

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

February 21, 1985

The 9th meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol. Senator Regan, Chairman, called the meeting to order at 5:07 p.m. following roll call.

ROLL CALL: All members present with some then excused to go to other meetings.

CONSIDERATION OF SENATE BILL 370: Senator Van Valkenburg, sponsor of SB 370 spoke on the bill. He said the bill was introduced at the request of the Montana Salary Commission. This bill establishes compensation for elected officials, members of the Judiciary, Legislators and the State Tax Appeal Board. It also provides an effective date. He said he would not put the bill in without some bi-partisan sponsorship and that he appreciated Senator McCallum signing the bill. He said he could not support the bill in its present form. The salary commission has done a lot of good work and certainly is well meaning and their intentions are probably right in the terms of the recommendations that they made on salaries of the elected officials in the state; but given the financial consequences we find ourselves in, I do not think it is wise to adopt them at this time. I think the Legislature should look at it and we should give serious consideration to the report. Maynette Ellison, Chairman of the Commission and some of the others on the commission did a lot of hard work on this. Paul Verdon from the Legislative Council, Helen Peterson, State Tax Appeals Board are more that put in a lot of time and work. They feel strongly about needing to increase the salaries of the STAB members. After others have spoken I would like to make my recommendations.

PROPOSERS OF SENATE BILL 370: Helen Peterson, retiring member of STAB said I think the members of the State Tax Appeal Board have been very shabbily treated by the state Legislature. She passed out a sheet (exhibit 1), attached to the minutes. She said the people in the State Department of Revenue, whose decisions we are required to pass on, all make a lot larger salary than we do. The ones who do not build a large staff, do not make much noise, they are left out. The members of the STAB are much lower in salary and have a very small staff. She read the first paragraph on the last page which is the report of the State Salary Commission.

Steve Brown, representing the Judges Association, said he had passed out 3 packets of papers which are attached to the minutes as exhibit 2, 3 and 4. He said the first was a statement by the Honorable Diane Barz, President of Montana Judges Association. Exhibit 3 is a comparison of Judicial salaries by state and lists Montana as # 47 on the list; and exhibit 4 is the report of the Advisory Committee on Judicial Compensation which Judge Haswell had put together. He had picked a non-partison committee which represented a varied group of businesses and organizations in

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the state to compile this report. He said the comparable worth study made on the county officials a few years ago was probably what was needed here. If you will look at the 4th to the last page you can see the salaries for the University system for example. You need to make some sort of judgment as to where Judges fit in with the other elected officials and the University people on a comparable worth.

There were no further proponents, no opponents, and Senator Regan asked if there were questions from the committee. There were none.

Senator Regan: (to Senator Van Valkenburg) You indicated you might have some recommendations. I think maybe now is the time you might give them to us.

Senator Van Valkenburg: (He passed out some amendments which are attached as exhibit 5) I would propose to, in respect to all elected officials other than Legislators, have the bill amended to provide an increase that is commensurate to what the Governor has recommended for the state employees. I have asked Mrs. Rippingale to prepare amendments that would accomplish that. I also told her that I thought that the way this bill was written that the proposed increase should be a single increase rather than as the state employees do when they get one in July and the other in July of the subsequent fiscal year. The Governor's pay increase would go up something around 2%. Judy, would you address this?

Judy Rippingale, Legislative Fiscal Analyst, said we prepared them on the matrix on the approximate level they are. It is an increase of about 3.1%; that results in them getting exactly the same dollar amount over the biennium as is the state raise of a state employee who gets it each year.

Senator Van Valkenburg: Judy indicated \$161,000 would be the cost for the biennium. I don't know if we can afford the \$161,000 and I don't know what will happen in respect to the state employee salaries. This particular bill is the only vehicle that exists that would provide any increase to elected officials. I think the elected officials of both parties and the Judicial branches-- they ought to be in a position to receive a pay increase if we are granting pay increases to employees. I would hope you would adopt amendments 1 through 15 to keep this bill alive. At some later date we can grant the increases as needed and if not available, we can throw it out. The other proposal is in respect to amendment # 16. I am just kind of throwing it out for your consideration. This is an amendment that would propose to put the salary commission in respect to legislative pay in January 1989. I have served for about 6 years now and have personally come to the conclusion that the legislators are the most underpaid people in the state of Montana. We work longer and harder and the quality of our work is greater than a grade 8 employee.

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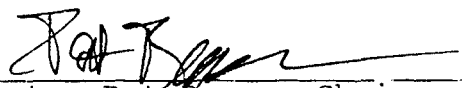
We should be willing to devote ourselves to public service and not be compensated for everything we do, but I think there is something in between a professional legislator and the very meager pay we work for. I know it will be impossible to ever really raise it if it is done so that the next election is the grounds for raising that pay. It would not be wise to do it at this time. We do not have the money. I will withdraw the suggestion if there is no support for it. If we do it, it has to be done in a bi-partisan fashion. This is to assure there is some goal for the legislators in the future.

Senator Regan: We don't have to vote that here. Quite frankly, when I first saw the bill my immediate reaction was to put it in a subcommittee. If a subcommittee would be willing to take the proposed action under advisement. I would appoint Senators Christiaens (ch), Bengtson, Story and Smith to the committee. We are going to meet on adjournment Saturday on one bill and if they could get together before that and give us a recommendation at that time it would be good.

Senator Hims1 said he would like to ask Mrs. Peterson how the procedure works and what other tasks they have besides appeals from people who did not like the county appeal actions. Mrs. Peterson said they had to review the decisions made by the Dept. of Revenue, income tax appeals, corporation taxes, etc.

Senator Regan said the hearing had been closed with Senator Van Valkenburg's closing remarks, and would hope that Senator Hims1 would talk to Mrs. Peterson following the meeting.

The meeting was adjourned at 5:32 p.m.



Senator Pat Regan, Chairman

ROLL CALLSENATE FINANCE AND CLAIMSCOMMITTEE

49th LEGISLATIVE SESSION - - 185

Date 2-21-85

NAME	PRESENT	ABSENT	EXCUSED
SENATOR REGAN	✓		
SENATOR HAFLEY	✓		
SENATOR JACOBSON	✓		
SENATOR AKLESTAD	✓		
SENATOR HAMMOND	✓		
SENATOR LANE	✓		
SENATOR CHRISTLAENS	✓		
SENATOR GAGE	✓		
SENATOR HIMSL	✓		
SENATOR STIMATZ	✓		
SENATOR BOYLAN	✓		
SENATOR STORY	✓		
SENATOR SMITH	✓		
SENATOR MANNING (Dick)	✓		
SENATOR BENGTON	✓		
SENATOR KEATING	✓		

✓ 20 ✓ 1 2 2 2 2 2

(This sheet to be used by those testifying on a bill.)

NAME: Helen M. Peterson DATE: 2/21/85

ADDRESS: 445 S. Park, Helena, MT.

PHONE: 444-2720 443-5719

REPRESENTING WHOM? State Tax Appeal Board

APPEARING ON WHICH PROPOSAL: SB 370

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PROPOSED AMENDMENTS TO SB 370

1. Page 1, line 20.
Following: "\$48,923"
Strike: "\$70,000"
Insert: "\$50,452"

2. Page 1, line 21.
Following: "\$35,031"
Strike: "\$47,500"
Insert: "\$36,141"

3. Page 1, line 23.
Following: "\$50,151"
Strike: "\$62,500"
Insert: "\$51,722"

4. Page 1, line 25.
Following: "\$48,923"
Strike: "\$60,000"
Insert: "\$50,452"

5. Page 2, line 1.
Following: "\$44,620"
Strike: "\$55,000"
Insert: "\$46,016"

6. Page 2, line 2.
Following: "\$32,326"
Strike: "\$42,500"
Insert: "\$33,342"

7. Page 2, line 4.
Following: "\$38,473"
Strike: "\$46,000"
Insert: "\$39,672"

8. Page 2, line 6.
Following: "\$36,255"
Strike: "\$43,500"
Insert: "\$37,363"

9. Page 2, line 9.
Following: "\$35,031"
Strike: "\$42,500"
Insert: "\$36,141"

PROPOSED AMENDMENTS TO SB 370 Continued---

10. Page 2, line 10.

Following: "\$32,326"

Strike: "\$42,500"

Insert: "\$33,342"

11. Page 2, line 12.

Following: "\$31,404"

Strike: "\$32,500"

Insert: "\$32,401"

12. Page 2, line 18.

Following: "\$47,693"

Strike: "\$55,000"

Insert: "\$49,178"

13. Page 4, line 7.

Following: "1984"

Strike: "\$28,500"

Insert: "\$27,655"

14. Page 5, line 4.

Following: "~~thereafter~~"

Strike: "\$40,000"

Insert: "\$27,373"

15. Page 5, line 7.

Following: "~~thereafter~~"

Strike: "\$37,500"

Insert: "\$26,635"

16. Page 5, line 14.

Following: "Effective"

Strike: the remainder of line 14.

