



WASHINGTON
COURTS

**WASHINGTON JUDICIARY'S
PRESENTATION TO THE
WASHINGTON CITIZENS'
COMMISSION ON SALARIES
FOR ELECTED OFFICIALS**

(UPDATED NOVEMBER 4, 2014)

2014

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WASHINGTON CITIZENS' COMMISSION ON
SALARIES FOR ELECTED OFFICIALS**

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TAB 1



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THE DUTIES OF JUDGES IN WASHINGTON COURTS
Establishing Appropriate Judicial Salaries

*Report to the Washington Citizens' Commission
on Salaries for Elected Officials*

October 2014

Administrative Office of the Courts

www.courts.wa.gov

THE DUTIES OF JUDGES IN WASHINGTON COURTS

ESTABLISHING APPROPRIATE JUDICIAL SALARIES

*Report to the Washington Citizens' Commission on Salaries for Elected Officials
October 2014*

INTRODUCTION

In creating the Washington Citizens' Commission on Salaries for Elected Officials, the Legislature stated the policy of the state is to base salaries for judges and other elected officials on realistic standards: 1) according to the duties of their offices, and 2) so that citizens of the highest quality will be attracted to public service (RCW 43.03.300).

To attract high quality judicial candidates to the bench, and to retain these individuals, establishing *and maintaining* an adequate salary is essential. Having salaries that are sufficient to attract talented people is a common problem throughout government; however, it is especially difficult for the judiciary. When experienced lawyers consider trading private practice for public service on the bench they know that they will be prohibited from practicing law and must forego all outside business and professional interests as a condition of holding office. Unlike other public servants, judges must curb most other financial endeavors in order to preserve their impartiality. At the same time, they know that the potential monetary benefits of private practice usually exceed that of public service in the judiciary. Therefore, adequate salaries, which do not erode with inflation, become crucial for attracting and retaining high quality candidates.

The most reasoned approach to judicial salary setting lies in ongoing regular increases that reflect the rising cost of living. This approach is viewed as one of the most important factors in attracting high quality candidates to judicial office. Consistent with the 2004 *Study on Salaries of Legislators and The Judiciary*, the salaries of judges in Washington State should move toward and maintain a degree of parity with the Federal Judiciary¹. Further, normalized salaries of judges in other states provide a useful point of reference for the maintenance of appropriate judicial salaries in Washington State. Judges do not expect to achieve parity with many of their colleagues in private practice. But, at a minimum, the expected economic sacrifices of a career on the bench must not be further compounded by a failure of judicial salaries to keep pace with inflation or fall substantially below that of the Federal Judiciary.

TYPICAL RESPONSIBILITIES OF JUDGES

Judges are expected to preside at criminal trials, impose punishment for crimes, preside over civil cases, decide complex issues on appeal, manage growing caseloads, and see that the courts' orders are enforced. Our communities expect judges to resolve disputes that involve violence, family abuse, and juvenile crime, as well as settle civil conflicts among individuals, business and government agencies. The duties of judges require them to remain impartial and to make difficult, often unpopular decisions. Judges also have an administrative responsibility—they must make sure the courts run efficiently and safely and that citizens have access to the justice system.

A "typical" day for a trial court judge involves a variety of different duties. For example, a judge will spend a portion of the day "in chambers," which is the judge's office, reviewing the files in preparation of cases to be heard. During this time, a judge may also hear brief motions and hold scheduling conferences outside the formal courtroom. Sometimes judges may be asked to

¹ Study on Salaries of Legislators and The Judiciary, Project Report, November 18, 2004. Owen-Pottier Human Resource Consultants for the Washington Citizens' Commission on Salaries for Elected Officials at Page 15.

interrupt other activities to hear an emergency matter, such as a request for emergency relief in a domestic law case. Trial court judges spend a large portion of their time on the bench presiding over trials, sentencing hearings and other proceedings. Judges may spend time responding to inquiries about court procedures to assist research entities with data collection.

Each court has a presiding judge who assigns cases and manages the court's calendar for other judges on the bench. Judges also hold "settlement conferences" in order to allow parties to resolve their disputes outside of the courtroom. Judges supervise their staff and attend meetings with other judges on their bench, often during lunchtime, in order to make policy decisions relating to court procedures. On a typical day, a judge may also leave the court to attend a committee meeting or to participate in a community activity such as attending a school event known as *Judges in the Classroom*.

A "typical" day for a Court of Appeals judge also involves a variety of different duties. When Court of Appeals judges hear oral arguments in cases, they sit in panels of three judges. Before oral argument, the judges assigned to each three-judge panel receive copies of the pre-hearing memoranda and parties' briefs for each case. The judges review these documents along with the record from the trial court in order to prepare for oral argument. The judges hear oral argument on up to seven cases during each hearing day. During argument they ask questions in order to clarify or direct analysis and argument. Immediately following the arguments, the panel of judges meets to discuss the issues in the case and make an initial decision, that is, whether to affirm, reverse, or remand the case back to the trial court for further action. The judges also discuss the reasoning for their decision and assign a judge to write the opinion in the case. The Court of Appeals judges also decide motions for reconsideration, motions to modify a commissioner's ruling, etc. Each judge supervises a personal staff consisting of a judicial secretary and two law clerks. Like trial court judges, appellate judges also participate on judicial administration committees and community or school activities. They may also sit as temporary judges in the trial courts to help with the caseload in those courts. Also, Court of Appeals judges write dissenting and concurring opinions, as do Supreme Court justices.

The Supreme Court is the state's highest court. Opinions of the Supreme Court become the law of the state and set precedent for subsequent cases decided in Washington. All nine justices sit as a panel to hear oral arguments. Following oral arguments, the justices meet (conference) to discuss the case. Following the conference a justice is assigned to write the majority opinion and, if appropriate, another justice is tasked with writing the dissenting opinion. The justices also have supervisory responsibility over certain activities of the Washington State Bar Association including attorney admission and discipline matters. The justices have responsibility for adopting rules that govern court practices and processes statewide. As leaders of the state judicial branch, the justices frequently preside over efforts to improve the judicial system by serving as chairs or members of the Board for Judicial Administration, the Gender and Justice Commission, the Minority and Justice Commission, the Interpreter Commission, the Judicial Information System Committee, the Bench-Bar-Press Committee, the Board for Court Education, and many others. The Supreme Court also supervises the Pattern Forms Committee, the Pattern Jury Instruction Committee, and the Certified Professional Guardian Board. The Supreme Court supervises the certification and discipline of professional guardians and also hears cases involving the suspension or removal of a judge.

DUTIES OF JUDGES

Hear Cases and Resolve Disputes

District Courts

There were over 2.1 million cases filed in Washington's district courts during calendar year 2013.

Parking infractions, which are generally handled administratively, contributed 907,194 case filings to the total. The over 1.29 million remaining cases represent the core judicial caseload filings for the year.

Traffic infraction cases, at 867,875 filings, made up the largest portion (39.4%) of the core caseload, followed by civil cases (5.7%), non-traffic misdemeanor cases (5%), other traffic misdemeanor cases (4.3%), DUI/physical control cases (1.4%), non-traffic infraction cases (1.4%), small claims cases (.6%), petitions for protection orders related to domestic violence and anti-harassment (.09%), and felony complaints (.03%). Please note: Due to rounding, percentages may not add precisely to 100.

The increase in civil jurisdiction to include claims of \$75,000 has allowed the limited jurisdiction courts to share the civil burden with superior courts. A representative case would be an auto accident dispute with an insurance company.

