

HOUSE JUDICIARY COMMITTEE

Hon. Rep. John Barker, Chair
Hon. Rep. Charles Macheers, Vice-Chair
Hon. Rep. John Carmichael, Ranking Minority Member

TESTIMONY IN SUPPORT OF HB 2704

Judicial Branch Salaries

March 3, 2016- 3:30 p.m.-Room 112-N

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present testimony in support of HB 2704. The majority of this written portion was prepared by Bruce T. Gatterman, Chief Judge of the 24th Judicial District of Kansas. I am William S. Woolley, District Judge of the 18th Judicial District, Civil Presiding Judge. Both of us are members of the Executive Board of the Kansas District Judges Association (KDJA).

This bill provides, in part, for market adjustment for justices, judges, and nonjudicial employees of the Judicial Branch. You will receive testimony from other individuals in support of a market increase for both nonjudicial and judicial personnel. My testimony will focus on the market adjustment for judges.

Attached to my testimony is a table with a national list of the salaries of State Court District Judges, Intermediate Appellate Judges (Court of Appeals) and Highest Court

(Supreme Court). In addition, I have included a chart which compares salaries as of July 1, 2015 of Kansas District Judges with neighboring and regional states of Colorado, Missouri, Nebraska and Oklahoma.

This chart examines judicial compensation from the identified regional states in Kansas as actual salaries. The table also includes data on adjusted salaries for District Judges on a cost-of-living basis. The table shows where Kansas ranks in the nation.

Information which can be gleaned from the attachments includes:

1. Kansas district judges are paid \$120,037 annually.
2. Kansas District Judge salaries, unadjusted for cost-of-living, rank 50th nationally.
3. The average's annual salary for district judges in the regional states, excluding Kansas, for FY2016 is \$147,000.
4. There has been no increase in judicial compensation Kansas since 2008.

When a judge is elected or appointed, that judge often closes a private law practice or surrender some other substantial legal position. Often the opportunity to take the bench involves financial sacrifice.

The judge is required, on a daily basis, to hear evidence, enter findings of fact, and apply those facts to the applicable law in a fair and impartial manner. District Judges hear cases involving felony and misdemeanor criminal charges, civil lawsuits, divorces, probate and juvenile matters. They can be simple or they can be high profile, such as a recent capital murder case in Johnson County with Judge Kelly Ryan or a five week civil lawsuit currently being tried by Judge Jim Fleetwood involving the largest law firms in Kansas. Decisions are often difficult and stressful, and will represent a life changing

circumstance for the litigants. One or more litigants may be dissatisfied with the ruling. These circumstances demonstrate why it is important to recruit and maintain good, quality judges to serve on the bench in Kansas.

Why then, with factors of stress, difficult decisions, and District Judge compensation ranked 50th in the nation, do judges remain on the bench? Kansas judges make this decision because they recognize and appreciate the privilege, opportunity, and honor in serving the people of Kansas.

Recently though, exceptions to the norm have begun to appear. Judges have left the bench for other positions in state government, or for higher paid positions in County government or the private sector. Seasoned and experienced trial judges who have maximized their judicial retirement have left the bench before retirement age because they have no financial incentive for continued service. In addition, the judiciary is attracting fewer attorneys who express an interest in serving on our State Court bench.

Upon the circumstances, your favorable consideration of a market adjustment bringing judicial salaries to a level commensurate to compensation paid by neighboring states is respectfully requested.

Thank you for the opportunity to present testimony to this committee.

Respectfully submitted this 3rd day of March, 2016.

Hon. Bruce T. Gatterman, Chief Judge
24th Judicial District

Hon. William S. Woolley, District Judge
18th Judicial District

SALARIES OF DISTRICT JUDGES
***KANSAS* AND SURROUNDING STATES¹**



Colorado: \$159,320

Nebraska: \$153,697

Missouri: \$146,803

Oklahoma: \$131,835

***KANSAS:* \$120,037**

- 1. *KANSAS* District Judges' National Pay Ranking:
 50th (50 States plus Dist. of Columbia).**
- 2. Last pay increase (merit or COLA): 2008.**
- 3. Only Michigan judges have waited longer.**