Insert: "dates. (1) Section 3 of this act is effective January 1, 1989.

(2) All other sections of this act are"

SALARIES, DEPARTMENT OF REVENUE PERSONNEL

(Random Selection)

<u>Name</u>	<u>Position</u>	<u>Grade</u>	<u>Step</u>	<u>Salary</u>
TOP LEVEL				
Ellen Feaver	Director			\$48,449
John Clark	Deputy Director	21	10	44,923
Dan Bucks	Deputy Director	21	5	40,576
DIVISION ADMINISTRATORS				
Gregg Groepper	Property Assessment	21	10	44,923
Howard Hefflefinger	Liquor	21	5	40,576
Gerald Foster	Natural Resources & Corporation Tax	19	13	39,253
Lynn Chenoweth	Foster's Deputy	18	12	35,967
Kenneth Morrison	Income Tax	19	9	36,920
Jon Meredith	Legal & Enforcement	21	6	41,132
ATTORNEYS				
Larry Schuster	Property	18	13	37,454
Bruce McGinnis	Income	18	10	34,523
Mike Garrity	Liquor & other	19	10	37,681
Dave Woodgerd	Corporation	18	6	31,803
Paul Van Tricht	Natural Resources	18	6	31,802
BUREAU CHIEFS				
*Randy Wilke	Real Property	18	9	33,824
*Jesse Munro	Personal Property	18	10	34,523
Grant Buswell	Deputy to Wilke	16	13	31,530
Bob Holliday	Industrial Property	17	11	32,308
Diana Koon	Licensing, Liquor	16	3	25,134
Don Hoffman	Natural Resources	17	13	34,344
Jeff Miller	Corporation	17	12	32,978
OTHER POSITIONS**				
Mike Noble	Assessment Specialist	14	8	23,510
Mary Buswell	Property Tax	15	7	25,041
Mark Benson	Industrial Appraiser	15	3	23,042
Harley Warner	Field Audit Supervisor	15	9	26,101
Virgil Byford	Property Tax	14	9	24,003
Erwin Schock	Area Mgr., Property Tax	16	11	29,654
Mike Lambert	Area Mgr., Property Tax	16	11	29,654
Dave Ferguson	Area Mgr., Property Tax	16	12	30,272

*Wilke's salary increased \$4,998 from fiscal 1983 to fiscal 1985. Mr. Munro's salary increased \$6,971 for the same period. Most others for which we have a record increased \$2,000 to \$3,000 for the biennium. STAB members' salaries increased about \$1,000 for the biennium.

**These are not policy making positions. These employees carry out the policies and decisions of their superiors.

STAB SALARIES, FISCAL 1985: Chairman Robert S. Raundal, \$26,523; Members Helen M. Peterson and Dale D. Dean, \$25,811. IF THIS BOARD HAD BEEN ON THE STATE PAY PLAN at Step 12 for 1985 at the following grades, the salaries would have been: Grade 16, \$30,272; Grade 17, \$32,978; Grade 18, \$35,967; Grade 19, \$39,253; Grade 20, \$41,979; Grade 21, \$44,924.

A Grade 14, where no policy or other major decisions are made has a potential for making, at Step 13, a salary of approximately \$800 more than the two STAB members, and about \$100 more annually than the Chairman!

DUTIES AND RESPONSIBILITIES
STATE TAX APPEAL BOARD

HEARINGS:

- Small Appeals: About 90 percent of total. Involve mostly individuals. Require state-wide travel.
- Large Appeals: Corporation, industrial appeals, etc. Attorneys always involved. Deal with anywhere from thousands to millions of tax dollars. Require understanding of legal procedures.

DECISIONS:

- Knowledge required: Good general background on all property values. Ability to read, understand, analyze and sometimes refute professional appraisals. Ability to read, understand, interpret and research case and statutory law.
- Writing: Required by law to write Findings of Fact, Conclusions of Law and Orders. Minimum length, three legal size pages. Some much longer.
- Note: Decisions go out quickly on small appeals. The larger ones are briefed. The Board must wait for briefs, read them and often spend much time in discussion.

CASE LOAD: Less than 80 appeals in the Board's first year, 1973. Average of 300 to 400 until 1978. In 1978, 1,400 appeals; 1979, nearly 3,000; 1980, about 2,400; average of about 1,200 in 1981, 1982 and 1983. All 1984 appeals not yet in. Backlog is approximately 2,000 appeals. Principal cause: Waiting for court decisions on appeal issues.

OTHER RESPONSIBILITIES:

- Supervision and Education of County Tax Appeal Boards: Yearly regional meetings. General mailings to County Board members as required. Answering many County Board questions during appeal season. The number of attorneys appearing before County Boards is increasing, which generates more questions and more difficult ones. Also, STAB is responsible for auditing and approving all County Board claims. Their expenses come from STAB's budget.
- Administration of Office: Falls most heavily on STAB Chairman. All members involved in procedural changes, some other matters.
- Responding to Requests for Information: STAB has frequently been asked to furnish information to other state agencies, such as Community Affairs and the Legislative Council. Board must prepare budget information. Chairman must attend meetings with representatives of other state agencies.

REAPPRAISAL IN 1986 WILL SEVERELY INCREASE STAB'S CASE LOAD AND RESPONSIBILITIES

As the Department of Revenue has grown in size, expertise and complexity, demands on this Board for additional time and expanding knowledge have also increased

STATE TAX APPEAL BOARD

The members and chairman of STAB, the Salary Commission came to believe, are probably the most underpaid officials in state government in relationship to the enormity of their responsibility, the complexities of their tasks, their workload, and the extreme importance of their decisions upon the financial integrity of all levels of government.

The quasi-judicial power of STAB to decide disputes over business licenses, property assessments, taxes, and penalties arising from Department of Revenue decisions and to hear appeals from the county tax appeal boards gives it a unique position in state government.

Although STAB is regularly required to rule on, i.e., sustain or overturn, the decisions of Department of Revenue administrators ranging from bureau chiefs to division administrators, deputy directors, and the director whose salaries range from \$32,978 to \$48,449, the chairman of STAB is now paid \$26,523 a year, and each of the two other members of STAB is paid \$25,811 a year.

STAB's caseload of appeals has been running about 1,200 a year recently, and the backlog is approximately 2,000 cases.

The Salary Commission believes a member of STAB is entitled to compensation of \$37,500 a year and that the Chairman should be paid \$40,000 a year. These salary levels are comparable to the middle range of Department of Revenue executives with whom STAB deals.

cfb 2

STATEMENT BY THE HONORABLE DIANE BARZ
PRESIDENT, MONTANA JUDGES ASSOCIATION

House Bill 515, granting salary increases to Montana's District Court and Supreme Court Judges, was introduced at the request of the Montana Judges Association. In light of the budget crisis confronting the state of Montana, the Association's Executive Committee has voted to withdraw H.B. 515 from consideration. The Association sincerely hopes that its decision will assist Montana's lawmakers in finding acceptable solutions to the current budgetary dilemma.

The Association remains convinced, however, that judicial salaries in Montana are not adequate. State judges in Montana are at the bottom of judicial salaries across the United States. Montana trial judges are paid \$8,000.00 below the median salary set by other Legislatures. It seems unfair if the Legislature intends to freeze the salaries of judges that many bills to increase the duties and burdens of Judges are being considered.

