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MARYLAND GENERAL ASSEMBLY
MARYLAND JUDICIAL COMPENSATION COMMISSION

January 19, 2004

The Honorable Robert L. Ehrlich, Jr.
Governor of Maryland

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

The Honorable Michael E. Busch
Speaker of the House of Delegates

Gentlemen:

Herewith, the Judicial Compensation Commission transmits to you the commission's 2003 review and analysis of judicial compensation in Maryland. In accordance with § 1-708 of the Courts and Judicial Proceedings Article, joint resolutions setting forth the commission's fiscal 2005 salary recommendations were introduced in both houses of the General Assembly for their consideration in January 2004.

The commission recommends the salaries of all Maryland judges be increased over a four-year period in accordance with the following table. The recommended salaries proposed for July 1, 2004, include any general salary increase proposed by the Governor for State employees in fiscal 2005.

<u>Judges' Salary Proposal</u>	<u>Current Salary</u>	<u>Proposed 7-1-2004</u>	<u>Proposed 7-1-2005</u>	<u>Proposed 7-1-2006</u>	<u>Proposed 7-1-2007</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$150,600	\$155,100	\$162,600	\$171,600	\$180,600	\$30,000
Judge	131,600	136,100	143,600	152,600	161,600	30,000
Court of Special Appeals						
Chief Judge	126,800	130,550	136,800	144,300	151,800	25,000
Associate Judge	123,800	127,550	133,800	141,300	148,800	25,000
Circuit Court	119,600	122,600	127,600	133,600	139,600	20,000
District Court						
Chief Judge	123,800	127,550	133,800	141,300	148,800	25,000
Associate Judge	111,500	113,750	117,500	122,000	126,500	15,000

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In addition, the commission recommends legislation to remove the requirement that the surviving spouse of a judge retiring on a disability pension must be over age 50 to receive the 50 percent benefit from the Judges' Retirement System (JRS). The commission finds this policy inconsistent with the benefit paid the surviving spouse if a judge dies while on the bench. Currently, if a member of the JRS dies while on the bench, the surviving spouse is eligible to receive the benefit immediately regardless of age.

The members of the commission continue to appreciate this opportunity and privilege to serve the citizens of Maryland in this important function and would be pleased to meet with you and the members of the General Assembly to discuss the findings and proposals resulting from their work to date.

Respectfully,

A handwritten signature in black ink, appearing to read "Laurence Levitan", with a large, stylized flourish extending to the right.

Laurence Levitan
Chairman

LL/JLS/cdm

Judicial Compensation Commission 2003 Membership Roster

**Laurence Levitan, Esquire
Chairman**

Members

Elizabeth Buck

J. Michael Conroy, Jr.

Annette J. Funn

Charles R. Jenkins, Sr.

John Paterakis

Alice G. Pinderhughes

Committee Staff

James L. Stoops

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Executive Summary

The commission transmitted its proposal to the Governor January 19, 2004. (See **Appendix 1.**)

Salary Proposals

The commission has examined salaries paid to Maryland officials and those jurists in the federal judicial systems and in all other states in the United States and received information or presentations from the Department of Legislative Services and Judiciary. Based on a review of this information, the Judicial Compensation Commission proposes the following increases for judges to be phased in over a four-year period:

Court of Appeals	
Chief Judge	\$30,000
Judge	\$30,000
Court of Special Appeals	
Chief Judge	\$25,000
Associate Judge	\$25,000
Circuit Court Judge	\$20,000
District Court	
Chief Judge	\$25,000
Associate Judge	\$15,000

The commission voted to recommend the following salaries effective for each of the next four fiscal years:

Fiscal 2005 Salary – Effective July 1, 2004	
Court of Appeals	
Chief Judge	\$155,100
Judge	\$136,100

Court of Special Appeals	
Chief Judge	\$130,550
Associate Judge	\$127,550

Circuit Court Judge	\$122,600
---------------------	-----------

District Court	
Chief Judge	\$127,550
Associate Judge	\$113,750

Fiscal 2006 Salary – Effective July 1, 2005

Court of Appeals	
Chief Judge	\$162,600
Judge	\$143,600

Court of Special Appeals	
Chief Judge	\$136,800
Associate Judge	\$133,800

Circuit Court Judge	\$127,600
---------------------	-----------

District Court	
Chief Judge	\$133,800
Associate Judge	\$117,500

Fiscal 2007 Salary – Effective July 1, 2006

Court of Appeals	
Chief Judge	\$171,600
Judge	\$152,600

Court of Special Appeals	
Chief Judge	\$144,300
Associate Judge	\$141,300

Circuit Court Judge	\$133,600
---------------------	-----------

District Court	
Chief Judge	\$141,300
Associate Judge	\$122,000

Fiscal 2008 Salary – Effective July 1, 2007

Court of Appeals	
Chief Judge	\$180,600
Judge	\$161,600
Court of Special Appeals	
Chief Judge	\$151,800
Associate Judge	\$148,800
Circuit Court Judge	\$139,600
District Court	
Chief Judge	\$148,800
Associate Judge	\$126,500

Appendix 1 contains the formal letter of transmittal of the commission's recommendations.

Legislative Action

By statute, the commission's salary recommendations to the General Assembly for the 2004 session must be introduced as a joint resolution in each house of the General Assembly by the fifteenth day of the session.

Section 1-708(d) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland provides that the General Assembly may not amend the resolution to increase the recommended salaries. Should the General Assembly not adopt or amend the joint resolution to reduce the salaries, within 50 days after its introduction, the salaries recommended by the commission become effective for fiscal 2005 on July 1, 2004, and on July 1 each subsequent year through July 1, 2007. If the General Assembly rejects any or all of the commission's salary recommendations, the salaries of the judges remain unchanged, unless, pursuant to the Courts and Judicial Proceedings Article, § 1-703(b), the judges

salaries are increased by the same percentage awarded to State employees.

Benefits

The commission recommends legislation in **Appendix 2** to remove the requirement that the surviving spouse of a judge retiring on disability must be age 50 to receive the 50 percent benefit from the Judges' Retirement System (JRS). The commission finds this policy inconsistent with the benefit paid the surviving spouse if a judge dies while on the bench. Currently, if a member of the JRS dies while on the bench, the surviving spouse is eligible to receive the benefit immediately.

Chapter 1. Introduction

In 1980 the General Assembly created the Judicial Compensation Commission by adding § 1-708 to the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

Statutory Provisions and Reporting Requirements

The commission includes seven members, all appointed by the Governor and nominated as follows: two by the President of the Senate, two by the Speaker of the House of Delegates, one by the Maryland State Bar Association, and two at large. The commission elects a chairman from among its membership. Appointees serve a six-year term and are eligible for reappointment. Members of the General Assembly, State and local employees or officers, and judges or former judges are not eligible for appointment to the commission.

Section 1-708, which appears in **Appendix 3**, provides the following:

- Beginning in 1982 the commission must review judicial salaries and pensions every two years and must make recommendations to the Governor and General Assembly every four years. The commission may review judicial compensation and make recommendations more often.
- A joint resolution incorporating the commission's salary recommendations must be introduced in each house of the General Assembly by the fifteenth day of the session following the commission's proposals.
- The General Assembly may amend the joint resolution to decrease, but not increase, any of the commission salary recommendations. The General Assembly may not reduce the salary of a judge below current levels. Failure to adopt or amend the joint resolution within 50 calendar days after its introduction results in adoption of the salaries recommended by the commission. If the General Assembly rejects any of the commission's recommendations, the salaries of the judges remain unchanged, unless modified under other provisions of law.
- Commission pension recommendations shall be introduced as legislation by the presiding officers of the Senate and the House of Delegates. These recommendations shall become effective only if passed by both houses.

Judicial salaries are also adjusted in accordance with §§ 1-702 and 1-703 of the Courts and Judicial Proceedings Article. Section 1-703 requires that general State employee salary increases apply to judges. Section 1-702 provides that the Chief Judge of the District Court

receive a salary equivalent to the salary paid to an Associate Judge of the Court of Special Appeals.

Activities to Date

Since it began its deliberations in late 1980, the commission has met 50 times and made several policy proposals, the first of which applied to fiscal 1983. **Exhibit 1.1** summarizes the commission's previous salary proposals and subsequent General Assembly action. Judges receive the same general salary increases as other State employees when such adjustments are made. This commission proposal does not include general salary increases for State employees, which judges might receive under § 1-703(b) of the Courts and Judicial Proceedings Article.

The commission made no formal recommendations other than to endorse any general salary increase for fiscal 1984, 1987, 1990, 1992, 1993, 1994, 1996, 2000, 2002, and 2004. The commission made formal recommendations in fiscal 1983, 1985, 1988, 1989, and 1991, which were adopted in whole or in part by the General Assembly. The commission made formal recommendations in fiscal 1986, 1995, 1998, 2001, and 2003, which were rejected.

The commission recommended salary increases for 1997 ranging from 9.5 to 10 percent, with the exception of the Chief Judge of the Court of Appeals, for whom a 2.9 percent increase was recommended. The General Assembly amended the proposal to a 3.0 percent increase, with the Chief Judge maintaining a 2.9 percent increase. Further, implementation was delayed three months.

The commission recommended an \$11,275 salary increase for fiscal 1999 for all members of the Judiciary. This recommendation was adopted, effective July 1, 1998, when the General Assembly failed to act on the resolution within the required 50 days.

The commission's last two recommendations for fiscal 2001 and 2003 were rejected. The commission's recommended salary increase of \$10,000 for fiscal 2001 for all members of the Judiciary was rejected. The commission recommendation for a 5 percent increase for all judges in fiscal 2003 effective January 1, 2003, was rejected.

Due to substantial State budget shortfall projections, the commission elected not to recommend judicial salary increases for fiscal 2004 in the 2003 session.

Exhibit 1.1 Salary Proposals

<u>Fiscal Year</u>	<u>Judicial Compensation Commission Proposal</u>	<u>General Assembly Action</u>	<u>General Employee Increase</u>
2004	None	None	None
2003	5%	Reject	None
2002	None	None	4% ¹
2001	\$10,000	Reject	4% ²
2000	None	None	\$1,275 ³
1999	\$11,275	None ⁴	\$1,275 ³
1998	\$9,000	Reject	None
1997 ⁴	2.9%, 9.5-10%	2.9-3.0%	None
1996	None	None	2%
1995	3-8.1%	Reject	3%
1994	None	None	None ⁵
1993	None	None	None ⁶
1992	None	None	None ^{6, 7}
1991	4%	4-25% ⁸	4%
1990	None	None	4%
1989	10.5-14.3%	10.5-14.3%	4%
1988	13.0-22.7%	6.4-11.8%	2.5%
1987	None	None	3.5%
1986	6.3-8.9%	Reject	4%
1985	11.2-13.9%	9%	6%
1984	None	None	None
1983	10.5-12.1%	10.5-12.1%	9%

¹ For fiscal 2003, the General Assembly approved a 4% cost-of-living (COLA) effective January 1, 2002. By statute, members of the Judiciary received the same percentage COLA.

² 4% COLA effective November 15, 2000.

³ For fiscal 1999 and 2000, the General Assembly approved a COLA in the dollar amount of \$1,275 for all State employees. By statute, members of the Judiciary received the same percentage COLA.

⁴ For fiscal 1997, the General Assembly approved the 2.9% increase recommended for the Chief Judge of the Court of Appeals. All others were amended to a 3.0% increase. All salary adjustments were delayed until October 1, 1996.

⁵ In fiscal 1994, executive and judicial employees, except judges, received in-grade increments but no general salary increase. Legislative branch employees received a uniform 3% increase but no increments.

⁶ Employees in all three branches of government did not receive in-grade increments in fiscal 1992 and 1993.

⁷ All employees of the Executive, Legislative, and Judicial branches, except judges and elected officials, were required to take one to five days leave without pay in fiscal 1992.

⁸ The Chief Judge of the Court of Appeals received a 25% salary increase.

Chapter 2. Compensation Principles and Data

Over the last 23 years, certain compensation principles have guided the commission's judicial salary recommendations. This section discusses the compensation principles and summarized salary data reviewed by the commission.

Compensation Principles

The commission considered many compensation principles and variables when developing its fiscal 2005 salary recommendations. The commission members identified these principles and variables through independent research and from the testimony of jurists who appeared before the commission. Among the principles and variables identified by the commission are:

- salary levels compared to other Maryland officials, other states' judges, and federal judges;
- economic and fiscal conditions;
- the ability to attract and retain qualified individuals; and
- workplace conditions.

The commission believes that all these factors are applicable and relevant and should be considered when making recommendations for judicial salaries. It also recognized that some of the issues may conflict with others. For example, achieving parity with the private sector would place Maryland judges' salaries higher than other states' judges, federal judges, or many State officials' salaries. Conversely, by relying only on the salary levels in other states the commission could recommend a salary level too low to attract qualified individuals.

Other principles may be difficult to translate into specific salary recommendations. Cultural, racial, and professional diversity are difficult to achieve. There is also a need to attract individuals with a broad range of public and private experience. Often the goals of obtaining diversity of jurists and of attracting experienced applicants conflict with each other. It is difficult to attract those few individuals who are needed to try the most complex issues with a policy that dictates that all judges within a category must receive the same compensation.

Comparability

Comparability relates to salaries paid to Maryland judges as compared to judges in other states and compared to other important elected and appointed officials in Maryland State government and the University of Maryland System. Below are some of the categories the commission considered worthy of comparison when considering the salaries of Maryland judges.

Judges in Other States

The National Center for State Courts routinely surveys all states to compare salaries at each judicial level. The commission used this data together with a recent Judiciary Administrative Office of the Courts (AOC) salary survey to determine the salary rank of Maryland judges compared to judges at similar levels in other states. The judicial structure of each state is unique, which results in differences in how judges are appointed, elected, and re-elected, the jurisdictions of the court on which they serve, and the method of compensation. These rankings, as well as rankings with surrounding states, are shown as **Appendix 4** of this report. The data indicates that 34 states and the District of Columbia have provided salary increases to judges since January 1, 2002, when Maryland judges received their last salary increase. The commission recognizes that direct comparisons cannot be made from state to state. Because few states have the equivalent of Maryland's Chief Judge of the District Court, no comparison could be made for this category. However, that position is funded by statute at the same level as an associate judge on the Court of Special Appeals.

The commission believes that it must give serious consideration to comparing Maryland's judicial compensation to the salaries of judges in other states despite some of the differences that may exist. **Exhibit 2.1** compares the regional ranks of Maryland judicial salaries between fiscal 2000 and 2004. The data indicates that Maryland judicial salaries rank in the bottom third in the region except for the chief judge of the highest appellate court and court of limited jurisdiction. The region includes 10 states (Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and North Carolina) and the District of Columbia.

**Exhibit 2.1
Maryland’s Regional Rankings**

	<u>Highest Appellate Chief Judge</u>	<u>Highest Appellate Judge</u>	<u>Intermediate Appellate Chief Judge</u>	<u>Intermediate Appellate Judge</u>	<u>General Trial Court</u>	<u>Court of Limited Jurisdiction</u>
Number in Group	11 ¹	11 ¹	7 ²	7 ²	11 ¹	7 ³
Fiscal 2004	5	9	6	6	8	4
Fiscal 2003	5	9	6	6	8	4
Fiscal 2002	5	9	6	6	8	5
Fiscal 2001	5	9	6	6	8	5
Fiscal 2000	4	7	6	5	8	5

¹ Regional group includes Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, District of Columbia, West Virginia, and North Carolina.

² Regional group includes Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and North Carolina.

³ Regional group includes New York, Pennsylvania, Delaware, Maryland, Rhode Island, Virginia, and North Carolina.