¹ Source National Center for State Court (NCSC) www.ncsc.org

SURVEY OF Judicial Salaries

Ohio Judges Receive Long-Awaited Raise

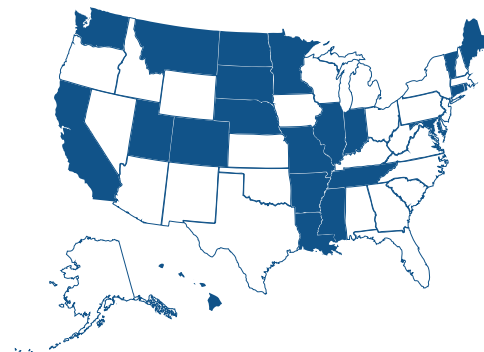
On September 29, 2015, judges in Ohio received the first of four pay increases proposed to be phased in over the next three years. Each bump will be 5 percent. It is the first movement in compensation for Ohio judges since 2007. Before the 2015 boost, Ohio ranked 47th in the nation in pay for its general-jurisdiction, trial-court judges. Under the direction of Chief Justice Maureen O'Connor, the Office of the Administrative Director of the Supreme Court of Ohio was tasked with presenting the case to the legislature. "I am grateful to Governor John Kasich, Senate President Keith Faber, and Speaker Cliff Rosenberger for working together to adjust judicial salaries to reflect the important work that judges do," Chief Justice O'Connor said. Michigan continues to hold the mark as the state that has gone the longest without a judicial pay increase. In 2011 and 2013 commissions recommended increases for Michigan judges; however, such suggestions have not yet gained legislative approval.

The table on the left lists states where judges have waited the longest for a pay increase. All states on the list except Kansas have salary commissions that provide recommendations to the legislature. More information on [How States Set Their Salaries](#) can be found here. The map below shows the 22 states that have received salary increases between January and July, 2015.

General-Jurisdiction Judges: States without Recent Salary Increases

	Current Salary	Last Increase	Years Since Last Increase
Michigan	\$139,919	2002	13
New Jersey	\$165,000	2008	7
Nevada	\$160,000	2008	7
Arizona	\$145,000	2008	7
Alabama	\$134,943	2008	7
Kansas	\$120,037	2008	7
Kentucky	\$124,620	2009	6

States Receiving Salary Increases as of July 2015



Judicial Salaries at a Glance

The average annual percent change for the four judicial positions, and the state court administrators analyzed by the Survey, is 1.61% for increases from January 1, 2015 through July 1, 2015. As indicated in the table below, this increase remains below the pre-recession (2003-2007) average increase of 3.24%. With the nation's economic recovery still tepid, the rebound in annual increases from the low seen during the 2010-2011 period of the recession will be slow and variable.

				Average Annual % Change			
	Mean	Median	Range	Pre-Recession	Recession	Recession	Recovery
				2003-2007	2008-2009	2010-2011	2012-2015
Chief, Highest Court	\$171,306	\$167,210	\$133,174 to \$241,978	3.19%	1.58%	0.67%	2.08%
Associate Justice, Court of Last Resort	\$165,922	\$166,159	\$129,625 to \$230,750	3.21%	1.88%	0.64%	2.11%
Judge, Intermediate Appeallate Courts	\$159,559	\$159,484	\$124,616 to \$216,330	3.20%	1.60%	0.36%	2.09%
Judge, General-Jurisdiction Trial Courts	\$149,392	\$146,803	\$118,385 to \$201,100	3.30%	1.91%	0.58%	2.16%
State Court Administrators	\$147,658	\$139,059	\$92,960 to \$245,640	3.30%	1.38%	0.89%	1.98%
Average				3.24%	1.67%	0.63%	2.09%

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed Alphabetically by State Name

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of July 1, 2015. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only 40 states. The mean, median, and salary range for each of the positions are also shown.