Superior Courts

From 2012-2013, superior court case filings decreased by 2.3% (6,524 filings), resolutions decreased by 2.5% (6,993 resolutions), and completions decreased by 2.2% (6,055). Across the same period, trial proceedings decreased by 4.8% (361 proceedings), and non-trial proceedings decreased by 9% (6,836 proceedings).

Across case types, the largest percentage increases from 2012 to 2013 occurred in mental illness/alcohol filings (5.6% or 584 filings) and probate/guardianship filings (4.5% or 800 filings).

The largest percentage decreases occurred in juvenile offender filings (12.8% or 1,845 filings) and adoption/parentage filings (11.5% or 1,026 filings).

As in prior years, civil cases were the largest single category of filings, accounting for about 2 out of every 5 case filings (45%), case resolutions (44.7%), and case completions (45%). In contrast, civil trial proceedings accounted for about 1 out of every 6 trial proceedings (16.4%), and civil non-trial proceedings were about 1 out of every 13 non-trial proceedings (6.7%).

Court of Appeals

Washington's Court of Appeals received 3,707 new filings in 2013. Division I, which serves Northwest Washington received 42.2%; Division II, which serves Southwest Washington received 37%; and Division III, which serves Eastern Washington received 20.7%. The Court of Appeals is a non-discretionary court and may not turn down appeals.

Supreme Court

The Supreme Court received 1,578 new case filings in 2013, including 638 (40.4%) petitions for review, 59 trial court appeals (3.7%), 134 (8.5%) discretionary reviews, 474 (30%) personal restraint petitions, 134 (8.3%) attorney admission and discipline matters, and 139 (8.8%) other reviews, including direct appeals from the trial courts, actions against state officers, and cases certified from federal court. All cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. Please note: Due to rounding, percentages may not add precisely to 100.

Find Better Ways to Resolve Disputes

- Society demands new ways to handle old problems. Washington judges have initiated specialized therapeutic courts addressing drug or alcohol addiction, family recovery, domestic violence, and veterans' needs for adults. Similar courts exist for juvenile offenders including a juvenile gang court in Yakima. Therapeutic courts require judges to learn special skills, such as motivating defendants to make their own decision to move away from a lifestyle involving drugs. This requires judges to spend extra time building one-on-one relationships with defendants. Research shows these efforts by judges pay off in terms of fewer repeat offenders, lives put back on track, and families restored.
- Judges have created Mental Health Courts in several jurisdictions to allow judges, lawyers, and treatment providers to work as a team to find ways to limit criminal behavior by identifying appropriate treatment or interventions.
- In 2008, the Board for Judicial Administration adopted the Washington State Family and Juvenile Court Improvement Plan (FJCIP) and the Legislature provided start-up funds. The FJCIP set in motion a strategy to encourage and fund improvements to local court operations that are consistent with Unified Family Court (UFC) principles. The statewide plan promotes a system of local improvements that are incremental and measurable. The impetus for this project was the desire among judges, the Legislature, and stakeholders to improve court operations for children and families. The funding for 13 superior courts improved several measurements of court processes; notably, a reduction in the time between a child entering the dependency system and exiting the system with a permanent placement. Judges continue working to reduce the length of this stressful time for children.
- District and municipal courts in many counties and cities operate programs to help reinstate the driver licenses for people who have lost their licenses due to unpaid traffic tickets. These drivers may keep their licenses as long as they adhere to a payment schedule and address other behavior that lead to license revocation. This program started in the courts and helps break the cycle of suspended licensees reoffending in their daily lives.
- Yakima County allows drivers to contact the court by e-mail to explain why they received a traffic ticket and to ask the Court for a reduced fine. The number of in-person hearings in these cases has been reduced by half.
- Led by Clark and Kitsap Counties, trial courts in many counties host centralized domestic violence courts to provide more coordinated services in these cases.
- All but four superior courts employ courthouse facilitators to help the growing number of litigants without attorneys. The facilitators work with *pro se* litigants to understand his or her court case and the steps to resolve the case. Courthouse facilitators work especially with litigants in marriage dissolution cases.

Ensure Courts Are Accessible When People Need Help

- Judges are increasingly called upon to perform their duties “after normal business hours.” For example, trial judges are assigned every weekend to hear the “jail calendar” and make appropriate release decisions. Trial court judges are frequently called at night by law enforcement officers to consider issuance of “telephone search warrants” and domestic violence protection orders.
- Judges must make sure the court is accessible to all people—including those who do not have or want an attorney to represent them. Some estimates indicate that nearly 60% of all domestic relations cases feature at least one self-represented party. Litigants expect judges to simplify their procedures so that everyone, not just attorneys, can appear in court effectively.

- The number of non English-speaking litigants appearing in Washington courts is increasing. In 2013, there were over 89 languages used in cases. The variety includes Spanish, Chinese, Russian, Vietnamese, Korean, Albanian, Amharic, several dialects of Arabic, ASL, Tagalog, Bengali, Bosnian, Cham, Dinka, Farsi, Kanjobal, Khmer, Kurdi, Lao, Mam, Marshallese, Panjabi, Pohnpeian, Romanian, Samoan, Yap, and many others. Judges have a duty to make sure everyone who has a case before the court can communicate and understand the proceedings. The courts' customers have changed, and judges change the way they conduct their business in order to serve their communities.
- Both the Americans with Disabilities Act and the Washington Law Against Discrimination require courts to make both their facilities and their programs and services accessible to persons with disabilities, including deaf and hard of hearing persons. General Rule 33 sets forth a process courts and judges must follow in receiving and responding to requests for accommodation in order to ensure that court buildings, programs, and services are equally accessible by all.

Stay on Top of Changes in the Law

- Judges must keep abreast of changes in state and federal statutes as well as developments in case law. Judges at all levels must maintain their personal proficiency and knowledge of the changes to statutes and recent case law.
- Court rule requires all judges and court commissioners to complete a minimum of 45 hours of continuing judicial education in each three-year period.

Keep Courthouses Safe

- Courts and courthouses are locations where difficult conflicts are resolved and criminal acts receive punishment. The frequency of violent events in courthouses is increasing. This requires judges to spend time planning and implementing courtroom security precautions.
- Outside the courtroom, some judges have been required to take extra steps to protect themselves and their families against threats of violence from angry litigants. While judges accept it as their duty to do everything possible to keep court staff and the public safe, they do their work with an awareness of the increasing risk associated with their jobs.

Manage the Courts

- Trial court presiding judges assign and monitor the flow of cases and ensure the training and orientation of new judges.
- Judges manage probation services and, in some locations, juvenile detention facilities.
- Judges are responsible for the administration of their court, including oversight of the court's budget and personnel. In larger courts, professional administrators and clerks assist judges.
- Judges adopt local court rules directing the management and processing of cases.
- Judges often chair or are members of local government councils or boards that address policy, practice, and budget issues across local justice systems.
- Judges participate in many community and school activities such as "*Judges in the Classroom*," Mock Trial competitions, and neighborhood justice forums.

