay parity with federal judges
6 and the State Supreme Court judges were the standard.
7 County court judges and all the county court jurisdictions,
8 whether it's Family, Criminal or Surrogate's court, were
9 95 percent. New York City and district courts were
10 93 percent. And upstate, this is roughly now, and upstate
11 city court judges and housing court judges in the city were
12 90 percent of State Supreme Court. That's roughly how I
13 remember the analytical approach that was taken in 2016.

14 I'm only speaking for myself. I don't think we
15 need to -- I think that federal district courts is a good
16 number for us to look at, but we don't need to adopt a hard
17 and fast philosophy because we're in a unique position. And
18 the requirements of the courts or, excuse me, the
19 Commission's responsibilities are reviewed. We were
20 required to look at a series of factors. One of them,
21 obviously, economic factors, rates of inflation, similar
22 jobs in similar places in government and what they were
23 paid. And we're in a period right now where almost all of
24 state and federal employees are going through a period of
25 raises of approximately three, three and three. May have

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1 been four or they're all three, but I'm not sure about that.

2 COMMISSIONER MEGNA: Twos and threes.

3 CHAIRMAN FAHEY: Twos and threes. Commissioner
4 Megna points out it's twos and threes. So if you stretch
5 that out over a four-year period, it's approximately a ten
6 percent number. If you compare Federal District Court
7 salary difference between State Supreme Court salary, that's
8 also approximately a ten percent number. So that we don't
9 have to, as a Commission, adopt a policy. As an individual,
10 I think we have every right to. As a Commission we don't
11 have to and we could achieve the same result in the numbers.
12 And, personally, I will support whatever the Commission
13 feels is appropriate to move forward on that.

14 So we've got the pay, the number itself; the
15 analysis for the number for State Supreme Court; and then
16 the percentages for the other district courts and whether
17 they should be changed or whether we should leave them as
18 they were in the 2016 report. That's something to think
19 about on those proportionate numbers.

20 The other question I think that's important is the
21 question of whether or not subsequent to our decision on
22 this year's salaries for the judiciary, which would take
23 effect April 1st of 2024, is should there be cost of living
24 increases in subsequent years. And, if so, what should they
25 be and should they be some years.

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1 And the only other thing I want to add is I think
2 this Commission is in a unique place. Because of the
3 numbers, we have an opportunity to do something without
4 getting tangled up in the basis for our decision. And we
5 could bring some -- a fair increase to the judges. At the
6 same time, the discussion about parity versus what other
7 government employee issues all numerically end up in the
8 same place.

9 And that's a unique situation. Should we be able
10 to reach a consensus on that and some consensus on some cost
11 of living increases, then future commissions won't be
12 constantly having to make up the gap that developed in the
13 years that we had before in the judiciary between what
14 they're receiving and what's a fair salary. And that means
15 it's not going to cost as much for the government to do it.
16 It also means that they can properly budget and plan for
17 what they need to do. If they know it's going to be two or
18 three percent every year over the four years, that's much
19 easier to plan for than large increases time and time again.

20 And it also, I think, creates a situation where we
21 don't have the policy pressure on the administrators and
22 OCA, the Legislature and the Executive Branch to keep coming
23 up with big chunks of change when they could deal with the
24 issue of pay raises in the same way that they would deal
25 with it as they modeled it for other government employees.

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1 And so the pay raises for the judiciary and,
2 hopefully, exempts and maybe even Legislature could be dealt
3 with and modeled the same way. So we have a chance to kind
4 of end these big jumps and put this on a more rational
5 footing. And that would be a long-term goal. I don't ask
6 anybody to commit to anything, just to think about it in
7 that light.

8 So that's how I'd like to conclude. Now, I thought
9 that I outlined some issues, you know. What's the number,
10 number one. Number two, what's the basis. Do we need to
11 get basis on the number. Number three, percentages. Should
12 they change or not and, if so, how. And cost of living
13 increases. Those seem to be the four issues that we have to
14 deal with analytically.

15 And I don't think anyone should be committed in any
16 final way now. But I'd just like to hear your thoughts on
17 those areas, if people are comfortable doing that.

18 And Helene had her hand up before, so I just want
19 to get back to her. Commissioner.

20 COMMISSIONER BLANK: I agree with almost everything
21 that you said, Your Honor, and I have thoughts. And
22 especially since talking about between the federal pay
23 parity, which is not necessarily something we must do, but
24 certainly talking about the unions. And, as Bob says, we're
25 seeing two and three percent.

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1 The one issue that I have that I think is important
2 is that the first increase that should, in my mind, that
3 should take effect in April of next year has to take in to
4 account, in my mind, the fact that over the last four years
5 there's been no pay increase. And that the dollar value of
6 the judicial salaries has been affected greatly more so than
7 on a percentage basis, because they include four years
8 without any increase. Forget about the fact what Judge
9 Weinstein talked about, all those decades places where they
10 got no increases, that this first year has to be something
11 that brings them up to a more competitive level and then if
12 we want to use as the bellwether for.

