

In The Matter Of:

Bar Association v.

October 13, 2023

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New York, New York 10017*

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1 STATE OF NEW YORK

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

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New York City Bar Association
42 West 44th
New York, New York 10036
October 13, 2023

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11 B E F O R E:

- 12 EUGENE M. FAHEY, Chair
- 13 JEREMY S. WEINSTEIN, Commissioner
- 14 VICTOR A. KOVNER, Commissioner
- 15 R. NADINE FONTAINE, Commissioner
- 16 THERESA EGAN, Commissioner
- 17 HELENE BLANK, Commissioner
- 18 ROBERT L. MEGNA, Commissioner
- 19 THERESA L. EGAN, Commissioner

20

21

22 Shanasia Ilgner
23 William Leone
24 Senior Court Reporters

25

1 MR. FAHEY: Why don't we begin. It is ten a.m.

2 Good morning, everyone. I am Judge Eugene Fahey.
3 I am retired from the New York State Court of Appeals. I am
4 the Chairperson of the Commission on Compensation for the
5 Judiciary Legislature and Executive Employees. The
6 Commission, as everyone knows, meets every four years per
7 statute. The Commission's decisions effectively become law,
8 unless overruled by the legislature.

9 Today is our first and, I believe, our most
10 significant hearing. We're going to hear from a series of
11 witnesses over a three-hour period. I'm going to ask that
12 we follow a couple of ground rules.

13 The first ground rule is I'd like to try to limit
14 any presenter to ten minutes, at the most. Anything that
15 you have in writing, of course, hand in and we'll take it
16 into consideration. So, if your testimony is longer we're
17 happy to accept it.

18 The second thing is there will be some questions
19 from my colleagues, which I'm going to ask them to be modest
20 and limited in their question, but I can't count on it with
21 these people. You just never know. They're a free willing
22 lot, but I'm going to begin by introducing them. I'm going
23 to start by going to my left.

24 To my left is Helene Blank.

25 MS. BLANK: Good morning, everyone.

1 MR. FAHEY: Next to Helene is Victor Kovner.

2 MR. KOVNER: Good morning.

3 MR. FAHEY: And next to Victor is Nadine Fontaine.

4 MS. FONTAINE: Good morning.

5 MR. FAHEY: To my right is the Honorable Jeremy
6 Weinstein, retired.

7 MR. WEINSTEIN: Good morning.

8 MR. FAHEY: Next to Jeremy is Theresa Egan.

9 MS. EGAN: Good morning.

10 MR. FAHEY: Finally, on my far right is Robert
11 Megna.

12 MR. MEGNA: Good morning.

13 MR. FAHEY: All of us were appointed either by the
14 chief judge, the governor, speaker of the assembly or the
15 majority leader. We hold our position pursuant to that
16 appointment.

17 I'm going to begin today with our first witness and
18 call forward our newest Chief Administrative Judge, who we
19 are pleased to hear from, Joseph Zayas.

20 Good morning, Judge.

21 MR. ZAYAS: Good morning, Chairman Fahey and fellow
22 Commissioners.

23 My name is Joseph Zayas. I am the, as the Chair
24 has indicated, the brand new Chief Administrative Judge of
25 the State of New York and I appear before you today on

1 behalf of our brand new chief judge, Judge Rowan Wilson, the
2 unified court system and the entire judiciary.

3 Thank you for giving me this opportunity to discuss
4 the vital need for a increase in compensation for the over
5 1300 state-paid judges and justices presiding in New York's
6 trial and appellate courts. Next week we plan to submit a
7 detailed report to the Commission that expands on the points
8 that I'll be making today.

9 What I'm urging the Commission to recommend is not
10 novel. In 2011, the first of these Commissions to be
11 convened recognized that the appropriate benchmark for
12 evaluating the compensation of New York judges is the pay of
13 our counterparts in the federal judiciary. But,
14 unfortunately, in recent years, our salaries have not kept
15 pace with those of the federal judges, or, for that matter,
16 with rising inflation.

17 So, we are asking to be restored to a position of
18 parity with the federal judiciary next year and that cost of
19 living adjustments be implemented over the following three
20 years so that that parity is maintained. And the value --
21 and this is really important -- that the value of judicial
22 paychecks is not further diminished.

23 The statute established by this Commission, which I
24 know you originally helped to write, Commissioner Kovner,
25 lays out several factors that should be considered in

1 evaluating the prevailing adequacy of compensation. One of
2 them, naturally, is inflation. The extraordinary inflation
3 is an issue that I submit the Commission must give very
4 heavy weight to this year.

5 Judges' pay in New York has not changed since 2019.
6 When on the recommendation of the 2015 Commission Supreme
7 Court judges' salaries matched those of Federal District
8 Court judges, and the salaries of our other judges were
9 calculated based on that benchmark.

10 I'm sure you are all well aware that during the
11 ensuing four and a half years we have experienced historic
12 rates of inflation. The cost of living has grown
13 significantly by 20 percent as measured by the Consumer
14 Price Index. And New York, of course, was already an
15 expensive place to live in to begin with.

16 No one goes into public service for the paycheck.
17 Still, judges and their families obviously are not immune
18 from the rising cost of living. Having seen their salaries
19 stagnate for four and a half years, judges have experienced
20 a 20 percent loss in the value of each dollar they earn.
21 What this means is that judges are effectively earning
22 \$35,000 a year less than they were earning in 2019. The
23 state has clearly taken account of these economic realities
24 when it has come from the compensation of its public
25 officials. And rightly so.

1 In recent years, almost all state employees have
2 received significant pay increases through collective
3 bargaining. By April 2025, these increases will amount to
4 about 14 percent in the aggregate. State legislature have
5 also received large pay increases. Their salaries have
6 grown by almost 80 percent over the past five years,
7 including a \$32,000 raise that took effect at the beginning
8 of this year, making them the highest paid state legislature
9 in the country.

10 At the same time our governor's salary has been
11 increased by 25 percent. Meaning that New York also now has
12 the highest paid governor in the United States.

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

18 It is not difficult to predict the adverse
19 consequences that will result from four more years of frozen
20 wages. Judiciary morale will suffer. Experienced judges
21 will leave the bench for more lucrative positions in the
22 private sector, as well as government and academia. And
23 talented lawyers, who we want to seriously consider the
24 judiciary as a career choice, will decline to do so.

25 The combined effect will be that New York's

1 long-standing pride in this judiciary as the best in the
2 nation will be jeopardized. And the complex commercial
3 litigation, the important criminal prosecutions, the
4 sensitive disputes involving children and families, and the
5 questions involving our cherished civil liberties that New
6 York's judges address every day may no longer be resolved by
7 the best and brightest of the legal profession.

8 The solutions to these problems is one that has
9 been embraced by prior Commissions and before that by the
10 legislature. In 1999, when the legislature last adjusted
11 judicial compensation it made the salary of a New York
12 Supreme Court justice equivalent to that of a Federal
13 District Court judge. Your predecessor Commissions from
14 2011 and 2015 agreed that that was the appropriate benchmark
15 and there were several reasons for this.

16 For one thing, they recognize that New York State
17 judiciary is a co-equal branch of government, and that it is
18 necessary to set compensation levels for judges that make
19 clear that their work is valued and respected. Those
20 Commissions, moreover, saw the federal judiciary as setting,
21 quote, a benchmark of both quality and compensation, end of
22 quote. And they felt that New York should seek to place its
23 judiciary on par.

24 The 2015 Commission identified another advantage of
25 maintaining pay parity with the federal judiciary.

1 The salaries of Federal District judges are
2 adjusted based on a annual cost of living adjustment
3 received by other federal employees. Consequently,
4 consistently aligning with the pay of the federal judiciary
5 ensures that when the cost of living rises New York judges
6 will continue to be fairly and competitively compensated.
7 The affect of not doing this is well illustrated by the fact
8 that since 2019 the salaries of Federal District Court
9 judges have increased by over \$20,000 to \$232,600. And
10 during that four-year period they have been paid nearly
11 \$50,000 more than New York Supreme Court justices.

12 I would, perhaps, be remised if I failed to
13 acknowledge that not everyone who has served on past
14 Commissions has agreed that the pay of the federal judiciary
15 is the correct benchmark to use in determining the
16 appropriate compensation of New York judges. This was
17 indeed an issue that was vigorously debated by the 2019
18 Commissions.

19 I would simply urge this Commission to carefully
20 review the reports of your predecessors and the reasons that
21 the 2011 and 2015 Commissions embraced federal parity. And
22 I believe you will conclude that this benchmark is logical,
23 fair and sustainable, as the legislature also concluded
24 prior to the establishment of the Commission.

25 Now, since you are going to be hearing next from

1 the Budge Equity Director, let me briefly address another
2 factor that the Commission must consider and one that is
3 doubtlessly on many of your minds: The State's ability to
4 pay for those salary adjustments.

5 To be sure, the State's projected economic outlook
6 is somewhat uncertain. We, in the judiciary, are not
7 oblivious to that. It's worth noting, however, that the
8 2011 Commission recommended increases to judiciary salaries
9 during what it called, quote, a unprecedented budget crisis,
10 end of quote. It did so because it recognized the
11 importance, even when the economy is less than ideal, of
12 fairly compensating New York's judges.

13 What we are proposing is not excessive. The total
14 cost will be 34.5 million in the first year and a estimated
15 4.6 million for the modest cost of living adjustments in
16 subsequent years. Thirty-four point five million is a mere
17 one percent of the judiciary budget and a tiny, tiny,
18 fraction of one percent, really 300ths of one percent of the
19 total State budget.

20 Moreover, in considering the course of these
21 perspective salary adjustments, it is important to
22 acknowledge that the Commission's decisions in 2019 and 2020
23 by declining to maintain federal parity saved the State over
24 \$40 million over the past several years. A time during
25 which the governor's and legislature's salaries increased

1 and rightly so, but judges' salaries were unfairly and
2 substantially diminished in real terms.

3 The final point I want to make is in the next few
4 years our court system will have our work cut out for us.
5 New York's courts are breathtakingly busy even in ordinary
6 times, but since March of 2020 things have been far from
7 ordinary.

8 The tremendous progress that our judges and other
9 court employees had made, significantly reducing the case
10 load backlogs were incredibly largely undone by the strict
11 restraints that were unavoidable during the pandemic.
12 Particularly, in the Family and Criminal Courts we need to
13 address these delays and we need to do so expeditiously. I
14 have no doubt that New York's judiciary is up to this
15 challenge, but this satisfaction with frozen salaries and
16 the attrition that inevitably comes with long periods of
17 stagnant pay will make this critical work immeasurably more
18 difficult.

19 Indeed, in my view, further erosion of the value of
20 judicial salaries will likely cause a exodus of our most
21 experienced judges at a time when their collective
22 experience at case resolution is most needed.

23 It would not surprise you that I have the highest
24 regard for the judges in what we affectionately call our
25 court family. They are serious, hard working public

1 servants who do the important work of dispensing fair and
2 equitable justice in millions of cases per year. I am not
3 asking that they receive a raise certainly not as that term
4 is generally understood. I am simply asking that the value
5 of their paychecks be restored to the level of their federal
6 counterparts and not be further diminished over the next
7 four years. It's the right thing to do and the State can
8 afford to do it.

9 Thank you for your attention. I am happy to answer
10 any questions you may have.

11 MR. FAHEY: Thank you for your presentation.

12 Mr. Weinstein.

13 MR. WEINSTEIN: Good morning, Judge Zayas. Judge
14 Zayas and I had the pleasure of working together as
15 administrative judges in Queens.

16 Just give me a very brief history. You were
17 originally appointed to the criminal court. And what year
18 was that?

19 MR. ZAYAS: That was 2003. But if I could go back
20 even before that, because I've been with the court system
21 for 26 years, and I'd like to tell you that when I was a law
22 clerk to Judge Acosta in Civil Court in 1998 I worked as a
23 law clerk. And every year that I worked as a law clerk I
24 got a COLA increase. So as a law clerk, after April 1st, I
25 got a little cost-of-living increase and then after a few

1 years you not only also get a raise which was based on your
2 years of service.

3 MR. WEINSTEIN: So from 2003 to 2012, those nine
4 years when judges went without any pay increase and they had
5 already not gotten one since 1999, so 12, 13 years, could
6 you speak to the morale of the judiciary in the courts at
7 the time.

8 MR. ZAYAS: I think it's unquestionable that morale
9 was low. Absolutely low. It was on judges' minds. When
10 your compensation is stagnant for a very short period of
11 time, two or three years, judges will hang in there. But if
12 that gets repeated time and time again, judges begin to -- I
13 mean, it's so natural that they begin to feel like they're
14 not appreciated, especially as they see other members in
15 other branches of government getting the cost-of-living
16 increases. And it hurts. It hurts them.

17 MR. WEINSTEIN: Just two brief questions.

18 So if there's no judicial raise from this
19 Commission going forward that would be a eight-year period
20 and that would concern you as well that we would be
21 mirroring the lack of morale in terms of that.

22 MR. ZAYAS: Right. My sense is judges will hang in
23 there with a -- I keep mentioning four and a half years with
24 stagnant compensation, but it's not going -- It's really
25 five years because even if, and maybe say this more

1 hopefully, even when you hopefully recommend parity that's
2 five years. That means five years they were experiencing
3 stagnant compensation. And they are willing to do that one
4 time. Begrudgingly. And with low morale. But when that
5 happens yet a second time it has, I think, a drastic effect
6 on the judges basically.

7 MR. WEINSTEIN: One last follow up. You did kind
8 of address it. During that nine-year period when judges did
9 not get a pay raise and this four-year period, did you, as a
10 Administrative Judge and now Chief Administrative Judge, see
11 any diminution in the work ethic of the judiciary, in the
12 dedication of the judiciary? Were there issues or problems
13 that we should know about?

14 MR. ZAYAS: I think that judges with the integrity
15 that they have and their commitment to public service are
16 not going to stop working. They're going to work just as
17 hard, but with attrition you lose experienced judges. So
18 that's really going to be the effect.

19 As a judge myself -- 20 years I've been a judge,
20 almost 21 years -- I think 12 or 13 of those years I didn't
21 have a cost-of-living increase.

22 So, my wife was a nurse in a state hospital and
23 every year she got a cost-of-living increase. Maybe one or
24 two years she didn't. My three adult kids, they get a
25 cost-of-living increases and they'll say, Dad, did you get a

1 raise this year? No, we didn't get a raise. But you got a
2 cost-of-living increase, right? Because everybody gets
3 cost-of-living increase. No, we didn't even get a
4 cost-of-living increase.

5 So the majority of my time on the bench I suffered
6 through stagnant and for long periods of time compensation.
7 So I think it's a real problem that the Commission, the
8 creation of the Commission was designed to solve.

9 MR. WEINSTEIN: Thank you.

10 MR. FAHEY: Thank you.

11 MS. BLANK: Good morning, your Honor. Thank you
12 for 20 plus years of service to this state.

13 What I would like to ask you, because you did give
14 us a lot of numbers to consider, in response to Judge
15 Weinstein, what comes to my mind is can you explain in real
16 terms how this stagnation of salary for the third branch of
17 government has affected, whether it's yourself or colleagues
18 that you know as far as their ability to live and provide
19 for their families, especially now in light of unprecedented
20 inflation in this country.

21 MR. ZAYAS: That's a good question.

22 So I just think about myself. I drive a -- not to
23 make this personal -- I drive a 2013 Highlander that's
24 scratched up and beat up. I cannot buy a new car. It's
25 unconscionable that somebody who graduated from Columbia Law

1 School, committed to public service, can't afford because of
2 the uncertainty. So I have a 2013 black Highlander that is
3 parked in my driveway and my wife drives a 2012 CRV. So its
4 affects like that. The high cost of interest rates all of a
5 sudden. The high cost of mortgages. We live in Queens. So
6 the high cost of living is causing judges to really
7 struggle.

8 MS. BLANK: Thank you, your Honor.

9 MS. EGAN: Thank you again for your comments. They
10 were very educational and those numbers I agree with my
11 fellow commissioner.