Manage the State Court System

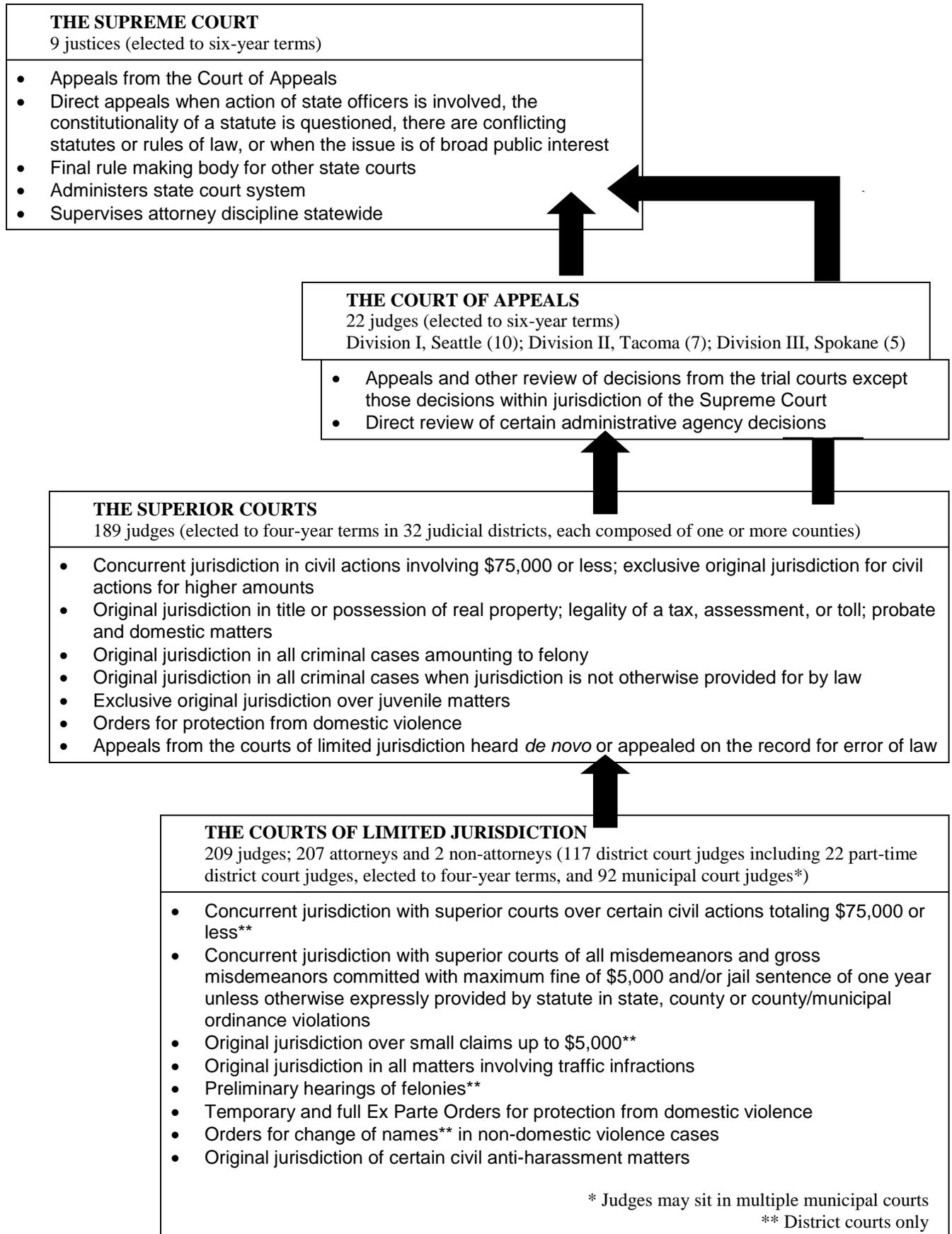
The Washington court system is a decentralized, non-unified court system. Therefore, in addition to hearing and deciding cases and managing their local courts, judges ensure coordination of

statewide policy and practice through the participation in judicial associations, boards, commissions, committees, and taskforces:

- Judges direct the development of the statewide court computer system, the Judicial Information System.
- Judges serve on commissions that explore ways to make the system better by addressing barriers to access and bias based on gender, race, ethnicity, age, physical and mental abilities, income, and other characteristics of people who interact with the courts and justice system.
- Judges work with state executive branch agencies on policy and practice issues where their work intersects. Examples include working with the Department of Social and Health Services on services provided to families in dependency cases and with the Department of Licensing on records relating to driver licenses and traffic case dispositions.
- Judges work with the Legislature on legislation that affects the administration of justice.
- Judges develop the curriculum for educational programs for judicial officers regarding the administration of justice, the application of new laws, and social science research on the effectiveness of court programs. Many judges serve as faculty on education programs for judges, administrators, and other court personnel.
- Judges work on the development of proposed statewide court rules, and the Supreme Court justices are responsible for final consideration, amendment, and adoption of proposed statewide court rules.
- Supreme Court justices are responsible for lawyer discipline and the final review of matters related to judicial discipline recommending suspension, removal, or retirement.

TAB 2

Washington State Court System, 2014



**WASHINGTON STATE JUDICIARY
YEARS OF SERVICE AND AGE INFORMATION**

COURTS OF RECORD (Supreme Court, Court of Appeals, Superior Courts)

	Number	Percentage*
Number of judges with 20 or more years of service on the bench as of December 31, 2014	28	12.7%
Number of judges age 65 or older as of December 31, 2014	49	22.2%
Number of judges 50 years old or younger as of December 31, 2014	26	11.8%
Number of judges leaving the bench (mostly due to retirements) between October 2012 and January 2014	47	21.3%

COURTS OF LIMITED JURISDICTION (District and Municipal Courts)

	Number	Percentage**
Number of judges with 20 or more years of service on the bench as of December 31, 2014	40	19.5%
Number of judges age 65 or older as of December 31, 2014	42	20.4%
Number of judges 50 years old or younger as of December 31, 2014	39	19%

* Based on 220 judges, with data missing from three judges

** Based on 205 judges, with data missing from three judges

TAB 3

**WASHINGTON STATE LAW SCHOOL DEANS
SALARY INFORMATION**

As of October 2014

University of Washington Law School Dean Salary	\$357,408
Seattle University Law School Dean Salary	Declined to provide this information.
Gonzaga University Law School Dean Salary	Declined to provide this information.

Research indicates that the average salary range for a law school dean in Washington State is \$275,000-\$350,000.

As of October 2012

University of Washington Law School Dean Salary	\$352,008
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: \$120,000 - \$250,000
Gonzaga University Law School Dean Salary	Declined to provide this information.

As of October 2010

University of Washington Law School Dean Salary	\$352,008
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: \$120,000 - \$250,000
Gonzaga University Law School Dean Salary	Declined to provide this information.

As of October 2008

University of Washington Law School Dean Salary	\$255,600
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: \$120,000 - \$250,000
Gonzaga University Law School Dean Salary	\$233,028

As of October 2006

University of Washington Law School Dean Salary	\$251,580
Seattle University Law School Dean Salary	\$241,114
Gonzaga University Law School Dean Salary	Salary Range: \$175,100 – \$236,900 Current salary being paid is close to the top of the range.

As of October 2004

University of Washington Law School Dean Salary	\$197,880
Seattle University Law School Dean Salary	\$220,830
Gonzaga University Law School Dean Salary	Salary Range: \$160,000 – \$190,000 Current salary being paid is close to the top of the range.

As of January 2003

University of Washington Law School Dean Salary	\$190,200
Seattle University Law School Dean Salary	\$210,038
Gonzaga University Law School Dean Salary	Confidential – per Director and Corporate Counsel

COMPARISON OF WASHINGTON'S JUDICIAL SALARIES WITH FEDERAL JUDICIAL SALARIES

2014 STATE AND FEDERAL JUDICIAL SALARIES*

Washington	Salary	Federal	Current Salary
		U.S. Supreme Court Chief Justice	\$255,500
		U.S. Supreme Court Associate Justices	\$244,400
Supreme Court	\$172,531	U.S. Circuit Courts of Appeal	\$211,200
Court of Appeals	\$164,238		
Superior Court	\$156,363	U.S. District Court	\$199,100
District Court	\$148,881		
		U.S. Court of Federal Claims	\$199,100
		U.S. Court of International Trade	\$199,100
		U.S. Bankruptcy Court	\$183,172
		Magistrate Judges – U.S. District Court	\$183,172

The Federal Judicial salaries are provided as comparators. These positions draw from the same pool of attorneys as state judicial offices. There are federal courts in several locations in Washington including Seattle, Tacoma, Bellingham, Vancouver, Spokane, Yakima, and Richland.