13 I totally agree with everything you said in laying
14 the foundation so that going forward we don't have these big
15 gaps and chunks of money that have to be filled in to retain
16 the best and brightest in the judiciary. That's a different
17 issue. But I do think this first one may have to be, at
18 least in my mind -- and again, I speak only for myself --
19 slightly more than just something as a COLA going on,
20 because they haven't had a pay increase in the last four
21 years.

22 CHAIRMAN FAHEY: I probably wasn't clear, but I
23 agree. I think the first year is one that should be the big
24 jump. My only goal would be that in future commissions they
25 don't have to do that. We don't have to be confronted with

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1 that issue, because we've addressed it. We've had COLAs in
2 the intervening years, which means that they're not
3 confronted with, you know, a 15 or \$20,000 problem per
4 judge.

5 Commissioner Megna.

6 COMMISSIONER MEGNA: Yes. I don't think I agree
7 with that last point. I do think, look, we need to come up
8 with a structure. I do think it is absolutely something we
9 need to consider going back to the beginning of the contract
10 and thinking through how that gets phased in or how that
11 gets done. Absolutely.

12 You know, I might be in the minority on this, but I
13 think, you know, I get a little bit concerned with things
14 like parity to, you know, federal judges and, you know,
15 let's just build inflationary increases in. You know, other
16 brethren in the other two branches don't really have that
17 comfort unless they take specific action to give it to
18 themselves. I think that's an important point to keep in
19 the back of our minds as we go through this.

20 But I do think that it is perfectly reasonable to
21 talk about what a 2019 to now is and what that should be
22 through the end of the four-year period.

23 CHAIRMAN FAHEY: Thank you. Commissioner Egan.

24 COMMISSIONER EGAN: Thank you.

25 Yeah, I'd like to echo what Commissioner Megna just

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1 said. And again, not for any reason and shouldn't be
2 interpreted as this is where I'm going, but I think
3 something that we need to consider is that in 2019 a
4 commission similar to ourselves made the decision in regard
5 to pay raises. And depending on how we structure this or
6 how we do it, our actions here almost go backwards in
7 reverse what a prior commission did. And I just think we
8 need to think about that and how we phrase it.

9 Certainly, four years without a pay raise and
10 having been in the state government side and on the
11 executive side, it is not nice when you have your employees
12 that are serving under you and often times subordinates that
13 are making more than you. It gets into this crazy cycle.
14 So I do think we need to think about that.

15 And, you know, in regard to the COLA, again, I want
16 to echo what Bob had said, too, is even the unions don't
17 technically get COLAs. I mean, it's a negotiated contract.
18 And for years, again, at the executive level, officially or
19 unofficially, how pay raises went for our executives and
20 understanding that's next years's consideration, if you
21 will, there's some reasonableness to tie it back to what
22 those other employees in state government are doing and how
23 they're doing it. And I just think we need to consider all
24 those factors going forward and understand that decision
25 that obviously we make here may have impact.

1 And I just want to -- my last comment would be,
2 again, I don't want to lose, and I think this is how I
3 closed my comments on Friday, our last meeting was we can't
4 forget the factor of can the state, you know, what is the
5 ability of the state to afford this. And again, I think,
6 Commissioner Fahey, we had talked about whatever we do here
7 is that money coming out of the OCA budget or how is that
8 going to be accommodated for.

9 So, thank you.

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1 CHAIRMAN FAHEY: Yes, Commissioner Weinstein.

2 COMMISSIONER WEINSTEIN: Let me go back to my
3 personal experience and raise two issues. During that
4 period from 1999 through 2012, without the pay raise,
5 someone figured out that the average Supreme Court judge, if
6 they had gotten cost-of-living increases, basically lost
7 somewhere in the neighborhood of \$100,000 in income, which,
8 you know, I can tell you is rather significant. One of the
9 areas that disturbed me, even though I was not at that point
10 in my life, were the judges that were forced to retire by
11 age and never saw an increase, so that their pensions were
12 so diminished by what pensions of the judges who retired
13 years later with salary increases were.

14 I know some retired judges today whose pensions are
15 30, 40 percent less than what they would have been had they
16 been able to continue working for just a few more years, and
17 that's going to happen again to judges who don't get pay
18 raises now going forward at a significant rate. There are
19 judges who were forced to retire this year who got no pay
20 raises in the last four years, and their pensions will be
21 diminished by then, and we don't want to see that continue
22 to happen. And the only way, in my view, to prevent that
23 from happening is to give the judges a pay raise, a modest
24 pay raise. And I think, Judge Fahey, you hit the nail on
25 the head, if we achieve parity with Federal District Court,

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1 and with all due respect to the judges of the Federal Court,
2 brilliant men and women, I want to say that just in case I
3 have to appear in front of them in the future, but the fact
4 is, I know what their case loads look like, and they don't
5 compare to the case loads of Supreme Court judges in New
6 York State, they're much higher.

