



Christie Takes on Judiciary Over Pension and Healthcare Benefits

Dismissing judges as "kings and queens in black robes," governor vows to make them pay more toward retirement

By **Laura Donovan**, October 26 in **More Issues**



Credit: Governor's Office/Tim Larsen

It's too early to tell whether Gov. Chris Christie and fellow Republican legislators would need to pursue a constitutional amendment to force state judges to contribute more to their pension plans and healthcare benefits.

But that didn't stop Christie on Tuesday from saying that voters would be the judge when they head to the polls in two weeks to pick their candidate in state legislative races.

Sensing that they've grabbed an issue that will resonate with the public, Christie said at a GOP press conference at the Trenton War Memorial that voters have a right to know where candidates stand on the judges' pension issue. He challenged Democratic candidates before Election Day to say publicly whether they would call for a constitutional amendment if needed or support an "elite" group.

"Are you for fundamental fairness for all public employees or are you for a special deal for this special class of public servants," Christie asked. "It's a very simple question."

Exempt from Pension Law

Christie has been taking aim at the pension contributions of the state's 432 judges after Mercer County Superior Court Judge Linda Feinberg ruled last week that judges should be exempt from the state's new pension law, which requires increased contributions by all public employees to cover the rising cost of health benefits. In a lawsuit filed by Hudson County Superior Court Judge Paul DePascale protesting the new law, Feinberg ruled that the law amounts to a pay cut for judges -- something the state's constitution prohibits.

Christie last week voiced outrage after Feinberg's decision, saying the ruling was "egregious and self-serving." The governor said Feinberg's ruling was a misinterpretation of the plain language of the constitution, arguing that benefits and salary are not one and the same.

"If this one state judge or any state judge believes that to be the correct interpretation of the state Constitution, then that language needs to be amended in our Constitution," Christie said last week.

Christie has pointed out that the average annual pension benefit for new judicial retirees is \$107,540. Before his reforms were enacted, judges paid the lowest contribution rate -- 3 percent of salary -- and made an average lifetime contribution of just \$59,300, paying for less than 10 percent of their retirement benefit.

"They are public servants," Christie said Tuesday. "They are not kings and queens in black robes. Their desire to be treated at such is really, really distasteful."

While Christie has vowed to appeal the ruling, he didn't waste anytime drumming up support from Republican legislators for a constitutional amendment if a higher court upholds Feinberg's decision.

The New Jersey State Bar Association declined to comment on Tuesday's press conference. But the group's president, Susan Feeney, said in a written statement that Christie's comments were insulting to Feinberg and undermined the courts.

"The Governor's continued attack on the Judiciary denigrates the separation of powers and the independence of the judiciary as a separate branch of government," said Feeney. "It is a blatant attempt to mislead the public and influence the judicial process and Supreme Court. As a lawyer, he should know better."

A Photo Op

During the press conference, dozens of Republican legislative candidates stood behind Christie as he delivered his remarks. While

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Christie urged Democrats to pick a side, Democrats scoffed at the press conference, calling it a “photo op.”

“As if on cue, New Jersey’s Republicans have called their biennial pre-election confab to pledge their unwavering support for an issue that doesn’t register with the people they are seeking to represent,” said Derek Roseman, a spokesman for Democratic legislative campaigns. “Perhaps our opponents’ time would be better spent walking their districts and actually talking to voters, as opposed to driving to Trenton for a photo-op with their party leaders.”

A constitutional amendment would have to be approved by the legislature before voters would have a chance to weigh in next year on Election Day.

“We’re happy to see what the courts do, but voters shouldn’t wait to find out where the people stand,” Christie said of candidates running for both the state Senate and Assembly. “For some voters this is going to be a critical issue in deciding their vote, and they have the right to know where the candidates stand.”

Republican criticism of judges in New Jersey echoes a broader effort by GOP candidates on the national stage to disparage the judiciary, albeit those at the federal level. Just this week, the *New York Times* ran a front-page story on calls from several Republican presidential hopefuls for constitutional amendments to scale back judicial powers.

Campaign Fodder

As the issue evolved into campaign fodder throughout Trenton on Tuesday, legal and political experts said Christie’s plans to pursue a constitutional amendment should a higher court not agree with his view seemed premature.

“It seems like a somewhat radical reaction to one court decision that is clearly going to be appealed and may or may not be upheld,” said John Weingart, associate director of the Eagleton Institute of Politics at Rutgers University. “The level of attack and abuse that’s been directed at Judge Feinberg seems somewhat over the top for someone who’s doing a difficult job and making a difficult decision.”

Weingart likened the scenario of judges overseeing lawsuits about judges’ pensions to legislators who determine redistricting outcomes.

“People say politicians shouldn’t be involved in legislative redistricting,” Weingart said. “Well who else is going to do it? It’s kind of the nature of the court system as well.”

While calls for a constitutional amendment are not unusual, some say it will be a challenge for Christie to persuade the legislature to agree with him, particularly if Democrats continue to hold a majority in both the state Senate and Assembly after the elections.

“He’ll have to jump through hoops to get a constitutional amendment put through,” said Frank Askin, a professor at Rutgers School of Law’s Constitutional Litigation Clinic in Newark. “It’s usually used for bigger issues. I don’t think the Legislature would allow it.”

Yet Christie seemed optimistic on Tuesday that Republicans would do well at the polls next week, hinting that perhaps they could even regain a majority in either the Assembly or Senate.

“We’re going to make history two weeks from today,” Christie said.

Laura Fasbach Donovan is an award-winning freelance writer who has written about topics affecting New Jersey for more than a decade. Formerly a staff writer for The Record of Bergen County, she covered local news and education before moving to the paper’s Statehouse bureau to cover child welfare, health care and general assignments.