H.B. 515 is the product of legitimate concern expressed by the Montana Bar Association and other distinguished citizens over the low salaries paid to Montana's Judges. The salary levels recommended in H.B. 515 are supported by recommendations of the Montana Salary Commission and the Advisory Committee on Judicial Compensation. (See attached report.) There are many compelling reasons contained in this report why Montana judicial salaries must be increased, if not in 1985 then in 1987.

JUDICIAL SALARIES
GENERAL TRIAL COURT

3

1.	ALASKA	87,780
2.	NEW JERSEY	70,000
3.	MICHIGAN	68,080
4.	GEORGIA	67,328
5.	ALABAMA	67,200
6.	CALIFORNIA	67,063
7.	NEW YORK	65,163
8.	PENNSYLVANIA	65,000
9.	MARYLAND	63,300
10.	S. CAROLINA	63,128
11.	VIRGINIA	62,780
12.	ARIZONA	62,500
13.	MISSOURI	62,500
14.	WYOMING	61,000
15.	TENNESSEE	60,600
16.	ILLINOIS	60,500
17.	OHIO	60,500
18.	MINNESOTA	60,500
19.	LOUISIANA	60,169
20.	MASSACHUSETTS	60,000
21.	WASHINGTON	60,000
22.	CONNECTICUT	59,600
23.	FLORIDA	58,247
24.	NEVADA	56,000
25.	DELAWARE	55,500
26.	TEXAS	54,500
27.	NEBRASKA	54,322
28.	COLORADO	54,000
29.	IOWA	54,000
30.	KENTUCKY	52,038
31.	RHODE ISLAND	52,000
32.	KANSAS	51,417
33.	MISSISSIPPI	51,000
34.	ARKANSAS	50,703
35.	WISCONSIN	50,659

36.	N. DAKOTA	50,600
37.	HAWAII	50,490
38.	NEW HAMPSHIRE	50,434
39.	N. CAROLINA	50,328
40.	W. VIRGINIA	50,000
41.	INDIANA	50,000
42.	NEW MEXICO	49,300
43.	OKLAHOMA	49,280
44.	S. DAKOTA	49,140
45.	OREGON	48,356
46.	UTAH	48,000
47.	MONTANA	47,693
48.	IDAHO	45,300
49.	VERMONT	45,050
50.	MAINE	43,736*

*The Maine Legislature recently granted Maine's judges a 75% increase in salary to be implemented over the next 5 years.

**301 FIRST NATIONAL BANK BUILDING
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HELENA, MONTANA 59624**

Telephone (406) 442-8500
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December 11, 1984

December 11, 1984

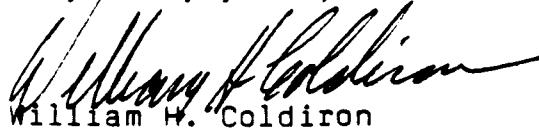
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Re: Final Report of the Advisory Committee on
Judicial Compensation

Dear Fellow Committee Members:

Enclosed is the Final Report of the Advisory
Committee on Judicial Compensation which I delivered to
the Chief Justice today.

Very truly yours,



William H. Coldiron

WHC/lb
Enc.

12348

REPORT OF THE ADVISORY COMMITTEE
ON JUDICIAL COMPENSATION

TO: Honorable Frank I. Haswell
Chief Justice
The Supreme Court of Montana
Justice Building
Helena, MT 59620

On August 27, 1984, you appointed the following citizens of the State of Montana to be members of an Advisory Committee on Judicial Compensation:

1. Buck Boles, Montana Chamber of Commerce, Helena;
2. Dave Drum, Polson; 3. Eric Feaver, Montana Education Association, Helena; 4. Rick Graetz, Montana Magazine, Helena; 5. Earl W. Johnson, First Bank Helena, Helena; 6. Mike Micone, Western Environmental Trade Association, Helena; 7. Shag Miller, Butte; 8. Gordon Morris, Montana Association of Counties, Helena; 9. James W. Murray, AFL-CIO, Helena; 10. Helen Christensen, Helena; 11. Allen Shumate, Helena; 12. Thomas W. Spence, Billings; 13. Mons Teigen, Montana Stockgrowers Association, Helena; 14. Herb Watts, Havre; and 15. William H. Coldiron, Helena, Chairman.

The Committee held two meetings in Helena, one on October 12, and one on November 14, 1984.

The Committee undertook its deliberations with some very basic premises in mind. Among those premises are:

(a) Judges are among our most powerful public officials. They define our rights and our responsibilities, alter the distribution of public and private wealth and property, and affect the actions of other governmental officials.

(b) We live in the kind of society we enjoy in this nation today because our judges have been the kind of people they are.

(c) Individual rights are protected, human needs provided for and property rights enjoy stability because judges stand as guardians of these fundamental rights and privileges.

(d) A judgeship is a difficult and demanding job entailing substantial responsibilities that must be exercised under pressures of statutory time constraints.

(e) Judges must have skills, communication skills, professional skills and industry. In addition, judges should have those intangible qualities of integrity, judicial temperament, justice, social consciousness, and dignity.

(f) To insure that our judges meet these high qualifications is one of the most important duties of citizenship.

At the October 12 meeting of the Committee, the Chief Justice and five District Judges made presentations explaining the economics of their situation. Each judge discussed the position of the judges from a different perspective. For example, the older judges and the younger judges, the urban judges and the rural judges, the eastern Montana judges and the western Montana judges and how each group has different problems but all have common responsibilities and problems.

The Committee compared the present level of judicial compensation in Montana to current judicial compensation in other states, particularly other states in the Mountain west. We considered the May 1984, Survey of Judicial Salaries published by the National Center for State Courts, a copy of which is attached. This comparison shows that Montana is toward the low end of the judicial salary scale and that judicial salaries in Montana are lower than any of the surrounding states, except Idaho.

The Committee also noted that the question of adequate judicial compensation is a problem of national concern as indicated by the attached copy of the President's Page from the November, 1984, American Bar Journal and the editorial from the October 29, 1984, National Law Journal.

The Committee considered a comparison between salaries paid to Montana District Judges, Associate Justices of the Supreme Court, the Chief Justice and other elected officials in the state. We also considered judicial compensation in light of the salaries paid to non-elected officials and employees of the State. Copies of materials used in this comparison are attached.

The Committee discussed the place of judges in their communities and in society in general and how their compensation fits into the social structure. The responsibilities of judges were discussed at length as well as their great contribution to the welfare of the State and nation. The Committee gave pragmatic consideration "to what the job is worth".

The Committee noted that the Judicial Branch of the State Government has a total budget which is much less than the other two Branches of Government. As indicated on the attached sheet the Judicial Branch Budget for the 1985 Biennium is \$8,948,694 while the Legislative Branch's Budget is \$13,643,392 and the Executive Branch's Budget is \$2,007,237,317. An increase in salaries for judges, in and of itself, would not require tax increases.

The Committee considered the recommended action of the Montana Salary Commission for 1984. A copy of this recommendation as it applies to judicial salaries is attached.

After considering all of the above and after due deliberation the Committee recommends the following adjustments in the salaries of the judiciary in the State of Montana:

	<u>Current Salary</u>	<u>July 1, 1985</u>	<u>July 1, 1986</u>
Chief Justice	\$50,151	\$62,500	\$65,000
Assoc. Justice	48,923	60,000	62,500
District Judge	47,693	55,000	60,000

These increases in salary will bring Montana from the low end of judicial salary scales in the Mountain West to the high end of that scale.*

It was noted that there are various measures being considered by interim Legislative Committees which would change the jurisdiction and duties of the District Courts in various degrees. The enactment of any measures substantially changing the present status of the Courts could have a bearing on these salary recommendations.

* The Committee realizes that the Legislature is reluctant to bind future Legislatures on salary scales. However, we recommend that the 1987 Legislature consider a continuation of the recommended escalation of salaries as follows:

	<u>July 1, 1987</u>	<u>July 1, 1988</u>
Chief Justice	\$68,000	\$70,000
Associate Justice	65,000	68,000
District Judge	63,000	66,000

The Committee discussed at length the place of the Judges Retirement System must fit in the overall picture of judicial compensation. We believe that the benefits under the Judges' Retirement System must in the long run be considered and factored into the long range judicial compensation picture.

