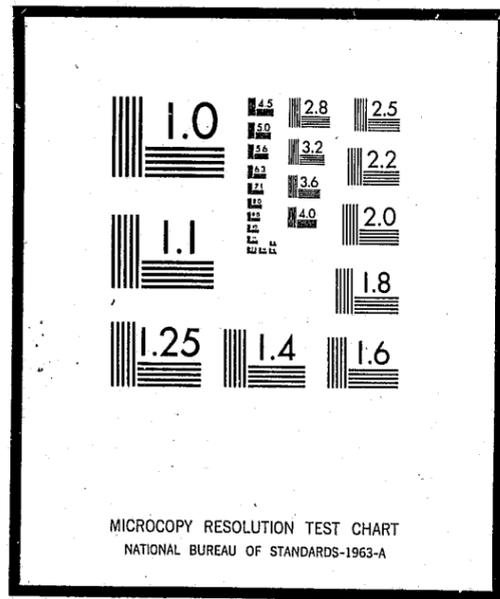


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NATIONAL CENTER FOR STATE COURTS -
QUARTERLY SURVEY OF JUDICIAL SALARIES
IN STATE COURT SYSTEMS

7 Vol. 1, No. 1, June 1, 1974

National Center for State Courts

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FOREWORD

This publication is the initial issue of a continuing survey of judicial salaries in state court systems which will be updated and published on a quarterly basis by the National Center for State Courts as a service requested by the state court systems which we serve. It is our hope that an accurate compilation of this information, issued quarterly, will eliminate the need of each state having to gather information of this type independently. The Center will continually maintain this data on a current basis so that any state court system desiring information between quarterly issues can contact the Center directly for the latest changes.

In future issues, the section dealing with judicial salaries in courts of limited and special jurisdiction, which is presently divided into seven categories by the name of particular courts, will be reorganized on a jurisdictional basis. This was not possible in this first issue because of the press of time, but we expect that listing this data on a jurisdictional rather than "name of court" basis will give a clearer indication of the limited or special jurisdictional nature of specific courts in the various states.

In Appendix I we have listed all pending legislation of which we are aware which could affect judicial salaries on a state-by-state basis. Appendix II indicates those states which provide for "floating" judicial salaries on the consumer price index or other cost of living adjusters. Appendix III includes information on the impact of the Economic Stabilization Act federal wage-price guidelines on state judicial salary increases, as well as discussion of the retroactive effect of the guidelines which expire on April 30, 1974. In future issues we hope to give more detail, as well as any current litigation involving inflation adjustment mechanisms and in addition plan to provide information on judicial pension plans on a state-by-state basis.

The subject of judicial salaries and pensions is one which has been highest among the demand for information made of the National Center for State Courts by its constituent states. It is hoped that this publication and interim service will effectively meet that demand.

Edward B. McConnell
Director

Although we have made every effort to ensure the accuracy of the survey data, and have verified each state's figures with the appropriate Court Administrator or Chief Justice, some errors may crop up, and we would very much appreciate notification of any inaccuracies or omissions which appear in this issue, as well as notification of any further pending legislation which would affect the status of judicial salaries in your state. All such information or suggestions should be forwarded directly to:

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State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	C.J.	A.J.			
Alabama	22,500* *1/1/75 to	22,500* 33,500	19,500	CCA 22,500 CA 22,000* * 1/1/75 to 33,000	State 18,000 Local supps. up to 7,200* * Depending on size of county
Alaska	44,000	44,000	33,000		S.C. 40,000
Arizona	32,000 37,000*	32,000 37,000*	23,959	30,000 35,000*	S.C. 28,000 Comm. 22,400 33,000* 27,400*
Arkansas	30,000	27,500	21,500		C.C. 25,000 Ch.C. 25,000
California	51,155	48,147	41,526	45,139	S.C. 37,615
Colorado	37,500	35,000	30,600	CJ 32,500 AJ 32,000	D.C. 28,000
Connecticut	40,000	36,000	38,000* Ct. Admin. is also a Sup. Ct. A.J.		S.C.: CJ 35,000 AJ 34,500
* Effective 1/1/75					

Key to Abbreviations:

Judges: C.J. & P.J. - Chief or Presiding Judge
V.C. - Vice Chancellor
Comm. - Commissioners
A.J. - Associates
C. - Chancellor

Courts: Sup. Ct. - Supreme Court
S.C. - Superior Court
C.C.A. - Court of Criminal Appeals
D.C. - District Court
C.A. - Court of Appeals
Ch. C. - Chancery Court
C.C. - Circuit Court
C.P. - Court of Common Pleas
Co.C. - County Court