	Highest Court		Intermediate Appellate Court		General-Jurisdiction Trial Court				
	Salary	Rank	Salary	Rank	Salary	Rank	Adjusted for Cost of Living Adjustment Factor	Adjusted Salary	Adjusted Rank
Alabama	\$180,005	13	\$178,878	6	\$134,943	37	95.72	\$140,984	19
Alaska	\$200,172	6	\$189,108	5	\$185,088	5	131.37	\$140,890	20
Arizona	\$155,000	34	\$150,000	29	\$145,000	29	106.20	\$136,537	28
Arkansas	\$166,500	25	\$161,500	18	\$160,000	14	94.63	\$169,073	4
California	\$230,750	1	\$216,330	1	\$189,041	4	134.67	\$140,369	21
Colorado	\$173,024	16	\$166,170	13	\$159,320	16	108.66	\$146,619	13
Connecticut	\$185,610	10	\$174,323	10	\$167,634	10	133.42	\$125,646	37
Delaware	\$192,360	8			\$180,733	6	106.39	\$169,885	3
District of Columbia	\$213,300	4			\$201,100	1	139.94	\$143,702	16
Florida	\$162,200	32	\$154,140	25	\$146,080	28	104.58	\$139,683	23
Georgia	\$167,210	24	\$166,186	12	\$156,252	18	103.28	\$151,292	6
Hawaii	\$214,524	3	\$198,624	3	\$193,248	2	133.41	\$144,851	15
Idaho	\$135,000	48	\$130,000	39	\$124,000	46	101.24	\$122,485	41
Illinois	\$220,873	2	\$207,882	2	\$190,758	3	112.15	\$170,096	2
Indiana	\$165,078	27	\$160,468	20	\$137,062	35	99.09	\$138,326	26
Iowa	\$170,544	19	\$154,556	24	\$143,897	30	100.23	\$143,565	17
Kansas	\$135,905	45	\$131,518	36	\$120,037	50	101.84	\$117,870	45
Kentucky	\$135,504	47	\$130,044	38	\$124,620	44	95.48	\$130,513	34
Louisiana	\$164,590	30	\$154,059	26	\$148,108	25	100.31	\$147,651	11
Maine	\$129,625	51			\$121,472	48	122.01	\$99,557	51
Maryland	\$176,433	14	\$163,633	17	\$154,433	20	113.46	\$136,118	29
Massachusetts	\$175,984	15	\$165,087	14	\$159,694	15	134.43	\$118,791	44
Michigan	\$164,610	29	\$151,441	28	\$139,919	32	100.57	\$139,123	24
Minnesota	\$162,630	31	\$153,240	27	\$143,851	31	103.58	\$138,873	25
Mississippi	\$142,320	39	\$134,883	32	\$128,042	40	93.66	\$136,709	27
Missouri	\$170,292	20	\$155,709	23	\$146,803	26	100.67	\$145,828	14
Montana	\$136,177	43			\$126,131	42	103.91	\$121,390	43
Nebraska	\$166,159	26	\$157,851	22	\$153,697	21	101.98	\$150,707	7
Nevada	\$170,000	21	\$165,000	15	\$160,000	13	106.28	\$150,544	8
New Hampshire	\$155,907	33			\$146,236	27	125.42	\$116,600	46
New Jersey	\$185,482	11	\$175,534	9	\$165,000	11	121.43	\$135,881	30
New Mexico	\$131,174	50	\$124,616	40	\$118,385	51	103.62	\$114,244	47
New York	\$192,500	7	\$177,900	7	\$174,000	8	152.68	\$113,960	48
North Carolina	\$139,896	41	\$134,109	33	\$126,875	41	102.11	\$124,253	38
North Dakota	\$152,436	35			\$139,679	34	103.13	\$135,439	31
Ohio	\$141,600	40	\$132,000	35	\$121,350	49	98.48	\$123,222	39
Oklahoma	\$137,655	42	\$130,410	37	\$131,835	38	98.03	\$134,482	33
Oregon	\$135,688	46	\$132,820	34	\$124,468	45	114.32	\$108,880	50
Pennsylvania	\$203,409	5	\$191,926	4	\$176,572	7	114.83	\$153,769	5
Rhode Island	\$172,422	18			\$155,235	19	127.64	\$121,619	42
South Carolina	\$144,111	38	\$140,508	30	\$136,905	36	101.31	\$135,132	32
South Dakota	\$131,713	49			\$123,024	47	100.15	\$122,845	40
Tennessee	\$182,508	12	\$176,436	8	\$170,352	9	96.33	\$176,845	1
Texas	\$168,000	23	\$158,500	21	\$149,000	24	101.51	\$146,784	12
Utah	\$168,150	22	\$160,500	19	\$152,850	22	103.44	\$147,770	10
Vermont	\$147,095	37			\$139,837	33	123.72	\$113,031	49
Virginia	\$188,949	9	\$173,177	11	\$162,878	12	109.02	\$149,404	9
Washington	\$172,531	17	\$164,238	16	\$156,363	17	111.92	\$139,715	22
West Virginia	\$136,000	44			\$126,000	43	98.02	\$128,543	36
Wisconsin	\$147,403	36	\$139,059	31	\$131,187	39	101.94	\$128,686	35
Wyoming	\$165,000	28			\$150,000	23	106.37	\$141,012	18
Mean	\$165,922		\$159,484		\$149,392				
Median	\$166,159		\$159,559		\$146,803				
Range	\$129,625 to \$230,750		\$124,616 to \$216,330		\$118,385 to \$201,100				

Using the C2ER Cost-of-Living Index. The Council for Community and Economic Research—C2ER—is the most widely accepted U.S. source for cost-of-living indices, with nearly 400 reporting jurisdictions across America. The cost-of-living indices used in this report were developed by C2ER using a robust, multivariable model, which incorporates the costs of goods and services within a reporting jurisdiction along with seven additional variables to greatly improve predicted, statewide average C2ER factors. The seven variables are community population, population density, income, growth rate, utility rates, efficiency of the government sector, and location of the region. More detailed information can be found at www.c2er.org.

