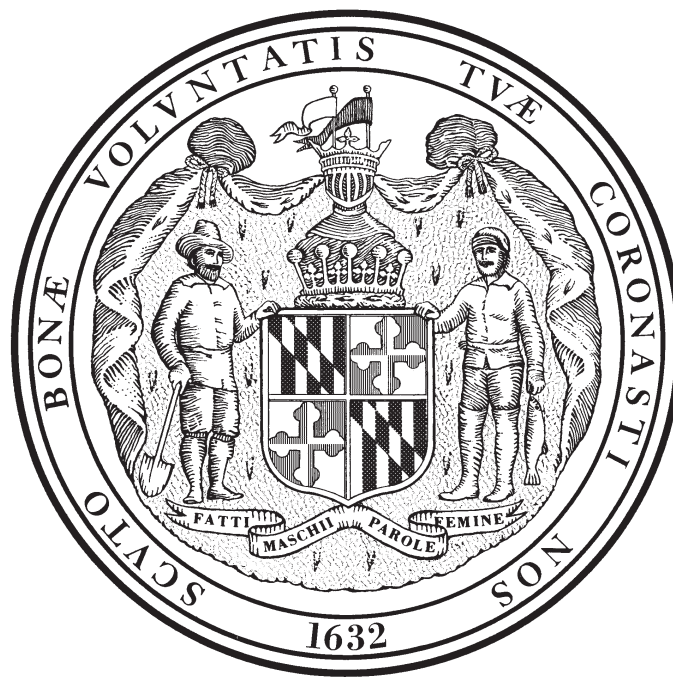


REPORT OF THE JUDICIAL COMPENSATION COMMISSION



ANNAPOLIS, MARYLAND
JANUARY 2009

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MARYLAND GENERAL ASSEMBLY JUDICIAL COMPENSATION COMMISSION

January 5, 2009

The Honorable Martin J. O'Malley
Governor, State 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 2008 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 2010 salary recommendations will be introduced in both houses of the General Assembly for their consideration in January 2009.

The commission recommends the salaries of all Maryland judges be increased over a four-year period in accordance with the following table. Pursuant to statute, judges will not receive any general salary increases proposed by the Governor for State employees in any fiscal year in which a judge's salary is increased in accordance with this resolution.

<u>Judges' Salary Proposal</u>	<u>Current Salary</u>	<u>Proposed 7/1/2009</u>	<u>Proposed 7/1/2010</u>	<u>Proposed 7/1/2011</u>	<u>Proposed 7/1/2012</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$181,352	\$190,463	\$200,121	\$210,358	\$221,210	\$39,858
Judge	162,352	171,463	181,121	191,358	202,210	39,858
Court of Special Appeals						
Chief Judge	\$152,552	\$161,663	\$171,321	\$181,558	\$192,410	\$39,858
Associate Judge	149,552	158,663	168,321	178,558	\$189,410	39,858
Circuit Court	\$140,352	\$149,463	\$159,121	\$169,358	\$180,210	\$39,858
District Court						
Chief Judge	\$149,552	\$158,663	\$168,321	\$178,558	\$189,410	\$39,858
Associate Judge	127,252	136,363	146,021	156,258	167,110	39,858

The Honorable Martin J. O'Malley
The Honorable Thomas V. Mike Miller, Jr.
The Honorable Michael E. Busch
January 5, 2009
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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.

Sincerely,

A handwritten signature in black ink, reading "Elizabeth J. Buck". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elizabeth J. Buck
Chairman

EJB/FMA/mrm

Maryland Judicial Compensation Commission 2008 Membership Roster

**Elizabeth J. Buck
Chair**

Members

Thomas Barbera

Annette Jones Funn

Edward J. Gilliss

Ray Langston

John Paterakis

Alice G. Pinderhughes

Committee Staff

Flora M. Arabo

Jennifer K. Botts

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Executive Summary

The Judicial Compensation Commission transmitted its proposal to the Governor on January 5, 2009. (See **Appendix 1.**)

Salary Proposals

The commission has examined salaries paid to Maryland officials, federal judges, judges in all other states, and received information or presentations from the Department of Legislative Services and the Judiciary. Based on a review of this information, the Judicial Compensation Commission proposes a \$39,858 increase for all judges to be phased in over a four-year period.

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

Fiscal 2010 Salary Effective July 1, 2009

Court of Appeals	
Chief Judge	\$190,463
Judge	171,463
Court of Special Appeals	
Chief Judge	161,663
Associate Judge	158,663
Circuit Court Judge	149,463
District Court	
Chief Judge	158,663
Associate Judge	136,363

Fiscal 2011 Salary Effective July 1, 2010

Court of Appeals	
Chief Judge	\$200,121
Judge	181,121
Court of Spec. Appeals	
Chief Judge	171,321
Associate Judge	168,321
Circuit Court Judge	159,121
District Court	
Chief Judge	168,321
Associate Judge	146,021

Fiscal 2012 Salary Effective July 1, 2011

Court of Appeals	
Chief Judge	\$210,358
Judge	191,358
Court of Spec. Appeals	
Chief Judge	181,558
Associate Judge	178,558
Circuit Court Judge	169,358
District Court	
Chief Judge	178,558
Associate Judge	156,258

Fiscal 2013 Salary Effective July 1, 2012

Court of Appeals	
Chief Judge	\$221,210
Judge	\$202,210
Court of Spec. Appeals	
Chief Judge	\$192,410
Associate Judge	\$189,410
Circuit Court Judge	\$180,210
District Court	
Chief Judge	\$189,410
Associate Judge	\$167,110

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 2009 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 proposal within 50 days after its introduction, the salaries recommended by the commission become effective for fiscal 2010 on July 1, 2009, and on July 1 each subsequent year through July 1, 2012. 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, Section 1-703(b), the judges' salaries are increased by the same percentage awarded to State employees.

Benefits

The commission did not discuss the issue of benefits and has no proposed changes in this regard.

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 to six-year terms 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 2**, provides the following:

- Beginning in 2004, the commission must review salaries and pensions and make written recommendations to the Governor and the General Assembly every four years.
- 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's 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. Pursuant to Chapter 444 of 2005 (the Budget Reconciliation and Financing Act of 2005), § 1-703 provides that general State employee salary increases apply to judges only in years in which judges' salaries are not increased in accordance with a resolution from the commission's recommendations. 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

When established, the commission was required to review judicial salaries and pensions every two years and make recommendations every four years; however, the commission could review and make recommendations more often. Since it began its deliberations in late-1980, the commission has met 53 times and made several salary proposals, the first of which applied to fiscal 1983. **Exhibit 1.1** summarizes the commission's previous salary proposals and subsequent General Assembly actions from fiscal 1983 through 2006.

Exhibit 1.1 Salary Proposals Judicial Compensation

<u>Fiscal Year</u>	<u>Commission Proposal</u>	<u>Assembly Action</u>	<u>Employee Increase</u>
2006	Four-year phase in of \$15,000-\$30,000	None ⁽¹⁾	1.50%
2005	Four-year phase in of \$15,000-\$30,000	Reject	\$752
2004	None	None	None
2003	5% increase	Reject	None ⁽²⁾
2002	None	None	4%
2001	\$10,000	Reject	4% ⁽³⁾
2000	None	None	\$1,275 ⁽⁴⁾
1999	\$11,275	None	\$1,275 ⁽⁴⁾
1998	\$9,000	Reject	None
1997 ⁽⁵⁾	2.9%, 9.5-10%	2.9-3.0%	None
1996	None	None	2%
1995	3-8.1%	Reject	3%
1994	None	None	None ⁽⁶⁾
1993	None	None	None ⁽⁷⁾
1992	None	None	None ⁽⁷⁾
1991	4%	4-25% ⁽⁹⁾	4%
1990	None	None	4%
1989	10.5-14.3%	10.5-14.3%	4%
1988	13.0-22.7%	6.4-11.8%	2.50%
1987	None	None	3.50%
1986	6.3-8.9%	Reject	4%

Exhibit 1.1 (continued)

<u>Fiscal Year</u>	<u>Commission Proposal</u>	<u>Assembly Action</u>	<u>Employee Increase</u>
1985	11.2-13.9%	9%	6%
1984	None	None	None
1983	10.5-12.1%	10.5-12.1%	9%

⁽¹⁾ 4.0% COLA effective November 15, 2000.

⁽²⁾ 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.

⁽³⁾ The Judicial Compensation Commission's recommended increase took effect because the General Assembly failed to act on the resolution within the required 50-day timeframe.

⁽⁴⁾ For fiscal 2003, the General Assembly approved a 4.0% cost-of-living (COLA) effective January 1, 2002. By statute, members of the Judiciary received the same percentage COLA.

⁽⁵⁾ 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.

⁽⁶⁾ In fiscal 1994, Executive and Judicial employees (except judges) received in-grade increments but no general salary increase. Legislative Branch employees received a uniform 3.0% increase but no increments.

⁽⁷⁾ Employees in all three branches of government did not receive in-grade increments in fiscal 1992 and 1993.

⁽⁸⁾ 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.

⁽⁹⁾ The Chief Judge of the Court of Appeals received a 25.0% salary increase.

Source: Department of Legislative Services

The commission made no formal recommendations other than to endorse the 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 by the General Assembly. The commission made formal recommendations in 1986, 1995, 1998, 2001, 2003, and 2005, which were rejected.

The commission recommended salary increases for 1997 ranging from 9.5 to 10.0 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.

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

During the 2004 session, the commission recommended the four-year phase-in shown in **Exhibit 1.2**.

Exhibit 1.2
Judicial Compensation Commission
Salary Proposal

	<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
Associate 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

Source: Department of Legislative Services

The General Assembly rejected this proposal and left judicial salaries at their current level. The General Assembly approved a cost-of-living adjustment in the dollar amount of \$752 for all State employees.

During the 2005 legislative session, the commission resubmitted the salary recommendations that were not adopted during the 2004 session. The *Supplement to the 2004 Report of the Judicial Compensation Commission* advised that, if the salaries were increased as proposed, the commission did not intend to make another salary recommendation until 2010.

When the General Assembly failed to act on the legislation within the required time period, the proposal was implemented by operation of law, rendering the salary structure, shown in **Exhibit 1.3**, effective.

Exhibit 1.3
Judicial Compensation Commission
Salary Proposal

<u>Judges Salary Proposal</u>	<u>Current Salary</u>	<u>Effective 7-1-2005</u>	<u>Effective 7-1-2006</u>	<u>Effective 7-1-2007</u>	<u>Effective 7-1-2008</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$151,352	\$155,852	\$163,352	\$172,352	\$181,352	\$30,000
Associate Judge	132,352	136,852	144,352	153,352	162,352	30,000
Court of Special Appeals						
Chief Judge	\$127,552	\$131,302	\$137,552	\$145,052	\$152,552	\$25,000
Associate Judge	124,552	128,302	134,552	142,052	149,552	25,000
Circuit Court	\$120,352	\$123,352	\$128,352	\$134,352	\$140,352	\$20,000
District Court						
Chief Judge	\$124,552	\$128,302	\$134,552	\$142,052	\$149,552	\$25,000
Associate Judge	112,252	114,502	118,502	122,752	127,252	15,000

Source: Department of Legislative Services

Chapter 2. Compensation Principles and Data

Over the last 28 years, certain compensation principles have guided the commission's judicial salary recommendations. This section discusses the compensation principles and summarizes salary data reviewed by the commission.

Compensation Principles

The commission considered many compensation principles and variables when developing its recommendations for the next four fiscal years. The commission members identified these themes through independent research and from the testimony of Maryland jurists, the State Bar Association, and the Department of Legislative Services, who appeared before the commission. Among the topics discussed were:

- 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 from diverse backgrounds; and
- workplace conditions.
- The commission regarded these factors as applicable and relevant in recommending judicial salaries. It also recognized that all of the issues would need to be collectively considered. For example, achieving parity with the private sector would place Maryland's judicial salaries higher than other states, federal judges, or many cabinet secretaries. Conversely, relying only on salary levels in other states could result in a recommendation too low to attract qualified individuals.

Other principles were difficult to quantify. Cultural, racial, and professional diversity were issues of concern. The need to obtain diversity of jurists, enlist experienced applicants, and attract individuals with a broad range of public and private sector experience were also emphasized. Moreover, it is challenging to recruit skilled individuals to try the most complex cases when the current salary structure equally compensates all judges within each level of court.

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 System of Maryland. 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. Combined with a recent Judiciary Administrative Office of the Courts salary survey, the commission used this data to determine the salary rankings 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 national and regional rankings are shown in **Appendix 3** of this report. The data indicates that 48 states and the District of Columbia have provided salary increases to judges since January 2005, when the commission last met. However in some cases, direct comparisons could not be made from state to state. Few states have the equivalent of Maryland's Chief Judge of the District Court, for instance, so no comparison could be made under this category. However, that position is funded by Maryland statute at the same level as an associate judge on the Court of Special Appeals.