Federal Supreme and Appellate courts are similar in function to Washington's Supreme and Appellate courts. The Federal District Court is similar to Washington Superior court. The various specialty courts operate with less breadth of topic, however the Magistrate Judge is most similar to Washington District court, hearing misdemeanor cases, preliminary hearings and civil trials.

Notes:

1. According to the 2004 *Washington Citizens' Commission on Salaries for Elected Officials Study on Salaries of Legislators and The Judiciary* by Owen-Pottier Human Resource Consultants:

“A reasonable course of action for the Commission to follow is to move *toward* a degree of parity with the federal bench over time. Such action can be justified in part by the fact that federal judges perform substantially similar work as our state judges but have significantly more job security since they are appointed for life, while state judges must run for reelection.

2. The American Bar Association in 1981 adopted the following policy: “Be it resolved that the American Bar Association recommends that salaries of justices of the highest courts of the states should be substantially equal to the salaries paid to judges of the United States court of appeals, and the salaries of the state trial judges of courts of general jurisdiction should substantially equal the salaries paid to judges of the United States district courts.”

The judges of the state courts are called on to decide many more disputes than the judges of the federal courts. Their decisions affect the “life, liberty and property” of literally millions of citizens every year. While only on rare occasions do their decisions achieve the publicity accorded by the media to many decision of the United States Supreme Court, the quality of justice accorded in state courts is in reality the quality of justice in the United States. (Annual Report of the American Bar Association, August 10-12, 1981 New Orleans, Louisiana)

*Washington salaries based on: <http://www.salaries.wa.gov/salary.htm> Federal salaries, based on: <http://www.uscourts.gov/JudgesAndJudgeships/JudicialCompensation/judicial-salaries-since-1968.aspx>

**FORMER WASHINGTON STATE JUDGES
CURRENTLY IN FEDERAL COURTS**

**U.S. District Court - Eastern and
Western Districts of Washington:**

U.S. District Judges

*Senior Judge Robert J. Bryan
Senior Judge John C. Coughenour
*Senior Judge Carolyn R. Dimmick
*Judge Richard A. Jones
* Judge Robert S. Lasnik
Judge Ronald B. Leighton
*Judge Ricardo S. Martinez
Senior Judge William Fremming Nielsen
*Senior Judge Walter T. McGovern
*Chief Judge Marsha J. Pechman
Chief Judge Rosanna Malouf Peterson
Senior Judge Justin L. Quackenbush
Judge Thomas O. Rice
Judge James L. Robart
*Senior Judge Barbara Jacobs Rothstein
Judge Benjamin H. Settle
Senior Judge Edward F. Shea
Judge Lonny R. Suko
*Senior Judge Fred Van Sickle
*Senior Judge Robert H. Whaley
Senior Judge Thomas S. Zilly
Judge Stanley A Bastian
*Judge Salvador Mendoza Jr.

Magistrate Judges

Magistrate Judge J. Richard Creatura
Magistrate Judge James P. Donohue
*Magistrate Judge James P. Hutton
*Magistrate Judge Karen L. Strombom
Chief Magistrate Judge Mary Alice Theiler
Magistrate Judge Brian A. Tsuchida
Magistrate Judge John T. Rodgers
Magistrate Judge David W. Christel
Chambers
Magistrate Judge Dean Brett Chambers

*Former Washington State Judge

**U.S. Bankruptcy Court - Eastern and
Western Districts of Washington:**

Judges

Judge Marc Barreca
Judge Timothy W. Dore
*Chief Judge Frank L. Kurtz
Judge Brian Lynch
Judge Karen A. Overstreet
Judge John Rossmeissl
Chief Judge Paul B. Snyder
Judge Patricia Williams
Judge Frederick P. Corbit

**FORMER WASHINGTON STATE JUDGES
CURRENTLY IN MEDIATION AND ARBITRATION SERVICES**

Judicial Dispute Resolution (JDR)

*Charles Burdell Jr.
*George Finkle
*Larry A. Jordan
*Paris Kallas
*Steve Scott
*Bruce W. Hilyer

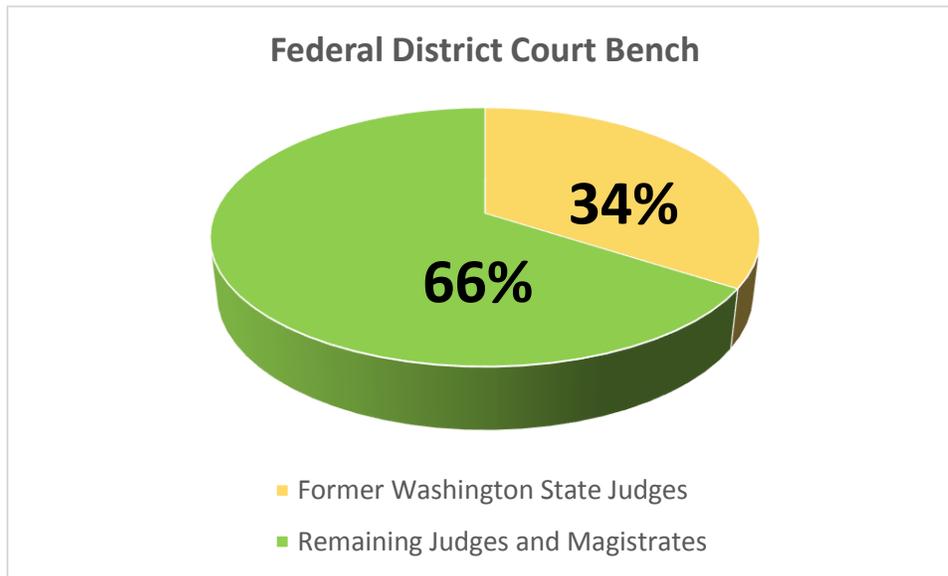
Judicial Arbitration and Mediation Services (JAMS)

*Patricia Aitken
*Sharon Armstrong
John B. Bates Jr.
M. Wayne Blair
Alexander "Lex" Brainerd
Fred R. Butterworth
William J. Cahill
*Paula Casey
Zela "Zee" G. Claiborne
*Robert J. Doran
Keneth Gibbs
Edward A. Infante
*J. Kathleen Learned
Lester J. Levy
*Terry Lukens
*Thomas McPhee
Lawrence Mills
James Nagle
Randal J. Newsome
Douglas Oles
*Robert H. Peterson
Martin Quinn
*Gerard M. Shellan
*Eric Watness
Catherine A. Yanni