12 The question -- and I know the position has been
13 for several years -- the federal parity model. Let me ask
14 you your thoughts on if there was another model or another
15 system established that gave judges the judiciary a more
16 regular look at compensation. Is that something that you
17 think would work?

18 Because I'm listening to and I absolutely
19 understand a huge gap in between times that you actually
20 have compensation with you where you can have certainly have
21 negative effects on one's morale, but, again, recognizing, I
22 think you mentioned it, there's certainly in different areas
23 here in state government people are getting raises, a
24 different system that's not related to federal parity.

25 You also referenced as a law clerk you got raises.

1 We also referenced that there are people that are not
2 getting COLAs. So we're trying to find that. And
3 recognizing that in 2019 there was a pretty vibrant
4 discussion in regard to using the federal system as a
5 parity.

6 If there was another system that we could agree on
7 that would give you a more regular look, is that something
8 that the judiciary could live with?

9 MR. ZAYAS: As I said in my testimony, the
10 legislature got a \$25,000 increase right away. So we'll
11 take that. I'm not trying to be facetious, but that is
12 something that happened. The governor received a very
13 substantial and we think those were warranted and well
14 deserved.

15 If you look at -- For example, I'll give you court
16 employees, the contract that we just completed with them
17 last year. I think it was two percent first two years and
18 then three percent the next three years, or maybe three
19 percent -- two percent and two percent, and three, three,
20 three, or two, two, three, three, three. That added up to
21 14 percent. That type of increase is more than the 10
22 percent catchup that we're trying to get.

23 But we think that the federal parity is the best
24 because it accounts for cost-of-living every time. And
25 sometimes the Federal District judges get a very small raise

1 because of whatever the economic situation is. So sometimes
2 if you look at their scale, you know, one year they got a
3 thousand dollar raise. It went up just a thousand dollars.
4 Next year it went up two or three thousand. When inflation
5 is particularly high they got a -- I think their last raise
6 was a ten thousand dollar raise in one year. The problem we
7 have is that we are always playing catchup.

8 So how do we, after having lost, after having
9 experienced a serious diminution in our salary, the value of
10 our money, how do we catchup to where we need to be without
11 exacerbating that loss?

12 So as long as we get there and that was a -- So
13 what I just explained to you with the people who work in the
14 courthouse, that was 14 percent. I think that 14 percent is
15 higher than the 10 percent that the federal folks got.

16 MR. MEGNA: Judge, just a point of clarification.
17 The 34 million is the amount that would get you to federal
18 parity. I just want to make sure I understand.

19 MR. ZAYAS: Yes. That would get up to federal
20 parity in the catchup year. So when you have stagnant
21 compensation for a period of time, that first payment is
22 going to be significant. It was very easy in the last
23 Commission for the Chief Administrative Judge to basically
24 articulate small amounts because there wasn't a catchup. We
25 had two periods.

1 MR. MEGNA: I get it. And I also know how the
2 folks who are coming on next count the four and a half that
3 you're talking about is a add-on to the 34. So the second
4 year cost would be whatever, 40 million or whatever. That
5 gets you to federal parity, as I'm thinking about it.

6 MR. ZAYAS: Right.

7 MR. FAHEY: If there's no other questions, thank
8 you, Judge.

9 MR. ZAYAS: Thank you, Judge.

10 (Continue on next page.)

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1 MR. FAHEY: Our next speaker is going to be on zoom
2 digitally and it's going to be the division of budget and
3 here they are. Good morning, everyone. I'm Judge Eugene
4 Fahey. I'm the chairperson of the committee. Why don't you
5 introduce yourselves to us? Can you hear me? Let me stop
6 you. Can you hear us?

7 MR. WASHINGTON: I can, yes.

8 MR. FAHEY: Go ahead and introduce yourself, Mr.
9 Washington.

10 MR. WASHINGTON: Good morning, Judge Fahey,
11 commissioners, on behalf of Governor Hochul I extend her
12 greetings to each and every one of you, and all those folks
13 in the audience today. My name is Blake Washington. I
14 serve as the director of the division of budget and I'm
15 joined today in Albany along side two members of my very
16 talented staff, Matt Howard and Mark Mazzeroni (phonetic),
17 both who serve as deputy directors to the division. And
18 thank you very much for inviting us to attend today's
19 hearing.

20 As you know I'm making a recommendation to
21 determine the adequate (inaudible) salaries and acting
22 legislation (inaudible) consider various factors such as
23 oral economic climate, rates of inflation, changes in public
24 sector spending, the state's ability to fund increases in
25 decompensation. So through my brief remarks and slide deck

1 to follow we provide this context to better -- the
2 decisionmaking process.

3 We'll jump right in. So the next slide, please.
4 The good news where we stand today, just a little bit of
5 framework where we are, framing, you know, the U.S. has
6 avoided a recession to date. Many economists are still
7 calling for some form of recession in the near, in the near
8 term. A hard or soft recession is under debate, but nothing
9 is guaranteed at this stage.

10 As the chief administrative judges as related
11 inflation peaked through in 2022, and in the neighborhood of
12 eight percent, as you can see on our chart. And that was
13 well above the federal reserves target. It remains well
14 above the federal reserves target, which is about two
15 percent. That two percent rate being an acceptable level of
16 growth for, for most families to bear as it relates to their
17 own personal income. We know that the federal, the federal
18 reserve is likely to hike interest rates in the near term
19 because interest, because inflation is still not quite under
20 control.

21 Next slide. We know that the labor market is
22 cooling in the State of New York after very high levels of
23 both pandemic (inaudible) we saw sky marketing employment
24 from a real (inaudible) we bottomed out during the pandemic,
25 no surprise to anyone on the panel. Yet our recovery lags

1 behind the rest of the nation. Our jobs grow to 1.6
2 percent, the budget is 2.4 percent for the rest of the
3 nation for a variety of factors, but units of jobs are one
4 thing. We can also look at personal income growth on the
5 current year where the State of New York a little bit behind
6 the rest of the nation 4.1 percent in the U.S., 3.7 percent
7 in the State of New York. Next slide. And I think that the
8 chief administrative judge really relayed a lot of these
9 data to you, so thank you.

10 And, chief, there are real, real pressures facing
11 every day New Yorkers. We know that in the last handful of
12 years New Yorkers had seven percent less purchasing power
13 than they had in 2019. New Yorkers are paying more for
14 their housing costs as of 2022, substantially more than in
15 2019. The rent is up, food and beverage costs are up. We
16 know that increased child care expenditures are up. All of
17 these, these data, all these data points help to inform our
18 recent budget where under Governor Hochul's leadership we
19 were able to increase the minimum wage for most New Yorkers
20 to \$17 an hour, \$16 an hour for the rest of the state over a
21 three-year period, just to keep pace with inflation and just
22 to meet the needs of every day New Yorkers and people that
23 are on the bottom range of our salary scale. So all of
24 these things are true, and all these things are, we tried to
25 in different ways to (inaudible) mitigate, we tried to

1 mitigate these costs to the every day New Yorker, most
2 recently.

3 Moving on to the budget, we currently sit in fiscal
4 year 2024, so looking ahead to 2025 we project a budget of
5 \$132 billion and with \$6.6 billion in increased expenditures
6 coming to next year. Most of those expenditures relate to
7 our school children (inaudible) with the Medicaid program.
8 You can see also here our general state charges which relate
9 mainly to fringe benefits for state employees those too are
10 on the rise. But you can see just in general of our
11 \$6.6 billion increase there are some several major
12 components that are, that comprise the increase and are
13 very, very tricky to reduce in any real way. In this chart
14 we track state operating funds spending, we initiated the
15 state operating funds relates to spending from our state
16 general fund and any other state revenues that (inaudible)
17 such as V or surcharge.

18 State operating funds also (inaudible) so the
19 trajectory of this chart is reflective of a handful of
20 things , but first and foremost under Governor Hochul's
21 leadership (inaudible) in the last handful of years.
22 Reflecting the urgency of under investment and a bunch of
23 different state programs over the duration that you see in
24 front of you today. Over the last handful of years we've
25 fully funded (inaudible) we've provided veteran support with

1 Medicaid (inaudible) we've made target investments in child
2 care, Pre K, we've invested in balance reduction initiatives
3 and we've provided some of the largest investments in SUNY
4 and CUNY in well over a decade. So if we're looking --

5 MR. FAHEY: Mr. Washington, Judge Fahey, excuse me
6 for interrupting you. I've tried to limit everybody to ten
7 minutes, and everything that you give us we're asking that
8 you file it with us also directly to the commission. But
9 there's going to be some questions from the commissioners.
10 So I don't want to stop you. I want you to finish. If we
11 go over, we go over, but I wanted to give you a heads up on
12 that. I should have done that when you started. So you go
13 ahead.

14 MR. WASHINGTON: Okay --

15 MR. FAHEY: What I'm saying to you is don't feel
16 the need to read every charge. You can summarize it and
17 just file it with us directly. That's perfectly
18 appropriate.

19 MR. WASHINGTON: Got you.

20 MR. FAHEY: Okay, thank you.

21 MR. WASHINGTON: So let me just (inaudible) this
22 spending chart, you can see the dotted line is a ten-year
23 CTI trend (inaudible) nothing was done, no new decisions
24 were made. The hard blue line relates to where we are under
25 the inactive budget carrying in to the future. The red line

1 is where we, where we see ourselves going in to the future
2 providing for (inaudible) and restraining costs. Go to the
3 next slide. We have in fact over the last handful of years
4 built up reserves in the State of New York (inaudible) you
5 can see in the slide there's about \$20 billion of reserves,
6 19 and a half.

7 And we, we (inaudible) reserves as they are
8 intended to exist, they are intended to address any
9 unforeseen circumstances, economic downturns not for
10 recurring operating expenditures. So while we have
11 sufficient reserves to meet the rainy days or any calamitous
12 things that may arise in the future such as the recession,
13 these are not new for financial plan balance. Moving on,
14 this chart we want to just provide for the panel to just
15 show, to demonstrate that over the past. Particularly post
16 pandemic we've had record tax receipts in the State of New
17 York.

18 There was an upward trajectory immediately
19 following the pandemic that fueled a lot that we reserved
20 for future emergencies, for future expenditures. But in
21 the, in the current year's budget we've revised downward in
22 the neighborhood of \$10 billion of receipts, of actual
23 receipts coming to the State of New York. So as a result we
24 have a mismatch between expenditures and receipts somewhere
25 in the neighborhood of approximately \$10 billion of which we

1 are going to be addressing in the upcoming year's budget.
2 Next. This mismatch has driven out your budget deficits.
3 2025 we have a budget deficit of \$9 billion and you can see
4 the deficit here in the neighborhood of over \$30 billion.
5 The \$9 billion deficit here, just dealing with 2025 alone,
6 that is the number one reported immediately post (inaudible)
7 for budget and it does not include other unanticipated costs
8 such as the cost of providing services to, for (inaudible)
9 for migrant response.

10 These gaps have to be addressed by prudent
11 management, by all state agencies and OCA as well. And we
12 can't (inaudible) these gaps cannot be closed by raising, by
13 raising taxes. The next slide will show that the State of
14 New York has, our state only top PIT rate is third in the
15 nation. If you live in the City of New York our PIT rate is
16 the absolute top in the nation, exceeding all of our
17 neighbors' states, New Jersey, Connecticut and
18 Massachusetts.

19 Any increase here we (inaudible) and our national
20 competition (inaudible) and of course outside PIT
21 obligations prompt time (inaudible) to consider out
22 migration as well. Next slide (inaudible) coming in to next
23 year's budget, all which you've heard before, everyone on
24 the panel reads the news, here are the items that we watch
25 with a keen eye on every day of the week, but certainly

1 we're facing (inaudible) these are the things that only
2 exacerbate our problems. We want to control for the
3 immediate risks, but we also need to make targeted
4 investments as we move forward.

5 And just looking at the slide you can see between
6 the two of them where that's where our mind's eye is coming
7 in to next year's budget. I guess just to recap, we do have
8 a budget of nine -- a deficit of \$9 billion coming in to
9 next year, a cumulative \$36 billion deficit related to a
10 decline in tax receipts, a loss of federal aid, increased
11 spending on school aid and Medicaid. And in a recent budget
12 letter, a call letter we asked every state agency to
13 scrutinize their current operating expenditures to seek
14 efficiency so that we can mitigate the need for more
15 difficult decisions coming in to next year's budget.

16 I asked the agency budget request (inaudible) the
17 executive agency budget request be no greater than the
18 amounts in 2024. And I just reiterated this call to
19 everyone (inaudible) two weeks ago at a cabinet meeting held
20 by Governor Holchul. So I expressed to my colleagues that
21 this all requires fiscal management, fiscal prudence, but it
22 also requires an engagement in partnership and that's my
23 goal. My goal to state agencies is to call before you
24 today. So I just thank you very much for giving us the
25 opportunity to shine a little bit of a light on where we

1 stand as a state and what our pressures are, coming in to
2 the next handful of years and obviously we're here as well
3 to help, to answer any questions you may have.

4 MR. FAHEY: Thank you. Are there any questions?
5 Ms. Egan was first and then Mr. Weinstein.

6 MS. EGAN: Thank you, director, for your
7 presentation. Just a quick question, just state employees
8 in general do they have a scheduled pay raise for next year?

9 MR. WASHINGTON: They do. It depends on which
10 department you are in, but it generally is in the
11 neighborhood of that two percent range that the chief
12 administrative judge had indicated previously.

13 MS. EGAN: Okay, thank you.

14 MR. FAHEY: Mr. Weinstein.

15 MR. WEINSTEIN: Director, just to, with
16 Commissioner Egan's question, do you know how many employees
17 there are in the State of New York? New York State
18 employees.

19 MR. WASHINGTON: About 120,000.

20 MR. WEINSTEIN: What's that cost, if you know, to
21 the state?

22 MR. WASHINGTON: Our personal service budget, we
23 think it's approximately 30 billion. We'll put some
24 precision on that for the board.

25 MR. WEINSTEIN: 30 billion. And they will be

1 getting a two percent raise next year, right?

2 MR. WASHINGTON: Give or take, yes.

3 MR. WEINSTEIN: Math was never my best subject, but
4 that means you're talking about approximately \$600 million
5 coming out of the budget for them as opposed to the
6 \$34 million we heard from Judge Zayas?

7 MR. WASHINGTON: Correct, which we budgeted for the
8 state, for the state (inaudible) employees. We have not
9 budgeted for the judiciary yet.

10 MR. WEINSTEIN: Now I know you don't make policy
11 but are you aware of any executive or legislative branch
12 indicating to the public employees of New York all of whom
13 are I think terrific and are deserving of raises being told
14 that they will not get any raise for the next four years?

15 MR. WASHINGTON: That is -- that has not been
16 communicated by anybody on the executive branch.

17 MR. WEINSTEIN: Thank you.

18 MR. FAHEY: Commissioner Blank.

19 MS. BLANK: Hi. Good morning. Let me ask you a
20 question and really follow up to Judge Weinstein. So are
21 there any other -- would you agree with me that the
22 judiciary and the justice system is an essential service of
23 the State of New York, to the People of the State of New
24 York?

25 MR. WASHINGTON: As enumerated in the Constitution

1 absolutely.

2 MS. BLANK: Along the lines of what Judge Weinstein
3 asked you, is there any other class of government employees
4 that our state asks to wait every four years or eight years,
5 in the past it was 11 years to get a raise while they are
6 doing their essential service to New York? Is there any
7 other class of employees that you know that works for our
8 state that has had that happen to them in the past 20 years?

9 MR. WASHINGTON: Beyond statewide elected
10 officials, legislators and executive branch commissioners,
11 there's no, there's no other limit on other state actors'
12 abilities to receive increases beyond negotiated salary
13 agreements.