7 So they're deserving of that pay, and I think
8 Supreme Court judges should receive parity, I want to say
9 that straight out, because of the work they do, because I
10 don't want to see judges, who are going to be forced to
11 retire by age, lose out on their pensions because of that.
12 The percentage increase that we're talking about is fairly
13 close and models the two-to-three percent increases that the
14 rest of the state employees have received, and then going
15 forward, to avoid this again of having to go back and say,
16 well, they lost this amount of money and this amount of
17 money, if we give modest increases going forward, that might
18 really be an approach that would take a lot of the mystery
19 out of budgetary planning and take a lot of the mystery of
20 the personal planning of individuals.

21 I will also say, the budget people who testified, I
22 respect them, I respect their brilliance, and I listened to
23 them very carefully. They are also dedicated state workers,
24 and they know the numbers and the difficulty. They don't
25 make policy, nor do we, the Legislature and the Governor are

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1 going to have to decide where they're going to get the funds
2 they need to pay for various things, I lived that life, too,
3 and I understand that, but to me, the amount of money that
4 we're talking about is de minimis when we compare the amount
5 of money that has to be spent on all the other state
6 workers, and so our consideration needs to be what's fair
7 without creating a great burden on the State, but I don't
8 think we are creating a great burden on the State.

9 So I think that we need to look forward, pay the
10 judges a salary that is appropriate for the kind of work
11 they've done over the years, incredible dedication that they
12 have with people of the State of New York, and then find a
13 path to going forward to avoid, you know, well, we have to
14 get more money because they didn't get it then, and also to
15 protect those who are required to retire who shouldn't be
16 required to retire, because there are a lot of men and women
17 well in their 70s who are brilliant and -- I chose to retire
18 early, so I'm not one of those, neither older nor brilliant,
19 I'm just making that point.

20 COMMISSIONER BLANK: You were pretty brilliant on
21 the bench, Judge.

22 COMMISSIONER WEINSTEIN: So my point is that --
23 that was a nonpaid political announcement, another story for
24 another time, so that's basically my point of view. Thank
25 you.

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1 CHAIRMAN FAHEY: Thank you.

2 COMMISSIONER MEGNA: Can I add one thing?

3 CHAIRMAN FAHEY: Sure, Commissioner Megna.

4 COMMISSIONER MEGNA: Having listened to everyone,
5 we probably do need to spend some more time talking some of
6 this stuff through, because I think often we're conflating,
7 you know, what we want to do from 2019 to what you want to
8 do over the duration of this period of time.

9 My view is, no state union signs a contract that
10 has perpetual cost-of-living increases in it, no one, but to
11 the Judge's point, that doesn't mean we shouldn't be
12 thinking about that vis-à-vis this period of time we're
13 talking about, and I think those are two different things,
14 and I just want to be clear on that point.

15 CHAIRMAN FAHEY: How would you address it in a
16 report, Bob. Tell me what you think.

17 COMMISSIONER MEGNA: Again, I wouldn't run away
18 from it, I would say, over the period covered by the
19 Commission's purview, here's what we're doing, and I think
20 it will be clear what those percentages are and what they
21 represent, whatever we agree to.

22 CHAIRMAN FAHEY: I see.

23 COMMISSIONER MEGNA: And people will see right
24 through whatever we do. People will look at the piece of
25 paper and say this is what they got.

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1 CHAIRMAN FAHEY: I think there's sometimes,
2 particularly, I think -- you know, a long time ago I was a
3 Legislator in the City of Buffalo, but that world of
4 politics, I think people look at the bottom lines and they
5 say, well, these are the numbers, and the numbers are very
6 similar to what the Feds are getting, so you guys did this.
7 Well, no, that's a very -- what you're arguing is something
8 more subtle, I think, which is that there can be a number of
9 reasons for a particular raise, not just one, and that's the
10 way I understood Commissioner Egan's argument also. What
11 I'm saying to you is I'm comfortable with that.

12 I think that we just articulate the reasons, put
13 them in the report, and people may only report about the
14 numbers, but for future Commissions and future people are
15 going to say we had this unique circumstance where these
16 things all came together, so we were able to do it, it won't
17 always be that way.

18 COMMISSIONER MEGNA: They have something to do,
19 don't they?

20 COMMISSIONER BLANK: Just so I understand what I'm
21 hearing, because I think we are on the same page saying
22 different things, I'm personally not comfortable with the
23 idea of calling the increases over the period that our
24 Commission covers as COLAs for different reasons than you,
25 but from what I'm hearing is, again, this isn't a negotiated

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1 contract for the judges because nobody is here for them
2 negotiating for them, but that there is something that you
3 think is beneficial to us, to them, and the State, and our
4 mission of we can find a percentage going forward that
5 covers the time period that our commission covers. Is that
6 what I'm hearing? Have I sort of gotten it? Because, as I
7 said, I don't like the word "COLA" myself.

8 COMMISSIONER MEGNA: I think so. Listen, just
9 because of my life and what I've done, I do think of these
10 things kind of squished together a little bit, because
11 that's how contracts for the State of New York are done,
12 right, there's no -- there might be a COLA, but it's wrapped
13 into what the overall settlement is. Given the testimony
14 and given all of the wonderful comments by the people on
15 this panel, when we agree on a number, I don't think
16 anyone's going to be confused about what it represents and
17 over what time period it represents. I'm just saying, I
18 cannot see extending anything beyond the life of this group.