*Former Washington State Judge

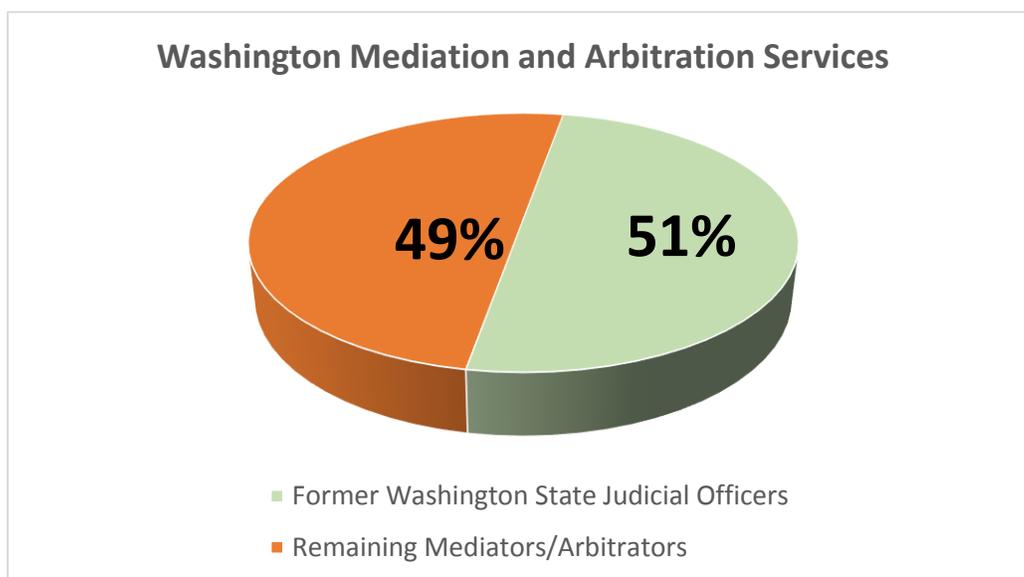
FORMER WASHINGTON STATE JUDGES ON FEDERAL DISTRICT COURT BENCH

Of the 41 federal judges and magistrates for the Eastern and Western Districts of Washington, 14 or 34% are former Washington State judges.



FORMER WASHINGTON STATE JUDGES IN ARBITRATION/MEDIATION

Of the 25 Washington members of Judicial Arbitration and Mediation Services, ten are former Washington State judges. Of the six members of Judicial Dispute Resolution, all of them are former Washington State judicial officers. Of the total 31 members of the two arbitration and mediation services, 16 or 51% are former Washington State judicial officers.



Judicial Salary Notes

(from *A Report of our First 20 Years, 1987 – 2007, Washington Citizens' Commission on Salaries for Elected Officials*)

Full document can be found at:

<http://www.salaries.wa.gov/documents/CompleteReportforWebsite.pdf>

1987-1988 SALARY SCHEDULE

Notes:

3. The differential between superior and district court judges was reduced to 5% in 1988.
6. The salaries established for 1987-88 were catch up increases because of the lapses in past years in adjustments to the elected officials' salaries.

1989-1991 SALARY SCHEDULE

Notes:

2. The 1989 salaries reflected a 4.8% COLA over 1988; based on the western states' CPI for September 1989.
3. The 1990 salaries were increased by a 3% COLA.

1991-1992 SALARY SCHEDULE

Notes:

2. The standard benchmark set by the previous commission to tie the Supreme Court justices' salaries to the judges of the Federal Court of Appeals was maintained.
3. The statewide elected officials (other than Governor), received a 1.7% COLA for the 1990 CPI catch up, 5.4% for the 1991 CPI, and 3.1% for the 1992 CPI. Also provided equally over a 2-year period an increase to bring elected officials in line with appointed agency heads.
7. Increased judges' salaries by the 10.2% COLA and 9.8% in equity in equal amounts over 2 years.
9. Part-time district judges' salaries were proportionate to time worked.
10. Salaries adopted for the elected officials were consistent with the salary levels and responsibilities of other positions in state government. The salaries caught up with but did not move ahead of the existing salary structure of state employees.

1993-1994 SALARY SCHEDULE

On May 21, 1993, the Commission froze the salaries of the elected officials for two years.

1995-1996 SALARY SCHEDULE

Notes:

3. All judges' salaries were increased by 2.5% in 1995; no adjustment was made for 1996.

1997-1998 SALARY SCHEDULE

Notes:

1. Only minor adjustments were made in 1997. The position of Secretary of State was increased by \$4,700, the position of Attorney General was increased by \$1,000, and all judges received a 2% increase.
2. No increases were made for 1998.

1999-2000 SALARY SCHEDULE

Notes:

1. Much of the 1999 adjustment was to catch up to the increases received by state employees since 1994.
2. The elected officials received a 3% increase in September 2000; the same amount state employees received in July 2000.
4. The historical 5% differential between each of the four court levels was retained.

2001-2002 SALARY SCHEDULE

Notes:

2. Members of the judicial branch were granted a \$5,000 increase in base salary. This increase was motivated by concern that good judges were leaving the bench to work in private mediation and arbitration firms and to send a message about the importance of the judiciary's work.
4. A 2.3% cost of living adjustment (COLA) for all positions was made for 2001 and 2002. Commissioners concluded that the implicit Price Deflator (IPD) data from the March 2001 forecast had not significantly changed from the November 2000 forecast which was used as the basis for the 2001-02 Proposed Salary Schedule.

2003-2004 SALARY SCHEDULE

Notes:

1. For 2003, no across-the-board increases were made. However, equity adjustments were made for the positions of Secretary of State and Insurance Commissioner to recognize increased responsibilities and to bring those positions into alignment with the positions of Treasurer and Auditor.
2. For 2004, a 2.0% across-the-board increase was made for all positions.

2005-2006 SALARY SCHEDULE

Notes:

1. A 2% across-the-board cost-of-living (COLA) adjustment was granted to all positions effective September 1, 2005 and September 1, 2006.
3. An additional 1% per year for positions in the Judiciary was granted.
4. The 2005 Commission utilized Willis evaluations of the positions in all three branches of government to establish the following benchmarks:
 - a. Executive – cabinet level appointed agency heads.
 - b. Judicial – judges on the Federal bench.
 - c. Legislative – positions in the state's Executive Management Service (EMS).

2007-2008 SALARY SCHEDULE

Notes:

1. All Positions
 - a. A 3.2% general wage adjustment (GWA) effective September 1, 2007 and 2.0% effective September 1, 2008 was granted to all positions.
 3. Judicial Branch
 - a. 3.5% catch-up adjustment to the salary of all judges effective September 1, 2007 and 3.5% on September 1, 2008.
-

Recent Salary Decisions

2008

- Salary increases provided for all offices.

2009

- No salary increases provided.

2010

- No salary increases provided.

2011

- No salary increases provided.

2012

- No salary increases provided.

2013

- Two percent salary increase for judicial branch.
- Legislative branch salaries frozen at current level.
- Salaries for governor, secretary of state, attorney general, insurance commissioner, and state auditor frozen at current level.
- Two percent salary increase for superintendent of public instruction.
- Two percent salary increase for commissioner of public lands.
- Salary for state treasurer set at \$125,000.
- Salary for lieutenant governor set at \$97,000.

2014

- Three percent salary increase for judicial branch.
- Legislative branch salaries frozen at current level.
- Salaries for governor, lieutenant governor, secretary of state, attorney general, insurance commissioner, commissioner of public lands, and state auditor frozen at current level.
- Three percent increase for superintendent of public instruction.

TAB 4

**MEDIAN AND MEAN SALARIES OF
IN-HOUSE NORTHWEST STAFF ATTORNEYS
2014**

Position	Median	Mean
General Counsel (>1,000 employees)	\$239,208	\$241,111
General Counsel (<=1,000 employees)	\$178,253	\$178,371
Director of Legal Services	\$144,168	\$148,556
Attorney- Senior*	\$143,112	\$143,480
Attorney- Senior Specialized	\$151,593	\$156,347

Source: 2014 Milliman Northwest Management and Professional Salary Survey (2014)

*The difference between Senior level and Attorneys is Seniors had 5-8 years of experience and Attorneys had 2-4 years of experience.