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court	
	C.J.	A.J.				
Delaware	34,500	34,000	25,000 - 31,000		S.C.: P.J. 31,500 A.J. 31,000 Ch.C.: C. 31,500 V.C. 31,000	
Florida	36,000 45,000*	36,000 45,000*	30,000	34,000 42,500*	C.C. 32,000 40,000*	
Georgia	40,000	40,000	30,000	39,500	S.C. 32,500 Local supps. to 12,100	
Hawaii	33,880	32,670	22,670		C.C. 30,250 D.C. 24,200	
Idaho	30,000*	30,000*	23,000		D.C. 27,000*	
Illinois	42,500	42,500	40,000	40,000	Judges 30,000 Supp. 7,500* A. Judges 23,500 *local Supp. 4,500 supp.	
Indiana	29,500 Subsistence 3,000	29,500 all.	24,000	29,500 Subsistence all. 3,000 Ct. Admin. 19,800	C.C. + S.C. 21,500 - 26,500 County supps. to 400	

* Effective 7/1/74

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	C.J.	A.J.			
Iowa	31,000 For FY 74 - 75 34,000	30,000 - 75 33,000	15,500 For FY 74-75 16,000		D.C.: C.J. 27,000 FY 74- 29,500 A.J. 26,500 75 29,000
Kansas	29,500 35,000*	28,000-32,500* Comm.-27,500 32,000*	23,500 * Effective 1/13/75		D.C. Local supps. 23,500 27,500* 1,266 - 2,532
Kentucky	29,000* * 7/1/74 32,000	27,500* to 29,000	23,500		23,500* *7/1/74 to 26,000
Louisiana	37,500	37,500	28,000	35,000	D.C. Base 20,500 Supp. outside New Orleans 16,922 New Orleans supp. 15,200
Maine	27,500	26,000	21,000		S.C. 25,500
Maryland	41,000	40,000	35,000	C.J. 38,500 A.J. 37,500	C.C. 35,500
Massachusetts	39,770	38,407	28,805	C.J. 32,500 A.J. 31,300	S.C.: C.J. 35,566 A.J. 34,089
Michigan	42,000	Comm. - 26,599 to 32,698	37,751	41,961	C.C. 26,157 Local supps. 15,259 D.C. 21,279 Local supps. 12,500

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	C.J.	A.J.			
Minnesota	40,000	36,500	30,000		D.C. 33,500* D.C. Others 32,000 * Ramsey, Hennepin, St. Louis Counties
Mississippi	35,000* * As of 7/1/74	34,500*			C.C. 30,000 Ch.C. 30,000* * As of 7/1/74
Missouri	31,500	31,500	21,000	30,000	C.C. 28,000
Montana	28,000*	27,000*			D.C. 25,000*
Nebraska	30,500	30,500	25,000		D.C. 27,500 Local supps. 1,500* * where pop. over 150,000
Nevada	28,000* * 1/1/75 35,000	28,000*			D.C. 24,000* * 1/1/75 30,000
New Hampshire	32,700* FY 75 34,008	32,500* FY75 33,800			S.C.: C.J. 32,606 FY 75 34,000 A.J. 32,500 FY 75 33,800
New Jersey	47,500	45,000	31,852 - 41,410	S.C.A.D. 42,000	S.C. (assignment judges) 40,000 S.C. 37,000 Co.C. 37,000

* Effective 7/1/74

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court	
	C.J.	A.J.				
New Mexico	29,500	29,500	21,300	28,000		D.C. 27,000
New York	52,622* * FY 7/4/74 63,143	49,665* * FY 7/1/74 60,575	50,578* *FY 7/1/74 57,000	FY 74 7/1/74 <u>1st & 2nd Departments</u> P.J.: 48,274 55,266 A.J.: 46,662 51,627 <u>3rd & 4th Departments</u> P.J.: 40,774 55,266 A.J.: 40,182 51,267		FY 74 7/1/74 <u>1st & 2nd Departments</u> 43,371 48,998 <u>3rd & 4th Departments</u> 37,817 48,998
North Carolina	39,000	38,000	32,500	C.J. 36,500 A.J. 35,500		S.C. 30,500
North Dakota	28,500	28,000	20,000			D.C. 26,000
Ohio	43,500	40,000	31,000	37,000		C.P. Probate 32,500 - 34,000 23,500 - 34,000
Oklahoma	30,000 C.C.A. 30,000	30,000 C.C.A. 30,000	23,250	26,000		Dist. Judge 25,000 Assoc. Dist. Judge* 15,985 - 23,000 * Based on pop.
Oregon	27,000* * 7/1/74 32,000	27,000*	24,276* * 7/1/74 30,000	26,000* * 7/1/74 31,000		C.C. 25,000* * 7/1/74 29,000

