

10/4/65

First Supplement to Memorandum 65-65

Subject: Commissioners' Compensation

Attached is a letter from the Chairman of the New York Law Revision Commission indicating the compensation and work load of the members of the New York Law Revision Commission.

Respectfully submitted,

John H. DeMouly
Executive Secretary

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DIRECTOR OF RESEARCH

STATE OF NEW YORK
LAW REVISION COMMISSION
MYRON TAYLOR HALL
ITHACA, N. Y. 14850

September 29, 1965

Mr. John H. DeMouilly
Executive Secretary
California Law Revision Commission
Room 30, Crothers Hall
Stanford University
Stanford, California 94305

Dear John:

Congratulations on your 1965 record. We too had a good one. Our prime job at this time is dealing with Administrative Procedure Acts (rulemaking and adjudication, rulemaking alone) and a proposal to create a Division of Administrative Procedure. We reported in 1965, but did not really seek passage of the bills -- this to enable further study on everyone's part.

When the New York Commission was established in 1934, then section 71 of the Legislative Law fixed annual salaries of the appointed commissioners at \$5000.00 per year. As emergency, or cost-of-living, or across-the-board increases were given to all state officers and employees from time to time, this figure went up with the others and Section 71 would ultimately be amended. For instance, the main volume of the Legislative Law shows the then salary (after 1949) as \$6385.00. The pocket supplement shows that after 1955 it was \$7397.00. In 1961, all reference to salaries was deleted from section 71, and salaries are now set in the annual budget bill. Present salaries for appointed members of the Commission are \$9783.00.

I can't possibly say how much time commissioners are "expected" to devote to Commission work. The statute creating the agency, and, indeed, Cardozo's original proposal, contemplated that appointed members, four at least, would be lawyers, and two would be members of law faculties. In the beginning two of

Mr. John H. DeMouilly

-2-

September 29, 1965

these were law school deans who certainly did not dream of giving up their deanships. (Charles K. Burdick and Young B. Smith.) And, how can anyone say how much time one actually devotes to this sort of thing? Personally, I live with it -- day and night. I live with other interests, too.

I always tell new members that they can and should expect to spend about a third of their working time on Commission matters, attendance at meetings, commission and committee, hearings, and preparing for meetings with the research studies, etc. But of course this is an estimate, and sometimes it is much more. The time required is the time necessary to do a good job.

Incidentally, I understand that the salary fixed for the new British Commissioners is the same as that fixed for Justices of the High Court.

I hope this is helpful.

Best regards.

Sincerely yours,



John W. MacDonald

JWMacD:tc