**NATIONAL COMPENSATION SURVEY
Hourly Wage Percentiles
2011**

Position	50% (median)	75%
Lawyer	\$114,300 ($\54.95×2080 hrs)	\$169,880 ($\81.67×2080 hrs)

Source: US Department of Labor; Bureau of Labor Statistics – www.bls.gov

**SALARIES OF ATTORNEYS IN WASHINGTON
2014**

Position	Average Wage	75%
Lawyer	\$119,891 ($\57.64×2080 hrs)	\$147,243 ($\70.79×2080 hrs)

Source: Washington State Employment Security Department 2014 Occupational Employment and Wage Estimates –

**SALARIES OF ATTORNEYS IN SEATTLE
2014**

Position	Average Wage	75%
Lawyer	\$129,646 ($\62.33×2080 hrs)	\$158,163 ($\76.04×2080 hrs)

Source: Washington State Employment Security Department 2014 Occupational Employment and Wage Estimates

TAB 5

JUDICIAL SALARY COMPARISON

Rank of Washington versus Other States

Comparison Date	Court Level	Salary	Actual Ranking	Normalized Ranking ¹
October 2014	Supreme	\$172,531	13/50	21/50
	Court of Appeals	\$164,238	13/39	17/39
	Superior	\$156,363	13/50	17/50
	District	\$148,881	6/17	8/17
October 2013	Supreme	\$167,505	17/50	22/50
	Court of Appeals	\$159,455	13/39	18/39
	Superior	\$151,809	14/50	21/50
	District	\$144,544	7/17	9/17
October 2012	Supreme	\$164,221	14/50	16/50
	Court of Appeals	\$156,328	10/39	13/39
	Superior	\$148,832	12/50	12/50
	District	\$141,710	6/17	6/17
October 2010	Supreme	\$164,221	14/50	14/50
	Court of Appeals	\$156,328	11/39	13/39
	Superior	\$148,832	11/50	14/50
	District	\$141,710	1/17	2/17
October 2006	Supreme	\$145,636	14/50	13/48
	Court of Appeals	\$138,636	12/39	13/39
	Superior	\$131,988	11/50	12/48
	District	\$125,672	4/16	4/16
November 2004	Supreme	\$137,276	13/50	16/49
	Court of Appeals	\$130,678	10/39	12/39
	Superior	\$124,411	11/50	15/49
	District	\$118,458	4/17	4/16
October 2002	Supreme	\$134,584	12/50	16/47
	Court of Appeals	\$128,116	11/39	16/39
	Superior	\$121,972	10/50	19/47
	District	\$116,135	4/17	8/14

¹ Figures were calculated based on states' cost of living index.

NORMALIZATION OF SALARIES

Comparing salaries between states can be misleading. States with a higher cost of living tend to have higher salary schedules. Each table includes a listing of the salaries adjusted for the differences in cost of living. The National Center for State Courts (NCSC) has derived an adjustment measure for most states using the Council for Community and Economic Research C2ER Cost-of-Living Index. The C2ER cost of living factors come from looking at average costs of goods and services purchased by a typical professional and/or managerial household. The “basket” of goods and services includes items from within a reporting jurisdiction along with seven additional variables— grocery items, utilities, housing, transportation, health care, and other goods and services.

This factor is used here to “normalize” salaries across all states. The “normalization” formula is as follows:

$$\text{Normalized Salary} = \text{Actual Judicial Salary} / (\text{C2ER Factor}/100)$$

Prior to the October 2002 report, the Administrative Office of the Courts (AOC) used per capita income to normalize salaries. The technique described above is the same, only the adjustment factor differs. Thus, care should be exercised in comparing the normalized results to prior years’ reports.

Cost of Living Index source:

C2ER Cost-of-Living Index, National Center for State Courts, *Survey of Judicial Salaries*, Volume 39, Number 1, As of January 1, 2014.

Judicial Salary source:

National Center for State Courts, *Survey of Judicial Salaries*, Volume 39, Number 1, As of January 1, 2014.

Judicial Salary Comparison Highest Appellate Court as of Nov 2014

	State	Actual Salary		State	Normalized Salary
1	California	\$225,342	1	Illinois	\$193,082
2	Illinois	\$216,542	2	Alabama	\$188,054
3	Hawaii	\$210,312	3	Tennessee	\$183,731
4	Pennsylvania	\$200,205	4	Delaware	\$180,336
5	Alaska	\$198,192	5	Pennsylvania	\$174,349
6	New York	\$192,500	6	Virginia	\$173,316
7	Delaware	\$191,860	7	Iowa	\$170,153
8	Virginia	\$188,949	8	Missouri	\$167,514
9	New Jersey	\$185,482	9	California	\$167,329
10	Connecticut	\$180,204	10	Texas	\$165,501
11	Alabama	\$180,005	11	Michigan	\$163,677
12	Tennessee	\$176,988	12	Indiana	\$163,007
13	Washington	\$172,531	13	Louisiana	\$161,902
14	Maryland	\$171,600	14	Georgia	\$161,900
15	Iowa	\$170,544	15	Nevada	\$159,955
16	Nevada	\$170,000	16	Arkansas	\$158,078
17	Rhode Island	\$169,541	17	Hawaii	\$157,643
18	Missouri	\$168,636	18	Nebraska	\$157,423
19	Texas	\$168,000	19	Wyoming	\$155,119
20	Georgia	\$167,210	20	Florida	\$155,097
21	Wyoming	\$165,000	21	Washington	\$154,156
22	Michigan	\$164,610	22	New Jersey	\$152,748
23	Louisiana	\$162,404	23	Maryland	\$151,243
24	Florida	\$162,200	24	Minnesota	\$150,970
25	Indiana	\$161,524	25	Alaska	\$150,865
26	Massachusetts	\$160,984	26	Arizona	\$145,951
27	Nebraska	\$160,540	27	Utah	\$145,157
28	Colorado	\$157,710	28	Colorado	\$145,141
29	Minnesota	\$156,375	29	Ohio	\$143,786
30	Arizona	\$155,000	30	Wisconsin	\$143,165
31	New Hampshire	\$152,476	31	South Carolina	\$142,248
32	Utah	\$150,150	32	Kentucky	\$141,919
33	Arkansas	\$149,589	33	Mississippi	\$141,352
34	Wisconsin	\$145,942	34	Oklahoma	\$140,421
35	South Carolina	\$144,111	35	North Dakota	\$139,324
36	North Dakota	\$143,685	36	West Virginia	\$138,747
37	Vermont	\$142,396	37	North Carolina	\$136,026
38	Ohio	\$141,600	38	Connecticut	\$135,065
39	North Carolina	\$138,896	39	Kansas	\$133,450
40	Oklahoma	\$137,655	40	Idaho	\$133,347
41	West Virginia	\$136,000	41	Rhode Island	\$132,827
42	Kansas	\$135,905	42	South Dakota	\$128,938
43	Kentucky	\$135,504	43	New Mexico	\$126,591
44	Idaho	\$135,000	44	New York	\$126,081
45	Mississippi	\$132,390	45	New Hampshire	\$121,572
46	New Mexico	\$131,174	46	Montana	\$120,247
47	Oregon	\$130,688	47	Massachusetts	\$119,753
48	Maine	\$129,230	48	Vermont	\$115,095
49	South Dakota	\$129,131	49	Oregon	\$114,318
50	Montana	\$124,949	50	Maine	\$105,918