14 MS. BLANK: And so the numbers that Judge Zayas was
15 talking about and I was listening carefully and looking at
16 your charts, it's about \$34 million. It wouldn't seem, if I
17 could, and math is not my strongest point either to have an
18 impact on the state's budget as much as just the two percent
19 salary increase that the other state employees will be
20 getting next year, would that be a fair statement?

21 MR. WASHINGTON: Well, I think that, you know,
22 budgets are a series of choices. It's a series of
23 identifying where parities are. I know we're here today as,
24 this review is one that takes precedence. We understand
25 where -- we know the board is going to take, the commission

1 is going to take a keen eye to that. We want to provide the
2 data we did just to provide you a bit of a context so that
3 you know just the ordinary every day expenditures for the
4 every day --

5 MS. BLANK: I appreciate that. But for our duty
6 that we're charged by the law which is to take in to
7 consideration the state's budget I think it's important for
8 us to understand after all the presentations the real
9 impact, if any, on the state's budget by giving the
10 judiciary a raise that they haven't gotten in quite a long
11 time because the numbers seem to be so small compared to the
12 giant numbers that you were presenting to us especially in
13 light of what Judge Weinstein and you just spoke about that
14 the two percent raise that the state workers are going to
15 get is \$600 million.

16 So I'm trying to put in to context as we are
17 charged to do how that number, the 34 million would be, how
18 it effects the state's budget and other people in the state.
19 And, well, math isn't my strong point I don't see a real
20 effect. So I'm asking you as the budget people is there a
21 real effect on that number in the state's budget.

22 MR. MEGNA: I have a question.

23 MR. FAHEY: Let him respond, Robert, okay. Go
24 ahead, you can respond, budget director.

25 MR. WASHINGTON: It is a small number in the grand

1 scheme of the state budget. I just think that sometimes
2 when we look at salary increases we do try to without
3 fortune or favor look at who earned, the level of salary
4 that's earned and we have to, you know, we have to
5 appreciate that as a whole, that of that \$600 million or so,
6 that's 130,000 employees that make substantially less than
7 members of the judiciary so I think it's just the prism you
8 view it from is more important.

9 MS. BLANK: Thank you.

10 MR. FAHEY: Commissioner Kovner is next.

11 MR. KOVNER: Yes, thank you, Director Washington
12 for that impressive presentation. We've just heard Judge
13 Zayas, chief administrative judge, request, propose to reach
14 federal parity which would be at a level of roughly ten
15 percent, which would be roughly two and a half percent for
16 each of the four years which it sounds like is just slightly
17 over the over two percent that the state employees will
18 receive in the next year.

19 But of course they are they can receive changes
20 once every year while the judges are sort of locked up,
21 setting aside the COLA issue for four years. Am I
22 understating the very modest difference between Judge Zayas'
23 proposal and what state employees are already scheduled to
24 get?

25 MR. WASHINGTON: I can't necessarily (inaudible)

1 what the chief administrative judge has put forward. I'll
2 just say that in the last ten years compensation from the
3 state work force has been modest I think in the previous ten
4 years. The state work force and every day employees, many
5 of which are employed by OCA, their salaries have increased
6 by approximately 23 percent.

7 And compensation for the judges during the same
8 period has increased by over 54 percent. So, again, it's
9 just a prism that we went through in the grand scheme of
10 things, which your point is well taken.

11 MR. KOVNER: Which years were those, Director
12 Washington?

13 MR. WASHINGTON: It was from years 2014 through
14 2024.

15 MR. KOVNER: I don't think you included the full
16 period of 11 years in which there was no raise but you did
17 include the period of the catch up after the new legislation
18 was passed, am I correct?

19 MR. WASHINGTON: That's correct.

20 MR. FAHEY: Thank you, Commissioner. Commissioner
21 Megna.

22 MR. MEGNA: Sorry, Blake, I think a point for
23 context though, relatively small numbers I think we have to
24 agree that that 's true compared to the numbers that you
25 talked about, Blake. But my recollection is the state work

1 force in 2011, '12 was probably more like 150 or 160,000.
2 So the idea that the state only makes adjustments based on
3 salary, union-negotiated salaries, you know, it's also
4 significantly reduced the size of the workforce over that
5 period. Is that accurate?

6 MR. WASHINGTON: That's, that's accurate, yes.

7 MR. FAHEY: There's no other questions?

8 Commissioner Fontaine.

9 MS. FONTAINE: Thank you. I just have one question
10 with respect to the submission. I know that you indicated
11 that there was a call letter submitted to all agencies. So
12 in calculating OCA's budget would they also be required to
13 demonstrate that this, any increase or proposed increase
14 could be captured or within their budget as compared to the
15 overall request?

16 MR. WASHINGTON: The call letter was sent to
17 executive (inaudible) executive control, and I think that as
18 it relates to the judiciary legislature I think that, you
19 know, I think we all need to roll in the same direction as
20 we get the budget under way so that we're actually being
21 mindful of costs in the long term, mindful of sustainability
22 in the long term, so --

23 MS. FONTAINE: But would OCA also be required to
24 demonstrate whether any kind of, any proposed increase could
25 be absorbed within their proposed budget? Or --

1 MR. WASHINGTON: We would hope so. I hesitate to
2 use the word require because we don't oversee them, but we'd
3 hope the judiciary would take my call letter to executive
4 agencies, take the lead that the governor is putting forward
5 and work in harmony with that.

6 MR. FAHEY: Seeing no other questions, Mr.
7 Washington, thank you. You know, I recognize that you put
8 your presentation together in a truncated period of time and
9 we appreciate the professionalism with which you approached
10 this and thank you for your time this morning.

11 (Whereupon, the following was recorded by Senior
12 Court Reporter William Leone.)

13 (Continued on the following page.)

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1 MR. FAHEY: Two points and then back to the
2 hearing.

3 My goal is to take a brief break at 10:30. We just
4 got a lot of old men up here. So 11:30. I'm sorry. That's
5 how old I am, but Judge Weinstein got it right.

6 So we'll take a brief break about ten minutes
7 around 11:30. We'll try from now on to limit everyone to
8 ten minutes. I wanted to go a little longer with budget,
9 particularly, after Judge Zayas spoke because so many of
10 those issues are at the core of what we have to decide here.

11 So thank you for your indulgence of going over that
12 ten minute restraint on everyone.

13 I also didn't mention at the very beginning, I want
14 to particularly thank today the New York City Bar
15 Association for agreeing to host this. This is a beautiful
16 room with a number of pictures that represent New York's
17 distinguished history of the judiciary. I'm looking at Ruth
18 Bader Ginsberg, Sonia Sotomayor, and many of our other
19 distinguished jurists. It's a privilege to be in this room
20 and conduct a hearing in this setting.

21 Our next speaker is Justice Paul Wooten. First Vice
22 President of the Judicial Friends Association.

23 Judge.

24 MR. WOOTEN: Good morning.

25 I'll be well aware of the ten minutes timeframe.

1 So, good morning, Commissioner Fahey and to the
2 other commissioners.

3 On behalf of our president, Cheryl Gonzalez, one of
4 the justices of the State Supreme Court and our members of
5 the Board we bring salutations and thank you for this
6 opportunity to speak to you on this very urgent matter.

7 The Judicial Friends Association was established in
8 1976 by a group of African American judges within the State
9 of New York seeking a fair and just treatment of minority
10 justices, staff and attorneys. We're the oldest established
11 organization committed to racial equity in the field of law,
12 for racial and language minorities in the State of New York.
13 We serve to educate and to advocate on behalf of the
14 judiciary, judicial and nonjudicial court staff and
15 attorneys on issues of affecting the Court, in particular
16 issues affecting racial and language minorities.

17 We go back to the Voting Rights Act of 1965.
18 Certainly, African Americans and Hispanics were labeled
19 under Section 5 as racial and language minorities. In
20 particular, we bring this forward on the issue of salary
21 because we applaud the USC's commitment to racial and
22 cultural diversity.

23 Just as a quick point, we are aware we issued a
24 report on the systematic racism in New York State, which is
25 on our website. We've reviewed questions of the Johnson's

1 report. We've also reviewed the New York State Task Force
2 on Advancing Diversity and there's some very good things in
3 there. But the point we wanted to make today is that we
4 feel that there is a sort of professional brain drain as a
5 result of the salary.

6 In other words, New York State has committed to the
7 fact of racial diversity in the judiciary. And it states
8 three reasons why.

9 One reason is because in order to legitimize the
10 system in the judiciary you need people in the judiciary who
11 look like you. So when people walk into a courtroom,
12 whether it's Family Court, Housing Court or State Court, it
13 legitimizes the system if they see workers who look like
14 them and act like them.

15 Secondly, another reason is because it enhances the
16 educational of the decision makers. In other words, when
17 judges meet with other judges from other cultures or from
18 other experiences it eliminates the issues of implicit bias
19 and issues of discrimination and because it educates the
20 decision maker in different aspects of different people.

21 What we're trying to point out is that as we look
22 under the issues of diversity and I was going to read them,
23 but I'm not going to read them because of issues of time,
24 the issues of diversity have been going down.

25 On the issues of racial diversity, particularly in

1 areas of New York City we now understand that there's 20
2 million people in New York in the state of New York. You
3 got about ten million in New York City. If you are just
4 looking at African Americans, we make up about 15 percent of
5 the state; in New York City, we make up about 24.6 percent.
6 But if you're looking at the major courts where most racial
7 minorities are appearing, whether it be the New York City
8 Civil Court, whether it be the Family Court, whether it be
9 the Housing Court, those are the areas where the racial
10 diversity is the most stark.

11 And the question is is that the one reason why
12 racial diversity is an issue is because you don't have the
13 number of either Asian, Hispanic or black attorneys who go
14 in to the system. It's not just a question of wanting to be
15 a judge. It's the availability of how many attorneys are
16 out there that can take the judicial path.

17 Now, we look at the ABA statistics this year and
18 last year. They tell us that there's about 116,000
19 graduates every year from all the law schools throughout the
20 country. African Americans make up about 9,000, which is
21 about eight percent. And this is a 2002, 2001, 2000 survey.
22 When we look at Hispanics who identify as Hispanics, it's
23 about 16,000. The number of whites who identify as whites
24 is about 70,000.

25 So, the question becomes that we don't have data on

1 what happens in New York State, but we can extrapolate that
2 the number of black, Hispanic or Asian attorneys that are
3 available to go the judiciary track is very small. That
4 affects diversity. That affects the legitimacy of the
5 system. That affects the ability to eliminate inherent bias
6 and discrimination in the system.

7 The single you send by telling judges that they
8 will not get a raise for four years, particularly these
9 judges who are in these courts, will affect those
10 mentorships of those people who decide to be attorneys on
11 the judiciary track.

12 So if we're taking that 9,000 every year, they have
13 a choice of whether, according to the State Bar report that
14 just came out, there's diversity in the judiciary, diversity
15 in education, diversity in the corporate diversity in the
16 law firms.

17 According to the ABA report that came out, the
18 median income of a small law firm as they define as under
19 hundred, the median income of a first year law student is
20 \$120,000. The median, 50 percent. But our opening for a
21 first year law student out of a law school is maximum is
22 about \$86,000. It's J24. So the assistant law clerk starts
23 off \$86,000. Whereby, if I go the law firm track I get a
24 median in a small law firm of \$120,000. That number is
25 similar when you look at the corporate first year.

1 So, the question is how do we get our future
2 lawyers and graduates to take the judiciary track, as
3 difficult as it is? And if we don't send the signal that
4 we're going to be able to compensate those judges so that they
5 can live, that's going to be a problem. Particularly, the
6 courts I mentioned. The mayor appoints all those courts.
7 Those people have to live in New York. Family Court judges
8 have to live in New York City. Criminal Court judges have
9 to live in New York City. Housing Court judges have to live
10 in New York City. So they're subject to the inflation and
11 the GP index that reduces their buying power. Why should
12 they stay? They have no reason to stay. They can do just
13 as well or better outside in the private sector. But this
14 is more stark, this is more severe for us in the system
15 because it reduces diversity and undermines the system.

16 MR. FAHEY: Thank you.

17 MR. WOOTEN: Thank you.

18 MR. FAHEY: Our next speaker is Judge Shahabuddeen
19 Ally. If I mispronounced that please excuse me.

20 MR. ALLY: No, Judge. You actually pronounced it
21 correctly. I've been mispronouncing it this entire time.
22 That's also a good way to start.

23 I'm keeping track of my time as well.

24 Good morning.

25 To the members of the Commission, my name is Judge

1 Shahabuddeen Ally. I am the supervising judge of New York
2 County Civil Court, as well as the President of the Asian
3 American Judges Association of New York. I understand your
4 time. We are pressed for time. So I will do my best to
5 refund time to the commission.

6 I do believe that there is a opportunity to submit
7 a formal written statement. I will take advantage of that
8 and I would like to highlight maybe two points made by our
9 chief administrative judge, Judge Zayas. Also, Judge
10 Wooten. Always a pleasure to follow Judge Wooten because I
11 begin by saying I agree with everything that he says about
12 diversity.

13 The Asian American Judges Association. I'm not
14 sure if you are all familiar with us. We are ten years old.
15 Started in 2013. We count in New York State, if New York
16 State has 3,400 judges, including town and village judges,
17 we count 61 judges in our ranks. And like the commissioners
18 talk about their math skills, I do love math. That counts
19 for 1.8 percent of our judiciary where the AAPI community in
20 New York State hovers around and numbers are fluid around
21 four percent. So we are drastically underrepresented in our
22 judiciary.

23 The purpose of our administration, of our
24 association is to promote diversity but also promote broad
25 base diversity. Inclusion of all in our court system. Of

1 the 61 judges, we're fairly new to the bench. 74 percent of
2 our judges and the raw number is about 48 judges have been
3 on the bench for six years or less. That becomes relevant
4 in a moment.

5 So I do support everything that Judge Zayas
6 mentioned regarding restoring the value of our paycheck, but
7 also maintaining the integrity of our court system. That
8 I'll get to also in a moment.

9 Out of 62 counties our judges are represented in
10 only ten of those counties, with 87 percent of our judges in
11 New York City, 53 including myself.

12 So when we talk about a PIT rate, which I had to
13 Google when the budget director was speaking. I had no idea
14 what a PIT was. It turns out to be a Personal Income Tax.
15 Who knew. We're New York City and we have to be -- We are
16 required to live within the five counties. I happen to be
17 married to a judge, Family Court judge. We have a option to
18 leave Manhattan where we reside but not leave the city.
19 We're put in tough positions and tough circumstances. And
20 95 percent of our members are assigned to the trial courts,
21 the very busy high volume trial courts.

22 Just for context of how new we are, the New York
23 State courts or New York State in general has had a court
24 system in some fashion for 357 years. We've never had a
25 AAPI identifying judge in, Judge Fahey, your court, the

1 Court of Appeals. We never had one. We never had a Fourth
2 Or Third Department. We only had one -- Judge Weinstein,
3 you'll appreciate this -- We only had one administrative
4 judge in the history of New York State. So we have a lot to
5 do in terms of not even catching up, because we'll never
6 catch up, but just to keep pace.

7 Pay parity in line of inflation restoring the value
8 of our paycheck, those are all points we agree with.

9 But why does it matter?

10 AAPI community stands in a very different position,
11 unique position. We are either immigrants, like myself, I.
12 Was born out of the country and came here for the pursuit of
13 the American dream. That is the opportunity. Or children
14 of first generation.

15 If you know anything about a good Asian family
16 there are only three acceptable professions: Doctor,
17 engineer and the third space is blank. So we're already in
18 a tough position when we decide to go into law.

19 The pursuit of the American dream is to make money.
20 Let's put it that way, put it out there. So when you go
21 into public service it's a choice. But it shouldn't be a
22 choice between earning a living and doing or pursuing
23 something that's great.

24 The choice is really for those of us who are in the
25 profession a beautiful marriage of the law, scholarship and

1 public service. It fuels our soul. But it should also fuel
2 our bank accounts. No one should be put in this position.
3 No one goes into public service thinking they'll make a
4 million dollars but we shouldn't go into public service
5 thinking how are we going to pay for our bills as well. We
6 are certainly no different as litigants that came before us
7 in terms of trying to make our ends meet.