19 COMMISSIONER BLANK: I don't think we have the
20 power to, but I think what Judge Fahey pointed out, it would
21 be perhaps a template for the next Commission and perhaps
22 for the budget of our government, if possible.

23 COMMISSIONER MEGNA: Let the next people worry
24 about that.

25 COMMISSIONER WEINSTEIN: I need to ask a question,

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1 can I, just on that?

2 CHAIRMAN FAHEY: Victor was next, but...

3 COMMISSIONER WEINSTEIN: I know.

4 CHAIRMAN FAHEY: All right, one at a time.

5 COMMISSIONER WEINSTEIN: Just a quick question so I
6 understand, when you say we don't have the power to do
7 that --

8 COMMISSIONER BLANK: Past our four years.

9 COMMISSIONER WEINSTEIN: Past the four years, of
10 course, okay, because we can set whatever salaries we deem
11 appropriate for the next four years, that's our mandate if
12 we wish to do that.

13 COMMISSIONER BLANK: Yes.

14 COMMISSIONER WEINSTEIN: Okay, I just wanted to be
15 clear on that. Thank you.

16 CHAIRMAN FAHEY: Commissioner Kovner.

17 COMMISSIONER KOVNER: Yes, well, one, the losses
18 the judiciary took when the 2019 Commission failed to allow
19 any increase, including cost of living, and the losses they
20 took over the 10-year period earlier in this century, we
21 can't make up for that, that's done, but we can be mindful
22 of it as we reach a just and equitable result, but we can't
23 make it up. And that underscores the reminder that, unlike
24 all other State employees, this is a quadrennial Commission,
25 and whatever we do locks the judiciary in for four years

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1 unless the Legislature overrides us, that's not true of
2 almost all other employees. So in a sense, they are locked
3 in.

4 I also wanted to comment on Judge Weinstein's
5 comparison to the Federal Judiciary. Federal District Court
6 judges have substantially more staff support than that is
7 available to New York State Supreme Court judges who work
8 under the most difficult of circumstances. We should be
9 mindful about, of course that raises support staff issues,
10 which is not within the jurisdiction of this Commission, but
11 in terms of a main number, which is what I think is useful
12 to discuss first, because it's hard to reach any level of
13 adjustment or even breakdown among the various courts, I'll
14 hold that for later, but on the main number, we have that
15 before us, the proposal of the OCA, of the Chief
16 Administrative Judge, which is 10.3 percent, which would
17 lift the State Supreme judges from 210 to 230. 10.3 percent
18 is 2.55, I think it is, don't hold me to that, a year, which
19 is in the mid range or maybe less than other state employees
20 who aren't locked in for four years. So I have to say, I
21 think that there's a lot of reason, looking overall at the
22 situation and not addressing the issue of making up for past
23 unfortunate history, for accepting that recommendation.

24 CHAIRMAN FAHEY: That's a strong point. Thank you,
25 Commissioner.

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1 COMMISSIONER FONTAINE: I just have one question on
2 that.

3 CHAIRMAN FAHEY: Commissioner Fontaine.

4 COMMISSIONER FONTAINE: So if we were to increase
5 it to the Federal amount based on what you just indicated,
6 because the Feds have the benefit of having that increase of
7 COLA, aren't we, in effect, providing them with that
8 increase for the past, from 2019, because they didn't
9 have -- if we expedite --

10 CHAIRMAN FAHEY: Yes, I think, numerically, I think
11 you're right.

12 COMMISSIONER FONTAINE: Essentially we're doing
13 what we --

14 COMMISSIONER KOVNER: Only going forward. We can't
15 regress the losses that they've sustained, as Judge
16 Weinstein points out, that many sustained in their pension,
17 and the women and men were talking about served most of
18 their careers or for long periods of time so that, while
19 there are new judges each year, a very substantial portion
20 of the judiciary took the hit for the recent four-year
21 period and the ten-year period earlier, which we can't make
22 up. That's unfortunately history and it's closed.

23 COMMISSIONER FONTAINE: But by using the federal
24 salary, we're essentially looking back to that period.

25 COMMISSIONER KOVNER: No, we're taking it forward.

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1 What we're doing is, going forward, they would be, as of
2 April of '24, they would be paid the same as Federal
3 District Court judges, I mean State Supreme Court judges,
4 that's the principal level we are talking about.

5 COMMISSIONER MEGNA: I think you're both saying the
6 same thing. Again, I'm jumping in, and I apologize.

7 MEMBER BLANK: You're the numbers guy, so jump.

8 COMMISSIONER MEGNA: I think the point is, to get
9 them to that, you have to go back to the 2019 number and
10 multiply, and then the question is, what are you doing in
11 the interleaving years after that? And I think that's a
12 fair question still, but I think we're all talking around
13 the same subject, which is how much of an increase do you
14 get from 2019 to today, and then what do you do, if
15 anything, in terms of the next few years?