* There is no adequate comparison for Chief Judge of the District Court.

Source: Department of Legislative Services

Federal Judges

The commission believes that comparisons between the salaries of Maryland judges and federal judges are a consideration when making recommendations. The commission has heard testimony which indicated Maryland judges have left the bench when offered positions in federal courts. This can be a difficult problem for Maryland because of its proximity to Washington, DC. Though the two jobs differ somewhat, the high salary, regular increases, and lifetime tenure make a federal judicial appointment very attractive. The commission believes that, over time, Maryland judicial salaries should achieve parity with federal judicial salaries. A listing of federal judges’ salaries appears in **Appendix 5**.

Salaries of Maryland State and Local Officials

The commission reviewed the salaries of various officials throughout the State, including cabinet secretaries, constitutional officers, the Mayor of Baltimore City, county executives, county council members, and State’s attorneys. The salaries for incumbent cabinet secretaries

range from \$85,173 to \$145,686. The salaries of University of Maryland System presidents range from \$167,094 (Coppin State College) to \$434,228 (University of Maryland, Baltimore). The salaries for county executives range from \$85,000 in Harford County to \$129,000 in Howard County. The Mayor of Baltimore City receives a \$125,000 annual salary. A more comprehensive list of salaries can be found in **Appendix 6**.

Salaries for the Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, and Secretary of State are established for a four-year term of office. The Maryland Constitution provides the salary setting mechanism: the Governor's Salary Commission must develop salary recommendations and submit them to the General Assembly for approval. The Governor's Salary Commission recommended and the General Assembly adopted a 25 percent increase in the salaries of the Governor and the other constitutional officers, phased in over the four-year term of office (2003-06) as indicated in **Exhibit 2.2**.

Exhibit 2.2
Salaries of State Constitutional Officers for 2003-06 Term

<u>Officer</u>	<u>Calendar Year 2003</u>	<u>Calendar Year 2004</u>	<u>Calendar Year 2005</u>	<u>Calendar Year 2006</u>
Governor	\$135,000	\$140,000	\$145,000	\$150,000
Lieutenant Governor	112,500	116,667	120,833	125,000
Comptroller	112,500	116,667	120,833	125,000
Attorney General	112,500	116,667	120,833	125,000
State Treasurer	112,500	116,667	120,833	125,000
Secretary of State	78,750	81,667	84,583	87,000

Source: Governor's Salary Commission 2002 Report

The General Assembly Compensation Commission recommended phased-in salary increases that were adopted for the 2003-06 term of office as indicated in **Exhibit 2.3**.

Exhibit 2.3
General Assembly Compensation for 2003-06 Term

<u>Official</u>	<u>Calendar Year</u> <u>2003</u>	<u>Calendar Year</u> <u>2004</u>	<u>Calendar Year</u> <u>2005</u>	<u>Calendar Year</u> <u>2006</u>
Members	\$34,500	\$37,500	\$40,500	\$43,500
President of the Senate	47,500	50,500	53,500	56,500
Speaker of the House	47,500	50,500	53,500	56,500

Source: General Assembly Compensation Commission 2002 Report

Salary Increases

General salary increases are provided to State employees to enable their salaries to keep pace with inflation. Inflation, as measured by the federal government's consumer price index, rose approximately 26.4 percent between 1991 and 2000. Inflation was 3.43 percent for fiscal 2001, 1.77 percent for fiscal 2002, and 2.19 percent for fiscal 2003. The inflation estimate is 1.48 percent for fiscal 2004.

The commission does not focus on increases in the cost of living (inflation), leaving that role to the General Assembly when it considers general salary increases. Cost-of-living changes are but one factor in the commission's pursuit of its statutory mandate: determining appropriate salary levels for Maryland's Judiciary.

The Economy

The commission's recommendations for fiscal 2005-06 judicial salaries are shaped in part by the fiscal condition of the State. The commission's past recommendations have reflected an awareness of the State's fiscal condition. The commission did not submit salary proposals in years when the budget could not support one. The commission, most recently, did not recommend an increase in judicial salaries for fiscal 2004 due to the State's economic condition and projected budget deficit.

After three years of sustained growth (1999 – 2001), the Maryland economy was sharply impacted after the terrorist attacks of September 11, 2001. This is particularly evident in the collapse of the stock market after 9/11, reflected in the substantial decline in capital gains reported for 2001, the increase in the unemployment rates for the 2002-03, and the modest

growth in personal income recorded for 2002-03 indicated in **Exhibit 2.4**. The most recent (December 2003) report of the Board of Revenue Estimates notes improvement in the near term outlook for 2004 and 2005. The improved economy, particularly the 8.1 percent robust growth in the national economy experienced in the third quarter of 2003, indicates that finally there is a sustained real economic recovery from the recent recession.

The downward revision in revenues for fiscal 2004 and a modest recovery in revenues expected in fiscal 2005 are reflected in the commission's salary recommendations for fiscal 2005 and beyond. The commission recognized that the State budget for fiscal 2005 will be a challenge but will improve in future years. This is reflected in the phase-in of the salary recommendations over the four-year period with a modest increase recommended in 2005 and more substantial increases in the second, third, and fourth years.

Exhibit 2.4
Maryland Economic Projections
(Calendar Years)

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Total Personal Income (\$ in Millions)	\$180,353	\$189,142	\$196,814	\$205,499	\$216,353
Wages and Salaries	\$93,904	\$98,791	\$102,595	\$106,811	\$113,139
Proprietor's Income	\$10,206	\$10,611	\$10,944	\$11,682	\$13,021
Dividends, Interest, and Rent	\$34,167	\$34,931	\$35,474	\$36,032	\$37,120
Transfer Payments	\$17,740	\$19,257	\$21,099	\$22,466	\$22,800
Capital Gains	\$11,294	\$5,647	\$4,518	\$4,066	\$4,473
Total Nonfarm Employment (000)	2,488.9	2,469.6	2,455.8	2,479.2	2,519.1
Unemployment Rate (%)	3.9	4.1	4.5	4.4	4.0

Source: Bureau of Revenue Estimates, December 2003

Recruitment and Advancement

The commission is particularly concerned that the current salary structure is not attracting judges with diversity and depth of experience. More judges are being attracted from the public sector than those with private sector experience. Judges report that it is becoming more difficult to attract qualified judicial candidates. Judges are frequently paid less than the lawyers appearing before them. Starting salaries for lawyers have increased 60 percent since 1990 during a period in which judges have not received raises.

Testimony from the Maryland Bar Association indicated that seven law firms in Baltimore City had starting salaries between \$73,000 and \$83,000, while five firms had starting salaries between \$102,000 and \$115,000. Not surprisingly, more judges are attracted to the bench from the public sector than those with private sector experience. As experienced lawyers shun judicial appointments, this has resulted in the appointment of younger, less experienced jurists to the bench. Over 50 percent of judges currently on the bench have less than eight years experience on the bench.

Coupled with market place salary demands is the social or cultural requirement that jurists experience a standard of living appropriate to their status as perceived by the members of the community they serve. The commission recognized that members of the Judiciary work in the legal and business worlds of their communities and should maintain a lifestyle commensurate with reasonably successful persons in these fields. This factor can conflict with the fact that judges are public servants. They chose their profession in many cases because of their interest in the law and the tremendous significance the bench has in the legal profession. As a result, judges receive a certain job satisfaction that can, to some extent, offset relatively lower economic compensation.

The commission's concerns regarding attraction of qualified individuals are evident in recent difficulties in drawing an adequate number of applicants for judgeships. In that regard, the commission considered several factors which are not easily measured when it made its salary recommendations. Factors such as stress and morale play a key role in selecting potential jurists. Circuit court caseloads have increased 80 percent over the last eight years. Judges are retiring early from stress. Currently over 50 percent of the judges have less than eight years on the bench.

The Future

The commission is particularly concerned that the salaries of Maryland's judges keep pace with the projected earnings of judges in other states, especially those in the mid-Atlantic region. The commission notes that since January 1, 2002, the last increase in pay for the Maryland Judiciary when all State employees received a 4 percent general increase, 34 states and the District of Columbia have increased judges' salaries.

The commission believes, with supporting data and projections from other states, that Maryland's judges can and should be compensated with an eye toward the future. While Maryland's commission recognizes that it could come back at least biannually to seek increases for the State's jurists that would help keep pace with compensation packages in other states, it seems a far better long-range plan to place Maryland's judges in a salaried position that would not be so easily eroded year to year.

Ultimately, it is the commission's position and that of the Maryland Judicial Conference that Maryland judges' salaries should be increased to a level that is comparable to some level of parity with the federal judiciary. The commission also recognizes that achieving parity with the federal judiciary needs to be deferred given the precarious state of Maryland's current finances and significant structural budget deficit for fiscal 2005.

Chapter 3. Fiscal 2005 – 2008 Salary Recommendations

The commission reviewed salary and related information summarized in the preceding section of this report and heard testimony from the Judiciary (**Appendix 7**). Applying the compensation principles previously outlined, in an equitable and balanced way, the commission recommends the four-year phase-in of judicial salaries depicted in **Exhibit 3.1**. A draft copy of the resolutions proposing the recommended salary levels appear as **Appendix 8**.

The advice of counsel from the Office of the Attorney General in **Appendix 9** supports the commission's authority to recommend a phased-in salary plan for the Judiciary so long as the plan is limited to four years. A phased-in four-year salary plan is consistent with previous four-year salary plans approved for the constitutional officers recommended by the Governor's Salary Commission in 2002 and members of the General Assembly as recommended by the General Assembly Compensation Commission in 2002.

Exhibit 3.1 Judicial Compensation Commission Salary Recommendations Fiscal 2005 – 2008

	<u>Current Salary</u>	<u>Proposed 7-1-2004</u>	<u>Proposed 7-1-2005</u>	<u>Proposed 7-1-2006</u>	<u>Proposed 7-1-2007</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$150,600	\$155,100	\$162,600	\$171,600	\$180,600	\$30,000
Judge	131,600	136,100	143,600	152,600	161,600	30,000
Court of Special Appeals						
Chief Judge	126,800	130,550	136,800	144,300	151,800	25,000
Associate Judge	123,800	127,550	133,800	141,300	148,800	25,000
Circuit Court						
	119,600	122,600	127,600	133,600	139,600	20,000
District Court						
Chief Judge	123,800	127,550	133,800	141,300	148,800	25,000
Associate Judge	111,500	113,750	117,500	122,000	126,500	15,000
Fiscal Impact						
Judges' Salaries	32,180,000	32,945,000	34,220,000	35,750,000	37,280,000	
Retirement Benefits*	16,579,098	16,984,272	17,659,563	18,469,913	19,280,262	
Total	48,759,098	49,929,272	51,879,563	54,219,913	56,560,262	

Exhibit 3.1 (continued)

	<u>Phase-in</u>	<u>Increase Year 1</u>	<u>Increase Year 2</u>	<u>Increase Year 3</u>	<u>Increase Year 4</u>
		15%	25%	30%	30%
Court of Appeals					
Chief Judge	\$30,000	\$4,500	\$7,500	\$9,000	\$9,000
Judge	30,000	4,500	7,500	9,000	9,000
Court of Special Appeals					
Chief Judge	25,000	3,750	6,250	7,500	7,500
Associate Judge	25,000	3,750	6,250	7,500	7,500
Circuit Court	20,000	3,000	5,000	6,000	6,000
District Court					
Chief Judge	25,000	3,750	6,250	7,500	7,500
Associate Judge	15,000	2,250	3,750	4,500	4,500
Fiscal Impact					
Judges' Salaries		765,000	1,275,000	1,530,000	1,530,000
Retirement Benefits*		405,175	675,291	810,349	810,349
Total		1,170,175	1,950,291	2,340,349	2,340,349
	<u>% Increase Year 1</u>	<u>% Increase Year 2</u>	<u>% Increase Year 3</u>	<u>% Increase Year 4</u>	
Court of Appeals					
Chief Judge	2.99	4.84	5.54	5.24	
Judge	3.42	5.51	6.27	5.90	
Court of Special Appeals					
Chief Judge	2.96	4.79	5.48	5.20	
Associate Judge	3.03	4.90	5.61	5.31	
Circuit Court	2.51	4.08	4.70	4.49	
District Court					
Chief Judge	3.03	4.90	5.61	5.31	
Associate Judge	2.02	3.30	3.83	3.69	

* Current retirement benefit is yearly benefit paid to retirees based on monthly benefits paid by retirement agency calculated 11/10/2003. Judge's current retirement benefit is based on a percentage of current salary of judge. Future retirement benefit increased by same percentage increase as proposed salary of sitting judges.

Fiscal Impact of Salary Recommendations

Exhibit 3.1 indicates that the recommended salary increases for judges will cost \$765,000 in the first year and \$5,100,000 over the four-year period. This increase excludes the impact on salaries of other public officials whose compensation is tied to that of current judges on the bench (*e.g.*, the Workers' Compensation Commission).

An increase in the salary of judges also impacts the retirement benefit paid to retired judges. After 16 years of service, a member of the Judges' Retirement System (JRS) becomes eligible for the maximum retirement allowance of two-thirds of the annual salary of an active judge in a similar position. Exhibit 3.1 indicates that the approximate increase in retirement benefits paid will be \$405,174 in the first year and \$2,701,164 over the four-year period. The State's actuary for the JRS has recommended contribution rates that assume a 4 percent increase in pensions paid to retirees. The commission's recommended salaries for active judges result in an increase in benefits paid below the 4 percent threshold each year. Therefore, the salary increases will not result in the need to increase the pension contribution rates beyond those anticipated by the State's actuary. **Appendix 10** provides a more complete description of the JRS.

Pension Recommendations

In legislation (Appendix 2), the commission recommends making changes in the JRS by the statutorily required process of introducing legislation on both houses [Courts and Judicial Proceedings Article, § 1-708(e)]. Specifically, the bills allow a surviving spouse to receive 50 percent of a judge's disability benefit immediately without regard to the age of the spouse. Currently, if a member of the JRS dies while on the bench, the surviving spouse is eligible to 50 percent monthly benefit immediately. If the judge dies as a retiree on disability, the surviving spouse cannot receive the 50 percent benefit until age 50. The legislation would eliminate the provision that the surviving spouse must be age 50 to receive the benefit when a judge retires on disability.

Appendix 1. Salary Recommendations



MARYLAND GENERAL ASSEMBLY
MARYLAND JUDICIAL COMPENSATION COMMISSION

January 19, 2004

The Honorable Robert L. Ehrlich, Jr.
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor Ehrlich:

Herewith, the Judicial Compensation Commission transmits to you the commission's 2003 review and analysis of judicial compensation in Maryland. In accordance with § 1-708 of the Courts and Judicial Proceedings Article, joint resolutions setting forth the commission's fiscal 2005 salary recommendations were introduced in both houses of the General Assembly for their consideration in January 2004.

The commission recommends the salaries of all Maryland judges be increased over a four-year period in accordance with the following table. The recommended salaries proposed for July 1, 2004, include any general salary increase which might otherwise be applicable to judges as a result of any general salary increase granted State employees in fiscal 2005.