8 Something that I've seen personally in my role as
9 the president of Asian American Judges Association is that I
10 speak to individuals. I speak to individuals about their
11 paths to the bench and whether or not the bench is for them.
12 That's a individual choice. But my discussion with
13 individuals is more of here's the process, here's how it
14 could happen for you, you make that decision. Let me get
15 folks who are in the private sector, making a lot of money.
16 They have a good living.

17 The opening year of eligibility is ten years. Most
18 of the judges wind up on the bench close to 20 years after
19 experience like myself. That's a real big -- that's a real
20 big sacrifice financially, right?

21 Those who are in the public sector, District
22 Attorney's Office, Legal Aid, or as myself I was once a
23 Assistant Corporation Counsel, I know we have a Assistant
24 Corporation Counsel on the panel, you have to make that
25 decision whether or not you have to go. So we have that

1 discussion.

2 And I go back and forth to folks about why I think
3 the bench is great. And this has happened more than once
4 and it's heartbreaking. When someone stops me during my
5 pitch as to why should they join the bench and they tell me
6 Sha, I literally cannot afford to join the bench at this
7 point. I literally cannot afford. That's when my pitch
8 stops because it would be unconscionable for me to say I
9 want you to put yourself in my position.

10 Attrition is not really our issue because we've
11 been we've been on the bench for eleven years. The real
12 issue is attracting judges, attracting folks to come in.
13 Our ranks will never grow. In fact, we lost three judges.
14 Our ranks will not grow unless it's financially attractive
15 to get the best.

16 When I was inducted in 2018 -- My mother was still
17 alive. When I was inducted in 2018 I had that moment with a
18 parent where I said, Mom, did you ever think I would be a
19 judge? She said, No, I never thought you would be a judge.
20 I said, Well, that wasn't the answer I was expecting. So
21 why would you think that? She said, Well, when we came to
22 this country judges were viewed as the rich folks.
23 Judiciary is where the rich would go. Luckily we debunked
24 that myth. You do not have to be rich to be on the bench.
25 But without this raise the bench is only comprised of those

1 who are able, talented and can financially afford to do so.

2 Going back to the point of maintaining the
3 integrity of our court system.

4 We cannot get to the point where our bench is only
5 comprised of those who could financially do so. There is a
6 large population, close to 13 to 14 percent of our
7 population that is eager to be on the bench. I have never
8 once met someone who had a desire to be on the bench that
9 said, I don't want to be on the bench. It's other reasons.
10 I asked this Commission to really look into that, that
11 finances and money should not be that consideration and it
12 would be my honor to submit a written formal statement on
13 behalf of the Association.

14 Thank you.

15 MR. FAHEY: Thank you for your time.

16 Our next speaker is Judge John Collins, president
17 of the New York State City Court Associations.

18 MR. COLLINS: Honorable members of the Commission.
19 Thank you for allowing me to testify this morning.

20 I'm John B. Collins, Junior. I'm a full time judge
21 of the White Plains City Court. I'm also the president of
22 New York State Association of City Court Judges. I
23 represent over 170 judges that sit in our state, 61 city
24 courts outside the city of New York. Our members are in
25 cities range from Long Island to Plattsburgh, from Buffalo

1 to Albany, from big cities like Syracuse to small cities
2 like Shirley, from suburbs like White Plains, to rural areas
3 like Oneonta and every city in between.

4 We are often the only court that most New Yorkers
5 will ever see. And because of our close relationship with
6 court users we are highly customer-service oriented.

7 I am here today to advocate for three proposals.

8 First to establish parity among the City Court
9 judges, New York City Civil Court judges, New York City
10 Criminal Court judges and the Long Island District Court
11 judges.

12 Second, to increase the salary of Supreme Court
13 justice so that there is pay parity between the Supreme
14 Court justices and Federal District Court judges.

15 Third, to implement future adjustments so that pay
16 parity is maintained as of April 1st of a given year.

17 You've already heard much about points two and
18 three, so I'll concentrate on my testimony on the first.

19 City courts in the New York State exercise broad
20 jurisdiction. We preside over a full range of criminal
21 matters, including felonies from arraignment to preliminary
22 hearings, misdemeanors and violations from arraignment
23 through plea or through trial verdict.

24 We also preside over civil cases involving disputes
25 up to \$15,000, and commercial and residential

1 landlord-tenant cases arising in our cities. We have county
2 wide small claims and commercial claims jurisdiction up to
3 \$5,000.

4 At the beginning of the pandemic in March 2020, we
5 were appointed as acting county court judges and immediately
6 called upon to conduct arraignments in emergency proceedings
7 all over our respective counties. When attorneys try to
8 tell me that the courts were closed during the pandemic, I
9 briskly informed them that the city courts were never closed
10 and I was physically present in my courthouse starting in
11 May 2020.

12 We essentially sit as Family Court judges when we
13 act as they raise the age of accessible magistrates. Often
14 handling these immediate important arraignments of
15 adolescent offenders at all hours of the night.

16 We also handle local ordinance violations,
17 including code, environmental and navigation violations. In
18 addition, we adjudicate traffic violations and parking
19 tickets. Many of us sit in centralized arraignment parts,
20 hearing cases on nights and weekends, from not only our own
21 cities, but also town and village courts in those counties
22 as well.

23 We are on call all day, every day to conduct
24 arraignments and to issue search warrants. Some of us are
25 assigned to sit as acting Family Court judges. We are

1 periodically called upon to perform the duties of those
2 courts when needed.

3 Many of us preside specialty or problem-solving
4 courts to better respond to the needs of our litigants,
5 court users and our communities, including domestic violence
6 courts, opiate courts, drug treatment courts, DWI courts,
7 veterans courts, human trafficking courts, and mental health
8 courts.

9 Put simply, the duties and jurisdictions of most of
10 our courts are greater than the Long Island district courts
11 because both Nassau and Suffolk counties have a traffic and
12 parking violations agency.

13 Indeed, jurisdiction of my court, the White Plains
14 City Court, is the equivalent of not only three New York
15 City courts - New York City Criminal Court, New York City
16 Civil Court and the New York City Housing Court, but also
17 two New York City administrative agencies: The Traffic
18 Violations Bureau and Department of Finance Parking Tickets
19 Services.

20 Judges of the Long Island district courts, New York
21 City Civil Court and New York City Criminal Court now earn
22 93 percent of a Supreme Court justice's salary. Despite
23 adjudicating the same cases as those courts, a full-time
24 City Court judge outside of the city of New York earns just
25 90 percent of a Supreme Court justice's salary. We City

1 Court judges perform the same tasks as district court judges
2 and the combination of what the New York City civil and
3 criminal courts judges do. And we are asked to preside over
4 even more categories of cases than all of those three
5 courts.

6 We believe that fairness dictates that City Court
7 judges should be paid the same as judges of the other
8 courts. Nowhere is this pay disparity more acute and unfair
9 than in Nassau County where the City Court judges in Long
10 Beach and Glen Cove are paid less than their district court
11 colleagues in the same exact county mere miles away.

12 Finally, the prior court merger proposal of 2022
13 would have combined city courts outside of the city of New
14 York, district courts, New York City civil courts and New
15 York City criminal courts into a municipal court that would
16 had uniform jurisdiction and duties. Though not enacted,
17 the proposal recognized the obvious - that judges in these
18 four courts should be treated equally.

19 We respectfully ask that you adopt our proposals as
20 your own. We thank you for your service and efforts.

21 MR. FAHEY: As former City Court Clerk, I want to
22 thank you for your presentation.

23 MR. COLLINS: Thank you, Judge. I'm well aware you
24 started your judicial career.

25 MR. FAHEY: I learned a lot. Thank you, Judge.

1 MR. COLLINS: I'm welcome to answer any questions
2 the Commission may have.

3 MR. FAHEY: I'm trying to cut them off. They've
4 been good so far.

5 MR. COLLINS: Thank you. Court.

6 MR. FAHEY: Judge Susan Bisceglia from the
7 Magistrates Association.

8 MS. BISCEGLIA: Good morning, Chairman,
9 commissioners. I'm Judge Susan Sullivan Bisceglia. It's an
10 honor to be here this morning. I am a town judge in the
11 town of LaGrange in Dutchess County. I'm also first Vice
12 President of the New York State Magistrate Association and
13 I'm representing them here today.

14 I'm also a past president of the Dutchess County
15 Magistrate Association as well. I've been a judge for about
16 seven and a half years.

17 I am here on behalf of our organization to fully
18 request consideration of an increase in pay for the judges
19 of county and village courts as it pertains to three areas.
20 One, when they are assigned to a city court part; two, when
21 they are assigned to another town and village court; and
22 three, on the off-hour arraignment court parts.

23 There are approximately 3,150 judges and justices
24 of the New York State Unified Court System. Approximately
25 1800 are justices of the town in village courts. I do echo

1 I'm here with Judge Collins of the city courts as set forth,
2 because many of that also applies to the town and village
3 courts as we are the courts closest to the people.

4 We handle a wide variety of cases from criminal
5 matters that we are available 24 hours a day, seven days a
6 week, 365 days a year.

7 Although we are considered part-time judges and
8 paid by our local governments, typically it's a small
9 fraction of the salaries given to the state-paid judges.
10 Some as low as \$4,000 a year. As if you can imagine for
11 being available 24/7, 365 days a year.

12 We also sit as accessible magistrates when the
13 Family Court is not in session.

14 There are many responsibilities of the town and
15 village courts.

16 When a town and village court judge is assigned to
17 City Court they, by statute, receive \$250 per day or \$125
18 per half day. When they are assigned to a town and village
19 court other than City Court, they are only paid in the event
20 that if it's a result of a death, disability or other
21 incapacity of a justice in that receiving court or a vacancy
22 in that office.

23 So, in other words, if you are assigned to that
24 court for a case that there is a conflict -- and that
25 happens many times -- there is no additional compensation

1 for the judges.

2 Also, similarly, in a centralized arraignment part
3 the pay structure is similar: \$250 per day or \$125 for half
4 day. If you do the math I'm sure you can see that in
5 comparison to City Court judges I would respectfully request
6 that that consideration that there be a increase in that for
7 our judges.

8 Town and village judges also, thirdly, should be
9 considered for full retirement. We respectfully request
10 that consideration. Presently, it is based on a percentage
11 of the hours that the judge works. And that also is done on
12 a yearly basis. And the judges may also perform many hours
13 that are outside of court, as I'm sure you can imagine
14 researching cases, rendering decisions.

15 Town and village courts provide a great service, 24
16 hours a day, seven days a week, 365 days a year. We
17 respectfully request your consideration here today.

18 Thank you for the opportunity to be here.

19 MR. FAHEY: Thank you, Judge.

20 Our next speaker is Adrienne Koch, who is president
21 of New York County Lawyers Association.

22 Good morning, ma'am.

23 MS. KOCH: Good morning, Judge Fahey and
24 distinguished members of the Commission.

25 I am Adrienne Koch, President of New York County

1 Lawyers Association. Thank you for the opportunity to
2 testify here on behalf of NYCLA, a bar association of over
3 five thousand members.

4 Among the core values emphasized in NYCLA's mission
5 statement are promoting the administration of justice,
6 ensuring equal access to justice and advocating for strong
7 independent judiciary. That's why we submitted an amicus
8 brief in Larry versus Governor of New York, in which the New
9 York Court of Appeals ruled in 2010 that the structural
10 independence of the judiciary requires its compensation to
11 be considered independently and on the merits.

12 It's against that backdrop that I come here today
13 on behalf of NYCLA to urge the commission to recommend steps
14 that will enable the compensation of our state's judiciary
15 to regain and retain parity with that of its federal
16 counterparts.

17 We believe that such parity is essential in the
18 service of all of those goals as an administration of
19 justice, access to justice and judicial independent.

20 The impact on administration and access to justice
21 is straightforward.

22 This Commission's 2015 report noted that the salary
23 of a New York State Supreme Court justice ranked 47th,
24 nationally, among trial courts of general jurisdiction when
25 adjusted for cost of living. Thanks in large part to the

1 work of this Commission we've come a very long way.

2 According to statistics published by the Natural
3 Center For States Courts in 2023 our cost of living rank is
4 now 12. That's a vast improvement but we respectfully
5 submit it's not good enough for the judges of our state, who
6 we call upon to handle ever increasing dockets with
7 stretched resources and to do so in a way that not only
8 ensures access to judges for our states large and
9 tremendously diverse population but also maintains New
10 York's position as the commercial capital of the world.

11 Adjusted for cost of living, the compensation of
12 our judges lags behind that of their counterparts in
13 Arkansas, Georgia, Montana, Pennsylvania and Utah, just to
14 name a few. Of course, I mean no disrespect to the
15 judiciary of any of those places who undoubtedly deserve
16 every penny they earn and probably more, but given the heavy
17 case loads and complex dockets that our own judges manage
18 they are at least deserving.

19 There's more.

20 In absolute terms, without any adjustment for cost
21 of the living, New York's judges are on par with what their
22 federal county parts earned in 2019.

23 (Continue on next page.)

24

25

1 THE COURT: In 2019 those federal counterparts have
2 received four pay increases then, since then, one for every
3 year. Our state judges now lag far behind. In fact, this
4 commission's 2015 report recommended raises that would fix
5 the salary of a New York State Supreme Court justice at
6 95 percent of the salary of a federal district court judge
7 and will continue to close the gap from there.

8 In keeping with that recommendation by 2019 our
9 state judiciary had essentially achieved parity with the
10 federal judiciary. That was great. But because unlike
11 their federal counterparts our state judges have seen no
12 compensation adjustments since then. We have backslid.
13 They are back earning less than 95 percent of what their
14 federal counterparts earn and in some instances it's quite a
15 bit less. We don't want to wax in to the flat lining of
16 judicial compensation that occurred in the years that led up
17 to this commission's creation. But without some urgent
18 intervention we will have exactly that. It's only going to
19 get worse and our judges will fall further and further
20 behind.

21 Let me add that these disparities are especially
22 acute in New York City where NYCLA has its own home because
23 of the substantially higher cost of living here. We
24 understand the budgetary constraints that brought us to this
25 place. And the commission is quite rightly directed to take

1 in to account the state's ability to fund any increasing
2 compensation. But that ability is only one of a number of
3 factors the commission is directed to consider. Another of
4 those factors is the national and federal comparison I
5 mentioned a few minutes ago, another is inflation, which in
6 the last four years has hit levels we haven't seen since the
7 1970s while our judges have continued to see no salary
8 adjustments.

9 Indeed since 2018 prices have risen a cumulative
10 total of over 20 percent. We urgently need a mechanism to
11 ensure that judicial pay at least keeps up with the rapidly
12 rising cost of living. Yet another factor the commission is
13 directed to consider is the compensation received by
14 professionals outside of government. I want to pause for a
15 moment on that one.

16 We all hear about how compensation in the legal
17 profession has skyrocketed and it's literally true that
18 supreme court justices in New York County currently make
19 less than first-year associates at some of the firms that
20 appear before them. We recognize that government service is
21 a high calling that has many non monetary rewards, but at
22 the same time our judiciary must pay competitive salaries in
23 order to continue to attract top talent. This actually
24 brings me back to the third core value of NYCLA that I
25 mentioned at the beginning of these remarks, a strong and

1 independent judiciary. Fair compensation, compensation that
2 not only takes careful account of the need to continue to
3 attract and retain excellent jurists in an increasingly
4 expensive world in which more and more is asked of them, but
5 also demonstrates that we actually place a high value on our
6 judges.

7 That is in NYCLA's view essential to the strength
8 and independence of our judiciary. I want to say one more
9 thing in that regard, it goes without saying that a strong
10 and independent judiciary is indispensable to the rule of
11 law, which in turn is vital to our democracy. But that is
12 even more true now than it was when this commission
13 completed its last report in 2020. In recent years we've
14 seen judges both across the country and right here in New
15 York come under personal attack, not only with criticisms
16 that are at times vitriolic and against which judges are
17 ethically prohibited from defending themselves but also with
18 actual threats to their safety and the safety of their
19 families.