It was suggested that the Legislature establish a legislative commission to review judicial salaries annually and make recommendations to Legislature thirty (30) days before the commencement of each session. If the Legislature did not act on the recommendations within 30 days after the session commenced, the recommended salaries would become law.

The Committee agreed that the Committee, as a committee, and individual members of the Committee would not lobby in the Legislature for the recommendations in this report. It was recognized the many members of the Committee have constituencies which might not be in agreement with these recommendations and thus present the member with a conflict of interest. It was agreed that the Chairman, if asked to do so, would appear before any committee of the Legislature and explain what the committee did and how it arrived at its recommendations.

It has been an honor and privilege to serve as a member of this Committee.

Dated this 11th day of December, 1984.


Chairman, Advisory Committee
on Judicial Compensations

Survey Survey Survey Survey Survey

of Judicial Salaries

Published by the National Center for State Courts

May 1984

Volume 10 Number 1

Judicial Salary Summary

Since the last issue of the *Survey of Judicial Salaries* (November 1983), eight states have reported changes in salaries paid their judges. Judges in another nineteen states are scheduled to receive increases, fourteen on July 1, 1984, and the remaining on or before January 1, 1985.

As of May 31, 1984, the salaries of associate justices of the highest courts ranged from \$44,431 to \$81,859.

with an average (mean) of \$59,900. The median salary was \$57,844. The current salary range for intermediate appellate court justices is \$46,300 to \$76,745, with a mean of \$59,278 and a median of \$57,000. General trial court judges are paid between \$39,932 and \$73,620. Their mean salary is \$52,931 and the median is \$50,850.

Judicial Salary Setting

The National Center for State Courts gathers information quarterly on the salaries of state court judges and state court administrators through a survey of state court administrators. They are asked to report current salary figures and to note any pending or future changes. The information is fully presented in the semiannual publication of this survey, and updated in the interim in the NCSC publication *State Court Journal* in the winter and summer issues. This issue of the *Survey of Judicial Salaries* reports salaries as of May 31, 1984.

The determination of appropriate salary levels for positions in any field involves a complexity of factors. The state judiciary is no exception. General guidelines usually suggest that a salary reflect the level of responsibility a job entails and the condition of the "marketplace." It is commonly agreed that competitive salaries, or other forms of compensation, attract the "best" applicants. In the case of judgeships, as with many other jobs, not all forms of compensation are measurable. These are the intrinsic benefits such as status, honor, and satisfaction in public service. Still other forms are measurable but difficult to compare. Here we refer to retirement plans; disability and death benefits; insurance plans; vacation, holiday, and sick leave provisions; travel and library allowances; and other fringe benefits. The point to be made here is that salary is but one form of compensation; it must be weighed

with other benefits that may offset salary differentials. Such benefits are discussed by Timothy Pyne in *Judicial Retirement Plans* (Chicago: American Judicature Society, 1981) and by Larry C. Berkson and Susan B. Carbon, in "Compensation and Benefits of Trial Court Judges: 1980," *State Court Journal*, vol. 5, no. 2 (Spring 1981).

Judicial salaries are set by state legislatures, some with the recommendations of a judicial compensation commission. (See Marilyn McCoy Roberts, *Judicial Compensation Commissions*, published in Williamsburg, Va., by the National Center for State Courts in 1979.) The salary-setting process requires some kind of comparison among similar positions. Some states use positions in the executive branch as comparison points. Others make comparisons with similar judicial positions in other states.

In comparing salaries it is important to keep in mind that positions within a similar category of "judge" may vary from jurisdiction to jurisdiction with regard to responsibilities and workload, and that the salary of the occupant of a given position may also be affected by a person's longevity in that position. Local supplements to state base salaries in some states create another difficulty in comparing across jurisdictions. Furthermore, the cost of living varies within and between states. Thus the same salary will not purchase equivalent goods and services in different localities.

Salaries

Courts of Appellate and General Jurisdictions and State Court Administrators

Abbreviations

AC Appellate Court
AJ Associate Judge, Justice
App Appellate
Asst Assistant
CA Court of Appeals
CC Circuit Court
Ch Chancellor
Cir Circuit
CJ Chief Justice, Judge
Co County
Comm Commissioner
Comp Compensation
CP Court of Common Pleas
Cr Criminal
CSA Court of Special Appeals
DC District Court
DCA District Court of Appeals
Gen Sess Ct General Sessions Court
J Judge
JC Justice Courts
JDRC Juvenile and Domestic
 Relations Court
JP Justice of the Peace
MC Municipal Court
P Presiding or President
PC Probate Court
PoC Police Court
SC Superior Court
SCA State Court Administrator
SpecJ Special Judge
SrC Surrogate Court
Sup Supreme
Supp Supplement

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Alabama	58,500	58,000	52,884	CCivA 57,000 CCrA 57,000 PJ 57,500	State CC 48,000 Local supps 1,200 to 19,200
Alaska	81,648 to 94,440	81,648 to 94,440 depending on location and cost of living differentials	79,648	CA 76,188	SC 73,620 to 87,780 depending on location and cost of living differentials
Arizona*	57,500	57,500	53,500	CA 55,500	SC 53,000 Comm. 45,050, set by Presiding Judge, not to exceed 85% salary of SC Judge
Arkansas*	56,152	51,573	39,662	CJ 50,696 AJ 49,817	CC 48,060 ChC 48,060
California	86,977	81,859	70,665	CA 76,745	SC 67,063
Colorado*	58,936	55,600	51,152	CA CJ 52,264 AJ 51,152	DC 47,260
Connecticut*	63,600	58,300	61,500 SCA is also a SupCt AJ	AC 55,700	SC 53,000
Delaware	59,700	59,000	45,500		SC PJ 56,000 AJ 55,500
Florida	67,588	67,588	48,514	DCA 60,994	CC 58,247
Georgia*	57,680	57,680	46,725	57,054	SC 48,276 Local supps to 19,052
Hawaii	56,430	53,460	50,490	CJ 53,460 AJ 51,975	CC 50,490
Idaho	47,300	47,300	46,620	CA 46,300	DC 45,300
Illinois	75,000	75,000	70,000	AC 70,000	CCJ 65,500 AJ 60,500
Indiana*	47,244 Subsistence allowance 3,000	47,244 3,000	Ex Dir-St. Ct. Administration 46,500	CA 47,244 Subsistence allowance 3,000	CC, SC 39,932 to 42,182
Iowa*	62,100	57,100	46,700	CA CJ 55,400 J 54,200	DC CJ 53,000 AJ 50,700

NOTE: Boldface figures
indicate changes since last survey.

*See page 7 for pending
or future changes.

Salaries

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Kansas*	55,646	52,864	48,969	CA CJ 51,752 J 50,639	Dist J designated as Adm J 49,526 Dist J 48,969 A Dist J 46,743 A Dist J designated as Adm J 47,300 Dist Magistrate Judge 21,146
Kentucky	57,820	56,664	46,748	CJ 54,929 J 54,351	CC 52,038
Louisiana	66,566	66,566	60,169	CA 63,367	DC base 60,169
Maine	46,514	44,431	43,186		SCCJ 44,236 SCJ 43,736
Maryland*	64,000	62,500	57,300	CSA CJ 61,500 AJ 60,000	CC CJ 58,000 CC AJ 58,000
Massachusetts	65,000	62,500	62,500	AC CJ 62,500 AJ 62,500	SC CJ 62,500 AJ 60,000
Michigan	74,000	74,000 Comm. 28,710 to 63,684	65,814	CA 71,040	CC 40,700 Local supps 10,950 to 27,380 Recorders Court (Detroit) 68,080
Minnesota*	70,000	65,000	48,000 to 54,000	CA CJ 62,500 J 60,000	DC 55,000
Mississippi	CJ 60,000 PJ 59,500	59,000	51,000		CC 51,000 ChC 51,000
Missouri*	54,580	52,080 Comm. 52,080	40,000	CA 49,530	CC J 46,980 AJ 34,230 to 40,350
Montana*	49,168	47,963	31,954		DC 46,758
Nebraska*	55,930	55,930	40,750		DC 51,735
Nevada	61,500	61,500	35,650		DC 56,000
New Hampshire	53,797	51,789	46,406		SC CJ 51,789 AJ 50,434
New Jersey	80,000	78,000	Ad Dir Ct 75,000 JAd Dir limited to judicial salary	SC App Div 75,000	SC assignment judges 73,000 SC 70,000
New Mexico	56,000	55,000	48,000	CA CJ 53,000 AJ 52,000	DC 49,300