16 CHAIRMAN FAHEY: Can I say one thing? And Helene
17 is next.

18 The way I understand it is, in 2019, they weren't
19 able to reach a consensus on anything, so that meant, for a
20 four-year period of time, the judges did not -- let's say
21 you're arguing parody, so whatever that number was, but
22 let's say it was 220 one year, 222 the next year, 224 the
23 next year, I think there's a dollar amount attached to that
24 four years that they didn't get, and the way I understand
25 what Victor is saying is that's the money that they lost,

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1 that you can't do anything about, and there's no sense
2 worrying about it because that's the money lost.

3 Going forward, as Nadine's point, is that it will
4 be going forward, and the only argument that I think about,
5 if we think about some form of small percentage increases in
6 the out years of this Commission's report, it will prevent
7 that gap from developing again. That was my point, and I
8 think that got us into this numerical discussion.

9 Does that make sense?

10 COMMISSIONER FONTAINE: Yes.

11 CHAIRMAN FAHEY: Okay. Commissioner Blank.

12 COMMISSIONER BLANK: I was just going to say to
13 what you said, is that, and to what Commissioner Kovner said
14 is, we're dealing with the 2019 salary because they didn't
15 get an increase, so to your point, it's sort of a yes and a
16 no, but there's no other salary we can deal with. So we're
17 dealing with something that stagnated for four years, we're
18 not, as Commissioner Kovner says, we're not looking to give
19 them backpay, we're not doing that, so you're just dealing
20 with where you are, so where you are and where you're going
21 to be, and what are we doing that first year, and then going
22 forward, what are we going to do for the four years that our
23 Commission covers. So to your point and Victor's point,
24 it's a yes and a no.

25 Yes, we're dealing with 2019 salary, and yes, if we

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1 bring them up to the Federal level, yes, we're doing that,
2 but we're not giving them backpay, so no, we're not
3 overriding what the last Commission did.

4 CHAIRMAN FAHEY: So let me ask this, and then I
5 would like to talk about some of the other issues, so I'm
6 going to work on a draft and try and get something to all of
7 you by the end of next week.

8 COMMISSIONER WEINSTEIN: End of this week.

9 CHAIRMAN FAHEY: That's right, at the end of this
10 week.

11 One of the things that we have to talk about in
12 that draft, besides the raw number itself, is the
13 percentages of the whole -- we don't deal with percentages
14 above, those are calculated by OCA, so Appellate Division
15 judges, they get a certain percentage above based on the
16 proportionate salary from before, and in my mind, I was
17 going to use the model of the 2016 report, which talked
18 about 100, 95, 93, and 90.

19 Can we talk about that a little? I don't want to
20 lock anybody into anything, I just want to talk about what
21 you think.

22 Commissioner Megna.

23 COMMISSIONER MEGNA: Again, I'm talking too much,
24 so I'm going to shut up.

25 COMMISSIONER WEINSTEIN: No, we want to hear from

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1 you.

2 COMMISSIONER MEGNA: This is a place where I am
3 going to gladly defer to those with more experience on this
4 issue. I would like maybe, and we don't have to do it here,
5 but if anyone has some material on how we got to this, like
6 this should be 90, I would love to see it, if anything like
7 that exists.

8 CHAIRMAN FAHEY: There's a sausage factory that I
9 know about that makes these things, and I could send you a
10 copy of their recipe.

11 COMMISSIONER MEGNA: And that's what I figured, but
12 again, the reason why I would defer on this is I want the
13 people who actually know the judiciary more intimately than
14 I do to say, are these percentages hurting the functioning
15 of the justice system, or is this something that we have to
16 live with because there's plenty of stuff we have to live
17 with? And so, again, I'm going to be deferential on this
18 issue.

19 CHAIRMAN FAHEY: Commissioner Weinstein.

20 COMMISSIONER WEINSTEIN: So I was originally
21 elected as a Civil Court judge, and I served there three
22 years, and then I was make an acting Supreme and the
23 supervising judge of the Civil Court in Queens County, and I
24 stayed a Civil Court judge supervisor for the next seven
25 years, even though I had been, during the interim, elected

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1 as a Supreme Court judge. So I worked as a Civil Court
2 judge, I see the work they do and the work they did. How
3 they are paid at a lesser salary than the Supreme Court
4 boggles my mind. The sheer volume of cases that they have,
5 the workload is immense, and I heard representatives of both
6 the Civil Court and the Criminal Court make an argument at
7 the very least that if the percentages remain the same, then
8 the difference in salaries will increase, and maybe we
9 should consider at least a modest increase in the lower
10 court salaries percentage-wise to keep that gap the same.

11 I respect that. Honestly, I think they should be
12 paid the same as Supreme Court, that's a personal feeling,
13 but I want to give you another experience because you asked
14 for it. You asked for it, so you're going to get it.