20 NYCLA's own voice has been loud among those that
21 seek to defend and support them with words. And we believe
22 that this is important. But this commission now has an
23 opportunity to defend and support New York's judges with
24 more than just words. We strongly urge that perhaps more
25 than ever it's critical to our democracy that judges be

1 fairly compensated and that the commission should take steps
2 towards that end by restoring pay parity between the judges
3 of our own courts and their federal counterparts and
4 ensuring that we retain such parity going forward -- to be
5 heard on these critical issues and for the important work
6 the commission is doing and I'll also quickly add that we
7 have submitted a written version of this testimony that
8 contains lots of foot notes with source materials -- I've
9 cited here.

10 MR. FAHEY: But what I really like is it's exactly
11 11:30; you hit it right on the button. We're going to
12 recess for ten minutes. Our next speaker is John Zoll.

13 MR. KOVNER: I just want to tell you, thank you for
14 submitting your testimony in advance so we could review it
15 before this meeting.

16 MS. KOCH: Oh, my pleasure.

17 MR. FAHEY: Brief recess. Ten minutes.

18 (Whereupon, a brief recess was taken.)

19 * * * *

20 MR. FAHEY: Please be seated. Our next speaker is
21 Judge John Zoll president of the association of criminal
22 court judges in the City of New York. Good morning, Judge.
23 Good afternoon, I guess, almost.

24 MR. ZOLL: I think it is good morning, Judge Fahey
25 and to the rest of the members of the commission, thank you

1 for allowing me two or three minutes to address the
2 commission on a fairly --

3 MR. FAHEY: That is music to our ears, Judge.

4 MR. ZOLL: -- on a fairly specific topic. If you
5 want to just grant it I'll just walk away. So my name is
6 John Zoll. I'm an acting Supreme Court justice sitting in
7 Queens County supreme court criminal term, I'm also the
8 president of the Association of New York City Criminal Court
9 Judges. We represent approximately 120 judges who preside
10 over matters in New York City criminal court and the supreme
11 court criminal term along with my fellow officers, Laura
12 Warden, Mary Benirana (phonetic), Jermaine Auguste. We take
13 great pride in the work that we do.

14 Some of our judges who sit in criminal courts are
15 elected civil court judges. But the overwhelming number of
16 our judges are appointed by the mayor go through that
17 vetting process and then at a certain point in their career
18 they are hopeful that they are appointed as acting supreme
19 court justices by the deputy chief administrative judge of
20 New York City courts and they would then serve as an acting
21 supreme court justice. At that point they receive the New
22 York State supreme court salary. First let me thank the
23 commission for the important work that it's doing for
24 judicial salary review, second, we very much support and
25 agree with the position of the Office of Court

1 Administration and our Chief Administrative Judge Justice
2 Zayas and we support a statewide increase in salary
3 compensation for all New York judges on par with the federal
4 judiciary.

5 We make one additional request for the commission
6 to discuss. We respectfully ask that the commission
7 consider if it does in fact recommend an increase on par
8 with the federal judiciary that it keep the existing
9 differential, dollar differential not percentage
10 differential between supreme court judge pay and criminal
11 court judge pay which at this point is \$14,700. So we ask
12 the commission to consider this. I think the exact amount
13 would be 93.68 percent in differences. I make these, this
14 request because judges of the criminal court work as hard I
15 believe as any judge in the state or any other judges in the
16 state; having done that, I was in that position for a number
17 of years.

18 These judges preside over all purpose parts with
19 calendars usually approaching 100 plus cases per day, walk
20 in to a courtroom entirely filled with citizens, defendants,
21 accused people, and their families and they are trying to
22 matriculate those cases, get them done. A criminal court
23 judge is like driving a car, they participate literally in
24 every single case, no one else can adjourn a case for them,
25 they get the papers handed to them by a bridge officer.

1 They find out what's going on with that case, they engage
2 with the district attorney, they engage with the defense
3 counsel, sometimes they will have to take a plea. Nothing
4 can happen in the criminal court without the judge handling
5 each and every single one of those 100 plus cases a day.

6 They are often asked to do the least by way of --
7 I'm sorry, to do the most with the least amount of
8 resources, sorry. And they will be asked to work night
9 courts and average about seven weeks a year, exceeding
10 almost 49, 50 shifts per year. Presently the percentage
11 difference in salaries is 93 percent. When the first
12 increase went through in 2011 the 93 percent equaled 11,100.
13 That's the difference between the supreme court judge's pay
14 and the criminal court judge's pay.

15 In 2015 it maintained the 93 percent difference,
16 but that amounted then to what it is now, 14,700 difference.
17 Should the commission -- again, we always ask that they do
18 so, but if the commission recommended an increase to federal
19 parity, now the difference would be \$16,282. I understand,
20 you know, it's a very respectable salary. We certainly, you
21 know, we agree with that, we know that.

22 But we just ask that you recognize that over time
23 this really does diminish the criminal court judge's parity
24 with the supreme court judge. To correct this or to fill in
25 the gap to up to 93.68 percent would cost less than \$150,000

1 per year just for the New York City criminal court judges
2 who would be receiving that pay. I just want to turn one
3 additional comment, when Justice Weinstein was talking to
4 Judge Zayas about morale, I just want to flow in very
5 quickly that from 2004 to 2010 I was a supervising court
6 attorney in Queens County Criminal Court.

7 I work for the supervising judge, Judge Deborah
8 Stevens Modica, and during that period as we got in to 2005,
9 '6, '7 and '8 and the financial crisis hit and that was
10 going in to like years nine and ten of not receiving a
11 salary increase, I worked with Judge Zayas, Judge Fernando
12 Camacho, Judge Robert Recede (phonetic), Pauline Mullings,
13 and I literally saw every single judge in Queens County
14 Criminal Court every day during that period of time and to
15 answer Judge Weinstein's question of Judge Zayas morale was
16 at its very, very lowest, yet performance by those judges
17 was at its highest. Performance never suffered, in fact, it
18 increased. But when I asked them to cover multiple parts,
19 to finish calendars in another part and start a bench trial
20 at 4 o'clock, they never said no. They weren't smiling when
21 they said -- but I mean, they always said yes, but they
22 weren't smiling when they said it. And they never said no.

23 But that, again, if there is a denial of an
24 increase in salary we're getting in to that time period
25 again where, you know, judges really become very dissuaded.

1 Judges back then, they hesitated to call in sick when they
2 were dreadfully ill because of the consequences it would
3 lead to their colleagues in a given day. Anyway, that
4 really does conclude my remarks. We again just ask the
5 court and the commission to consider and discuss the
6 possibility of keeping the percentage difference,
7 differential at 93.68 percent as opposed to 93. Thank you
8 for your time.

9 MR. FAHEY: Judge, hold on.

10 MR. ZOLL: Yes.

11 MR. FAHEY: Just one brief question.

12 MR. WEINSTEIN: Thank you, Judge Zoll. You
13 mentioned the night shifts of the criminal court judges. Am
14 I correct too that they are also asked to work weekends?

15 MR. ZOLL: Weekend nights. So the acting supreme
16 court justices will do what's called AR 4, those are the day
17 shifts but when I was last in criminal court I would do
18 seven nights in a row of, of night court. It would start on
19 Monday I think and go through Sunday -- no, I'm sorry, it
20 would start on Saturday and go through Friday and, you know,
21 seven straight nights and I think I would have to do seven
22 or eight weeks a year, depending upon how many judges are
23 staffed in that particular county. And take the bench at
24 five, done hopefully at 1 o'clock.

25 If there's more cases that have to be done, as long

1 as overtime is okay in that particular borough you'd
2 sometimes work until 1:30, 2 o'clock. And I can honestly
3 tell you on Friday night after 12 o'clock on your seventh
4 day in a row it's tough to smile. So that's what I would
5 say.

6 MR. FAHEY: Thank you.

7 MR. ZOLL: Thank you all.

8 MR. FAHEY: Thank you very much. Our next speaker
9 is Fran Hoffinger, chair of the New York City Bar
10 Association counsel on judicial administration. Hello.

11 MS. HOFFINGER: Hello. Just about good afternoon.
12 And I've been cutting as I've listened to everybody so --

13 MR. FAHEY: Do your best.

14 MS. HOFFINGER: I will be hopefully brief and I
15 apologize if I'm repeating. My name is, as you know, Fran
16 Hoffinger and I'm testifying today on behalf of the New York
17 City Bar Association and its counsel on judicial
18 administration, which I chair. The counsel on judicial
19 administration coordinates the work of several of the city
20 bar's committees on issues that impact state and federal
21 courts.

22 The counsel includes as committee designated
23 members, representatives from the judiciary committee, from
24 the state court's of superior jurisdiction committee, the
25 federal court's committee, the civil court's committee, the

1 criminal court's committee and the litigation committee.

2 The city bar is a voluntary organization of lawyers and law
3 students founded in 1870 of approximately 23,000 members
4 dedicated to improving the administration of justice. The
5 city bar whose membership includes practitioners from a wide
6 variety of backgrounds and disciplines has had a long
7 standing interest in issues that effect state and federal
8 courts.

9 I am a practicing attorney and I've been one for
10 over 38 years, having appeared in courts all over New York
11 City and Westchester, maybe once Upstate, including but not
12 limited to state courts, supreme court including criminal
13 term, commercial division, civil IAS parts, matrimonial and
14 guardianship parts, criminal court, family court, housing
15 court, surrogate's court, the Appellate Division and in
16 federal courts in the Southern District and Eastern District
17 of York and bankruptcy courts.

18 I serve on the judiciary committee of the New York
19 Women's Bar Association and I was an administrator in 2007
20 and a panel member in 2005 of the New York County Democratic
21 parties independent screening panel for civil court judges.
22 Thank you so much for allowing me to testify today. Instead
23 of focusing my remarks on the statistics that you've heard
24 and will continue to hear and also some of the other things
25 that you've also heard from many of the judges and many of

1 the other people testifying today, I'd like to just address
2 a somewhat narrow issue of why raising the supreme court --
3 I'm sorry -- the state judicial compensation is so important
4 to creating and maintaining a high level, independent and
5 high performing judiciary.

6 Simply put, if we want to attract the best, the
7 brightest and the most talented judges we need to do more
8 for them. Raising their salaries is a matter of respect and
9 dignity, the same respect and dignity that we expect them to
10 show to the litigants that appear in front of them and the
11 attorneys that appear in front of them. If the state court
12 salaries do not remain competitive fewer and fewer
13 candidates will seek the position further harming our
14 current understaffing and likely effecting the quality of
15 the candidates who seek to be state judges.

16 Now, we've all heard and I understand that the
17 state courts' salaries were previously raised to the same
18 level as federal court judges, with supreme court's
19 receiving the same salaries and the criminal, civil, family
20 and housing court judges receiving a somewhat of a
21 percentage less. And that's based on protocols that this
22 commission previously recommended in 2015. But the federal
23 bench received and continues to receive automatic cost of
24 living adjustments, COLA adjustments, increases every year,
25 while state court's judges did not.

1 So at a minimum the state court judges should be
2 raised and indeed as Judge Zayas said, restored to the same
3 level as those that the federal court judges with automatic
4 COLA increases every year. We should not be putting our
5 state court judges in the position of repeatedly having to
6 come back and ask for cost of living increases. Judges are
7 not paid the same as lawyers in private practice and often
8 take a pay cut when they take the bench and enter public
9 service. They are not expecting to make the same salaries
10 as law firm partners in big law firms.

11 But those who are the face of justice in the state
12 court should be treated fairly and with dignity and again in
13 the same way that we expect them to treat us as lawyers and
14 the People of the State of New York expect to be treated
15 when they come in before them. Being a state court judge in
16 New York is not easy, and judges routinely handle complex
17 cases involving international businesses and financial
18 transactions, and an enormous docket, family court, housing
19 court, criminal court, consumer debt and other cases that
20 effect the day-to-day lives of New Yorkers.

21 Furthermore, the people served by the New York
22 State courts are varied and economically and racially
23 diverse and many New Yorkers appear in court pro se, which
24 means that not only do the judges managing heavy dockets
25 have to do their own work but they also have to help

1 shepherd individuals through the court system without the
2 assistance of counsel. Raising state court judicial
3 salaries back up to the -- to the level of federal court
4 salaries and adding an annual COLA increase by doing that we
5 were letting the judges know that the people of the State of
6 New York highly value their public service, and believe they
7 should be compensated appropriately. I've also been told
8 that the judges' benefits such as medical and dental
9 coverage right now cover less than they did in the past,
10 probably because of rising healthcare costs and particularly
11 in New York City.

12 Anecdotally I learned one judge, a single parent
13 who struggled to pay for much needed medical care which
14 wasn't fully covered by her medical care as well as to pay
15 for the college costs for her child. As you've heard, and
16 as you know, of course judges in New York do not get
17 location pay as the court attorneys do. And the rising cost
18 of living due to inflation especially in New York City makes
19 it more and more difficult.

20 So at the very least we should do what this
21 commission recommended in 2015, pay the state court judges
22 the same as their federal counterparts and have an automatic
23 COLA increase, which may not have been recommended but we're
24 suggesting that. We're asking for that. We need to let the
25 judges who are doing a good job know, those who are working

1 hard to address the backlogs, making sure that motions are
2 being decided and trials held without undue delays, treating
3 lawyers and parties who appear before them fairly, you need
4 to let them know that we appreciate them.

5 Many of our judges worked hard throughout the
6 pandemic, some even doing double duty in covering other
7 parts. I read that a number of judges assigned to the
8 supreme court parts in New York City were covering family
9 court emergencies when the family courts were closed. Those
10 judges handled the backlogs in their own parts due to the
11 pandemic, kept their parts open and running and also took on
12 family court cases. We want to retain good judges and we
13 want to keep on attracting the talented lawyers to service
14 judges. But it is hard to do so if they don't feel that
15 they are being treated fairly.

16 It's also important to do so to create a level of
17 accountability for those who are underperforming. And
18 raising their salaries will make the state court judgeships
19 more attractive to well-qualified applicants, which will
20 help weed out the poor-performing judges and improve how
21 justices serve in our state courts. There are many other
22 issues in the state courts that need to be addressed not the
23 least of which include raising the number of supreme court
24 judges statewide, addressing issues surrounding diversity
25 and racial equity, addressing the non judicial staff

1 shortages and working to improve the physical condition of
2 courthouses around the state and particularly in New York
3 City.

4 The city bar just issued a report about eliminating
5 the constitutional camp on the number of supreme court
6 judges and we have a working group on racial equity in the
7 state court that just issued a progress report and
8 recommendations creating lasting reform in the wake of
9 secretary Jeh Johnson's equal justice report. Both
10 initiatives we hope will lead to much-needed improvements in
11 the state courts.

12 But today we are here to address the critical need
13 to raise judicial salaries for state court judges. It is a
14 worthy first step and one that can be achieved in our
15 continuing efforts -- excuse me -- efforts to improve the
16 state courts. Our judges deserve it. And the People of the
17 State of New York deserve to have judges who are paid
18 fairly. Adopting the recommendations of the city bar to
19 raise the state court judges' salary to the current level of
20 the federal judges with an automatic COLA increase is not
21 only just it is equitable and it is the right thing to do.
22 Thank you very much.

23 MR. FAHEY: Thank you. Our next speaker is Judge
24 Ellen Spodek, president of the supreme court judges
25 association of the City of New York. Judge.

1 MS. SPODEK: It's still good morning. I'm not
2 rushing the day. Chairman Fahey, and the other members of
3 the commission, thank you for the opportunity to speak today
4 and provide testimony. My name is Ellen Spodek and I was
5 elected to the supreme court in 2008 and currently serve on
6 the supreme court second judicial district. I am president
7 of the supreme court justice's association of the City of
8 New York. It took over 20 years for a commission to be
9 formed to consider judicial pay independently from the
10 legislature. It was agreed by that commission and this
11 commission's predecessor that the appropriate benchmark for
12 New York State judges is federal judicial paying.