The commission gave serious consideration to the salaries of judges in other states, despite the challenges in making comparisons to Maryland's complete judicial compensation structure. **Exhibit 2.1** compares the regional rankings of judicial salaries between fiscal 2006 and 2009. The data indicates that although Maryland's regional ranking has improved over the last four fiscal years, the State still ranks in the bottom half of the region, except in the category of chief judge of the highest appellate court. The region includes 10 states (Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia) 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>
Fiscal 2009	4	7	5	5	7	7
Fiscal 2008	6	7	6	6	9	8
Fiscal 2007	5	9	6	6	9	8
Fiscal 2006	9	9	6	6	9	9
Number of States in Comparison Group	11	11	7	7	11	10

Note: There is no adequate comparisons for Chief Judge of the District Court.

Source: National Center for State Courts Survey of Judicial Salaries

Federal Judges

Comparisons between the salaries of Maryland judges and federal judges were seriously deliberated due to the State's proximity to Washington, DC. Commission members in prior years heard testimony indicating that Maryland judges have left the bench to accept positions in federal courts. Though the two jobs differ slightly, the high compensation, regular salary increases, and lifetime tenure make a federal judicial appointment very attractive. A listing of federal judges' salaries appears in **Appendix 4**.

Salaries of Maryland State Officials

The commission reviewed the salaries of various State officials, including cabinet secretaries, university presidents, and constitutional officers. In fiscal 2009, the salaries for incumbent cabinet secretaries range from \$101,490 to \$195,000, and the salaries of public higher education institution presidents range from \$233,000 to \$490,000. A comprehensive list of salaries for all State officials can be found in **Appendix 5**.

Salaries for the Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, and Secretary of State are established every four years by the Governor's Salary Commission. As required by the Maryland Constitution, the commission develops salary recommendations and submits them to the General Assembly for approval. Although in 2006 the Governor's Salary Commission recommended increases for the 2007-2010 term, the proposal was rejected by the General Assembly as shown in **Exhibit 2.2**. The salaries of constitutional

officers were last increased in 2002, when the Governor's Salary Commission recommended, and the General Assembly adopted, a 25 percent increase to be phased in during the 2003-2006 term.

Exhibit 2.2
Salaries of State Constitutional Officers for 2007-2010 Term
Calendar 2007-2010

<u>Officer</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Governor	\$150,000	\$150,000	\$150,000	\$150,000
Lieutenant Governor	125,000	125,000	125,000	125,000
Comptroller	125,000	125,000	125,000	125,000
Attorney General	125,000	125,000	125,000	125,000
State Treasurer	125,000	125,000	125,000	125,000
Secretary of State	87,500	87,500	87,500	87,500

Source: Maryland Budget Bills, 2007-2010

The General Assembly Compensation Commission submits salary recommendations for the members of the General Assembly. The commission's last recommendation in 2006 was for salaries to remain at their current level as shown in **Exhibit 2.3**.

Exhibit 2.3
General Assembly Compensation for 2007-2010 Term
Calendar 2007-2010

<u>Official</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Members	\$43,500	\$43,500	\$43,500	\$43,500
President of the Senate	56,500	56,500	56,500	56,500
Speaker of the House	56,500	56,500	56,500	56,500

Source: Maryland Budget Bills, 2007-2010

The Economy

The commission's past recommendations have reflected an awareness of the State's fiscal condition. The commission did not submit salary proposed increases in years when the budget could not support such increases. The commission did not, for example, recommend an increase in judicial salaries for fiscal 2004, due to the State's economic condition and projected budget deficit.

The commission is once again considering judicial salaries during challenging economic times. Several important events have occurred since the commission last submitted recommendations. In October 2007, the Governor called a special session of the legislature to address a projected structural deficit estimated at \$1.7 billion for fiscal 2009. The legislature adopted a measure to put forth a voter referendum which would allow video lottery terminals (VLTs) in Maryland, and in November 2008, voters passed the constitutional amendment. Although the revenues from VLTs will improve the State's fiscal condition, it is estimated that VLT facilities will not open until calendar 2011 and will not be at full implementation until calendar 2012.

On a broader scale, the national and State economic situation has significantly deteriorated since the commission last met. The Department of Legislative Services briefed the commission on recent developments in the economic and financial climate that have directly affected revenues for the general fund balance, such as declines in existing home sales and employment income, as shown in **Exhibit 2.4**. The expectation for revenues in fiscal 2009 was cited at \$250 million less than required to support the budget with the possibility of further deterioration, and the budget shortfall for fiscal 2010 was estimated at \$1.0 billion. The outlook for fiscal 2012-13 was said to be directly dependent on any action taken during the next legislative session. Although the commission did consider the economic situation, it was only one of many factors that shaped its recommendations.

Exhibit 2.4
Recent Economic Performances
Year-over-year Percent Change

<u>Calendar Year</u>	<u>Employment</u>	<u>Initial Unemployment Claims</u>	<u>Personal Income</u>	<u>Existing Home Sales</u>
2005	1.5%	-6.1%	5.5%	0.3%
2006	1.3%	-2.4%	5.7%	-20.9%
2007	0.8%	9.1%	5.4%	-22.9%
YTD 2008	0.4%	20.7%	5.4%	-33.5%

Note: Data for 2008 is through March for Maryland personal income and employment.

Sources: Personal income data from the Bureau of Economic Analysis, U.S. Department of Commerce; Employment and unemployment insurance claims data from the Bureau of Labor Statistics, U.S. Department of Labor; and Maryland home sales from the Maryland Association of Realtors

Recruitment and Advancement

The commission focused on the current salary structure's ability to attract judges with diversity and depth of experience. More attorneys with public sector experience are attracted to the bench than those in the private sector. The average age of recent appointees to the District Court has decreased by eight years since 2005, and the Judiciary reports that it is becoming more difficult to retain judges. Testimony from the Judiciary indicated that between July 1, 2003, and September 4, 2008, 29 judges retired from the bench before reaching the mandatory retirement age of 70.

Judges are frequently paid less than the lawyers appearing before them. Representatives from the Maryland State Bar Association testified that among Baltimore's largest law firms, the lowest starting salary for the fall of 2008 was \$95,000 for first year associates with no experience. Starting salaries for the majority of large law firms ranged from \$95,000 to \$165,000, with some of the salaries reflecting up to a 26 percent increase from the prior year. Further details on the starting salaries at select law firms can be found in **Exhibit 2.5**

Exhibit 2.5 Associate Salaries

<u>Firm</u>	<u>Starting Salary Fall 2008</u>	<u>Starting Salary Fall 2007</u>
Ballard, Spahr, Andrews & Ingersoll L.L.P.	\$140,000	\$130,000
DLA Piper US L.L.P.	160,000	145,000
Gordon, Feinblatt, Rothman, Hoffberger & Hollander L.L.C.	100,000	100,000
Hogan & Hartson	160,000/137,500 ⁽¹⁾	160,000/125,000 ⁽¹⁾
McGuire Woods L.L.P.	145,000	135,000
Miles and Stockbridge	140,000	125,000
Saul Ewing L.L.P.	135,000	135,000
Semmes, Bowen & Semmes P.C.	no set starting salary	
Venable L.L.P.	165,000	145,000
Whiteford, Taylor & Preston L.L.P.	120,000	95,000

⁽¹⁾Two-tiered salary system

Source: *The Daily Record* and phone calls to recruiting coordinators.

In addition to market demands, the commission contemplated the appropriate standard of living for judges, recognizing that members of the Judiciary work in the legal community and should maintain a lifestyle commensurate with their peers. This factor may 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 may, to some extent, offset relatively lower economic compensation.

The commission's concerns regarding attraction of qualified individuals are particularly relevant in today's judicial climate. Judges are routinely hearing cases that require a greater understanding of scientific and technical information, including DNA evidence, as well as cases involving complicated business and technology issues, such as partner dissolutions or intellectual property disputes.

Workplace Conditions

The commission also found relevant the increased caseloads in the courts. Each year, the Chief Judge of the Court of Appeals formally certifies to the General Assembly the need for additional judges in the State. This certification is prepared based upon a statistical analysis of the workload of the courts and the comments of the circuit administrative judges and the Chief Judge of the District Court. Although the weighted caseload methodology has consistently supported the need for new judges, no new judgeships have been added since 2005, when the General Assembly authorized 13 new judgeships.

In addition to the increase in case volume and complexity, judges are also handling more challenging dockets due to the increase of *pro se* litigants. Cases with unrepresented individuals consume more time from the bench, as judges must be particularly cautious in ensuring that the rights of all parties are protected. There has also been a significant increase in the number of litigants who require language interpretation, extending the length of cases. And finally, the introduction of problem-solving courts, such as drug courts and mental health courts, has increased workload by greatly increasing the frequency of hearings.

The Future

The commission expressed concern 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 Maryland Judicial Conference has consistently strived to achieve parity with the salary structure of the federal judiciary. Former reports of the commission have also expressed this goal of achieving parity with the federal system. While the Judiciary and the commission acknowledged that full parity with the federal system may not be attainable under the current economic climate, the proposed increases will close the gap that exists between the current salaries within the two systems.

Chapter 3. Fiscal 2010-2013 Salary Recommendations

The commission received testimony from various members of the Judiciary and the Department of Legislative Services and reviewed salary data and rankings. As a result of the information that was shared and the discussions that followed, the commission members agreed to a phased-in four-year increase for all judges as a means of ensuring recruitment of talented individuals to the bench. The recommendation is consistent with the commission's 2005 approved plan which also recommended a four-year phase-in of annual increases from fiscal 2006 through 2009. However, the current proposal is a departure from that plan in the way increases are determined. As shown in **Exhibit 3.1**, the recommendation is for a flat dollar increase to all judges. The amount is recalculated annually as 6 percent of the average salary for each of level of court.

The recommended flat dollar increase impacts each judge differently depending on which level of court he or she serves. As **Exhibit 3.2** outlines, the percent salary growth at each level of court increases as salary decreases. This is because a flat dollar hike in pay is of greater benefit to those at lower salaries. However, as the salary of the lowest paid judges goes up with each annual dollar increase, the resulting percent growth declines slightly. The inverse is true of the highest paid judges. Therefore, in year one the highest paid judge would effectively receive a 5.0 percent increase while the lowest paid judges would receive 7.2 percent. By year four, the highest paid judge would receive a 5.2 percent increase while the lowest paid judges would receive 6.9 percent. Over the four-year period, however, the actual salary gap between the highest and lowest paid judges would be maintained at \$54,100.

Exhibit 3.1
Judicial Compensation Commission Salary Recommendations
Fiscal 2010-2013

	<u>Current Salary</u>	<u>Proposed Fiscal 2010</u>	<u>Proposed Fiscal 2011</u>	<u>Proposed Fiscal 2012</u>	<u>Proposed Fiscal 2013</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$181,352	\$190,463	\$200,121	\$210,358	\$221,210	\$39,858
Judge	162,352	171,463	181,121	191,358	202,210	39,858
Court of Special Appeals						
Chief Judge	152,552	161,663	171,321	181,558	192,410	39,858
Judge	149,552	158,663	168,321	178,558	189,410	39,858
Circuit Court	140,352	149,463	159,121	169,358	180,210	39,858
District Court						
Chief Judge	149,552	158,663	168,321	178,558	189,410	39,858
Judge	127,252	136,363	146,021	156,258	167,110	39,858
Average Salary	151,852	160,963	170,621	180,858		
Increase at 6% ¹		9,111	9,658	10,237	10,851	39,858
Incremental Salaries ²		\$2,734,836	\$2,898,836	\$3,072,676	\$3,256,947	\$11,963,295
Incremental Social Security (@ 1.45%)		39,655	42,033	44,554	47,226	173,468
Incremental Pensions ³		1,293,881	1,371,505	1,453,786	1,541,004	5,660,175
Incremental Fiscal Impact		\$4,068,372	\$4,312,374	\$4,571,016	\$4,845,177	\$17,796,938

¹Increase per judge; based on average salary of prior year's judicial salary structure.

²Includes salary increases for Public Defender, State Prosecutor, and members of Workers Compensation Commission, whose salaries are tied to judicial salaries. Does not include incremental costs for State's attorneys, whose salaries are also tied to judicial salaries but are funded locally.

³48.89% pension rate for judges and 9.93% rate for all other State employees.

Note: Average Salary is based on the current salary structure for each level of court, not the weighted average of all judges.