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	C.J.	A.J.			
Pennsylvania	52,000	50,000	42,500	S.C.: P.J. 49,000* A.J. 48,000 *same salary for commonwealth court	C.P.: P.J. 40,500 to 42,500* J. 40,000 * depends on size of county
Rhode Island	31,000	30,000	16,952 - 19,328 Trial Ct. Admin. 14,274 - 16,276		S.C.: P.J. 29,000 A.J. 28,000
South Carolina	39,000	34,000	27,000		C.C. 34,000
South Dakota	24,000* * 7/74 29,000	23,000* * 7/74 28,000	25,000		Cir. J. * 7/74 22,000* 26,000
Tennessee	25,000* * 9/1/74 43,000	24,000* * 9/1/74 40,000	20,000* * 9/1/74 36,666	P.J. 21,000* * 9/1/74 38,000 A.J. 20,000* * 9/1/74 36,666 *same figures for CCA	C.C.: Ch.C. 17,500* * 9/1/74 33,333
Texas	40,500 CCA - 40,500	40,000 CCA - 40,000		C.J. 35,500 A.J. 35,000 Local supps. to 4,000	D.C. state salary 25,000 local supps. up to 13,000
Utah	24,000	24,000	22,000		D.C. 22,000

State	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court	
	C.J.	A.J.				
Vermont	30,500	29,000	25,000		S.C.: P.J. J. A.J.	26,000 25,000 per day \$25
Virginia	38,500* * 7/1/74 41,300	37,500* * 7/1/74 40,300	27,150	Base 29,900 Range 600 - 11,700	D.C.: Base Range	26,910 400 - 9,000
Washington	34,825	34,825	20,000	31,656	S.C. Pro Tem J. Pro Tem Atty.	28,500 \$68 per day \$114 per day
West Virginia	32,500	32,500			C.C. Optional supp. * total salary may not exceed this amt.	18,462 - 26,375 28,500*
Wisconsin	37,830	34,716	31,440		State pay Local supps. to	25,044 9,288
Wyoming	30,000	30,000				27,500

NOTE: Circuit and district courts shown here are of limited or special jurisdiction. Courts of general jurisdiction are shown in the preceding section.

Courts of Special and Limited Jurisdiction

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Alabama		Fees	JC 5,000 - 12,000 based on pop.	Recorders Ct. 500 - 22,000 based on pop.			Inferior Crt. 300 - 22,000 based on pop.
Alaska					DC 33,500		
Arizona			JC 5,100 - 14,000 based on cases filed			PC 300 - 28,926 based on pop.	court admin. for counties - 14,000- 20,800
Arkansas			JP Fees	3,000 - 5,000 pop.		MC 2,400 to 22,500 PC 1,200 to 3,600 Mayors Court 1,200 to 3,600	100 - 900 based on cases
California			JC 1,200 - 32,005			34,605	
Colorado	JC 28,000 SC (Domestic) 28,000	28,000		Denver - 25,000 Others - 2,500 - 25,000		MC 500 to 25,000	
Connecticut	JC: CJ 28,500 AJ 26,500	Fees up to 34,500			CC: CJ 28,500 AJ 26,500		CJ 30,000 AJ 28,500

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Delaware	Family Court: CJ 29,000 AJ 27,000		JP 10,000			MC: CJ 27,000 AJ 26,000 AJ (Part-time) 11,400	27,000
Florida				Pop. less than 40,000: 24,000 Pop. more than 40,000: 32,000* * 7/1/74		Varies	
Georgia	JC 30,500* * Counties over 500,000		JP Fees	8,000-25,000* * depends on county. All crts. called State Crt. of _____ Cnty.		Augusta: CJ 11,200 AJ 9,700 City Courts: 4,600 to 15,000	Civil Court: 30,000 (Fulton) 16,000 (Troup)
Hawaii					DC 24,200		
Idaho						Magistrates Lawyers Full- time 18,000 Part-time 11,000 Lay Full-time 9,000 to 13,000 Part-time 6,000 to 8,000	