13 And just as an aside initially New York State
14 judges were paid more than federal court judges and the
15 federal court judges look to New York State to determine
16 their pay and somehow that got lost in translation. Despite
17 this agreement actual parity was last achieved in 2019 and
18 even then only fleetingly. The 2019/20 commissions declined
19 to increase judicial salaries in line with our federal
20 counterparts.

21 By way of explanation they cited fears of budgetary
22 shortfalls and the Covid 19 pandemic. It is worth
23 emphasizing, however, that the commissioner's economic fears
24 did not come to fruition. We also lag behind the salaries
25 of -- I'm sorry, did not come to fruition. In fact, the

1 state reported general fund operating surpluses at the end
2 of 2020 and 2022. As a result of the commission's inactions
3 New York State judges' compensation has remained frozen for
4 four years.

5 Once again, our salaries significantly lag behind
6 other state and federal, district court judges with far
7 lower caseloads. We also lag behind the salaries of
8 professionals in government and private practice. This
9 disparity has resulted in a continuing pattern of chasing,
10 temporarily achieving but then not maintaining competitive
11 pay.

12 This is all against the backdrop of rising
13 inflation and an increased cost of living particularly for
14 judges in New York City. And even though I know that OCA
15 considers Nassau and Suffolk and Westchester Upstate and as
16 a Brooklyn born native I consider Westchester Upstate as
17 well, but I've included them --

18 MR. FAHEY: Buffalo we don't.

19 MS. SPODEK: I know. My own geographical
20 shortcomings --

21 MR. FAHEY: It's all perspective.

22 MS. SPODEK: So I included them in my comments.

23 (Whereupon, the following was recorded by Senior
24 Court Reporter, William Leone.)

25 (Continued on the following page.)

1 MS. SPODEK: So the 2015 Commission, faced with
2 similar statistic pay raises for New York State judges,
3 recommended the restoration of parity between the salary of
4 New York State Supreme Court justices and that of a Federal
5 District Court judge. The Commission recognizes the
6 distinguished nature of New York State court system and
7 acknowledged that attracting and retaining a well-qualified
8 judiciary depends on competitive judicial salary.

9 Restoration of parity of federal judges should be
10 achieved particularly because New York is one of the only
11 states that has not seen a judicial pay raise in the last
12 few years. A review of the history of judicial compensation
13 is warranted.

14 For decades, judicial compensation was used as a
15 political bargaining chip never receiving independent
16 evaluation. From 1977, when the State assumed
17 responsibility for paying judicial salaries for all judges
18 in the state it resulted in increase in pay of those
19 salaries until 1999, a period of 22 years during which time
20 judges received a pay adjustment only five times.

21 In its groundbreaking decision in *Maron v Silver*, a
22 case in which the City and State Judges Association both
23 participated, Court of Appeals found that judges were long
24 overdue for a increase in pay and that a different approach
25 to judicial compensation was needed through legislative

1 action. This decision led to the creation of the Commission
2 on Judicial Compensation.

3 When the first judicial pay increase went into
4 effect as result of the first Commission report in April of
5 2012, there had been a 13-year period without any pay
6 adjustment for state court judges. We all remember this
7 difficult time. Many assert that they felt disrespected and
8 dissatisfied by the absence of pay raise for 13 years. A
9 significant number of judges retired and left office due to
10 pay stagnation.

11 Failure to achieve pay parity at this time would
12 effectively result in a eight-year wage freeze. This would
13 not only devalue the important role that the judiciary plays
14 as a independent and co-equal branch of government, but also
15 deter qualified lawyers from seeking judicial office.

16 Our performance merits this level of compensation,
17 especially in light of the additional burdens that New
18 York's judges face throughout the pandemic as we dispense
19 justice in each day within courtroom closures and remote
20 operations.

21 I believe it would be appropriate to discuss
22 numbers and statistics that highlight my argument,
23 particularly, that New York State judges, particularly
24 Downstate, face a crushing docket and should be compensated
25 for their efforts in managing the needs of a severe

1 overburdened court system in New York City.

2 There are 176 Supreme Court justices in the city of
3 New York out of 374 in the state. That's authorized by
4 statute to manage New York City's court system. The
5 caseloads in New York City are staggering and increasing in
6 complexity. In one year, 2022, New York's courts resolved
7 more than 2.1 million cases across the state. During that
8 same year the New York Supreme Court managed 314,420 civil
9 filings and close to 30,000 criminal filings. That
10 represented over 840 new filings per judge per year.

11 New York's Supreme Court justices also handled
12 152,485 new cases, 34,527 Notes of Issues, 152,762
13 dispositions and 31,027 settlements. Nearly half of all
14 these cases were filed in New York City.

15 The success of the specialized Commercial Division
16 also made the New York Supreme Court the designated venue
17 for contract disputes where the parties are not residents of
18 New York. New York State judges' caseloads are nearly
19 double that of the federal counterparts.

20 Despite the additional workload, New York State
21 judges continue to see wage stagnation year after year.

22 There continues to be a clear need for judges with
23 the requisite legal training, experience and communication
24 skills to manage and adjudicate the millions of cases filed
25 each year which impact the lives of millions of New Yorkers.

1 Depriving judges of salary increases for eight years who
2 will return New York to a time when qualified lawyers
3 decline to serve in New York's court system in order to earn
4 higher wages in the private sector. The pay disparities
5 that resulted over time are striking.

6 Since 2019, federal district courts earned 47,400
7 more than New York State judges. In the years since 1990,
8 federal judges have earned a staggering \$655,200 more than
9 New York State judges.

10 When one ignores the cost of living, New York ranks
11 ninth among all states for judicial compensation. When a
12 adjusted for the cost of living, however, New York ranks
13 12th within a adjusted salary of \$187,863.

14 We all know that inflation and the rising cost of
15 living directly diminishes one's buying power.

16 Since 2019, when judges last saw pay raises, the
17 value of the dollar had dropped 20 percent. This means that
18 New York State judges have taken the \$35,000 a year pay cut
19 in real terms since they last received a pay increase.

20 Downstate has particularly been impacted by the inflation.
21 Manhattan, Brooklyn, Queens and Nassau Counties, when nearly
22 half the Supreme Court justices sit rank in top 15 most
23 expenses urban areas in country in 2022, with the Cost of
24 Living Index significantly above the national average.

25 Mortgage rates have doubled over the past few years as home

1 prices have continued to sky rocket. This loss of
2 significant buying power over the last four years should be
3 remedied by this Commission.

4 While achieving and maintaining parities are a
5 vital importance of our judges, outlays of funds required to
6 do is minuscule in the context of a \$229 billion in
7 expenditures in the State budget.

8 We urge the Commission to adopt the OCA proposal,
9 that the salary of Supreme Court justices remain at parity
10 with Federal District Court judges, effective April 1st,
11 2024, and this parity be continued for the subsequent three
12 years until the next Commission is convened.

13 Thank you.

14 MR. FAHEY: Thank you. No questions.

15 Judge Lebovits, are you testifying?

16 MR. LEBOVITS: I am hoping to testify on October
17 the 31st in Albany, if I may.

18 MR. FAHEY: Sure. You signed up?

19 MR. LEBOVITS: Yes. I sent a e-mail yesterday
20 about that.

21 MR. FAHEY: That's fine. I want to make sure that
22 I had everybody right on the list.

23 Our next speaker is Honorable Susan Eagan. She is
24 President of the County Associations of the State of New
25 York.

1 Good afternoon.

2 MS. EAGAN: Good afternoon.

3 Commissioners.

4 Thank you very much for the opportunity to address
5 you today and thank you for volunteering your time to
6 consider this very important issues.

7 As Judge Fahey has indicated, my name is Judge
8 Susan Eagan. I am an elected Erie County Court judge,
9 Designated Youth Part judge, Supervising Criminal Court
10 judge for the Eighth Judicial District and President of New
11 York State County Court Judges Association.

12 I am honored to be here today, specifically on
13 behalf of the County Court judges, but also on behalf of all
14 of my Criminal Court judges in the eight counties of western
15 New York. These judges, some elected, others appointed, are
16 highly educated, dedicated and knowledgeable professionals
17 that work hard to serve their communities everyday.

18 While county courts have both civil and criminal
19 jurisdiction, the bulk of the caseload is criminal, which is
20 intense and emotionally draining. We routinely handle cases
21 involving unspeakable violence and volatile individuals. We
22 are tasked with ensuring that criminal defendants receive
23 the full benefits of their rights as guaranteed by the U.S.
24 and New York State constitutions, while balancing the needs
25 of the victims and society.

1 It is not uncommon for county court judges to
2 preside over lengthy and contentious trials, consuming all
3 of our time and impeding our ability to meaningfully address
4 the other demands of our caseload.

5 Many of us have also been designated youth part
6 judges. These cases requires significantly more time and
7 attention, involving new and different hearings and
8 fact-finding determination at the inception of the case. In
9 short, our caseloads are heavy. This is stressful,
10 time-consuming work, often involving difficult decisions
11 about people's lives. The burden of this work is something
12 that we often carry home with us. As well as the
13 requirement that they be on call during off hours for
14 emergency applications, such as search warrants,
15 arraignments and temporary extreme risk protection orders.

16 Recent legislative changes have added to the load
17 of the criminal bench, requiring us to respond to discovery
18 disputes, bail hearings and parole recognizance hearings.
19 Not to mention pistol permit applications.

20 Our judges have worked hard to understand the new
21 legislation and apply it in the manner in which it was
22 intended. We have adapted our schedules to accommodate the
23 additional and short notice appearances required for bail
24 applications and recognizance hearings.

25 Under the new requirements for the pistol permit

1 applications our judges must personally interview each
2 applicant. In my county alone we had over three thousand
3 pistol permit applications. So I think it is fair to say
4 that across the state there are tens of thousands of these
5 applications pending.

6 This is an executive branch function that has been
7 placed on the judiciary. And we are doing our best to
8 respond to the crushing volume of these applications.

9 In addition to this traditional caseload, the vast
10 majority of county court judges are multi-hat judges,
11 sitting as Family Court, Surrogate Court and Supreme Court.
12 Many of them are the only Superior Court judges in their
13 counties. They are required to be conversant in virtually
14 every area of law that becomes before the New York State
15 courts.

16 Quite frankly, county court judges are used to fill
17 the gaps in our judicial system. These, in my opinion, are
18 the hardest working judges in the court system. The work
19 they perform is critical to the individuals appearing before
20 them, but also to the functioning of a civil society. Yet,
21 our work is scrutinized and criticized like no other court
22 in our system.

23 Topics such as law and order and crime rates are
24 easy fodder for politicians and the media. Articles are
25 written vilifying judges for being too incarcerative and

1 others for not setting high enough bail. While some might
2 say this comes with the territory, we as judges are
3 constrained to silence. We have traded our First Amendment
4 rights and, in some cases, our personal safety for the
5 common good.

6 The judiciary is a co-equal branch of government
7 and the institution of the judiciary should receive the
8 respect that it is due.

9 While I greatly appreciate the work of this
10 esteemed Commission, many believe that it is disgraceful and
11 degrading that we need a Commission such as this. New York
12 State, a leader in this nation in so many ways, should have
13 a system, a better system to compensate judges equitably and
14 consistently, one that does not require us to specifically
15 beg for just compensation.

16 I am not here today to ask for a raise for myself
17 or my colleagues. I am merely asking for cost-of-living
18 adjustments.

19 As this panel is aware, cost-of-living adjustments
20 to salaries are made to ensure the purchasing power of a
21 salary by adjusting the salary at the same rate as
22 inflation.

23 Judges in this state have not received a
24 cost-of-living adjustment since 2019. The inflation rate
25 since 2019 is 19.58 percent. This should not be a political

1 issue. Cost-of-living adjustments should be based on
2 established and reliable economic factors.

3 As a illustration, I adjusted my county court
4 salary of 200,400 for inflation since 2019. Relative to the
5 Consumer Price Index it becomes \$167,489.01. That is a loss
6 of 16 percent. Relative to housing costs, it becomes
7 24143,601.55. That is a loss of 28 percent. Relative to
8 the S&P 500, it becomes \$132,063.10. That is a loss of 30
9 four percent.

10 According to the U.S. Borough of Labor Statistics,
11 the 2023 equivalent buying power of \$200,400 in 2019 is
12 today \$245,045.95. That is a difference of almost \$45,000.

13 Before coming here today I reached out to the
14 judges across the state to ask them how the lack of
15 cost-of-living adjustments has impacted them. And what I
16 heard is that they are not able to maintain their standard
17 of living. They have the same rising costs as everyone else
18 - food, housing, energy, medical expenses, taxes, childcare,
19 college tuition, care for elderly parents.

20 We all made a choice to become public servants and
21 with that we accepted that we were limiting our earning
22 potential. However, we made that choice based on a certain
23 salary. One that is now discounted by 19.58 percent. We
24 have effectively received a pay cut.

25 We are people with children, grandchildren, parents

1 and spouses that depend on us. We deserve a salary that
2 keeps pace with inflation. I am not asking for an
3 additional \$45,000 a year for County Court judges. I am
4 asking this Commission to give us pay parity with federal
5 judges with guaranteed cost-of-living adjustments every
6 year.

7 In addition, given the volume and breadth of work
8 performed by the County Court bench, I am asking that County
9 Court judges be compensated at the same rate as Supreme
10 Court judges.

11 We have a new chief judge. And he has assembled
12 his administrative team. I had a opportunity to meet with
13 some of them and have heard them speak about Judge Wilson's
14 vision for the courts and his leadership style. In my
15 opinion, it is a new day in the New York State courts.
16 There is decidedly different feel, one of optimism and
17 support from administration. Morale is on the rise. I am
18 hopeful that this Commission will choose to support the
19 momentum that Judge Wilson has created.

20 Thank you for your time this afternoon.

21 MR. FAHEY: Thank you.

22 Our next speaker is David Scher, president of New
23 York State Trial Lawyers Association.

24 Mr. Scher, come on up.

25 MR. SCHER: Good afternoon. And thank you for

1 having me. I'm David Scher, President of New York State
2 Trial Lawyers Association, NYSTLA.

3 NYSTLA has for over 70 years been the largest
4 plaintiff lawyers group in New York advocating for safer and
5 healthier society, to assure access to the civil justice
6 system for those who are wrongfully injured, and to advance
7 the rights and practices of legal representation by the
8 public.

9 NYSTLA works with coalition partners nationwide on
10 numerous issues to protect the rights of Americans,
11 including consumer organizations, tenants groups, senior
12 citizen groups, antigun violence groups and many other
13 public interest organizations.

14 NYSTLA members represents victims every day and I
15 mean every day in every single court in New York who have
16 been injured, who've had their personal and civil rights
17 deprived and who are seeking justice.

18 New York has the finest judges in the nation
19 period. But for nearly a decade, this Commission has not
20 approved a basic wage increase for those who served on the
21 bench. Members of the state legislature, court workers and
22 even the governor have all received raises in the interim.
23 Our judges provide an invaluable public service to our
24 citizens and the tireless work and commitment to upholding
25 the law must be recognize.

1 In 2019, after a phase of the last salary increase,
2 New York achieved a long sought after pay equity between New
3 York Supreme Court judges and New York State District Court
4 judges, but since then, however, federal judges have been
5 awarded a needed cost of living increases during the time,
6 by the way, record inflation as we know. And our state
7 judges on the other hand have not. We have fallen behind.

8 Indeed, when adjusted for cost of living payment of
9 New York judges state-wide rank behind several comparable
10 states, Illinois, Pennsylvania, Virginia, Georgia and
11 Arkansas, for example. It goes without saying that New York
12 courts, particularly New York City, adjudicate some of the
13 most complicated, financial, commercial, class action and
14 other cases in the entire country.