Judicial Salary Comparison Intermediate Appellate Court as of Nov 2014

Thirty-nine states have intermediate appellate courts

	State	Actual Salary		State	Normalized Salary
1	California	\$211,260	1	Alabama	\$186,876
2	Illinois	\$203,806	2	Illinois	\$181,726
3	Hawaii	\$194,724	3	Tennessee	\$177,627
4	Pennsylvania	\$188,903	4	Pennsylvania	\$164,507
5	Alaska	\$187,236	5	Georgia	\$160,908
6	Alabama	\$178,878	6	Virginia	\$158,849
7	New York	\$177,900	7	Indiana	\$158,456
8	New Jersey	\$175,534	8	California	\$156,872
9	Virginia	\$173,177	9	Texas	\$156,142
10	Tennessee	\$171,108	10	Iowa	\$154,201
11	Connecticut	\$169,245	11	Arkansas	\$153,209
12	Georgia	\$166,186	12	Missouri	\$153,150
13	Washington	\$164,238	13	Louisiana	\$151,621
14	Maryland	\$158,800	14	Michigan	\$150,583
15	Texas	\$158,500	15	Nebraska	\$149,552
16	Indiana	\$157,014	16	Florida	\$147,390
17	Iowa	\$154,556	17	Washington	\$146,746
18	Missouri	\$154,176	18	Hawaii	\$145,959
19	Florida	\$154,140	19	New Jersey	\$144,556
20	Nebraska	\$152,513	20	Alaska	\$142,526
21	Louisiana	\$152,091	21	Minnesota	\$142,253
22	Colorado	\$151,463	22	Arizona	\$141,243
23	Michigan	\$151,441	23	Maryland	\$139,961
24	Massachusetts	\$150,087	24	Colorado	\$139,392
25	Arizona	\$150,000	25	South Carolina	\$138,691
26	Minnesota	\$147,346	26	Utah	\$138,534
27	Arkansas	\$144,982	27	Kentucky	\$136,200
28	Utah	\$143,300	28	Wisconsin	\$135,061
29	South Carolina	\$140,508	29	Ohio	\$134,037
30	Wisconsin	\$137,681	30	Mississippi	\$133,396
31	North Carolina	\$134,109	31	Oklahoma	\$133,031
32	Ohio	\$132,000	32	North Carolina	\$131,338
33	Kansas	\$131,518	33	Kansas	\$129,142
34	Oklahoma	\$130,410	34	Idaho	\$128,408
35	Kentucky	\$130,044	35	Connecticut	\$126,851
36	Idaho	\$130,000	36	New Mexico	\$120,262
37	Oregon	\$127,820	37	New York	\$116,518
38	Mississippi	\$124,939	38	Oregon	\$111,809
39	New Mexico	\$124,615	39	Massachusetts	\$111,647

Judicial Salary Comparison Trial Court as of Nov 2014

	State	Actual Salary		State	Normalized Salary
1	Hawaii	\$189,456	1	Tennessee	\$171,498
2	Illinois	\$187,018	2	Delaware	\$169,408
3	California	\$184,610	3	Illinois	\$166,757
4	Alaska	\$183,252	4	Pennsylvania	\$151,346
5	Delaware	\$180,233	5	Nevada	\$150,546
6	New York	\$174,000	6	Georgia	\$150,321
7	Pennsylvania	\$173,791	7	Virginia	\$149,402
8	Tennessee	\$165,204	8	Arkansas	\$148,338
9	New Jersey	\$165,000	9	Texas	\$146,784
10	Virginia	\$162,878	10	Louisiana	\$145,810
11	Connecticut	\$162,751	11	Nebraska	\$145,616
12	Nevada	\$160,000	12	Missouri	\$144,376
13	Washington	\$156,363	13	Iowa	\$143,567
14	Georgia	\$155,252	14	Hawaii	\$142,010
15	Rhode Island	\$152,191	15	Wyoming	\$141,017
16	Wyoming	\$150,000	16	Alabama	\$140,977
17	Maryland	\$149,600	17	Washington	\$139,710
18	Texas	\$149,000	18	Florida	\$139,683
19	Nebraska	\$148,499	19	Alaska	\$139,493
20	Louisiana	\$146,262	20	Michigan	\$139,126
21	Florida	\$146,080	21	California	\$137,083
22	Missouri	\$145,343	22	Arizona	\$136,535
23	Colorado	\$145,219	23	New Jersey	\$135,881
24	Arizona	\$145,000	24	Indiana	\$135,344
25	Massachusetts	\$144,694	25	South Carolina	\$135,135
26	Iowa	\$143,897	26	Oklahoma	\$134,484
27	New Hampshire	\$143,018	27	Minnesota	\$134,020
28	Arkansas	\$140,372	28	Colorado	\$133,645
29	Michigan	\$139,919	29	Utah	\$131,961
30	Minnesota	\$138,818	30	Maryland	\$131,853
31	South Carolina	\$136,905	31	Kentucky	\$130,519
32	Utah	\$136,500	32	West Virginia	\$128,545
33	Vermont	\$135,369	33	Mississippi	\$128,214
34	Alabama	\$134,943	34	North Dakota	\$127,665
35	Indiana	\$134,112	35	Wisconsin	\$127,415
36	Oklahoma	\$131,835	36	North Carolina	\$124,253
37	North Dakota	\$131,661	37	Ohio	\$123,223
38	Wisconsin	\$129,887	38	Idaho	\$122,481
39	North Carolina	\$126,875	39	Connecticut	\$121,984
40	West Virginia	\$126,000	40	South Dakota	\$120,431
41	Kentucky	\$124,620	41	Rhode Island	\$119,235
42	Idaho	\$124,000	42	Kansas	\$117,868
43	Ohio	\$121,350	43	New Mexico	\$114,248
44	Maine	\$121,118	44	New Hampshire	\$114,031
45	South Dakota	\$120,612	45	New York	\$113,964
46	Mississippi	\$120,085	46	Montana	\$113,175
47	Kansas	\$120,037	47	Vermont	\$109,416
48	Oregon	\$119,468	48	Massachusetts	\$107,635
49	New Mexico	\$118,384	49	Oregon	\$104,503
50	Montana	\$117,600	50	Maine	\$99,269

Judicial Salary Comparison District Court as of Nov 2014

	State	Actual Salary		State	Normalized Salary
1	Hawaii	\$178,536	1	Pennsylvania	\$151,346
2	Pennsylvania	\$173,791	2	Alabama	\$145,215
3	Maryland	\$158,888	3	Maryland	\$140,039
4	Alaska	\$150,828	4	Michigan	\$137,488
5	Rhode Island	\$149,207	5	Nebraska	\$134,933
6	Washington	\$148,881	6	Virginia	\$134,462
7	Virginia	\$146,590	7	Hawaii	\$133,825
8	Alabama	\$139,000	8	Washington	\$133,024
9	Michigan	\$138,272	9	Arkansas	\$131,303
10	Nebraska	\$137,605	10	Florida	\$128,399
11	Florida	\$134,280	11	Iowa	\$122,119
12	Arkansas	\$124,252	12	Rhode Island	\$116,897
13	New York	\$123,000	13	Ohio	\$115,861
14	Iowa	\$122,400	14	Alaska	\$114,812
15	Ohio	\$114,100	15	New Mexico	\$103,999
16	Maine	\$111,969	16	Maine	\$91,770
17	New Mexico	\$107,764	17	New York	\$80,561

Listed courts possess jurisdiction similar to Washington District Courts, which hear, for example, traffic, small claims, and civil case types. Courts were excluded if they hear case types, such as juvenile cases, not handled by Washington District Courts. States with judicial salaries that vary across jurisdictions were also excluded.