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Illinois							
Indiana	JC 21,500 - 26,500* * Depends on pop. of county	21,500 - 26,500*	JP Fees up to 7,500		Criminal Crt. 21,500 to 26,500	Marion County 24,500 Magistrates Ct 600 to 2,200*	
Iowa					DAJ \$19,500	Magistrates Full-time 19,500 Part-time 4,800	
Kansas	JC 19,518 - 20,591 Depends on cnty.	19,000 - 26,032 Depends on cnty.		No. of Cases filed: Less than 250 - 25% of probate judge salary Each addit. 250 - 5%		City Courts: 3,780 to 5,700 Magistrate Ct: 8,014 to 16,695	20,500
Kentucky		up to 12,800	JC up to 12,800			PC up to 12,800	Quarterly Courts: up to 12,800

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Louisiana	JC: State Sal. 20,500 supp. to 13,500* * depends on size of county		Parish Courts 17,500 Min. + Fees			New Orleans: MC 18,000 PC max. 18,000 City Courts: 3,600 to 22,500 depends on pop. + Fees	
Maine		4,500 - 10,900			DC: CJ 25,000 AJ 24,000		
Maryland	Orphans Court Part-time: Salaried - 500 to 14,500 Others - 8 - 19.50 per day				D.C.: CJ 37,500 AJ 30,175		
Massachusetts	JC: Boston - 29,885 Others - 24,999	PC: CJ 31,021 AJ 29,885 Part-time:* 10,681 * 1 part-time J			D.C.: CJ 29,885 AJ 28,407 Part-time: 8,636 to 9,431	Boston: CJ 29,885 AJ 28,407	Land Court 34,089

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Michigan		7,058 to 35,789		Recorders Court Detroit 40,157		Part-time: 5,000 - 20,000	Detroit: 31,873
Minnesota		21,000 to 29,000	JP Fees	21,000 - 29,000		6,000 - 29,000	
Mississippi			JP Fees	6,500 - 17,500			
Missouri		12,200 - 28,000 based on pop.			St. Louis Crt. of Criminal Corrections: 26,000	Magistrate: 16,200 - 22,400 based on pop.	
Montana			JP Fees			PC up to 5,400 based on pop.	
Nebraska	JC 27,500 Supp. 1,500* * Pop. over 150,000	20,000 - 27,500 based on pop. Assoc. up to 15,000				24,500	Workmen's Comp. Crt. 25,500
Nevada			JC set locally			set locally	
New Hampshire		PC 10,920 - 11,357			DC 2,900 - 24,000	150 - 5,100* * by ordinance	

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
New Jersey	Juv. & Dom. Rel. Crts.: 34,000			Cnty. Dis- trict Crts.: 34,000		up to 20,000	
New Mexico		1 - 3,960		Magistrate Crt: 3,800 - 15,500		Albuquerque: 20,000	Small Claim Crt.: 8,000
New York	Dom. Rel.: NYC 36,451 Other 26,075 to 41,550	SC: NYC 43,317 FY 75 48,998 Others 26,075 to 43,317 FY 75 26,075 to 48,998	JC varies	26,075 to Nassau Cty, 40,575 D.C.: PJ 37,500 AJ 35,000 Suffolk Cty, PJ 37,170 AJ 33,710		NYC Civil Crt. 36,451 NYC Crim. Crt. 36,451	Court of Claim: 37,817 FY 75 48,998* * a state crt.
North Carolina					D.C.: CJ 24,500 AJ 23,500		
North Dakota			Cnty. JC - up to 5,000	Of increased jurisdiction: 12,500 to 17,000 Others: 6,600 to 9,500			

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Ohio				8,000		MC: 21,000 to 30,000 Part-time: 8,000	
Oklahoma	Oklahoma has special courts manned by District Judges who receive only expenses. Courts of Tax Review and Bank Review.					set locally	St. Indust. Cr.: 22,170
Oregon			JP up to 10,030	3,000 - 11,700	DC 19,000		Tax Court 25,000
Pennsylvania			JP 7,500 - 16,500* * excluding Phi. depending on magisterial district			Philadelphia Atty. Judges: PJ 36,500 AJ 35,000 Lay Judges: 18,500 Traffic Courts: PJ 19,500 AJ 18,500	
Rhode Island	Dom. Rel. CJ 29,000 AJ 28,000	PC up to 11,440			DC: CJ 26,520 AJ 25,520		
South Carolina	set locally	set locally		set locally		set locally	