Source: Cheiron – Actuary to State Retirement Pension System; Social Security Administration

Exhibit 3.2
Judicial Compensation Commission Salary Recommendations
Fiscal 2010-2013

	<u>Current Salary</u>	<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	\$181,352	5.0%	5.1%	5.1%	5.2%
Judge	162,352	5.6%	5.6%	5.7%	5.7%
Court of Special Appeals					
Chief Judge	152,552	6.0%	6.0%	6.0%	6.0%
Judge	149,552	6.1%	6.1%	6.1%	6.1%
Circuit Court	140,352	6.5%	6.5%	6.4%	6.4%
District Court					
Chief Judge	149,552	6.1%	6.1%	6.1%	6.1%
Judge	127,252	7.2%	7.1%	7.0%	6.9%
Average		6.1%	6.1%	6.1%	6.0%

Source: Department of Legislative Services

Fiscal Impact of Salary Recommendations

Under the commission's current recommendation, judges at all levels would receive salary increases of equal amount. Based on 6 percent of the average salary structure in the preceding year, each judge would receive increases of \$9,111 in fiscal 2010, \$9,658 in fiscal 2011, \$10,237 in fiscal 2012, and \$10,851 in fiscal 2013, for an overall increase of \$39,858 over a four-year period. The total cost to the State of this action would be \$17.8 million: this amount includes \$12.0 million for salary increases, assuming that no new judgeships are granted over the four-year period. This reflects increases for the Public Defender, State Prosecutor, and members of the Workers' Compensation Commission as well, whose salaries are tied to the judicial salary structure. Not included are incremental salary costs for State's attorneys, whose salaries are also tied to judicial salaries. Those expenses are funded locally. This chart reflects the incremental cost to the State for Social Security and pensions which increase as salaries rise.

The commission's proposal also affects 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 pension costs as a result of the recommendations will be \$1.3 million in the first year and \$5.7 million over the four-year period. This is based on the contribution rate determined by the State's actuary, which is estimated to be 48.89 percent for judges and 9.93 percent for other State employees in fiscal 2010. **Appendix 8** provides a more complete description of the JRS.

Appendix 1. Salary Recommendations



MARYLAND GENERAL ASSEMBLY
JUDICIAL COMPENSATION COMMISSION

January 5, 2009

The Honorable Martin J. O'Malley
Governor, State of Maryland
State House
Annapolis, Maryland 21401

Dear Governor O'Malley:

Herewith, the Judicial Compensation Commission transmits to you the commission's 2008 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 2010 salary recommendations will be introduced in both houses of the General Assembly for their consideration in January 2009.

The commission recommends the salaries of all Maryland judges be increased over a four-year period in accordance with the following table. Pursuant to statute, judges will not receive any general salary increases proposed by the Governor for State employees in any fiscal year in which a judge's salary is increased in accordance with this resolution.

<u>Judges' Salary Proposal</u>	<u>Current Salary</u>	<u>Proposed 7/1/2009</u>	<u>Proposed 7/1/2010</u>	<u>Proposed 7/1/2011</u>	<u>Proposed 7/1/2012</u>	<u>Phase-in</u>
Court of Appeals						
Chief Judge	\$181,352	\$190,463	\$200,121	\$210,358	\$221,210	\$39,858
Judge	162,352	171,463	181,121	191,358	202,210	39,858
Court of Special Appeals						
Chief Judge	\$152,552	\$161,663	\$171,321	\$181,558	\$192,410	\$39,858
Associate Judge	149,552	158,663	168,321	178,558	\$189,410	39,858
Circuit Court	\$140,352	\$149,463	\$159,121	\$169,358	\$180,210	\$39,858
District Court						
Chief Judge	\$149,552	\$158,663	\$168,321	\$178,558	\$189,410	\$39,858
Associate Judge	127,252	136,363	146,021	156,258	167,110	39,858

The Honorable Martin J. O'Malley
January 5, 2009
Page 2

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.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth J. Buck". The signature is written in black ink and is positioned above the printed name and title.

Elizabeth J. Buck
Chairman

EJB/FMA/mrm

cc: President Thomas V. Mike Miller, Jr.
Speaker Michael E. Busch
Judge Robert M. Bell
Secretary T. Eloise Foster
Mr. Karl S. Aro
Mr. Warren G. Deschenaux

Appendix 2. 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.

[1973, 1st Sp. Sess., ch. 2, § 1.]

§ 1-702. Judicial salaries established.

(a) In general.- Subject to the provisions of § 1-701 of this subtitle, 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.

[An. Code 1957, art. 26, §§ 47, 144; 1973, 1st Sp. Sess., ch. 2, § 1; 2006, ch. 44, § 6.]

§ 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, except for the provisions of § 8-108(c) of the State Personnel and Pensions Article.

(b) Automatic salary increases; exception.-

(1) Except as provided in paragraph (2) of this subsection, 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.

(2) In any year that a judge's salary is increased in accordance with a resolution under § 1-708 of this subtitle, the judge may not receive a salary increase under paragraph (1) of this subsection.

Appendix 2 continued

[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; 2003, ch. 21, § 1; 2005, ch. 444, § 1.]

§ 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.

[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.

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

§ 1-706. Reimbursement for expenses.

(a) In general.- 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) Additional expenses.- 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.

Appendix 2 continued

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

§ 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 Maryland 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.

[An. Code 1957, art. 26, § 144; 1973, 1st Sp. Sess., ch. 2, § 1; 1984, ch. 255; 1985, ch. 10, § 3; 2006, ch. 44, § 6.]

§ 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 subtitle, 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;

Appendix 2 continued

(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 2004 and every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section. Beginning in 2008, the Commission shall make written recommendations to the Governor and General Assembly every 4 years, accounting from September 1, 2004. 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 subtitle.

(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 subtitle, or Title 27 of the State Personnel and Pensions Article.

[1980, ch. 717; 1982, ch. 820, § 3; 1992, ch. 131, § 12; 1994, ch. 468; 1997, ch. 14, § 1; 1998, ch. 21, § 2; 2005, ch. 25, § 13; ch. 444, § 1; 2006, ch. 44, § 6.]

Appendix 3. National Judicial Salary Rankings

Appendix 3.1A Highest Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last changed</u>
1	California	\$228,856	\$219,716	\$200,613	\$198,567	11/14/2007
2	Illinois	196,322	189,135	182,739	177,073	7/1/2008
3	Delaware	194,750	194,750	194,000	189,240	7/1/2007
4	Pennsylvania	186,649	180,336	160,009	160,009	1/1/2008
5	New Jersey	183,182	173,569	164,250	164,250	1/1/2008
6	Maryland	181,352	172,352	163,352	155,852	7/1/2008
7	Alaska	180,048	165,696	165,696	126,132	7/1/2008
8	Virginia	178,043	164,855	158,514	158,514	11/24/2007
9	Connecticut	175,645	175,645	166,489	166,489	1/1/2007
10	Iowa	170,850	153,109	150,110	132,720	7/1/2008
11	Rhode Island	167,644	167,644	162,761	158,020	6/24/2007
12	Georgia	167,210	162,340	157,779	157,779	1/1/2008
13	Hawaii	164,976	159,396	144,900	140,000	7/1/2008
14	Michigan	164,610	164,610	164,610	164,610	1/1/2002
15	Tennessee	164,292	159,960	134,364	129,948	7/1/2008
16	Florida	161,200	161,200	160,375	160,375	10/1/2006
17	Minnesota	160,579	155,902	151,361	149,124	7/1/2008
18	Alabama	156,946	191,284	153,027	153,027	10/1/2007
19	New York	156,000	156,000	156,000	156,000	1/1/1999
20	Washington	155,557	145,636	141,394	141,394	9/1/2007
21	Texas	152,500	152,500	152,500	152,500	12/1/2005
22	Indiana	151,328	144,398	138,844	133,600	7/1/2008
23	Massachusetts	151,239	151,239	131,512	131,512	7/23/2006
24	Arkansas	151,049	148,088	145,184	142,140	7/1/2008
25	Ohio	150,850	146,750	144,300	144,300	1/1/2008
26	Wisconsin	148,165	145,415	134,358	134,358	1/2/2008
27	Utah	147,350	140,450	127,850	124,150	7/1/2008
28	Oklahoma	147,000	140,000	140,000	117,571	7/1/2008
29	Arizona	145,294	145,300	129,150	129,150	1/1/2007
30	South Carolina	144,029	142,603	138,450	134,418	6/2/2008
31	Louisiana	143,815	137,622	129,806	124,216	7/1/2008
32	New Hampshire	143,580	137,730	132,000	132,000	1/1/2008
33	Colorado	142,708	132,027	125,656	122,352	7/1/2008
34	North Carolina	140,932	137,160	130,629	123,819	7/1/2008
35	Nevada	140,000	140,000	107,600	140,000	7/1/2006
36	Missouri	139,534	135,543	125,500	125,500	7/1/2008
37	Kansas	139,310	135,912	126,912	124,424	6/15/2008
38	Kentucky	139,164	137,812	137,412	137,172	7/1/2008
39	Maine	138,294	132,971	129,854	125,463	7/1/2008
40	Nebraska	135,881	131,285	126,847	122,854	7/1/2008

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last changed</u>
41	Vermont	135,421	135,421	124,952	124,952	7/9/2007
42	Oregon	128,556	124,812	107,600	107,599	7/1/2008
43	New Mexico	125,691	122,792	117,040	108,960	7/1/2008
44	North Dakota	121,513	116,840	110,346	106,102	7/1/2008
45	Idaho	121,006	117,525	112,000	105,668	7/1/2008
46	West Virginia	121,000	121,000	121,000	121,000	7/1/2005
47	South Dakota	120,173	116,731	113,389	110,145	7/1/2008
48	Wyoming	119,300	119,300	111,400	111,400	1/1/2007
49	Mississippi	115,390	115,390	115,390	115,390	1/1/2004
50	Montana	107,404	107,404	102,466	102,466	7/1/2007
	Average	\$152,044	\$148,503	\$140,446	\$137,486	
	District of Columbia	\$180,000	\$175,600	\$175,600	\$175,600	1/6/2008
	Federal System	\$217,400	\$212,100	\$212,100	\$212,100	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.1B
Regional Judicial Salary Rankings
Highest Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	Delaware	\$194,750	\$194,750	\$194,000	\$189,240	7/1/2007
2	Pennsylvania	186,649	180,336	160,009	160,009	1/1/2008
3	New Jersey	183,182	173,569	164,250	164,250	1/1/2008
4	Maryland	181,352	172,352	163,352	155,852	7/1/2008
5	District of Columbia	180,000	175,600	175,600	175,600	1/6/2008
6	Virginia	178,043	164,855	158,514	158,514	11/24/2007
7	Connecticut	175,645	175,645	166,489	166,489	1/1/2007
8	Rhode Island	167,644	167,644	162,761	158,020	6/24/2007
9	New York	156,000	156,000	156,000	156,000	1/1/1999
10	North Carolina	140,932	137,160	130,629	123,819	7/1/2008
11	West Virginia	121,000	121,000	121,000	121,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.2A
National Judicial Salary Rankings
Highest Appellate Court – Associate Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	California	\$218,237	\$209,521	\$183,946	\$182,071	11/14/2007
2	Illinois	196,322	189,135	182,739	177,073	7/1/2008
3	Delaware	185,050	185,050	184,300	179,670	7/1/2007
4	Pennsylvania	181,371	175,236	155,783	155,783	1/1/2008
5	Alaska	179,520	165,204	165,204	125,520	7/1/2008
6	New Jersey	176,488	167,493	158,500	158,500	1/1/2008
7	Georgia	167,210	162,340	157,779	157,779	1/1/2008
8	Virginia	166,999	154,629	148,682	148,682	11/24/2007
9	Michigan	164,610	164,610	164,610	164,610	1/1/2002
10	Iowa	163,200	146,890	144,000	128,000	7/1/2008
11	Connecticut	162,520	162,520	154,047	154,047	1/1/2007
12	Maryland	162,352	153,352	144,352	136,852	7/1/2008
13	Florida	161,200	161,200	160,375	160,375	10/1/2006
14	Tennessee	159,288	154,800	150,000	129,948	7/1/2008
15	Hawaii	159,072	153,696	139,725	135,000	7/1/2008
16	Alabama	155,946	152,027	152,027	152,027	10/1/2007
17	Washington	155,557	145,636	141,394	141,394	9/1/2007
18	Rhode Island	152,403	152,403	147,964	143,654	6/24/2007
19	Indiana	151,328	144,398	138,844	133,600	7/1/2008
20	New York	151,200	151,200	151,200	151,200	1/1/1999
21	Texas	150,000	150,000	150,000	150,000	12/1/2005
22	Massachusetts	145,984	145,984	126,943	126,943	7/23/2006
23	Minnesota	145,981	141,729	137,601	135,567	7/1/2008
24	Utah	145,350	138,450	125,850	122,150	7/1/2008
25	Arizona	142,341	142,300	126,525	126,525	1/1/2007
26	Ohio	141,600	137,750	135,450	135,450	1/1/2008
27	Wisconsin	140,165	137,415	126,358	126,358	1/2/2008
28	Nevada	140,000	140,000	140,000	107,600	7/1/2006
29	Arkansas	139,821	137,080	134,392	131,509	7/1/2008
30	Colorado	139,660	129,207	122,972	119,739	7/1/2008
31	New Hampshire	139,258	133,554	128,000	128,000	1/1/2008
32	Oklahoma	137,655	131,100	131,100	113,571	7/1/2008
33	North Carolina	137,249	133,576	127,215	120,583	7/1/2008
34	South Carolina	137,171	135,813	131,858	128,018	6/2/2008
35	Missouri	137,034	133,043	123,000	123,000	7/1/2008
36	Louisiana	136,967	131,069	123,625	118,301	7/1/2008
37	Kansas	135,905	132,590	123,590	121,167	6/15/2008
38	Nebraska	135,881	131,285	126,847	122,854	7/1/2008
39	Kentucky	134,160	132,812	132,412	132,012	7/1/2008
40	Vermont	129,245	129,245	119,254	119,254	7/9/2007
41	Oregon	125,688	122,028	105,200	105,199	7/1/2008
42	New Mexico	123,691	120,792	115,040	106,960	7/1/2008