Salaries

Courts of Appellate and General Jurisdictions and State Court Administrators

Abbreviations	Highest Court CJ	State Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
AC Appellate Court AJ Associate Judge, Justice App Appellate Asst Assistant CA Court of Appeals CC Circuit Court Ch Chancellor Cir Circuit CJ Chief Justice, Judge Co County Comm Commissioner Comp Compensation CP Court of Common Pleas Cr Criminal CSA Court of Special Appeals DC District Court DCA District Court of Appeals Gen Sess Ct General Sessions Court J Judge JC Justice Courts JDRC Juvenile and Domestic Relations Court JP Justice of the Peace MC Municipal Court P Presiding or President PC Probate Court PoC Police Court SC Superior Court SCA State Court Administrator SpecJ Special Judge SrC Surrogate Court Sup Supreme Supp Supplement	New York	84,263	80,892	76,151	App Div Sup Ct 1,2,3,4th Depts PJ 74,151 AJ 69,657 App Terms Sup Ct 1,2,9,10,11,12th Dists 67,163 SC 1st through 12th Judicial Districts 65,163
	North Carolina	61,128+	59,868+	53,496	CA CJ 57,948+ AJ 56,676+ SC Senior J 51,984+ J 50,328+
		+ plus 4.8% after 5 yrs. and 9.6% after 10 yrs.			
	North Dakota	55,400	53,900	48,508	DCPJ 51,800 50,600
	Ohio	72,000	68,000	61,936	CA 64,000 CC Pleas 55,500 to 60,500
	Oklahoma	61,776	59,136	55,440	CA 55,440 DC Dist. J 49,280 A Dist. J Pop. over 30,000 44,352 10,000 to 30,000 39,424 under 10,000 36,960 Spec J (lawyer and nonlawyer) 36,960
	Oregon	54,637	53,308	48,360	CA CJ 53,308 AJ 52,039 Tax Court 49,967 CC 48,356
	Pennsylvania	79,000	76,500	60,000	SC & Commonwealth Ct. PJ 76,000 AJ 74,500 CP PJ 65,000 to 67,500 depending on number of judges and population J 65,000
	Rhode Island	60,000 to 72,000 Based on longevity	56,500 to 67,800 Based on longevity	46,359 to 56,317	SC PJ 55,250 to 66,300 AJ 52,000 to 62,400 Based on longevity
	South Carolina	71,251	63,128	48,661	CA CJ 67,190 J 63,128 CC 63,128
	South Dakota*	50,755	48,755	44,498	PCirJ 46,500 CirJ 45,500 Law trained magistrate up to 31,826 Magistrate (part time) up to 13,731
	Tennessee	68,175	65,650	63,125	PJ 64,135 AJ 63,125 CC 60,600 ChC 60,600 CrC 60,600 Equity C 60,600

NOTE: Boldface figures
indicate changes since last survey.

*See page 7 for pending
or future changes.

Salaries

Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Texas*	74.800 CCrA 74.800	74.300 CCrA 74.300	52.900	CA CJ 67.320 AJ 66.870 Local supps to salary 1.000 less than SupCJ	DC state salary 52.900 Local supps up to salary 1.000 less than CAJ
Utah*	51.500	50.000	45.000		DC 45.000
Vermont	49.650	47.350	42.900		AdJ 47.350 SCoJ and DCJ 45.050 Asst J 51.50 per day
Virginia*	64.000 plus 4.000 in lieu of travel expenses	61.400	57.000		CC 57.000
Washington*	51.500	51.500	40.200	CA 48.100	SC 44.700 ProTemJ 107.28 per day ProTemAtty 178.80 per day
West Virginia*	49.000	49.000	46.000		CC 45.000
Wisconsin	65.212	57.687	52.918	52.918	CC state pay 50.659
Wyoming	63.500	63.500	36.440		DC 61.000
District of Columbia	70.070 DC Court of Appeals	69.570	65.790 ExecOff of DC Courts		SC CJ 66.290 AJ 65.790
Federal System	100.700	96.700	AdDirCt 73.100	CA 77.300	DC 73.100
American Samoa	73.006	70.026	20.177		Handled by CJ or AJ
Guam			36.838		PJ 45.838 J 44.338
Puerto Rico	44.600	44.000	39.000		SC 38.000 DC 32.000
Virgin Islands			38.900		Territorial Ct. PJ 59.900 AJ 57.200

Judicial Salaries in Appellate and Trial Courts

This table lists salaries paid to associate justices for the highest court and intermediate appellate court, and state-paid salaries of general trial court judges. In states where localities may supplement state-paid salaries, these supplements added to the basic salary are shown in parentheses immediately below the first figure. Salary ranges, based on cost-of-living differences, length of service, or other factors, are also indicated. The bold-face figures in parentheses immediately following salaries indicate the state's ranking (high to low) in salaries paid to judges at each level.

The last column indicates the date of the last salary change for highest, intermediate appellate, or general trial court judges for each state court system.

The mean average, median, and range for each level of court is shown following Wyoming. For the highest and the general trial courts these averages are based on figures for the 50 states. For intermediate appellate courts the average is that of the 35 states that have such courts. All averages and rankings are based on the lowest salary of the range or on salaries without supplements.

Salary information on special and limited jurisdiction state courts is available by contacting:

Jeanne A. Ito
Director, Survey of Judicial Salaries
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
804-253-2000