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
South Dakota	Municipal Judges eliminated via	Judges and District judicial article	County Courts have been effective 1/7/75		1974: 18,000	1974: MCJ 18,000	7/74 Law trained magistrate: Max.20,000
Tennessee	JC set locally	Ctny. Probate Crts. set locally		Gen. Sessions Crt. 1,800 - 33,333		set locally	
Texas* *all set locally	Same as Dist. Crt. in county for Juv. & Dom. Relations		JP 11,000 - 23,928	"Constitu- tional" 1,688 - 31,800 Civil, Crim., Crim. Appeals Statutory: 10,500 - 27,600		MC 300 - 17,376	
Utah	JC 22,000		JP - deter- mined by city comm., town council, etc. Fee system abolished in 1971.			City Crts. set by city ordin. 13,000 - 19,800	
Vermont		4,500 - 20,000			DC: PJ 23,000 AJ 22,000		

States	Family Courts A) Juvenile B) Domestic	Probate Courts (PC) Surrogate Crts. (SC)	Justice Courts (JC) Justice of the Peace (JP)	County Courts	Circuit or District Crts. (CC or DC)	Municipal Crts. (MC) Police Courts (PC)	Common Plea Courts
Virginia	Juv. & Dom. Rel. DC 26,910 + local supp.				Gen. D.C. 26,910 + local supp.		
Washington			JP based on population		DC 23,250	Seattle 27,000 Other 9,000	
West Virginia	Dom. Rel. varies JC 10,500 - 25,000			900 - 12,000	Intermediate Courts: 10,500 - 25,000	Magistrates 17,000	10,500 - 25,000
Wisconsin				State Pay: 22,974 Local supp. up to 10,480		set locally	
Wyoming* * Office of Constable abolished effective 1/1/75.			JP 1,600 - 4,800 FY 75 (1/1/75) 2,500 - 7,200			set locally	

APPENDIX I

States in which there is pending or anticipated legislation with respect to judicial salaries.

- 1) California: All judicial salaries for California are effective only through August 31, 1974. Salaries will be revised in accordance with the cost of living index as provided by statute (Gov. Code §68200-68206). (See Appendix II)
- 2) Connecticut: The 1974 Biennial Report to the General Assembly from the Commission on Compensation of Elected Officials and Judges has recommended substantial salary increases for all judges in Connecticut.
- 3) Delaware: Delaware is in the process of making salary adjustments from the Supreme Court to Justices of the Peace. This has not yet been reduced to written legislation but this is anticipated. There is also the possibility of a revised constitution becoming effective July 1, 1975.
- 4) Hawaii: Presently pending in the legislature is a request for salary increases. Exact amounts are still under consideration. The figures at this point are: Supreme Court C.J. 49,260; AJ, 47,500; Circuit Judges, 43,990; District Judges, 35,192.
- 5) Idaho: Legislation pending in Idaho (H.B. 504) providing for substantial judicial salary increases.
- 6) Illinois: There is presently pending in the Illinois legislature S.B. 920. This bill would equalize the salaries of all circuit judges at 37,500 and all associate judges at 28,000 eliminating supplements now paid in Cook and Du Page Counties.
- 7) Iowa: Pending legislation to increase the salary of the state court administrator to 22,000.
- 8) Kansas: Substantial judicial increases were approved by the legislature in April 1974. The new salaries become effective on January 13, 1975.
- 9) Kentucky: S.B. 126 becomes effective July 1, 1974 which will increase salaries of justices, commissioners and circuit court judges by \$2,500.

- 10) Louisiana: No pending legislation at this time; however, it is anticipated judges will seek legislation for salary increases in May of 1974.
- 11) Massachusetts: Pending legislation for a 6.2% increase and an inflation increase of approximately 3% for all Commonwealth employees. If legislation is passed, it is to be retroactive to January 1, 1974 (See Appendix II).
- 12) Michigan: Pending legislation (H.B. 4589) currently in the House Appropriations Committee, would fund all of the District Courts at the state level and standardize all judicial salaries at that level (33,000). It is anticipated the State Pay Board will raise the salaries of Supreme Court Justices.
- 13) Mississippi: The salaries noted for Mississippi become effective July 1, 1974. The present salaries are: Supreme Court CJ 27,000, R.J. 26,500, A.J. 26,000. Circuit Court Judges 22,000, Chancery Court Judges 22,000.
- 14) Missouri: Legislation (H.B. 1307) has passed both houses of the legislature and is awaiting the governor's signature. The bill would increase the salaries of Supreme Court Justices and Commissioners, Courts of Appeal Judges, Circuit Judges and Courts of Criminal Correction Judges by \$3,500, magistrate judges will get \$800 across the board.
- 15) Nebraska: Legislation is pending which would provide salary increases of \$5,000 for Supreme, District, municipal and Juvenile Court Judges. The legislation also provides for increasing County Court Judges' salaries to \$27,000 and \$32,500 effective January 1, 1977. There is also a provision for annual adjustments, beginning in 1976, based on a cost of living formula.
- 16) New Jersey: Legislation is pending which provides for judicial salary increases of approximately \$3,000 per year for the next three years.
- 17) North Carolina: The director of the Administrative Office of the Courts has requested judicial salary increases in his pending budget request, but is not optimistic about an affirmative response.
- 18) Rhode Island: There is presently underway negotiations between the Judicial Department and the Executive and legislature regarding an increase in the basic pay for judges.
- 19) Tennessee: A new salary structure becomes effective September 1, 1974. The salaries of Tennessee judges will, in the future, be determined by a cost of living formula and will be annually adjusted (See Appendix II).