Appendix 3.2A continued

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
43	West Virginia	121,000	121,000	121,000	121,000	7/1/2005
44	Maine	119,594	114,992	112,300	108,498	7/1/2008
45	Idaho	119,506	116,025	110,500	104,168	7/1/2008
46	Wyoming	119,300	119,300	111,400	111,400	1/1/2007
47	South Dakota	118,173	114,731	111,389	108,145	7/1/2008
48	North Dakota	118,121	113,578	107,210	103,087	7/1/2008
49	Mississippi	112,530	112,530	112,530	112,530	1/1/2004
50	Montana	106,185	106,185	100,884	100,884	7/1/2007
	Average	\$146,902	\$142,730	\$136,518	\$132,125	
	District of Columbia	\$179,500	\$175,100	\$175,100	\$175,100	1/6/2008
	Federal System	\$208,100	\$203,000	\$203,000	\$203,000	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.2B Regional Judicial Salary Rankings Highest Appellate Court – Associate Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last changed</u>
1	Delaware	\$185,050	\$185,050	\$184,300	\$179,670	7/1/2007
2	Pennsylvania	181,371	175,236	155,783	155,783	1/1/2008
3	District of Columbia	179,500	175,100	175,100	175,100	1/6/2008
4	New Jersey	176,488	167,493	158,500	158,500	1/1/2008
5	Virginia	166,999	154,629	148,682	148,682	11/24/2007
6	Connecticut	162,520	162,520	154,047	154,047	1/1/2007
7	Maryland	162,352	153,352	144,352	136,852	7/1/2008
8	Rhode Island	152,403	152,403	147,964	143,654	6/24/2007
9	New York	151,200	151,200	151,200	151,200	1/1/1999
10	North Carolina	137,249	133,576	127,215	120,583	7/1/2008
11	West Virginia	121,000	121,000	121,000	121,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.3A
National Judicial Salary Rankings
Intermediate Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	California	\$204,599	\$204,285	\$179,350	\$177,522	11/14/2007
2	Illinois	184,775	178,011	171,991	166,658	7/1/2008
3	Pennsylvania	176,409	170,442	153,181	153,181	1/1/2008
4	Alaska	169,608	156,084	156,084	118,584	7/1/2008
5	New Jersey	167,023	158,511	150,000	150,000	1/1/2008
6	Georgia	166,186	161,348	156,814	156,814	1/1/2008
7	Virginia	161,650	149,898	144,248	142,248	11/24/2007
8	Connecticut	160,722	160,722	152,343	152,343	1/1/2007
9	Tennessee	156,480	152,136	145,000	123,888	7/1/2008
10	Alabama	155,446	162,892	151,527	151,527	10/1/2007
11	Hawaii	153,192	148,008	134,550	130,000	7/1/2008
12	Florida	153,140	153,140	148,524	148,524	10/1/2006
13	Iowa	153,000	141,731	138,960	127,920	7/1/2008
14	Maryland	152,552	145,052	137,552	131,302	7/1/2008
15	Michigan	151,441	151,441	151,441	151,441	1/1/2002
16	Washington	148,080	138,636	138,636	134,598	9/1/2007
17	New York	148,000	148,000	148,000	148,000	1/1/1999
18	Indiana	147,103	140,367	134,968	129,800	7/1/2008
19	Minnesota	144,429	140,222	136,138	134,126	7/1/2008
20	Utah	140,750	134,150	121,100	117,600	7/1/2008
21	Massachusetts	140,358	140,358	122,050	122,050	7/23/2006
22	Texas	140,000	140,000	140,000	140,000	12/1/2005
23	Arizona	139,388	123,900	123,900	123,900	1/1/2007
24	Arkansas	137,669	134,969	132,323	129,470	7/1/2008
25	Colorado	137,201	126,932	120,807	117,631	7/1/2008
26	Louisiana	136,704	130,692	123,055	118,000	7/1/2008
27	South Carolina	135,799	134,454	130,539	126,737	6/2/2008
28	North Carolina	135,061	130,236	124,034	117,568	7/1/2008
29	Kansas	134,750	131,463	124,463	120,062	6/15/2008
30	Oklahoma	132,825	126,500	126,500	109,731	7/1/2008
31	Wisconsin	132,230	129,636	119,205	119,205	1/2/2008
32	Ohio	132,000	132,000	128,400	126,250	1/1/2008
33	Kentucky	131,760	130,472	130,072	129,780	7/1/2008
34	Nebraska	129,087	124,721	120,504	116,711	7/1/2008
35	Missouri	128,207	124,473	115,000	115,000	7/1/2008
36	Oregon	125,688	122,028	105,200	105,199	7/1/2008
37	New Mexico	119,406	116,652	111,188	103,512	7/1/2008
38	Idaho	118,506	115,025	109,500	103,168	7/1/2008
39	Mississippi	108,130	108,130	108,130	108,130	1/1/2004
	Average	\$145,881	\$141,480	\$135,007	\$130,723	
	Federal System	\$179,500	\$175,100	\$175,100	\$175,100	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.3B
Regional Judicial Salary Rankings
Intermediate Appellate Court – Chief Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last changed</u>
1	Pennsylvania	\$176,409	\$170,442	\$153,181	153,181	1/1/2008
2	New Jersey	167,023	158,511	150,000	150,000	1/1/2008
3	Virginia	161,650	149,898	144,248	142,248	11/24/2007
4	Connecticut	160,722	160,722	152,343	152,343	1/1/2007
5	Maryland	152,552	145,052	137,552	131,302	7/1/2008
6	New York	148,000	148,000	148,000	148,000	1/1/1999
7	North Carolina	135,061	130,236	124,034	117,568	7/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.4A
National Judicial Salary Rankings
Intermediate Appellate Court – Associate Judge

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	California	\$204,599	\$196,428	\$172,452	\$170,694	11/14/2007
2	Illinois	184,775	178,011	171,991	166,658	7/1/2008
3	Pennsylvania	171,131	165,342	150,903	150,903	1/1/2008
4	Alaska	169,608	156,084	156,084	118,584	7/1/2008
5	New Jersey	167,023	158,511	150,000	150,000	1/1/2008
6	Georgia	166,186	161,348	156,814	156,814	1/1/2008
7	Virginia	158,650	146,898	141,248	141,248	11/24/2007
8	Alabama	156,946	151,527	151,027	151,027	10/1/2007
9	Tennessee	153,984	149,640	145,000	123,888	7/1/2008
10	Florida	153,140	153,140	148,524	148,524	8/4/2008
11	Connecticut	152,637	152,637	144,680	144,680	1/1/2007
12	Michigan	151,441	151,441	151,441	151,441	1/1/2002
13	Maryland	149,552	142,052	134,552	128,302	7/1/2008
14	Washington	148,080	138,636	134,598	134,598	9/1/2007
15	Iowa	147,900	136,739	134,060	123,120	7/1/2008
16	Hawaii	147,288	142,308	129,375	125,000	7/1/2008
17	Indiana	147,103	140,367	134,968	129,800	7/1/2008
18	New York	144,000	144,000	144,000	144,000	1/1/1999
19	Arizona	139,388	139,400	123,900	123,900	1/1/2007
20	Utah	138,750	132,150	120,100	116,600	7/1/2008
21	Minnesota	137,552	133,546	129,656	127,740	7/1/2008
22	Texas	137,500	137,500	137,500	137,500	12/1/2005
23	Arkansas	135,515	132,858	130,253	127,431	7/1/2008
24	Massachusetts	135,087	135,087	117,467	117,467	7/23/2006
25	Colorado	134,128	124,089	118,101	114,996	7/1/2008
26	South Carolina	133,741	132,417	128,561	124,817	6/2/2008
27	Wisconsin	132,230	129,636	119,205	119,205	1/2/2008
28	Ohio	132,000	128,400	126,250	126,250	1/1/2008
29	North Carolina	131,531	128,011	121,915	115,559	7/1/2008
30	Kansas	131,518	128,310	121,310	116,971	6/15/2008
31	Oklahoma	130,410	124,200	124,200	108,336	7/1/2008
32	Louisiana	130,194	124,469	117,195	112,041	7/1/2008
33	Nebraska	129,087	124,721	120,504	116,711	7/1/2008
34	Kentucky	128,760	127,472	127,072	126,672	7/1/2008
35	Missouri	128,207	124,473	115,000	115,000	7/1/2008
36	Oregon	122,820	119,244	102,800	102,800	7/1/2008
37	Idaho	118,506	115,025	109,500	103,168	7/1/2008
38	New Mexico	117,506	114,752	109,288	101,612	7/1/2008
39	Mississippi	105,050	105,050	105,050	105,050	1/1/2004
	Average	\$143,680	\$139,126	\$132,732	\$128,695	
	Federal System	\$179,500	\$175,100	\$175,100	\$175,100	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.5A
National Judicial Salary Rankings
General Trial Courts

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	California	\$178,789	\$171,648	\$150,696	\$149,160	11/14/2007
2	Illinois	169,555	163,348	157,824	152,930	7/1/2008
3	Delaware	168,850	168,850	168,100	163,850	7/1/2007
4	Alaska	165,996	152,760	152,760	116,076	7/1/2008
5	Pennsylvania	157,441	152,115	135,293	135,293	1/1/2008
6	New Jersey	157,000	149,000	141,000	141,000	1/1/2008
7	Virginia	155,033	143,549	138,028	138,028	11/24/2007
8	Tennessee	148,668	144,480	140,000	118,548	7/1/2008
9	Connecticut	146,780	146,780	139,128	139,128	1/1/2007
10	Florida	145,080	145,080	139,497	139,497	8/4/2008
11	Hawaii	143,292	138,444	125,856	121,600	7/1/2008
12	Washington	140,979	131,988	128,143	128,143	9/1/2007
13	Maryland	140,352	134,352	128,352	123,352	7/1/2008
14	Michigan	139,919	139,919	139,919	139,919	1/1/2002
15	Iowa	137,700	128,544	126,020	117,040	7/1/2008
16	Rhode Island	137,212	137,212	133,216	129,336	6/24/2007
17	New York	136,700	136,700	136,700	136,700	1/1/1999
18	Arizona	135,824	135,824	120,750	120,750	1/1/2007
19	Utah	132,150	125,850	114,400	111,050	7/1/2008
20	Arkansas	131,206	128,633	126,111	123,351	7/1/2008
21	New Hampshire	130,620	125,208	120,000	120,000	1/1/2008
22	South Carolina	130,312	129,022	125,265	121,617	6/2/2008
23	Nevada	130,000	130,000	130,000	130,000	1/1/2008
24	Massachusetts	129,694	129,694	112,777	112,777	7/23/2006
25	Minnesota	129,124	125,363	121,712	119,913	7/1/2008
26	Colorado	128,598	118,973	113,232	110,255	7/1/2008
27	Nebraska	125,690	121,439	117,333	113,640	7/1/2008
28	Indiana	125,647	119,894	115,282	110,500	7/1/2008
29	Texas	125,000	125,000	125,000	125,000	12/1/2005
30	Wisconsin	124,746	122,298	112,457	112,457	1/2/2008
31	North Carolina	124,382	121,053	115,289	109,279	7/1/2008
32	Oklahoma	124,373	118,450	118,450	102,529	7/1/2008
33	Louisiana	124,085	118,289	110,964	105,780	7/1/2008
34	Kentucky	123,384	122,144	121,744	121,344	7/1/2008
35	Vermont	122,867	122,867	113,369	113,369	7/9/2007
36	Ohio	121,350	118,050	116,100	116,100	1/1/2008
37	Missouri	120,484	116,975	108,000	108,000	7/1/2008
38	Georgia	120,252	116,749	113,470	113,470	1/1/2008
39	Kansas	120,037	117,109	114,813	105,813	6/15/2008
40	West Virginia	116,000	116,000	116,000	116,000	7/1/2005
41	Alabama	115,892	111,973	111,973	111,973	10/1/2007
42	Oregon	114,468	111,132	95,800	95,800	7/1/2008
43	Wyoming	113,600	113,600	106,100	106,100	1/1/2007

