

**TESTIMONY OF FRANK P. MILANO, PRESIDENT OF THE NEW YORK STATE  
COURT OF CLAIMS 'A' JUDGES ASSOCIATION  
BEFORE THE NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL &  
EXECUTIVE COMPENSATION**

October 31, 2023

If no adjustment to judicial compensation is fashioned this year by this Commission, New York State judges will have had adjustments to their compensation implemented by only two decisions in a period of twenty-nine years. And maybe longer than that. Two decisions in twenty-nine years, adjustments that were decided by previous Commissions in 2011 and 2015, overlaying judicial compensation during the period of time from January 1, 1999 to April 1, 2028, and that presumes your successor Commission decides to adjust judicial compensation in 2027, four years hence.

Thank you to the Commission for inviting me to provide testimony on this most important issue. My name is Frank Milano, President of the New York State Court of Claims 'A' Judges Association. Court of Claims 'A' Judges are the Constitutionally established body of judges who, pursuant to § 2(2)(a) of the Court of Claims Act, are appointed by the Governor and confirmed by the Senate to hear and decide non-jury monetary claims brought against the self-insured State of New York. Other than the small number of claims which involve the State enjoying contractual indemnification, every dollar in damages awarded in the Court of Claims is paid for by the taxpayers of this State.

Our 'A' Judges, each with statewide jurisdiction, preside in eight districts: Albany, Binghamton, Buffalo, New York, Rochester, Syracuse, Utica and White Plains. These districts cover all sixty-two counties of our state.

In addition to deciding monetary claims against the State, many of our 'A' Judges also preside over civil and criminal cases as designated Acting Justices of the Supreme Court, handling civil and criminal matters from Montauk to Buffalo as the need for additional judicial resources in Supreme Court arises.

On a personal note, I well appreciate the appointing authorities you each represent. My first job out of law school was in the New York State Assembly. My three years there were followed by three years in the New York State Senate. After eleven years in private practice, I returned to public service as General Counsel at an Executive Department State Agency. In 2006, I was appointed and confirmed to the Court of Claims, additionally serving as an Acting Justice of the Supreme Court for almost the entire time since then, and I have been reappointed and reconfirmed to the Court twice thereafter.

I, perhaps more than others, understand the inherent tensions among the three branches of government, having served in each. But in the end, those tensions should not dissuade doing that which is right, and which, in the bargain, demonstrates recognition of a co-equal branch of government. To that point, I would like to reiterate the essence of my initial remarks. If no adjustment to judicial compensation is made this year, apart from your predecessor Commissions' decisions in 2011 and 2015, no other adjustments to judicial compensation will have been made for the last twenty-five years, nor will they be made for at least the next four years, spanning the period of time from January 1, 1999 to April 1, 2028.

I would not, and could not, repeat many of the compelling presentations you have received. Accordingly, I will conclude with what I believe is an apt analogy.

In many respects, I view this Commission as a panel of judges, obligated to undertake the responsibilities that all of our New York State judges shoulder each and every day. Consistent with the Commission's charge and with the evidence presented it, the Commission has been tasked to fairly and faithfully discharge its duty in order to reach a just result.

In today's day and age, a time when the physical well being of judges is commonly, regrettably, at risk, and when their decisions and the judges themselves personally are vilified daily, a tangible, and substantial, acknowledgment by this Commission for the important societal function our judiciary fulfills, is merited.

On behalf of our Association, thank you.