15 COMMISSIONER MEGNA: I did.

16 COMMISSIONER WEINSTEIN: One summer, as a Civil
17 Court judge, there was a shortage of Housing Court judges,
18 so I was volunteered to be a Housing Court judge for two --

19 COMMISSIONER EGAN: Voluntold.

20 COMMISSIONER WEINSTEIN: Yes, voluntold to be a
21 Housing Court judge for two months, and after I finished
22 that assignment, I had a new respect for the judges in
23 Housing Court. I don't know how they did it. First of all,
24 the sheer volume and the volatility of the court and the
25 stresses that they have to deal with on a daily basis, it

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1 gave me a new respect for the judges of the Housing Court
2 and anyone dealing with Housing Court issues. I have a
3 recollection, trying to think back to the days prior to the
4 Commission, when it was the Legislature that was setting the
5 judicial pay, that Housing Court judges were actually
6 skipped over for pay increase at some point because there
7 was a political concern, if you will, I won't get into what
8 they were, nothing to do with the judges themselves, I think
9 that was a mistake. I believe that, at the very least, they
10 should be paid the same percentages as the lower courts. I
11 don't understand the concept of them being below Civil
12 Court, Criminal Court, or anything like that. Having done
13 that job, I know what they do, and I see it today, and you
14 know, it's a tremendous stress that they deal with.

15 COMMISSIONER BLANK: And they have less support
16 staff.

17 COMMISSIONER WEINSTEIN: You brought up support
18 staff, a terrific point, they have very little of that.

19 COMMISSIONER BLANK: Right, I mean, so just to your
20 point, it's the most volatile court, it's the most necessary
21 function on a daily basis to our citizens of the state,
22 Housing Court, post-pandemic, is overwhelmed. Family Court
23 during the pandemic, if anybody knows anybody who's a
24 matrimonial lawyer, during the pandemic, they didn't stop
25 work because all of the bad things about families that you

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1 dealt with on a more rational basis before the pandemic
2 became magnified. I mean, I have one friend who literally I
3 don't know what happened to her because I couldn't get in
4 touch with her, because during the pandemic, she was so busy
5 doing virtual appearances for all the problems that her
6 clients had, and these judges kept working. And, again, it
7 goes back to what I said in Albany, this is a function of
8 government that is so necessary to the people of the State
9 of New York.

10 I agree with Judge Weinstein, they should probably
11 all get what at least the Civil Court salary gets, but at
12 least, at the minimum, bring the floor up to 95 percent at a
13 minimum. If not, I don't know that we can, I honestly have
14 to look back, if we can make them the same as Civil Court,
15 but at least bring the floor from 93 to 95. That's my
16 personal opinion. And they have far less staff than Supreme
17 Court, which has not enough staff.

18 CHAIRMAN FAHEY: Commissioner Kovner.

19 COMMISSIONER KOVNER: When I started on the
20 process, the one thing that I really thought would be a
21 mistake would be to alter the percentages, and I thought
22 that going into these hearings, but they have persuaded me
23 that the Housing Court ought to be lifted to the Civil
24 Court, which I think is a movement from 90 to 93.

25 CHAIRMAN FAHEY: That's right.

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1 COMMISSIONER KOVNER: Before we decide that, I have
2 a pretty strong feeling about that, I would like to get the
3 number of Housing Court judges. There are not that many, I
4 don't think it's a big number, but it would have a great --

5 CHAIRMAN FAHEY: Hold on one second. Jordan, would
6 you like look into that for us, get the number of Housing
7 Court judges in the City that are appointed, I believe
8 they're all appointed by OCA.

9 COMMISSIONER KOVNER: And it is the Housing Court
10 of the Civil Court, it's the Housing Court part of the Civil
11 Court.

12 CHAIRMAN FAHEY: I believe so, yes.

13 COMMISSIONER KOVNER: I think I heard you say,
14 Gene, something that I did not know, that upstate Civil
15 Court judges were also at 90.

16 CHAIRMAN FAHEY: Yes, upstate City Court judges
17 are, and in City Court, they have jurisdiction -- they have
18 a limited civil jurisdiction, and it's like your District
19 Court, they have limited misdemeanor jurisdiction.

20 COMMISSIONER KOVNER: I wouldn't want to leave them
21 at 90 while lifting the Housing Court. Again, I don't think
22 the number is large, I think that's particularly small.

23 CHAIRMAN FAHEY: The answer to Commissioner
24 Kovner's question was 50, according to staff.

25 COMMISSIONER KOVNER: How many upstate City Court

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1 judges are there?

2 MR. DRESSLER: That I have to get back to you.

3 COMMISSIONER KOVNER: Commissioners upstate would
4 know better than I.

5 CHAIRMAN FAHEY: I was a City Court judge.

6 COMMISSIONER KOVNER: So if you lifted the lowest
7 floor from 90 to 93, I'm not troubled with Civil Court
8 judges and Criminal Court judges working their way up in the
9 system, and many of them will become Supreme Court judges,
10 or a large portion, and that they would have that raise in
11 addition to whatever the Commission does from time to time,
12 but -- so I would lean to moving that 90 to 93.