<u>Judges' Salary Proposal</u>	<u>Current Salary</u>	<u>Proposed 7-1-2004</u>	<u>Proposed 7-1-2005</u>	<u>Proposed 7-1-2006</u>	<u>Proposed 7-1-2007</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$150,600	\$155,100	\$162,600	\$171,600	\$180,600	\$30,000
Judge	131,600	136,100	143,600	152,600	161,600	30,000
Court of Special Appeals						
Chief Judge	126,800	130,550	136,800	144,300	151,800	25,000
Associate Judge	123,800	127,550	133,800	141,300	148,800	25,000
Circuit Court	119,600	122,600	127,600	133,600	139,600	20,000
District Court						
Chief Judge	123,800	127,550	133,800	141,300	148,800	25,000
Associate Judge	111,500	113,750	117,500	122,000	126,500	15,000

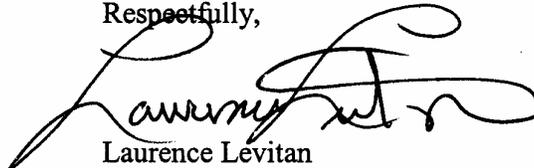
Legislative Services Building · 90 State Circle · Annapolis, Maryland 21401-1991
410-946-5510 · Fax 410-946-5529 · TDD 410-946-5401
301-970-5510 · Fax 301-970-5529 · TDD 301-970-5401
Other areas in Maryland 1-800-492-7122

The Honorable Robert L. Ehrlich, Jr.
January 19, 2004
Page 2

In addition, the commission will have legislation introduced to make an amendment to the Judges' Retirement System (JRS). The legislation removes the requirement that the surviving spouse of a judge retiring on a disability pension must be over age 50 to receive the 50 percent benefit from the JRS. The commission finds the current restriction inconsistent with the benefit paid the surviving spouse if a judge dies while on the bench. Currently, if a member of the JRS dies while on the bench, the surviving spouse is eligible to receive the benefit immediately.

A full report of the commission will follow. On behalf of each commission member, I thank you for the privilege of serving you and the State of Maryland.

Respectfully,



Laurence Levitan
Chairman

LL/JLS/cdm

cc: President Thomas V. Mike Miller, Jr.
Speaker Michael E. Busch
Judge Robert M. Bell
Secretary James C. DiPaula
Mr. Karl S. Aro
Mr. Warren G. Deschenaux
Mr. Kenneth H. Masters

Appendix 2. Senate Bill – Corrective Amendment to Judges’ Retirement System’s Surviving Spouse Disability Benefit

(An identical House Bill will also be introduced)

SENATE BILL 78

K4

4lr1146
CF 4lr1546

By: **The President (By Request – Judicial Compensation Commission)**

Introduced and read first time: January 16, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Judges' Retirement System - Death Benefits - Surviving Spouses**

3 FOR the purpose of removing the age restriction for a surviving spouse to receive the
4 death benefit of a former member or retiree of the Judges' Retirement System;
5 and generally relating to death benefits for surviving spouses of former
6 members or retirees of the Judges' Retirement System.

7 BY repealing and reenacting, with amendments,

8 Article – State Personnel and Pensions

9 Section 27–403

10 Annotated Code of Maryland

11 (1997 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – State Personnel and Pensions**

15 27–403.

16 (a) (1) Except as provided in paragraph (2) of this subsection, on the death
17 of a member, the Board of Trustees shall pay to the surviving spouse 50% of the
18 retirement allowance that would be payable were the member alive and eligible to
19 receive a retirement allowance.

20 (2) (i) If at the time of death the member does not have a surviving
21 spouse, the Board of Trustees shall pay to the member's designated beneficiary or
22 beneficiaries a lump-sum death benefit consisting of the sum of:

23 1. the member's accumulated contributions; and

24 2. an amount equal to the member's annual salary at the
25 time of death.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SENATE BILL 78

1 (ii) If a member has designated more than one beneficiary, the
2 lump-sum death benefit provided in item (i) of this paragraph shall be divided
3 equally among the beneficiaries.

4 (b) On the death of a former member or retiree, the Board of Trustees shall
5 pay to the surviving spouse[, when the surviving spouse is at least 50 years old,] 50%
6 of the retirement allowance that would be payable were the former member or retiree
7 alive and eligible to receive a retirement allowance.

8 (c) (1) This subsection applies to a member, former member, or retiree who
9 at the time of death:

10 (i) does not have a spouse; and

11 (ii) has a child under the age of 18 years.

12 (2) Until each child reaches the age of 18 years, the Board of Trustees
13 shall pay to the surviving children of the member, former member, or retiree who are
14 under the age of 18 years the retirement allowance that would have been paid to a
15 surviving spouse under subsection (a) or (b) of this section.

16 (3) If the Board of Trustees pays an allowance to more than one child, the
17 Board of Trustees shall divide the allowance equally among the children who are
18 under the age of 18 years.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2004.

Appendix 3. Annotated Code of Maryland

Article - Courts and Judicial Proceedings

Title 1. Court Structure and Organization.

Subtitle 7. Judicial Salaries and Allowances.

§ 1-701. Compensation not to be diminished during term.

A judge's salary may not be diminished during his continuance in office.

History

[1973, 1st Sp. Sess., ch. 2, § 1.]

Annotations

Cited in *Williams v. Anderson*, 753 F. Supp. 1306 (D. Md. 1990).

§ 1-702. Judicial salaries established.

(a) In general. - Subject to the provisions of § 1-701, a judge shall have the salary provided in the State budget.

(b) Chief Judge of the District Court. - The Chief Judge of the District Court, during the period he serves as Chief Judge, shall have a salary equivalent to the annual salary then payable to an associate judge of the Court of Special Appeals.

History

[An. Code 1957, art. 26, §§ 47, 144; 1973, 1st Sp. Sess., ch. 2, § 1.]

§ 1-703. Pay plan; automatic salary increases.

(a) Pay plan. - Title 8, Subtitle 1 of the State Personnel and Pensions Article applies to judicial salaries.

(b) Automatic salary increases. - Whenever a general salary increase is awarded to State employees, each judge shall receive the same percentage increase in salary as awarded to the lowest step of the highest salary grade for employees in the Standard Pay Plan.

History

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1; 1993, ch. 22, § 1; 1995, ch. 3, § 1; 1996, ch. 347, § 15; 1997, ch. 743; 2002, ch. 19, § 1.]

Annotations

Effect of amendments. Section 1, ch. 19, Acts 2002, approved Apr. 9, 2002, and effective from date of enactment, deleted “except for the provisions of § 8-108 (c) of the State Personnel and Pensions Article authorizing pay increases with approval of the Board of Public Works” at the end of (a).

Editor’s note. Section 3, ch. 22, Acts 1993, provides that “this Act is not intended to change the status as of October 1, 1993 of any employee, official, or position from the State Personnel Management System or any other personnel system to a different personnel system, from the unclassified service to the classified service, from the classified service to the unclassified service, or otherwise from one employment status to a different employment status.”

Section 4 of ch. 22 provides that “except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act and validly entered into or existing before October 1, 1993 and every right, duty, or interest flowing from the statute, remains valid after October 1, 1993 and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If the change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.”

Stated in; *Cohen v. Goldstein*, 58 Md. App. 699, 474 A.2d 229 (1984).

§ 1-704. Budget treatment of increases in judicial salaries.

Any increase in judicial salary shall be included in the portion of the budget bill relating to the executive department, and not the portion relating to the judiciary department. Any proposed increase in judicial salary is subject to legislative review and approval.

History

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1.]

§ 1-705. Supplementation of salaries prohibited.

(a) “Supplementation” defined. - In this subtitle, “supplementation” means any payment from a political subdivision to a judge or the surviving spouse of a judge, by way of salary, allowances, or pension. The word includes, but is not limited to, any payment in the form of salary, bonus, pension, spouse’s benefit, or expense or travel allowance except:

(1) reimbursable expenses actually incurred in connection with the duties of judicial office to the extent permitted by § 1-706; and

(2) any pension supplementation expressly permitted by public general law. “Supplementation” excludes payment of benefits under a local group health or hospitalization plan if a judge is entitled to those benefits by law.

(b) Prohibition. - Supplementation of a judge’s salary is prohibited.

History

[An. Code 1957, art. 26, § 47; 1973, 1st Sp. Sess., ch. 2, § 1.]

§ 1-706. Reimbursement for expenses.

(a) A judge is entitled to mileage, at the rate for State employees, for officially authorized travel outside his county of residence on judicial business. He is also entitled to reimbursement for reasonable costs of meals, lodging, and other expenses actually incurred with the officially authorized travel in accordance with provisions of the State joint travel regulations provided that such reimbursement is approved by the judge authorizing the travel and provided for in the State budget.

(b) Reimbursable expenses actually incurred by a circuit court judge in connection with his duties, other than the expenses described in subsection (a) of this section, shall be paid by the political subdivision in which the circuit court judge resides, as provided in that subdivision's budget, and as first approved by the State Administrative Office of the Courts.

History

[An. Code 1957, art. 26, §§ 47, 144; 1973, 1st Sp. Sess., ch. 2, § 1; 1975, ch. 279.]

Annotations

What are judicial services. - See; *State v. Chase*, 5 H. & J. 297 (1821).

§ 1-707. Health or hospitalization benefits for certain judges of District Court.

A judge of the District Court who has continued in office as a judge of that Court pursuant to the provisions of Article IV, § 41-I (a) of the Constitution, and who on July 4, 1971 was a participant in a group health or group hospitalization plan provided by a local subdivision, and who within six months from July 5, 1971, elected to remain a member of that plan, may continue as a member of the plan. In this event, the local subdivision shall continue to make on behalf of the judge any contributions to the plan required by its terms or by law. The State shall periodically reimburse the local subdivision for contributions made pursuant to this section.

History

[An. Code 1957, art. 26, § 144; 1973, 1st Sp. Sess., ch. 2, § 1; 1984, ch. 255; 1985, ch. 10, § 3.]

§ 1-708. Judicial Compensation Commission.

(a) Salaries and pensions of judges. - The salaries and pensions of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts of the counties, and the District Court shall be established as provided by this section, §§ 1-701 through 1-707 of this article, and Title 27 of the State Personnel and Pensions Article.

(b) Established. - (1) There is a Judicial Compensation Commission. The Commission shall study and make recommendations with respect to all aspects of judicial compensation, to the end that the judicial compensation structure shall be adequate to assure that highly qualified persons will be attracted to the bench and will continue to serve there without unreasonable economic hardship.

(2) The Commission consists of seven members appointed by the Governor. No more than three members of the Commission may be individuals admitted to practice law in this State. In nominating and appointing members, special consideration shall be given to individuals who have knowledge of compensation practices and financial matters. The Governor shall appoint:

(i) Two members from a list of the names of at least five nominees submitted by the President of the Senate;

(ii) Two from a list of the names of at least five nominees submitted by the Speaker of the House of Delegates;

(iii) One from a list of the names of at least three nominees submitted by the Maryland State Bar Association, Inc.; and

(iv) Two at large.

(3) A member of the General Assembly, officer or employee of the State or a political subdivision of the State, or judge or former judge is not eligible for appointment to the Commission.

(4) The term of a member is 6 years, commencing July 1, 1980, and until the member's successor is appointed. However, of the members first appointed to the Commission, the Governor shall designate, one of the members nominated by the President of the Senate to serve for 3 years and one for 6 years; one of the members nominated by the Speaker to serve for 4 years and one for 5 years; the member nominated by the Maryland State Bar Association, Inc., to serve for 3 years; and one of the members at large to serve for 2 years, and one for 6 years. A member is eligible for reappointment.

(5) Members of the Commission serve without compensation, but shall be reimbursed for reasonable expenses incurred in carrying out their responsibilities under this section.

(6) The members of the Commission shall elect a member as chairman of the Commission.

(7) The concurrence of at least five members is required for any formal Commission action.

(8) The Commission may request and receive assistance and information from any unit of State government.

(c) Written recommendations and funding. - Beginning in 1982 and every 2 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section. After 1980, the Commission shall make written recommendations to the Governor and General Assembly at least every 4 years, accounting from September 1, 1980. The Governor shall include in the budget for the next fiscal year funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

(d) Recommendation as house joint resolution. - (1) The salary recommendations made by the Commission shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the Commission salary recommendations, but no reduction may diminish the salary of a judge during his continuance in office. The General Assembly may not amend the joint resolution to increase the recommended salaries. If the General Assembly fails to adopt or amend the joint resolution within 50 days after its introduction, the salaries

recommended by the Commission shall apply. If the joint resolution is adopted or amended in accordance with this section within 50 days after its introduction, the salaries so provided shall apply. If the General Assembly rejects any or all of the Commission's salary recommendations, the salaries of the judges affected remain unchanged, unless modified under other provisions of law.

(2) The Governor or the General Assembly may not increase the recommended salaries, except as provided under § 1-703 (b) of this article.

(e) Legislation. - The recommendation of the Commission as to pensions shall be introduced by the presiding officers of the Senate and the House of Delegates in the form of legislation, and shall become effective only if passed by both Houses.

(f) Changes in salaries and pensions. - Any change in salaries or pensions adopted by the General Assembly under this section takes effect as of the July 1 of the year next following the year in which the Commission makes its recommendations.

(g) Sections unaffected. - This section does not affect §§ 1-702 (b), 1-703 (b), or 1-705 through 1-707 of this article, or Title 27 of the State Personnel and Pensions Article.

History

[1980, ch. 717; 1982, ch. 820, § 3; 1992, ch. 131, § 12; 1994, ch. 468; 1997, ch. 14, § 1; 1998, ch. 21, § 2.]

Annotations

Editor's note. Section 6, ch. 820, Acts 1982, provides that "it is the intent of this act that the Circuit Court for Baltimore City is for all purposes to be treated as the circuit court for a county." Judicial Compensation Commission Report Joint Resolution 11 and Joint Resolution 12, as introduced in the 2002 Session, provide, in relevant part, that "after considering the recommendations of the Judicial Compensation Commission, beginning January 1, 2003, judicial salaries shall be as follows:

Position	Salary
Court of Appeals	
Chief Judge	\$150,600
Associate Judge	131,600
Court of Special Appeals	
Chief Judge	\$126,800
Associate Judge	123,800
Circuit Courts	
Judge	\$119,600
District Court	
Chief Judge	\$123,800
Associate Judge	111,500

For fiscal year 2003, these salaries are in addition to any general salary increase attributable to the provisions of § 1-703 (b) of the Courts and Judicial Proceedings Article.”

