



February 23, 2010

New York County Lawyers' Association Statement Regarding Court of Appeals Decision in Judicial Compensation Cases

New York County Lawyers' Association ("NYCLA") applauds the decision of the Court of Appeals in the judicial compensation cases decided today. The Court of Appeals ruled that "as a matter of law, the State defendants' failure to consider judicial compensation *on the merits* violates the Separation of Powers Doctrine." [emphasis added] This holding makes it clear that the Legislature must abandon its past practice of linking judicial compensation to other issues, such as legislative salaries. We call upon the Legislature to act promptly to rectify a situation that threatens to deprive the State of the services of talented jurists.

In its *amicus curiae* brief filed in one of the cases decided today, NYCLA argued, as the Court of Appeals has now held, that the failure to raise judicial salaries in New York violated the separation of powers doctrine in the New York State Constitution. NYCLA's brief noted:

For the last ten years, the real economic value of New York judges' compensation has been reduced by over 30%, while the salaries of nearly all state government personnel and most privately employed New Yorkers have risen with the cost of living. New York judges now receive less in compensation than many government attorneys, far less than privately employed attorneys, nearly 35% less than federal district court judges, and, in real economic terms, significantly less than what judges have received throughout most of this State's history. Shockingly, the most junior attorneys at top New York City law firms—some of whom are not even called to the bar—now earn significantly more than any New York State judge.