- 20) Vermont: This session of the legislature ending March 31, 1974 is expected to bring about changes in salaries and fringe benefits.
- 21) Washington: A voter initiative, which voters approved by a wide margin on November 6, 1973, limits all raises to 5 1/2%. The entire Supreme Court disqualified itself from hearing a challenge that the initiative was unconstitutional. The challenge was argued before a panel of retired judges and justices who upheld the validity of the constitutional initiative.
- 22) Wisconsin: There is pending legislation which if enacted into law will affect judicial salaries of Supreme Court justices, county and circuit court judges.

Floating Salary Statutes.

California, Maryland, Massachusetts and Tennessee all provide for judicial salary increases based on floating indices as per capita income increases and the consumer price index. The statutory formulae for these salary increases follow.

The California Government Code §6203 provides:

"Salary increases; formula. On September 1, 1968, and on September 1 of each fourth year thereafter the salary of each justice and judge named in Sections 68200 and 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing per capita personal income in California as compiled and reported by the United States Department of Commerce has increased between the calendar year which precedes September 1 of the fourth year preceding the designated date of adjustment and the calendar year which immediately precedes the designated date of adjustment.

In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter they salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

The judges named in §§68200 to 68202 include, the Chief Justice of California, associate justices of the Supreme Court, justices of courts of appeal, superior court judges and municipal court judges.

27 Maryland Code §47 Salaries of Judges provides:

"From and after July 1, 1972, the salaries of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts of the several counties, the Supreme Bench of Baltimore City and the District Court shall be as provided in the State budget. Whenever there is a general salary increase awarded to State employees, the said judges shall receive the same percentage increase as is awarded to the minimum step of the highest salary grade for classified employees in the State salary plan. Any general salary increase awarded to State employees in the budget bill enacted at the 1972 session of the General Assembly shall not be applicable to and shall not in ure to the benefit of the judges. Any proposed increases in the salaries of judges subsequent to July 1, 1972,

shall not be included in that portion of the budget for the judicial department but shall be included in that portion of the budget for the executive department and shall be subject to legislative review and approval."

Massachusetts General Laws Annotated Chapter 30 §46 provides:

"The director of personnel and standardization shall annually determine the percentum difference between the average cost of living for the next preceding calendar year and the average cost of living for the calendar year next preceding the calendar year during which the weekly rates prescribed in the above salary schedule were last revised, both as shown by the United States Consumer Price Index for such years, and shall prepare and submit to the general court a report of such determination within a reasonable time after said Index for the next preceding calendar year has become available. Whenever such determination indicates a percentum increase or decrease of at least three percentum, such report shall be accompanied by a recommendation for legislation to provide a corresponding percentum increase or decrease in the salaries of all employees in the service of the commonwealth and paid from the treasury thereof...Whenever such determination indicates a percentum increase of at least three percentum, as hereinbefore described, such report shall be accompanied by a recommendation of legislation to provide a corresponding percentum increase in the salaries of the chief justice and associate justices of the supreme judicial court, the appeals court, the superior court and the municipal court of the city of Boston, the judges and associate judges of the land court, the chief judge and the judges of probate and insolvency, the chief justice and the justices of the district courts other than the municipal court of the city of Boston, the justices and special justices of the Boston Juvenile Court, the justices of the Worcester, Bristol county and Springfield juvenile courts, and special justices of the district courts, including the municipal court of the city of Boston, such increase to take effect as of the beginning of the first payroll period of the year in which such report is submitted."