Appendix 4. Judicial Salary Rankings

Appendix 4.1A National Judicial Salary Rankings Highest Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Change</u>
1	California	141,587	170,000	170,000	186,000	191,477	10/1/2003
2	Alabama	126,117	141,580	149,302	178,000	179,825	10/1/2003
3	Michigan	140,816	159,960	159,960	164,610	164,610	1/1/2002
4	New Jersey	138,000	156,634	156,634	164,250	164,250	1/1/2002
5	Illinois	147,024	158,103	158,103	158,103	158,103	7/1/2002
6	New York	156,000	156,000	156,000	156,000	156,000	1/1/1999
7	Florida	145,083	150,000	150,000	153,750	155,750	12/1/2003
8	Georgia	143,601	147,909	153,086	153,086	153,086	10/1/2002
9	Delaware	133,000	146,600	149,500	152,500	152,500	7/1/2002
10	Maryland	139,200	144,800	144,800	150,600	150,600	1/1/2002
11	Connecticut	131,140	140,582	140,582	149,582	149,582	4/1/2002
12	Rhode Island	131,000	140,582	140,582	146,098	146,098	7/1/2002
13	Pennsylvania	134,578	137,270	137,270	143,372	143,372	1/1/2003
14	Minnesota	122,098	122,098	130,034	142,641	142,641	1/1/2003
15	Virginia	137,000	141,286	141,286	140,286	141,286	12/1/2000
16	Nevada	116,127	128,044	128,044	140,000	140,000	1/6/2003
17	Arkansas	123,516	130,276	130,276	134,000	139,143	7/1/2003
18	Washington	120,000	123,600	131,558	134,584	134,584	9/1/2002
19	Ohio	124,900	128,650	128,650	133,700	133,700	1/1/2003
20	Massachusetts	127,682	131,512	131,512	131,512	131,512	7/1/2001
21	Wisconsin	122,565	126,824	128,017	130,418	130,418	7/22/2002
22	Kentucky	113,927	125,092	125,092	128,335	129,415	7/1/2003
23	Arizona	123,000	129,150	129,150	129,150	129,150	1/1/2001
24	Iowa	114,000	117,400	120,920	124,550	127,040	12/5/2003
25	Missouri	116,848	125,500	125,500	125,500	125,500	7/1/2000
26	South Carolina	114,849	123,025	125,485	125,485	125,485	6/2/2001
27	Louisiana	108,000	108,000	113,000	118,000	124,216	7/1/2003
28	Tennessee	112,068	118,428	118,428	122,000	123,684	7/1/2003
29	Maine	112,776	119,749	119,769	121,329	121,329	7/1/2002
30	Nebraska	106,000	111,000	114,000	119,000	119,276	7/1/2002
31	Alaska	113,000	113,000	115,000	118,476	118,476	7/1/2002
32	North Carolina	114,000	118,430	118,430	118,430	118,430	7/1/2001
33	Kansas	110,000	114,000	114,000	116,000	117,853	7/20/2003
34	New Hampshire	107,000	110,000	113,807	116,807	116,807	12/27/2002
35	Hawaii	99,000	116,779	113,779	116,779	116,779	7/1/2000
36	Colorado	97,590	110,308	110,308	116,137	116,137	7/1/2002
37	Utah	107,000	116,050	116,050	116,050	116,050	7/1/2001
38	Vermont	100,000	104,000	107,000	113,000	115,003	7/13/2003

Appendix 4.1A continued

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Change</u>
39	Indiana	115,000	115,000	115,000	115,000	115,000	8/1/1997
40	Texas	115,000	115,000	115,000	115,000	115,000	9/1/1999
41	Oklahoma	101,000	110,000	110,000	110,000	110,299	1/1/2001
42	Oregon	96,000	96,000	101,500	107,600	107,600	7/1/2002
43	Wyoming	93,000	93,000	93,000	105,000	105,000	1/6/2003
44	Mississippi	104,900	104,900	104,900	104,900	104,900	7/1/1999
45	South Dakota	94,000	100,000	100,000	103,000	104,684	7/1/2003
46	Idaho	96,000	99,000	103,625	103,625	103,625	7/1/2002
47	North Dakota	86,000	95,000	95,000	102,021	102,021	7/1/2002
48	New Mexico	90,000	92,000	98,283	98,283	98,283	7/6/2002
49	Montana	85,000	91,000	91,000	91,000	96,999	7/1/2003
50	West Virginia	95,000	95,000	95,000	95,000	95,000	1/1/2003
	Average	116,820	123,362	124,744	128,771	129,552	
	District of Columbia	154,000	154,000	154,000	165,000	164,500	1/1/2003
	Federal system	186,300	186,300	186,300	199,000	198,600	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

**Appendix 4.1B
Regional Judicial Salary Rankings
Highest Appellate Court – Chief Judge**

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Change</u>
1	District of Columbia	154,000	154,000	154,000	165,000	164,500	1/1/2003
2	New Jersey	138,000	156,634	156,634	164,250	164,250	1/1/2002
3	New York	156,000	156,000	156,000	156,000	156,000	1/1/1999
4	Delaware	133,000	146,600	149,600	152,500	152,500	7/1/2002
5	Maryland	139,000	145,000	145,000	150,600	150,600	1/1/2002
6	Connecticut	131,140	140,582	140,582	149,582	149,582	4/1/2002
7	Rhode Island	131,000	140,582	140,582	146,098	146,098	7/1/2002
8	Pennsylvania	134,578	137,270	137,270	143,372	143,372	1/1/2003
9	Virginia	137,000	141,286	141,286	141,286	141,286	12/1/2000
10	North Carolina	114,000	118,430	118,430	118,430	118,430	7/1/2001
11	West Virginia	95,000	95,000	95,000	95,000	95,000	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.2A
National Judicial Salary Rankings
Highest Appellate Court – Associate Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY2004</u>	<u>Date of Last Salary Change</u>
1	California	135,018	162,409	162,409	170,319	175,575	10/1/2003
2	Michigan	140,816	159,960	159,960	164,610	164,610	1/1/2002
3	New Jersey	132,250	152,191	152,191	158,500	158,500	1/1/2002
4	Illinois	147,024	153,052	158,103	158,103	158,103	7/1/2002
5	Florida	145,083	150,000	150,000	153,750	155,150	12/1/2003
6	Georgia	143,601	147,909	153,086	153,086	153,086	10/1/2002
7	Alabama	124,950	140,580	148,302	152,027	152,027	10/1/2002
8	New York	151,200	151,200	151,200	151,200	151,200	1/1/1999
9	Delaware	128,300	141,300	144,100	147,000	147,000	7/1/2002
10	Nevada	116,127	128,044	131,272	140,000	140,000	1/6/2003
11	Pennsylvania	131,022	133,643	133,643	139,585	139,585	1/1/2003
12	Connecticut	119,962	129,404	129,404	138,404	138,404	4/1/2002
13	Washington	120,000	123,600	131,558	134,584	134,584	9/1/2002
14	Rhode Island	118,650	127,098	127,098	132,817	132,817	7/1/2002
15	Virginia	128,352	132,523	132,523	132,523	132,523	12/1/2000
16	Maryland	121,600	126,500	126,500	131,600	131,600	1/1/2002
17	Minnesota	107,765	110,998	118,213	129,674	129,674	1/1/2003
18	Massachusetts	123,243	126,943	126,943	126,943	126,943	7/1/2001
19	Arizona	120,500	126,525	126,525	126,525	126,525	1/1/2001
20	Ohio	117,250	120,750	120,750	125,500	125,500	1/1/2003
21	Arkansas	114,101	120,346	120,346	123,475	128,669	7/1/2003
22	Kentucky	108,927	120,092	120,092	123,335	124,415	7/1/2003
23	Missouri	114,348	123,000	123,000	123,000	123,000	7/1/2000
24	Wisconsin	114,565	118,824	120,017	122,418	122,418	7/22/2002
25	Tennessee	112,068	118,428	118,428	121,740	123,684	7/1/2003
26	Iowa	109,900	116,600	113,200	120,100	120,100	12/20/2002
27	South Carolina	109,380	117,167	119,510	119,510	119,510	8/2/2001
28	Nebraska	106,223	111,003	114,358	119,276	119,276	7/1/2002
29	Indiana	115,000	115,000	115,000	115,000	115,000	8/1/1997
30	Alaska	112,224	112,224	114,468	117,900	117,900	7/1/2002
31	Hawaii	97,531	115,547	115,547	115,547	115,547	7/1/2000
32	North Carolina	110,687	115,336	115,336	115,336	115,336	7/1/2001
33	Utah	105,492	114,036	114,036	114,050	114,050	7/1/2001
34	Colorado	95,090	107,808	107,808	113,637	113,637	7/1/2002
35	New Hampshire	103,417	106,518	113,266	113,266	113,266	12/27/2002
36	Kansas	107,079	111,402	111,402	113,073	114,769	7/20/2003
37	Texas	113,000	113,000	113,000	113,000	113,000	9/1/1999
38	Louisiana	103,336	103,336	108,503	112,668	118,301	7/1/2003
39	Vermont	94,932	99,489	102,499	108,149	109,782	7/13/2003
40	Oklahoma	97,807	106,706	106,706	106,706	106,706	1/1/2001
41	Oregon	93,600	93,600	99,200	105,200	105,200	2/1/2003
42	Wyoming	93,000	93,000	93,000	105,000	105,000	1/6/2003

Appendix 4.2A continued

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Change</u>
43	Maine	97,536	103,584	103,584	104,929	104,929	7/1/2002
44	Mississippi	102,300	102,300	102,300	102,300	102,684	7/1/2003
45	Idaho	94,423	97,727	102,300	102,300	102,300	7/1/2002
46	South Dakota	92,118	97,735	97,739	100,671	102,684	7/1/2003
47	North Dakota	83,807	92,289	92,289	99,122	99,122	7/1/2002
48	New Mexico	87,773	90,407	96,283	96,283	96,283	7/6/2002
49	West Virginia	95,000	95,000	95,000	95,000	95,000	1/1/2003
50	Montana	83,550	89,381	89,381	89,381	95,493	7/1/2003
	Average	112,819	119,310	120,828	123,962	124,609	
	District of Columbia	149,900	153,900	153,900	164,100	164,100	1/1/2003
	Federal system		178,300	178,300	190,100	190,100	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

**Appendix 4.2B
Regional Judicial Salary Rankings
Highest Appellate Court – Associate Judge**

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Change</u>
1	District of Columbia	149,900	153,900	153,900	164,100	164,100	1/1/2003
2	New Jersey	132,250	152,191	152,191	158,500	158,500	1/1/2002
3	New York	151,200	151,200	151,200	151,200	151,200	1/1/1999
4	Delaware	128,300	141,300	144,100	147,000	147,000	7/1/2002
5	Pennsylvania	131,022	133,643	133,643	139,585	139,585	1/1/2003
6	Connecticut	119,962	129,404	129,404	138,404	138,404	4/1/2002
7	Rhode Island	118,650	127,098	127,098	132,817	132,817	7/1/2002
8	Virginia	128,352	132,523	132,523	132,523	132,523	12/1/2000
9	Maryland	121,600	126,500	126,500	131,600	131,600	1/1/2002
10	North Carolina	110,687	115,336	115,336	115,336	115,336	7/1/2000
11	West Virginia	95,000	95,000	95,000	95,000	95,000	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.3A
National Judicial Salary Rankings
Intermediate Appellate Court - Chief Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	California	126,580	152,260	152,260	166,000	171,182	10/1/2003
2	Georgia	128,463	146,994	152,139	152,139	152,139	10/1/2002
3	Michigan	123,972	147,163	147,163	151,441	151,441	1/1/2002
4	Alabama	123,784	139,580	147,302	151,027	151,027	10/1/2002
5	New Jersey	124,200	145,588	145,588	150,000	150,000	1/1/2002
6	Illinois	138,376	148,049	148,803	148,803	148,803	7/1/2002
7	New York	147,600	147,600	147,600	147,600	147,600	1/1/1999
8	Florida	130,576	138,500	138,500	141,963	141,963	10/1/2002
9	Pennsylvania	125,815	131,412	131,412	137,254	137,254	1/1/2003
10	Connecticut	118,431	127,873	127,873	136,873	136,873	4/1/2002
11	Minnesota	106,619	109,818	116,956	128,295	128,295	1/1/2003
12	Washington	114,000	117,420	125,236	128,116	128,116	9/1/2002
13	Virginia	122,936	126,899	126,899	126,899	126,899	12/1/2000
14	Maryland	115,550	121,900	121,900	126,800	126,800	1/1/2002
15	Arkansas	112,298	118,443	118,443	122,000	126,661	7/1/2003
16	Arizona	115,500	123,900	123,900	123,900	123,900	1/1/2001
17	Kentucky	107,480	118,190	118,190	121,300	122,380	7/1/2003
18	Massachusetts	118,496	122,050	122,050	122,050	122,050	7/1/2001
19	Iowa	109,800	113,100	116,490	119,980	122,380	12/5/2003
20	South Carolina	108,286	115,995	118,314	118,314	118,314	6/2/2001
21	Tennessee	106,848	112,908	112,908	116,000	117,924	7/1/2003
22	Louisiana	102,254	102,254	107,392	112,000	117,643	7/1/2003
23	Ohio	106,050	112,550	112,550	117,000	117,000	1/1/2003
24	Wisconsin	105,960	112,100	113,222	115,490	115,490	7/22/2002
25	Missouri	106,797	115,000	115,000	115,000	115,000	7/1/2000
26	Kansas	106,101	110,385	110,385	112,000	113,722	7/20/2003
27	Nebraska	100,912	105,453	108,640	113,312	113,312	7/1/2002
28	Hawaii	91,280	112,466	112,466	112,466	112,466	7/1/2000
29	North Carolina	107,919	112,452	112,452	112,452	112,452	7/1/2000
30	Colorado	93,090	105,808	105,808	111,637	111,637	7/1/2002
31	Alaska	106,020	106,020	108,144	111,384	111,384	7/1/2002
32	Indiana	110,000	110,000	110,000	110,000	110,000	8/1/1997
33	Utah	101,692	109,888	109,888	109,888	109,888	7/1/2001
34	Texas	107,850	107,850	107,850	107,850	107,850	9/1/1999
35	Oregon	93,600	93,600	99,200	105,200	105,200	7/1/2002
36	Oklahoma	94,349	103,109	103,109	103,109	103,109	7/1/2002
37	Idaho	93,423	96,727	101,125	101,125	101,125	7/1/2002
38	Mississippi	98,300	98,300	98,300	98,300	98,300	7/1/1999
39	New Mexico	85,284	87,787	93,369	93,369	93,369	7/1/2002
	Average	111,192	118,651	120,226	123,034	123,614	
	Federal system	145,000	153,900	153,900	164,000	164,000	1/1/2003

Appendix 4.3A continued

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fiscal 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.3B Regional Judicial Salary Rankings Intermediate Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	New Jersey	124,200	145,588	145,588	150,000	150,000	1/1/2002
2	New York	147,600	147,600	147,600	147,600	147,600	1/1/1999
3	Pennsylvania	125,815	131,412	131,412	137,254	137,254	4/1/2002
4	Connecticut	118,000	127,873	127,873	136,873	136,873	1/1/2003
5	Virginia	122,936	126,899	126,899	126,899	126,899	1/1/2002
6	Maryland	115,550	121,900	121,900	126,800	126,800	1/1/2002
7	North Carolina	107,919	112,452	112,452	112,452	112,452	7/1/2001

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.4A National Judicial Salary Rankings Intermediate Appellate Court - Associate Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	California	126,580	152,260	152,260	159,657	164,604	10/1/2003
2	Georgia	128,463	146,994	152,139	152,139	152,139	10/1/2002
3	Michigan	123,972	147,163	147,163	151,441	151,441	1/1/2002
4	Alabama	123,784	139,580	147,302	151,027	151,027	10/1/2002
5	New Jersey	124,200	145,588	145,588	150,000	150,000	1/1/2002
6	Illinois	138,376	144,049	148,803	148,803	148,803	7/1/2002
7	New York	144,000	144,000	144,000	144,000	144,000	1/1/1999
8	Florida	130,576	138,500	138,500	141,963	141,963	10/1/2002
9	Pennsylvania	123,944	129,458	129,458	135,213	135,213	1/1/2003
10	Connecticut	111,546	120,988	120,988	129,988	129,988	4/1/2002
11	Washington	114,000	117,420	125,236	128,116	128,116	9/1/2002
12	Virginia	121,936	125,899	125,899	125,899	125,899	12/1/2000
13	Arkansas	110,493	116,539	116,539	119,569	124,652	7/1/2003