Appendix: ACCRA Factor¹, Survey of Judicial Salaries

State	C2ER Factor *
Alabama	95.72
Alaska	131.37
Arizona	106.2
Arkansas	94.63
California	134.67
Colorado	108.66
Connecticut	133.42
Delaware	106.39
District of Columbia	139.94
Florida	104.58
Georgia	103.28
Hawaii	133.41
Idaho	101.24
Illinois	112.15
Indiana	99.09
Iowa	100.23
Kansas	101.84
Kentucky	95.48
Louisiana	100.31
Maine	122.01
Maryland	113.46
Massachusetts	134.43
Michigan	100.57
Minnesota	103.58
Mississippi	93.66
Missouri	100.67
Montana	103.91
Nebraska	101.98
Nevada	106.28
New Hampshire	125.42
New Jersey	121.43
New Mexico	103.62
New York	152.68
North Carolina	102.11
North Dakota	103.13
Ohio	98.48
Oklahoma	98.03
Oregon	114.32
Pennsylvania	114.83
Rhode Island	127.64
South Carolina	101.31
South Dakota	100.15
Tennessee	96.33
Texas	101.51
Utah	103.44
Vermont	123.72
Virginia	109.02
Washington	111.92
West Virginia	98.02
Wisconsin	101.94
Wyoming	106.37

*Rounded numbers, as reported by NCSC. The C2ER cost of living factors come from looking at average costs of goods and services purchased by a typical professional and/or managerial household. The “basket” of goods and services includes items from within a reporting jurisdiction along with seven additional variables—grocery items, utilities, housing, transportation, health care, and other goods and services.

The following is excerpted from the
**NEWSLETTER OF THE CONFERENCE OF CHIEF JUSTICES' TASK FORCE
ON POLITICS AND JUDICIAL SELECTION/COMPENSATION**

This Newsletter provides Task Force members with updates on significant developments related to judicial selection and judicial compensation, as well as updates on Task Force Activity. It is prepared by National Center for State Center staff as a resource for the Task Force four times annually
October 2012 Edition

II. JUDICIAL COMPENSATION DEVELOPMENTS

A. News Articles Bring Attention to the Importance of Judicial Pay

A July 24 article in the Wall Street Journal Law Blog highlighted growing concerns about stagnant judicial pay: “Judiciaries have been losing judges to higher-paying jobs for years now, usually at private law firms which can pay well over \$1 million year.”² The article looked at data from a 2012 National Center for State Courts report on judicial salaries in all 50 states. The report found that 42 states have some form of salary freeze, with 13 having reduced salaries in order to cut costs. (Our own research identified an additional two states in which salary freezes have been imposed): “Judicial salary increases essentially flat-lined, increasing less than 1% nationwide compared with pre-recession pay rates between 2003 and 2007, which rose on average around 3.24% per year.”³ Analysis of the report led an NCSC analyst to conclude that “if judicial salaries aren’t competitive, talented and diverse types of legal practitioners will turn to private practice over the bench.”⁴

Similarly, the ABA Journal’s “Law News Now” recently published an article bringing attention to the link between judicial salaries and retirement from the federal bench. The article discussed the findings of a new study on why federal judges retire, resign, or take senior status. “Financial concerns were paramount for judges who retired after senior status, as well as for judges who retired directly from active service.”⁵ The most popular reason cited for retirement by both groups of judges was “I wanted more income.”⁶ An exodus of senior judges due to stagnant pay could be worrying. According to U.S. District Judge Sarah Evans Barker of the Southern District of Indiana, “senior judges provide a huge dollop of the work that gets done.” The findings of the study underscored this, as it found that the effect of the elimination of senior judge positions would be that “147 district court judgeships and 23 appellate judgeships would have to be created.”⁷

B. Judicial Compensation Legislation Focuses on Pensions and Retirement

The efforts to alter judicial compensation over the past year have taken a negative turn, seeking to reduce rather than enhance compensation. An analysis of legislative efforts shows that legislators are beginning to focus on judicial retirement and pensions as a means of affecting judicial compensation. The following efforts are a sample of legislation that has targeted judicial compensation through changes to pension and retirement provisions.

² Chelsea Phipps, *State Court Concerned about Losing Judges After No Salary Growth*, WALL STREET J. (July 24, 2012), <http://blogs.wsj.com/law/2012/07/24/state-courts-concerned-about-losing-judges-after-no-salary-growth/>.

³ *Id.*

⁴ *Id.*

⁵ Debra Cassens Weiss, *Why Do Federal Judges Retire? More Income Is Top Answer*, A.B.A. J. (Aug. 5, 2012), http://www.abajournal.com/news/article/why_do_federal_judges_retire_more_income_is_top_answer/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.

⁶ *Id.*

⁷ *Id.*

Several states are reducing employer contribution rates to pensions. **Alabama HB414**, for example, raised the contribution paid by justices and judges to their pensions. The bill, which was passed into law, increased the contribution rate for judges and justices from 6% of their salary to 8.5%. “Supporters of House Bill 414 said the state contribution to the TRS and ERS retirement systems has jumped \$450 million, 87 percent, in five years, and this year will total \$966.6 million.”⁸ They argued that making covered employees pay more will lower taxpayer’s costs.

Similarly, **New Jersey SCR 110**, which passed both houses and was filed with the Secretary of State on July 30, 2012, is an attempt to circumvent the state’s judicial salary protection clause. Last year, a bill a plan to increase the amount government employees would have to pay into the state’s retirement system was struck down under the clause. NJ SCR 110 would amend the constitutional provision to read “[judicial salaries] shall not be diminished . . . except for deductions from such salaries for contributions, established by law from time to time, for pensions.”

Cost of living modifications for retired judges have also been considered in 2012. **Illinois HB 1447⁹** decreases cost of living increases for retired judges by changing the cost of living calculation to be at 3% or one-half the annual unadjusted percentage increase in the consumer price index (whichever is less), rather than 3% or the annual unadjusted percentage increase, as it currently stands. The bill was re-referred to the House Rules Committee on July 27, 2012.

Another, more controversial approach sought to tie pension benefits to the content of judicial decisions. **Maryland HB1061**,¹⁰ which received an unfavorable report from committee, removed pension benefits for judges whose decisions fell within certain parameters. For example, judges would be penalized if a decision refuses to enforce applicable law, or is contrary to or disregards applicable law.

Last year, Michigan adopted yet another approach for saving money, which was to eliminate tax exemptions for pensions. **Michigan HB 4484**, which was signed into law, makes any distributions from employer contributions (and earnings on those contributions) under the Michigan Judges Retirement Act subject to state tax in 2012. Previously, they had been tax-exempt.

The National Center will continue to monitor and analyze this legislative trend.

Please Note: In early 2011 the Task Force on Politics and Judicial Compensation made available “*A Guide to Setting Judicial Compensation in the 21st Century*.” The *Guide* (a) evaluates alternative methods for setting judicial compensation, (b) proposes appropriate criteria for evaluating the adequacy of judicial compensation, and (c) reviews practices to use when advocating on behalf of increased judicial compensation. Copies of the *Guide* can be obtained by contacting David Rottman at drottman@ncsc.org.

⁸ David White, *Alabama pension bill for state and public school employees could become law next week, begin May 1*, BIRMINGHAM NEWS (Apr. 21, 2012), http://blog.al.com/spotnews/2011/04/alabama_pension_bill_for_state.htmlhttp://blog.al.com/spotnews/2011/04/alabama_pension_bill_for_state.html.

⁹ Bill Raftery, JUDICIAL RETIREMENT PLANS/PENSIONS 2011: MIDWESTERN STATES, GAVEL TO GAVEL (Apr. 5, 2011), <http://gaveltogavel.us/site/2011/04/05/judicial-retirement-planspensions-2011-midwestern-states/>.

¹⁰ Bill Raftery, MARYLAND: PUNISHING JUDGES FOR THEIR OPINIONS VIA THE COMMISSION ON JUDICIAL DISABILITIES; JUDGES ARE JUST EMPLOYEES, GAVEL TO GAVEL (Mar. 7, 2012), <http://gaveltogavel.us/site/2012/03/07/maryland-punishing-judges-for-their-opinions-via-the-commission-on-judicial-disabilities-judges-are-just-employees/>.