

FACTSHEET ON JUDICIAL COMPENSATION COMMISSIONS

STATES WITH (25)/WITHOUT (25) A COMPENSATION COMMISSION

- ADVISORY ONLY: CT, GA,, KY, LA, ME, MI, MN, NV, NJ, NM, NC, OR, TX, UT, WV
- BINDING UNLESS OVERRIDDEN BY LEGISLATURE: AL, AZ, DE, HI, MD, MO, NY, OK
- BINDING UNLESS OVERRIDDEN BY VOTERS: WN
- BINDING AND CANNOT BY OVERRIDDEN: AR
- NO COMMISSION: AK, CA, CO, FL, ID, IL, IN, IA, KS, MA, MS, MT, NE, NH, ND, OH, PA, RI, SC, SD, TN, VT, VA, WI, WY

COMMISSIONS THAT LOOK ONLY AT JUDICIAL SALARIES

- AL, CT, LA, ME, ND, NM, NY, NC, OK, TX, WV
 - Advisory: CT, LA, ME, NM, NC, TX, WV

NATIONAL SALARY RANKING OF JUSTICE SALARIES

- Judiciary only advisory commissions: 18, 25 31, 44, 48, 49, 53 (average 34)
- Judiciary only commissions adopted unless overridden by legislature: 3, 37, 41 (average 27)
- Multi-branch advisory commissions 9, 23, 24, 28, 34, 38, 52 (average 31)
- Multi-branch binding unless overridden by legislature commissions: 4, 15, 17, 27, 42 (average 21)
- Multi-branch binding unless overridden by voters: 7
- Multi-branch binding and cannot be overridden: 26
- Whether judiciary only (+21%) or multi-branch (+32%), **the average salary ranking for judicial salaries is higher if the recommendations of the commission are binding unless rejected instead of advisory only.**
- For the five years 2016 to 2021, the average increase in salaries among the states where only judicial salaries are considered and the recommendation is binding unless rejected by the legislature (AL, NY, and OK), the average increase in salaries is 10.5% higher than the average increase nationally.

The New York Example – Binding Unless Rejected By Legislature

- New York had no Judicial Salary Commission until 2012. Judicial salaries remained flat, with 0% increases for the 13 years from 1999 to 2012, with New York judicial salaries ranking 22 in the nation in 2012.

- A commission created in 2013 to make advisory recommendations resulted in raising salaries by 22.2% from 2012 to 2014, with New York salaries ranking 10 in the nation in 2014.
- In 2015, the legislature created a commission that makes recommendations that become law unless rejected by the legislature. From 2015 through January 2021, salaries increased 26.3%, with New York ranking 3 in the nation in 2021.
- From 2016 to 2021 after New York created a Judiciary-only salary commission with recommendations that are binding unless overruled by the legislature, New York judicial salaries rose 26.3%. The average judicial salaries nationally rose 9.1%. New Mexico Justice salaries rose 13%, a ranking that went from 50 to 48.

Binding – Cannot Be Overridden

Arkansas - Arkansas Justice pay is \$184,588 as of January 2021, which ranks #26 in the nation. Trial judges are ranked #17 in the nation, or #3 adjusted for cost of living. Arkansas amended its constitution in November 2014 to create the independent citizens commission to set executive, legislative, and judicial salaries. The salaries set by the commission cannot be overridden.

- From 2004 to 2014, Justice salaries nationally rose 29.3% while Justice salaries in Arkansas rose 18.6%. The growth in salaries in Arkansas was more than 36% less than the growth nationally.
- Since the creation of the commission in 2014, Arkansas Justice salaries increased 23.4% while Justice pay nationally grew 11.2%. Under the commission Arkansas Justice pay increased at a rate more than double the national average.

Washington – The Washington Constitution provides that an independent commission "created and directed by law" shall recommend the salaries for executive officers and judicial branch judges which shall become the salaries unless rejected by voters after a voter-driven initiative on the next ballot. I believe rejection by a voter referendum has never occurred since this provision was adopted in 1986.

- In 2001 the Washington Justice salary ranked #18
- In 2011 Washington Justice salary ranked #14
- In January 2021, Washington Justice salary ranked #7 at \$220,320, or 21.4% higher than the national average.

Composition of Commissions That Are Binding

Arkansas - 7 members: 2 appointed by Governor, 2 by President Pro Tempore of the Senate, 2 by Speaker of the House, and 1 by **Chief Justice**

Washington- 17 members: 10 Secretary of State, 7 jointly by the President of the Senate and the Speaker of the House, 1 each from: private institutions of higher education, business, professional personnel management, **the law**, organized labor, 1 by Chair of State Personnel Resources Board and 1 by Presidents of the state's four-year institutions of higher education.

Composition of Commissions That Are Binding Unless Overridden

Alabama- 5 members appointed by: 1 Governor, 1 President Pro tem of Senate, 1 Speaker, 2 **State Bar** Governing Body

Arizona- 5 “from private life” appointed by: 2 Governor, 1 President Pro Tem Senate, 1 Speaker, 1 **Chief Justice**

Delaware- 6 members appointed by: 2 Governor, 1 President Pro Tem Senate, 1 Speaker, 1 President Delaware Roundtable (Chamber of Commerce)

Hawaii- 7 members appointed by: 2 Governor, 2 President Pro Tem Senate, 2 Speaker, 1 **Chief Justice**

Maryland- 7 members appointed by: Governor (2 from list by President Pro Tem of Senate, 2 from list by Speaker of House, 1 from list be Maryland **State Bar**), 2 at large; no member can be a judge, legislator or government employee

Missouri- 21 members appointed by: 8 Secretary of State (randomly 1 each from 8 Congressional Districts), 1 (retired judge) by **Supreme Court**, 12 Governor with advice and consent of the Senate

New York- 7 members appointed by: 3 Governor, 1 President Pro Tem Senate, 1 Speaker, 2 **Chief Justice** (1 Chief Justice appointee is Chair)

Oklahoma- 7 members appointed by: 2 Governor, 2 President Pro Tem Senate, 2 Speaker, 1 **Chief Justice**

Of these 10 commissions, 6 have appointments by the Chief Justice/Supreme Court, 2 more have appointments by the State Bar, 1 has an appointment from “the law” and 1 (Delaware) does not require a member from the courts/legal profession. SJR4 proposes Ethics Commission set salaries, members of the Ethics Commission are appointed by: 1 Governor, 1 president pro tem of Senate, 1 minority floor leader of Senate, 1 Speaker of House, 1 minority floor leader of House, 2 by the 4 legislatively appointed commissioners (these 2 shall not be members of the same political party).