

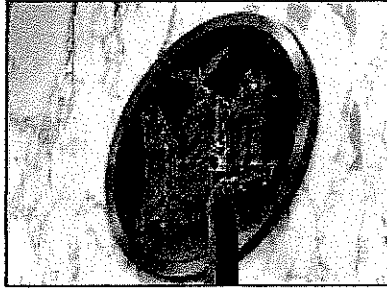
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Judges still upset about pay

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By: Erin Billups

NEW YORK STATE — Several state judges have banded together to recuse themselves from cases being handled by the law firms of state legislators, saying their anger over the lack of judicial pay raises leaves them unable to judge fairly, potentially stalling thousands of pending court cases.



The governor said in a press conference Monday he understands their frustration.

"It's clear that the judges are very upset, I totally understand how they feel. I think the judges deserve a raise. We won't be able to compete for that kind of talent the way we could if we can't pay them commensurate," said Paterson.

Paterson says he doesn't know if the alleged "slow-down" is a fact, but if it is, it's not the way to handle things.

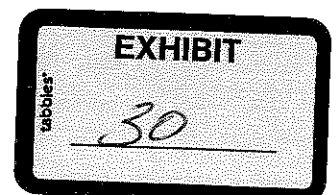
"A lot of people use the court system for redress, they deserve a professional response and I don't think that it's always the right time to take out your personal anxiety at not getting a pay raise you deserve on your neighbors," Paterson said.

Cattaraugus County Judge Larry Himelein, has already recused himself from four to six cases. He says there are a number of judges, especially upstate, who will continue to recuse themselves until they get a pay raise.

"I think it's unfair, I think it's a conflict of interest. I think it's always been a conflict of interest and the legislature has no one but themselves to blame for having it brought up now," Himelein said.

Himelein criticized Chief Judge Judith Kaye, saying she should have required all state judges to recuse themselves from cases being handled by state lawmakers when she filed a lawsuit against all three branches of state government for its failure to raise judges pay. He says at this point, their protest will not have the so called "slowdown" effect many anticipate on the state's judicial process.

"The judges in NYC, who by in large are appointed by the politicians don't have the guts to do it, and that's where most of the lawyer legislature is from," Himelein said. "What we're saying is you'll have to get a different lawyer. That doesn't do anything to the merits of the person's case."



Judge Himelein says he and several other place the blame largely on the Assembly Democrats from New York City and Speaker Silver, saying it's them who are tying Judges pay raises to legislative pay raises. A spokesperson for Silver declined comment.

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