	Highest Court		Intermediate Appellate Court		General Trial Court		Date of Last Salary Change
Alabama	58.000	(25)	57.000	(18)	48.000 (38)	4-27-82	
Alaska	81.648 (2)		76.188 (2)		(67.200) 73.620 (1)	1-1-83	
	to 94.440				to 87.780		
Arizona	57.500 (28)		55.500 (21)		53.000 (19)*	1-1-83	
Arkansas	51.573 (41)		49.817 (31)		48.060 (37)	7-1-83	
California	81.859 (1)		76.745 (1)		67.063 (3)	1-1-84	
Colorado	55.600 (33)		51.152 (29)		47.260 (39)	1-1-82	
Connecticut	58.300 (24)		55.700 (20)		53.000 (19)*	7-1-83	
Delaware	59.000 (22)*				55.500 (16)*	1-1-84	
Florida	67.588 (10)		60.994 (14)		58.247 (12)	10-1-83	
Georgia	57.680 (27)		57.054 (17)		48.276 (36)	7-1-83	
					(67.328)		
Hawaii	53.460 (36)		51.975 (28)		50.490 (29)	7-1-82	
Idaho	47.300 (48)		46.300 (35)		45.300 (43)	7-1-82	
Illinois	75.000 (6)		70.000 (6)		60.500 (9)	7-1-83	
					to 65.500		
Indiana	47.244 (49)		47.244 (34)		39.932 (50)	10-1-82	
	(50.244)		(50.244)		to 42.182		
Iowa	57.100 (29)		54.200 (24)		50.700 (26)	7-1-82	
Kansas	52.864 (38)		50.639 (30)		48.969 (34)	2-1-84	
Kentucky	56.664 (30)		54.351 (23)		52.038 (22)	7-1-83	
Louisiana	66.566 (11)		63.367 (10)		60.169 (10)	9-1-81	
Maine	44.431 (50)				43.736 (48)	9-23-83	
Maryland	62.500 (16)*		60.000 (15)*		58.000 (13)	7-1-82	
Massachusetts	62.500 (16)*		62.500 (13)		60.000 (11)	1-1-83	
Michigan	74.000 (8)		71.040 (5)		40.700 (49)	1-1-84	
					(68.080)		
Minnesota	65.000 (13)		60.000 (15)*		55.000 (18)	7-1-83	
Mississippi	59.000 (22)*				51.000 (25)	1-1-84	
Missouri	52.080 (39)		49.530 (32)		46.980 (40)	7-1-83	
Montana	47.963 (46)				46.758 (41)	7-1-83	
Nebraska	55.930 (32)				51.735 (24)	1-1-84	
Nevada	61.500 (18)				56.000 (15)	1-1-83	
New Hampshire	51.789 (40)				50.434 (30)	6-10-83	
New Jersey	78.000 (4)		75.000 (3)		70.000 (2)	1-19-82	
New Mexico	55.000 (34)		52.000 (27)		49.300 (32)	7-1-83	
New York	80.892 (3)		69.657 (7)		65.163 (4)	7-22-82	
North Carolina	59.868 (20)		56.676 (19)		50.328 (31)	7-1-83	
North Dakota	53.900 (35)				50.600 (28)	7-1-82	
Ohio	68.000 (9)		64.000 (9)		55.500 (16)*	1-1-84	
					to 60.500		
Oklahoma	59.136 (21)		55.440 (22)		49.280 (33)	7-1-82	
Oregon	53.308 (37)		52.039 (26)		48.356 (35)	4-1-81	
Pennsylvania	76.500 (5)		74.500 (4)		65.000 (5)	12-1-83	
Rhode Island	56.500 (31)				52.000 (23)	1-8-84	
	to 67.800				to 62.400		
South Carolina	63.128 (15)		63.128 (11)		63.128 (6)	7-1-83	
South Dakota	48.755 (45)				45.500 (42)	7-1-83	
Tennessee	65.650 (12)		63.125 (12)		60.600 (8)	7-1-83	
Texas	74.300 (7)		66.870 (8)		52.900 (21)	9-1-83	
Utah	50.000 (43)				45.000 (45)*	7-1-82	
Vermont	47.350 (47)				45.050 (44)	7-1-83	
Virginia	61.400 (19)				57.000 (14)	7-1-82	
Washington	51.500 (42)		48.100 (33)		44.700 (47)	7-1-80	
West Virginia	49.000 (44)				45.000 (45)*	7-1-81	
Wisconsin	57.687 (26)		52.918 (25)		50.659 (27)	8-1-83	
Wyoming	63.500 (14)				61.000 (7)	1-1-82	
Mean Average	59.900		59.278		52.931		
Median	57.844		57.000		50.850		
Range	44.431 to 81.859		46.300 to 76.745		39.932 to 73.620		
District of Columbia	69.570				65.790	12-18-82	
Federal System	96.700		77.300		73.100	12-18-82	
American Samoa	70.026					7-15-81	
Guam					44.338		
Puerto Rico	44.000				32.000 to 38.000	10-1-83	
Virgin Islands					57.200	10-1-81	

*Tie rank

Future Salaries and Pending Legislation

Arizona: Effective January 1, 1985: Supreme Court justices 67,500; Court of Appeals judges 65,500; Superior Court judges 62,500.

Arkansas: Effective July 1, 1984: Supreme Court chief justice 59,240, associate justices 54,410; Court of Appeals chief judge 53,484, associate judges 52,557; Circuit Court and Chancery Court judges 50,703; executive secretary to the judicial department 41,843.

Colorado: Effective July 1, 1984: Supreme Court chief justice 65,500, associate justices 63,000; Court of Appeals chief justice 61,000, associate justices 58,500; District Court judges 54,000.

Connecticut: Effective July 1, 1984, Supreme Court chief justice 67,400, associate justices 61,800; Appellate Court judges 59,000; Superior Court judges 56,200; chief court administrator 64,700. Effective July 1, 1985, Supreme Court chief justice 72,000, associate justices 65,500; Appellate Court judges 62,500; Superior Court judges 59,600; chief court administrator 68,600.

Georgia: Effective July 1, 1984: Supreme Court chief justice and associate justices 63,700; Court of Appeals judges 63,210; and Superior Court judges base pay 54,500.

Indiana: Effective January 1, 1985: Supreme Court chief justice and associate justices 60,000; Court of Appeals judges 55,000; Circuit and Superior Court judges 50,000.

Iowa: Effective July 1, 1984: Supreme Court chief justice 66,200, associate justices 60,900; Court of Appeals chief judge 59,100, associate judges 57,800; District Court chief judge 56,500, associate judges 54,000.

Kansas: Effective August 1, 1984: Supreme Court chief justice 60,782, justices 59,143; Court of Appeals chief judge 58,588, judges 57,032; District Court judge designated as administrative judge 52,002, judge 51,417, associate judge 51,417, magistrate judge 22,203, associate judge designated as administrative judge 49,665, judicial administrator 51,417. In addition, as state employees all judges are to receive a \$102 bonus twice a year.

Maryland: Effective July 1, 1984: Court of Appeals chief judge 69,800, associate judges 68,200; Court of Special Appeals chief judge 67,100, associate judges 65,400; Circuit Court chief judge and associate judges 63,300; state court administrator 60,800.

Minnesota: Effective January 1, 1985: Supreme Court chief justice 73,700, associate justices 68,400; Court of Appeals chief judge 65,800, judges 63,100; District Court judges 60,500.

Missouri: Effective July 1, 1984: Supreme Court chief justice 58,401, justices and commissioners 55,726; Court of Appeals judges 52,997; Circuit Court judges 50,269; state court administrator 42,800. Effective August 13, 1984: Supreme Court chief justice 75,000, justices 72,500; Court of Appeals judges 67,500; Circuit Court judges 62,500.

Montana: Effective July 1, 1984: Supreme Court chief justice 50,151, associate justices 48,923; District Court judges 47,693.

Nebraska: Effective January 1, 1985: Supreme Court chief justice and associate justices 58,727; District Court judges 54,322.

South Dakota: Effective July 1, 1984: Supreme Court chief justice 54,677, associate justices 52,677; Circuit Court presiding judge 50,140, judges 49,140, law trained magistrate up to 33,099, magistrates (part-time) up to 14,208; state court administrator 48,057.

Texas: Effective September 1, 1984: Supreme Court chief justice 77,000, associate justices 76,500; Court of Criminal Appeals presiding judge 77,000, judges 76,500; Court of Appeals chief justice 69,300, associate justices 68,850; District Court judges 54,500; administrative director of the courts 54,500.

Utah: Effective July 1, 1984: Supreme Court chief justice 53,500, associate justices 53,000; District Court judges 48,000; state court administrator 48,000.

Virginia: Effective July 1, 1984: Supreme Court chief justice 72,006, associate justices 67,540; Circuit Court judges 62,780; General District Court and Juvenile and Domestic Relations Court judges 56,430; executive secretary of the Supreme Court 62,780.

Washington: Effective July 1, 1984: Supreme Court chief justice and associate justices 66,000; Court of Appeals judges 63,000, Superior Court judges 60,000.

West Virginia: Effective July 1, 1984: Supreme Court of Appeals chief justice and associate justices 55,000; Circuit Court judges 50,000; magistrates 17,250 to 25,125.

The special role of the bar in preserving our independent judiciary

FOR 25 centuries—since the time of Aristotle—an independent judiciary has been recognized as essential to human liberty. Threats to judicial independence have occurred throughout American history. Some have been direct, such as efforts to "pack" the Supreme Court in the 1930s or "court-stripping" proposals of recent years. The organized bar vigorously resisted these challenges; both attempts failed.

An economic threat

The threat also can be indirect. Inadequate judicial compensation today endangers the quality and the independence of our federal and state courts.

Disturbing statistics document this threat. According to the National Center for State Courts, the combined impact of limited pay raises and inflation has reduced the median salary of state trial judges more than 28 percent during the last 10 years. The situation facing the federal judiciary is no better. According to the Administrative Office of the U.S. Courts, since 1969 the purchasing power of the after-tax income of both district and circuit court judges has dropped 65 percent!

The result? Many of our jurists resign from the federal or state bench because salaries and benefits are inadequate.

With the assistance of the organized bar, help could be on the way. During the next two months the Quadrennial Commission, a federal commission appointed every four years to consider salary adjustments for federal officials, including judges, will make its salary recommendations to President Reagan.

Inadequate judicial compensation today endangers the quality and the independence of our federal and state courts.