Appendix 4.4A continued

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
14	Arizona	115,500	123,900	123,900	123,900	123,900	1/1/2001
15	Maryland	114,400	119,000	119,000	123,800	123,800	1/1/2002
16	Minnesota	101,543	104,589	111,387	122,186	122,186	1/1/2003
17	Kentucky	104,480	115,190	115,190	118,300	119,380	7/1/2003
18	Tennessee	106,848	112,908	112,908	116,064	117,924	7/1/2003
19	Iowa	105,700	108,900	112,170	115,540	117,850	12/5/2003
20	Massachusetts	114,045	117,467	117,467	117,467	117,467	7/1/2001
21	Ohio	106,050	112,550	112,550	117,000	117,000	1/1/2003
22	South Carolina	106,645	114,237	116,521	116,521	116,521	6/2/2001
23	Wisconsin	108,080	112,100	113,222	115,490	115,490	7/22/2002
24	Missouri	106,797	115,000	115,000	115,000	115,000	7/1/2000
25	Nebraska	100,912	105,453	108,640	113,312	113,312	7/1/2002
26	Louisiana	97,928	97,928	102,824	106,706	112,040	7/1/2003
27	Alaska	106,020	106,020	108,144	111,384	111,384	7/1/2002
28	Kansas	103,371	107,544	107,544	109,157	110,794	7/20/2003
29	Hawaii	93,780	110,618	110,618	110,618	110,618	7/1/2000
30	North Carolina	106,075	110,530	110,530	110,530	110,530	7/1/2001
31	Indiana	110,000	110,000	110,000	110,000	110,000	8/1/1997
32	Colorado	90,590	103,308	103,308	109,137	109,137	7/1/2002
33	Utah	100,692	108,888	108,900	108,900	108,900	7/1/2001
34	Texas	107,350	107,350	107,350	107,350	107,350	9/1/1999
35	Oregon	91,500	91,500	97,000	102,800	102,800	2/1/2003
36	Oklahoma	93,530	101,714	101,714	101,714	101,714	1/1/2001
37	Idaho	93,423	96,727	101,125	101,125	101,125	7/1/2002
38	Mississippi	95,500	95,500	95,500	95,500	95,500	7/1/1999
39	New Mexico	83,384	85,887	91,469	91,469	91,469	7/6/2002
	Average	109,898	117,006	118,663	121,251	121,821	
	Federal system		149,900	153,900	164,000	164,000	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.4B
Regional Judicial Salary Rankings
Intermediate Appellate Court – Associate Judge

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	New Jersey	124,200	145,588	145,588	150,000	150,000	1/1/2002
2	New York	144,000	144,000	144,000	144,000	144,000	1/1/1999
3	Pennsylvania	123,944	129,458	129,458	135,213	135,213	1/1/2003
4	Connecticut	111,546	120,988	120,988	129,988	129,988	4/1/2002
5	Virginia	121,936	125,899	125,899	125,899	125,899	12/1/2000
6	Maryland	114,400	119,000	119,000	123,800	123,800	1/1/2002
7	North Carolina	106,075	110,530	110,530	110,530	110,530	7/1/2001

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.5A
National Judicial Salary Rankings
General Trial Courts

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	California	110,612	133,052	133,052	139,476	143,838	10/1/2003
2	New Jersey	115,000	137,165	137,165	141,000	141,000	1/1/2002
3	Delaware	119,200	134,700	137,400	140,200	140,200	7/1/2002
4	Michigan	114,539	135,966	135,966	139,919	139,919	1/1/2002
5	New York	136,700	136,700	136,700	136,700	136,700	1/1/1999
6	Illinois	126,978	132,184	136,546	136,546	136,546	7/1/2002
7	Florida	117,020	130,000	130,000	133,250	133,250	10/1/2002
8	Nevada	106,500	110,000	111,000	130,000	130,000	1/6/2003
9	Connecticut	106,558	116,000	116,000	125,000	125,000	4/1/2002
10	Virginia	119,154	123,027	123,027	123,027	123,027	12/1/2000
11	Washington	108,300	111,549	119,230	121,972	121,972	9/1/2002
12	Georgia	110,772	121,769	121,938	121,938	121,938	10/1/2002
13	Pennsylvania	111,122	116,065	116,065	121,225	121,225	1/1/2003
14	Arizona	113,000	120,750	120,750	120,750	120,750	1/1/2001
15	Arkansas	106,878	112,728	112,728	115,659	120,632	7/1/2003
16	Maryland	109,050	115,000	115,000	119,600	119,600	1/1/2002
17	Rhode Island	106,825	114,430	114,430	119,579	119,579	7/1/2002
18	Minnesota	95,320	98,180	104,562	114,700	114,700	1/1/2003
19	Kentucky	100,034	110,288	110,288	113,266	114,346	7/1/2003
20	South Carolina	103,911	111,309	113,535	113,535	113,535	6/2/2001
21	Tennessee	102,240	108,036	108,036	111,060	112,836	7/1/2003

Appendix 4.5A continued

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
22	Massachusetts	109,492	112,777	112,777	112,777	112,777	7/1/2001
23	Alabama	84,564	100,526	108,248	111,973	111,973	10/1/2002
24	Nebraska	98,256	102,677	105,781	110,330	110,330	7/1/2002
25	Iowa	100,500	103,500	106,610	109,810	109,810	12/20/2002
26	Texas	101,700	101,700	101,700	109,158	109,158	4/1/2003
27	Alaska	103,776	103,776	105,852	109,032	109,032	7/1/2002
28	Wisconsin	101,961	105,755	106,812	108,950	108,950	7/22/2002
29	Missouri	98,947	108,000	108,000	108,000	108,000	7/1/2000
30	Ohio	97,550	103,500	103,500	107,600	107,600	1/1/2003
31	Hawaii	86,790	106,922	106,922	106,922	106,922	7/1/2000
32	New Hampshire	94,128	99,861	106,187	106,187	106,187	12/27/2002
33	Louisiana	92,520	92,520	97,146	100,743	105,780	7/1/2003
34	Colorado	86,090	98,808	98,808	104,637	104,637	7/1/2002
35	North Carolina	100,310	104,523	104,523	104,523	104,523	7/1/2001
36	Vermont	90,176	94,504	97,416	102,813	104,374	7/13/2003
37	Utah	95,900	103,688	103,700	103,700	103,700	7/1/2001
38	Kansas	93,509	97,285	97,285	98,744	100,525	7/20/2003
39	Wyoming	83,700	83,700	83,700	100,000	100,000	1/6/2003
40	Maine	91,440	97,110	97,110	98,377	98,377	7/1/2002
41	South Dakota	86,044	91,286	91,291	94,029	95,910	7/1/2003
42	Oklahoma	88,511	95,898	95,898	95,898	95,898	1/1/2001
43	Oregon	85,300	85,300	90,400	95,800	95,800	2/1/2003
44	Idaho	88,499	91,596	95,718	95,718	95,718	7/1/2002
45	Mississippi	94,700	94,700	94,700	94,700	94,700	7/1/1999
46	North Dakota	77,340	84,765	84,765	90,671	90,671	7/1/2002
47	Indiana	90,000	90,000	90,000	90,000	90,000	8/1/1997
48	West Virginia	90,000	90,000	90,000	90,000	90,000	1/1/2003
49	Montana	77,439	82,606	82,600	82,600	88,164	7/1/2003
50	New Mexico	79,215	81,593	86,896	86,896	86,896	7/6/2002
	Average	100,161	106,755	108,155	111,380	111,940	
	District of Columbia	136700	145,600	145,600	154,700	154,700	1/1/2003
	Federal system	136700	141,300	145,600	154,700	154,700	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.5B
Regional Judicial Salary Rankings
General Trial Courts

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	District of Columbia	136700	145,600	145,600	154,700	154,700	1/1/2003
2	New Jersey	115,000	137,165	137,165	141,000	141,000	1/1/2002
3	Delaware	119,200	134,700	137,400	140,200	140,200	7/1/2002
4	New York	136,700	136,700	136,700	136,700	136,700	1/1/1999
5	Connecticut	108,558	116,000	116,000	125,000	125,000	4/1/2002
6	Virginia	119,154	123,027	123,027	123,027	123,027	12/1/2000
7	Pennsylvania	113,789	116,065	116,065	121,225	121,225	1/1/2003
8	Maryland	110,500	115,000	115,000	119,600	119,600	1/1/2002
9	Rhode Island	106,825	114,430	114,430	119,579	119,579	7/1/2002
10	North Carolina	100,310	104,523	104,523	104,523	104,523	7/1/2001
11	West Virginia	90,000	90,000	90,000	90,000	90,000	1/1/2003

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.6A
National Judicial Salary Rankings
Courts of Limited Jurisdiction

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	Michigan	118,285	134,000	134,000	138,272	138,272	7/1/2002
2	Delaware	116,100	135,000	136,500	136,500	136,500	7/1/2002
3	New York	122,700	122,700	122,700	122,700	122,700	1/1/1999
4	Florida	104,018	117,000	117,000	119,925	121,325	12/1/2003
5	Pennsylvania	110,782	113,000	113,000	118,169	118,169	1/1/2003
6	Washington	102,885	106,000	114,000	116,135	116,135	9/1/2002
7	Massachusetts	109,492	112,777	112,777	112,777	112,777	7/1/2001
8	Rhode Island	100,157	107,000	107,000	112,116	112,116	7/1/2002
9	Maryland	103,000	107,000	107,000	111,500	111,500	1/1/2002
10	South Carolina	101,176	108,000	111,000	111,000	111,000	7/1/2002
11	Alabama	83,397	99,526	107,000	110,973	110,973	10/1/2002
12	Virginia	107,238	110,723	110,723	110,723	110,723	12/1/2000
13	Nebraska	90,290	100,000	106,000	107,348	107,348	7/1/2002
14	New Hampshire	96,952	100,000	106,108	106,108	106,108	7/1/2001
15	Louisiana	92,520	93,000	97,000	100,744	105,781	7/1/2002
16	Colorado	86,090	94,000	94,000	104,637	104,637	9/1/2002

Appendix 4.6A continued

<u>Rank</u>	<u>State</u>	<u>FY 2001</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
17	Georgia	80,117	102,000	102,000	104,000	104,000	10/1/2002
18	Utah	95,900	104,000	104,000	104,000	104,000	7/1/2001
19	Kentucky	90,297	100,000	100,000	102,000	103,321	7/1/2003
20	Ohio	97,550	97,000	103,000	108,000	101,100	1/1/2003
21	Hawaii	85,051	100,761	100,761	100,761	100,761	7/1/2000
22	Maine	91,440	97,000	97,000	98,377	98,377	7/1/2002
23	Mississippi	94,200	94,000	94,000	94,000	94,000	7/1/1999
24	Alaska	87,972	87,972	90,000	92,424	92,424	7/1/2002
25	North Carolina	88,204	91,909	91,909	91,909	91,909	7/1/2000
26	Indiana	90,000	90,000	90,000	90,000	90,000	8/1/1997
27	Wyoming	69,750	70,000	70,000	82,000	82,000	1/6/2003
28	Vermont	67,641	71,000	78,000	78,000	78,681	7/13/2003
	Average	95,829	102,335	104,160	106,611	106,666	

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

**Appendix 4.6B
Regional Judicial Salary Rankings
Courts of Limited Jurisdiction**

<u>Rank</u>	<u>State</u>	<u>FY 2000</u>	<u>7/1/2001 FY 2001</u>	<u>7/1/2002 FY 2002</u>	<u>4/1/2003 FY 2003</u>	<u>10/23/2003 FY 2004</u>	<u>Date of Last Salary Action</u>
1	Delaware	116,100	135,000	137,000	136,500	136,500	7/1/2002
2	New York	122,700	122,700	122,700	122,700	122,700	1/1/1999
3	Pennsylvania	110,782	113,000	113,000	118,169	118,169	1/1/2003
4	Maryland	103,000	107,000	107,000	111,500	111,500	1/1/2002
5	Rhode Island	100,157	107,000	107,000	111,500	111,500	7/1/2002
6	Virginia	107,238	110,723	110,723	110,723	110,723	12/1/2000
7	North Carolina	88,204	91,909	91,909	91,909	91,909	7/1/2000

Source: National Center for State Courts Survey of Judicial Salaries: Fiscal 2003 – Volume 28, Number 1, April 1, 2003; Fiscal 2002 – Volume 27, Number 1, Winter 2002; Fiscal 2001 – Volume 26, Number 2, Summer 2001; and Fiscal 2000 – Volume 25, Number 2, Fall 1999 and Fiscal 2004 – Administrative Office of the Courts October 2003 Special Survey

Appendix 4.7
Regional Effect of Commission Recommendation in Fiscal 2005

	<u>Current Salary</u>	<u>Current Rank</u> ¹	<u>Proposed Salary</u>	<u>% Increase</u>	<u>New Rank</u> ²
Court of Appeals					
Chief Judge	\$150,600	5 th out of 11	\$155,100	2.99	4 th out of 11
Judge	131,600	9 th out of 11	136,100	3.42	7 th out of 11
Court of Special Appeals					
Chief Judge	126,800	6 th out of 7	130,550	2.96	5 th out of 7
Associate Judge	123,800	6 th out of 7	127,550	3.03	5 th out of 7
Circuit Court					
	119,600	8 th out of 11	122,600	2.51	7 th out of 11
District Court					
Chief Judge ³	123,800	N/A	127,550	3.03	N/A
Associate Judge	111,500	4 th out of 7	113,750	2.02	4 th out of 7

¹ Based on regional salary rank including the following jurisdictions when applicable: Connecticut, Delaware, Maryland, North Carolina, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia.

² Assumes no increases in other jurisdictions included in the regional analysis.

³ There is no adequate comparison for Chief Judge of the District Court.

Source: Chapter 118, Acts of 1999 (Fiscal 2000 Budget Bill)

Appendix 5. Federal Court Salaries

	<u>1/3/2000</u>	<u>1/1/2001</u>	<u>1/14/2002</u>	<u>1/1/2003</u>	<u>Proposed</u>
Supreme Court					
Chief Justice	\$181,400	\$186,300	\$193,000	\$199,000	\$231,400
Associate Justice	173,600	178,300	184,400	190,100	221,500
Court of Appeals					
Judges	141,300	153,900	159,100	164,000	191,100
Trial Courts					
District Court Judges, International Trade Court Judges, and Claims Court Judges	141,300	145,100	150,000	154,700	180,200
Bankruptcy Judges* and Magistrate Judges*	129,996	133,492	138,000	142,324	165,784

* Salaries for bankruptcy judges and magistrate judges who are judicial officers of the U.S. District Courts are set at 92% of a district judge's pay.

Source: Administrative Office of the Courts

Appendix 6. Salaries of State and Local Officials

Appendix 6.1 Mayor and County Executive Salaries Fiscal 2003 – 2004

	<u>FY 2003</u>	<u>FY 2004</u>
Montgomery County ¹	\$124,302	\$128,280
Prince George's County ²	105,095	107,617
Baltimore City	125,000	125,000
Anne Arundel County	102,000	102,000
Howard County ³	125,000	129,000
Baltimore County	125,000	125,000
Harford County	76,538	85,000

¹ Montgomery County Executive salary for fiscal 2004 is an estimate based on estimated annual change in the Consumer Price Index – Urban (CPI-U) of 3.2% for November 2002 to November 2003 for the Baltimore/Washington area.

² Prince George's County Executive salary for fiscal 2004 is based on 75% of the annual change in CPI-U of 3.2% for August 2002 to August 2003 for the Baltimore/Washington area.

³ Howard County Executive salary for fiscal 2004 is an estimate based on estimated annual change in CPI-U of 3.2% for November 2002 to November 2003 for the Baltimore/Washington area.