15 It is absolutely essential, and I know we all
16 agree, that New York keep and continue to recruit the top
17 quality world class judges that we have long enjoyed here.

18 We know what will happen if this Commission allows
19 New York judicial salaries to languish. We know because in
20 2011, after New York State judges had been denied pay raises
21 for a dozen years, the attrition rates skyrocketed, such
22 that nearly 10 percent of our judges left annually.

23 Our judges dedicate themselves to serve the public,
24 even though they can earn top dollars in the private sector.
25 We need to act now, respectfully, to retain talent and give

1 back to the courts as they give back to the people of our
2 state.

3 New York State Trial Lawyers Association urges the
4 State Commission to act swiftly and approve a pay raise that
5 provides parity with the federal branch. The Commission
6 must act now in the interest of all New Yorkers who rely on
7 the courts to seemly uphold justice.

8 Thank you very much appreciate the time.

9 MR. FAHEY: Thank you, Mr. Scher.

10 Our next speaker is Honorable Leslie A. Stroth,
11 President of New York Civil Court Judges Association.

12 MS. STROTH: Good afternoon.

13 Good afternoon, Judge Fahey, judges of the
14 Commission.

15 I am Judge Leslie Stroth. I'm president of New
16 York City Civil Court Judges Association.

17 In 2013. I was appointed to the civil courts
18 Housing Court bench. In 2017, I was elected to the Civil
19 Court, after which I sat in Criminal Court in the Bronx for
20 two years and New York City Civil Court from 2020 through
21 2021 during the pandemic. I was appointed acting Supreme
22 Court justice in 2021 and will be an elected Supreme Court
23 justice in less than a month. Knock on wood.

24 MR. FAHEY: Congratulations.

25 MS. STROTH: Thank you.

1 I'm here on behalf of the Civil Court justices to
2 stand besides our judicial colleagues and supporters in
3 urging this Commission to return to the federal benchmark in
4 reviewing and hopefully raising judicial salaries.

5 As you know, the rest of the judiciary, including
6 Civil Court judges, are directly impacted by your decision
7 regarding the Supreme Court salaries, as all salaries
8 increase the specific percentages of those salary amounts.

9 I'm also asking that you keep the percentage for
10 civil court judges at least the same as it has been.

11 Much has already been said here today that I agree
12 with completely but do not need to repeat. What I would
13 like to do is describe for you who our civil court judges
14 are, what they do and how the lack of increase in salaries
15 to keep up with the increase cost of living impacts so many
16 of our judges.

17 Although, all of our New York State judges are
18 diligent, committed, hard working judges, the judges who sit
19 in the Civil Court, which is frequently referred to as the
20 people's court, are typically the first judges litigants see
21 when they seek justice from the Court. Not only do our
22 Civil Court judges sit in the Civil Court, but we sit often
23 in the Criminal Court or Family Court before we return to
24 the Civil Court. So we have to become proficient in areas
25 of law some of us have never practiced.

1 In the Civil Court most litigants are unrepresented
2 and they come to the Court as a last resort to resolve
3 issues that they just can't resolve without the Court's
4 help. They come for help with their landlord-tenant issues,
5 consumer debt problems, small claims matters and other
6 matters that affect their every day lives.

7 Civil Court judges handle these cases, no fault
8 insurance matters, commercial landlord-tenant matters and
9 name changes which impact the very identity of New Yorkers
10 who come from that relief.

11 Everything that happens in the Civil Court has a
12 direct impact on the lives of New Yorkers who appear there.
13 As many do not have attorneys, they look to the judges to
14 find justice and hoping to be treated fairly and with
15 respect. They're Civil Court experiences will stay with
16 them throughout their lives. And our Civil Court judges do
17 all they can to make sure that those memories, that those
18 experiences are good, that at least they feel that they were
19 heard and treated fairly even if the result isn't what they
20 hoped to achieve.

21 Most of the Civil Court judges come from lives of
22 public service as Legal Aid or legal service attorneys,
23 public defenders, 18-B attorneys, Assistant District
24 Attorneys, Assistant Corp. Counsel, attorneys with city or
25 state agencies, court attorneys and other areas of law in

1 which they have dedicated their careers to helping people.
2 And for those not looking up, I was a public defender. We
3 were never paid well, but we didn't do what we did for the
4 money.

5 When they come to the bench and when we come to the
6 bench the judges bring our public service background, our
7 compassion, sense of fairness in equal justice and that same
8 work ethic we always had as public servants. These judges
9 have among the heaviest calenders of all the courts,
10 sometimes upwards of a hundred cases a day. They work long
11 hours, evenings, weekends, and sacrifice time with family
12 and loved ones to dedicate themselves with this important
13 work.

14 They also make financial sacrifices, as the
15 salaries they make don't begin to cover the cost of living
16 increases, inflation, mortgages, cost of raising children
17 and many other expenses we have especially in New York City.
18 But, again, we didn't become Civil Court judges for the
19 money.

20 Even when we came to work every day throughout the
21 pandemic and saw the signs by the elevator every day, signs
22 increasing in number that said how many people in our court
23 buildings had COVID, we kept coming. We did it for the
24 people who needed us, the people who came to our courts even
25 at our own risk and risk of the health of our families.

1 Civil Court judges often take the bench in debt
2 from their expensive campaigns. It takes a long time to
3 catch up for those just relying on our salaries. Given the
4 work so many of us did as attorneys we don't have savings
5 and investments and most of us have partners who are also
6 public servants. Many continue, even as judges, to live
7 paycheck to paycheck. Most Civil Court judges are sent out
8 of their home counties to work in other courts for two or
9 three years, or four, which often means increased travel
10 costs in spending time to and from work, time away from
11 family.

12 But Civil Court judges do not complain because they
13 are so grateful and proud to do the work we can for our
14 fellow New Yorkers, many of whom who live below that poverty
15 line. They look at our salaries and think we're rich. How
16 many families could our salaries feed?

17 Even although the Civil Court judges don't explain
18 and don't ask they are entitled to be paid for the many
19 hours of work they devote to helping New Yorkers have better
20 lives, have piece of mind and find justice. There comes a
21 point when the sacrifice is too much. And many of our best
22 judges decide to leave the bench because they can't afford
23 to send their kids to college, pay the mortgage, take care
24 of their parents and otherwise support the families.

25 We lose outstanding, dedicated judges to the

1 private sector regularly and will keep losing them if the
2 salaries don't keep pace with the cost of living especially
3 here in New York City.

4 Worse yet, there are many qualified attorneys who
5 could add to the richness of the diversity of our city on
6 the bench, but they won't consider applying or running
7 because the salaries are not enough. And they can't count
8 on regular increases.

9 Even when Civil Court judges consider running for
10 Supreme Court, they have to be sure that they have the
11 resources to do so because of the expensive running and
12 knowledge that they will again be a catchup period when our
13 salaries won't allow us to keep up with cost. That would
14 mean many judges who would consider running and great
15 Supreme Court justices would not be able to do.

16 MR. FAHEY: Almost time.

17 MS. STROTH: I'm almost done.

18 OCA and our new chief judge and administrative
19 judge has repeatedly and publicly announced their commitment
20 to equal justice in the courts, to creating a diverse bench
21 so that all litigants can see someone that looks like them
22 and knows their experiences, be assured of fairness, to know
23 that the bias and discrimination that have muddied the court
24 representation is no longer tolerated.

25 If we are truly committed to these values and those

1 goals, as I know we are, we have to help judges with many
2 different backgrounds afford to become judges and do the
3 work we love.

4 Thank you so much for considering my testimony and
5 good luck in this difficult decision.

6 (Continue on next page.)

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1 MR. FAHEY: Thank you for your time. The next
2 speaker is Judge Daniele Chinaea. Good afternoon, Judge.

3 MS. CHINEA: Good afternoon. Thank you for your
4 time today.

5 MR. FAHEY: You're president of the housing court
6 judge's association.

7 MS. CHINEA: Yes. So that will cut out the first
8 three sentences. Thank you for hearing us this morning. My
9 name is Daniele Chinaea. I am one of 50 housing court judges
10 serving New York City and I have the honor of being their
11 president and I am here to speak on behalf of us in support
12 of not only a pay raise for all New York State judges but
13 also for pay parity for our housing court judges.

14 We currently receive only a fraction of what civil
15 court judges make, 90 percent, and I would like to present
16 to you why I believe that that is not fair or appropriate.
17 I have submitted written testimony so I defer to that for
18 any specifics. I just want to give you a quick update, a
19 quick rundown of how we work. We are a subpart of civil.
20 Sorry. We are a subpart of civil. And our judges are
21 appointed by a advisory counsel which is, which is created
22 by statute and we are approved by the administrative judge
23 of New York State. We serve for five-year terms as opposed
24 to ten years terms as most judges and that is part of why
25 salary is a big issue for us.

1 We already have a disincentive to applicants and
2 having such short terms. So also getting the lowest pay is
3 sort of a double whammy, if you will. The reasons why I
4 believe that we deserve equal pay is that we handle
5 large-volume cases, 200,000 cases a year approximately,
6 35,000 motions a year approximately, and that does not even
7 count the emergency applications which we hear every day and
8 make up the bulk of our work.

9 We are also the only judges charged with
10 maintaining the housing stock in New York City. That means
11 dealing with housing court violations, building code
12 violations and unsafe conditions for tenants. It also, we
13 are the only people who are trying to keep rent stabilized
14 landlords maintaining their properties despite their
15 financial disincentives, as they would tell you. Housing
16 court is an essential court. So essential in fact that we
17 were told to come back to work in person full time on
18 June 20, 2020.

19 We did that as you would know many months before
20 any vaccine was available and despite the fact that there
21 was a moratorium on evictions throughout the state and
22 federally. We were asked to come back and that was
23 primarily to deal with the fact that there were people
24 locking other people out of their homes and there were
25 issues of building maintenance. Every day we seek to strike

1 a balance between the poorest and the most vulnerable
2 residents of New York City and landlords and landlords
3 themselves are a highly diverse group.

4 That includes tenants who have taken in a roommate
5 all the way to corporate equity fund owners who own many,
6 many buildings in Manhattan especially. This balance
7 requires constant application of compassion and business
8 understanding. We strive for fairness and decency every day
9 to diverse -- user demographic. Many of the tenants and
10 occupants remain unrepresented despite the rights to counsel
11 bill passed by the city council. We, therefore, must always
12 be engaged with and highly knowledgeable of our law.

13 Our laws change regularly and sometimes
14 drastically. Some examples of that are the 2019 passage of
15 the HRPPA, which revamped much of the rent stabilization
16 quota and some notice requirements. And of course what went
17 on with Covid where much of our environment changed and
18 though we're working through a lot of that now we did deal
19 with a lot of issues of first impression and some of those
20 were litigated before the U.S. Supreme Court. We are
21 statutorily obligated to inform unrepresented litigants of
22 their rights and defenses in every case before agreeing to
23 any settlement between the parties. This can be time
24 consuming and difficult as many of our residents are in a
25 much different educational plain than the lawyers they are

1 dealing with.

2 We are singularly charged with trying to maintain
3 balance between a very unequal environment while also
4 remaining compassionate about the realness of eviction. Our
5 lower salaries are an impediment if we want to continue to
6 attract the type of qualified applicants needed for the
7 housing court bench. As you've already heard we are
8 required to remain in the five boroughs, which is fine and
9 totally understandable, but between having lower pay and
10 five-year terms and having to live inside the city we have a
11 lot of disincentives effecting us.

12 We are hard working judges. We are on the bench
13 9:30 to 4:30 every day. We have no -- time, we work long
14 hours, we work weekends and it is an emotional court. So
15 having these other disincentives does make it much harder
16 for us to get qualified applicants and we need qualified
17 applicants. We need dedicated people who have a passion for
18 housing. So I do think that we should have pay parity.

19 MR. FAHEY: Let me wrap it up. Let me ask a
20 question.

21 MS. CHINEA: Sure.

22 MR. FAHEY: I'm from -- in many of the courts
23 Upstate it is. So I never served in housing court though.
24 What I wonder is, is right now the housing court judges who
25 are in New York City, housing court judges, the 50 that you

1 are apart of are they the lowest paid judges in the state
2 court system?

3 MS. CHINEA: In the city court system.

4 MR. FAHEY: In the city court system.

5 MS. CHINEA: I don't know what town and village
6 court judges make part time --

7 MR. FAHEY: They are apart of OCA. That's what I
8 wanted to know. Thank you.

9 MS. CHINEA: Thank you.

10 MR. FAHEY: You're advocating to go to the
11 93 percent --

12 MS. CHINEA: I'm advocating that we all get paid
13 parity with federal, but if we are not going to I'd like pay
14 parity with civil.

15 MR. FAHEY: You want to be included in the current
16 floor for everybody else?

17 MS. CHINEA: Correct. Thank you.

18 MR. FAHEY: Judge Vincent Del Giudice, court of
19 claims judge's association in part -- excuse me -- paragraph
20 B, D and E judges. Hello, Judge.

21 MR. DEL GIUDICE: Good afternoon. I'd like to give
22 you a little bit of my background so you have an opportunity
23 to judge my credibility before you, all right. I'm the
24 first generation of my family to graduate law school and
25 this state saw fit to put me on the bench. I've been a

1 public servant for my entire 43 years of practicing law in
2 New York State.

3 Although I graduated fifth in my law school class I
4 felt it was imperative upon me to give back to society. I
5 became a prosecutor, for 14 years. Then I became a defense
6 attorney for the indigent and in 2002 I was appointed to the
7 court of claims. For the past 17 years my colleagues have
8 saw fit to have me as the president of their association.
9 Now I represent the 56 court of claims judges that by
10 statute are acting supreme court justices.

11 And we handle a multitude of civil and criminal
12 cases throughout the state. You will hear from my colleague
13 Frank Milano in Albany who represents the division A judges
14 that handle the lawsuits against the State of New York.
15 Excuse me. For the past six years I've been the judge in
16 charge of the homicide part in Kings County. So I
17 exclusively do homicide cases for all these many years. I
18 just want to give you a personal experience. Having been a
19 judge since 2002 I've lived through the 12-year hiatus of
20 salary.

21 I am a proud father of a graduate of Fordham law
22 school who when he graduated law school he was hired
23 preadmission in a white shoes firm for \$30,000 more than his
24 old man made. Well, very happy for my son, but I was very
25 disappointed for my colleagues and myself. Now, I am not

1 going to bombard you with statistics; you've heard them all.
2 Other people have resources so they can have statisticians
3 do that. I don't, I'm busy trying cases. But I'm here to
4 tell you folks that whatever decision you make has no impact
5 on me, because next year I reach judicial -- and I'll be
6 70 years old.

7 So what I am saying here I am appealing to you for
8 equity, that's what I want, equity, not for me, but for my
9 colleagues that come behind me, and for the people of this
10 state, all right. Without keeping up with the cost of
11 living increases, all right, we are consistently in a
12 catch-up moment. Never made up the 12-year deficit that I
13 suffered through. And listen, I did it because I want to
14 serve my state.

15 That's why I did it, all right. I did it for the
16 last several years and my colleagues without a cost of
17 living increase. So, please, as I will tell the juries as
18 my first boss Marilyn Monroe, the DA in Bronx county told
19 me, do the right thing. Give the judges a cost of living
20 increase so we don't have to come here and beg. It's
21 insulting. I don't mean to destroy your material here.

22 MR. FAHEY: Put it up a little to the left there.

23 MR. DEL GIUDICE: That's all I have to say. Thank
24 you very much.

25 MR. FAHEY: Give us just a second. We'll fix it.

1 Our next speaker is Ellen Sassower.

2 MS. SASSOWER: Elena Sassower.

3 MR. FAHEY: Oh, I'm sorry, Elena Sassower, our
4 center for judicial accountability. And we have one more
5 speaker after that, Sebastian Duggart.