From my experience as a member of the Missouri Commission on State Government Recruitment, Retention and Compensation, I know that individual lawyers can make a difference when judicial salaries are under review. I urge every member of the bar to support needed increases in judicial compensation, including communicating with your own legislative representatives as these proposals are considered.

Increased judicial compensation alone, however, is not enough to preserve an independent judiciary. We also must help reduce unnecessary delay and costs, which damage public confidence in our judges and courts. I therefore urge you to promote adoption of the recommendations of our ABA Action Com-

mission on Court Costs and Delay, already enthusiastically supported by the Conference of Chief Justices and our Judicial Administration Division.

You also can help promote the public support for our nation's judges



John Shepherd (left) with former ABA President Morris Harrell.

The president will forward them, with his own proposals, to the Congress early next year for consideration.

Our Board of Governors established a Federal Judicial Compensation Commission last December, chaired by former ABA President Morris Harrell, which is making its own recommendations.

The ABA Commission is directly urging the Congress and the White House, as well as the Quadrennial Commission, to consider substantial increases in judicial salaries. Our commission also is recommending an overdue revision of the process for reviewing judicial compensation and benefits.

needed to preserve judicial independence by working in your own community to defend the courts against unfair criticism. Our ABA Judicial Administration Division has made valuable suggestions on ways to improve public understanding of our courts and will be working with our Commission on Public Understanding About the Law as it concentrates its efforts in this area.

While the defense of our independent judiciary is the responsibility of every citizen, the bar has a special role to play. An independent judiciary is fundamental to our democracy. Only with your active help can it be preserved.

THE NATIONAL LAW JOURNAL

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Paying Judges

THE ISSUE OF judicial salaries is one that doesn't go away. It is essential that judges be paid at a level that is high enough to attract the best candidates to the bench, and many states and the federal government recognize this by having compensation commissions periodically review the salaries of judges.

The Quadrennial Commission that performs that function for the federal judiciary has been appointed and is about to begin its work. As it does, we once again want to make it clear that judges' pay should be increased to a level that is appropriate and deals with the problem of inflation that has kept judicial salaries too low in the past.

One letter recently received by The National Law Journal made a strong argument on behalf of higher pay. We endorse those views and would like to share them with our readers:

"Federal judges feel shortchanged, and well they should. During the past 15 years they have indeed been shortchanged by congressional and executive branch inattention to the far-sighted constitutional mandate that federal judges' pay 'shall not be . . . diminished.' Without any rational basis, judicial salaries have been permitted to lag behind rising inflation to the point where the nation's judges have in fact suffered a one-third pay cut in terms of their real earnings since 1971 . . .

"The resulting problem is not personal to the judges. It is a matter of national concern that threatens to affect all of us in terms of the quality of those who will serve as our judges, now and in the future. The simplistic saw about there being a long line of judicial applicants is no longer amusing. Too many fine federal judges, facing tuition bills of \$50,000 or \$60,000 per child, have reluctantly resigned. And too many highly qualified men and women — approaching the prime of their professional earning power — have reluctantly refused to make the lifetime commitment of judicial public service, because they are not willing to risk the financial security of their families on the uncertain hope that their salaries will keep pace with rising costs. It is an exaggeration to say that we are moving in the direction of a judiciary dominated by those who are wealthy, anxious to do better financially in private life . . .

"All concerned must recognize that the critical issue at stake is not what the judges want — it is what kind of judges we want."

An effective and fair federal judiciary must be composed of men and women from all walks of life. Pay should not be an issue in getting a wide range of attorneys to serve as judges, and judges should not have to spend their time lobbying for more adequate pay. The Quadrennial Commission should set a pay level that recognizes the need for top-notch judges, and the President and Congress should accept the commission's recommendation quickly.

3-5-211. Salaries and expenses of district judges. (1) The annual salary of each district judge is as follows:

(a) for the fiscal year beginning July 1, 1983, and ending June 30, 1984, \$46,758;

(b) after June 30, 1984, \$47,693.

(2) Actual and necessary expenses for each district judge shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of his official duties.

History: En. Sec. 1, Ch. 176, L. 1919; re-en. Sec. 8814, R.C.M. 1921; re-en. Sec. 8814, R.C.M. 1935; amd. Sec. 1, Ch. 114, L. 1947; amd. Sec. 1, Ch. 84, L. 1951; amd. Sec. 1, Ch. 247, L. 1955; amd. Sec. 1, Ch. 198, L. 1959; amd. Sec. 1, Ch. 187, L. 1961; amd. Sec. 2, Ch. 212, L. 1963; amd. Sec. 2, Ch. 308, L. 1967; amd. Sec. 1, Ch. 322, L. 1969; amd. Sec. 1, Ch. 4, 2nd Ex. L. 1971; amd. Sec. 2, Ch. 377, L. 1974; amd. Sec. 3, Ch. 461, L. 1977; R.C.M. 1947, 93-303; amd. Sec. 2, Ch. 528, L. 1979; amd. Sec. 1, Ch. 651, L. 1979; amd. Sec. 2, Ch. 605, L. 1981; amd. Sec. 2, Ch. 656, L. 1983.

Compiler's Comments

1983 Amendment: In (1)(a), increased the salary of a District Judge for fiscal year 1983 to \$46,758 from that authorized for fiscal year 1981, \$42,273; and in (1)(b) increased the salary of a District Judge for fiscal years after 1983 to \$47,693 from that authorized for fiscal years after 1981, \$45,841.

1981 Amendment: In (1)(a), changed "1979" to "1981", "1980" to "1982", and increased the salary from \$37,000 to \$42,273; and in (1)(b), changed "1980" to "1982", and increased the salary from \$39,000 to \$45,841.

Transition: Sec. 16, Ch. 528, L. 1979, provided: "A judicial officer, as defined in 1-1-202, who is occupying his judicial office on the effective date of this act shall continue to be paid expenses on the same basis as he is receiving them on the effective date of this act until the expiration of his term of office. All judicial officers who take office or begin a new term of office after the effective date of this act shall receive expenses as provided in this act."

Cross-References

County levy for District Court expenses, 7-6-2511.

2-16-405. Salaries of certain elected state officials. The salaries paid to certain elected officials of the state of Montana for fiscal year 1984 and following years are:

	Fiscal Year 1984	Following June 30, 1984
Governor	\$47,963	\$48,923
Lieutenant governor	\$34,344	\$35,031
Chief justice of the supreme court	\$49,168	\$50,151
Justices of the supreme court, each	\$47,963	\$48,923
Attorney general	\$43,745	\$44,620
State auditor	\$31,692	\$32,326
Superintendent of public instruction	\$37,719	\$38,473
Public service commission chairman	\$35,544	\$36,255
Public service commissioners, other than chairman	\$34,344	\$35,031
Secretary of state	\$31,692	\$32,326
Clerk of the supreme court	\$30,789	\$31,404

History: En. Sec. 1, Ch. 202, L. 1959; amd. Sec. 2, Ch. 187, L. 1961; amd. Sec. 1, Ch. 212, L. 1963; amd. Sec. 1, Ch. 308, L. 1967; amd. Sec. 1, Ch. 323, L. 1969; amd. Sec. 1, Ch. 314, L. 1971; amd. Sec. 4, Ch. 297, L. 1973; amd. Sec. 22, Ch. 315, L. 1974; amd. Sec. 1, Ch. 377, L. 1974; amd. Sec. 2, Ch. 461, L. 1977; amd. Sec. 3, Ch. 468, L. 1977; R.C.M. 1947, 25-501; amd. Sec. 1, Ch. 650, L. 1979; amd. Sec. 1, Ch. 605, L. 1981; amd. Sec. 1, Ch. 656, L. 1983.