Source: Department of Legislative Services survey, October 2003; county and Baltimore City personnel offices

Appendix 6.2
City and County Council Salaries
Fiscal 2002 – 2004

	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2004</u>
Anne Arundel County			
Member	\$28,660	\$36,000	\$36,000
Chairman	33,000	40,500	40,500
Baltimore City			
Member	48,000	48,000	48,000
Chairman	80,000	80,000	80,000
Baltimore County			
Member	38,500	45,000	45,000
Chairman	43,000	50,000	50,000
Harford County			
Member	18,500	24,555	29,000
Chairman	20,000	25,711	31,000
Howard County			
Member	33,800	33,800	33,800
Chairman	34,800	34,800	34,800
Montgomery County ¹			
Member	67,557	67,557	69,719
Chairman	74,314	74,314	76,692
Prince George's County ²			
Member	56,858	56,803	58,251
Chairman	59,403	59,303	60,815

¹ Montgomery County Council member salary for fiscal 2004 is based on estimated annual change in the Consumer Price Index – Urban (CPI-U) of 3.2% for November 2002 to November 2003.

² Prince George's County Council member salary for fiscal 2004 is based on annual change in CPI-U of 3.4% for July 2002 to July 2003.

Source: Department of Legislative Services survey, October 2003

Appendix 6.3
Salaries of Selected Maryland State Officials
Fiscal 1997 – 2004

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>% change</u> <u>97-00</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% change</u> <u>01-04</u>
Constitutional Officers										
Governor	120,000	120,000	120,000	120,000	0.00%	120,000	120,000	135,000	140,000	16.67%
Lieutenant Governor	100,000	100,000	100,000	100,000	0.00%	100,000	100,000	112,500	116,667	16.67%
Attorney General	100,000	100,000	100,000	100,000	0.00%	100,000	100,000	112,500	116,667	16.67%
Comptroller	100,000	100,000	100,000	100,000	0.00%	100,000	100,000	112,500	116,667	16.67%
Treasurer	100,000	100,000	100,000	100,000	0.00%	100,000	100,000	112,500	116,667	16.67%
Secretary of State	70,000	70,000	70,000	70,000	0.00%	70,000	70,000	78,750	81,667	16.67%
Cabinet Secretaries										
Public Safety	124,413	128,146	118,547	123,340	-0.86%	132,042	141,443	145,686	145,686	10.33%
Transportation	113,857	117,272	118,547	119,822	5.24%	128,274	140,076	144,279	144,279	12.48%
Bus. and Economic Develop.	124,413	128,416	129,421	130,696	5.05%	135,924	142,063	144,904	144,904	6.61%
Budget and Management	113,857	117,272	118,547	123,340	8.33%	132,042	136,612	142,770	142,770	8.12%
Health and Mental Hygiene	113,857	117,272	118,547	123,340	8.33%	132,042	141,443	145,686	145,686	10.33%
Superintendent of Schools	111,842	119,000	121,300	119,000	6.40%	119,000	140,400			-100.00%
Housing	105,423	108,585	109,860	111,135	5.42%	118,968	127,438	131,262	131,262	10.33%
Natural Resources	105,423	108,585	109,860	114,392	8.51%	102,986	110,319	125,320	125,320	21.69%
Human Resources	105,423	108,585	109,860	111,135	5.42%	118,968	127,438	127,174	127,174	6.90%
General Services	97,613	100,542	101,817	106,109	8.70%	113,583	121,670	125,320	125,320	10.33%
Juvenile Justice	105,559	106,664	107,939	112,415	6.49%	95,555	141,443	141,444	141,444	48.02%
Environment	97,613	100,542	101,817	106,109	8.70%	113,583	121,670	134,092	107,106	-5.70%
Higher Education	105,423	108,585	109,860	114,392	8.51%	122,458	115,880	119,357		-100.00%
State Police*	97,613	100,542	101,817	106,109	8.70%	118,968	131,151	135,086	135,086	13.55%
Agriculture	100,542	103,559	93,286	97,321	-3.20%	104,170	111,587	113,667	113,667	9.12%
Aging*	77,488	79,813	81,088	84,757	9.38%	101,214	112,759	116,142	116,142	14.75%
Labor, Licensing and Reg.	97,613	100,542	101,817	106,109	8.70%	113,583	121,670	125,320	125,320	10.33%
Planning*	91,448	94,191	97,164	101,314	10.79%	108,448	108,448	112,786	112,786	4.00%
Veterans Affairs*	59,723	61,514	62,789	65,910	10.36%	79,511	82,692	82,693	85,173	7.12%

Appendix 6.3 continued

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>% change 97-00</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% change 01-04</u>
Deputy Constitutional Officers										
Attorney General	95,889	93,096	89,026	99,472	3.74%	99,472	119,310	119,310	122,672	23.32%
Comptroller	93,096	95,889	97,164	108,448	16.49%	108,448	116,419	119,019	119,019	9.75%
Treasurer	87,751	87,751	89,026	91,254	3.99%	91,254	100,880	100,881	104,000	13.97%
Judiciary										
Chief Judge, Ct. of Appeals	120,900	124,500	127,700	139,200	15.14%	144,800	150,600	150,600	150,600	4.01%
Judge, Court of Appeals	104,100	107,300	110,100	121,600	16.81%	126,500	131,600	131,600	131,600	4.03%
Ch. Judge, Ct. Spec. Appeals	99,900	103,000	105,700	117,200	17.32%	121,900	126,800	126,900	126,800	4.02%
Judge, Ct. of Special Appeals	97,300	100,300	102,900	114,000	17.16%	119,000	123,800	123,800	123,800	4.03%
Judge, Circuit Court	93,600	96,500	99,000	110,500	18.06%	115,000	119,600	119,600	119,600	4.00%
Chief Judge, District Court	97,300	100,300	102,900	114,400	17.57%	119,000	123,800	123,800	123,800	4.03%
Judge, District Court	86,500	89,200	91,500	107,200	23.93%	107,200	111,500	111,500	111,500	4.01%

* These functions became cabinet level agencies as follows: Aging – 1999; Planning – 2001; State Police – 1998; and Veterans Affairs – 2000.

Source: Annual budget bills; Bureau of Labor Statistics; Department of Legislative Services, October 2003

Appendix 6.4
Fiscal 2002 Executive Pay Plan
Effective January 1, 2002

	<u>Scale</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
ES4	9904	\$68,518	\$80,294	\$92,069
ES5	9905	73,777	86,457	99,136
ES6	9906	79,458	93,114	106,769
ES7	9907	85,594	100,304	115,014
ES8	9908	92,220	108,070	123,919
ES9	9909	99,379	116,459	133,538
ES10	9910	107,106	125,514	143,922
ES11	9911	115,456	135,299	155,141

Source: Department of Budget and Management

**Appendix 6.5
Standard Salary Schedule
Annual Rates Effective January 1, 2002**

GRADE	BASE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	MID POINT	STEP 9	STEP 10	STEP 11	STEP 12	THIRD QUARTILE	STEP 14	STEP 15	STEP 16	STEP 17	STEP 18
1	14,383	14,904	15,444	16,007	16,593	17,201	17,840	18,505	18,168	18,846	19,196	19,554	19,916	20,288	20,665	21,051	21,444	21,844	22,254
2	15,293	15,850	16,428	17,030	17,656	18,307	18,992	19,702	19,343	20,069	20,443	20,824	21,213	21,610	22,015	22,427	22,846	23,274	23,711
3	16,267	16,863	17,483	18,127	18,796	19,493	20,224	20,987	20,602	21,378	21,778	22,186	22,602	23,027	23,460	23,901	24,350	24,808	25,274
4	17,309	17,947	18,609	19,298	20,015	20,760	21,543	22,357	21,947	22,778	23,206	23,642	24,087	24,541	25,004	25,477	25,960	26,451	26,948
5	18,424	19,106	19,815	20,553	21,319	22,117	22,954	23,827	23,386	24,275	24,733	25,200	25,677	26,163	26,658	27,163	27,678	28,203	28,737
6	19,617	20,347	21,105	21,895	22,714	23,568	24,464	25,397	24,926	25,878	26,369	26,868	27,377	27,897	28,428	28,969	29,520	30,081	30,651
7	20,894	21,675	22,487	23,331	24,210	25,123	26,082	27,080	26,576	27,594	28,118	28,652	29,197	29,755	30,322	30,901	31,492	32,093	32,704
8	22,260	23,096	23,964	24,867	25,806	26,784	27,810	28,877	28,337	29,427	29,988	30,561	31,143	31,739	32,347	32,966	33,598	34,241	34,894
9	23,722	24,616	25,545	26,512	27,517	28,563	29,660	30,803	30,226	31,391	31,992	32,603	33,228	33,866	34,515	35,177	35,852	36,541	37,244
10	25,286	26,243	27,237	28,271	29,347	30,465	31,640	32,863	32,246	33,493	34,135	34,790	35,458	36,139	36,835	37,543	38,265	39,002	39,754
11	26,958	27,982	29,047	30,153	31,303	32,500	33,759	35,066	34,406	35,740	36,428	37,128	37,843	38,572	39,316	40,076	40,851	41,641	42,446
12	28,749	29,844	30,982	32,167	33,399	34,679	36,024	37,423	36,717	38,145	38,880	39,630	40,394	41,175	41,972	42,783	43,610	44,453	45,312
13	30,664	31,836	33,055	34,322	35,638	37,009	38,448	39,947	39,191	40,718	41,504	42,307	43,125	43,960	44,812	45,680	46,565	47,468	48,387
14	32,715	33,969	35,273	36,628	38,037	39,504	41,044	42,648	41,839	43,472	44,314	45,173	46,049	46,942	47,853	48,784	49,732	50,700	51,687
15	34,908	36,250	37,645	39,095	40,604	42,174	43,821	45,535	44,670	46,419	47,319	48,238	49,176	50,131	51,106	52,100	53,114	54,147	55,200
16	37,255	38,691	40,184	41,736	43,351	45,029	46,792	48,627	47,701	49,572	50,535	51,519	52,522	53,545	54,587	55,652	56,738	57,844	58,970
17	39,766	41,302	42,898	44,559	46,287	48,084	49,969	51,933	50,941	52,944	53,975	55,027	56,100	57,194	58,310	59,449	60,610	61,794	63,002
18	42,453	44,096	45,805	47,583	49,432	51,354	53,371	55,472	54,412	56,555	57,658	58,783	59,932	61,103	62,296	63,514	64,756	66,022	67,314
19	45,329	47,088	48,915	50,817	52,794	54,851	56,911	59,029	58,124	60,259	61,597	62,801	64,029	65,282	66,560	67,864	69,193	70,547	71,926
20	48,405	50,287	52,242	54,277	56,392	58,593	60,905	63,309	62,096	64,548	65,811	67,100	68,415	69,755	71,123	72,518	73,939	75,389	76,868
21	51,697	53,710	55,804	57,980	60,244	62,598	65,072	67,645	66,346	68,970	70,322	71,701	73,107	74,542	76,005	77,497	79,019	80,570	82,151
22	55,219	57,373	59,612	61,942	64,365	66,884	69,531	72,284	70,893	73,701	75,148	76,622	78,128	79,663	81,228	82,826	84,456	86,118	87,811
23	58,988	61,293	63,689	66,182	68,775	71,470	74,301	77,246	75,759	78,764	80,312	81,890	83,502	85,143	86,818	88,527	90,270	92,049	93,864
24	63,020	65,487	68,051	70,718	73,491	76,376	79,407	82,558	80,967	84,181	85,837	87,526	89,249	91,007	92,799	94,628	96,494	98,396	100,334
25	67,335	69,975	72,718	75,571	78,539	81,626	84,868	88,240	86,538	89,977	91,749	93,556	95,401	97,280	99,198	101,154	103,149	105,183	107,256
26	71,952	74,776	77,710	80,765	83,941	87,243	90,711	94,320	92,498	96,179	98,074	100,008	101,982	103,993	106,045	108,140	110,276	112,454	114,676

Source: Department of Budget and Management

Appendix 6.6
Salaries of Public Higher Education Institution Presidents

<u>Institution</u>	<u>FY 1998</u>	<u>FY 2002</u>	<u>FY 2004</u>
University of Maryland Baltimore	\$231,900	\$341,510	\$434,228
University of Maryland Biotechnology Institute	191,000	187,942	230,777
University of Maryland College Park	190,900	324,784	357,998
University of Maryland Baltimore County	157,800	306,000	330,719
University of Maryland University College	134,200	281,151	325,557
St. Mary's College of Maryland	155,000	255,840	255,840
Towson University	140,000	185,954	210,000
Morgan State University	140,000	225,654	300,000
Salisbury State University	130,000	179,928	194,123
Center for Environmental Science	128,600	187,942	233,018
Frostburg State University	126,000	190,501	203,948
University of Baltimore	122,900	172,347	210,000
Bowie State University	119,000	175,032	182,926
University of Maryland Eastern Shore	118,550	167,286	192,000
Coppin State College	114,400	160,651	167,094

Source: Fiscal 2204 State budget books and phone calls

Appendix 7. Presentations to the Judicial Compensation Commission

SUMMARY OF REMARKS TO JUDICIAL COMPENSATION COMMISSION

October 23, 2003

IRMA S. RAKER, Judge Court of Appeals
Chair, Judicial Compensation Committee of the Maryland Judicial Conference

I wish to begin by thanking the Commission for the opportunity to appear here today. We in Maryland are most fortunate to have this Judicial Compensation Commission, established by the General Assembly in 1982, and appearing in Courts & Judicial Proceedings Article, § 1-708. The Commission is charged with the responsibility to study and make recommendations with respect to all aspects of judicial compensation, to the end that the judicial compensation structure shall be adequate to assure that highly qualified persons will be attracted to the bench and will continue to serve without unreasonable economic hardship. Not every state in this country is so fortunate.

United States Supreme Court Justice Stephen Breyer, when testifying in July, 2002, before the National Commission of the Public Service on the need for adequate judicial compensation and the connection between judicial compensation and judicial independence, noted how difficult it was for him to be there, and how he felt inadequate as an advocate for his own cause because “the public will inevitably discount a judge’s own explanation of the need in light of the obvious self-interest.” He pointed out how it should be the Bar, the Press, the Academy and those who study government to explain to the public, and I might add, the Legislature, why judicial salaries are important to them. Like Justice Breyer, because of the serious nature of the matter before you, I appear here

today and hope to provide some helpful background for you to discharge your important responsibilities.

Salaries of Maryland judges should be competitive, equitable, proportionate to the responsibilities, and set in the appropriate amount in order to attract the most qualified lawyers to the bench, and to retain them as Maryland judges. Let me begin by setting out the present salaries for Maryland judges:

	<u><i>Present Salaries</i></u>
Chief Judge, COA	\$150,600
Judge, COA	\$131,600
Chief Judge, CSA	\$126,800
Judge, CSA	\$123,800
Judge, Circuit Court	\$119,600
Chief Judge, District Court	\$123,800
Judge, District Court	\$111,500

The Federal Judge salaries are as follows:

	<u>Present</u>	<u>Proposed¹</u>
Magistrate	\$142,324	\$165,784
District Court Judge	\$154,700	\$180,200
Circuit Court Judge	\$164,000	\$191,100
Supreme Court	\$190,100	\$221,500
Chief Justice	\$198,600	\$231,400

In his remarks in support of increased compensation, Chief Justice Rehnquist said:

“I recognize that the salaries of federal judges are higher than those in many occupations and that some might be skeptical of the need to raise the salaries of judges who already earn at least \$150,000 per year. But it is not fair to compare judges’ salaries to salaries in other occupations. Those lawyers who are most qualified to serve as federal judges have opportunities to earn far more in private law practice or business than as judges. I am not suggesting that we match the pay of the private sector—but the large and growing disparity must be decreased if we hope to continue to provide our nation a capable and effective judicial system. Providing adequate compensation for judges is basic to attracting and retaining experienced, well qualified and diverse men and women to perform a demanding proposition in the public service. We need judges from different backgrounds and we want them to stay for life.”