13 CHAIRMAN FAHEY: Okay, thank you.

14 Commissioner Megna.

15 COMMISSIONER MEGNA: I'm breaking my promise
16 already. I know you asked for it, Judge, but it would be
17 nice to get a breakdown of the number of judges and how much
18 the dollars are, so if we knew if we were --

19 CHAIRMAN FAHEY: It's in the report. Their
20 salaries are set out in the report.

21 COMMISSIONER MEGNA: But how much, if we were --

22 COMMISSIONER KOVNER: The aggregate cost of
23 increase.

24 COMMISSIONER MEGNA: If we had a level of people,
25 it would be nice to know what that would cost.

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1 CHAIRMAN FAHEY: So I'm clear --

2 COMMISSIONER KOVNER: I think that may be in the
3 OCA submission.

4 CHAIRMAN FAHEY: The OCA submissions had the
5 numbers for the individual judges, and they did not have the
6 number of judges who are in those slots. So is that what
7 we're asking for?

8 COMMISSIONER KOVNER: No, I think Bob is asking for
9 the overall cost.

10 COMMISSIONER MEGNA: Yes, that is what I'm asking
11 for, thank you.

12 COMMISSIONER BLANK: But you would have to know the
13 number of judges --

14 COMMISSIONER MEGNA: You do.

15 COMMISSIONER BLANK: -- exactly. I know this is
16 simple math.

17 COMMISSIONER MEGNA: I don't think it's complicated
18 math.

19 CHAIRMAN FAHEY: So the question is, the numbers of
20 moving Housing Court administrative judges from the City to
21 93 percent from the 90 percent and upstate City Court judges
22 from 90 to 93 percent, that's the question. You want the
23 cost.

24 COMMISSIONER KOVNER: We could get that quickly,
25 that was not in the report.

1 CHAIRMAN FAHEY: You're right, Commissioner, it
2 wasn't in the report.

3 COMMISSIONER MEGNA: My assumption is that, when
4 they costed out, when OCA costed out what they were
5 recommending, they weren't changing these percentages.

6 COMMISSIONER KOVNER: You are correct. Absolutely
7 right.

8 CHAIRMAN FAHEY: Yes, you're totally right. That
9 will be something, if we have the authority to do, we
10 certainly can consider. You know, the only thing I would
11 say about it is, sometimes you should just do what's right,
12 and it doesn't seem to be an inequitable situation, and if
13 it's a modest thing, I would ask us to consider it, and it
14 seems to me that fairness would require that we take a good
15 hard look at this anyway and see if it's possible for us to
16 do.

17 Anyway, so the percentages, did anything anyone
18 else want to speak to the percentages question? The 2016
19 report kind of sets them up clearly because they were
20 applied, so it's helpful for us to look at them. And you
21 can think about it in different ways, too. These numbers,
22 the way I understand the distinctions of not the number
23 itself, but the distinctions were drawn based on court
24 jurisdiction.

25 (Continued on next page.)

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1 CHAIRMAN FAHEY: Supreme Court had the highest
2 jurisdiction, highest salary and so on than the Appellate
3 courts. That's the way I understand the basis for the 2016
4 report. And I think unless anybody disagrees with that,
5 that seems to be a very sound basis to draw a distinction.
6 It's neutral, you know. There's no arbitrary distinction
7 throughout.

8 The numbers themselves, I think that was just what
9 the consensus was. So 95, say, for the county level judges
10 with county jurisdiction. And the same all the way down.
11 They were just to try to keep everyone somewhere between
12 90 percent and 100 percent.

13 COMMISSIONER MEGNA: Sometimes the sausage is the
14 right thing.

15 CHAIRMAN FAHEY: Exactly. Let's face it, there
16 isn't some outside objective goal that we could go and look
17 at something different. And that's where it comes, I think,
18 into all of us balancing the factors that are set out in our
19 responsibilities to try and get a sense of fairness. I
20 think I have a good idea of what you're thinking. And at
21 least maybe I can lay out the alternatives in a report and
22 you could look at them and get a feeling for what else.

23 One issue we haven't discussed at all, something to
24 think about, is if for 2024 there's a salary increase,
25 obviously there's no COLA involved in that. But then in

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1 2025, '26 and '27 would be the idea not of a COLA, but a
2 small percentage increase. And we haven't talked about
3 that. I don't think we -- I'm not asking anybody to decide
4 anything now. I don't think we could do that.

5 But does anybody have anything to say on it just to
6 kind of guide me in drafting or as a matter of put it out
7 there and then we decide up or down?

8 COMMISSIONER MEGNA: Again, I look at it more as a
9 whole package and that you lay out a whole package. I
10 wouldn't personally make a distinction. I would -- again, I
11 think an easy way to do this is to follow the union
12 contracts. Pick one. They're all basically the same. They
13 all cover years that aren't that different than the years
14 we're talking about, although they're a little different.

15 So I have a question. Was 2019 the last year of a
16 raise?

17 COMMISSIONER KOVNER: Yes.

18 MR. MEGNA: So '19 was a raise, '20 was not?

19 CHAIRMAN FAHEY: Correct.

20 COMMISSIONER MEGNA: So I think that does parallel
21 a lot of what the union contracts look like. I could be
22 wrong about that. But I think of them together. But that
23 doesn't mean you have to talk about it that way. I think of
24 it as there's a piece that covers '20 to now and then is
25 there anything left over after that.