6 MS. SASSOWER: May I?

7 MR. FAHEY: Sure.

8 MS. BLANK: We'll pass them along ourselves.

9 MS. SASSOWER: We started with the statute, since
10 seven of you are lawyers, one, a former judge of the Court
11 of Appeals and --

12 MR. WEINSTEIN: Why don't you speak at the
13 microphone.

14 MS. SASSOWER: Another one, a 25-year jurist. The
15 starting point is always the statute. Since you have power
16 under the legislative law would you like to swear me in to
17 give probative testimony under oath?

18 MR. FAHEY: That won't be necessary.

19 MS. SASSOWER: Well, as I said when I testified in
20 past hearings this hearing has been permeated by fraud by
21 the judges and by the judicial pay raise advocates. And it
22 starts with the statute. So I've handed up the statute,
23 which was enacted through the budget unconstitutionally, and
24 by fraud a ground for challenge. But let's start with the
25 language of the statute, aside from the fact that you were

1 supposed to be established as of June 1st, months ago, and
2 you held your organizational meeting on October 2nd. Your
3 charge is adequacy, adequate levels of compensation and non
4 salary benefits. I refer you to Section 2 paragraph 1. I
5 refer you to Section 2 paragraph 2, A, 1 and 2.

6 Nobody here testified that -- well, inferentially
7 they implied that their salary is not adequate. In order to
8 make that outrageous inference such as Chief Administrative
9 Judge Zayas, who can't afford to buy a new car, since 2013,
10 and his wife also can't afford -- okay, so what -- none of
11 them identified their salaries that they've been making,
12 that they've been paid.

13 So all of these judges are making upwards of 190,
14 200, 220, \$230,000 a year. They didn't identify their
15 salary. And you didn't identify their salary. Because that
16 salary is obviously nobody could look at that salary and say
17 it's not adequate even in New York City. And of course they
18 don't just get salary, they get compensation. You are
19 commissioned on compensation. Compensation is larger than
20 salary, right. Pensions, social security, healthcare,
21 payments, which brings up the package \$20,000 a year,
22 30,000. What is it?

23 You didn't get any testimony about non salaried
24 benefits. And when you put forward your materials in
25 connection with your October 2nd organizational meeting you

1 only put them as to salary knowing that that was a fraud.
2 And you knew that the 2011 report of the commission on
3 judicial compensation and the 2015 report of the commission
4 on legislative judicial and executive compensation on which
5 you are relying and pay raise, judicial pay raise advocates
6 and judges are allowed are false instruments.

7 Because none of those commissions, okay, and the
8 other incarnations examined anything but salary in violation
9 expressly, directly of the statute requiring examination,
10 evaluation of salary, compensation and non salaried benefits
11 clearly made no findings, because they couldn't and raise
12 salary. The judges took and have known since 2011 and all
13 government officials in their highest levels have known that
14 these pay raise reports are false instruments, violative of
15 -- appeals. They are a larceny of the public fisc, but
16 let's go further.

17 You allowed them to make claims for what they want.
18 They want higher salaries. We all want more money. We all
19 want more money. But that's not your charge to give them
20 what they think they deserve, what they would like, what
21 they believe they're entitled to. Your charge is adequacy
22 and you haven't even inquired about non-salaried
23 compensation non-salaried benefits, apart of them not
24 identifying them identifying the salary figures --

25 MR. FAHEY: Hold on. Are you okay with that

1 microphone?

2 MS. SASSOWER: Yes, I'm sorry.

3 MR. FAHEY: You're fine. Go ahead.

4 MS. SASSOWER: Let's go to the factors that you are
5 required to take in to account. The statute requires that
6 you take in to account all appropriate factors including and
7 the six enumerated factors are all financial and economic.
8 But they aren't the exclusive factors. There are other
9 appropriate factors, right. The most appropriate factor,
10 the threshold factor is whether judges are doing their job,
11 okay.

12 We have a judiciary that's pervasively systemically
13 corrupt at trial, appellate supervisory levels and we are
14 here today because of the corruption of the judiciary going
15 up to the Court of Appeals on which Judge Fahey sat as an
16 associate judge. And the now Chief Judge Rohan (phonetic)
17 sat throwing the case. And I'm going to close by leaving
18 with you the evidence as to which your duty is to make
19 findings of fact and conclusions of law because this case
20 center for judicial accountability against Cuomo et al and
21 the last et al is Chief Judge DiFiore challenged the
22 constitutionality of lawfulness of, of this, of what you are
23 doing, of your violations, of the prior reports.

24 There needs to be findings of fact and conclusions
25 of law as to what has been going on. That case is Exhibit A

1 as to the corruption that effects the judiciary at all
2 levels. But I'm also going to leave with you where we're at
3 now, B, Exhibit B is the continuation of that case which is
4 center for judicial accountability against Jacob et al and
5 involves among other things complaints that Jacob sat on
6 involving the budget, involving the pay raises.

7 These commissions and over -- within the
8 jurisdiction of Jacob, the commissioner on judicial conduct,
9 and one of the complaints that Jacob sat on, okay, actually
10 purported to dismiss was a complaint against Judge Fahey and
11 his brethren on the Court of Appeals for their fraud, for
12 their corruption incentive for judicial accountability
13 against Cuomo DiFiore. That case is now the Appellate
14 Division Third Department.

15 I'm leaving you with the appeal brief so you can
16 see, once again, how the judiciary comports itself when the
17 issue is it's self interest in pay raises and what has been
18 going on. Your duty and you have subpoena power and you
19 must make findings of fact and conclusions of law with
20 respect to the, with what you are charging under the
21 statute, and the evidence. And the evidence in these two
22 major cases broaden the public interest on behalf of the
23 people of the State of New York is wholesale corruption
24 within the judiciary at every level, which is exactly what I
25 said in 2011 when I testified before the commission on

1 judicial compensation, and I said that the judiciary throws
2 cases by fraudulent judicial decisions and I gave the case
3 file evidence at that time, which was the lawsuit broadened
4 the public interest on behalf of the people of State of New
5 York against the commission on judicial conduct, which was
6 thrown --

7 MR. FAHEY: Ms. --

8 MS. SASSOWER: -- by fraudulent judicial decisions
9 going up to the Court of Appeals.

10 MR. FAHEY: You've gone 11 minutes. Everybody's
11 got ten minutes. I'm going to give you a minute to wrap up.

12 MS. SASSOWER: Thank you.

13 MR. FAHEY: Go ahead.

14 MS. SASSOWER: So I will simply identify what I am
15 leaving you with just as I presented the evidence to your
16 predecessor commissions. I am leaving you with and the
17 original, this is the entire case --

18 MR. FAHEY: Just leave it there.

19 MS. SASSOWER: -- against Cuomo DiFiore, with causes
20 of action as to the unconstitutionality, the fraud, the
21 unlawfulness of what has gone on here with respect to these
22 pay commissions, which you are replicating, duplicating, I'm
23 leaving that with you. The original is at the Court of
24 Appeals, subpoena it. I am leaving you with the appellate
25 record in the lawsuit against Jacob, et al, involving

1 complaints filed with Jacob involving these commissions,
2 this scheme, the corruption and -- involving the attorney
3 general corrupting the judicial process.

4 Lastly, I don't want you to believe that the
5 corruption infesting the judiciary is only in cases of
6 magnitude such as the cases that I have here presented. I
7 have a, a independent report that I wrote about a family
8 court case out of Monroe County, a mother called me in
9 distress because her child had been taken away from her.
10 And she begged me to assist her.

11 Without charge I, I examined -- and I wrote a
12 report that was, first, it's a sealed file. I think you
13 should take a look at what goes on, and you should know this
14 is only the first piece of it. But the corruption involving
15 this report at the family court level, at the Appellate
16 Division Fourth Department from which you come, Chair Fahey,
17 you need to take testimony. You have subpoena power. You
18 need to -- you need to examine the corruption in the
19 judiciary --

20 MR. FAHEY: I'm going to ask you to wrap it up.

21 MS. SASSOWER: Thank you.

22 MR. FAHEY: Thank you for your presentation.

23 MS. SASSOWER: Thank you, again, center for
24 judicial accountability, the website is www.judgewidth.org.
25 The documents substantiating my presentation are accessible

1 from the center link entitled New York's force of law
2 commissions unconstitutionality and fraud in plain sight.

3 MR. FAHEY: Thank you. Our next speaker is
4 Sebastian Doggart, executive director of the families civil
5 liberties union.

6 MR. DOGGART: Good afternoon, I feel a little like
7 a cockroach on a wedding cake here because I think I'm one
8 of the only non attorneys here, I'm not an attorney. I'm a
9 journalist and a filmmaker and the executive director of the
10 family civil liberties union and independent nonpartisan,
11 nonprofit group assisting families across the U.S. who have
12 been damaged by the court system. The application for pay
13 raises for judges should just be, should not just be denied.
14 There should be a complete suspension on any -- to judges
15 against whom there are legitimate complaints and until
16 effective judicial oversight is introduced.

17 Now over the last decade the FCOU has presented
18 ample evidence, at least 15 separate reports to see why the
19 New York Unified Court system is causing untold harm to our
20 families. It has done so to the New York assembly, to the
21 commission on judicial conduct, to the chief judge, to the
22 attorney grievance committee, to the OCA and to the
23 inspector general and nothing has been done. Now, all of
24 you but one of the commissioners are attorneys, all judges,
25 right, and --

1 MS. SASSOWER: Lawyers.

2 MR. DOGGART: Judges or attorneys. I do question
3 whether this is a reassuring indicator of your impartiality
4 or independence. Does the makeup of this commission really
5 represent the population of New York? Why are there no
6 social workers, no psychologists, no journalists on this
7 commission? What you think are the optics to the public
8 that six of you are zealous members of the Bar Association
9 where we happen to be standing right now?

10 It's a beautiful building, but the Bar Association
11 is a major engine of the whole judiciary racket and you are
12 charged with deciding whether your fellow bar colleagues
13 should get a raise. Do you really think that holding the
14 commission here helps your credibility? So I ask you at
15 least to put aside your natural allegiance to your fellow
16 bar and to oppose these obscene funding requests and to help
17 establish genuine oversight.

18 (Whereupon, the following was recorded by Senior
19 Court Reporter William Leone.)

20 (Continued on the following page.)

21

22

23

24

25

1 MR. DOGGART: Now, in the report that we submitted
2 to you yesterday we warned you of specific judges, agencies
3 and public officials who are simply not doing their job.
4 Worse, they are perpetrating fraud, waste and abuse on the
5 public. And you must, please, use the powers of the
6 pursestring that you have to protect millions of families
7 from our broken judiciary.

8 Now, opinion polls show that public confidence in
9 the judiciary is at a all-time low. People are not just
10 disappointed.

11 You heard from Ms. Elena Sassower, as well. They
12 are mad as Hell.

13 For the last 8 years the Center of Public Integrity
14 has given the State of New York Judicial Accountability and
15 Ethic Enforcement agencies a failing grade of an F. New
16 York ranked 48 out of 50 states, in terms of judicial
17 accountability.

18 Why?

19 Well, the organization which is supposed to oversee
20 the New York Judiciary is the Commission on Judicial
21 Conduct, the CJC, which is a sham.

22 Every facially, meritorious complaint and report
23 presented by private citizens is either completely ignored
24 or dismissed with a boilerplate letter. Its corrupt leader,
25 Robert Tembeckjian, who has ruled the CJC unelected for 19

1 years and has employment there for more than four decades -
2 That's longer than Vladimir Putin has been in power. Robert
3 Tembeckjian, who has been rewarded with ever rising wages
4 and benefits, he needs to be removed. And the CJC needs to
5 be replaced with a genuine independent oversight body.
6 Without accountability or recommending accountability, you
7 will be paving the way with for more human tragedies.

8 Five years ago we warned the CJC and Chief Judge
9 DiFiore, whose corruption has now mercifully come to the
10 floor, at the conduct of a rogue Suffolk County judge --

11 MS. SASSOWER: No, she hasn't.

12 MR. DOGGART: She is no longer the chief judge.

13 Hope Zimmerman.

14 It was Zimmerman who willfully ignored the pleas of
15 a mother of her seven-year-old child, Thomas Valva, was in
16 mortal danger. Siding with the father, a NYPD cop,
17 Zimmerman ignored evidence of the child's school and
18 dismissed the mother's petitions. The result was Tommy
19 Valva was put in a freezing garage overnight and died of
20 hyperthermia. If Tembeckjian recommended Judge Zimmerman's
21 suspension earlier Tommy Valva might, might just still be
22 alive today.

23 We have also repeatedly warned that OCA and the CJC
24 and we now alert this Commission about abusive practices of
25 judges like Douglas Hoffman, formerly the supervising judge

1 for the New York Family Court.

2 In addition to numerous reports of abuse and fraud
3 upon the Court, Hoffman has been sued for sexual harassment
4 by his own court attorney Alexis Marcus.

5 Now, in a error when we need to believe women,
6 you'd have thought Hoffman had been at least suspended until
7 the outcome of any investigation. Right? Not at all.
8 Hoffman has continued to sit pretty on the bench at \$250,000
9 a year salary, ever rising. He's also used some \$2.5
10 million of taxpayer funds to defend himself from Miss
11 Marcus's allegations.

12 In the meantime, a habit that he wreaks on family
13 can be seen by all over if you visit his majestic courtroom
14 at 60 Centre Street, he has ruled several years ago now at
15 the beginning of pandemic that a three-year-old girl could
16 not have meaningful access to her father. His crime? He
17 exercised his right not to receive the COVID vaccine.

18 Now even 18 months after the end of this pandemic
19 this girl still has no unfettered time with her dad. A
20 trial on this matter started up finally after three years a
21 month ago, but it just been postponed to March 2024. Six
22 months away. Justice delayed is justice denied. And the
23 judiciary should not be rewarded for such gross
24 inefficiency.

25 MR. FAHEY: You'll have to wrap it up. I have you

1 at three minutes. Three more minutes. Is that enough time?

2 MR. DOGGART: As with many judges, Hoffman shields
3 himself from oversight by closing his courtroom from the
4 public and the press. Just last week he ordered five
5 separate court officers to bar entry from the public to a
6 trial, simply because he knew the FCLU is making a
7 documentary called Unfit to Sit about him.

8 Why would you continue to bankroll the black --
9 this judge with \$250,000 a year?

10 Now, we recommend, ask you to recommend rewards
11 also in a way judges are appointed to the bench. As a man
12 who grew up in the U.K., while a proud U.S. citizen, I find
13 it crazy that judges should be either Republican or
14 Democrat. Britain doesn't have liberal or conservative
15 judges.

16 The consequences of this politicalization of the
17 judiciary is that defendants like President Trump can easily
18 claim bias when up against a judge whose stated party
19 affiliation is different. And this dangerously undermines
20 confidence in the rule of law itself.

21 In New York, elections have been funded by the very
22 attorneys who then plan to appear in front of a judge with
23 no public information on what judges actually stand for.

24 We also urge that this body please recommend
25 legislation that brings cameras into our courtrooms. This

1 is not so much a First Amendment question, as a Second
2 Amendment question. For our Constitution allows us to bear
3 arms to stand up to tyranny. While in today's world is a
4 tragic case of George Floyd shows the most powerful weapon
5 we have is a camera. And that is why cameras should be
6 allowed in our courtrooms, just as the public has accepted
7 that the police need cameras to keep them honest so can you
8 recommend that judges can no longer be allowed to operate in
9 the shadows.

10 Salaries being requested are obscenely high.
11 Beyond adequate. They average over \$250,000 a year
12 including the benefits. That exceeds even the governor's
13 salary. Nothing said in the three hours of testimony I just
14 listened to give any reason why they deserve another payout.
15 So, please, the OCA application for renewed funding should
16 be denied. Insist on independent oversight, cameras in
17 courts and a reform of the procedures appointing judges.

18 Thank you.

19 MR. FAHEY: Thank you.

20 That concludes our hearing for today. Commission
21 will next convene on October 31st, at the New York State Bar
22 Association offices in Albany and information will be on the
23 web-site.

24 Thank you.

25

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