Appendix 3.5A continued

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
44	Maine	112,145	107,816	105,300	101,732	7/1/2008
45	Idaho	112,043	108,780	103,600	97,632	7/1/2008
46	New Mexico	111,631	109,015	103,824	96,531	7/1/2008
47	South Dakota	110,377	107,162	104,041	101,010	7/1/2008
48	North Dakota	108,236	104,073	98,070	94,298	7/1/2008
49	Mississippi	104,170	104,170	104,170	104,170	1/1/2004
50	Montana	99,234	99,234	94,093	94,093	7/1/2007
	Average	\$131,339	\$127,732	\$122,200	\$118,719	
	District of Columbia	\$169,300	\$165,200	\$165,200	\$165,200	1/6/2008
	Federal System	\$169,300	\$165,200	\$165,200	\$165,200	1/1/2008

Source: National Center for State Courts Survey of Judicial Salaries

**Appendix 3.5B
Regional Judicial Salary Rankings
General Trial Courts**

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last changed</u>
1	District of Columbia	\$169,300	\$165,200	\$165,200	\$165,200	1/6/2008
2	Delaware	168,850	168,850	168,100	163,850	7/1/2007
3	Pennsylvania	157,441	152,115	135,293	135,293	1/1/2008
4	New Jersey	157,000	149,000	141,000	141,000	1/1/2008
5	Virginia	155,033	143,549	138,028	138,028	11/24/2007
6	Connecticut	146,780	146,780	139,128	139,128	1/1/2007
7	Maryland	140,352	134,352	128,352	123,352	7/1/2008
8	Rhode Island	137,212	137,212	133,216	129,336	6/24/2007
9	New York	136,700	136,700	136,700	136,700	1/1/1999
10	North Carolina	124,382	121,053	115,289	109,279	7/1/2008
11	West Virginia	116,000	116,000	116,000	116,000	7/1/2005

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.6A
National Judicial Salary Rankings
Courts of Limited Jurisdiction

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	Delaware	\$168,850	\$168,850	\$168,100	\$163,850	07/01/07
2	New Jersey	157,000	149,000	141,000	141,000	01/01/08
3	Pennsylvania	153,798	148,596	131,717	131,717	01/01/08
4	Alaska	140,748	129,516	129,516	98,400	07/01/08
5	Virginia	139,538	129,202	124,223	124,223	11/24/07
6	Michigan	138,272	138,272	138,272	138,272	01/01/02
7	Florida	137,020	137,020	130,693	130,693	10/01/06
8	Hawaii	135,048	130,476	118,611	114,600	07/01/08
9	Washington	134,233	125,672	122,000	122,012	09/01/07
10	Rhode Island	132,062	132,062	124,903	121,265	06/24/07
11	New Hampshire	130,620	125,208	120,000	120,000	01/01/08
12	Massachusetts	129,694	129,694	112,777	112,777	07/23/06
13	Maryland	127,252	122,752	118,502	114,502	07/01/08
14	South Carolina	126,883	125,627	121,968	118,416	06/02/08
15	Louisiana	124,085	118,289	110,964	106,000	07/01/08
16	Georgia	124,000	124,000	124,000	124,000	01/01/06
17	Colorado	123,067	113,856	108,362	105,513	07/01/08
18	New York	123,000	123,000	123,000	123,000	01/01/99
19	Vermont	122,867	122,867	113,369	113,369	07/09/07
20	Nebraska	122,293	118,157	114,162	110,569	07/01/08
21	Connecticut	121,615	121,615	115,275	115,275	01/01/07
22	Alabama	114,892	110,973	110,973	110,973	10/01/07
23	Ohio	114,100	111,000	109,150	109,150	01/01/08
24	Maine	112,145	107,816	105,000	101,732	07/01/08
25	Kentucky	111,552	110,432	110,032	109,632	07/01/08
26	North Carolina	109,372	106,445	101,376	96,091	07/01/08
27	Idaho	107,043	103,780	98,600	93,000	07/01/08
28	Indiana	100,518	96,450	92,740	N/A	07/01/08
29	Wyoming	98,800	93,200	90,000	87,000	07/01/08
30	New Mexico	79,537	77,673	70,081	65,158	07/01/08
	Average	125,330	121,717	116,646	114,558	
	District of Columbia	\$149,000	\$143,471	\$139,774	\$139,774	01/06/08
	Federal System	\$155,756	\$151,984	\$151,984	\$151,984	01/01/06

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 3.6B
Regional Judicial Salary Rankings
Courts of Limited Jurisdiction

<u>Rank</u>	<u>State</u>	<u>Fiscal 2009</u>	<u>Fiscal 2008</u>	<u>Fiscal 2007</u>	<u>Fiscal 2006</u>	<u>Last Changed</u>
1	Delaware	\$168,850	\$168,850	\$168,100	\$163,850	07/01/07
2	New Jersey	157,000	149,000	141,000	141,000	01/01/08
3	Pennsylvania	153,798	148,596	131,717	131,717	01/01/08
4	District of Columbia	149,000	143,471	139,774	139,774	01/06/08
5	Virginia	139,538	129,202	124,223	124,223	11/24/07
6	Rhode Island	132,062	132,062	124,903	121,265	06/24/07
7	Maryland	127,252	122,752	118,502	114,502	07/01/08
8	New York	123,000	123,000	123,000	123,000	01/01/99
9	Connecticut	121,615	121,615	115,275	115,275	01/01/07
10	North Carolina	109,372	106,445	101,376	96,091	07/01/08

Source: National Center for State Courts Survey of Judicial Salaries

Appendix 4. Federal Court Salaries

Federal Court Salaries					
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>Present</u>	<u>Proposed</u>
Supreme Court					
Chief Justice	\$208,100	\$212,100	\$212,100	\$217,400	\$279,900
Associate Justice	199,200	203,000	203,000	208,100	267,900
 Court of Appeals					
Judges	171,800	175,100	175,100	179,500	231,100
 Trial Courts					
District Court Judges, International Trade Court Judges, and Claims Court Judges	162,100	165,200	165,200	169,300	218,000
 Bankruptcy Judges and Magistrate Judges	149,100	152,000	152,000	155,800	200,600

Salaries for bankruptcy judges and Magistrate judges who are judicial officers of the U.S. district courts are set at 92 percent of a district judge's pay.

Bills presently before Congress seek an additional 28.7% increase effective immediately. The two bills have been reconciled. Each has received favorable committee recommendations and they are currently awaiting floor action, which has not been scheduled.

Source: Administrative Office of Courts

Appendix 5. Salaries of State and Local Officials

Appendix 5.1 Salaries of Selected Maryland State Officials Fiscal 2002-2009

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>% Change 2006-2009</u>
Constitutional Officers					
Governor	\$150,000	\$150,000	\$150,000	\$150,000	0.0%
Lieutenant Governor	125,000	125,000	125,000	125,000	0.0%
Attorney General	125,000	125,000	125,000	125,000	0.0%
Comptroller	125,000	125,000	125,000	125,000	0.0%
Treasurer	125,000	125,000	125,000	125,000	0.0%
Secretary of State	87,500	87,500	87,500	87,500	0.0%
Cabinet Secretaries					
Superintendent of Schools	\$175,000	\$185,000	\$195,000	\$195,000	11.4%
Public Safety	143,616	149,324	162,825	166,082	15.6%
Bus. And Economic Develop.	144,997	149,297	162,825	166,082	14.5%
Budget and Management	152,960	154,963	162,825	166,082	8.6%
Health and Mental Hygiene	158,232	159,632	162,825	166,082	5.0%
State Police*	128,160	129,560	162,825	166,082	29.6%
Transportation	147,647	149,862	151,262	162,825	10.3%
Juvenile Services	140,854	142,254	153,000	156,060	10.8%
Human Resources	128,160	129,560	151,210	154,235	20.3%
Higher Education	137,168	142,683	151,170	154,194	12.4%
Housing	132,005	137,365	145,860	148,778	12.7%
Natural Resources	129,442	130,842	145,860	148,778	14.9%
Labor, Licensing, and Reg.	134,855	137,705	140,460	143,270	6.2%
General Services	127,086	131,028	135,660	138,374	8.9%
Environment	130,723	136,045	132,600	135,252	3.5%
Agriculture	123,728	128,840	127,500	130,050	5.1%
Aging*	121,349	125,176	122,400	124,848	2.9%
Planning*	122,538	127,614	122,400	124,848	1.9%
Disabilities	112,523	117,299	119,645	122,038	8.5%
Veterans Affairs*	91,959	96,118	101,490	101,490	10.4%
Deputy Constitutional Officers					
Attorney General	\$126,297	\$131,113	\$140,460	\$143,270	13.4%
Attorney General	120,054	125,056	140,460	143,270	19.3%
Deputy Constitutional Officers					
Comptroller	\$127,549	\$125,603	\$151,210	\$154,235	20.9%
Treasurer	103,431	111,433	119,606	127,762	23.5%

Appendix 5.1 continued

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>% Change 2006-2009</u>
Judiciary					
Chief Judge, Court of Appeals	\$151,352	\$163,352	\$172,352	\$181,352	19.8%
Judge, Court of Appeals	132,352	144,352	153,352	162,352	22.7%
Ch. Judge, Ct. of Spec. Appeals	127,552	137,552	145,052	152,552	19.6%
Judge, Ct. of Special Appeals	124,552	134,552	142,052	149,552	20.1%
Judge, Circuit Court	120,352	128,352	134,352	140,352	16.6%
Chief Judge, District Court	124,552	134,552	142,052	149,552	20.1%
Judge, District Court	112,252	118,502	122,752	127,252	13.4%

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

Source: Executive Pay Plan, budget bills

Appendix 5.2
Executive Pay Plan – Salary Schedule Annual Rates
Effective July 1, 2008

	<u>Scale</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
ES4	9904	\$74,608	\$87,043	\$99,478
ES5	9905	80,160	93,551	106,940
ES6	9906	86,161	100,581	115,000
ES7	9907	92,640	108,175	123,708
ES8	9908	99,637	116,375	133,112
ES9	9909	107,196	125,233	143,270
ES10	9910	115,356	134,797	154,235
ES11	9911	124,175	145,128	166,082
EX91	9991	142,800	191,250	239,700

Source: Department of Legislative Services

Appendix 5.3
State of Maryland Standard Salary Schedule Annual Rates
Effective July 1, 2008

GRADE	MID POINT										THIRD QUARTILE										
	BASE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11	STEP 12	STEP 13	STEP 14	STEP 15	STEP 16	STEP 17	STEP 18	STEP 19	STEP 20
5	\$21,188	\$21,908	\$22,657	\$23,436	\$24,246	\$25,088	\$25,526	\$25,972	\$26,429	\$26,893	\$27,367	\$27,851	\$28,343	\$28,847	\$29,360	\$29,883	\$30,416	\$30,961	\$31,514	\$32,079	\$32,655
6	22,448	23,219	24,018	24,853	25,718	26,619	27,089	27,566	28,055	28,551	29,059	29,577	30,105	30,642	31,191	31,752	32,323	32,906	33,497	34,101	34,716
7	23,796	24,621	25,478	26,370	27,298	28,263	28,762	29,274	29,796	30,328	30,872	31,426	31,989	32,564	33,154	33,752	34,363	34,988	35,622	36,270	36,928
8	25,239	26,122	27,038	27,992	28,984	30,016	30,552	31,099	31,656	32,226	32,807	33,400	34,004	34,619	35,249	35,890	36,544	37,212	37,890	38,582	39,287
9	26,783	27,726	28,707	29,728	30,790	31,895	32,468	33,054	33,650	34,260	34,881	35,516	36,162	36,820	37,495	38,180	38,879	39,593	40,320	41,062	41,816
10	28,434	29,444	30,494	31,587	32,723	33,903	34,518	35,144	35,783	36,436	37,101	37,779	38,471	39,177	39,895	40,630	41,378	42,141	42,919	43,713	44,520
11	30,200	31,282	32,405	33,574	34,788	36,052	36,710	37,381	38,065	38,763	39,473	40,200	40,939	41,694	42,464	43,251	44,052	44,871	45,705	46,554	47,420
12	32,091	33,247	34,450	35,700	37,002	38,354	39,056	39,773	40,506	41,250	42,013	42,789	43,581	44,389	45,213	46,055	46,911	47,785	48,694	49,620	50,563
13	34,113	35,351	36,639	37,977	39,365	40,814	41,567	42,333	43,118	43,917	44,731	45,560	46,408	47,272	48,162	49,080	50,015	50,968	51,941	52,933	53,944
14	36,280	37,603	38,981	40,411	41,899	43,448	44,254	45,074	45,914	46,769	47,639	48,543	49,468	50,414	51,375	52,356	53,359	54,380	55,422	56,484	57,567
15	38,594	40,013	41,485	43,016	44,610	46,268	47,129	48,012	48,928	49,859	50,811	51,781	52,770	53,780	54,809	55,859	56,930	58,022	59,135	60,270	61,427
16	41,074	42,590	44,168	45,806	47,511	49,313	50,255	51,214	52,192	53,189	54,207	55,245	56,306	57,386	58,487	59,609	60,757	61,927	63,117	64,331	65,568
17	43,725	45,347	47,033	48,807	50,668	52,605	53,610	54,635	55,682	56,750	57,840	58,949	60,083	61,239	62,417	63,618	64,847	66,096	67,373	68,674	69,999
18	46,563	48,309	50,151	52,065	54,056	56,126	57,203	58,299	59,421	60,563	61,729	62,917	64,129	65,366	66,627	67,912	69,224	70,562	71,926	73,316	74,725
19	49,638	51,532	53,501	55,548	57,677	59,894	61,044	62,220	63,420	64,642	65,887	67,160	68,457	69,780	71,129	72,505	73,910	75,320	76,750	78,208	79,693
20	52,950	54,977	57,083	59,276	61,554	63,924	65,157	66,414	67,697	69,003	70,339	71,699	73,087	74,499	75,914	77,359	78,832	80,333	81,864	83,425	85,017
21	56,496	58,664	60,921	63,264	65,702	68,238	69,557	70,903	72,276	73,674	75,085	76,513	77,968	79,453	80,969	82,514	84,089	85,697	87,334	89,004	90,706
22	60,290	62,609	65,021	67,532	70,141	72,855	74,265	75,677	77,116	78,584	80,081	81,609	83,165	84,756	86,377	88,030	89,717	91,438	93,194	94,983	96,808
23	64,349	66,832	69,414	72,098	74,879	77,726	79,205	80,714	82,254	83,824	85,428	87,062	88,728	90,431	92,164	93,932	95,738	97,578	99,457	101,373	103,328
24	68,692	71,349	74,112	76,931	79,859	82,905	84,489	86,107	87,753	89,434	91,148	92,896	94,681	96,501	98,356	100,249	102,180	104,151	106,159	108,208	110,297
25	73,341	76,146	79,043	82,055	85,190	88,450	90,143	91,874	93,636	95,434	97,268	99,139	101,048	102,996	104,981	107,006	109,071	111,178	113,327	115,518	117,751
26	78,233	81,216	84,314	87,540	90,895	94,381	96,194	98,043	99,930	101,855	103,817	105,819	107,861	109,946	112,070	114,235	116,449	118,704	121,005	123,351	125,743