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1 CHAIRMAN FAHEY: Yes. Okay. Commissioner Egan.

2 COMMISSIONER EGAN: I would say sometimes it's
3 semantics of what we say and how we say it. So I would
4 avoid the COLA piece.

5 And I think it goes back to Commissioner Megna
6 earlier on in regard to how you look at it. Like, if you
7 look at the DSCA or PAP contracts, they'll talk about, okay,
8 here's the contract here but for years two, three and four
9 there's a 2 percent, 2 percent, 3 percent or 3 percent,
10 2 percent, 2 percent. I don't -- I haven't looked at one of
11 the union contracts in awhile. I'm doubting they call them
12 COLAs, but there's increases in salary.

13 I would echo that piece. If we're going to go down
14 that road, that's what I think.

15 CHAIRMAN FAHEY: I see what you're saying. That
16 makes some sense, I think. Good idea.

17 COMMISSIONER EGAN: And back to kind of some of the
18 comments, certainly, that Commissioner Weinstein said too.
19 Recognizing what we do financially may have an impact on
20 people's future pension rates. Again, just echoing. And
21 I'll defer to Bob, certainly, because he's the expert on
22 this. But you may get it to a point where you go without a
23 union contract for a year or two, but part of what gets
24 negotiated becomes retroactive, which I know we're not
25 talking about here. But to be aware if we go in parallel of

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1 a union contract, for example, you will address those issues
2 in regard to, you know, are judges going to be phased out.

3 Because I'll just say again, you know, I retired in
4 October of '20. There happened to be a negotiated union
5 contract raise. Low and behold, I was very pleasantly
6 surprised that I got small check recognizing my six months
7 where I fell on that. So there is a recognition of that.

8 Again, without committing, I think that's really a
9 positive way to look forward of our next four years.

10 CHAIRMAN FAHEY: I think that makes a lot of sense.
11 I'll draft up the language. Even over the weekend. If you
12 want me to try and change stuff before we even meet next
13 week, we can try and do that. Give it some thought as to
14 what kind of language you would find acceptable individually
15 in the report. So those were the three issues that I saw as
16 having -- and I think I have a sense of what the Commission
17 is looking for at least to get us started for next week.

18 Are there any other issues that you feel that we
19 need to address now today in terms of guidance on a draft
20 report?

21 Commissioner Kovner.

22 COMMISSIONER KOVNER: No, I'm okay.

23 THE COURT: Are you alright, Commissioner? You're
24 good?

25 COMMISSIONER FONTAINE: Yes.

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1 COMMISSIONER BLANK: Yes.

2 COMMISSIONER EGAN: I'm good.

3 THE COURT: You're okay? If there's nothing else,
4 then it's one hour and 4 minutes. It's relatively efficient
5 for government work. Should we adjourn until next Monday?

6 COMMISSIONER BLANK: I think so.

7 CHAIRMAN FAHEY: Alright. Do you want to do it at
8 10:30 or 10:00?

9 COMMISSIONER KOVNER: 10:00 is fine next week for
10 me.

11 CHAIRMAN FAHEY: It doesn't matter to me.

12 COMMISSIONER EGAN: If we're taking the train,
13 10:30 for those coming from Albany. That's helpful.

14 COMMISSIONER WEINSTEIN: And we're having it in
15 Queens, right?

16 CHAIRMAN FAHEY: No, we're having it in Buffalo.
17 One meeting in Buffalo. That's the rule for all of you.

18 COMMISSIONER WEINSTEIN: Might take me shorter time
19 then.

20 COMMISSIONER EGAN: We do it sooner rather than
21 later, because there's going to be snow in Buffalo shortly.

22 CHAIRMAN FAHEY: We're going to adjourn until next
23 Monday. I think we've already sent those out, but I'll
24 discuss it with Jordan. At some location. New York City
25 Bar Association.

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Monday is the 13th; is that correct?

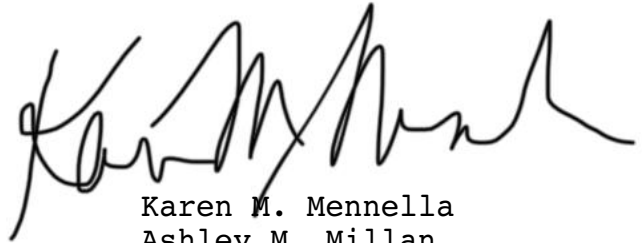
COMMISSIONER BLANK: Yes.

CHAIRMAN FAHEY: 10:30 a.m. I'll see everyone
then. And I'll try to have that draft to you by Friday.

Thank you. Good work today, by the way.

C E R T I F I C A T E

I, Karen M. Mennella and Ashley M. Millan, Senior Court
Reporters for the State of New York do hereby certify that the
foregoing is a true and accurate transcription of my original
stenographic notes.



Karen M. Mennella
Ashley M. Millan
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