¹On May 7, 2003 Senator Hatch and Senator Leahy introduced S. 1023, legislation to increase the salaries of Federal judges, including bankruptcy and magistrate judges, by 16.5 percent, resulting in an average salary increase of \$24,948. On May 15, 2003, Representatives Hyde and Conyers introduced H.R. 2118, companion legislation, into the House of Representatives. President Bush has stated that he supports the legislation. *See*, statement by President Bush, Office of the Press Secretary, May 9, 2003.

We recognize the fiscal and economic situation, as did the Commission in January 2003. We trust that you will make your study and then make whatever recommendation you deem appropriate. It has always been the position of the Maryland judiciary that there should be parity with the federal courts. Indeed, this Commission expressed the belief that Maryland judicial salaries should be tied to judicial salaries in the federal system.

The real pay of Maryland judges has diminished over the past years. In the past ten years, from 1992 to 2003, exclusive of any COLA, Maryland judges have received two salary increases: 2.9-3% in October, 1996 (fiscal year 1997), and July, 1998 (fiscal year 1999), an increase of \$11,275. The gulf separating judges' pay from the law schools and the private sector continues to grow. As you can see under Tab No. 6 of the booklet, the Dean of the University of Maryland law school's base salary is \$288,925; the Dean of the University of Baltimore School of Law is paid \$179,400. The Superintendent of Schools in Montgomery County is paid \$264,890. I just heard on the radio this morning that the median house in Montgomery County is \$480,000.

Salaries of first year associates in the law firms continue to outpace the salary of judges. After clerking with the Court of Appeals for two years, a new lawyer can earn \$150,000 in the larger law firms in the District of Columbia, supplemented with bonuses and other benefits. The young lawyers arguing cases before the Circuit Courts and District Courts of this State are earning more than the judges who have years of experience.

Turning now to the national situation and Maryland judges' relative rankings. The Administrative Office of the Court has done a survey of other states in order to update the survey of the National Center of State Courts. The results of their survey are contained within the Judiciary's Report of the Judicial Compensation Commission, 2003, and summarized in the Executive Summary.

You will note that 70% of the jurisdictions have adjusted judicial salaries since January 1, 2002. Just under a quarter of the jurisdictions have adjusted judicial salaries, effective between 10/1/02 and 4/1/03. Eleven more jurisdictions have enacted adjustments between 4/1/03 and 10/1/03. Maryland's ranking is dropping nationally. The Court of Appeals judge dropped from 14th to 16th. The Court of Special Appeals judge dropped from 12th to 14th. The Circuit Court judge dropped from 11th to 16th. The District Court judge dropped from 7th to 10th.

The regional ranks of Maryland judges is not good. There are eleven states in the regional survey. Although the Chief Judge ranks 5th, a judge of the Court of Appeals ranks 9th, and a judge of the Circuit Court ranks 8th. Of the seven states with an intermediate appellate court, the Chief Judge of the Court of Special Appeals and an associate judge ranks 7th, and of the nine states with a court of limited jurisdiction, the District Court judge ranks 6th.

You will hear from Chief Judge Murphy and Chief Judge Vaughan. They will tell you of the increased dockets, increased stress and increased responsibilities in our Maryland courts. Our judges are working hard. We have improved case disposition

times; we have initiated our business and technology case management program; and we have initiated drug courts.

The complexity of the cases has increased. Many cases involve complex questions of standing, class actions, and sophisticated knowledge of scientific and technical information, such as DNA, has become the rule, not the exception.

In closing, let me refer to former federal judge Fred Shannon's remarks, made in 1985, and still true today:

“We expect our judges to have superior intellectual ability, to be learned in the law, and to know and evenhandedly apply the principles of equity. We demand that they reason carefully and fully and articulate fluently and in writing the bases for their decisions. We require that they be patient and courteous and accord to every lawyer and litigant the respect and dignity to which each is entitled and even beyond, so that we, the people, respect our judiciary and trust it to dispense true and equal justice. In order to ensure that our judges remain faithful to their impartial role, we have prevented them from supplementing their income in any way other than by passive investment or by writing or speaking of subjects that will promote a better understanding of the judicial system and the legal profession. And yet, their compensation is simply not comparable to what people of their stature and with their responsibility would earn in the private sector. Clearly our expectations and demands are out of balance with the remuneration we offer.”

As I said before, I do not suggest that the salaries can ever be comparable with the private sector. But, it is in the interest of the public that the eroding judicial salaries be kept fair, adequate, and sufficient to attract and to retain the best the legal profession has to offer.

I thank you for your attention and consideration.

Summary Remarks to Judicial Compensation Commission

October 23, 2003

Fred C. Wright III
Judge Circuit Court Washington County

Mr. Chairman, Ladies and Gentlemen of the Judicial Compensation Commission:

Let me introduce myself. I was the youngest person appointed to the Maryland trial bench at 33 in 1971 until Judge Bell was appointed to the District Court at the tender age of 32. History still records me as the second youngest. I am now the oldest in tenure - 33 years come July 2004 - 26 years of which have been in the Circuit Court for Washington County - and never applied for an appellate position! I deliberately chose to be a career trial judge - not because of compensation (I don't recall what it was then) but because of my love for the law and a spirit to apply the law for the benefit of the people of my community. I was young, enthusiastic, entering a career of public service in the judiciary of my home state.

In 1977 when I went on the Circuit Court bench, I joined two others - a three person court with annual filings of about 3,500.

In 1993 when our annual filings reached 5,500, we received a fourth judge and I told the then-Chief Judge Robert Murphy that Washington County was set for the foreseeable future.

Last fiscal year, ending June 30, our filings reached 9,500 - and we still have only four judges (and a master)!

A decade of increasing workload by 80% - to be resolved by the same number of judges.

During this period of substantially increasing workload, what happened with the statutory complement of four?

One judge (John Corderman) received a bomb in the mail, disguised as a Christmas gift - the explosion resulting in permanent physical and emotional injuries and his retirement on disability at the age of 51. His successor, who had been a District Court judge for many years, chose early retirement because, as he confided to me, "I'm tired," - he retired because of the stress of our job.

Another judge (Dan Moylan) chose early retirement at the age of 62 because he was having trouble sleeping at night and concentrating in the day and needed relief for the daily demands of the court in which he has served for 14 years - he retired because of the stress of our job.

We therefore lost one because someone tried to kill him; we lost two others to early retirement (both of whom now sit in the District Court when necessary as retired judges).

* * * * *

Throughout the state, there are 146 Circuit Court judicial positions. By my count, over 50% - 77 - of the faces on the circuit benches have been appointed since the 1995 inauguration of Governor Glendening - over 50% became vacant in a mere eight year span because of death or early retirement (with only a small number having reached the constitutional age of senility and a fewer number going “upward” to chambers on Rowe Boulevard).

During my years on the Conference of Circuit Judges (now 18th), I have made a point of getting to know as many of my colleagues on the bench as possible. As Chair, I felt it was a responsibility.

I say to you from personal knowledge that stress drove all of the early retirements - all of the voluntary separations from the \$119,600 public service positions of “high esteem.”

But it’s not only the stress of the subject matter of our workload that gives concern but now we have an additional stressor which we have intentionally, and with purpose, brought upon ourselves - time standards.

The Maryland judiciary agrees with the statement that, “justice delayed is justice denied” and agrees with surveys of the general public that the biggest problems with the Maryland court system are that “it takes too long.”

Therefore, we have developed time standards - (Pass out and explain - also with chart showing 278,000 cases filed annually in the circuit courts).

Our goal is to establish an accepted statewide culture of judicial responsibility and control of timely case processing from filing to disposition; taking the management of a case out of the control of attorneys and placing case management where it belongs - with the court. The responsibility for assuring expeditious relief lies with those of us who are also the administrative judges of each court.

Consequently, the 146 circuit court judges will be presiding over more events in the journey of a case from its filing to its disposition - scheduling conferences, status conferences, motions’ hearings, etc., then preside at trial with the responsibility of deciding the complex issues presented in many of these 278,000 cases - all within a certain window of time.

The practical result is that each judge’s daily trial docket is and will be expanded quantitatively thereby adding to the daily stress already upon a judge to make a thoughtful and fair decision in each case before that circuit judge.

* * * * *

Which brings us back to what I know best - Washington County - as an example of the condition throughout the state:

In 1993, a court of 4 judges was processing an annual filing of over 5,000 cases without time standards; in 2003, a court of 4 judges is being called upon to process an annual filing of over 9,000 cases with time standards.

And one of our newer judges, appointed in 2000, has reported a death threat upon him and his family.

We have asked for help - a 5th circuit judge - but until the state's financial situation improves, although he has certified the need, Chief Judge Bell will not be asking the General Assembly for any additional judicial offices this year.

So, the 146 will continue to meet the demands of our profession - providing due process and equal protection of the law to all who have business before the circuit courts. (See table of filings).

* * * * *

My concern is not compensation sufficient to attract the best and brightest to the circuit courts of Maryland, because we have them, but compensation sufficient to retain those of us who have chosen this vehicle - not as a stepping stone to another office nor as a method to obtain certain retirement benefits - but as a way of life in public service. Clearly the experience of the last 8 years has shown that the present compensation fails to motivate that retention – especially when our income is \$20,000 less than that of entry level into federal court (and under a proposed federal compensation scale may be as much as **\$40,000 less**).

On behalf of the Conference of Circuit Judges, we respectfully ask the Commission and the Legislature as representatives of the people served by our court to aggressively address this disparity during this session of the General Assembly.

Thank you for hearing from a career trial judge.

Fred C. Wright III
Conference of Circuit Judges

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October 24, 2003

○ ADMITTED TO MD ONLY
▲ ADMITTED TO MD & DC
* ADMITTED TO MD, DC & GA
◊ ADMITTED TO MD, DC, VA & SC
+ ADMITTED TO MD, DC & VA
* ADMITTED TO DC & MN

The Honorable Laurence Levitan
Chairman, Judicial Compensation
Committee
Legislative Services Building
Room 200
90 State Circle
Annapolis, MD 21401

Dear Chairman Levitan:

I have been advised that your public hearing on the question of judicial compensation is to be held in Annapolis at a time I will be in Montreal, Canada attending the annual meeting of the American College of Trial Lawyers. Accordingly, I am submitting my comments in writing and hope that the Commission will take them into consideration when preparing your report.

On the weekend of October 19th, the Georgetown University Law Center celebrated the forty-fifth anniversary of the graduation of our class. I was admitted to the Bar of the District of Columbia in 1958 and the Court of Appeals of Maryland in 1959. I have been in active trial practice since that time. As a result, I have appeared before, seen, and known hundreds if not more than a thousand judges of various levels of trial and appellate courts. My experience is largely in the State of Maryland but also significant in the District of Columbia and a few cases in other states including Virginia, West Virginia, and Pennsylvania. I have handled one significant matter before a Federal court in New York City.

In addition to appearing in Court, I have served as a member of and Chairman of the Trial Courts Judicial

The Lawrence Levitan
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Nominating Commission in Montgomery County (originally Montgomery and Frederick combined) and as a member and two-term Chairman of the Appellate Judicial Nominating Commission. I was appointed to that Commission first by Governor Schaefer and then by Governor Glendening. I presently serve on the Board of Regents of the American College of Trial Lawyers, the first lawyer from the State of Maryland to be elected to that body. I am also on appointment of Governor Ehrlich a member of the State Commission on Uniform State Laws.

As a Regent of the American College, I serve as Liaison from the Board to their national committee on the Judiciary. As such, I attend the meetings, follow the activities of the Committee, and review documents including the work of similar committees before the American Bar Association (ABA) and Federal Bar Association (FBA). With the experience that I have gained from the activities set forth, I wish to advise the Commission of my deep and abiding concerns about the underpayment of judges in the State of Maryland.

I. THE IMPORTANCE OF THE JUDICIARY

There is little doubt that the judicial branch of government has the most immediate contact with our citizens. In the District Court where hundreds of thousands of small civil and criminal matters are handled annually and the Circuit Court with thousands of major civil and criminal matters and jury trials, the citizens of Maryland see their government at work and their complaints and defenses decided by the State. In addition, many hundreds of our citizens serve on juries each year. They are witnesses to democracy at work.

When you have represented many clients and listened to their praise or complaints about the judges before whom they have appeared, you cannot over-appreciate the role of the trial judges of Maryland. When you read the opinions from our appellate courts and listen to the critiques delivered by lawyers and academics concerning the reasoning behind those opinions, and listen to the dialogue of the Uniform Commissioners of State Laws trying to improve the

state of law for the citizens of our several states, you cannot over-appreciate the role of our appellate judges and the intellect and experience with which they confront their task.

I begin my thoughts by urging upon the Commission that you begin your task by understanding the great role of the judiciary in establishing a fair government and one that is understood and appreciated by citizens of democracy.

II. THE NEED FOR INDEPENDENCE

The American College has fought many a battle and is doing so today to guard the independence of our judiciary. We are deeply concerned with that independence whether on a federal or state level. The ABA and FBA have said the same thing in their combined "white paper" on the need for adequate judicial salaries for state judges. The rhetoric in the public debate centers on respect for judicial institutions, concepts of judicial independence, public accountability, and separation of powers. As the ABA noted in its report:

"A common inference is that all or nearly all qualified jurists have earned or could earn substantially more in the private sector than they would by serving in the judiciary."

Very few public servants say they are in the job for the money and certainly judges do not say that. There are many other aspects of the job that they prefer to indicate as the enticement to perform. However, the stakes are high and the regular receipt of an adequate salary for such a public official safeguards adequate sustenance for judges in support of themselves and their families and at the same time insures their independence in performing duties for the public interest. This is not only independence in decision making but independence in the sense that judges serving in our state are not doing so with an eye for their next job to gain greater remuneration and security for their family.

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Recently, in a talk I gave to the Maryland State Bar Association Foundation at its annual meeting, I pointed out an article that appeared in the *Magazine of the American Board of Trial Advocacy* quoting an editorial from the San Francisco Chronicle. The *Chronicle* said that they felt the trial judges in San Francisco were conflicted because they were constantly concerned over the relationship they developed with the attorneys who appeared before them because so many planned to leave the Bench early and develop mediation and arbitration businesses. Therefore, the *Chronicle* points out, the judge is always looking at attorneys as potential customers or clients of their anticipated mediation service.

We might argue that this only happens in crazy California but that is not true. This is a national phenomenon and it is certainly not lost in this state. I will not go into specific examples, but I assure the Commission that there are judges in Maryland and also in the District of Columbia who have left the Bench and formed arbitration and mediation practices. The so-called "rent-a-judge" or professional mediation service is well represented in the form of former judges who carry with them the respect of the mileage and experience gained from the Bench. Friends and colleagues that I have known for years are performing these services and earning in retirement or semi-retirement far more than they ever could hope for as a sitting judge.

Therefore, I would hope that the Commission would consider the temptation of judges to leave the Bench for higher pay. To the extent that that exists, it is a cancer eroding the quality of justice to be received by our citizens or at least the perception that it would potentially erode that quality.

Of particular note is the decreasing age of those who apply for trial courts and even some appellate court vacancies. While in the years and decades of the past, judicial office was considered for the wise, older practitioner, such is no longer the case. Today, a high percentage of applicants have served in prior public offices and are simply moving up the public chain. The

The Lawrence Levitan
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average age of an applicant is going down. As the ABA noted in its report, in a section called "Leaving the Bench for Greener Pastures":

"Although there is no hard data on point, it is commonly inferred from anecdotal evidence that there is a relationship between decreasing average ages and decreasing tenure on the bench with judicial pay standards, particularly in lower courts".