Salaries and Rankings for Appellate and General-Jurisdiction Judges - Listed in Order of State Rank

The table below lists the salaries and rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general-jurisdiction trial courts (actual salaries and cost-of-living-adjusted salaries) as of July 1, 2015. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available—either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of “1.” The lowest salary has a rank of “51” except for intermediate appellate courts, which exist in only 40 states. The mean, median, and salary range for each of the positions are also shown.

Highest Court		Intermediate		General-Jurisdiction Trial Court			
		Appellate Court		Salary		Adjusted for Cost of Living	
California	\$230,750	California	\$216,330	District of Columbia	\$201,100	Tennessee	\$176,845
Illinois	\$220,873	Illinois	\$207,882	Hawaii	\$193,248	Illinois	\$170,096
Hawaii	\$214,524	Hawaii	\$198,624	Illinois	\$190,758	Delaware	\$169,885
District of Columbia	\$213,300	Pennsylvania	\$191,926	California	\$189,041	Arkansas	\$169,073
Pennsylvania	\$203,409	Alaska	\$189,108	Alaska	\$185,088	Pennsylvania	\$153,769
Alaska	\$200,172	Alabama	\$178,878	Delaware	\$180,733	Georgia	\$151,292
New York	\$192,500	New York	\$177,900	Pennsylvania	\$176,572	Nebraska	\$150,707
Delaware	\$192,360	Tennessee	\$176,436	New York	\$174,000	Nevada	\$150,544
Virginia	\$188,949	New Jersey	\$175,534	Tennessee	\$170,352	Virginia	\$149,404
Connecticut	\$185,610	Connecticut	\$174,323	Connecticut	\$167,634	Utah	\$147,770
New Jersey	\$185,482	Virginia	\$173,177	New Jersey	\$165,000	Louisiana	\$147,651
Tennessee	\$182,508	Georgia	\$166,186	Virginia	\$162,878	Texas	\$146,784
Alabama	\$180,005	Colorado	\$166,170	Nevada	\$160,000	Colorado	\$146,619
Maryland	\$176,433	Massachusetts	\$165,087	Arkansas	\$160,000	Missouri	\$145,828
Massachusetts	\$175,984	Nevada	\$165,000	Massachusetts	\$159,694	Hawaii	\$144,851
Colorado	\$173,024	Washington	\$164,238	Colorado	\$159,320	District of Columbia	\$143,702
Washington	\$172,531	Maryland	\$163,633	Washington	\$156,363	Iowa	\$143,565
Rhode Island	\$172,422	Arkansas	\$161,500	Georgia	\$156,252	Wyoming	\$141,012
Iowa	\$170,544	Utah	\$160,500	Rhode Island	\$155,235	Alabama	\$140,984
Missouri	\$170,292	Indiana	\$160,468	Maryland	\$154,433	Alaska	\$140,890
Nevada	\$170,000	Texas	\$158,500	Nebraska	\$153,697	California	\$140,369
Utah	\$168,150	Nebraska	\$157,851	Utah	\$152,850	Washington	\$139,715
Texas	\$168,000	Missouri	\$155,709	Wyoming	\$150,000	Florida	\$139,683
Georgia	\$167,210	Iowa	\$154,556	Texas	\$149,000	Michigan	\$139,123
Arkansas	\$166,500	Florida	\$154,140	Louisiana	\$148,108	Minnesota	\$138,873
Nebraska	\$166,159	Louisiana	\$154,059	Missouri	\$146,803	Indiana	\$138,326
Indiana	\$165,078	Minnesota	\$153,240	New Hampshire	\$146,236	Mississippi	\$136,709
Wyoming	\$165,000	Michigan	\$151,441	Florida	\$146,080	Arizona	\$136,537
Michigan	\$164,610	Arizona	\$150,000	Arizona	\$145,000	Maryland	\$136,118
Louisiana	\$164,590	South Carolina	\$140,508	Iowa	\$143,897	New Jersey	\$135,881
Minnesota	\$162,630	Wisconsin	\$139,059	Minnesota	\$143,851	North Dakota	\$135,439
Florida	\$162,200	Mississippi	\$134,883	Michigan	\$139,919	South Carolina	\$135,132
New Hampshire	\$155,907	North Carolina	\$134,109	Vermont	\$139,837	Oklahoma	\$134,482
Arizona	\$155,000	Oregon	\$132,820	North Dakota	\$139,679	Kentucky	\$130,513
North Dakota	\$152,436	Ohio	\$132,000	Indiana	\$137,062	Wisconsin	\$128,686
Wisconsin	\$147,403	Kansas	\$131,518	South Carolina	\$136,905	West Virginia	\$128,543
Vermont	\$147,095	Oklahoma	\$130,410	Alabama	\$134,943	Connecticut	\$125,646
South Carolina	\$144,111	Kentucky	\$130,044	Oklahoma	\$131,835	North Carolina	\$124,253
Mississippi	\$142,320	Idaho	\$130,000	Wisconsin	\$131,187	Ohio	\$123,222
Ohio	\$141,600	New Mexico	\$124,616	Mississippi	\$128,042	South Dakota	\$122,845
North Carolina	\$139,896			North Carolina	\$126,875	Idaho	\$122,485
Oklahoma	\$137,655			Montana	\$126,131	Rhode Island	\$121,619
Montana	\$136,177			West Virginia	\$126,000	Montana	\$121,390
West Virginia	\$136,000			Kentucky	\$124,620	Massachusetts	\$118,791
Kansas	\$135,905			Oregon	\$124,468	Kansas	\$117,870
Oregon	\$135,688			Idaho	\$124,000	New Hampshire	\$116,600
Kentucky	\$135,504			South Dakota	\$123,024	New Mexico	\$114,244
Idaho	\$135,000			Maine	\$121,472	New York	\$113,960
South Dakota	\$131,713			Ohio	\$121,350	Vermont	\$113,031
New Mexico	\$131,174			Kansas	\$120,037	Oregon	\$108,880
Maine	\$129,625			New Mexico	\$118,385	Maine	\$99,557
Mean	\$165,922		\$159,484		\$149,392		
Median	\$166,159		\$159,559		\$146,803		
Range	\$129,625 to \$230,750		\$124,616 to \$216,330		\$118,385 to \$201,100		