Appendix 5.4

Salaries of Public Higher Education Institution Presidents

<u>Institution</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>
University of Maryland Baltimore ⁽¹⁾	\$482,828	\$504,910	\$539,436	\$451,000
University of Maryland College Park	376,350	403,300	431,900	464,600
Bowie State University	188,278	240,000	244,800	272,800
Towson University	292,752	325,000	348,100	369,300
University of Maryland Eastern Shore	206,252	230,200	241,900	263,200
Frostburg State University	226,563	240,000	257,100	272,800
Coppin State University	193,052	220,000	220,000	233,000
University of Baltimore	225,752	240,800	258,000	278,700
Salisbury State University	219,268	240,000	257,100	279,800
University of Maryland University College	326,308	270,000	289,200	306,800
University of Maryland Baltimore County	347,319	370,000	396,299	420,400
University of Maryland Center for Environmental Science ⁽²⁾	250,170	266,700	285,700	303,100
University of Maryland Biotechnology Institute ⁽²⁾	240,829	257,000	270,100	279,700
University System of Maryland Office ⁽³⁾	394,737	419,900	449,800	490,000
St. Mary's College of Maryland	294,559	329,930	346,427	360,284
Morgan State University	305,263	355,000	381,625	410,000

⁽¹⁾Compensation package for President of University of Maryland, Baltimore including funding from grants.

⁽²⁾University of Maryland Center for Environmental Science and University of Maryland Biotechnology Institute are research institutions within the University System of Maryland, not degree-granting schools.

⁽³⁾The University System of Maryland Office is the governing body of the University System of Maryland. The listed number represents the Chancellor's salary.

Source: Department of Legislative Services

Appendix 6. Presentations to the Judicial Compensation Commission

Briefing on Revised Revenue Estimates

**Presentation to the
Senate Budget and Taxation Committee**

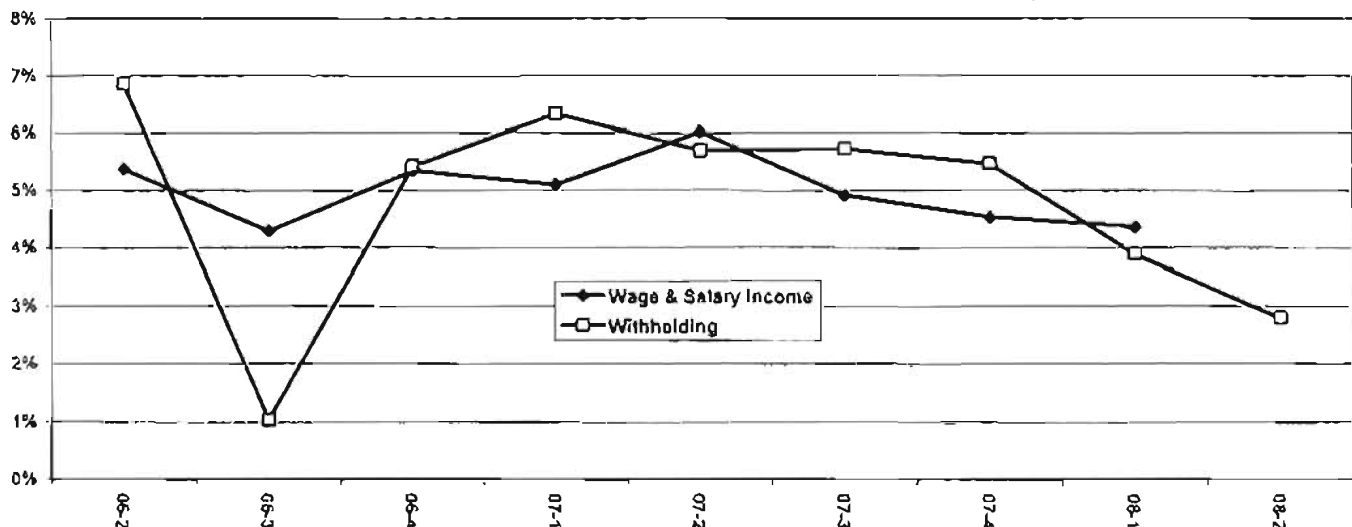
**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

September 15, 2008

Exhibit 1 **Recent Economic Performances** **Year-over-year Percent Change**

U.S. Economy					Maryland Economy			
<u>Calendar Year</u>	<u>GDP</u>	<u>Employment</u>	<u>Personal Income</u>	<u>Existing Home Sales</u>	<u>Employment</u>	<u>Initial UI Claims</u>	<u>Personal Income</u>	<u>Existing Home Sales</u>
2003	2.5%	-0.3%	3.2%	9.7%	0.3%	-1.5%	3.5%	8.6%
2004	3.6%	1.1%	6.2%	9.7%	1.2%	-17.3%	7.0%	10.6%
2005	2.9%	1.7%	5.6%	4.4%	1.5%	-6.1%	5.5%	0.3%
2006	2.8%	1.8%	7.1%	-8.5%	1.3%	-2.4%	5.7%	-20.9%
2007	2.0%	1.1%	6.1%	-12.8%	0.8%	9.1%	5.4%	-22.9%
<i>Year-to-date</i>								
2008	2.4%	0.2%	4.6%	-18.5%	0.4%	20.7%	5.4%	-33.5%

Maryland Wage Growth: Year-over-year Percent Change



GDP: inflation-adjusted gross domestic product

UI: unemployment insurance

Note: Data for 2008 is through March for Maryland personal income and employment, through June for GDP, through July for U.S. personal income, home sales, and initial unemployment insurance claims and through August for U.S. employment.

Sources: GDP and personal income data from the Bureau of Economic Analysis, U.S. Department of Commerce; Employment and unemployment insurance claims data from the Bureau of Labor Statistics, U.S. Department of Labor; U.S. home sales from the National Association of Realtors; Maryland home sales from the Maryland Association of Realtors; Withholding data from the Office of the Comptroller; 2008 withholding adjusted for law changes.

Exhibit 2
Maryland Economic Forecasts
March 2008 Compared to September 2008

Year-over-year Percent Change

Calendar Year	Employment		Personal Income		Wage & Salary Income	
	<u>Mar. 2008</u>	<u>Sept. 2008</u>	<u>Mar. 2008</u>	<u>Sept. 2008</u>	<u>Mar. 2008</u>	<u>Sept. 2008</u>
2005	1.5%	1.5%	5.7%	5.5%	5.7%	5.7%
2006	1.2%	1.3%	5.7%	5.7%	5.4%	5.4%
2007	0.8%	0.8%	5.7% *	5.4%	5.4% *	5.1%
2008E	1.1%	0.6%	4.7%	4.4%	4.3%	3.8%
2009E	1.8%	0.3%	5.0%	3.4%	5.3%	3.3%
2010E	1.9%	1.2%	5.5%	4.9%	5.6%	4.5%
2011E	1.8%	1.8%	6.0%	5.5%	5.6%	5.2%

* Estimates

Source: Board of Revenue Estimates

Exhibit 3

Fiscal 2008 General Fund Revenues

(\$ in Millions)

<u>Source</u>	<u>Fiscal 2008</u> -----			<u>FY 2007-2008</u> <u>% Change</u>
	<u>FY 2007</u> <u>Actual</u>	<u>Estimate</u> ¹	<u>Actual</u> <u>Difference</u>	
Personal Income Tax	\$6,679.2	\$6,986.4	\$6,940.1	-46.3
Sales and Use Tax	3,420.1	3,751.7	3,675.3	-76.5
State Lottery ²	473.1	497.1	497.1	0.0
Corporate Income Tax	589.8	558.8	551.7	-7.1
Business Franchise Taxes	206.6	209.1	208.0	-1.1
Insurance Premiums Tax	283.3	289.6	301.8	12.2
Estate and Inheritance Taxes	224.3	220.5	243.5	23.1
Tobacco Tax	278.2	393.3	376.1	-17.1
Alcohol Beverages Tax	28.7	29.6	29.0	-0.6
Motor Vehicle Fuel Tax	13.2	13.3	13.2	-0.1
District Courts	97.0	99.0	91.3	-7.7
Clerks of the Court	52.3	46.9	42.6	-4.3
Hospital Patient Recoveries	84.9	85.1	86.6	1.4
Interest on Investments	178.9	122.6	166.5	43.9
Miscellaneous	330.5	313.8	322.9	9.1
Grand Total	\$12,940.2	\$13,616.8	\$13,545.6	4.7%
Estimated Baseline (adjusted for law changes) Growth			-\$71.2	0.9%

¹ From the Board of Revenue Estimates, March 2008, with adjustments for action at the 2008 legislative session.

² Total fiscal 2008 net receipts after the distribution to the Stadium Authority totaled \$507.9 million, \$10.8 million above the estimate. The \$10.8 million over-attainment was transferred to a special fund per SB 545 (2008 session).

Note: Fiscal 2008 revenues reflect numerous changes enacted at the 2007 special session impacting the personal income tax, sales tax, corporate income tax, and the tobacco tax. In general these changes went into effect in January 2008 thus impacting half of fiscal 2008 revenues.

Exhibit 4
General Fund Revenue Projections
(\$ in Millions)

<u>Source</u>	<u>FY 2008 Actual</u>	<u>— FY 2009 Estimate —</u>			<u>FY 2008-2009 % Change</u>	<u>FY 2010 September*</u>	<u>FY 2009-2010 % Change</u>
		<u>May*</u>	<u>September*</u>	<u>\$ Chg.</u>			
Personal Income Tax	\$6,940.1	\$7,444.9	\$7,309.8	-\$135.0	5.3%	\$7,697.7	5.3%
Sales and Use Tax	3,675.3	4,052.6	3,787.4	-265.3	3.1%	3,932.8	3.8%
State Lottery	497.1	511.3	495.2	-16.1	-0.4%	507.8	2.5%
Corporate Income Tax	551.7	672.7	672.7	0.0	21.9%	746.5	11.0%
Business Franchise Taxes	208.0	206.5	200.9	-5.6	-3.4%	209.4	4.2%
Insurance Premiums Tax	301.8	295.8	309.4	13.6	2.5%	317.1	2.5%
Estate and Inheritance Taxes	243.5	213.0	210.4	-2.6	-13.6%	214.1	1.7%
Tobacco Tax	376.1	451.0	433.0	-18.0	15.1%	427.9	-1.2%
Alcohol Beverages Tax	29.0	30.3	28.7	-1.6	-1.0%	29.3	2.0%
Motor Vehicle Fuel Tax	13.2	6.5	6.5	0.0	-50.8%	0.0	-100.0%
District Courts	91.3	101.1	93.5	-7.6	2.4%	95.8	2.4%
Clerks of the Court	42.6	46.8	40.8	-6.0	-4.1%	40.4	-1.0%
Hospital Patient Recoveries	86.6	75.3	75.3	0.0	-13.0%	62.0	-17.7%
Interest on Investments	166.5	97.1	122.0	24.9	-26.7%	115.0	-5.7%
Miscellaneous	322.9	316.1	303.5	-12.6	-6.0%	306.0	0.8%
Total	\$13,545.6	\$14,521.0	\$14,089.2	-\$431.9	4.0%	\$14,701.7	4.3%
Estimated Baseline (adjusted for law changes) Growth					1.4%		3.9%
Estimated growth, March 2008 estimate adjusted for 2008 session action					6.6%		4.8%

* May is from the Board of Revenue Estimates, March 2008, with adjustment for actions taken at the 2008 session. The September estimates for fiscal 2009 and 2010 were adopted by the Board of Revenue Estimates on September 9.