The ABA noted a comment by Mary Lee Comer, President of the Indiana Judges Association, who wrote that prior to some salary increases in that state, "trial judges who resigned from office or decided not to seek reelection usually did so because greener grass beckoned". The same report noted:

"For many judges, the lure of 'private judging' through arbitration or mediation work is considerable, particularly because it is an area of law that places a premium on judicial experience in spite of the process' 'extrajudicial' function."

III. ARE WE OBTAINING THE MOST QUALIFIED CANDIDATES FOR JUDICIAL OFFICE?

The Commission should note with particular interest that it is not the list of candidates who apply that may count the most, but rather who do not apply. There is little doubt from the experience that I have had over these many years that we no longer attract the most qualified lawyers from private practice. Indeed, the appointment or election of a qualified lawyer from private practice has become the exception rather than the rule. Why is this? It is because lawyers in private practice can earn incomes so much higher than a judge that they simply cannot afford to abandon the interests of themselves and their families to provide the best quality of life. The cost of college is not reduced because one has given up the income of a private practitioner and gone on the Bench. Anyone can tell this Commission, and (indeed, this Commission does not need to be told) that on a judicial salary in the State of

Maryland, college education can no longer be afforded. After being appointed and then incurring the debt of election, a state court judge must overwhelm himself or herself in debt to obtain a reasonable education for their children. This education is what enabled a lawyer to become a judge in the first place.

Accordingly, it is hoped that the Commission will realize that by underpaying our judges as we are in Maryland, we are not attracting the best that we could with a more adequate salary structure.

IV. SOME SUGGESTIONS

1. The first and foremost recommendation that I would give this Commission is to find a way to place our state judicial salaries in line with Federal judicial salaries. On our trial and appellate court commission we know that if given a choice any qualified candidate who can obtain the appointment either way will go to the Federal side. The pay is better, the retirement is better, and a lifetime appointment is attractive particularly when it does not involve a competitive political election and re-election.

There is nothing this Commission can do about competitive political elections or lifetime appointment. However, we can say to candidates that their salaries are not so poor when compared to Federal judicial pay. We can also point with pride that we have in some way identified the quality, appreciation for, and ability of our state judiciary as in line with the Federal judiciary. I am tired of the axiom from national corporate clients to remove a case to Federal court because there are better judges there. We should convince them that we have as good a judge and maybe a better judge here in Maryland if they would like to stay. I am convinced that to do that we must improve the salary structure.

2. Compare our salary structure with our neighbors. The ABA has suggested in its report that many states look to their neighbors rather than to some distant jurisdiction to see how they are doing with judicial

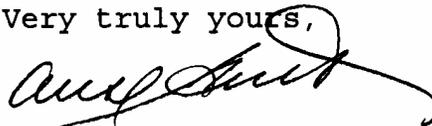
salaries. I belong to Maryland and the District of Columbia Bars. I appear before the judges in both jurisdictions. I will not attempt to critique individual judges but I will tell you that Maryland judges are at least on a par with any judges in the Superior Court in D. C. Interestingly, the highest paid judiciary among our neighbors is the District of Columbia. The District of Columbia judiciary at every level is committed by law to a salary equal to that of a Federal judge. Thus, in Maryland our Circuit Court judges receive approximately \$120,000.00 per year. In the District of Columbia the same office receives \$155,000.00. I would like to think that we could at least get close to the pay of Superior Court Judges. It is offensive that our judiciary with the work we have done to improve it through merit selection cannot come close to the salary of a Superior Court judge.

3. Finally, I would suggest that the axiom "let's be fair" should take over. We as a citizenry have too much at stake to let the quality of our judiciary in these most difficult times disintegrate. Cases are more complicated and the law more difficult today than ever in history. We have formed a new business court in Montgomery County with the authorization of a statewide rule that has been implemented in other counties. Do we expect to attract good lawyers from private practice familiar with the many nuances of corporate, contract and commercial law if we do not have an adequate salary structure? The answer is obvious.

It is most disheartening to appear before a trial judge on a very serious business dispute between major companies and find the trial judge does not know what you are talking about.

Thank you very much for the courtesy of reviewing these brief comments.

Very truly yours,



Albert D. Brault

Appendix 8. Senate Joint Resolution

(An identical House Joint Resolution will also be introduced)

SENATE JOINT RESOLUTION 1

D1

4lr1145
CF 4lr1478

By: **The President (By Request – Judicial Compensation Commission)**

Introduced and read first time: January 16, 2004

Assigned to: Budget and Taxation and Judicial Proceedings

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Judicial Compensation Commission Report**

3 FOR the purpose of proposing an alteration to the compensation of the members of
4 the Judiciary in this State, pursuant to Section 1–708 of the Courts and Judicial
5 Proceedings Article of the Annotated Code of Maryland.

6 WHEREAS, Section 1–708(b)(2) of the Courts and Judicial Proceedings Article
7 of the Annotated Code of Maryland establishes a seven–member Judicial
8 Compensation Commission appointed by the Governor with two members appointed
9 on nomination of the President of the Senate, two members appointed on nomination
10 of the Speaker of the House of Delegates, one member appointed on nomination of the
11 Maryland State Bar Association, and two members appointed at large. The Judicial
12 Compensation Commission is constituted as follows: appointments made on the
13 nomination of the President of the Senate: John Paterakis and Elizabeth Buck;
14 appointments made on the nomination of the Speaker of the House of Delegates:
15 Laurence Levitan and Charles R. Jenkins, Sr.; appointment made on the nomination
16 of the Maryland State Bar Association: J. Michael Conroy, Jr.; appointments at large:
17 Annette J. Funn and Alice G. Pinderhughes. The Commission members elected
18 Laurence Levitan Chairman; and

19 WHEREAS, Section 1–708(d) of the Courts and Judicial Proceedings Article of
20 the Annotated Code of Maryland provides as follows: the General Assembly may
21 amend this Joint Resolution to decrease any of the Commission’s salary
22 recommendations, but no reduction may diminish the salary of a judge during the
23 judge’s continuance in office. The General Assembly may not amend this Joint
24 Resolution to increase these recommended salaries. Should the General Assembly not
25 adopt or amend this Joint Resolution within 50 days of its introduction, the salaries
26 recommended herein shall apply during fiscal years 2005 through 2008. Should the
27 General Assembly reject any or all of the salaries herein recommended, the salaries of
28 the judges so affected shall remain unchanged during fiscal years 2005 through 2008
29 unless modified under other provisions of the law; and

30 WHEREAS, The Judicial Compensation Commission held two meetings in
31 October and December 2003. The Commission considered many aspects and facets of
32 judicial compensation. The Commission by a vote of five or more of its members has
33 recommended judicial salaries for fiscal years 2005 through 2008; now, therefore, be it



SENATE JOINT RESOLUTION 1

1 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after**
 2 **considering the recommendations of the Judicial Compensation Commission,**
 3 **beginning July 1, 2004, judicial salaries shall be as follows:**

4	Position	Current Salary	Proposed Salary
5	Court of Appeals		
6	Chief Judge	150,600	155,100
7	Associate Judge	131,600	136,100
8	Court of Special Appeals		
9	Chief Judge	126,800	130,550
10	Associate Judge	123,800	127,550
11	Circuit Courts		
12	Judge	119,600	122,600
13	District Court		
14	Chief Judge	123,800	127,550
15	Associate Judge	111,500	113,750;

16 and be it further

17 **RESOLVED, That beginning July 1, 2005, judicial salaries shall be as follows:**

18	Position	Proposed Salary
19	Court of Appeals	
20	Chief Judge	162,600
21	Associate Judge	143,600
22	Court of Special Appeals	
23	Chief Judge	136,800
24	Associate Judge	133,800
25	Circuit Courts	
26	Judge	127,600
27	District Court	
28	Chief Judge	133,800
29	Associate Judge	117,500;

30 and be it further

31 **RESOLVED, That beginning July 1, 2006, judicial salaries shall be as follows:**

32	Position	Proposed Salary
33	Court of Appeals	
34	Chief Judge	171,600
35	Associate Judge	152,600
36	Court of Special Appeals	
37	Chief Judge	144,300
38	Associate Judge	141,300
39	Circuit Courts	
40	Judge	133,600
41	District Court	
42	Chief Judge	141,300

SENATE JOINT RESOLUTION 1

3

1 Associate Judge 122,000;

2 and be it further

3 **RESOLVED**, That beginning July 1, 2007, judicial salaries shall be as follows:

4 Position Proposed Salary

5 Court of Appeals

6 Chief Judge 180,600

7 Associate Judge 161,600

8 Court of Special Appeals

9 Chief Judge 151,800

10 Associate Judge 148,800

11 Circuit Courts

12 Judge 139,600

13 District Court

14 Chief Judge 148,800

15 Associate Judge 126,500.

16 For fiscal year 2005, these salaries include any general salary increase
17 attributable to the provisions of § 1-703(b) of the Courts and Judicial Proceedings
18 Article.

Appendix 9. Attorney General Advice of Counsel

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL

DONNA HILL STATON
Deputy Attorney General



ROBERT A. ZARNOCH
Assistant Attorney General
Counsel to the General Assembly

RICHARD E. ISRAEL
KATHRYN M. ROWE
SANDRA J. COHEN
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

October 29, 2003

Mr. James L. Stoops
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Dear Mr. Stoops:

On behalf of the Honorable Laurence Levitan, Chairman of the Judicial Compensation Commission, you have asked for advice on a series of questions on the authority of the General Assembly to approve a multi-year salary plan for judges pursuant to §1-708 of the Courts & Judicial Proceedings Article.¹ Your questions and my answers

¹ Section 1-708(c) provides that:

Beginning in 1982 and every 2 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section. After 1980, the Commission shall make written recommendations to the Governor and General Assembly at least every 4 years, accounting from September 1, 1980. The Governor shall include in the budget for the next fiscal year funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

Subsection (d) states that:

(1) The salary recommendations made by the Commission shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the Commission salary recommendations, but no reduction may diminish the salary of a judge during his continuance in office. The General Assembly may not amend the joint resolution to increase the recommended salaries. If the General

appear below.

1. Can the Commission recommendations in the joint resolution provide salary increases that can be phased-in or implemented over several years by providing a specific salary each year for more than one year?

The Attorney General's Office has repeatedly approved legislation specifying automatic step increases for a public official as long as they were fixed prior to the start of the officer's term. See Letter of Advice to the Hon. Thomas E. Hutchins, dated February 17, 1997. Although judges are not subject to the restrictions of the constitutional provision (Art. III, §35) that spawned this advice, I do not believe the General Assembly in §1-708 intended to deprive judges of a pay mechanism available to every other public officer. Thus, the answer to your question is yes, subject to the time limitations discussed in the response to Question 4.

2. Since Section 1-708 provides that any change in salaries or pensions adopted by the General Assembly under section (f) take effect as of July 1 of the year in which the commission makes its recommendations, does this mean that the salary would have to be made effective July 1 or could the Commission specify another date in the resolution, such as January 1, for the effective date of its recommendations?

In my view §1-708(f) would not prohibit such a delayed effective date. Nor would

Assembly fails to adopt or amend the joint resolution within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the joint resolution is adopted or amended in accordance with this section within 50 days after its introduction, the salaries so provided shall apply. If the General Assembly rejects any or all of the Commission's salary recommendations, the salaries of the judges affected remain unchanged, unless modified under other provisions of law.

(2) The Governor or the General Assembly may not increase the recommended salaries, except as provided under §1-703(b) of this article.

Subsection (f) provides that:

Any change in salaries or pensions adopted by the General Assembly under this section takes effect as of the July 1 of the year next following the year in which the Commission makes its recommendations.

it prohibit multi-year increases that are “fixed” as of July 1, even though the time when higher increments would be effective would be in later years. It is noteworthy that in legislation specifying multi-year increases, the General Assembly has specified a uniform effective date in an uncodified provision but has made express reference in codified sections to the future dates of the increments – *viz.*, the date on which they will actually be paid. *See e.g.* Courts & Judicial Proceedings Art., §2-309(p), Chapter 73, *Laws of 2003*.

3. Can the Commission recommend and the joint resolution implement a salary dependent on some outside factor or event beyond the Commission or the legislature’s direct control, such as making future increases equal to the amount of the increase in the consumer price index (CPI) or a percentage of a specific federal judge’s salary each year?

We have repeatedly approved such legislation for public officers as long as the compensation was fixed before the start of the officer’s term. *See 65 Opinions of the Attorney General 373, 374-75 (1980).*² Once again, I do not believe §1-708 was intended to prevent such a mechanism. However, this conclusion is subject to the limitations noted in my response to question 4.

4. Finally is there any limitation on the time the joint resolution would be effective for future salary increases? Would the joint resolution be limited to only the current 4-year term legislature or could the joint resolution provide for increases that extend beyond the term of the current legislature? In other words can the resolution tie the hands of a future legislature to provide the increase in the resolution?

If the multi-year pay raises for judges were enacted by legislation, *i.e.*, a bill passed by both houses and signed by the Governor, there is no doubt that it could provide for increments in any number of years. However, authorization of judicial pay increases under §1-708 essentially consists of an *administrative* recommendation ratified by a joint resolution that ordinarily does not have the force or effect of law. Such a pay mechanism is governed entirely by the terms of §1-708 and the provisions of that statute require the Commission to review judicial salaries every two years and make recommendations at least

² However, in *Marshal v. Director of Finance*, 294 Md. 435 (1982), the Court of Appeals held that Article III, §35 of the Constitution prevented the salary of an officer subject to §35 (a state’s attorney) from being tied to further pay raises for a public officer not subject to §35 (a judge).

Mr. James L. Stoops

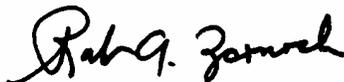
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“every 4 years”. Commission recommendation of a multi-year pay raise for more than a four-year period would seem to run counter to the scheme of §1-708 and to the Commission’s duty (and discretion) to assess and recommend judicial pay rates. Thus, it is my view that if a multi-year salary plan is recommended by the Commission, it should be limited to a period of four years.

I hope this is responsive to your questions.

Sincerely,

A handwritten signature in black ink that reads "Rob A. Zarnoch". The signature is written in a cursive, slightly slanted style.

Robert A. Zarnoch
Assistant Attorney General
Counsel to the General Assembly

RAZ:ads

Appendix 10. Judges' Retirement System

The Judges' Retirement System of the State of Maryland covers judges of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court of Maryland. In addition, members of the State Workers' Compensation Commission and full-time masters in chancery or juvenile causes, appointed by a circuit court on or before June 30, 1989, are covered.

The judges' retirement plan is a contributory plan created on July 1, 1969. The plan requires an employee contribution of 6 percent of a member's annual salary for the first 16 years of membership credit in the judges' system. After 16 years of service, a member becomes eligible for the maximum retirement allowance of two-thirds of the annual salary of an active judge in a similar position.

As of November 10, 2002, there were 580 members of the judges' system. The total membership can be classified as follows: (1) 283 active members with total annual salaries of \$30.3 million; (2) 379 retired members and beneficiaries with total annual retirement allowances of \$16.6 million; and (3) 13 vested, deferred, or inactive members.

In order to fund the judges' system, the State's actuary determines a contribution rate. This rate is applied to member salaries in order to provide the revenues necessary to fund the system over the long term. The State's actuary proposes a contribution rate to the Board of Trustees of the Maryland State Retirement and Pension Systems, which adopts the official contribution rate. The contribution rate to be applied to fiscal 2001 salaries is 46.75 percent.