



## CIVIL COURT OF THE CITY OF NEW YORK

111 CENTRE STREET  
NEW YORK, N.Y. 10013

CHAMBERS OF  
HON. DAVID B. COHEN  
JUDGE, CIVIL COURT

New York State Commission on  
Legislative, Judicial & Executive Compensation

November 1, 2019

Dear Commissioners:

I write on behalf of the NYC Civil Court Judges Association, an association of 120 judges, representing nearly 10% of New York State's judiciary. We write in support of pay increases for Civil Court Judges to take effect on April 1, 2020.

For the reasons set forth in detail by the Office of Court Administration and several of the other judicial associations, we urge this Commission, consistent with its statutory mandate, to recommend that the New York State Judiciary continue to receive pay parity with the Federal Judiciary. Specifically, that on every April 1, from 2020 through 2023, the salary of New York State Supreme Court Judges should be fixed at 100% of the salary of Federal District Court Judges in effect at that time.

We further urge this Commission to finally eliminate the pay disparity, within the City of New York, between the salary of Supreme Court Justices and New York City Civil Court Judges. We make this request since the most recent pay commission recommended that "Judges of the New York City Civil Court, the New York City Criminal Court, and the District Court, shall earn 93% of a Supreme Court Justice's salary[.]"<sup>1</sup>

That same commission also recognized a number of anachronistic pay disparities in New York State's judicial salaries,<sup>2</sup> and made strides to rectify these anomalies by creating just one salary

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<sup>1</sup> Final Report of the Special Commission on Judicial Compensation, December 24, 2015, at 9.

<sup>2</sup> "Current judicial salaries in New York reflect a number of anachronistic internal pay disparities. When the state assumed responsibility for paying the salaries of county- and city-level judges in 1977, it inherited a judicial salary structure that lacked consistency or logic. As a result, there are presently seven different salary levels for County Court Judges; four salary levels for Family Court Judges, six salary levels for Surrogates; and six salary levels for City Court Judges. The state's judicial salary structure is

level for City Court Judges and a salary floor level for County, Family, and Surrogate's Court judges.

Currently, the salaries of Family Court Judges, Court of Claims Judges and Surrogate's Court Judges (all courts of limited jurisdiction) presiding in the City of New York are set at the same salary level as Supreme Court Justices. If this Commission were to recommend that Civil Court Judges and Criminal Court Judges in the City of New York continue to be paid significantly less than all other constitutional judges in the City of New York, that would perpetuate another pay anomaly that this commission should recommend be eliminated. While setting the salary of Civil Court Judges at 93% of the various other New York City judges, the prior salary commission did not provide any explanation for the lesser salary recommendation for Civil Court Judges. We submit that no such rationale exists.

The work of the Civil Court Judges is surely of equal value as the work of other New York City Judges:

- Civil Court is one of the nation's busiest courts. In 2018, 293,536 new cases (excluding Housing Court cases) were filed.
- Only 45 of our 120 judges currently preside in Civil Court over that enormous caseload.
- Civil Court Judges rotate through a number of specialized court parts requiring varied legal expertise, such as no-fault, commercial landlord-tenant, consumer debt, and small claims.
- Civil Court Judges are required to be well suited to handle the heightened challenge of having to preside over a significant number of cases involving self-represented litigants.
- Civil Court Judges have unlimited money jurisdiction over commercial landlord-tenant actions and are routinely assigned to preside over cases transferred from Supreme Court, without a limitation on monetary jurisdiction (see CPLR 325[d]).
- Civil Court Judges have the same legal requirements for office, including education and year of admission to the bar, as the higher paid judges.
- Civil Court Judges serve in the same full-time capacity as the higher paid judges.
- Civil Court Judges have the same restrictions on outside income as the higher paid judges.

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beset by various anomalies, including county-level judges who earn different salaries within the same county." Final Report of the Special Commission on Judicial Compensation, December 24, 2015, at 7-8.

- Civil Court Judges are regularly designated to preside in other courts, often outside the county of their election. Currently, as many as 75 of our judges are assigned outside of the Civil Court (many to courts where judges receive a higher salary).
- 31 of the Civil Court Judges are currently presiding as Acting Supreme Court Judges (in both Criminal and Civil Term).
- 17 of the Civil Court Judges are currently presiding as Acting Family Court Judges.
- Civil Court Judges must, by law, live in the City of New York. The cost of living in New York City is far higher than in other parts of the State. By contrast, New York State Supreme Court Justices may live anywhere in the State, including in less expensive areas.
- Supreme Court Justices also benefit from the ability to be certificated and work an additional six-years. Civil Court Judges are unable to realize the benefit of these six additional years of pay and enhanced pension benefits.

By recommending that the Civil Court Judges receive full pay parity, this Commission will recognize the vital role that Civil Court Judges play in our justice system.

If this Commission disagrees, we urge it to recommend a significant narrowing of the difference between the pay of Supreme, Surrogate's, Family, and Court of Claims judges and the Civil Court judges. In that circumstance, we request that this Commission recommend that Civil Court Judges earn no less than 97% of a Supreme Court Justice's Salary.

The NYC Civil Court Judges Association thanks this Commission for its important service and for its consideration of our recommendations.

Respectfully submitted,



David B. Cohen  
Acting Supreme Court Justice &  
President, NYC Civil  
Court Judges Association