Note: Legislation enacted at the 2007 special session and the 2008 session impacted the personal income tax, sales tax, corporate income tax, tobacco tax, motor fuel tax, and certain miscellaneous revenues. In general these changes went into effect in January 2008 thus impacting half of fiscal 2008 revenues and all of fiscal 2009. Provisions of this legislation also resulted in different fund distributions for some revenue sources beginning in fiscal 2009 although in some cases those new distributions are limited in fiscal 2009 and become fully effective in fiscal 2010.

Exhibit 5
Fiscal 2010 Estimated General Fund Revenues
(\$ in Millions)

<u>Source</u>	<u>Mar. 2008*</u>	<u>BRE Sep. 2008</u>	<u>Difference</u>
Personal Income Tax	\$7,879.4	\$7,697.7	-\$181.6
Sales and Use Tax	4,212.8	3,932.8	-279.9
State Lottery	520.0	507.8	-12.2
Corporate Income Tax	745.9	746.5	0.7
Other	1,855.5	1,816.9	-38.6
Total	\$15,213.4	\$14,701.7	-\$511.7

* March 2008 forecast with adjustment for actions taken at the 2008 session.

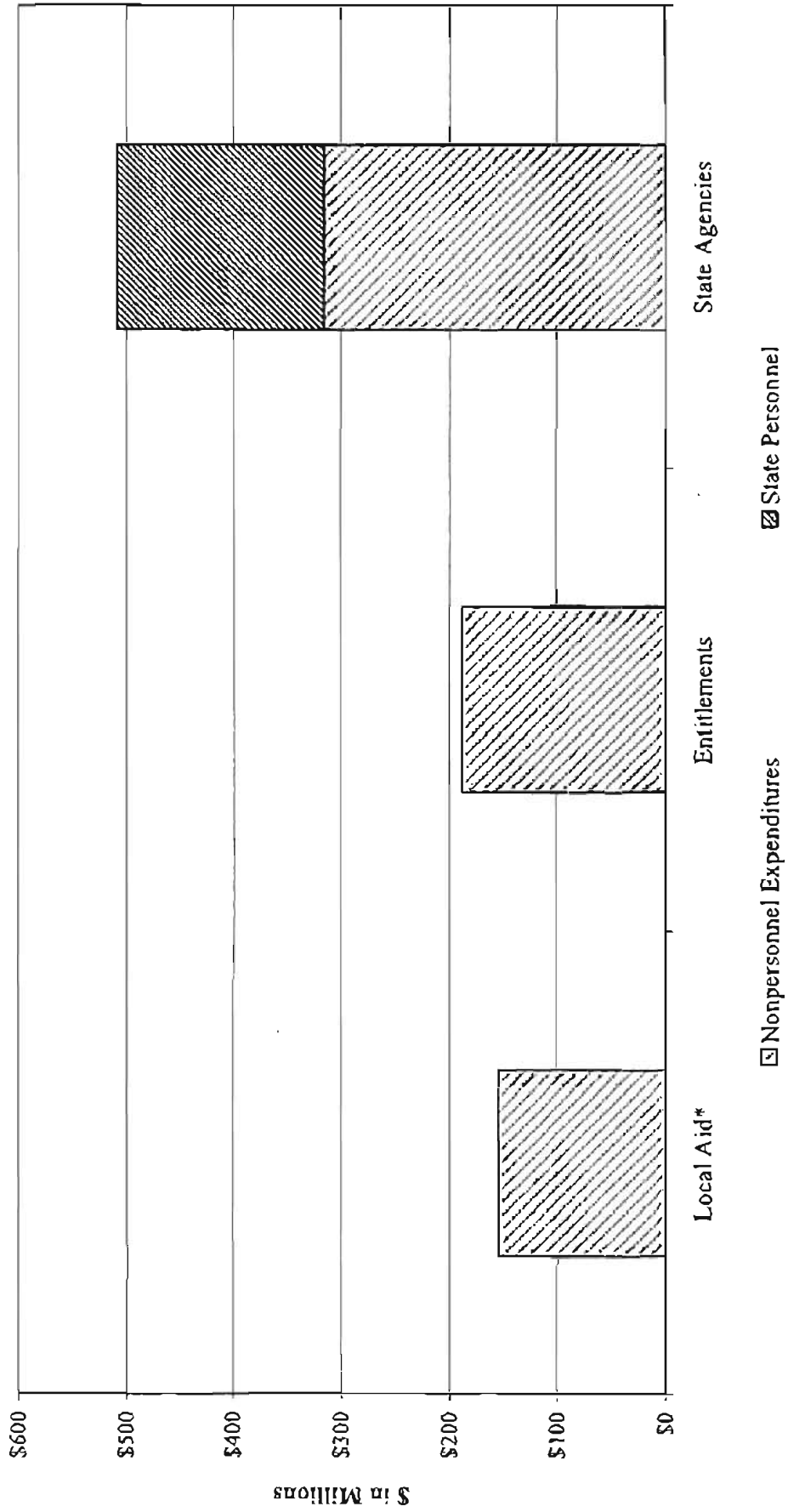
Exhibit 6
Pro Forma General Fund Budget Outlook
Fiscal 2008-2010
(\$ in Millions)

<u>Revenues</u>	<u>2008 Actual</u>	<u>2009 Leg. Approp.</u>	<u>2010 Est.</u>
Opening Fund Balance	\$285	\$487	\$0
Transfers	996	152	350
One-time Revenues/Legislation	100	50	0
Subtotal One-time Revenue	\$1,381	\$689	\$350
Ongoing Revenues	\$13,545	\$14,064	\$14,702
Total Revenues and Fund Balance	\$14,926	\$14,753	\$15,051
Ongoing Spending*	\$14,249	\$14,837	\$15,695
One-time Spending			
PAYGO Capital	\$27	\$16	\$34
Appropriation to Reserve Fund	163	147	291
Subtotal One-time Spending	\$190	\$163	\$324
Total Spending	\$14,439	\$14,999	\$16,019
Ending Balance	\$487	-\$246	-\$968
Rainy Day Fund Balance	\$682	\$739	\$736
Balance over 5% of General Fund Revenues	4	2	0
As % of General Fund Revenues	5.03%	5.01%	5.00%
Structural Balance	-\$704	-\$773	-\$993

PAYGO: pay-as-you-go

* Fiscal 2009 spending is *Fiscal Digest* spending adjusted to reflect June 25, 2008 Board of Public Works expenditure reductions. Fiscal 2010 growth based on historical growth rates. Revised fiscal 2010 estimate to be presented to the Spending Affordability Committee in October 2008.

Exhibit 7
Projected General Fund Growth
Fiscal 2009-2010



* Total local aid is projected to increase by \$245 million. The general fund increase is reduce by \$90 million in special funds attributable to slots.

Remarks to the Judicial Compensation Commission

September 30, 2008

Clayton Greene, Jr., Judge Court of Appeals Chair, Judicial Compensation
Committee of the Maryland Judicial Conference

Thank you for the opportunity to appear here today. Because of the serious nature of the matter before you, I am here today with my colleagues, Chief Judge Robert M. Bell, Circuit Administrative Judge William D. Missouri, Chair of the Conference of Circuit Court Judges and Judge Ben C. Clyburn, Chief Judge of the District Court of Maryland. In addition, Ms. Kathy Howard, President of the Maryland State Bar Association is here with us and will speak to you briefly about the importance of judicial compensation. Chief Judge of the Court of Special Appeals, Peter B. Krauser wanted to be here, but could not attend because of his observance of Rosh Hoshanah. Our goal is to provide you some helpful background as you discharge your important responsibilities.

In Maryland we are most fortunate to have this Judicial Compensation Commission, established by the General Assembly in 1982, and as set forth in the Courts and 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.” Courts and Judicial Proceedings Article, § 1-708(b)(1). Not every state in this country is so fortunate.

The judges present this afternoon, and Ms. Howard will tell you about increased dockets, increased stress, and increased responsibilities of judges in the 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 and other specialty 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, which has become the rule, not the exception.

Former federal judge, Fred Shannon made the following remarks in 1985, and they are 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 articulate fluently and in writing the basis 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.

I do not suggest that judicial 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.

[Break from my remarks allowing time for our leadership to speak.]

I ask that you keep in mind four points:

- Failure to address the disparity in judicial compensation undermines the importance of the judiciary and threatens its independence as an institution of American Government. (Attachment 1)

- If judicial compensation were to be treated the same, as compensation for other State employees, there would have been no reason for the General Assembly to create the Judicial Compensation Commission. (Attachment 2)
- Any increase in judicial compensation, whether implemented immediately or phased-in over the next four years, will have a minimum impact on the State's overall operating budget. (Attachment 3)
- The judiciary is not and has never been a drain on the State's general fund. Instead, through the assessment of fines, fees, penalties and costs, the judiciary is a financial contributor to the State's general fund. (Attachment 4)

United States Supreme Court Chief Justice Roberts stated in his 2006 Year-End Report on the Judiciary that “[t]he American people and their government have a profound stake in the quality of the judiciary.” The Chief Justice went on to say that

Our judiciary will not properly serve its constitutional role if it is restricted to (1) persons so wealthy that they can afford to be indifferent to the level of judicial compensation,

or (2) people for whom the judicial salary represents a pay increase. Do not get me wrong – there are very good judges in both of those categories. But a judiciary drawn more and more from only those categories would not be the sort of judiciary on which we have historically depended to protect the rule of law in this country.

Although Chief Justice Roberts was talking about the federal judiciary, his comments, indeed, are applicable to the State judiciary. I would add that a judiciary drawn more and more from those categories and predominately from the public sector as opposed to the private sector will negatively impact the perception and quality of justice in this State. The net result is that such a system of justice denies our citizens the breadth of experience they deserve with respect to resolving their disputes. Through the leadership of our Chief Judge, the judiciary has taken herculean steps to train judges to handle the increasing complicated cases they confront by implementing programs such as ASTAR and the Business and Technology program; but, those efforts are no substitute for years of hands-on experience with resolving complex matters. Therefore, we must expand the pool, to attract applicants from diverse backgrounds, including applicants with experience in the area of complex civil litigation.

Salaries of Maryland judges should be competitive, equitable, proportionate

to their 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.

In January 2003, then Chief Justice Rehnquist made remarks to Congress in support of increased compensation for judges. He said in part,

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 with 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.

The last time we met, I shared with you my theory that the judiciary is in direct competition with the private mediation industry. In my view, many judges will be encouraged to retire before the mandatory age of 70 and will pursue jobs as private mediators because the job of a mediator is less stressful and more lucrative. I do not have empirical evidence, to offer you as proof, that more judges will retire in Maryland before reaching the age of 70. Likewise, I cannot tell you why 29 judges, before reaching the age of 70, retired from the bench between July 1, 2003 and September 4, 2008. Suffice it to say, that retirement is a personal matter.

Putting aside the reasons why judges retire before age 70, and I suspect there are many reasons, I ask that you focus instead on the importance of an independent judiciary and what it means in our society. It has been said that “the alternative to the rule of law is the rule of power, which is typically arbitrary, self-interested, and subject to influences which may have nothing to do with the applicable law or the factual merits of the dispute. Without the rule of law and the assurance that comes from independent decision makers, it is obvious that equality before the law will not exist.” Justice Michael Kirby, Wisconsin. In addition, I ask that you consider the disparity between judicial salaries and the pay of other high level State employees.

The gulf separating judges’ pay from pay for those persons heading Maryland institutions of higher education continues to grow. (Attachment 5) For example, the Dean of the University of Maryland School of Law is paid a salary of \$441,616 (this represents a classic example of pay for performance). In addition, the Dean of the University of Baltimore School of Law is paid \$260,000. As the next chart shows (Attachment 6), the minimum pay for a superintendent of schools in Caroline and Dorchester Counties is \$125,000, close to the pay of a District Court Judge; and, the highest paid superintendent

of schools is in Baltimore County at \$278,000, double what the State pays a District Court Judge.