Information in this Survey is collected from designated representatives in each state. The National Center for State Courts has protocols in place to help ensure the accuracy of the data that are collected, analyzed, and ultimately reported.

Methodology

The *Survey of Judicial Salaries*, published for nearly 30 years by the National Center for State Courts (NCSC) with the support of state court administrative offices across the United States, serves as the primary record of compensation for state judicial officers and state court administrators.

This issue of the *Survey of Judicial Salaries* reports salary data as of July 1, 2015. This cutoff date is important because states implement salary changes at various points during the year. However, a standard and unchanging cutoff date must be established to publish salary data in a timely and predictable fashion. Due to recent changes in data-collection protocols and analytics, the NCSC is now able to report changes in state salaries more quickly. This will give policymakers who are considering changes in judicial compensation the most up-to-date salary information at the national level.

This Survey was prepared by the Knowledge and Information Services (KIS) Office of the National Center for State Courts, with assistance from  **Visual Research**
Data Analytics & Information Design

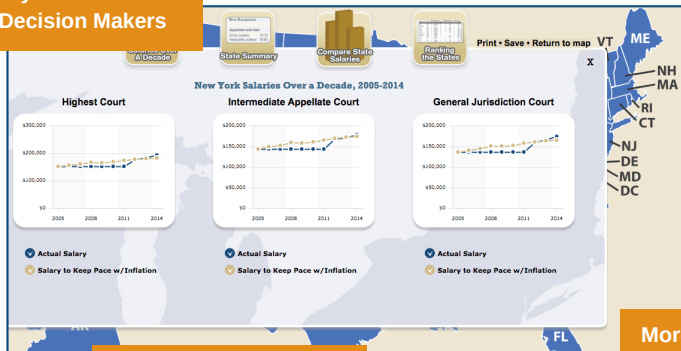
Judicial Salary TRACKER

Updated interactive App that presents judicial salary data in clear visual displays.

Which state's salaries have recovered from recession years?

How do your state's salaries compare when adjusted for cost-of-living?

Key Measures for Decision Makers



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