Tennessee Code Annotated §8-2303 provides:

"Beginning September 1, 1970, the compensation of judges and chancellors shall be as follows:

The chief justice of the Supreme Court shall receive twenty-five thousand dollars (\$25,000) per annum; associate justices of the Supreme Court shall each receive twenty-four thousand dollars (\$24,000) per annum; the presiding judge of the Court of Appeals and presiding judge of the Court of Criminal Appeals shall receive twenty-one thousand dollars (\$21,000) per annum; judges of the Court of Appeals and Court of Criminal Appeals shall each receive twenty thousand dollars (\$20,000) per annum; chancellors, circuit court judges and criminal judges shall each receive seventeen thousand five hundred dollars (\$17,500) per annum.

Beginning September 1, 1974, the compensation of judges and chancellors shall be the base salaries fixed in this law adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1970 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1974 and on September 1 of every year thereafter for the ensuing year commencing September 1. The base salaries per year shall be as follows:

Chief Justice of the Supreme Court, thirty-two thousand five hundred dollars (\$32,500).

Associate justices of the Supreme Court, thirty thousand dollars (\$30,000).

Presiding judge of the Court of Appeals and presiding judge of the Court of Criminal Appeals, twenty-eight thousand five hundred dollars (\$28,500).

Associate judges of the Court of Appeals and Court of Criminal Appeals, twenty-seven thousand five hundred dollars (\$27,500).

Circuit judges, criminal judges and chancellors, twenty-five thousand dollars (\$25,000).

It should also be noted that Nebraska has provided for a similar cost of living index floating salary schedule which is to become effective January 1977. The statute was not available for inclusion in this publication.

Appendix III

As an introduction to the effect of the federal Economic Stabilization Act on state judicial salaries, it may be helpful to briefly review the history of the federal wage controls of the past three years.

Phase I (August 14, 1971 to November 14, 1971) put a complete freeze on all wages and prices.

Phase II (November 15, 1971 to January 10, 1973) was mandatory and limited wage increases to 5.5% per annum. Proposed increases over 5.5% were required to be submitted to the local Internal Revenue Service who could, upon a showing of special circumstances (e.g. greater increase needed to catch up to wages in similar positions elsewhere), approve an increase of up to 7% per annum. Any request for an increase greater than 7% could be approved only by the Pay Board, the agency created to enforce the controls on wages.

Phase III (January 11, 1973 to July 17, 1973) differed from Phase II in two major respects: mandatory controls under Phase II became voluntary, and the name of the agency responsible for overseeing the program was changed to the "Cost of Living Council." The 5.5% limit on wages was continued but it was now considered a guideline.

Phase IV (July 18, 1973 to date - note the Economic Stabilization Act expired on April 30, 1974) left wages under essentially the same status as Phase III. The fact summary of the Phase IV announcement read in part (p. 12):

"Wages"

"The general wage and benefit standards of Phase II and Phase III will be retained. More detailed information for reporting wage and benefit increases will be required. . ."

Thus judicial salaries remained under the same economic controls as before up to April 30, 1974, the expiration date.

During the three year life of the Economic Stabilization Act states that authorized pay raises above the guideline figures established by the Act had to petition for permission of the Pay Board. A brief summary of these hearings and litigation on judicial salary increases follows.

Connecticut

Connecticut was required to make an application to the federal Pay Board when legislation by the Connecticut General Assembly increased judicial salaries in excess of the general wage and salary standard of 5.5%. A decision and order dated January 22, 1973 from the Pay Board on the Connecticut application noted that employees in the employee unit had not received an increase in the first control year and that salary rates for the unit were below that offered for similar positions in other states; and held that the "equitable position" of the employees and the need to prevent gross inequities within the meaning of §201.30 are such as to warrant an exception and to permit payment of a 12.5% increase in annual salary.

Note: The "Commission on Compensation of Elected Officials and Judges" in its 1971 report addressed itself to the adequacy or inadequacy of salary levels per se and made a deliberate attempt to divorce these conditions from issues such as wage and price controls. . .

The Commission recommended that compensation should be set at levels necessary to attract and retain in public service personnel who would bring both integrity and expertise to state government.