Salaries of first-year associates in law firms continue to outpace the salaries of judges. After clerking with the Court of Appeals for one year, a new lawyer can earn more than \$160,000 in the larger law firms in Baltimore and Washington, D.C., supplemented with bonuses and other benefits. Some young lawyers arguing cases before the trial courts of this State are earning more than judges who have years of experience. (Attachments 7 and 8)

As the next chart shows, salaries paid to some State employees pursuant to the State of Maryland, Executive Pay Plan-Salary Schedule exceed the salaries paid to judges. (Attachment 9) In addition, the next chart shows the scope of pay for those who come under the State of Maryland's physician pay plan. (Attachment 10)

Regional Competition: The competition for judicial skills with our closest neighboring states is becoming more intense. In fact, during the past four years judicial salaries in Pennsylvania (23.6%-27.26%), Delaware (16.5%-23.5%), Virginia (23.2%), and West Virginia (27.4%-28.9%) have grown at a faster rate than in Maryland.

These same states (with the exclusion of West Virginia) were taken into consideration for purposes of comparison by the Commission four years ago when it decided to recommend a pay raise for Maryland judges. You will note that in each case, we are ranked behind the other five jurisdictions. (Attachment 11)

	Md.	Del.	D.C.	N.J.	Pa.	Va.
Highest Court	\$162,352	\$185,050	\$179,500	\$176,488	\$181,371	\$167,000
Intermediate Appellate Court	\$149,552	N/A	N/A	\$167,023	\$171,131	\$158,650
Court of General Jurisdiction	\$140,352	\$168,850	\$169,300	\$157,000	\$157,441	\$155,033
Court of Limited Jurisdiction	\$127,252	\$168,850	\$149,000	\$157,000	\$153,798	\$139,538

Federal Judicial Salaries Compared to Maryland Judicial Salaries: The Judiciary's goal and that of the Judicial Compensation Commission has been to achieve full parity with federal judicial compensation structure. Despite our efforts, Maryland judicial salaries continue to lag behind federal judicial salaries by 20% to 28%. In the event of favorable Congressional action, federal judicial salaries would possibly increase another 28.7%. If this happens and the Judicial Compensation Commission does not take similar action, that gap would double

to 42% to 58%. That, in turn, would automatically increase the District of Columbia judicial salaries as well, creating new regional competitive pressures for Maryland's judicial salaries. Keep in mind that the District of Columbia judicial salaries are tied to the federal judges' salaries.

There are 285 judges in Maryland, 20 at the appellate court level, 153 at the circuit court level, and 112 at the district court level. Here are the present salaries for Maryland judges (Attachment 12):

Chief Judge COA	\$181,352
Judge, COA	\$162,352
Chief Judge, COSA	\$152,552
Judge, COSA	\$149,552
Judge, Circuit Court	\$140,352
Chief Judge, District Court	\$149,552
Judge, District Court	\$127,252

The federal judge salaries are as follows (Attachment 13):

	<u>Present</u>	<u>Proposed</u> ¹
Chief Justice	\$217,400	\$279,900
Supreme Court	\$208,100	\$267,900
Federal Court of Appeals	\$179,500	\$231,100
District Court	\$169,300	\$218,000
Magistrate	\$155,800	\$200,600

When you compare the current salaries of Maryland judges to the current salaries of federal court judges the difference is as shown (Attachment 14):

<u>Present Salaries</u>				<u>Difference*</u>
Chief Justice	\$217,400	Chief Judge COA	\$181,352	\$36,048
SC	\$208,100	COA	\$162,352	\$45,748
FCOA	\$179,500	COSA	\$149,552	\$29,948
District	\$169,300	Circuit Court	\$140,352	\$28,948
Magistrate	\$155,800	District Court	\$127,252	\$28,548

We ask that you put forth a judicial compensation package that will help to close this gap between federal judicial pay and State judicial pay. This would be

¹Bills presently before Congress seek an additional 28.7% increase effective immediately. The two bills have been reconciled. Each has received favorable Committee recommendations and they are currently awaiting floor action, which has not yet been scheduled.

consistent with the judiciary's goal and the prior direction of the Judicial Compensation Commission. Accordingly, we ask that you consider a plan that will move our judges' salaries more in line with federal judges' salaries and the other jurisdictions in our region:

- Provide the same salary increase for all judges at each level of the Maryland court system.
- Any salary increase could be phased in over the next four years.
- Such an approach will raise the floor for all Maryland judges proportionately, and under this approach, the percentage of pay would be greater across the board for our trial judges.

Pursuant to changes that were made to Maryland Law in 2005, the Commission may only study judicial salaries every four years. Accordingly, your next opportunity to review our salaries will not be until 2012.

Some of you may say, from a political point of view, that now is not a good time to ask for a pay increase, given the economic conditions in our nation and particularly in our State. This is so, you would say, notwithstanding the fact that, according to recent reports, Maryland is the wealthiest state in the nation.

My response is that, as judges, we do not decide political questions.

Moreover, judges are not and should not act like politicians. Our job is to protect the rule of law. Likewise, as members of the Judicial Compensation Commission, you are not expected to assume the role of politicians. Your task, by law, is to review the facts and make recommendations, if you deem it the right and just thing to do, to the end that the judicial compensation structure shall be adequate to assure that highly qualified lawyers will be attracted to the bench and will continue to serve without unreasonable economic hardship. There is, indeed, a political process in place that, in time, will deal directly with any budgetary concerns that you may have.

Despite the political question, we are mindful of the various unfavorable budgetary predictions. Even though, in the past, parity with federal judicial pay has been the expressed belief of this Commission, we are pragmatic enough to know that given the present and projected economic conditions, that parity is not an immediately attainable goal in this climate. In the spirit of compromise, we seek a compensation package that will move the Maryland judiciary another step closer to parity. For now, the immediate phase-in of adjustments in pay over the next four years would seem to be a step in the right direction.

The following charts demonstrate the current fiscal impact of judicial pay on

the State's Operating Budget:

1. In 2007, the Maryland Judiciary collected and remitted over \$900 million to the State and local governments.
2. The Maryland Judiciary's 2009 fiscal year budget (appropriations) is approximately \$429 million, which represents 1.4% of the overall State budget. (Attachment 15)
3. .2% of the State's operating budget is devoted to judge's salaries. (Attachment 16)

Finally, it is in the interest of the public and the judiciary that the eroding judicial salaries be kept fair, adequate, and sufficient to attract and retain the best the legal profession has to offer.

I thank you for your attention and consideration.



The Maryland Bar Center

520 West Fayette Street

Baltimore, MD 21201-1781

Chairman Frosh and Committee Members:

410-685-7878

The Maryland State Bar Association is one of the largest voluntary Bar Associations in the United States, representing over 23,000 members who include practicing attorneys and judges alike.

800-492-1964

The MSBA is committed to promoting professionalism, access to justice, service to the public and respect for the rule of law.

fax 410-685-1016

tdd 410-539-3186

With that mission in mind I speak to you today as the President of this great organization and proudly convey the position of our organization in support of the request of the Judicial Compensation Commission.

www.msba.org

Katherine Kelly Howard
President

Thomas C. Cardaro
President-Elect

Thomas D. Murphy
Secretary

John P. Kudel
Treasurer

Paul V. Carlin
Executive Director

- The MSBA wants the State of Maryland to have the most professionally qualified lawyers apply for and to be appointed to the bench. The MSBA strongly believes that proper compensation for the judiciary is essential to the achievement of this goal.
- Although this State faces tough economic times the commitment to having a qualified judiciary depends on equitable compensation for its members.
 - Economics often become a factor in who decides to apply for a judicial vacancy.
 - Consider this example, the starting salaries for new associates at some of Baltimore's biggest law firms in 2008. The lowest starting salary was \$95,000 and others ranged from \$100,000 to a high of \$160,000. This is for first year associates with NO EXPERIENCE!
 - For those of us who are committed to recruiting and appointing the best possible candidates for our judiciary it is disturbing that some new lawyers are paid as much as District Court judges, who handle the heaviest dockets in this state and are paid only a few thousand dollars short of our circuit court judges who make life and death decisions.
- Maryland's citizens expect our State to have a strong and knowledgeable judiciary, experienced enough to meet the challenges of our diverse and ever changing Maryland communities. Unless this Legislature is committed to proper financial support of our Judicial branch, meeting this expectation of our citizens is put at risk.

- The MSBA believes that even a modest increase in judicial compensation will lead to an increase in the talent pool of Maryland lawyers willing to aspire to the bench and that as a result the entire state benefits from this.

The MSBA and its 23, 000 members urge you to recommend an increase in judicial salaries and we stand ready to support you in the legislature and during the budget process.

Respectfully;

Katherine Kelly Howard
President

Appendix 7. Senate Joint Resolution

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Volk

Typed by: Alan

Stored – 01/08/09

Proofread by _____

Checked by _____

By: **Leave Blank**

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Judicial Compensation Commission – Recommendations**

3 FOR the purpose of proposing an alteration to the compensation of the members of the
4 Judiciary in this State in accordance with Section 1–708 of the Courts and
5 Judicial 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 Thomas Barbera and Raymond Langston; appointment made on the nomination of the
16 Maryland State Bar Association: Edward Gilliss; and appointments at large: Annette
17 J. Funn and Alice G. Pinderhughes. The Commission members elected Elizabeth Buck
18 to serve as the chair of the Commission. The Commission is charged with reviewing
19 the salaries of the judges of the Judiciary of Maryland and making written
20 recommendations to the Governor and the General Assembly every 4 years; and



21 WHEREAS, Section 1-708(d) of the Courts and Judicial Proceedings Article of
 22 the Annotated Code of Maryland provides as follows: the General Assembly may
 23 amend this Joint Resolution to decrease any of the Commission's salary
 24 recommendations, but no reduction may diminish the salary of a judge during the
 25 judge's continuance in office. The General Assembly may not amend this Joint
 26 Resolution to increase these recommended salaries. Should the General Assembly not
 27 adopt or amend this Joint Resolution within 50 days of its introduction, the salaries
 28 recommended herein shall apply during fiscal years 2010 through 2013. Should the
 29 General Assembly reject any or all of the salaries herein recommended, the salaries of
 30 the judges so affected shall remain unchanged during fiscal years 2010 through 2013
 31 unless modified under other provisions of the law; and

32 WHEREAS, The Judicial Compensation Commission held three meetings in
 33 September and October 2008. The Commission considered many aspects and facets of
 34 judicial compensation. The Commission by a vote of five or more of its members has
 35 recommended judicial salaries for fiscal years 2010 through 2013; now, therefore, be it

36 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after
 37 considering the recommendations of the Judicial Compensation Commission,
 38 beginning July 1, 2009, judicial salaries shall be as follows:

39 Position	Current Salary	Proposed Salary
40 Court of Appeals		
41 Chief Judge	181,352	190,463
42 Associate Judge	162,352	171,463
43 Court of Special Appeals		
44 Chief Judge	152,552	161,663
45 Associate Judge	149,552	158,663
46 Circuit Courts		
47 Judge	140,352	149,463
48 District Court		
49 Chief Judge	149,552	158,663
50 Associate Judge	127,252	136,363;

51 and be it further

52 RESOLVED, That beginning July 1, 2010, judicial salaries shall be as follows:

53	Position	Proposed Salary
54	Court of Appeals	
55	Chief Judge	200,121
56	Associate Judge	181,121
57	Court of Special Appeals	
58	Chief Judge	171,321
59	Associate Judge	168,321
60	Circuit Courts	
61	Judge	159,121
62	District Court	
63	Chief Judge	168,321
64	Associate Judge	146,021;

65 and be it further

66 RESOLVED, That beginning July 1, 2011, judicial salaries shall be as follows:

67	Position	Proposed Salary
68	Court of Appeals	
69	Chief Judge	210,358
70	Associate Judge	191,358
71	Court of Special Appeals	
72	Chief Judge	181,558
73	Associate Judge	178,558
74	Circuit Courts	
75	Judge	169,358
76	District Court	
77	Chief Judge	178,558
78	Associate Judge	156,258;

79 and be it further

80 RESOLVED, That beginning July 1, 2012, judicial salaries shall be as follows:

81	Position	Proposed Salary
82	Court of Appeals	
83	Chief Judge	221,210
84	Associate Judge	202,210
85	Court of Special Appeals	
86	Chief Judge	192,410
87	Associate Judge	189,410
88	Circuit Courts	
89	Judge	180,210
90	District Court	
91	Chief Judge	189,410
92	Associate Judge	167,110.

93 RESOLVED, That a copy of this Resolution be forwarded by the Department of
 94 Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the
 95 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
 96 Honorable Michael E. Busch, Speaker of the House of Delegates.

Appendix 8. 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 justice 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 June 30, 2007, there were 645 members of the judges' system. The total membership can be classified as follows: (1) 297 active members with total annual salaries of \$37.6 million; (2) 335 retired members and beneficiaries with total annual retirement allowances of \$21.3 million; and (3) 13 vested, deferred, or inactive members.

Prior to 2005, if a judge died as a retiree on disability, the surviving spouse could not receive the 50 percent benefit until age 50. Legislation introduced during the 2005 session changed the system by removing that provision, thus allowing a surviving spouse to receive the judge's disability benefit immediately without regard to the age of the spouse. The change makes this consistent with the benefit to a spouse if a judge dies while on the bench, which a spouse may receive immediately.

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 2010 salaries is 48.89 percent.