Compiler's Comments

1983 Amendment: Increased salaries authorized for fiscal year 1982 and fiscal years thereafter of certain elected officials for fiscal year 1984 and for fiscal years thereafter as follows: Governor, from \$43,360 and \$47,023 to \$47,963 and \$48,923; Lieutenant Governor, from \$31,077 and \$33,671 to \$34,344 and \$35,031; Chief Justice of the Supreme Court, from \$44,447 and \$48,204 to \$49,168 and \$50,151; Justices of the Supreme Court, from \$43,360 and \$47,023 to \$47,963 and \$48,923; Attorney General, from \$39,555 and \$42,887 to \$43,745 and \$44,620; State Auditor, from \$28,685 and \$31,071 to \$31,692 and \$32,326; Superintendent of Public Instruction, from \$34,120 and \$36,979 to \$37,719 and \$38,473; Public Service Commissioners other than chairman, from \$31,077 and \$33,671 to \$34,344 and \$35,031; Secretary of State, from \$28,685 and \$31,071 to \$31,692 and \$32,326; Clerk of the Supreme Court, from

\$27,870 and \$30,185 to \$30,789 and \$31,404; and inserted Public Service Commission Chairman at \$35,544 and \$36,255.

1981 Amendment: Changed 1980 to 1982 in three places; increased in the two columns the annual salaries of the governor from \$37,500 and \$40,000 to \$43,360 and \$47,023; of the lieutenant governor from \$26,800 and \$28,700 to \$31,077 and \$33,671; of the chief justice of the supreme court from \$39,000 and \$41,000 to \$44,447 and \$48,204; of the justices of the supreme court from \$38,000 and \$40,000 to \$43,360 and \$47,023; of the attorney general from \$34,500 and \$36,500 to \$39,555 and \$42,887; of the state auditor from \$24,500 and \$26,500 to \$28,685 and \$31,071; of the superintendent of public instruction from \$29,400 and \$31,500 to \$34,120 and \$36,979; of the public service commissioners from \$26,800 and \$28,700 to \$31,077 and \$33,671; of the secretary of state from \$24,500 and \$26,500 to \$28,685 and

STATE OF MONTANA
FY 85 SALARIES

<u>POSITION</u>	<u>ANNUAL SALARY</u>
Executive Branch	
<u>Governors Office</u>	
Budget Director	\$ 48,500
Personal Staff	48,923 - 16,068
<u>Department Directors</u>	
Health (Dr.)	55,500
All Others	48,500
<u>Medical Examiner</u>	86,110
<u>SRS M.D. Consultants (Base Salary)</u>	114,400
<u>Warm Springs/Galen Hospitals</u>	
Administrator	52,130
Doctors (12 total)	1 at 52,909
	4 at 54,558
	2 at 62,021
	1 at 63,261
	1 at 64,071
	2 at 64,525
<u>Boulder Doctor</u>	1 at 52,440
* <u>Higher Education</u>	
Commissioner	70,700
Presidents	
MSU	69,630
U of M	68,560
Tech	59,989
Eastern	58,917
Northern	55,704
Western	53,561
Dean, Law School	59,116
Legislative Branch	
Auditor	43,820
Council	47,755
Fiscal Analyst	48,377

*See attached list of all Higher Education salaries over \$48,000

COMMISSIONER	CHE	FY	70700
PRESIDENT	MSU	FY	69630
PRESIDENT	UM	FY	68560
DEP COMMISS ACADEMIC AFFAIRS	CHE	FY	62100
VICE PRESIDENT	MSU	FY	61100
ACADEMIC VP	UM	FY	60600
ADJ PROF OF CHEMISTRY	MSU	FY	60000
PRESIDENT & PROFESSOR	TECH	FY	59989
VICE PRESIDENT	MSU	FY	59500
DEAN, SCHOOL OF LAW	UM	FY	59116
RESEARCH PROF-MICROBIOLOGY	UM	FY	59025
PRES & PROFESSOR, BIOLOGY	EMC	FY	58917
DIRECTOR, STUDENT HEALTH SERV	UM	FY	58900
PROF OF AG ECON	MSU	FY	58900
DEAN	MSU	FY	58500
DEAN	MSU	FY	58200
VICE PRESIDENT	MSU	FY	57900
PROF OF BUS MGMT & ADM	MSU	FY	57700
DEPT HEAD	MSU	FY	56800
PROF & DEPT HEAD MINING ENGIN	TECH	FY	56210
PROF OF PLANT PATH	MSU	FY	56100
DEAN	MSU	FY	56000
PRESIDENT	NMC	FY	55704
VICE PRESIDENT	MSU	FY	55200
DEAN	MSU	FY	55000
DEAN, ENGINEERING PROF	TECH	FY	55000
DEPT HEAD	MSU	FY	54800
ASSOC PROF, DEPT HEAD PETRO ENG	TECH	FY	54030
DEAN	MSU	FY	54000
ASSOCIATE DEAN	MSU	FY	53800
PRESIDENT	WMC	FY	53561
DEPT HEAD	MSU	FY	53000
DEPT HEAD	MSU	FY	52800
VICE PRES ACADEM AFFAIRS & PROF	TECH	FY	52800
DIRECTOR	MSU	FY	52700
PROFESSOR, PETRO ENGIN	TECH	AY	52342
DIRECTOR	MSU	FY	52300
DEP COMMISS FISCAL AFFAIRS	CHE	FY	52100
DEPT HEAD	MSU	FY	51900
DEAN	MSU	FY	51800
DEAN, COLL OF ARTS & SCIENCES	UM	FY	51750
DIRECTOR	MSU	FY	51700
DEPT HEAD	MSU	FY	51700
DEPT HEAD	MSU	FY	51700
DEAN, BUSINESS ADMIN	UM	FY	51511
VP FOR UNIV RELATIONS	UM	FY	51400
DIR OF MBMG & RES & TITLE III INS	TECH	FY	51000
DIR GRAD SCH, PROF & DEPT HEAD	TECH	FY	50940
ASSOCIATE DIRECTOR	MSU	FY	50900
DEPT HEAD	MSU	FY	50700
DEAN	MSU	FY	50700
ACTING DIRECTOR	MSU	FY	50700
DEAN, SCHOOL OF FORESTRY	UM	FY	50651
DEPT HEAD	MSU	FY	50500
DEPT HEAD	MSU	FY	50500
DEPT HEAD	MSU	FY	50500
DEAN, PHARM & ALLIED SCIENCES	UM	FY	50340
ACADEM VP & PROF, HISTORY	EMC	FY	50300
DEAN, SCHOOL OF EDUCATION	UM	FY	50232

ADMIN VP	EMC	FY 50000
BUS SCH DEAN & PROF ECON	EMC	FY 49800
DEAN	MSU	FY 49700
VP FOR FISCAL AFFAIRS	UM	FY 49514
ASSOC VP FOR RESEARCH	UM	FY 49440
PROF & DEPT HEAD MATH SCIENCES	TECH	FY 49430
DEAN	MSU	FY 49400
DEPT HEAD	MSU	FY 49300
DIRECTOR	MSU	FY 49300
PROFESSOR - LAW	UM	AY 49258
ASSO DEAN ARTS & SCIENCES	TECH	FY 49170
PROF OF VETERINARY MED	MSU	FY 48600
DEAN, SCHOOL OF FINE ARTS	UM	FY 48022

**Appropriations by Branch of Government
1985 Biennium**

	<u>FY 1984</u>	<u>FY 1985</u>	<u>Biennium</u>
Legislative Branch			
General Fund	\$4,628,032	\$4,667,751	\$ 9,295,783
Other Funds	2,033,827	1,713,782	3,747,609
Total	<u>\$6,661,859</u>	<u>\$6,381,533</u>	<u>\$13,043,392</u>
Judicial Branch			
General Fund	\$3,874,171	\$3,998,123	\$7,872,294
Other Funds	447,488	628,912	1,076,400
Total	<u>\$4,321,659</u>	<u>\$4,627,035</u>	<u>\$8,948,694</u>
Executive Branch			
General Fund	\$ 362,363,661	\$357,290,118	\$ 719,653,779
Other Funds	646,799,935	640,783,603	1,287,583,538
Total	<u>\$1,009,163,596</u>	<u>\$998,073,721</u>	<u>\$2,007,237,317</u>

MONTANA SALARY COMMISSIONER

1984 RECOMMENDATIONS

Chief Justice	\$50,151 to \$62,500 + \$12,349
Associate Justices	\$48,923 to \$60,000 + \$11,077
District Judges	\$47,693 to \$55,000 + \$ 7,307