Missouri

U.S. v. State of Missouri

In exercising the authority to set the level of compensation for various members of the state judicial system the Missouri General Assembly passed Act 105 of the 1972 legislative session which provided for salary increases for various individuals within the Missouri judicial system. The increase was approximately 18.8% per annum for Supreme Court Justices, 20% for Courts of Appeal justices 21.7% to 40% for justices of the Missouri Circuit Courts, 23.8% for each judge of the St. Louis Court of Criminal Corrections, 16.6 to 52.8% for judges of the Probate Courts of each county and 23.8% to 52.8% for County Magistrates. Prior to implementation of the salary increases, the Missouri Bar Association appeared before the Internal Revenue Service to obtain an exception to the 5.5% Pay Board standard. This exception request was denied on March 31, 1972. The Bar Association appealed the ruling and the appeal was denied by the Internal Revenue Service on July 16, 1972. No further appeals were taken. On October 24, 1972, a notice of violation was issued to the state of Missouri. Injunctive relief and restitution was sought in accordance with Section 209 of the Act.

Mr. Gene Voigts, Counsel for the State of Missouri, has indicated that at present he is still waiting for the Court to rule on two motions he filed in March of 1973 seeking to compel the government to complete discovery. These motions have yet to be ruled on.

New Mexico

New Mexico sought a wage and salary increase in excess of the general wage and salary standard of 5.5% for 36 members of the New Mexico state judiciary. Based on the evidence contained in the submissions, including the facts that the employees in the employee unit involved did not receive an increase in 1971 and salary rates for such unit are below those offered for similar positions in other states, it was held on July 31, 1972, that the equitable position of the employees and the need to prevent gross inequities within the meaning of section 201.11(d) are such as to warrant an exception to the general wage and salary standard and to permit payment of a 12.5% increase in annual salary.

Ohio

U.S. v. Ohio

The U.S. sought a permanent injunction to prevent the state of Ohio from paying a 10.69% increase in wages and salaries for some 65,000 state employees provided by Ohio Pay Bill S. 147, §143.10(A) Ohio Revised Code. The Pay Board by decision and order of March 10, 1972 denied the state's application for an exception to the extent requested increase was in excess of 7% for the current years and the state petition for reconsideration was denied. On June 20, 1973 the Supreme Court of Ohio in the consolidated cases of Fry v. Ferguson, 34 Ohio St. 2d 252 determined that state officials must pay the entire salary increases provided by the Ohio Pay Bill. The Emergency Court of Appeals of the U.S. held that if the government has constitutional power to regulate the areas here involved, the federal act controls under the doctrine of pre-emption, and concluded that such economic control of state salaries was constitutionally sound. The Court found a national basis exists for imposing temporary economic controls on salaries paid by state and local governments, and enjoined the State of Ohio and its officers from paying salary and wage increases provided for in the Pay Bill to the extent that they exceeded the amounts authorized by the Pay Board.

The Ohio case is presently on petition of certiorari to the United States Supreme Court.

Washington

The state of Washington requested an exception to the general wage and salary schedule for an employee unit composed of the 162 judges of the state judicial system of 17.3% based on the "catchup increase" exception provided in Section 201.11(a)(3) of Pay Board Regulations on February 18, 1972. An exception of only 7% was granted by the Internal Revenue Service pursuant to Section 201.11(a)(3), and the state of Washington requested a review of the final decision of the Internal Revenue Service, by the Pay Board. The Pay Board held on August 29, 1972, that there was no evidence sufficient to warrant an exception in excess of the amount allowable under Section 201.11(a)(3) of the regulations (7%).

Effect of the 4/30/74 Expiration of the Economic
Stabilization Act, on Judicial Salaries

Although many uncertainties still surround the effect of the expiration of the economic stabilization act, it appears that expiration will have no effect on salaries of judges whose salary increases were previously limited by a decision and order of the Pay Board. Technically any decision and order entered will remain in effect for the time period specified in the decision and order or one year, whichever is specified in the order. This would prevent states from giving their judges retroactive salary increases upon the expiration of the Act if a previous increase resulted in a Pay Board order which is still in effect.

In fact, it appears that the effect of a decision and order which is to remain in effect for a period extending beyond the expiration of the act may be circumvented if a new state increase is approved after May 1, 1974. Such a new increase can not be federally challenged, since challenges were initiated by the no longer existing Pay Board.

States not presently bound by a previous Pay Board order are free to raise salaries to any level they choose. Similarly all states that legislated salary increases in 1974 to take effect in fiscal or calendar year 1975 are not limited if challenges were not filed before the expiration of the act by the Pay Board. Similarly if legislation passed prior to expiration of the act does not become effective until after expiration of the Act, the increases will not be susceptible to challenges from the Pay Board.

The status of state cases pending before federal courts with respect to previous Pay Board action is unclear but it seems reasonable that most cases are now mooted by expiration of the Act.

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